Ohio | Environmental Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Maverick Innovative Solutions fka Automotive Welding and Manufacturing Co.
Ashland County
NOV/PRTC
OHD004173506
CESQG

August 3, 2011

Mr. Jack Nissen, Vice President
Maverick Innovative Solutions
301 West Prospect Street
Smithfield, Ohio 44677

Dear Mr. Nissen:

Thank John Tessler for accompanying me during the Ohio Environmental Protection Agency's (Ohio EPA) July 14, 2011, compliance evaluation inspection of your facility located at 532 County Road 1600, Ashland, Ohio. I inspected your facility to determine the facility's compliance with Ohio's hazardous waste laws as found in Chapter 3734. of the Ohio Revised Code (ORC) and Chapter 3745. of the Ohio Administrative Code (OAC). This inspection consisted of a walkthrough of the facility and paperwork review. Pollution prevention options were also discussed during this inspection. This letter will explain the violations I found and what you need to do to correct those violations.

Maverick Innovative Solutions, LLC (MIS) formerly known as Automatic Welding and Manufacturing Company is a manufacturer of large industrial equipment. MIS utilizes large sheets of aluminum, stainless steel, and mild steel, which are cut, shaped, welded, sand blasted and painted to fabricate large exhaust systems for use in steam turbines. MIS generates between 5 to 10 gallons of spent solvent/paint waste (D001, F003, and F005) from its solvent based painting operation. This hazardous solvent/paint waste is disposed of off-site. MIS also conducts powder coat painting which does not generate any hazardous waste. In addition, MIS is a generator of used oil (less than 5 gallons/mo.), which is currently being given to another company (Heisler's Truck Service, Ashland) for energy recovery. At the time of this inspection, MIS was disposing of its spent light bulbs as solid waste (less than 1 bulb per month). At the time of this inspection, MIS was a conditionally exempt small quantity generator of hazardous waste.

I found the following violations of Ohio's hazardous waste laws. You must abate these violations within 30-days of receipt of this letter.

1. OAC Rule 3745-52-11: Waste Evaluation

Any person, who generates a waste, as defined in Rule 3745-51-02 of the administrative code, must determine if that waste is a hazardous waste.

MIS has failed to properly evaluate the spent fluorescent bulbs generated at the facility prior to disposal.

During the inspection, you stated that in the past MIS disposed of the spent fluorescent light bulbs in the trash. MIS must not dispose of any spent light bulbs as non-hazardous waste in the local landfill until a proper waste evaluation has been completed.

The waste evaluation must be conducted through one of ***three options:***

1) MIS may apply generator knowledge of the hazardous characteristic(s) of the waste in light of the materials or the processes used through adequate documentation [manufacturer analytical information – Toxicity Characteristic Leaching Procedure (TCLP) test results], or

2) MIS may take a representative sample of this waste to properly evaluate this waste stream through a laboratory analysis which lists constituents present and at what concentration. MIS must ensure that the laboratory chosen to perform this sampling utilizes the proper method(s) to evaluate these bulbs.

MIS must sample the fluorescent bulbs to determine the concentration of mercury (D009), cadmium (D006) and lead (D008) as listed in the OAC Rule 3745-51-24 following the method as outlined in U.S. EPA's SW-846. MIS may run a total concentration for these constituents as a screening tool.

If the concentration is detected for mercury, lead or cadmium at or above the regulatory limit, a TCLP may be required to ensure this constituent is not present above the Ohio EPA regulatory level; or

3) a combination of options 1 and 2.

If the bulbs are determined to be hazardous through a proper waste evaluation, MIS will have to manage their bulbs either as 1) a universal waste (OAC Chapter 3745-273) or 2) as a hazardous waste under Ohio's generator standards (OAC Chapter 3745-52).

Instead of taking samples for analysis as described above, MIS may recycle their bulbs if they are hazardous or non-hazardous by managing them as universal waste. Ohio EPA would encourage this option as a pollution prevention alternative. Please refer to the information I gave you on how to manage light bulbs as universal waste.

Ohio EPA will use the analytical data you provide, in addition to other documentation, to make regulatory and compliance decisions concerning the wastes tested. This review by Ohio EPA does not alleviate MIS's responsibility to independently determine whether the wastes tested are hazardous wastes pursuant to OAC Rule 3745-52-11. The data you submit should be reviewed using a data review process, referred to as data validation, to confirm the validity of your data prior to submission. Data validation includes a review of the following components: laboratory test methods, laboratory data completeness, documentation of holding time(s), chain(s) of custody, and quality assurance/quality control (QA/QC) data.

To confirm the validity of your data, you may use Ohio EPA's tier 1 data validation plan review form which can be obtained from Ohio EPA's web page: http://www.epa.state.oh.us/dhwm/tier_i_data_validation_manual.html.

Ohio EPA may request the documentation needed to confirm the validity of the data submitted. Please submit a brief narrative of each sampling event which includes: sampling techniques used to obtain the sample and a description of how this sample was determined to be a representative sample of the waste tested.

Please note, if the waste is hazardous, you must evaluate it to determine if it is restricted from land disposal in accordance with OAC Chapter 3745-270. In addition, you must properly dispose of or recycle the waste.

A copy of the waste disposal documentation and EPA waste codes applicable to the waste must be submitted to me at the Ohio EPA, Northwest District Office (NWDO) prior to disposal.

To abate this violation, MIS must inform me in writing as to how the facility plans to manage the spent fluorescent light bulbs and other spent light bulbs. MIS must also submit copies of analytical results if sampling or any agreement with a recycling facility if you decide to manage the bulbs as universal waste.

2. OAC 3745-279-22 (C)(1) Used oil storage container labeling.

Containers and above ground tanks used to store used oil at generator facilities shall be labeled or marked clearly with the words "Used Oil."

MIS did not label four (4) containers of used oil located indoors.

MIS labeled all containers with the words "Used Oil" during the compliance evaluation inspection. ***This violation has been abated.***

3. OAC 3745-279-24 Used Oil Shipments.

Used oil generators must ensure that their used oil is transported only by transporters who have obtained U.S. EPA identification numbers. If the used oil is self-transported, the generator must ensure that the collection center is registered with Ohio EPA to manage used oil.

MIS failed to transport the used oil by a transporter that has obtained a U.S. EPA identification number. In addition, the used oil collection entity was not registered with Ohio EPA to manage used oil.

To abate this violation, MIS must respond in writing explain future plans on how you will properly manage used oil. Keep in mind that a generator of used oil may self-transport up to a 55-gallon drum of used oil utilizing a company vehicle to a registered facility. MIS must include the name of the transporter and collection facility that is planned to be used.

The Division of Materials and 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 http://ohioepa.custhelp.com/cgi-bin/ohioepa.cfg/php/enduser/doc_serve.php?2=subscriptionpage. Please feel free to share this information with your colleagues.

As we discussed during the inspection, if you find ways to recycle reduce or altogether eliminate the amount of waste that your company generates you may be able to reduce your treatment and disposal costs. Thus, you may possibly reduce your regulatory requirements. Ohio EPA has helpful information about pollution prevention at the following web address: http://www.epa.ohio.gov/ocapp.

Enclosed you will find a copy of the checklists that were completed as a result of this inspection. You can find copies of the rules and other information on the division's web page at http://www.epa.ohio.gov/dhwm/.

For your information, I am providing you with the following documents: Universal Waste Guidance, December, 2004; Universal Waste Rules for Handlers of Lamps, June, 2005; Computer, Fluorescent Lamps, and Ballasts Recyclers List, November, 2008; and The Regulation of Used Oil: An Overview for Ohio Business Who Generate Used Oil, April, 2006; .

Should you have any questions or if I can be of assistance, please contact me at (419) 373-3015.

Sincerely,

Edgar V. Pulido
Division of Materials and Waste Management

/llr

Enclosures

pc: Cindy Lohrbach, DMWM, NWDO
Colleen Weaver, Supervisor, DMWM, NWDO
DMWM-HW, NWDO File: Maverick Innovative Solutions, LLC, Ashland County (new)
ec: Ed Pulido, DMWM, NWDO

NOTICE: Ohio EPA's failure to list specific deficiencies or violations in this letter does not relieve your company from having to comply with all applicable regulations.

Send to Central Office ☒	Ohio Environmental Protection Agency **RCRA SUBTITLE C SITE IDENTIFICATION/VERIFICATION FORM**	For Ohio EPA use only

Completed verification forms required to be submitted to CO should be e-mailed to brad.hauser@epa.state.oh.us

Site EPA ID No.	EPA ID Number: OHD004173506							
Site Name	Name: **Maverick Innovative Solutions, LLC**				Website: (Optional) http://www.maverick-s.com/default.html			
Site Location Information	Street Address: 532 County Road 1600							
	City, Town, or Village: Ashland				State: OH			
	County Name: Ashland				Zip Code: 44805			
Site Land Type (check only one)	Private ☒	County ☐	District ☐	Federal ☐	Indian ☐	Municipal ☐	State ☐	Other ☐
NAICS code(s) www.census.gov/epcd/www/naics.html	**332313**							
Facility Representative	First Name: Jack		MI:		Nissen			
	Phone Number: (330)669-2631				Phone Number Extension:			
Additional names can be recorded in number 12	E-Mail Address: jack.nissen@maverickcm.com							
	Fax Number: (330)669-3188				Fax Number Extension:			
Only provide address information if it is different than the site address	Street or P.O. Box:							
	City, Town or Village:							
	State:				Zip Code:			
Legal Owner And Operator of the Site. List Additional Owners and/or Operators in the Comment Section or on another copy of this form page	Name of Site's Legal Owner: Maverick Corporate Management				Date Became Owner (mm/dd/yyyy): 11/21/2005			
	Owner Type:	Private ☒	County ☐	District ☐	Federal ☐	Indian ☐	Municipal ☐	State ☐	Other ☐
	Street or P.O. Box: 301 West Prospect Street							
	City, Town or Village: Smithfield				Owner Phone #: (330)669-2631			
	State: Oh				Country: USA		Zip Code: 44677	
	Name of Site's Operator:				Date Became Operator (mm/dd/yyyy):			
	Operator Type:	Private ☐	County ☐	District ☐	Federal ☐	Indian ☐	Municipal ☐	State ☐	Other ☐
	Street or P.O. Box:							
	City, Town or Village:				Operator Phone #:			
	State:				Country		Zip Code:	

VIOLATIONS CITED? ☒ Yes ☐ No

TYPE OF HANDLER - MARK "X" AS APPROPRIATE

☐ Not a HW Generator	☐ UNKNOWN: Cited for violation of 3745-52-11	☐ Large Quantity Generator (LQG)
		☐ Small Quantity Generator (SQG)
		☒ Conditionally Exempt Small Quantity Generator
		☐ U.S. Importer of Hazardous Waste
		☐ Mixed Waste (Hazardous and Radioactive) Generator

TYPE OF REGULATED WASTE ACTIVITY (MARK "X" IN ALL OF THE APPROPRIATE BOXES)

- ☐ Recycler of Hazardous Waste
- ☐ Underground Injection Control Facility
- ☐ Hazardous Waste Transporter
- ☐ Treater, Storer or Disposer of Hazardous Waste
- ☐ Exempt Boiler and/or Industrial Furnace
- ☐ Small Quantity On-Site Burner Exemption
- ☐ Smelting, Melting, Refining Furnace Exemption

UNIVERSAL WASTE ACTIVITIES (INDICATE TYPES OF UNIVERSAL WASTE MANAGED (CHECK ALL BOXES THAT APPLY)

☐ Small Quantity Handler of Universal Waste ☐ Destination Facility for Universal Waste

☐ Large Quantity Handler of Universal Waste (accumulates 5,000 kg. or more)

CHECK ALL BOXES BELOW THAT APPLY FOR THE TYPES OF UNIVERSAL WASTE THE FACILITY MANAGES

☐ Batteries
☐ Pesticides
☐ Mercury containing equipment
☐ Lamps

USED OIL ACTIVITIES (INDICATE TYPE(S) OF ACTIVITY(S)

☒ Used Oil Generator
☐ Used Oil Transporter
☐ Used Oil Transfer Facility
☐ Used Oil Processor
☐ Used Oil Re-refiner
☐ Off-Specification Used Oil Burner
☐ Used Oil Fuel Marketer Who Directs Shipment of Off-Spec. Oil
☐ Used Oil Fuel Marketer to Off-Specification Used Oil Burner

Waste Codes for Federally Regulated Hazardous Wastes. Please list the codes for the federally regulated hazardous waste handled at the site. List them in the order they are presented in the regulations (e.g., D001, D003, F007, U112). Use an additional page or list them in the comments if more space is needed. If the waste codes are the same as listed in the most recent RCRAInfo source record, you do not need to list them. Instead just indicate the date of the most recent source record.

D001 F003 F005

COMMENTS: USE THIS AREA TO DESCRIBE WHETHER THE INSPECTION WAS ANNOUNCED, WHETHER THE WASTE IS STORED IN TANKS OR CONTAINERS, ETC.

Announced	☐ Yes	☒ No	Additional Facility Representatives:
Tanks	☐ Yes	☒ No	
Containers	☒ Yes	☐ No	

Name of Inspector(s)	Name of Inspector(s)	Date of Inspection/Time (mm/dd/yyyy) (hh:mm)
Ed Pulido		**07/14/2010 1:30**

Comments:

Revised 03.25.09.SiteVerifyForm.doc

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 ☒
NOTE: For example, used oil contaminated scrap metal stored in a pile.			
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 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)]	Yes ☒ No ☐ N/A ☐
	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:	
	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 that 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 ☒
NOTE: Ash accumulated in a space heater must be managed in accordance with 3745-279-10(E).			
GENERATOR TRANSPORTATION			
11.	Does the generator have the used oil hauled only by transporters that have obtained a U.S. EPA ID#?		Yes ☐ No ☒ N/A ☒
12.	If the generator self-transports used oil to an approved collection site or to an aggregation point owned by the generator: [3745-279-24]		
	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			
13.	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 ☒
14.	Is the non-DIY used oil collection center registered with Ohio EPA? [3745-279-31]		Yes ☐ No ☐ N/A ☒
15.	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.			

CONDITIONALLY EXEMPT SMALL QUANTITY GENERATOR REQUIREMENTS
COMPLETE AND ATTACH A PROCESS, WASTE, P2 SUMMARY SHEET

CESQG: ≤100Kg. (Approximately 25-30 gallons) of waste in a calendar month or < 1 Kg. of acutely hazardous waste.
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:

WASTE EVALUATION			
1.	Have all wastes generated at the facility been adequately evaluated? [3745-52-11]		Yes ☒ No ☐ N/A ☐
GENERATOR CLASSIFICATION			
2.	Does the generator produce <100 kg. of hazardous waste per month? [conditionally exempt small quantity generator ("CESQG")]		Yes ☒ No ☐ N/A ☐
*NOTE: If quantities of hazardous waste accumulated on-site at any one time exceed 1,000 Kg. - or the generator produces between 100 and 1,000 Kg. of hazardous waste per month, it is operating as a Small Quantity Generator ("SQG"). **If so**, complete the Small Quantity Generator Requirements checklist.*			
OFF-SITE SHIPMENT OF HAZARDOUS WASTE			
3.	Does the CESQG ensure delivery of hazardous waste(s) to an off-site permitted TSD? [3734.02(F)]		Yes ☒ No ☐ N/A ☐
TREATMENT OF HAZARDOUS WASTE			
4.	Does the generator treat hazardous waste in a:		
	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)?	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 the CESQG conducts treatment they are subject to the LQG requirements.			
NOTE: If waste is treated to meet LDRs, use LDR checklist.			
MIX HAZARDOUS WASTE WITH USED OIL			
5.	Does the CESQG mix its hazardous waste with used oil for the purpose of burning for energy recovery? [3745-51-05(J)] If so:		Yes ☐ No ☒ N/A ☐
	a.	Does the CESQG manage the mixture in accordance with 3745-279-21?	Yes ☐ No ☐ N/A ☒

PROCESS DESCRIPTION/WASTE ACTIVITIES SUMMARY

Facility Name: Maverick Innovative Solutions, LLC. LQG/SQG/CESQG/TSD **EPA ID#:** OHD 004 173 506

	Description of Waste				***On-Site Management***			***Off-Site Management***	
	Process/Activity Generating Waste (e.g. plating bath, machining, baghouse, painting, etc)	**Waste Generated** (e.g. sludge, spent solvent, ash, etc)	**EPA Waste Code**	**QTY Generated per Month**	**Type of Accumulation/ Storage** (e.g. container, tank, etc)	**Type of On-Site Treatment** (recycle, wwt, etc)	**Waste Location** (Include map if possible)	**Name, state, and type of activity occurring at the facility.**	**P2 Activities**
1	Maintenance	Used oil	N/A	<5 gallons	Container	N/A	Indoors	TBD	Burn for energy recovery
2	Maintenance	Spent lamps	N/A	<1 unit	N/A	N/A	N/A	TBD	Solid waste
3	Painting	Spent solvent/pain	D001 F003 F005	5-10 gallons	Container	N/A	Indoor	Hukill Environmental Services 7013 Krick Road Bedford, Ohio 44146	
4									
5									