



John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

May 1, 2013

WASHINGTON COUNTY  
MARIETTA MEMORIAL HOSPITAL  
DMWM/SEDO  
OHD986995769

Mr. Raymond A. Druss, Director  
Support Services  
Marietta Memorial Hospital  
401 Matthew Street  
Marietta, Ohio 45750

Dear Mr. Druss:

I received your responses to my March 20, 2013 Notice of Violation letter (NOV) on March 21 and April 9, 17 and 25, 2013. Information that you submitted included photographs and a procedure for management of spent fluorescent lamps; personnel training information on universal waste management; and photographs of closed and properly labeled satellite accumulation containers, ninety day containers and emergency information posted by telephones.

My review of this documentation reveals that MMH has adequately demonstrated abatement of the following violations discovered during my March 7, 2013 inspection:

1. **OAC 3745-273-13(D)(1) and (2), Waste Management-Standards for Small Quantity Handlers of Universal Waste;**
2. **OAC 3745-273-14(E), Labeling/Marking Standards for Small Quantity Handlers of Universal Waste;**
3. **OAC 3745-273-16, Employee Training for Small Quantity Handlers of Universal Waste;**
4. **OAC 3745-273-17(A), Response to Releases-Standards for Small Quantity Handlers of Universal Waste;**
5. **OAC 3745-52-34(C)(1)(a)and(b); (D)(4); and (D)(5)(b), Accumulation Time of Hazardous Waste;**
6. **OAC 3745-66-73(A), Management of Containers;**
7. **OAC 3745-65-31, Maintenance and Operation of Facility.**

However, MMH remains in violation of the following Ohio hazardous waste laws:

1. **OAC 3745-52-11, Hazardous Waste Determination:** Any person who generates a waste must evaluate it to determine if it is hazardous. If hazardous, they must be managed as such.

Spent lamps that are not broken may be managed as a universal waste and recycled, however, broken lamps must be evaluated to determine if they are hazardous, and if so, managed as such. If not hazardous, they can be recycled. MMH failed to adequately determine if broken fluorescent lamps which were sent to a recycler are a hazardous waste. In order to abate this violation, MMH must adequately evaluate its

broken lamps for TCLP metals and submit an evaluation to this office per this rule. MMH submitted an evaluation of Sylvania lamps which did not include any information on TCLP lead. This information must be provided.

If hazardous, broken lamps must be managed in accordance with all applicable hazardous waste regulations. This includes container labeling and accumulation times, weekly inspections, cleanup of spills, transporting by a registered hazardous waste transporter, and manifesting offsite to a permitted hazardous waste treatment, storage or disposal facility. Hazardous waste broken lamps may **not** be sent to an unpermitted recycling facility.

2. **OAC 3745-273-17 (B), Response to Releases-Standards for Small Quantity Handlers of Universal Waste:** (B) A handler must determine whether any material resulting from a release of universal waste is hazardous waste and if so, must manage it in compliance with all applicable hazardous waste rules.

In order to abate this violation, MMH must abate the violation cited in #1 above.

## GENERAL COMMENTS

You must immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within **7 days** of the date of this letter, you are requested to provide documentation to this office including the steps taken to abate the violations cited above. Documentation of steps taken to return to compliance includes written correspondence, updated policies, and photographs, as appropriate, and may be submitted via the postal service or electronically to [donna.goodman@epa.state.oh.us](mailto:donna.goodman@epa.state.oh.us).

Please be advised that violations cited above will continue until the violations have been properly abated. Failure to comply with Chapter 3734 of the Ohio Revised Code and rules promulgated thereunder may result in a civil penalty of up to \$10,000 per day for each violation. It is imperative that you return to compliance. If circumstances delay the abatement of violations, you are requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

If you have any questions, please contact me by telephone at (740) 380-5293 or by e-mail at [donna.goodman@epa.state.oh.us](mailto:donna.goodman@epa.state.oh.us).

Sincerely,



Donna Goodman  
Inspector  
Division of Materials and Waste Management

DG/mr

**NOTICE:**

**Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.**