



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

October 1, 2013

Certified Mail #70122920000138146581

Ms. Stephanie A. Caiati  
Director, Environmental Health and Safety  
Rite Aid Pharmacy  
P.O. Box 3165  
Harrisburg, PA 17105

Re: Rite Aid #3057  
Notice of Violation/NOV  
OHR000174508  
RCRA C- Hazardous Waste  
Athens County

Dear Ms. Caiati:

On March 20, 2013 I conducted an inspection of Rite Aid #3057 in The Plains, Ohio to determine Rite Aid #3057's compliance with Ohio's hazardous waste laws as found in Chapter 3734 of the Ohio Revised Code (ORC) and Chapter 3745 of the Ohio Administrative Code (OAC). I sent Rite Aid #3057 a Notice of Violation (NOV) letter on March 26, 2013 specifying the waste evaluation violations observed during the inspection. You responded to the Notice of Violation in a letter dated April 16, 2013. In your letter, you provided information about how the silver recovery unit functions and how the silver concentration is estimated. You also stated that your fluorescent lamp disposal is handled by Brines Refrigeration Company.

Your letter failed to respond with a waste evaluation for the photo developing fluid and the fluorescent lamps as required by the Ohio Administrative Code. Therefore, Rite Aid remains in violation of the following Ohio hazardous waste law. In order to correct this violation you must do the following and send me the required information **within 14 days** of your receipt of this letter:

- (1) **OAC Rule 3745-52-11, Waste Evaluation:** Any person who generates a waste must evaluate the waste to determine if the waste is a hazardous waste in accordance with the criteria set forth in OAC Chapter 3745-51.

Rite Aid #3057 generates waste photo developing fluid and fluorescent lamps. These wastes have not been evaluated to determine whether or not they are hazardous wastes.

In order to return to compliance with this rule Rite Aid #3057 must evaluate the waste photo developing fluid and fluorescent lamps to determine if either waste is a hazardous waste. Submit documentation to this office showing how the waste determination has been made, either by generator knowledge or by laboratory testing.

Your April 16, 2013 letter states that waste photo fluid is disposed in the stockroom utility sink, which discharges into The Plains Water and Sewer District. To continue this practice you must provide documentation that you have received permission from The Plains Water and Sewer District to discharge waste photo fluid to them.

Your April 16, 2013 letter states that Rite Aid #3057's fluorescent lamps are disposed by contract with Brines Refrigeration Company. In addition to providing waste evaluation information for Rite Aid #3057's fluorescent lamps, provide receipt or manifest documentation for the past three years of lamp collection and disposal. If the fluorescent lamps are being managed as a Universal Waste, please provide supporting documentation and disposal receipts in place of waste evaluation information.

Rite Aid #3057 needs to immediately take the necessary measures to return to compliance with Ohio's environmental laws. Within 14 days of receipt of this letter, Rite Aid #3057 is 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.

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, Rite Aid #3057 is requested to submit written correspondence of the steps that will be taken by date certain to attain compliance.

You can find Ohio's hazardous waste rules and other information on the division's web page at: <http://www.epa.ohio.gov/dhwm/>. If you have any questions, please contact me by telephone at (740) 380-5248 or by e-mail at [Elizabeth.Herron@epa.ohio.gov](mailto:Elizabeth.Herron@epa.ohio.gov).

Sincerely,



Elizabeth A. Herron  
Environmental Specialist  
Division of Materials and Waste Management

EH/mr

cc: Ms. Brenda Woodrow, Rite Aid #3057

**NOTICE:**

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