



State of Ohio Environmental Protection Agency

Southeast District Office

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Certified: 7007 3020 0001 7882 1558

December 29, 2008

**ATHENS COUNTY
OHIO UNIVERSITY
DHWM/SEDO
Hudson Health Area 1 OHD980586226
Clippinger Area 3 OHD982628422
Physical Plant Area 7 OHD982628539
Airport Area 8 OHD982628547
The Ridges Area 10 OHD986975068
South Green Area 11 OHD98697173**

Mr. Joe S. Adams, Director
Department of Environmental Health and Safety
Ohio University
Hudson Health Center
Athens, Ohio 45701

Dear Mr. Adams:

I received your response to my September 15, 2008, Notice of Violation letter on November 17, 2008. The documentation you submitted included written explanation, pictures, hazardous waste storage area inspection forms, and purchasing records. On December 12 and 17, 2008, I spoke by phone with Lawrence Gingerich who provided additional information on waste management practices in OU's painting department and additional information on hazardous waste determinations. The hazardous waste determination information was provided for the following waste streams: lab sink traps, broken fluorescent lamp material, white powder in Boyd Hall storage cabinet, and for LVT 200 oil.

My review of this documentation reveals that Ohio University has adequately demonstrated abatement of the following violations discovered during the August 12 and 15, 2008, inspection.

- **OAC Rule 3745-65-32(C), Required Equipment** for Hudson Health Center Area 1, Clippinger Area 3, and Airport Area 8;
- **OAC Rule 3745-52-34(C)(1)(b), Accumulation Time of Hazardous Waste** for Airport Area 8;
- **OAC Rule 3745-52-34(D)(4), Accumulation Time of Hazardous Waste** for The Ridges Area 10;
- **OAC Rule 3745-66-71, Conditions of Containers** for Airport Area 8, and The Ridges Area 10;
- **OAC Rule 3745-52-11, Hazardous Waste Determination** for The Ridges Area 10;
- **OAC Rule 3745-66-73(A), Management of Containers** for The Ridges Area 10;

- **OAC Rule 3745-273-14(A), Labeling/Marking - Standards for Small Quantity Handlers of Universal Waste** for The Ridges Area 10;
- **OAC Rule 3745-273-13(D)(1), Waste management - Standards for Small Quantity Handlers of Universal Waste** for The Ridges Area 10;
- **OAC Rule 3745-273-13(D)(2), Waste management - Standards for Small Quantity Handlers of Universal Waste** for The Ridges Area 10;
- **OAC Rule 3745-273-17(A), Response to Releases- Standards for Small Quantity Handlers of Universal Waste** for The Ridges Area 10;
- **OAC Rule 3745-273-17(B), Response to Releases- Standards for Small Quantity Handlers of Universal Waste** for The Ridges Area 10; and
- **OAC Rule 3745-66-74, Inspections** for Hudson Health Center Area 1, Clippinger Area 3, Airport Area 8, and The Ridges Area 10. However, please note the following for this rule violation:

In response to the violation of this rule, OU provided hazardous waste storage area inspection forms for their Small Quantity Generator areas. The logs show that inspections were done on 9/30/08, 10/07/08, 10/14/08, 10/21/08, 10/29/08, and 11/03/08. The rule requires that inspections be done "at least weekly". The Ohio Revised Code § 1.44(A) defines "week" as seven consecutive days. In the time period from 10/21/08 to 10/29/08, OU failed to meet the weekly requirement, allowing eight days to lapse between inspections. Based on the information submitted by OU, OU's small quantity generator areas initially returned to compliance with this rule, then again violated the rule, and then returned to compliance with by conducting a timely inspection on 11/03/08. No further documentation of compliance is necessary at this time. To maintain compliance with this rule, OU should take to steps to ensure that the small quantity generator hazardous waste storage areas are inspected within the weekly time requirement.

Remaining Violations:

As detailed below, OU remains in violation of the following rules.

- (1) **OAC Rule 3745-52-34(D)(5)(b), Accumulation Time of Hazardous Waste:** This rule requires the posting of the following emergency information:

- name and telephone number of the emergency coordinator
- location of fire extinguishers
- location of spill control material
- location of fire alarm(s), if present
- the telephone number of the fire department, unless the facility has a direct alarm

In response to this violation, OU provided pictures of emergency information that was posted at Hudson Health Center Area 1, Clippinger Area 3, Airport Area 8, and The Ridges Area 10. OU's emergency postings failed to include the name and telephone number of the emergency coordinator, the location of fire alarm(s), and the telephone number of the fire department (or information on whether the facility has a direct alarm).

In order to return to compliance with this rule, OU must post all of the required information by the telephones in the labs and maintenance areas where hazardous waste is generated and accumulated and in the hazardous waste storage areas. To demonstrate your compliance with this rule, submit an example copy of the posted emergency information to Ohio EPA.

- (2) **OAC Rule 3745-65-33, Testing and Maintenance of Equipment:** All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency. The owner or operator must record the inspections in a log or summary.

In response to this violation, OU provided a form they are now using for inspections of the hazardous waste storage areas. This form includes a check-off box for "Emergency procedures/Equip." The information on the inspection form is not detailed enough to meet the requirements of this rule. Enclosed with this letter is an example of the type of information and level of detail that should be included on an Emergency Equipment Inspection Log.

In order to return to compliance with this rule, OU must create and begin using emergency equipment inspection logs for all of their small quantity hazardous waste generator areas. These logs must show that all emergency items named in OAC Rule 3745-65-33 are being inspected. To demonstrate your compliance with this rule, submit an example copy of the emergency equipment inspection log that OU will use.

- (3) **OAC Rule 3745-52-34(D)(4), Accumulation Time of Hazardous Waste:** This rule requires that the date upon which each period of accumulation and/or treatment begins is clearly marked and visible for inspection on each container; and while being accumulated and/or treated on-site, each container and tank is labeled or marked clearly with the words "Hazardous Waste."

At the time of the inspection of the Airport Area 8 hazardous waste storage outbuilding, OU failed to have a 5-gallon can of D008 oil labeled "Hazardous Waste" or marked with an accumulation date. In response to this violation, your letter dated November 14, 2008 stated that "The 5-gallon can of D008 oil was emptied into 55-gallon accumulation drum in the maintenance hanger and the empty container was disposed of." As indicated by a picture of the 55-gallon drum in your response letter, this drum was not marked with an accumulation start date or labeled with the words "Hazardous Waste." Therefore, OU's Airport Area 8 remains in violation of this rule.

Furthermore, OU's movement of this waste from the storage area to the satellite accumulation area in the hanger has caused the hanger area to become a 180 day accumulation area instead of a satellite accumulation area. OU must either begin treating the hanger area as a hazardous waste accumulation area (properly dating and labeling hazardous waste containers and conducting weekly inspections, etc.) or move the drum into the storage building and go back to managing the area under the satellite accumulation rules found in OAC 3745-52-34(C).

In addition, OU should be aware that now that the storage area in the maintenance hanger has been operated as a 180 day accumulation area, the area is subject to generator closure.

Please provide a response to this violation which includes the following: whether OU will manage the maintenance hanger storage area as a satellite accumulation area or as a 180 day accumulation area, and a picture showing that the drum containing the D008 oil has been labeled with the accumulation start date and the words "Hazardous Waste."

- (4) **ORC §3734.02(E) and (F), Prohibitions:** (E) No person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Ohio Revised Code. (F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any facility not authorized to manage the hazardous waste.

OU established an unpermitted hazardous waste facility at The Ridges Area 10 Building 32 by illegally storing, disposing, and transporting hazardous waste as detailed below.

OU used Building 32 to store D001 waste paint, and D008 waste paint chips that were not generated in The Ridges Area 10. OU also used Building 32 to store a D001 waste gasoline and diesel fuel mixture that was generated by OU's golf course, which is located in the South Green Area 11. This D001 waste was also illegally transported by OU from the golf course to Building 32. In Building 32, OU also disposed of waste paint on-site by evaporation to the air.

Your response letter dated November 14, 2008, stated with emphasis, "Our investigation revealed that the waste paint chips were generated at the Ridges within the proper generator area according to our records and disposed of accordingly." To make this demonstration, please provide this office with a copy of the records which revealed that the waste paint chips stored in Building 32 were generated only in the Ridges.

- (5) **OAC Rule 3745-273-14(E), Labeling/Marking- Standards for Small Quantity Handlers of Universal Waste:** Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

The photos submitted by OU show that the containers for their universal waste lamps were labeled "Used Bulbs." OU failed to label the containers with one of the terms listed in the rule above.

In order to return to compliance with this rule, OU must label or mark clearly, either each individual lamp or the containers holding the lamps with one of the following phrases: "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)." In order to demonstrate that OU has abated this violation, submit photographs showing the labeled lamps or containers.

New Violations:

- (1) **ORC §3734.02(E) and (F), Prohibitions:** (E) No person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Ohio Revised Code. (F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any facility not authorized to manage the hazardous waste.

According to information provided by Lawrence Gingerich in the December 12, 2008 phone call, OU's painting department located in Physical Plant Area 7 violated the above statute by transporting hazardous waste sludge generated by settling of solvent used in painting cleanup. This hazardous waste sludge was also illegally stored in Building 32 located in the Ridges Area 10.

Based on the information provided in your response letter dated November 14, 2008 and information provided by Lawrence Gingerich in the December 12 and 17, 2008 phone calls, the five lab sink traps stored in Building 32 were determined to be D009 hazardous waste. These waste sink traps were known to have been stored in Building 32 at least since 2003 without a hazardous waste facility installation and operation permit in violation of the above statute.

Based on the information provided in your response letter dated November 14, 2008 and information provided by Lawrence Gingerich in the December 17, 2008 phone call, the broken fluorescent lamp waste in the Ridges Area 10 lamp storage room was determined to be a D009 hazardous waste. Failure to promptly clean up the broken fluorescent lamp waste resulted in disposal of mercury (a D009 hazardous waste) to the environment.

Based on the information provided in your response letter dated November 14, 2008, Ohio EPA has determined that aircraft oil (a D008 hazardous waste) which was leaked or spilled in the Airport Area 8 hazardous waste storage facility was disposed to the environment when it entered a floor drain and tank/oil separator.

Ohio EPA considers these violations to be very serious in nature. Since OU violated ORC §3734.02(E) and (F), OU is subject to all applicable general facility standards found in OAC chapters 3745-54 and 55. Be advised that due to the nature of these violations, Ohio EPA may require closure pursuant to OAC rules 3745-55-11 through 3745-55-20 and OAC rules 3745-55-42 through 3745-55-47 at this site. Additionally, at any time, Ohio EPA may assert its right to have OU begin facility-wide cleanup pursuant to the Corrective Action process under Ohio law.

Comments:

Ohio EPA's September 15, 2008 letter to OU included a comment section with comments labeled (a) through (l). Using the same lettering system, follow up to OU's responses to the comments is provided below, as necessary.

- (a) Your response states that OU will track the length of Universal Waste Lamp storage by applying "a date to the containers that have been filled and sealed." This method is unacceptable and would be a violation of OAC Rule 3745-273-15. The accumulation time begins on the date the lamps become a waste. If OU is going to track the length of storage by dating the containers, the date used must be the earliest date that any universal waste in the container became a waste. For other acceptable methods of tracking the length of storage time, refer to OAC Rule 3745-273-15(C).

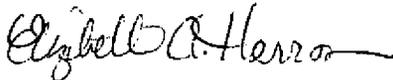
- (d) During the inspection, a white powder was observed in the bottom of one of the four flammable material storage cabinets located in the Boyd Hall hazardous waste storage area for Irvine Area 6. In my December 17, 2008 phone conversation with Lawrence Gingerich, he stated that the white powder had been shipped as a "toxic solid NOS" and that OU's hazardous waste disposal vendor would be sampling the material to determine its profile. Please submit a copy of the sample results to Ohio EPA for review.

Within 15 days of receipt of this letter, OU must submit to this office the documentation requested, demonstrating abatement of the outstanding violations named in this letter.

Please be advised that due to the serious nature of OU's violations, these violations will be referred to our Central Office Enforcement Section to be considered for possible enforcement action.

If you have any questions regarding this correspondence, feel free to contact me at (740) 380-5248.

Sincerely,



Elizabeth A. Herron
Environmental Specialist
Division of Hazardous Waste Management

EAH/mlm

Enclosure

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.



Emergency Equipment Inspection Log OAC Rule 3745-65-33

Inspection Item	Inspection Schedule (i.e., daily, monthly, weekly)	Date:	Date:	Date:	Date:	Date:	Date:
Operational Internal Alarm/Intercom, if required by 3745-65-32							
Telephone, Radio or other Emergency Summoning Device Present and Working, if required by 3745-65-32							
Fire Extinguishers charged and working, if required by 3745-65-32							
Spill/Decon equipment, if required by 3745-65-32, is fully stocked							
Water of Adequate Volume and Pressure, if required by 3745-65-32							
ER Equipment Consistent with Contingency Plan and easily Accessible							
Other							
Other							
Inspector's Name							
Note: Information in the shaded area is not required by OAC rule 3745-65-33, but you are encouraged to record it, regardless.							
Comments/Problems/Corrective Action Required/ Date Completed	Day 1						
	Day 2						
	Day 3						
	Day 4						
	Day 5						
	Day 6						
	Day 7						



Emergency Equipment Inspection Log OAC Rule 3745-65-33

Inspection Item	Inspection Schedule (i.e., daily, monthly, weekly)	Date:	Date:	Date:	Date:	Date:	Date:
Operational Internal Alarm/Intercom, if required by 3745-65-32							
Telephone, Radio or other Emergency Summoning Device Present and Working, if required by 3745-65-32							
Fire Extinguishers charged and working, if required by 3745-65-32							
Spill/Decon equipment, if required by 3745-65-32, is fully stocked							
Water of Adequate Volume and Pressure, if required by 3745-65-32							
ER Equipment Consistent with Contingency Plan and easily Accessible							
Other							
Other							
Inspector's Name							

Note: Information in the shaded area is not required by OAC rule 3745-65-33, but you are encouraged to record it, regardless.

Comments/Problems/Corrective Action Required/ Date Completed	Day 1	
	Day 2	
	Day 3	
	Day 4	
	Day 5	
	Day 6	
	Day 7	

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<p>1. Article Addressed to:</p> <p>Mr. Joe S. Adams, Director Dept. of Environmental Health + Safety Ohio University Hudson Health Center Athens, Ohio 45701</p>	<p>B. Received by (Printed Name)</p> <p>C. Date of Delivery 12/31/08</p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>
<p>2. Article Number (Transfer from service label)</p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>
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PS Form 3811, August 2001

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PS Form 3800, August 2006 See Reverse for Instructions