

New York State Department of Environmental Conservation

Division of Solid & Hazardous Materials, Region One

Stony Brook University

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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

April 11, 2008

NOTICE OF VIOLATION

Mr. Robert Hochstein
Director of Plant & Facilities
Connetquot C.S.D. of Islip
780 Ocean Avenue
Bohemia, NY 11716

Re: Hazardous Waste Compliance Inspection Date: 1/11/08 & 1/25/08
Location of Handler: Connetquot High School, 190 7th Street, Bohemia, NY 11716
EPA Identification Number: NYD100372861

Dear Mr. Hochstein:

In order to determine compliance with the New York State Industrial Hazardous Waste Management Law and the regulations promulgated pursuant thereto, the New York State Department of Environmental Conservation (the "Department") conducted an inspection of your facility on the above- referenced dates.

As a result of that inspection, we believe that your facility is operating as a Small Quantity Generator (SQG) of hazardous waste.

At the time of the inspection, the following violations were noted:

6NYCRR Part 372.2(a)(2) requires a person who generates a solid waste, to determine if that waste is a hazardous waste. You have not made this determination and, therefore, are in violation of 6NYCRR Part 372.2(a)(2). *Hazardous waste determinations were not made of the following wastes prior to their disposal:*

- (i) *Analysis results of sink-trap samples indicate that hazardous lab-chemicals/wastes were discharged to the waste storage tanks via the science-room sinks.*
- (ii) *Analysis results of cesspool/leaching pool sample indicate that hazardous photo-wastes were discharged to the cesspool/leaching pool via the photo-room sink.*

(iii) Liquids spilled in one of the science-rooms as a result of back-flows from a floor-drain/hooded sink (possibly due to clogged piping or due to over-filling of the neutralization/acid waste storage tanks) were disposed as non-hazardous wastes.

In the future, waste determinations must be made of all wastes generated on-site prior to their disposal or off-site shipment. All photo-wastes (including waste fixer and developer) must be shipped out as hazardous wastes. Note: all hazardous wastes (including hazardous expired/discarded chemicals) must be shipped out within 180 days from their accumulation start dates.

On 3/19/2008, several samples were collected from selected science-room sink-traps. Analysis results of these samples indicate that the sink-traps contain high levels of several toxic heavy metals and VOCs (1,4-dichlorobenzene and acetone). *These wastes accumulated in the science-room sink-traps are hazardous and must be removed. Please submit a Work Plan for clean-up of all sink-traps (all science rooms).*

In order to avoid the requirements of sampling/testing of wastes in the neutralization and/or acid waste storage tanks prior to each off-site shipment of these tank wastes, please develop a chemical waste management guide (or similar document) for use in the science-rooms in order to ensure that hazardous chemicals are properly managed and not disposed into the science-room sinks. Please provide us a copy of this document.

On 3/25/2008, a sample of the cesspool wastes was collected. Analysis results of the sample indicate that the cesspool/leaching pool is severely contaminated with toxic silver-containing wastes. *This cesspool/leaching pool must be cleaned/remediated and end-point samples must be collected and analyzed to ensure proper clean-up. Please submit a Work Plan for clean-up of this cesspool/leaching pool.*

6NYCRR Part 372.2(a)(8)(iii) allows the generator who generates more than 100 kg but less than 1000 kg of hazardous waste in a calendar month to accumulate non-acute hazardous waste on-site for a period of 180 days or less without being subject to the permitting provisions of Part 373 provided the following requirements are met:

- the name and phone number of the emergency coordinator must be posted next to the telephone.
- location of fire extinguishers and spill control material and, if present, fire alarm must be posted next to the telephone.
- ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures.

You have not met this requirement and, therefore, are in violation of 6NYCRR Part 372.2(a)(8)(iii)(e)(2)(i)&(ii) and 6NYCRR Part 372.2(a)(8)(iii)(e)(3).

The name and number of the emergency coordinator and the location of the spill control material were not posted next to the emergency telephone. Please make these required postings and provide us photo(s) as proof.

Employees involved in-charge of waste handling were not thoroughly familiar with hazardous waste handling and emergency procedures. Please provide adequate training to all employees handling hazardous wastes on-site and provide us a proof.

6NYCRR Part 372.2(a)(8)(i)(a)(2) requires containers holding hazardous waste to be managed as follows:

- a container holding hazardous waste must be marked with the words "Hazardous Waste" and with other words identifying its contents.

You have not met the above requirement and, therefore, are in violation of 6NYCRR Part 372.2(a)(8)(i)(a)(2). *Hazardous waste label was not placed on the 55-gal photo-waste accumulation container in the photo-room. Please label this waste accumulation container as required and provide us photo(s) as proof.*

6NYCRR Part 372.2(c)(3) requires that a generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date of shipment, must immediately contact the transporter and/or disposal facility to determine the status of the shipment. If, within 45 days of date of shipment, the generator has not received a signed copy of the manifest, an Exception Report must be submitted to the Department and, in the case of interstate shipments, submitted to the State in which the shipment was to be received and any states in which the shipment may have been delivered. The Exception Report must include a legible copy of the manifest for which the generator does not have confirmation of delivery and a cover letter, signed by the generator or his authorized representative, explaining the efforts taken to locate the hazardous waste and the results of those efforts. You have not met these requirements and, therefore, are in violation of 6NYCRR Part 372.2(c)(3). *Signed copies (from TSD facilities) of any of the manifests for hazardous wastes shipped off-site were not received, and no exception report was submitted. However, copies of the signed manifests were provided later. In the future, please make sure copies of all signed manifests are received within the specified time frame after waste shipments and, if required, timely exception reports are submitted.*

6NYCRR Part 372.2(b)(3)(iii) requires generators to distribute copies of the manifest as specified on the manifest forms postmarked within ten (10) calendar days of shipment date. You have not met this requirement and, therefore, are in violation of 6NYCRR Part 372.2(b)(3)(iii). *Copies of manifests were not distributed to the generator and destination States. In the future, please make sure copies of all hazardous waste manifests are sent to the generator and destination States as required.*

6NYCRR Part 372.2(c)(1)(i) requires the generator to retain signed copies of the manifest records at the facility for at least three years. You have not met this requirement and, therefore, are in violation of 6NYCRR Part 372.2(c)(1)(i). *Copies of hazardous waste manifests were not kept on-site. However, copies of the manifests were provided later. In the future, please make sure all manifests are maintained on site for a period of at least three years.*

6NYCRR Part 372.2(b)(2)(i) requires that the generator confirm by written communication that the designated treatment, storage or disposal facility is an authorized treatment, storage or disposal facility for the particular wastes being offered for shipment and has capacity to accept the hazardous waste set forth on the manifest and will assure the ultimate disposal method is followed. You have not met this requirement and, therefore, are in violation of Part 372.2(b)(2)(i). Please obtain written communication and/or permit letters from the TSD facilities regarding their permit/authorization to handle hazardous waste described on the manifests and provide us copies as proof.

6NYCRR Part 372.2(b)(2)(ii) requires that the generator confirm by written communication that the designated transporter is authorized to deliver the waste to the facility on the manifest. You have not met this requirement and, therefore, are in violation of 6NYCRR Part 372.2(b)(2)(ii). Please obtain written communication and/or permit letters from the transporters regarding their permit/authorization to transport hazardous waste described on the manifests and provide us copies as proof.

6NYCRR Part 373-3.3(d) requires all facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, to be tested and maintained as necessary to assure its proper operation in time of emergency. You have not met this requirement and, therefore, are in violation of 6NYCRR Part 373-3.3(d). The high-level detection and pH meters/alarms of the neutralization/acid waste tank system were not tested and maintained to ensure proper operation/control of the waste tanks. However, the high-level detection meter/alarm was tested on 1/28/2008 and a proof of this test was provided. Please also have the pH meter/alarm tested and provide us documentation as proof.

6NYCRR Part 373-3.3(g)(1) requires that the owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at the facility and the potential need for the services for these organizations:

- arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes.
- arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

You have not made the above noted arrangements and, therefore, are in violation of 6NYCRR Part 373-3.3(g)(1) (i)&(iv). Please attempt to make emergency arrangements with the local authorities (eg. by sending emergency arrangement letters including the required documents to police department, fire department, and hospital) and provide us documentation as proof.

6NYCRR Part 376.1(g)(1)(vii) requires generators to retain on-site a copy of all notices, certifications, demonstrations, waste analysis data and other documentation pursuant to this section for at least five years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal. This requirement applies to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is

excluded from the definition of hazardous or solid waste, or exempted from regulation, subsequent to the point of generation. You have not met this requirement and, therefore, are in violation of 6NYCRR Part 376.1(g)(1)(vii). *Waste analysis data of the wastes (from the acid waste storage tank) sent off-site for disposal and a record of the pH-levels in the neutralization tank were not maintained on-site. In the future, please make sure that records of all waste analysis data and pH-level readings are maintained on-site.*

6NYCRR Part 373-1.1(d)(1)(xii) requires that elementary neutralization or wastewater treatment units meet the following in order to be exempt from permitting:

- the requirements for personnel training in 373-3.2, for preparedness and prevention in 373-3.3, and for contingency plans in 373-3.4.
- all areas, containers and tanks used to treat hazardous waste must be marked with the words "Hazardous Waste" and other words that identify the contents.

You have not met the above requirement(s) and, therefore, are in violation of 6NYCRR Part 373-1.1(d)(1)(xii)(c), 6NYCRR Part 373-3.2(g), 6NYCRR Part 373-3.3, and 6NYCRR Part 373-3.4.

6NYCRR Part 373-1.1(d)(1)(xii)(c): The area above/near the underground waste neutralization tank was not labeled/identified to contain hazardous waste.

6NYCRR Part 373-3.2(g): There was no training program for facility personnel.

6NYCRR Part 373-3.3: The preparedness and prevention activities were not adequate: the pH-levels of the acid neutralization tank were not monitored; the facility was not maintained to minimize releases of wastes from the neutralization or the acid waste storage tank (via floor-drain/sink) to the soil/surface water; neutralization/acid waste storage tank high-level alarm/pH meter were not tested: there was no attempt to make emergency arrangements with the local authorities.

6NYCRR Part 373-3.4/Part 373-3.4(g): The Contingency Plan was not adequate. The plan did not include: information on hazardous waste management; information on actions to be taken during emergencies and on emergency arrangements made with the local authorities; a list/locations of emergency equipment; and an Evacuation Plan. Copies of the Contingency Plan were not submitted to the local authorities. The emergency procedures followed during prior spills of wastes in science-rooms were not adequate: exact source and cause of the spills from the floor-drain/sink were not identified; the hazardous character of spilled 12-molar hydrochloric acid was not identified prior to cleanup and disposal; proper assessment of possible hazards to human health and environment were not made; reasonable measures were not taken to prevent future spills.

Please correct the violations listed above [Part 373-1.1(d)(1)(xii)] and submit to us satisfactory documentation as proof of rectification of these violations.

6NYCRR Part 374-3.2(d)(4)(i) requires small quantity handlers of universal waste to manage lamps in containers or packages that are structurally sound, adequate to prevent breakage and compatible with the contents of the lamps. Containers and packages must be closed and show no evidence of leakage, spillage, damage. You have not met this requirement and, therefore, are in violation of 6NYCRR Part 374-3.2(d)(4)(i). *Used fluorescent lamps container was not closed. However, the container was closed at the time of inspection. No further action is required.*

6NYCRR Part 374-3.2(f)(3) requires small quantity handlers of universal waste to demonstrate the length of time that the universal waste has been accumulated by marking the date, maintaining an inventory, or other method. You have not met this requirement and, therefore, are in violation of 6NYCRR Part 374-3.2(f)(3). *Accumulation start date was not marked on the used fluorescent lamps container. However, the accumulation start date was marked at the time of inspection. No further action is required.*

6NYCRR Part 374-3.2(g) requires small quantity handlers of universal waste to inform all employees who handle or have responsibility for managing universal waste of the proper handling and emergency procedures appropriate to the type(s) of the universal waste handled. You have not met this requirement and, therefore, are in violation of 6NYCRR Part 374-3.2(g). *Personnel in-charge of handling universal wastes on-site were not adequately informed/trained on proper management of used fluorescent lamps. Please provide adequate information/training to employees handling used fluorescent lamps on-site and provide us documentation as proof. For further info. on handling of used/waste fluorescent lamps, please visit: <http://www.dec.ny.gov/chemical/8787.html>.*

Discarded computer monitors are considered RCRA hazardous waste unless the management of such waste is excluded from the hazardous waste regulations upon submission of a C7 notification [6NYCRR Part 371.1(c)(7)] by the handler to the New York State Department of Environmental Conservation. The notification must include the name and location of the generating and receiving/storage facilities, identification of the scrap metal exemption or exclusion of 6NYCRR 371.1(g)(1)(iii)(b) claimed, and description of the activities which will qualify for such exemption or exclusion. *A C(7) notification was not submitted to the Department prior to shipment of used computer monitors as recycling wastes. Please submit a c(7) notification to our Central Office in Albany and provide us a copy as proof. For further information on proper handling of used electronics, please visit: <http://www.dec.ny.gov/chemical/8788.html>.*

Manifest records indicate that there were two prior shipments of photo-wastes (manifest# NYG2510037 and NYG1976589) and one shipment of lab-wastes (manifest# NYG2510235) using an incorrect EPA ID number: NYD987023371. This EPA ID number is assigned to A.B. Oil Service company. *Please re-submit copies of these manifests with corrected EPA ID number to the Hazardous Waste Manifest Section of our Central Office in Albany and provide us copies as proof.*

Additional violations may result from information received by the Department.

Violations of the New York State hazardous waste regulations may result in civil and criminal sanctions under the Environmental Conservation Law. Possible sanctions include a civil penalty of up to \$37,500 per day for a first offense and \$75,000 per day for a second offense. Should the cited violations not be corrected promptly, an action seeking a civil penalty will be initiated. This letter in no way precludes enforcement actions for any violations discovered at any time, nor does it relieve you from any liability you may have for regulatory fees and hazardous waste special assessment fees.

Please confirm in writing, within 30 days of the date of this letter, that the above-referenced violations have been corrected and include supporting documentation; such as photographs and photocopies. You MUST include your EPA Identification Number on all correspondence. This confirmation should be addressed to:

NYS Department of Environmental Conservation
Division of Solid and Hazardous Materials
SUNY @ Stony Brook
50 Circle Road
Stony Brook, NY 11790-3409
Attention: Syed Raza, Inspector

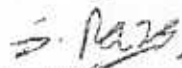
with a copy to:

NYS Department of Environmental Conservation
Division of Solid & Hazardous Materials
Bureau of Hazardous Waste Management
Compliance Section
625 Broadway, 8th Floor
Albany, NY 12233-7252
(518) 402-8629
Attention: Mr. Juzer Rasani, Reviewer

If you have any questions about this notice or should you wish to discuss this matter further, please contact the Inspector or the Reviewer at the telephone number above. A copy of the Inspection Form is enclosed for your information.

Should you have any questions, please contact me at (631) 444-0233.

Sincerely,



Syed Raza
Environmental Engineer II
Division of Solid and Hazardous Material

cc: Juzer Rasani, Reviewer, Central Office
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