



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

September 26, 2013

RE: GREEN LIGHT  
NOTICE OF VIOLATION/NOV  
OHR000177642  
RCRA C – HAZARDOUS WASTE  
STARK COUNTY

James Leonard  
Green Light  
12211 Market Avenue N  
Hartville, OH 44632

Dear Mr. Leonard:

On September 10, 2013, I received your response letter to my August 20, 2013 Notice of Violation (NOV) letter.

This letter discusses Ohio EPA's response to your letter for each violation cited in my NOV letter of August 20, 2013. For consistency and ease of reference, this letter retains the violation numbers from my NOV letter of August 20, 2013. Please refer to that letter for additional details of the violations cited.

Green Light remains in violation of all the violations cited my NOV letter of August 20, 2013, except for Violation Number 8 which deals with employee training for which Green Light is returned to compliance.

1. **OAC 3745-273-32(A)(1) LQUWH Must Receive US EPA ID Number Prior To Exceeding 5,000 Kilograms (11,000 Pounds) UW.**

Your response indicated that Green Light has submitted an application for a U.S. EPA ID Number.

Green Light should submit a copy of the response issuing the U.S. EPA ID Number to this office within 14 days of receiving it.

2. **OAC 3745-273-33(D)(1) Large Quantity Handler Must Contain Lamps In Proper Containers Or Packaging And Containers Or Packaging Must Be Closed.**
3. **OAC 3745-273-34(E) Large Quantity Handler Must Label Containers Or Packaging Holding Universal Waste Lamps.**

Your response reported that:

- Green Light has started organizing and packaging the lamps now on-site and labeling the containers with the words "Used Lamps";
- Green Light will place the date of repacking on each container;
- Green Light expects to complete the packing and labeling within about 60 days or by about October 31, 2013;

The target date of October 31, 2013 for completion of this work is acceptable. Use of the date of placement in the containers is acceptable as no records have been provided and apparently none are available that would identify when any specific lamps were received at Green Light.

Please note that all containers must be closed.

The response also states that Green Light will test each lamp, sort lamps into working and non-working lamps, and send working lamps to industrial supply houses on consignment. See the discussion under NOV Number 6 and Number 7 for the agency's response to that proposal.

When the packing and labeling are complete, Green Light must promptly provide notification and documentation of that to this office.

4. **OAC Rule 3745-273-33(D)(2) LQH Must Immediately Take Appropriate Steps To Clean Up Releases From Lamps.**
5. **OAC Rule 3745-273-37(A) LQH must contain all releases of universal waste and residues.**

Your letter reported that Green Light was responding to the broken lamps and has purchased several ring top drums to hold broken lamps.

The response to broken lamps should be a very high priority task. The container or containers holding broken lamps must comply with the universal waste rules including being structurally sound, properly dated, properly labeled, and closed.

Green Light must submit pictures of the container(s) holding the broken lamps to this office within 14 days of receipt of this letter and again when the work is complete.

6. **OAC Rule 3745-273-35(A) LQH May Only Accumulate For One Year Unless Additional Accumulation Time Is Necessary To Facilitate Proper Recovery, Treatment Or Disposal.**
7. **OAC Rule 3745-273-35(C) LQH Must Have System To Demonstrate Length Of Accumulation.**

Your response letter states that Green Light will test each lamp to determine if it is functional, sort lamps into working and non-working lamps, and send working lamps on consignment to industrial supply houses. The response also states that the remaining lamps, apparently this refers to non-functioning lamps, will be sent to USA Lamp and Ballast for recycling.

Although not stated in your letter, the implication is that Green Light does not consider functioning lamps to be subject to regulation as universal work. Ohio EPA does not agree with that conclusion.

Your response letter included a copy of one letter from one supply house which stated that they had received several thousand bulbs over the last several years from Green Light. This appears to represent a transfer rate of about 1,000 lamps per year. Ohio EPA does not consider a possible outlet for about 1,000 lamps per year adequate capacity to substantiate that Green Light has a viable business to recycle the inventory of used lamps currently in its possession (estimated by Ohio EPA to be in excess of 20,000 lamps) plus the additional lamps that Green Light intends to receive when it resumes acceptance of used lamps. No documentation has been presented that the proposed additional outlets are viable outlets for Green Light's used lamps.

Consequently, Ohio EPA considers all the lamps now at Green Light and received in the future to be waste and therefore subject to the universal waste rules.

Green Light is a handler of universal waste. A handler of universal waste lamps, whether a large quantity handler or a small quantity handler, may only accumulate such lamps for one year from the date of receipt unless additional accumulation time is necessary to facilitate proper recovery, treatment or disposal. In light of the quantity of lamps on site, no additional time is needed by Green Light to facilitate proper recovery, treatment or disposal.

Consequently Green Light must recycle all used lamps within one year of the date of receipt for newly accepted lamps or within one year of the date placed on the container in response to NOV Numbers 2 and 3 for those currently on-site. Lamp recycling includes valid re-use as a lamp and shipment to another universal waste handler or recycling facility such as USA Lamp and Ballast for recycling of the lamps by treatment and mercury reclamation. Lamp recycling does not include consignment to a supply house for a time beyond the one year accumulation period.

Prior to shipping any lamps to any supply house or any other party for re-use, Green Light must:

- Develop a system for tracking the location of such lamps and the date upon which the one year accumulation period ends and submit a copy of the tracking system to this office for approval prior to any such shipments; and,
- Have a written contract with the supply house or other party to which any lamps are to be sent that includes the intended use of the lamps and the "one year" date by which the lamps must be returned to Green Light if not sold.

Green Light must also have the documentation of such shipments and contracts available for inspection by Ohio EPA upon agency request. These recordkeeping requirements are independent of the LQUWH recordkeeping requirements and will remain in effect even if Green Light eventually becomes a SQUWH.

**8. OAC Rule 3745- 273-36) Employee Training For Large Quantity Handlers Of Universal Waste.**

Your letter reported that the three persons that handle universal waste lamps at Green Light have reviewed the universal waste lamp guidance provided by Ohio EPA.

This action serves to abate this violation. No further action is required at this time. Any new employees must be trained in the proper handling of universal waste lamps and proper responses to any emergencies involving such lamps.

**9. OAC Rule 3745-273-39(B) LQH Must Keep Records Of Each Shipment Sent Off-Site.**

**10. OAC Rule 3745-273-39(C)(2) LQH Must Retain Records for 3 Years from Date of Shipment.**

Your response letter states you do not believe that Green Light is a large quantity universal waste handler (LQUWH). The letter also notes that small quantity universal waste handlers (SQUWH) are not required to maintain shipping records, but that going forward Green Light would retain records using Quick Books of both incoming and outgoing shipments and testing results.

Until such time as Green Light completes the inventory of the lamps on-site and determines the pounds of universal waste on-site Ohio EPA will continue to consider Green Light to be an LQUWH and will continue to expect Green Light to maintain the records required of a LQUWH. If and when Green Light documents to Ohio EPA's satisfaction that it meets the requirements for a SQUWH, Ohio EPA will apply the SQUWH rules to Green Light.

Green Light must be able to provide the records of each future receipt and shipment of used lamps to and from the facility for agency inspection upon agency request.

**11. OAC Rule 3745-52-11 Waste Evaluation.**

The materials covered by this NOV can be divided into two categories:

- Unprocessed CRTs currently on-site composed of the televisions, computer monitors and unprocessed CRTs outside in the parking lot and indoors in the large room on the east side of building; and,
- Approximately 20 gaylord boxes of broken CRT glass on-site inside the building.

I will discuss each category of materials separately.

**Unprocessed CRT Currently On-Site**

Your response letter includes copies of several emails from the May through August 2013 time period discussing arrangements for Green Light to receive household e-waste from several waste collection events and a letter confirming delivery over the past 6 months of e-waste, including CRTs, from the Canton City E-Waste Program.

The information in the email and letters is consistent with your statements during the inspection that the vast majority of the CRTs currently on-site are household waste. Observations during the inspections suggest that the vast majority of the unprocessed CRTs currently on-site are household waste. For purposes of this discussion "household waste" means waste from households (including single and multiple residences), hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas.

Ohio EPA will accept that the unprocessed CRTs currently on-site are household waste provided that Green Light does the following:

- Inspects the televisions, computer monitors and unprocessed CRTs to determine if any of them have any markings, such as labels with business names or property record tags, that would indicate that they probably came from a business;
- Separates any probable non-household televisions, computer monitors and unprocessed CRTs and manages these separately;
- Establishes a tracking and recordkeeping system for future receipts to track whether televisions, computer monitors and CRTs are from households or from business and separates those that are from households and from those that are from non-households.
- Manages non-household televisions, computer monitors and CRTs in accordance with the CRT rules.
- Within one month of the date of receipt of this letter, Green Light submits to this office a copy of the system that will be used to separate and track household and non-household televisions, computer monitors and CRTs.

**Approximately 20 Gaylord Boxes Of Broken CRT Glass On-Site**

Ohio EPA considers the emails and letter included in your response letter to be inconclusive as to the origin of broken CRT glass on-site in approximately 20 gaylord boxes. During the inspection you mentioned receiving some CRTs that originated from scrapped ATM machines; these would not have been household waste. Based on additional follow-up by Ohio EPA, it appears that these were intact CRTs shipped to Green Light from another recycling company probably in 2012. The agency's presumption is that these CRTs were processed by Green Light and as Green Light reported during the inspection that no broken CRT glass had been shipped off-site that they are part of the inventory of broken CRT glass now on-site.

Intact CRTs and broken CRT glass from non-household sources are subject to the rules on speculative accumulation and broken CRTs and CRT glass must be managed in accordance with OAC Rule 3745-51-39 or must be managed as hazardous waste. This also applies to mixtures of broken CRT glass from household and non-household sources.

Broken CRT glass being accumulated for recycle is "accumulated speculatively" if less than 75% by weight or volume of the broken CRT glass on-site on January 1 is not either recycled or transferred to another site for recycling by December 31 of that year.

As no records have been provided and apparently none are available on the quantity of broken CRTs and CRT glass on-site on January 1, 2013 or any other year, the agency is willing to start the speculative accumulation "clock" on January 1, 2014. This would mean that Green Light must by December 31, 2014 recycle 75% of the total quantity (measured in pounds) of broken CRTs and CRT glass currently on-site plus any non-household broken CRTs and CRT glass received during in the remainder of 2013 and still on-site as January 1, 2014. Green Light must then repeat this process of recycling annually 75% of the amount on site on January 1 for all succeeding years.

Beginning immediately Green Light must implement a system to track and separate household and non-household CRTs. In the period prior to recycling the broken CRTs and CRT glass from non-household sources, Green Light must comply with the storage and transportation standards in OAC Rule 3745-51-39 for the containers now on-site and any new containers of non-household broken CRTs by:

- (1) For storage.
  - (a) Storing in a building with a roof, floor, and walls, or
  - (b) Placing in a container (i.e., a package or a vehicle) that is constructed, filled, and closed to minimize releases to the environment of CRT glass (including fine solid materials).
- (2) Labeling.

Labeling or marking each container clearly with one of the following phrases: "Used cathode ray tube(s)-contains leaded glass" or "Leaded glass from televisions or computers." It must also be labeled "Do not mix with other glass materials."
- (3) When transporting off-site.

The used, broken CRTs must be transported in a container meeting the requirements of paragraph (1)(b) above and labeled in accordance with paragraph (2) above.

**Additional Violations**

12. **OAC Rule 3745-273-39(A) LQH Must Keep Records Of Each Shipment Received At Facility.**
13. **OAC Rule 3745-273-39(C)(1) LQH Must Retain Records for 3 Years from Date of Shipment.**

These were included in the August 20, 2013 NOV letter under the heading of *Request for Additional Information*. As the records required by these rules were not provided with your response letter, presumably they do not exist and Green Light was in violation of these rules.

Based on your response letter Green Light will respond to these violations together with its response to NOV Numbers 9 and 10.

Green Light must immediately take the necessary measures to return to compliance with Ohio's environmental laws. Green Light is requested to provide documentation to this office including the steps taken to abate the violations cited above on the schedules discussed above and in addition Green Light must submit monthly progress reports beginning with the month ending October 31, 2013 and due to this office by the 15<sup>th</sup> of the following month and for each month thereafter until returned to compliance by Ohio EPA for all violations. 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 [neil.wasilk@epa.ohio.gov](mailto:neil.wasilk@epa.ohio.gov). 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, Green Light is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

Please note that the above paragraph requires Green Light to submit, at a minimum, monthly progress reports to this office until all violations are abated.

Should you have any questions regarding this letter, please contact me at (330) 963-1165 or by email at [neil.wasilk@epa.ohio.gov](mailto:neil.wasilk@epa.ohio.gov).

Sincerely,



Neil J. Wasilk  
Environmental Specialist  
Division of Materials and Waste Management

NJW:ddw

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