

OHIO E.P.A.

APR 10 2001

ENTERED DIRECTOR'S JOURNAL

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Grant Medical Center
111 South Grant Avenue
Columbus, Ohio 43215

Respondent

**Director's Final
Findings and Orders**

PREAMBLE

It is hereby agreed by and among the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Grant Medical Center ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under § 3734.13 and § 3745.01 of the Ohio Revised Code ("ORC").

II. PARTIES BOUND

These Orders shall apply to and be binding upon the Respondent, its assigns and successors in interest. No changes in ownership relating to the Facility will in any way alter the Respondent's responsibilities under these Orders. The Respondent's obligations under these Orders may be altered only by the written approval of the Director of Ohio EPA.

III. DEFINITIONS

1. Unless otherwise stated, all terms in these Orders shall have the same meaning as used in Chapter 3734. of the ORC and the regulations promulgated thereunder.
2. The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

IV. FINDINGS OF FACT

The Director of Ohio EPA has determined the following findings of fact:

1. Respondent is a "person" as defined in ORC § 3734.01(G) and Ohio Administrative Code ("OAC") rule 3745-50-10(A).
2. Respondent owns and operates a medical center located at 111 South Grant Avenue, Columbus, Franklin County, Ohio 43215 ("Facility"). Respondent was incorporated as a not for profit corporation in the State of Ohio on January 26, 1988. On September 1, 1995, Respondent notified the United States Environmental Protection Agency of its hazardous waste activity at the Facility and received hazardous waste generator identification number OHD052859329 as a small quantity generator of hazardous waste.
3. At the Facility, Respondent generates or has generated "hazardous waste" as that term is defined by ORC § 3734.01(J) and OAC rules 3745-50-10(A) and 3745-51-03, including paint wastes (F005), solvent wipe rags (F002) and waste chemopharmaceuticals including, at a minimum, hazardous waste codes U010, U058, U059, and U150.
4. On March 2 and 16, 2000, Ohio EPA conducted a compliance evaluation inspection at the Facility, and determined that Respondent had:
 - a. stored hazardous waste at the Facility for greater than 180 days without a hazardous waste facility installation and operation permit, in violation of ORC § 3734.02(E) and (F);
 - b. disposed of hazardous waste solvent wiper/rags (F002) at a solid waste landfill, in violation of ORC § 3734.02(E) and (F);
 - c. transported or caused to be transported hazardous waste chemopharmaceutical drugs to an infectious waste treatment facility

which does not hold a hazardous waste facility installation and operation permit, in violation of ORC § 3734.02(E) and (F);

- d. not properly evaluated the solvent wiper/rag wastes referenced in Finding No. 4.b. and the chemopharmaceutical drug wastes referenced in Finding No. 4.c., in violation of OAC rule 3745-52-11;
- e. failed to perform and log weekly inspections/tests of all Facility communications or alarm systems, fire protection equipment, and spill control equipment, in violation of OAC rule 3745-65-33;
- f. failed to label all hazardous waste containers with an accumulation start date and the words "hazardous waste," in violation of OAC rule 3745-52-34. Numerous containers of hazardous waste in the hazardous waste accumulation building were not properly dated and marked;
- g. failed to keep all hazardous waste containers closed except when adding or removing waste, in violation of OAC rule 3745-66-73(A). The funnel for the container of Clearite-3 hazardous waste in the hazardous waste accumulation building was open during the inspection; and
- h. failed to perform and log weekly inspections of areas where containers of hazardous waste are stored, in violation of OAC rule 3745-66-74(A) and (B).

In addition to Finding Nos. 4.a. through 4.h., due to Respondent's unpermitted hazardous waste storage referenced in Finding No. 4.a., Respondent has also violated numerous requirements for managing hazardous waste contained in OAC Chapters 3745-65 and 3745-66.

- 5. By letter dated March 27, 2000, Ohio EPA informed Respondent of the violations noted in Finding No. 4. Following subsequent communications with Respondent, by letter dated May 24, 2000, Ohio EPA notified Respondent that Respondent had abated all violations listed in Finding No. 4.

V. ORDERS

The Respondent shall achieve compliance with Chapter 3734. of the ORC and the regulations promulgated thereunder according to the following compliance schedule:

1. Within 30 days after the effective date of these Orders, Respondent shall submit to Ohio EPA for review a plan indicating how Respondent will manage hazardous waste chemopharmaceuticals drugs in accordance with ORC Chapter 3734. and the rules promulgated thereunder.
2. The Respondent shall pay to Ohio EPA the amount of \$14,000.00 in settlement of Ohio EPA's claims for civil penalties which may be assessed for noncompliance pursuant to Chapter 3734. of the ORC pursuant to the following schedule:
 - a. Within thirty (30) days after the effective date of these Orders, the Respondent shall pay to Ohio EPA the amount of \$4,000.00 in settlement of Ohio EPA's claims for civil penalties which may be assessed for noncompliance pursuant to ORC Chapter 3734. and which will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be made by tendering a certified check for \$4,000.00 to Ohio EPA, Department 631, Columbus, Ohio 43265-0631, made payable to "Treasurer, State of Ohio." A copy of this check shall be submitted in accordance with Section IX of these Orders; and
 - b. In lieu of payment of \$10,000.00 of the civil penalty, within five hundred and forty-five (545) days after the effective date of these Orders, the Respondent shall implement an agreed upon pollution prevention supplemental environmental project in an amount equal to at least \$10,000.00 by replacing all of the Facility's current mercury-containing sphygmomanometers with sphygmomanometers which do not contain mercury as described in Attachment A to these Orders, incorporated herein. Within thirty (30) days after completion of the replacement of the mercury-containing sphygmomanometers, Respondent shall submit to Ohio EPA a report demonstrating completion of the sphygmomanometer replacement. The report shall include documentation for expenditures, e.g., paid invoices, relating to the replacement of the sphygmomanometers.

Should the Respondent fail to fully implement the agreed upon pollution prevention supplemental environmental project within the time frames established in Order No. 2.b., the Respondent shall pay to Ohio EPA the remaining balance of the civil penalty which will be deposited into the hazardous waste cleanup fund established pursuant to ORC § 3734.28. Payment shall be made by tendering a certified check to Ohio EPA, Department 631, Columbus, Ohio 43265-0631, made payable to "Treasurer, State of Ohio." A copy of this check shall be submitted in accordance with Section IX of these Orders.

VI. TERMINATION

The Respondent's obligations under these Orders shall terminate when the Respondent demonstrates in writing and certifies to the satisfaction of Ohio EPA that all obligations under these Orders have been performed and Ohio EPA's Division of Hazardous Waste Management acknowledges, in writing, Ohio EPA's acceptance of this demonstration and certification.

This certification shall be submitted by the Respondent and shall be signed by a responsible official of the Respondent. The certification shall make the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

For purposes of these Orders, a responsible official is a corporate officer who is in charge of a principal business function of the Respondent.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a signatory to these Orders, for any liability arising out of or relating to the operations of the Respondent's Facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. Nothing in these Orders shall be construed as waiving or compromising in any way the applicability and enforcement of any other statutes or regulations applicable to the Respondent's operation of its Facility. Ohio EPA reserves all rights and privileges except as specified herein.

IX. NOTICE

All documents demonstrating compliance with these Orders, and other documents required under these Orders to be submitted to Ohio EPA, shall be addressed to:

Ohio Environmental Protection Agency
Central District Office
Division of Hazardous Waste Management
Attn: DHWM Manager
3232 Alum Creek Drive
Columbus, Ohio 43207

and Ohio EPA Central Office at the following address:

For mailings, use the post office box number:

Christopher Jones, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
Attn: Manager, Compliance Assurance Section
P.O. Box 1049
Columbus, Ohio 43216-1049

For deliveries to the building and courier services:

Christopher Jones, Director
Ohio Environmental Protection Agency
Lazarus Government Center
Division of Hazardous Waste Management
Attn: Manager, Compliance Assurance Section
122 South Front Street
Columbus, Ohio 43215

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

X. RESERVATION OF RIGHTS

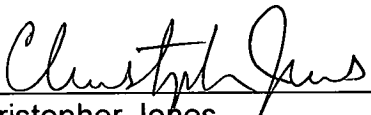
Nothing contained herein shall be construed to prevent Ohio EPA from seeking legal or equitable relief to enforce the terms of these Orders or from taking administrative, legal or equitable action as deemed appropriate and necessary, including seeking penalties against the Respondent for noncompliance with these Orders. Nothing contained herein shall be construed to prevent Ohio EPA from exercising its lawful authority to require the Respondent to perform additional activities pursuant to ORC Chapter 3734. or any other applicable law in the future. Nothing herein shall restrict the right of the Respondent to raise any administrative, legal or equitable claim or defense with respect to such further

actions which Ohio EPA may seek to require of the Respondent. Nothing in these Orders shall be construed to limit the authority of Ohio EPA to seek relief for violations not addressed in these Orders.

XI. SIGNATORIES

Each undersigned representative of a signatory to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such signatory to this document.

IT IS SO ORDERED:



Christopher Jones
Director

APR 10 2001

Date

XII. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations addressed in these Orders, the Respondent agrees that these Orders are lawful and reasonable, that the times provided for compliance herein are reasonable and that the Respondent agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for the Respondent's liability for the violations cited herein.

The Respondent hereby waives the right to appeal the issuance, terms and service of these Orders and it hereby waives any and all rights it might have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and the Respondent agree that in the event that these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, the Respondent retains the right to intervene and participate in such appeal. In such an event, the Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

IT IS SO AGREED:

Grant Medical Center

Mark Huter

By

3-3-01
Date

PRESIDENT

Title

Ohio Environmental Protection Agency

Christopher Jones

Christopher Jones
Director

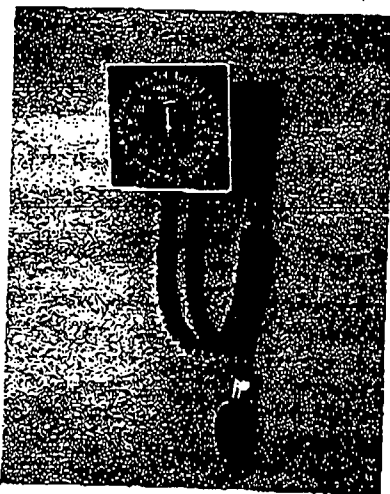
APR 10 2001
Date

L A T E X F R E E

Tycos® 509-Series aneroids provide all the accuracy and reliability you expect from Tycos—at an affordable price.

The Tycos 509-Series Wall and Mobile Aneroids with large scale faces make blood pressure reading convenient and accurate, without the danger of mercury contamination posed by mercurial sphygmomanometers. Parallax is eliminated by close position of dial and pointer.

- Lifetime calibration and manufacturing warranty
- Precision jeweled bearings resist wear for consistently accurate readings
- Unique phosphor-bronze aneroid bellows ensure consistent pressure measurement
- Visual check of accuracy on the dial
- Strong die-cast zinc internal housing protects mechanism

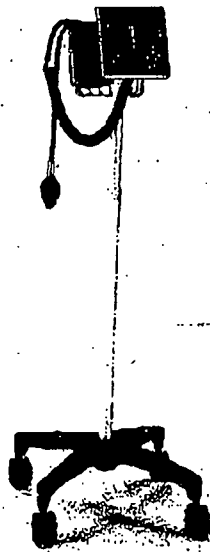


Tycos 509 Wall Aneroid Sphygmomanometer

Mounts permanently in place with assured accurate readability from all angles.

- 8-foot coiled tubing
- Convenient cuff storage in swivel bracket
- 90° swivel for flexible reading; 10° forward tilt to reduce glare

- 5091-38 Wall Aneroid with Adult Cuff
- 5091-39 Wall Aneroid Manometer with 8-foot tubing only
- 5091-13 Inflation System Basket (small, stainless steel)
- 5091-47 Inflation System Basket (large, black)

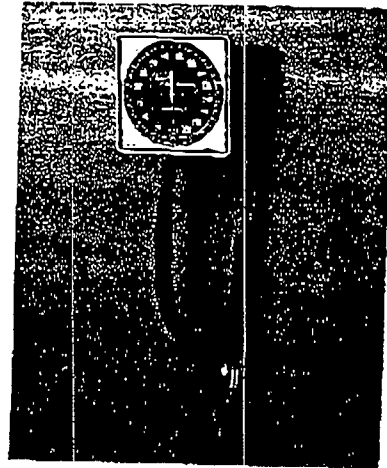


Tycos 509 Mobile Aneroid Sphygmomanometer

All the features of a wall sphygmomanometer with quiet caster stand mobility.

- 360° Manometer swivel for ease of reading
- Adjustable-height stand
- Minimal storage area required
- 4-foot coiled tubing
- Convenient cuff-storage basket included

- 5091-41 Mobile Aneroid with Adult Cuff (charcoal gray scale)
- 5091-48 Mobile Stand and Aneroid Mounting Bracket only



Traditional design, orange scale

- 5091-22 Wall Aneroid with Adult Cuff
- 5091-23 Wall Aneroid Manometer with 8-foot tubing only
- 5091-13 Inflation System Basket (small, stainless steel)
- 5091-47 Inflation System Basket (large, black)