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State of Ohio Environmental Protection Agency

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Laura H. Powell, Acting Director

January 29, 2007

Re: Ohio Job & Family Services  
Non-notifier (SQUWH)  
Franklin County

Mr. Ronn L. Kolbash  
Chief, Business & Facility Operations  
Office of Employee and Business Services  
Department of Job and Family Services  
30 E. Broad St., 32<sup>nd</sup> Floor  
Columbus, OH 43215-3414

Dear Mr. Kolbash:

Thank you and also to Dan Eakins for your assistance with the investigation and initial steps toward resolution of a complaint regarding the Job and Family Services (JFS) facility at 145 S. Front St. in Columbus on January 23 and 24, 2007. Ohio EPA staff noticed and raised concerns about a roll-off box of waste fluorescent lamps outside that building from renovation activities in progress there. Ohio's laws under Chapter 3745 of the Ohio Administrative Code and Chapter 3734 of the Ohio Revised Code establish a system for safe and responsible management of hazardous waste and universal waste lamps. This letter summarizes our findings.

The roll-off box at this location was indeed containing regulated materials: lamp tubes of a type which typically include mercury and which could be hazardous waste but which under Ohio rules may be managed under reduced regulatory requirements for universal waste lamps. JFS was aware of this situation and is taking steps to arrange for proper management of the material. I provided you with a guidance fact sheet for small quantity handlers, as well as a list of recyclers who may be able to take this material. The following violations were noted and, we expect, may soon be resolved:

1. **Containers or Packages, OAC rule 3745-273-13(D)(1):** Waste lamps must be contained in closed packages or containers which are structurally sound, adequate to prevent breakage, and compatible with contents of the lamps.

The roll-off box was not suitable for this purpose. Its top was open and its lower edge door seam may have lacked an adequate seal. The container was not adequate to prevent possible breakage of the contents.

*On January 24, 2007 the roll-off box was closed with a secure tarp. (It apparently came loose on the 25<sup>th</sup> but was re-secured.) Beginning on January 29, 2007 the lamp tubes will be carefully transferred into suitable containers for shipping to a Universal Waste Lamp recycler.*

**2. Clean-up of breakage, OAC rule 3745-273-13(D)(2), and Response to Releases, OAC rule 3745-273-17(A & B):** Lamps that are broken or show evidence of damage that could cause the release of mercury or hazardous constituents into the environment must be immediately cleaned up and placed into closed, compatible, structurally sound containers. Releases of universal waste and other residues must be immediately contained, and then characterized for proper disposal.

Fragments of at least 16 broken lamps (31 end caps, and glass tube fragments) on the pavement in the vicinity of the roll-off box had not been cleaned up, placed into a suitable container and. Part of the area nearby was under a layer of snow and ice.

*As soon as possible, please carefully clean up all remaining broken lamp materials and place them into a sealed container such as five gallon bucket with a gasketed lid. (A waste lamp recycler should also be able to take this material.) The sump under the drain grate near the bay door should also be assessed and cleaned up if visible lamp fragments are present inside there.*

**3. Labeling/Marking standards, OAC rule 3745-273-14(E):** Each lamp or container or package in which such lamps are contained must be labeled or marked clearly as "Universal Waste - Lamps", "Waste Lamps", or "Used Lamps".

The roll-off box lacked the required marking.

*Please provide the proper labeling/markings for the container(s) of waste lamps which JFS is handling (generating).*

**4. Documentation of Accumulation Time, OAC rule 3745-273-14(E):** The accumulation time for universal waste must be tracked specifically by a marking or inventory system, or other clear method.

The waste generation accumulation start date of the lamps on site was not known at the time of the inspection, although it would have been after June of 2006.

*Please determine/establish and clearly track (preferably by marking containers with this information) a specific start date for the waste lamps at this site. Under these circumstances, it is appropriate to use the earliest date any of the lamps were generated.*

**5. Employee Training, OAC rule 3745-273-16:** Employees who handle or have responsibility for managing universal waste must be informed of waste handling/emergency procedures, relative to their responsibilities.

At the time of waste generation, JFS employees and/or contractors evidently had not been adequately informed regarding proper waste packaging, marking and cleanup procedures, and the specific risks (including mercury) for waste lamps.

*Guidance information provided to JFS during this visit should be sufficient to be applied to meet the training requirements. Please ensure that workers managing or handling the materials have the necessary information for this purpose.*

Ohio EPA appreciates the good communication and cooperative attitudes and efforts of JFS staff to address and begin resolving the compliance problems noted above. **Please provide a followup response with information demonstrating the resolution of the above noted violations. An initial response is requested within 30 days of receiving this letter. Ohio EPA also requests a copy of receipt showing shipment of the waste lamps to an appropriate universal waste handler or recycler, once that has occurred.**

The following comments are also offered:

It is fortunate for all concerned that an actual off-site shipment of the waste lamps in the roll-off box to the wrong type facility did not take place. Also fortunate is that virtually all of the lamps visible inside the roll-off box appeared to remain intact.

Before any waste lamps are shipped off site, JFS will also need to ensure that their packaging meets applicable DOT requirements for hazardous materials, if applicable.

Ohio EPA is encouraged by overall efforts at recycling and environmental sustainability that were evident within the renovation project taking place at this JFS facility. Waste minimization and reuse, energy conservation and other goals consistent with LEED type projects appeared to be well considered for the most part in the planning. We hope your project will be successful implementing these goals.

The following resources may be useful as references in your project(s):

**Ohio's Materials Exchange** <http://www.aor-omex.org/omex/> a program designed to help save businesses money and reduce waste going to landfill or other disposal.

**Build-it-Again Center** <http://www.habitatcolumbus.org/biac.asp> (operated by Habitat For Humanity) a retail store that receives donated new and good condition building materials that are sold to the public at greatly reduced prices.

Ohio EPA might be able to explore other collaboration with state agencies such as JFS, DAS, and DNR to facilitate efficient and effective reuse and recycling of electronic equipment (computer monitors, etc.). We expect that such conversations will continue. As we discussed, computer monitors and electronic equipment of many kinds contain lead and other substances that may cause them to be regulated as

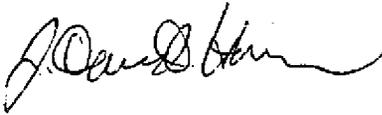
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hazardous waste if disposed of, but reduced regulatory requirements are in place for such materials if recycled.

For our own internal tracking purposes only at this time, Ohio EPA is assigning a Hazardous Waste I.D. number to this facility location.

Thank you for your timely efforts to begin resolving the issue of this complaint. If you have any questions now or in the future about such matters, do not hesitate to call me at (614) 728-3885.

Sincerely,



J. David Hohmann  
Division of Hazardous Waste Management  
Central District Office

c: Tammy McConnell, DHWM/CO  
Laurie Stevenson, OCAPP  
Craig Butler  
CDO File

JDH/sj JFS NOV

"Notice: Ohio EPA's failure to list specific deficiencies/violations in this letter does not relieve you from general obligations to comply with all applicable regulations."

## SMALL QUANTITY UNIVERSAL WASTE HANDLER REQUIREMENTS - BATTERIES AND LAMPS

*Large Quantity Universal Waste Handler (LQUWH) = 5,000 Kg or more*

*Small Quantity Universal Waste Handler (SQUWH) = 5,000 Kg or less*

### PROHIBITIONS

1. Did the SQUWH dispose of universal waste? [3745-273-11(A)] Yes  No  N/A \_\_\_ RMK# \_\_\_
2. Did the SQUWH dilute or treat universal waste, except when responding to releases as provided in 3745-273-17 or managing specific wastes as provided in 3745-273-13? [3745-273-11(B)] Yes  No  N/A \_\_\_ RMK# \_\_\_

### WASTE MANAGEMENT & LABELING/MARKING

#### UNIVERSAL WASTE BATTERIES [N/A]

#### UNIVERSAL WASTE LAMPS

8. Does the SQUWH contain lamps in containers or packages that are structurally sound, adequate to prevent breakage, and are compatible with contents of the lamps? Are containers or packages closed and do they lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(D)(1)] Yes \_\_\_ No  N/A \_\_\_ RMK# a
9. Are lamps that show evidence of breakage, leakage or damage that could cause a release of mercury or hazardous constituents into the environment immediately cleaned up? Are they placed into a container that is closed, structurally sound, compatible with the contents of the lamps, and lack evidence of leakage spillage or damage that could cause leakage or releases of mercury or hazardous waste constituents to the environment? [3745-273-13(D)(2)] Yes \_\_\_ No  N/A \_\_\_ RMK# b
10. Are the lamps, containers, or packages of lamps labeled with the words "Universal Waste - Lamp(s)", "Waste Lamp(s)", or "Used Lamp(s)"? [3745-273-14(E)] Yes \_\_\_ No  N/A \_\_\_ RMK# c

**NOTE:** Treatment (such as crushing) by a UWH is prohibited under this rule unless the facility is permitted for such activities [3745-273-31(B)]. A generator crushing lamps must manage lamps according to hazardous waste rules (OAC Chapter 3745-52). Lamp crushing is a form of generator treatment (OAC 3745-52-34). Crushed lamps must be transported by a registered hazardous waste transporter to a permitted hazardous waste facility under a hazardous waste manifest.

### ACCUMULATION TIME

11. Is the waste accumulated for less than one year? [3745-273-15(A)] If not: [N/A] Yes  No \_\_\_ N/A \_\_\_ RMK# d
12. Is the length of time the universal waste is stored documented by one of the following: [3745-273-15(C)]
- a. Marking or labeling the container with the earliest date when the universal waste became a waste or was received? [3745-273-15(C)(1)] Yes \_\_\_ No  N/A \_\_\_ RMK# d
- b. Marking or labeling individual item(s) of universal waste with the earliest date that it became a waste or was received? [3745-273-15(C)(2)] Yes \_\_\_ No  N/A \_\_\_ RMK# d
- c. Maintaining an inventory system that identifies the date the universal waste became a waste or was received? [3745-273-15(C)(3)] Yes \_\_\_ No  N/A \_\_\_ RMK# d
- d. Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers became a universal waste or was received? [3745-273-15(C)(4)] Yes \_\_\_ No  N/A \_\_\_ RMK# d

- e. Placing the universal waste in a specific accumulation area and identifying the earliest start date or date received? [3745-273-15(C)(5)] Yes \_\_\_ No  N/A \_\_\_ RMK# d
- f. Any other method, which clearly demonstrates, the length of time the universal waste has been accumulated from the date it became a waste or was received? [3745-273-15(C)(6)] Yes \_\_\_ No  N/A \_\_\_ RMK# d

### EMPLOYEE TRAINING

13. Are employees who handle or have the responsibility for managing universal waste informed of waste handling/emergency procedures, relative to their responsibilities? [3745-273-16] Yes \_\_\_ No  N/A \_\_\_ RMK# e

### RESPONSE TO RELEASES

14. Are releases of universal waste and other residues immediately contained? [3745-273-17(A)] Yes \_\_\_ No  N/A \_\_\_ RMK# f
15. Is the material released characterized? [3745-273-17(B)] Yes \_\_\_ No  N/A \_\_\_ RMK# g
16. If the material released is a hazardous waste, is it managed as required in OAC Chapters 3745-50 through 3745-69? (If the waste is hazardous, the handler is considered the generator of the waste and is subject to Chapter 3745-52.) [3745-273-17 (B)] Yes \_\_\_ No  N/A  RMK# g

### OFF-SITE SHIPMENTS (A SQUWH who self-transport is subject to Universal Waste transporter requirements.)

17. Are universal wastes sent to either another handler, destination facility or foreign destination? [3745-273-18(A)] *SQUWHs are prohibited to send waste to any other facility.* Yes \_\_\_ No  N/A \_\_\_ RMK# h
18. If the universal waste meets the definition of hazardous material under 49 CFR 171-180, are DOT requirements met with regard to package, labels, placards and shipping papers? [3745-273-18(C)] Yes \_\_\_ No  N/A \_\_\_ RMK# i
19. Prior to shipping universal waste off-site, does the receiver agree to receive the shipment? [3745-273-18(D)] Yes \_\_\_ No  N/A \_\_\_ RMK# h
20. If the universal waste shipped off-site is rejected by another handler or destination facility does the originating handler do one of the following:
- a. Receive the waste back? [3745-273-18(E)(1)] Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
- b. Agree to where the shipment will be sent? [3745-273-18(E)(2)] Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
21. If a handler rejects a partial or full load from another handler, does the receiving handler contact the originating handler and discuss one of the following:
- a. Sending the waste back to the originating handler? [3745-273-18(F)(1)] Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_
- b. Sending the shipment to a destination facility? (If both the originating and receiving handler agree) [3745-273-18(F)(2)] Yes \_\_\_ No \_\_\_ N/A  RMK# \_\_\_

22. If the handler received a shipment of hazardous waste that was not universal waste, did the SQUWH immediately notify Ohio EPA? [3745-273-18(G)] Yes \_\_\_ No  N/A  RMK# \_\_\_
23. If the handler received a shipment of nonhazardous, non-universal waste, was the waste managed in accordance with applicable law? [3745-273-18(H)] Yes \_\_\_ No  N/A  RMK# \_\_\_

### EXPORTS

24. Is waste being sent to a foreign destination? If so: Yes \_\_\_ No  N/A \_\_\_ RMK# \_\_\_
- a. Does the small quantity handler comply with primary exporter requirements in OAC 3745-52-53, 3745-52-56, and 3745-52-57? [3745-273-20(A)] Yes \_\_\_ No  N/A  RMK# \_\_\_
- b. Is waste exported only upon consent of the receiving country and in conformance with U.S. EPA's "Acknowledgment of Consent" as defined in 3745-52-50 to -52-57? [3745-273-20(B)] Yes \_\_\_ No  N/A  RMK# \_\_\_
- c. Is a copy of U.S. EPA's "Acknowledgment of Consent" provided to the transporter? [3745-273-20(C)] Yes \_\_\_ No  N/A  RMK# \_\_\_

### REMARKS

- a. Waste Lamps were being managed in an open rolloff box that was not adequate to prevent breakage. Prior to that, the lamps were stacked on pallets (not in boxes but in taped bundles of 10-15).
- b. Broken lamps that could cause a release of mercury or hazardous constituents into the environment were not immediately cleaned up. Broken glass and over 30 end caps were noted on the pavement around the rolloff box.
- c. The box lacked the required marking language.
- d. The accumulation start date was unknown but believed to be less than one year.
- e. The contact person at Ohio Department of Jobs and Family Services did not seem to be aware of the specific hazards of the light tubes (mercury), nor of the Universal Waste regulatory requirements. Evidently the demolition contractor that was hired was also unfamiliar with the proper steps to be taking.
- f. Releases had not been contained and cleaned up. They had reached the environment (outdoor pavement, storm drains and air).
- g. Because they had not been cleaned up, the released material had not been evaluated for hazardous waste characteristics.
- h. The Department of Job and Family Services had called Waste Management, Inc. to pick up the roll-off box. The truck arrived but refused to take the material. It needs to be sent to an authorized facility for management as universal waste.
- i. Although offered for shipment once, the material is still not currently packaged in accordance with DOT requirements for hazardous material.

