



REGION 5

CHICAGO, IL 60604

ELECTRONIC MAIL DELIVERY RECEIPT REQUESTED

Ms. Lisa Ramsey
Environmental Programs Manager
NASA Glenn Research Center
21000 Brookpark Road
Cleveland, Ohio 44135
Lisa.m.ramsey@nasa.gov

Re: **Notice of Violation and Return to Compliance**
NASA Glenn Research Center
Facility ID: OH0800005035

Dear Ms. Ramsey:

On January 16-17, 2024, on behalf of the U.S. Environmental Protection Agency, an EPA contractor conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection of the NASA GRC ("facility" or "you") located in Cleveland, Ohio. The purpose of the inspection was to evaluate NASA GRC's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment, and storage of hazardous waste. A copy of the inspection report is enclosed for your convenience.

EPA has determined that NASA GRC was in violation of RCRA. During the inspection, however, as observed by the EPA contractor, and after the inspection, as documented in a May 6, 2024 email to EPA, NASA GRC took certain actions that established compliance with the violations identified below. Based on this information received from NASA GRC, EPA is not planning additional enforcement actions for the RCRA violations identified below at this time.

Storage of Hazardous Waste without a Permit or Interim Status Which Violated Section 3005 of RCRA, 42 U.S.C. § 6925(a) and State Permitting Requirements

During the inspection, EPA observed NASA GRC's failure to comply with RCRA permit exemption conditions. When a hazardous waste generator fails to comply with the conditions for a permit exemption, the generator is operating a hazardous waste storage facility without a permit in violation of Ohio Admin. Code §§ 3745-50-45(A); 3745-50-41(A) and (D). See Items 1 and 2, below.

Many of the RCRA permit exemption conditions are also independent requirements that apply to permitted and interim status hazardous waste management facilities that treat, store, or dispose of hazardous waste (TSDF requirements). When a hazardous waste generator loses its permit exemption due to a failure to comply with an exemption condition incorporated from Ohio Admin. Code chs. 3745-65 to 68 and 3745-256, the generator is: (a) operating a hazardous waste storage facility without a permit; and (b) simultaneously violating the corresponding TSDF requirement. See item 3, below.

1. Hazardous Waste Accumulation

Under Ohio Administrative Code § 3745-52-34(C)(1), a generator may accumulate as much as fifty-five gallons of hazardous waste or one quart of acutely hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit and without complying with paragraph (A) of this rule.

At the time of the inspection, three accumulation areas of hazardous waste were not located at or near the point of generation and did not comply with paragraph (A) of this rule. See pages 8 and 12 of the inspection report. Following the inspection, NASA GRC indicated that two of these areas were relocated to the point of generation and the third area was established as a hazardous waste accumulation area complying with paragraph (A) of this rule. EPA is not requesting any further information for this violation.

2. Hazardous Waste Container Labeling

Under Ohio Admin. Code § 3745-52-34(A)(3), a large quantity generator must label or clearly mark each container holding hazardous waste with the words "Hazardous Waste."

At the time of the inspection, eight (8) containers were missing the required label. See pages 10-12 of the inspection report. Following the inspection, NASA GRC labeled the containers, which addressed the items described above. EPA is not requesting any further information for this violation.

The permit exemption conditions identified below are also independent TSDF requirements:

3. Use and Management of Containers

Under Ohio Admin. Code §§ 3745-52-34(A)(1)(i) and 3745-66-73(A), a large quantity generator must always keep a container holding hazardous waste closed during storage, except when it is necessary to add or remove waste.

At the time of the inspection, approximately two dozen containers were left open when waste was not being added or removed. See pages 7-12 of the inspection report. During the inspection, and following the inspection, NASA GRC closed the containers which addressed the item described above. EPA is not requesting any further information for this violation.

Other Violations

4. Hazardous Waste Determination

Under Ohio Admin. Code § 3745-52-11, a generator must determine whether its waste is hazardous.

At the time of the inspection, NASA GRC had not determined whether the bottles of 1-2, dichloroethane and the unidentified material in a bag on top of a drum were hazardous wastes. See pages 7 and 10 of the inspection report. Following the inspection, NASA GRC completed the waste determinations and managed the waste according to those determinations. EPA is not requesting any further information for this violation.

5. Inspection of Hazardous Waste Storage Areas

Under Ohio Admin. Code §§ 3745-52-34(A)(1)(a) and 3745-66-74, a large quantity generator must inspect areas where containers are stored at least weekly and inspections must be recorded in an inspection log or summary.

At the time of inspection, 5 weeks of inspections were missing between 2021 and 2023. See page 13 of the inspection report. NASA GRC indicated that these were during periods of time where new employees were working and getting trained. EPA is not requesting any further information for this violation.

As noted above, this letter is to inform you that EPA has reviewed the referenced response and does not plan additional enforcement action under RCRA at this time. This letter does not limit the applicability of the requirements evaluated, or of other federal or state statutes or regulations. EPA and the Ohio EPA will continue to evaluate your facility in the future.

The EPA contact in this matter is Charles Holada. You may contact him at (312) 886-4883 or at holada.charles@epa.gov if you have additional questions. Thank you for your prompt attention to these concerns and your efforts to protect human health and the environment.

Sincerely,

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

cc: Mitch Mathews, OEPA (mitchell.mathews@epa.ohio.gov)
Christie Myers, NASA GRC (christie.myers@nasa.gov)