



State of Ohio Environmental Protection Agency

Northeast District Office

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

December 5, 2007

RE: **MK MORSE COMPANY
STARK COUNTY
OHD 004 462 032
LQG CEI NOTICE OF VIOLATION**

CERTIFIED MAIL

Mr. Thomas Competty
Process Engineer
MK Morse Company
P.O. Box 8677
Canton, Ohio 44711

Dear Mr. Competty:

On November 8, 2007, the Ohio EPA conducted a compliance evaluation inspection (CEI) of MK Morse Company's (MK Morse), Canton, Ohio facility to determine MK Morse's compliance with Ohio's hazardous waste laws and regulations as found in the Ohio Revised Code and the Ohio Administrative Code ("ORC" and "OAC" respectively). MK Morse was represented by Ron Carter, Jerry Bourquin, James Batchelder and you. Tammy McConnell, Dan Sowry and I represented the Ohio EPA.

MK Morse Industries is a manufacturer of perishable cutting tools, including band saws and reciprocating saw blades, hacksaw blades, hole saws and circular saws.

The Ohio EPA's compliance inspection included an inspection of the facility operations and a review of written documentation. In addition, you submitted documentation via e-mail on November 9 and 30, 2007 and December 4, 2007 in regards to your personnel training program and job descriptions. Based on this inspection and documentation, Ohio EPA has determined that MK Morse has violated at least the following state hazardous waste regulations:

Violations:

1. **Waste Evaluation, OAC 3745-52-11:** 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.

MK Morse could not document that the floor sweepings generated at the facility had adequately been characterized.

MK Morse shall collect a representative sample of the waste and have it tested using the Toxicity Characteristic Leaching Procedure (TCLP), test Method 1311 in

"Test Methods for Evaluating Solid Waste Physical/Chemical Methods," U.S. EPA Publication SW-846.

The facility shall submit the sampling results as documentation of compliance with this regulation.

2. **Personnel Training, OAC rule 3745-65-16(D)(2):** The owner or operator must maintain the following documents and records at the facility:

Job descriptions for each position at the facility related to hazardous waste management. The description must include the requisite skill, education or other qualifications and duties of facility personnel assigned to each position.

Based on the information submitted, it is unclear as to which employee is responsible for the weekly inspections, signing manifests, updating the personnel training program and maintaining the contingency plan.

We discussed this on the telephone and you stated that Larry Georgiades does the weekly inspections and that Ron Carter will do them if Mr Georgiades is unavailable. You also stated that you are responsible for updating the personnel training and contingency plan. Please update these job descriptions and submit them to document compliance with this requirement.

3. **Labeling/marking- standards for small quantity handlers of universal waste, OAC rule 3745-273-14(E):** Universal waste [fluorescent] lamps shall be labeled as "Universal Waste - Lamps," "Waste Lamp(s)", or "Used Lamp(s)."

MK Morse had not labeled any of the boxes of waste lamps.

The violation was abated during the inspection and no further action is required at this time.

4. **Accumulation time limits – standards for small quantity handlers of universal waste, OAC rule 3745-273-15(C):** A facility must be able to demonstrate the length of time that a universal waste has been accumulated.

MK Morse did not have a method of demonstrating how long each of the boxes of lamps had been on site.

MK Morse marked each container with the accumulation date during the inspection abating the violation. No further action is required.

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5. **Packaging of Universal Waste Lamps, OAC rule 3745-273-13(D)(1):** Universal waste lamps must be contained in containers or packages that are structurally sound, adequate to prevent breakage, and are compatible with the contents of the lamps. In addition, the containers or packages must be closed, lack evidence of leakage, spillage or damage that could cause leakage.

The box of 8 foot lamps was open at the time of the inspection.

MK Morse closed this container during the inspection abating the violation. No further action is required.

Ohio EPA also had the following concerns:

6. During the inspection, Ohio EPA received a facility map that was marked "CONFIDENTIAL THE M. K. MORSE COMPANY DO NOT COPY". It was also marked, "This document in the property of the M.K. Morse Company. The contents of this document are confidential and constitute trade secrets proprietary to the M.K. Morse Company. Neither this document nor its contents shall be disclosed to any unauthorized person, copied or published without prior written consent of the M.K. Morse Company." During a telephone conversation I had with you on November 27, 2007, you believed that this map should remain confidential. In accordance with OAC rule 3745-50-30, if MK Morse takes the position that this record contains trade secret information, MK Morse must provide a request to Ohio EPA which is accompanied by sufficient supporting documentation demonstrating why it should be managed as a confidential item.

Ohio EPA has received this request via e-mail on December 3, 2007 from Deidre K. Lazarides. If Ohio EPA has any comments, they will be sent to you under separate cover.

7. Ohio EPA also had concerns with the waste characterizations. It appears MK Morse may be using waste codes that may not be applicable. Specifically:
 - a. The spent rags. Based on discussions Ohio EPA had with an employee generating the rags, none of the rags would contain "free liquids". As such, the D001 waste code is inappropriate. Also, based on how the rags are generated, the spent rags would not be an F003 waste. For further information see page 8 of the Spring 2006 Notifier: (<http://www.epa.state.oh.us/dhwm/pdf/NotifierSpring06.pdf>). MK Morse may also wish to explore whether or not representative samples of the spent rags would exhibit any of the remaining characteristics used for the waste (D007 -

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chromium and D035 – methyl ethyl ketone). If MK Morse would like assistance developing a sampling and analysis plan for the rags, please contact me and I will be happy to assist.

- b. It is unclear why arsenic (D004) is present in the waste markem cleaner and ink. MK Morse may wish to contact the manufacturers of the Markem 320 and the Comec ink to see if arsenic is an unlisted constituent in either of these products. If not, MK Morse can have the waste re-tested to see if arsenic is still present in amounts exceeding the regulatory threshold (5.0 mg/L).
- c. MK Morse may wish to investigate why trichloroethylene is present in some of the used oil generated from the lift trucks and floor sweeper and is characterized as D040 and F001. Based on conversations I have had with the Chemical Solvent Inc (CSI) inspector, CSI screens every container of used oil that comes in for total halogens. If the total halogens is above 1000 ppm, the used oil is presumed to be mixed with a listed waste and this is probably why CSI is adding the F001 waste code. You may wish to contact CSI to confirm this. In addition you should ask CSI for further information on how they determined that trichloroethylene is the constituent causing the total halogens to exceed 1000 ppm. To minimize hazardous waste generation – MK Morse should investigate how the trichloroethylene is getting into this waste stream and try to prevent it from occurring.

The Ohio EPA strongly encourages pollution prevention as the preferred approach for waste management. The first priority of pollution prevention is to eliminate the generation of wastes and pollutants at the source (source reduction). For those wastes or pollutants that are generated, the second priority is to recycle or reuse them in an environmentally sound manner. You can benefit economically, help preserve the environment and improve your public image by implementing pollution prevention programs.

For more information about pollution prevention, including fact sheets or U.S. EPA's "Facility Pollution Prevention Guide" (EPA/600/R-92/088), please contact the Ohio EPA Pollution Prevention Section at (614) 644-3469.

The Division of Hazardous Waste Management has created an electronic news service to provide you with quick and timely updates on events and news related to hazardous waste activities in Ohio. If you haven't already, we encourage you to sign-up for this free service. You can find more information at the following Web link <http://www.epa.state.oh.us/dhwm/listserv.html>. Please feel free to share this information with your colleagues.

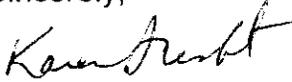
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Failure to list specific deficiencies and or violations in this communication does not relieve MK Morse from the responsibility of complying with all applicable laws, rules and regulations.

Further be advised that any instances of non-compliance can continue as subjects of pending or future enforcement actions.

Please respond to this letter in writing by December 31, 2007, and provide all of the information requested above. Should you have any questions or require additional information, please contact Frank Popotnik, my supervisor, or me at (330) 963-1200.

Sincerely,



Karen L. Nesbit
Division of Hazardous Waste Management

KLN:cl

Enclosure

ec: Frank Popotnik, DHWM, NEDO
Harry Sarvis, DWHM, CO

cc: Natalie Oryshkewych,

**USED OIL INSPECTION CHECKLIST
GENERATORS, COLLECTION CENTERS AND AGGREGATION POINTS**

NOTE: A facility is subject to the federal SPCC regulations (40 CFR 112) if it is non-transportation related (e.g., fixed) and has an aggregate above ground storage capacity greater than 1,320 gallons or a total underground storage capacity greater than 42,000 gallons of oil (including used oil), and there is reasonable expectation of a discharge to navigable waters.

PROHIBITIONS

1. Does the generator manage used oil in a surface impoundment or waste pile? If yes: Yes No N/A
- a. Is the surface impoundment or waste pile regulated as a hazardous waste management unit? [3745-279-12(A)] Yes No N/A
2. Is used oil used as a dust suppressant? [3745-279-12(B)] Yes No N/A
3. Is off-specification used oil fuel burned for energy recovery in devices specified in 3745-279-12(C)? Yes No N/A

NOTE: Multiple used oil checklists may be applicable if used oil handler is performing multiple tasks (e.g., if generating used oil and shipping directly to a burner, complete generator and marketer checklists at a minimum).

GENERATOR STANDARDS

4. Does the generator mix hazardous waste with used oil? If so, Yes No N/A
- a. Is the mixture managed as specified in 3745-279-10(B)? [3745-279-21(A)] Yes No N/A

NOTE: Used Oil mixed with listed (3745-51-30 to 3745-51-35) or characteristic (3745-51-20 to 3745-51-24) hazardous waste are subject to regulation as a hazardous waste, unless the listed hazardous waste is listed solely because it exhibits a hazardous characteristic, and the resultant mixtures do not exhibit a characteristic. Mixtures of used oil and CESQG hazardous waste are subject to OAC Chapter 3745-279.

5. Does the generator of a used oil containing greater than 1,000 ppm total halogens manage the used oil as a hazardous waste unless the presumption is rebutted successfully? [3745-279-21(B)] Yes No N/A

NOTE: If used oil contains greater than 1000 ppm total halogens, it is presumed to be listed hazardous waste until the presumption is successfully rebutted.

6. Does the generator store used oil in tanks; or containers; or a unit(s) subject to regulation as a hazardous waste management unit? [3745-279-22(A)] Yes No N/A
7. Are containers and aboveground tanks used to store used oil in good condition with no visible leaks? [3745-279-22(B)] Yes No N/A
8. Are containers, above ground tanks, and fill pipes used for underground tanks clearly labeled or marked "Used Oil?" [3745-279-22(C)] Yes No N/A

9. Has the generator, upon detection of a release of used oil, done the following: [3745-279-22(D)]
- a. Stopped the release? Yes No N/A
- b. Contained the release? Yes No N/A
- c. Cleaned up and properly managed the used oil and other materials? Yes No N/A
- d. Repaired or replaced the containers or tanks prior to returning them to service, if necessary? Yes No N/A

ON-SITE BURNING IN SPACE HEATER

10. Does the generator burn used oil in used-oil fired space heaters? [3745-279-23] If so: Yes No N/A
- a. Does the heater burn only used oil that owner/operator generates or used oil received from household do-it-yourself (DIY) used oil generators? Yes No N/A
- b. Is the heater designed to have a maximum capacity of not more than 0.5 million BTU per hour? Yes No N/A
- c. Are the combustion gases from heater vented to the ambient air? Yes No N/A

GENERATOR TRANSPORTATION

11. If the generator self-transported used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24] Yes No N/A
- a. Does the generator transport used oil in a vehicle owned by the generator or an employee of the generator?[3745-279-24] Yes No N/A
- b. Does the generator transport more than 55 gallons of used oil at any time?[3745-279-24] Yes No N/A

NOTE: Used oil generators may arrange for used oil to be transported by a transporter without a U.S. EPA ID # if the used oil is reclaimed under a contractual agreement (i.e., tolling arrangement).

COLLECTION CENTERS AND AGGREGATION POINTS

12. Is the DIY used oil collection center in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-30] Yes No N/A
13. Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31] Yes No N/A
14. Is the used oil aggregation point in compliance with the generator standards in 3745-279-20 to 3745-279-24? [3745-279-32] Yes No N/A

NOTE: Complete Used Oil Generator and any other applicable used oil handler checklist (e.g., marketer, burner, etc.) for used oil collection centers and aggregation points.

Keyword: UsedOilChecklistforGenerators.Oct.2007.doc

LARGE QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS DESCRIPTION SUMMARY

CESQG: <100Kg. (Approximately 25-30 gallons) of waste in a calendar month.

SQG: Between 100 and 1,000 Kg. (About 25 to under 300 gallons) of waste in a calendar month.

LQG: >1,000 Kg. (~300 gallons) of waste in a calendar month or >1 Kg. Of acutely hazardous waste in a calendar month.

NOTE: To convert from gallons to pounds: Amount in gallons x Specific Gravity x 8.345 = Amounts in pounds.

Safety Equipment Used: *SAFETY GLASSES W/ SIDE SHIELDS,*

GENERAL REQUIREMENTS

1. Have all wastes generated at the facility been adequately evaluated? [3745-52-11] Yes No N/A
... sweeping
2. Has the generator obtained a U.S. EPA identification number? [3745-52-12] Yes No N/A
3. Were annual reports filed with Ohio EPA on or before March 1st? [3745-52-41(A)] Yes No N/A
4. Has the generator transported or caused to be transported hazardous waste to **other** than a facility authorized to manage the hazardous waste? [ORC 3734.02(F)] Yes No N/A
5. Has the generator disposed of hazardous waste **on-site without a permit** or at another facility **other** than a facility authorized to dispose of the hazardous waste? [ORC 3734.02(E) & (F)] Yes No N/A
6. Does the generator accumulate hazardous waste? Yes No N/A
NOTE: If the LQG does not accumulate or treat hazardous waste, it is not subject to 52-34 standards. All other requirements still apply, e.g., annual reports, manifest, marking, record keeping, LDR, etc.
7. Has the generator accumulated hazardous waste on-site in excess of 90 days without a permit or an extension from the director ORC §3734.02 (E) & (F)? Yes No N/A
NOTE: If F006 waste is generated and accumulated for > 90 days and is recycled see 3745-52-34(G) & (H).
8. Does the generator treat hazardous waste in a: [ORC 3734.02(E)&(F)]
- a. Container that meets 3745-66-70 to 3745-66-77? Yes No N/A
- b. Tank that meets 3745-66-90 to 3745-66-101 except 3745-66-97 (C) and Yes No N/A
- c. Drip pads that meet 3745-69-40 to 3745-69-45? Yes No N/A
- d. Containment building that meets 3745-256-100 to 3745-256-102? Yes No N/A

NOTE: Complete appropriate checklist for each unit.

NOTE: If waste is treated to meet LDRs, use LDR checklist.

9. Does the generator export hazardous waste? If so: Yes No N/A
- a. Has the generator notified U.S. EPA of export activity? [3745-52-53(A)] Yes No N/A
- b. Has the generator complied with special manifest requirements? [3745-52-54] Yes No N/A
- c. For manifests that have not been returned to the generator: has an exception report been filed? [3745-52-55] Yes No N/A
- d. Has an annual report been submitted to U.S. EPA? [3745-52-56] Yes No N/A
- e. Are export related documents being maintained on-site? [3745-52-57(A)] Yes No N/A

MANIFEST REQUIREMENTS

10 Have all hazardous wastes shipped off-site been accompanied by a manifest? (U.S. EPA Form 8700-22) [3745-52-20(A)] Yes No N/A

11 Have items (1) through (20) of each manifest been completed? [3745-52-20(A)] Yes No N/A

NOTE: U.S. EPA Form 8700-22(A) (the continuation form) may be needed in addition to Form 8700-22. In these situations items (21) through (35) must also be completed. [3745-52-20(A)]

12 Does each manifest designate at least one facility which is permitted to handle the waste? [3745-52-20(B)] Yes No N/A

NOTE: The generator may designate on the manifest one alternate facility to handle the waste in the event of an emergency which prevents the delivery of waste to the primary designated facility. [3745-52-20(C)].

13 If the transporter was unable to deliver a shipment of hazardous waste to the designated facility did the generator designate an alternate TSD facility or give the transporter instructions to return the waste? [3745-52-20(D)] Yes No N/A

14 Have the manifests been signed by the generator and initial transporter? [3745-52-23(A)(1) & (2)] Yes No N/A

NOTE: Remind the generator that the certification statement they signed indicates: 1) they have properly prepared the shipment for transportation and 2) they have a program in place to reduce the volume and toxicity of the waste they generate.

15 If the generator did not receive a return copy of each completed manifest within 35 days of the waste being accepted by the transporter did the generator contact the transporter and/or TSD facility to check on the status of the waste? [3745-52-42(A)(1)] Yes No N/A

16 If the generator has not received the manifest within 45 days, did the generator file an exception report with Ohio EPA? [3745-52-42(A)(2)] Yes No N/A

17 Are signed copies of all manifests and any exception reports being retained for at least three years? [3745-52-40] Yes No N/A

NOTE: Waste generated at one location and transported along a publicly accessible road for temporary consolidated storage or treatment on a contiguous property also owned by the same person is not considered "on-site" and manifesting and transporter requirements must be met. To transport "along" a public right-of-way the destination facility has to act as a transfer facility or have a permit because this is considered to be "off-site." For additional information see the definition of "on-site" in OAC rule 3745-50-10.

PERSONNEL TRAINING

18 Does the generator have a training program which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to their positions? [3745-65-16(A)(2)] Yes No N/A

19 Does the personnel training program include instructions to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment and emergency systems (where applicable)? [3745-65-16(A)(3)(a-f)] Yes No N/A

20 Is the personnel training program directed by a person trained in hazardous waste management procedures? [3745-65-16(A)(2)] Yes No N/A

21 Do new employees receive training within six months after the date of hire (or assignment to a new position)? [3745-65-16(B)] Yes No N/A

22 Does the generator provide annual refresher training to employees? [3745-65-16(C)] Yes No N/A

23 Does the generator keep records including: job titles [D(1)], job descriptions [D(2)], type and amount of training given to each person [D(3)] and documentation of completed training or job experience required [D(4)]? [3745-65-16(D)] Yes No N/A

24 Are training records for current personnel kept until closure of the facility and are training records for former employees kept for at least three years from the date the employee last worked at the facility? [3745-65-16(E)] Yes No N/A

NOTE: The following section can be used by the inspector to document that all personnel who are involved with hazardous waste management have been trained. The employees who need training (written and/or on-the-job) may include the following: environmental coordinators, drum handlers, emergency coordinators, personnel who conduct hazardous waste inspections, emergency response teams, personnel who prepare manifest, etc.

Job Performed

Name of Employee

Date Trained

CONTINGENCY PLAN

25 Does the owner/operator have a contingency plan to minimize hazards to human health or the environment from fires, explosions or any unplanned release of hazardous waste? [3745-65-51(A)] Yes No N/A

26 Does the plan describe the following:

a. Actions to be taken in response to fires, explosions or any unplanned release of hazardous waste [3745-65-52(A)]? Yes No N/A

b. Arrangements with emergency authorities [3745-65-52(C)]. Yes No N/A

c. A current list of names, addresses and telephone numbers (office and home) of all persons qualified to act as emergency coordinator? [3745-65-52(D)] Yes No N/A

d. A list of all emergency equipment, including: location, a physical description and brief outline of capabilities? [3745-65-52(E)] Yes No N/A

e. An evacuation plan for facility personnel where there is possibility that evacuation may be necessary? [3745-65-52(F)] Yes No N/A

NOTE: If the facility already has a "Spill Prevention, Control and Counter measures Plan" under CFR Part 112 or 40 CFR Part 1510, or some other emergency plan, the facility can amend that plan to incorporate hazardous waste management provisions that are sufficient to comply with OAC requirements. [3745-65-52(B)]

27 Is a copy of the plan (plus revisions) kept on-site and been given to all emergency authorities that may be requested to provide emergency services? [3745-65-53 (A) & (B)] Yes No N/A

28 Has the generator revised the plan in response to rule changes, facility, equipment and personnel changes, or failure of the plan? [3745-65-54] Yes No N/A

29 Is an emergency coordinator available at all times (on-site or on-call)? [3745-65-55] Yes No N/A
Tom's name added as emergency coordinator

NOTE: The emergency coordinator shall be thoroughly familiar with: (a) all aspects of the facility's contingency plan; (b) all operations and activities at the facility; (c) the location and characteristics of waste handled; (d) the location of all records within the facility; (e) facility layout; and (f) shall have the authority to commit the resources needed to implement provisions of the contingency plan.

EMERGENCY PROCEDURES

- 30 Has there been a fire, explosion or release of hazardous waste or hazardous waste constituents since the last inspection? If so: Yes No N/A
- a. Was the contingency plan implemented? [3745-65-51(B)] Yes No N/A
- b. Did the facility follow the emergency procedures in 3745-65-56(A) through (H)? Yes No N/A
- c. Did the facility submit a report to the Director within 15 days of the incident as required by 3745-65-56(J)? Yes No N/A

NOTE: OAC 3745-65-51(b) requires that the contingency plan be implemented immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents, which could threaten human health and the environment.

PREPAREDNESS AND PREVENTION

- 31 Is the facility operated to minimize the possibility of fire, explosion, or any unplanned release of hazardous waste? [3745-65-31] Yes No N/A
- 32 Does the generator have the following equipment at the facility, if it is required due to actual hazards associated with the waste:
- a. Internal alarm system? [3745-65-32(A)] Yes No N/A
- b. Emergency communication device? [3745-65-32(B)] Yes No N/A
- c. Portable fire control, spill control and decon equipment? [3745-65-32(C)] Yes No N/A
- d. Water of adequate volume/pressure? [3745-65-32(D)] (per facility rep) Yes No N/A
- NOTE: Verify that the equipment is listed in the contingency plan.
- 33 Is emergency equipment tested (inspected) as necessary to ensure its proper operation in time of emergency? [3745-65-33] Yes No N/A
- 34 Are emergency equipment tests (inspections) recorded in a log or summary? [3745-65-33] Yes No N/A
- 35 Do personnel have immediate access to an internal alarm or emergency communication device when handling hazardous waste (unless the device is not required under 3745-65-32)? [3745-65-34(A)] Yes No N/A
- 36 If there is only one employee on the premises is there immediate access to a device (ex.: phone, hand held two-way radio) capable of summoning external emergency assistance? (Unless not required under 3745-65-32) [3745-65-34(B)] Yes No N/A

- 37 Is adequate aisle space provided for unobstructed movement of emergency or spill control equipment? [3745-65-35] Yes No N/A
- 38 Has the generator attempted to familiarize emergency authorities with possible hazards and facility layouts? [3745-65-37(A)] Yes No N/A
- 39 Where authorities have declined to enter into arrangements or agreements, has the generator documented such a refusal? [3745-65-37(B)] Yes No N/A

SATELLITE ACCUMULATION AREA REQUIREMENTS

- 40 Does the generator ensure that satellite accumulation area(s):
- a. Are at or near a point of generation? [3745-52-34(C)(1)] Yes No N/A
- b. Are under the control of the operator of the process generating the waste? [3745-52-34(C)(1)] Yes No N/A
- c. Do not exceed one quart of acutely hazardous waste at anyone time? [3745-52-34(C)(1)] Yes No N/A
- d. Containers are closed, in good condition and compatible with wastes stored in them? [3745-52-34(C)(1)(a)] Yes No N/A
- e. Containers are marked with words "Hazardous Waste" or other words identifying the contents? [3745-52-34(C)(1)(b)] Yes No N/A
- unless says haz.
- 41 Is the generator accumulating hazardous waste(s) in excess of the amounts listed in the preceding question? If so: Yes No N/A
- a. Did the generator comply with 3745-52-34(A)(1)through(4) or other applicable generator requirements within three days? [3745-52-34(C)(2)] Yes No N/A
- b. Did the generator mark the container(s) holding excess with the accumulation date when the 55 gallon (one quart) limit was exceeded? [3745-52-34(C)(2)] Yes No N/A
- c. Do not exceed a total of 55 gallons of hazardous waste per waste stream? [3745-52-34(C)(1)] Yes No N/A

NOTE: The satellite accumulation area is limited to 55 gallons of hazardous waste accumulated from a distinct point of generation in the process under the control of the operator of the process generating the waste (less than 1 quart for acute hazardous waste). There could be individual waste streams accumulated in an area from different points of generation.

USE AND MANAGEMENT OF CONTAINERS IN <90 DAY ACCUMULATION AREAS

- 42 Has the generator marked containers with the words "Hazardous Waste?" [3745-52-34(A)(3)] Yes No N/A
- 43 Is the accumulation date on each container? [3745-52-34(A)(2)] Yes No N/A
- 44 Are hazardous wastes stored in containers which are:
- a. Closed (except when adding/removing wastes)? [3745-66-73(A)] Yes No N/A
 - b. In good condition? [3745-66-71] Yes No N/A
 - c. Compatible with wastes stored in them? [3745-66-72] Yes No N/A
 - d. Handled in a manner which prevents rupture/leakage? [3745-66-73(B)] Yes No N/A

NOTE: Record location on process summary sheets and photograph the area.

- 45 Is the container accumulation areas(s) inspected weekly? [3745-66-74] Per ORC§1.44(A) "Week" means seven 7 consecutive days. Yes No N/A
- a. Are inspections recorded in a log or summary? [3745-66-74] Yes No N/A
- 46 Are containers of ignitable or reactive wastes located at least 50 feet (15 meters) from the facility's property line? [3745-66-76] Yes No N/A
- 47 Are containers of incompatible wastes stored separately from each other by means of a dike, berm, wall or other device? [3745-66-77(C)] Yes No N/A
- 48 If the generator places incompatible wastes, or incompatible wastes and materials in the same container, is it done in accordance with 3745-65-17(B)? [3745-66-77(A)] Yes No N/A
- 49 If the generator places hazardous waste in an unwashed container that previously held an incompatible waste, is it done in accordance with 3745-65-17(B)? [3745-66-77(B)] Yes No N/A

NOTE: OAC 3745-65-17(B) requires that the generator treat, store, or dispose of ignitable or reactive waste, and the mixture or commingling of incompatible wastes, or incompatible wastes and materials so that it does not create undesirable conditions or threaten human health or the environment.

- 50 If the generator has closed a <90 day accumulation area does the closure appear to have met the closure performance standard of 3745- 66-11? [3745-52-34(A)(1)] Yes No N/A

NOTE: Please provide a description of the unit and documentation provided by the generator to demonstrate that closure was completed in accordance with the closure performance standards. If the generator has closed a <90 day tank, closure must also be completed in accordance with OAC 3745-66-97 (except for paragraph C of this rule). [3745-52-34]

PRE-TRANSPORT REQUIREMENTS

- 51 Does the generator package/label its hazardous waste in accordance with the applicable DOT regulations? [3745-52-30, 3745-52-31 and 3745-52-32(A)] Yes No N/A
- 52 Does each container <110 gallons have a completed hazardous waste label? [3745-52-32(B)] Yes No N/A
- 53 Before off-site transportation, does the generator placard or offer the appropriate DOT placards to the initial transporter? [3745-52-33] Yes No N/A

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

3. Are battery(ies) that show evidence of leakage, spillage or damage that could cause leaks contained? [3745-273-13(A)(1)] Yes No N/A RMK#
4. If batteries are contained, are the containers closed and structurally sound, compatible with the contents of the battery and lack evidence of leakage, spillage or damage that could cause leakage? [3745-273-13(A)(1)] Yes No N/A RMK#
5. Does the SQUWH conduct any of the following activities:
- a. Sort batteries by type? Yes No N/A RMK#
 - b. Mix battery types in one container? Yes No N/A RMK#
 - c. Discharge batteries to remove the electric charge? Yes No N/A RMK#
 - d. Regenerated used batteries? Yes No N/A RMK#
 - e. Disassemble them into individual batteries or cells? Yes No N/A RMK#
 - f. Remove batteries from consumer products? Yes No N/A RMK#
 - g. Remove the electrolyte from the battery? Yes No N/A RMK#
- If so, are the casings of the batteries breached, not intact, or open (except to remove the electrolyte)? [3745-273-13(A)(2)] Yes No N/A RMK#

6. If the electrolyte is removed or other waste generated, has it been determined whether it is a hazardous waste? [3745-273-13(A)(3)] Yes ___ No N/A RMK#___
- a. If the electrolyte or other waste is characteristic, is it managed in compliance with 3745-50 through 3745-69? [3745-273-13(A)(3)(a)] Yes ___ No N/A RMK#___
- b. If the electrolyte or other waste is not hazardous, is it managed in compliance with applicable law? [3745-273-13(A)(3)(b)] Yes ___ No N/A RMK#___
7. Are the battery(ies) of container(s) of batteries labeled with the words "Universal Waste - Batteries" or "Waste Battery(ies)" or "Used Battery(ies)?" [3745-273-14(A)] Yes ___ No N/A RMK#___

UNIVERSAL WASTE LAMPS

8. Does the SQGUHW 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#___
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#___
10. Are the lamps or containers or packages of lamps labeled with the words "Universal Waste - Lamp(s)" or "Waste Lamp(s)" or "Used Lamp(s)?" [3745-273-14(E)] Yes ___ No N/A ___ RMK#___
- abated during inspection

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 (40 CFR 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? Yes ___ No N/A ___ RMK# ___
[3745-273-15(A)] If not:
- a. Was the waste accumulated over one year in order to facilitate proper recovery, treatment or disposal? (Burden of proof is on the handler to demonstrate) [3745-273-15(B)] Yes ___ No N/A RMK# ___

NOTE: Accumulation is defined as date generated or date received from another handler.

12. Is the length of time the universal waste is stored documented by one of the following: [3745-273-15(C)] Yes ___ No N/A ___ RMK# ___
abated during inspection
- 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# ___
- 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# ___
- c. Maintaining an inventory system on-site that identifies the date the universal waste became a waste or was received? [3745-273-15(C)(3)] Yes ___ No ___ N/A RMK# ___
- 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# ___
- 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# ___
- 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# ___

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#___

RESPONSE TO RELEASES

14. Are releases of universal waste and other residues immediately contained? [3745-273-17(A)] Yes ___ No N/A RMK#___
15. Is the material released characterized? [3745-273-17(B)] Yes ___ No N/A RMK#___
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#___

OFF-SITE SHIPMENTS

NOTE: *If a SQUWH self-transport waste, then they must comply with the Universal Waste transporter requirements.*

17. Are universal wastes sent to either another handler, destination facility or foreign destination? [3745-273-18(A)] Yes No N/A ___ RMK#___

NOTE: *SQUWHs are prohibited to send waste to any other facility.*

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#___
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#___
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:
 Yes ___ No N/A RMK# ___
- 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

LDR CHECKLIST

GENERAL LDR REQUIREMENTS

1. Has the generator adequately evaluated all wastes to determine if they are restricted from land disposal? [3745-270-07(A)(1)] If so: Yes No N/A RMK# _____
- a. For determinations based solely on knowledge of the waste: Is supporting data retained on-site? [3745-270-07(A)(6)] Yes No N/A RMK# _____
- b. For determinations based upon analytical testing: Is waste analysis data retained on-site? [3745-270-07(A)(6)] Yes No N/A RMK# _____
2. Has the generator determined each EPA hazardous waste code applicable to the waste? [3745-270-07(A)(2) see Table 1] Yes No N/A RMK# _____
3. Has the generator determined the correct "treatability group(s)" (e.g., wastewater, non-wastewater, etc.)? [3745-270-07(A), Table 1] Yes No N/A RMK# _____
4. Does the generator generate a characteristic hazardous waste? If so: Yes No N/A RMK# _____
- a. Have all underlying hazardous constituents (UHCs) been identified? [3745-270-09(A)] Yes No N/A RMK# _____
- NOTE: If the waste is D001 non-wastewater treated by CMBST, RORGS, POLYM in Table 1 of Rule 3745-270-42 UHCs do not need to be identified.**
5. Does the generator generate listed waste(s) which also exhibit hazardous characteristics? [3745-270-09] If so: Yes No N/A RMK# _____
- a. Has the generator also identified the appropriate treatment standard(s) for the constituent(s) which cause the waste to exhibit a characteristic? [3745-270-09(A)] Yes No N/A RMK# _____
6. Has the generator correctly determined if restricted wastes meet or do not meet treatment standards? [3745-270-07(A)(1)] Yes No N/A RMK# _____
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7. Does the owner/operator ensure that restricted wastes or treatment residues are not diluted as a method of achieving/circumventing LDR treatment standards? [3745-270-03] Yes No N/A RMK#

NOTE: *A generator may dilute a waste (that is hazardous only because it exhibits a characteristic) in a treatment system that discharges to waters of the State pursuant to an NPDES permit (§402 of CWA), that treats waste in a CWA equivalent treatment system, or that treats waste for the purposes of pre-treatment requirements under §307 of CWA, unless a method other than DEACT is specified or the waste is a D003 reactive cyanide wastewater or non-wastewater.*[3745-270-03(B)]

8. Is combustion of any of the wastes identified in the Appendix to Rule 3745-270-03 occurring without meeting one or more of the criteria under Rule 3745-270-03(C) upon generation or after treatment? [3745-270-03(C)] Yes No N/A RMK#

NOTE: *In other words, is combustion a legitimate treatment method.*

9. Has the generator added iron to lead-containing hazardous waste in order to achieve LDR treatment standards for lead? [3745-270-03(D)] Yes No N/A RMK#

10. Does the facility have a case-by-case extension to the effective date to land dispose of hazardous waste?[3745-270-05] If so: Yes No N/A RMK#

- a. The facility can dispose of hazardous waste in a on-site landfill or surface impoundment.[3745-270-05] Yes No N/A RMK#

11. Does the facility have an extension to allow for a restricted waste to be land disposed?[3745-270-06] If so: Yes No N/A RMK#

- a. The facility can land dispose of the waste. [3745-270-06] Yes No N/A RMK#

12. Does the facility treat wastes that are otherwise prohibited from land disposal, in a surface impoundment? If so: Yes No N/A RMK#

a. Has the facility complied with 3745-270-04?

Yes__NoN/ARMK#__

NOTIFICATION AND CERTIFICATION REQUIREMENTS

13. If a generator's waste or contaminated soil does not meet the treatment standards, does the generator have the paperwork required in Column A of Table 1 of 3745-270-07? [3745-270-07(A)(2)]

YesNoN/A__RMK#__

14. If a generators' waste or contaminated soil meets the treatment standard at the original point of generation, does the generator have the paperwork required in Column B of Table 1 of 3745-270-07? [3745-270-07(A)(3)]

Yes__NoN/ARMK#__

15. If a generators' waste is exempt (under 3745-270-05, 3745-270-06, national capacity or case-by-case variance, etc.) does the generator have the paperwork required in Column C of Table 1 of 3745-270-07? [3745-270-07(A)(4)]

Yes__NoN/ARMK#__

16. If a generator manages a lab pack containing hazardous waste using the alternative treatment standard in 3745-270-42, does the generator have the paperwork required in Column D of Table 1 of 3745-270-07? [3745-270-07(A)(9)]

Yes__NoN/ARMK#__

17. Does the generator produce a waste that is hazardous waste from the point of generation, but subsequently excluded from regulation under OAC 3745-51-02 through 3745-51-06? [3745-270-07(A)(7)] If so:

Yes__NoN/A__RMK#__

a. Is a one-time notice placed in the facility's file stating such generation, subsequent exclusion or exemption, and disposition of the wastes? [3745-270-07(A)(7)]

Yes__NoN/ARMK#__

NOTE: Examples include hazardous wastes discharged to a POTW or to a surface water under a NPDES permit.(See 270-07(A)(7))

18. Does the generator retain on-site a copy of all notices, certifications, demonstrations and waste analysis data for at least three years from the last shipment of waste sent off-site? [3745-270-07(A)(8)]

YesNoN/A__RMK#__

REMARKS