



State of Ohio Environmental Protection Agency

Northeast District Office

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Twinsburg, Ohio 44087

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

September 29, 2009

RE: **UNITED INITIATORS, INC.**
CESQG
OHD 046 202 602
LORAIN COUNTY
NOTICE OF VIOLATION

Mr. John Wharton
United Initiators, Inc.
555 Garden Street
Elyria, OH 44035

Dear Mr. Wharton:

Thank you for accompanying me during Ohio EPA's August 31, 2009, inspection of United Initiators, Inc. (United) facility in Elyria, Ohio. Jason Drew also represented United during the inspection. Ohio EPA inspected United to determine its compliance with Ohio's conditionally exempt small quantity hazardous waste generator laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). During the inspection, Ohio EPA also helped you identify ways to prevent pollution by reducing waste. This letter will explain the violations I found and what United needs to do to correct the violations. I have also listed two guidance documents under the Comments section.

Ohio EPA found the following violations of Ohio's hazardous waste laws. In order to correct these violations you must do the following and submit the required information to Ohio EPA **within 30 days** of the date of this letter:

Violations

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

In the maintenance building there were approximately a dozen mixed four foot and eight foot waste lamps in an open four foot box. The box was leaning vertically against the wall.

The box of waste lamps should have been closed. The lamps should be placed in appropriately sized boxes that contain cardboard lamp separators that prevent breakage.

Please document that all waste lamps have been placed into appropriate sized boxes containing a cardboard separator. Please document that the boxes are closed by submitting a photo or written confirmation. Also confirm that the employee(s) responsible for managing waste lamps has been instructed on proper waste lamp management.

2. **Universal Waste Lamp Labeling, OAC 3745-273-14(E):** Waste lamps or containers of universal waste lamps must be labeled with the words, "Universal Waste Lamps" or "Waste Lamps" or "Used Lamps".

The box of waste lamps was unlabeled.

Please document that this box (container) or waste lamps have been labeled by submitting a photo or written confirmation. Also confirm that the employee(s) responsible for managing waste lamps have been instructed on proper management.

3. **Universal Waste Batteries, OAC 3745-273-14(A):** Waste batteries or containers of batteries must be labeled with the words, "Universal Waste – Batteries" or "Waste Battery(ies)" or "Used Battery(ies)".

In the maintenance building we observed a bucket containing waste batteries that did not have the word, "batteries" included with the words, "universal waste.

Please document that this container or waste batteries have been labeled appropriately by submitting a photo or written confirmation. Also confirm that the employee(s) responsible for managing batteries have been instructed on proper management.

4. **Universal Waste Thermostats, OAC 3745-273-14(D):** Waste thermostats or containers of thermostats must be labeled with the words, "Universal Waste – Thermostats" or "Waste Thermostats" or "Used thermostats".

In the maintenance building we observed a waste thermostat containing mercury that was not labeled.

Please document that this thermostat has been labeled by submitting a photo or written confirmation. Also confirm that the employee(s) responsible for managing thermostats have been instructed on proper management.

Mr. John Wharton
United Initiators, Inc.
September 29, 2009
Page 3

Comments

1. During the inspection we discussed the proper disposal of aerosol cans. I have attached an aerosol can recycling guidance.
2. A guidance document on electronic waste can be found at: [www.epa.stte.oh.us/dhwm/pdf/Electronic Equipment Guidance.pdf](http://www.epa.stte.oh.us/dhwm/pdf/Electronic_Equipment_Guidance.pdf).

United may be able to reduce the waste your company generates through recycling. If you find ways to recycle, reduce or altogether eliminate the amount of waste that your company generates, you may be able to reduce treatment and disposal costs. And, you may possibly reduce your regulatory requirements. Ohio EPA also has helpful information about pollution prevention at the following web address: <http://www.epa.state.oh.us/opp>.

If you would like to be considered for an in-depth on-site confidential compliance assistance and/or pollution prevention assessment, or if you would like more information, please contact Adrienne LaFavre at (330) 963-1250.

Enclosed you will find a copy of the checklists that I completed during the inspection. Should you have any questions, please feel free to call me at (330) 963-1214.

You can find copies of the rules and other information on the division's web page at <http://www.epa.state.oh.us/dhwm>.

The Division of Hazardous Waste Management has created an electronic news service to provide you with updates on events and news related to hazardous waste activities in Ohio. You can find more information at <http://web.epa.state.oh.us/dhwm/listserv.html>.

Sincerely,



Kim Gallagher
Environmental Specialist
Division of Hazardous Waste Management

KG:cl
Enclosures

ec: Frank Popotnik, DHWM, NEDO
Natalie Oryshkewych, DHWM, NEDO
cc: Marlene Kinney, DHWM, NEDO

United Nitratex

8-3-09

SMALL QUANTITY UNIVERSAL WASTE HANDLER REQUIREMENTS

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 <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
| 2. | Did the SQUWH dilute or treat universal waste, except when responding to releases as provided in OAC rule 3745-273-17 or managing specific wastes as provided in OAC rule 3745-273-13? [3745-273-11(B)] | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |

WASTE MANAGEMENT AND LABELING/MARKING

UNIVERSAL WASTE BATTERIES

| | | |
|----|--|--|
| 3. | Are batteries that show evidence of leakage, spillage or damage that could cause leaks contained? [3745-273-13(A)(1)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 5. | Are the casings of the batteries breached, not intact, or open (except to remove the electrolyte)? [3745-273-13(A)] | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
| 6. | If the electrolyte is removed or other wastes generated, has it been determined whether the electrolyte or other wastes exhibit a characteristic of hazardous waste? [3745-273-13(A)(3)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| a. | If the electrolyte or other waste is characteristic, is it managed in compliance with OAC Chapters 3745-50 through 3745-69? [3745-273-13(A)(3)(a)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 7. | Are the batteries or containers of batteries labeled with the words "Universal Waste-Battery(ies)" or "Waste Battery(ies)" or "Used Battery(ies)"? [3745-273-14(A)] | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |

UNIVERSAL WASTE PESTICIDES

| | | |
|-----|--|---|
| 8. | Does the SQUWH prevent releases to the environment by managing pesticides in containers that are closed, structurally sound, compatible with the pesticides, and lack evidence of leakage, spillage, or damage? [3745-273-13(B)(1)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 9. | If the original pesticide container is in poor condition, was it over-packed into an acceptable container? [3745-273-13(B)(2)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 10. | If the pesticide is stored in a tank, are the requirements of rules 3745-66-90 through 3745-66-101, except for paragraph (C) of 3745-66-97, of the OAC met? (Use tank checklist) [3745-273-13(B)(3)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 11. | If pesticides are stored in a transport vehicle, is it closed, structurally sound, compatible with the pesticide(s), and does it lack evidence of leakage, spillage, or damage that could cause leakage? [3745-273-13(B)(4)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 12. | Are recalled universal waste pesticides that are in containers, tanks, or transport vehicles labeled with the label that was on or accompanied the product as sold or distributed and labeled with the words "Universal Waste Pesticides" or "Waste Pesticides"? [3745-273-14(B)(1)&(2)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 13. | Are unused pesticide products that are in containers, tanks, or transport vehicles labeled with either the label that was on the product when purchased (if still legible), the appropriate DOT label, or the designated label prescribed by the pesticide collection program and labeled with the words "Universal Waste-Pesticides" or "Waste Pesticides"? [3745-273-14(C)(1)&(2)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |

| UNIVERSAL WASTE MERCURY-CONTAINING EQUIPMENT | | |
|--|---|--|
| 14. | Has mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage or damage that could cause leaks been placed in a container that is closed, structurally sound, compatible with contents of the device and lacks evidence of leakage, spillage or damage that could cause leakage and is designed to prevent escape of mercury into the environment by volatilization or any other means? [3745-273-13(C)(1)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 15. | If the mercury-containing ampules are removed, does the SQUWH: [3745-273-13(C)(2)] | |
| a. | Remove and manage the ampules in a manner to prevent breakage and is the removal done over or in a containment device? [3745-273-13(C)(2)(a)&(b)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| b. | Have a clean-up system readily available to transfer spilled mercury to another container that meets the requirements of OAC rule 3745-52-34 and is the spilled mercury transferred immediately? [3745-273-13(C)(2)(c)&(d)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| c. | Ensure that the area where ampules are removed is well ventilated and monitored in compliance with applicable OSHA exposure levels for mercury? [3745-273-13(C)(2)(e)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| d. | Ensure that employees are thoroughly familiar with the proper waste handling and emergency procedures? [3745-273-13(C)(2)(f)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| e. | Ensure that removed ampules are stored in closed, non-leaking containers that are in good condition? [3745-273-13(C)(2)(g)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| f. | Pack removed ampules in containers with packing material to prevent breakage during storage, handling and transportation? [3745-273-13(C)(2)(h)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 16. | If the open original housing holding mercury is removed from a mercury-containing equipment that does not contain an ampule, does the SQUWH: [3745-273-13(C)(3)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| a. | Immediately seal the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment? [3745-273-13(C)(3)(a)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| b. | Follow all requirements for removing ampules and managing removed ampules in accordance with 3745-273-13(C)(2)? [3745-273-13(C)(3)(b)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 17. | When removing mercury containing ampules from mercury-containing equipment or sealing mercury from its original housing if there are mercury or clean-up residues resulting from spills or leaks, and/or other waste generated (e.g., remaining mercury-containing device), has it been determined whether those exhibit a characteristic of hazardous waste identified in OAC rules 3745-51-20 to 3745-51-24? [3745-273-13(C)(4)(a)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| a. | If the residues, and/or wastes are characteristic, are they managed in compliance with Chapters 3745-50 through 3745-69, 3745-205, 3745-256, 3745-266, and 3745-270 of the Administrative Code? (The handler is considered the generator of the mercury, residues, and/or other waste and is subject to OAC Chapter 3745-52) [3745-273-13(C)(4)(b)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 18. | Is mercury-containing equipment or containers of mercury-containing equipment labelled either "Universal Waste-Mercury-Containing Equipment" or "Waste Mercury-Containing Equipment" or "Used Mercury-Containing Equipment"? [3745-237-14(D)(1)] | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
| 19. | Are mercury-containing thermostats or containers containing ONLY thermostats labeled either "Universal Waste-Mercury Thermostat(s)" or "Waste Mercury Thermostat(s)" or "Used Mercury Thermostat(s)"? [3745-273-14(D)(2)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |

| UNIVERSAL WASTE LAMPS | | |
|--|---|--|
| 20. | Does the SQUWH contain lamps in containers or packages that are structurally sound, adequate to prevent breakage, and 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 <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
| 21. | 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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 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 (OAC rule 3745-52-34). Crushed lamps must be transported by a registered hazardous waste transporter to a permitted hazardous waste facility using a hazardous waste manifest. | | |
| 22. | 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 <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
| ACCUMULATION TIME | | |
| 23. | Is the waste accumulated for less than one year? [3745-273-15(A)] | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| a. | If not, is 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 <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| NOTE: Accumulation is defined as date generated or date received from another handler. | | |
| 24. | Is the handler able to demonstrate the length of time the universal waste has been accumulated? [3745-273-15(C)] If yes, describe below: | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| EMPLOYEE TRAINING | | |
| 25. | 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 <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| RESPONSE TO RELEASES | | |
| 26. | Are releases of universal waste and other residues immediately contained? [3745-273-17(A)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 27. | Is the material released characterized? [3745-273-17(B)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 28. | If the material released is a hazardous waste, was 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 OAC Chapter 3745-52) [3745-273-17(B)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| OFF-SITE SHIPMENTS | | |
| NOTE: If a SQUWH self-transport waste, then the handler must comply with the Universal Waste transporter requirements. | | |
| 29. | Are universal wastes sent to either another handler, destination facility or foreign destination? [3745-273-18(A)] | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |

| | | |
|----------------|---|--|
| 30. | Is the handler aware of DOT requirements for packaging and shipping? If no, make aware of 49 CFR 171-180. | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 31. | Prior to shipping universal waste off-site, does the originating handler ensure that the receiver agrees to receive the shipment? [3745-273-18(D)] | Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> |
| 32. | Has the originating handler ever had an off-site shipment rejected by another handler or destination facility? | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
| | a. If yes, did the originating handler receive the waste back or agree to where the shipment was sent? [3745-273-18(E)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 33. | If a handler rejects a partial or full load from another handler, does the receiving handler contact the originating handler and discuss and do <u>one of the following</u> : | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| | a. Send the waste back to the originating handler or send the shipment to a destination facility (If both the originating and receiving handler agree)? [3745-273-18(F)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| 34. | If the handler received a shipment of hazardous waste that was not a universal waste, did the SQUWH immediately notify Ohio EPA? [3745-273-18(G)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| EXPORTS | | |
| 35. | Is waste being sent to a foreign destination? If so: | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> |
| | a. Does the small quantity handler comply with primary exporter requirements in OAC rules 3745-52-53, 3745-52-56, and 3745-52-57? [3745-273-20(A)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| | b. Is waste exported only upon consent of the receiving country and in conformance with the U.S. EPA "Acknowledgment of Consent" as defined in OAC rules 3745-52-50 to 3745-52-57? [3745-273-20(B)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |
| | c. Is a copy of the U.S. EPA "Acknowledgment of Consent" provided to the transporter? [3745-273-20(C)] | Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> |