

**BEFORE THE WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD**

RECEIVED

**MAXXIM MANUFACTURING, LLC,**

JAN 3 2024

**Appellant,**

Environmental Quality Board

v.

Appeal No.

25-02-EQB

**DIRECTOR, OFFICE OF MINING AND RECLAMATION, DEPARTMENT OF ENVIRONMENTAL PROTECTION,**

**Appellee.**

**NOTICE OF APPEAL**

**A. ACTION COMPLAINED OF:**

The Appellant above-named respectfully represents that it is aggrieved by WVDEP’s December 6, 2024 denial of its request for partial termination of Order MM-23-08. A copy of the WVDEP’s denial is attached as Exhibit 1.

The Appellant prays that this matter be reviewed and that the Board order WVDEP to grant its request for partial termination of Order MM-23-08.

The specific objections to the action, including questions of fact and law to be determined by the Board, are set forth in detail in separate numbered paragraphs below.

**B. FACTUAL BACKGROUND**

1. Appellant Maxxim Manufacturing, LLC (“Maxxim”) is the current owner and operator of a welding, fabrication, and repair shop located at 1712 Coal Heritage Road in Bluefield, WV (EPA ID No. WVR000516765) (the “Bluefield Machine Shop”). Maxxim acquired the Bluefield Machine Shop on December 7, 2022.

2. Prior to Maxxim’s acquisition of the Bluefield Machine Shop, IPM Technologies owned and operated it. IPM also operated a separate chrome plating machine shop in Princeton, WV (the “Princeton Facility”). On August 1, 2022, WVDEP personnel conducted an inspection at both the Bluefield Machine Shop and the Princeton Facility in response to a complaint and issued NOV Nos. 2209-007 and I-22-28-033-MDP, which were related to IPM’s storage and handling of potentially hazardous waste at both facilities.

3. In order to resolve the NOVs issued at the Bluefield Machine Shop and the Princeton Facility, IPM and WVDEP entered into a Consent Order. *See* Exhibit 2 (Consent Order). After going through public notice and comment, the Consent Order was considered effective on August 30, 2023. *Id.* Paragraph 6 of the Consent Order provided that it would be binding on IPM as well as its successors and assigns, which would include Maxxim. *Id.*

4. As part of the August 2023 Consent Order, IPM agreed to “submit for approval a proposed plan of corrective action and schedule, outlining action items and completion dates for how and when IPM will achieve compliance with the WV/NPDES permit and all pertinent laws and rules.”

5. IPM submitted and executed corrective action plans for all violations cited during the August 1, 2022 inspection at the Bluefield Machine Shop. The chart below specifies the corrective action corresponding to each of violations of the Code of Federal Regulations and/or WV Legislative Rules described in the Order and the date on which the actions were completed for the Bluefield Machine Shop. *See* Figure 1.

6. WVDEP’s May 12, 2023 Compliance Evaluation Inspection report confirmed compliance with the corrective measures outlined in the corrective action plans and the Consent Order. *See* Exhibit 3. The cover letter to the inspection report states that “[t]here were no deficiencies noted during the inspection.”

Fig. 1

Corrective Action	Date of Completion	Paragraph/Violation
<p>A monthly tracking has been added to the Waste Inspection Logbook to track how much, if any, Hazardous Waste is picked up from the facility. Generator Category was determined by the DEP to be a Small Generator.</p>	<p>4/28/22</p>	<p>(7.a.) 40CFR262.13 - IPM failed to determine the monthly generator category.</p>
<p>Samples were sent off for the two drums that were mislabeled. Reports have verified that there was no 004 arsenic in them and have been disposed of through the disposal company. Sent Casey Stutler the Sample reports for the honing oil and sludge for determination of waste. This was approved through DEP 11/09/2022.</p>	<p>11/09/22</p>	<p>(7.b.) 40CFR262.11 - IPM failed to perform hazardous waste determinations.</p>
<p>IPM is in the process of negotiating removal of all hazardous waste containers/tanks from property through a reputable waste removal company. The satellite storage area will contain a holding tank(s); containers (2) each will sit in as a source of secondary containment. IPM to provide and instruction to be given to facility employees on how and where to check for leaks of stored containers as well as checking for leaks from/around secondary containment units. Once removal of all hazardous waste containers/tanks from property through a reputable waste removal company, this pickup process will be scheduled on a 8-10 week schedule for pickup and removal of hazardous/ Non-hazardous waste from the facility. There are monitoring controls that have been added to the DAILY, WEEKLY, MONTHLY, QUARTLY INSPECTIONS CHECKS LOGBOOK to ensure that containers and secondary tanks are inspected for leaks. 11/15/2022 (on-going monitoring and tracking will be performed). DEP has been provided photos of the Waste Storage Area and containment as well as the</p>	<p>11/23/2022</p>	<p>(7.c.) 47CSR58 4.7.d — IPM failed to store containers containing materials that have the potential to contaminate groundwater in such a manner that spills and leaks were contained. Multiple 55-gallon drums, some of which contained potentially hazardous waste, were stored without secondary containment.</p>

trucking manifest to show bulk waste has been removed.		
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7. Paragraph 7 of the Consent Order provides that it “shall terminate upon IPM’s notification of full compliance with the ‘Order for Compliance’ and verification of this notification by WVDEP.

8. By letter dated November 17, 2023, Maxxim provided WVDEP with a “Notification of Full Compliance with Consent Order MM-23-08,” as to the Bluefield Machine Shop. Exhibit 4. On December 6, 2024, WVDEP notified Maxxim via email that the agency does “not offer partial terminations of Order” and denied Maxxim’s termination request. Exhibit 1.

C. QUESTIONS OF FACT AND LAW/SPECIFIC OBJECTIONS

The specific objections to the action, including questions of fact and law to be determined by the Board, are set forth in detail in separate numbered paragraphs below. The objections may be factual or legal:

- 1. As a matter of fact and law, Appellant believes Appellee acted arbitrarily, capriciously, or otherwise in violation of the law as described above in issuing its December 7, 2024 denial of Appellant’s request for partial termination of the Consent Order.
  
- 2. Appellant believes Appellee’s refusal to approve a partial termination of a Consent Order as to the Bluefield Machine Shop is require is based on a mistake of law

D. RELIEF REQUESTED

Pursuant to W. Va. Code § 22-11-21 and § 22B-1-7, Clear Fork therefore prays that this matter be reviewed and that the Board order WVDEP to grant Appellant’s request for termination of the Consent Order as to the Bluefield Machine Shop.

Maxxim Manufacturing, LLC



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CHRISTOPHER M. HUNTER (WVBN 9768)

M. SHANE HARVEY (WVBN 6604)

JACKSON KELLY, PLLC

1600 Laidley Tower

Post Office Box 553

Charleston, West Virginia 25322

*Counsel for Maxxim Manufacturing, LLC*

**BEFORE THE WEST VIRGINIA ENVIRONMENTAL QUALITY BOARD**

**MAXXIM MANUFACTURING, LLC,**

**Appellant,**

**v.**

**Appeal No.** 25-02-EQB

**DIRECTOR, OFFICE OF MINING AND  
RECLAMATION, DEPARTMENT OF  
ENVIRONMENTAL PROTECTION,**

**Appellee.**

**CERTIFICATE OF SERVICE**

I, Christopher M. Hunter, hereby certify that a true and exact copy of the foregoing NOTICE OF APPEAL was caused to be served upon the following via United States mail, postage pre-paid, this 3rd day of January 2025.

Charles S. Driver  
Office of Legal Services  
West Virginia Department of Environmental Protection  
601 57th Street, SE  
Charleston, WV 25304



**CHRISTOPHER M. HUNTER**

# Exhibit 1

**From:** "Blair, Samantha N" <[samantha.n.blair@wv.gov](mailto:samantha.n.blair@wv.gov)>  
**Date:** December 6, 2024 at 11:09:43 AM EST  
**To:** Shelley Surles <[SSurles@alphametresources.com](mailto:ssurles@alphametresources.com)>  
**Subject:** Order MM-23-08 issued to Industrial Plating

You don't often get email from [samantha.n.blair@wv.gov](mailto:samantha.n.blair@wv.gov). [Learn why this is important](#)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning,

I recently became the Enforcement Officer for the EE Administrative Unit and was contacted by our Haz Waste personnel that you had questions in relation to Order MM-23-08 issued to Industrial Plating and Machine. It is my understanding that Maxxim Manufacturing is a tenant of the Bluefield site, which was included in the Order, and you had requested a partial termination of the Order because the Bluefield site had come back into compliance. While we do appreciate the efforts made to achieve and maintain compliance we do not offer partial terminations of Orders. If you have any further questions, feel free to reach out via email or phone.

Thank you,  
Samantha

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**Samantha Blair**

*Department of Environmental Protection*

Assistant Chief Inspector

Administrative Enforcement

601 57th Street

Charleston, WV 25304

304-281-6702



# Exhibit 2



west virginia department of environmental protection

Environmental Enforcement  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Telephone: (304) 926-0470 Fax: (304) 926-0488

Harold D. Ward, Cabinet Secretary  
dep.wv.gov

September 1, 2023

Industrial Plating & Machine Inc.  
Shannon Remines, VP - Manufacturing  
PO BOX 569  
Bluefield, WV 24701

**CERTIFIED RETURN RECEIPT REQUESTED**

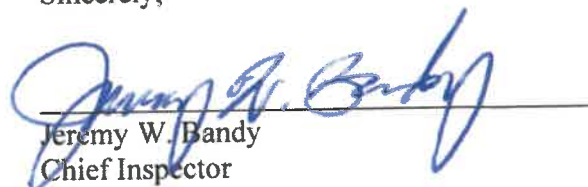
9489 0090 0027 6501 9431 01

Dear Shannon Remines:

The public notice requirements of Legislative Rule, Title 47, Series 1 (47CSR1) have been completed. No comments were received during the comment period; therefore, no changes have been made to Order No. MM-23-08. Enclosed please find a fully executed copy of this final Order, effective August 30, 2023.

Please note the requirements under the Order for Compliance. Every effort should be made to comply with the terms of this Order. Should you have any questions regarding this matter, please contact David C. Simmons, Assistant Chief Inspector, at (304) 926-0470.

Sincerely,

  
Jeremy W. Bandy  
Chief Inspector

Enclosure

cc: Katheryn Emery, P.E., Director, DWWM (via e-mail)  
Yogesh Patel, Assistant Director, DWWM/Permits (via e-mail)  
David C. Simmons, Assistant Chief Inspector, EE (via e-mail)  
Brad Wright, Assistant Chief Inspector, EE (via e-mail)  
Joseph Sizemore, Assistant Chief Inspector, EE/HW & Tanks (via e-mail)  
Laura McGee, Environmental Resources Program Manager, EE (via e-mail)  
Cindy Blugerman, Environmental Resources Specialist, EE (via e-mail)  
Amaris Elliott, Environmental Resources Associate, EE (via e-mail)  
Gregory Morris, Environmental Inspector Supervisor, EE/WW (via e-mail)  
Michael Puckett, Environmental Inspector, EE/WW (via e-mail)  
John Killian, Environmental Inspector Supervisor, EE/HW (via e-mail)

Promoting a healthy environment.

Casey Stutler, Environmental Inspector, EE/HW (via e-mail)  
Shyrel Moellendick, MSSS, EE (via e-mail)  
Allison Gieda, US EPA, Region III (via e-mail)  
Greg Null, A/R Manager (via e-mail)



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west virginia department of environmental protection

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Division of Water and Waste Management  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Phone: (304) 926-0470  
Fax: (304) 926-0488

Harold D. Ward, Cabinet Secretary  
dep.wv.gov

**CONSENT ORDER  
ISSUED UNDER THE  
WATER POLLUTION CONTROL ACT  
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 11  
AND THE  
GROUNDWATER PROTECTION ACT  
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 12  
AND THE  
HAZARDOUS WASTE MANAGEMENT ACT  
WEST VIRGINIA CODE, CHAPTER 22, ARTICLE 18**

**TO:** Industrial Plating & Machine Inc.  
Shannon Remines, VP–Manufacturing  
P.O. Box 569  
Bluefield, WV 24701

**DATE:** June 6, 2023

and

IPM Technologies  
Shannon Remines, VP–Manufacturing  
P.O. Box 569  
Bluefield, WV 24701

**ORDER NO.:** MM-23-08

**INTRODUCTION**

This Consent Order is issued by the Director of the Division of Water and Waste Management (hereinafter “Director”), under the authority of West Virginia Code 22-11-1 et seq., 22-12-1 et seq., and 22-18-1 et seq. to Industrial Plating & Machine Inc. and IPM Technologies (hereinafter “IPM”).

**FINDINGS OF FACT**

In support of this Order, the Director hereby finds the following:  
**Promoting a healthy environment.**

**Princeton Facility**

1. IPM operates a chrome plating machine shop located in Princeton, Mercer County, West Virginia. IPM has been assigned EPA ID No. WVD082967472 for regulated activity at the facility associated with hazardous waste. On February 8, 2021, IPM was reissued WV/NPDES Water Pollution Control Permit No. WV0111457, Registration No. WVG610045, for regulated activity at the facility associated with industrial stormwater.
2. On February 27, 2018, IPM entered into Consent Order No. HW-18-001 to address non-compliance at the aforementioned facility. The Order was issued in response to hazardous waste violations observed during an inspection conducted on June 28, 2017.
3. On March 29, 2019, IPM entered into Consent Order No. HW-19-005 to address non-compliance at the aforementioned facility. The Order was issued in response to hazardous waste violations observed during an inspection conducted on August 27, 2018. Among other items, this Order required IPM to submit an approvable plan of corrective action, outlining action items and completion dates for how and when IPM would achieve compliance with all pertinent laws and rules. The plan of corrective action, dated October 18, 2018, was subsequently approved by WVDEP on June 12, 2019.
4. On August 1, 2022, West Virginia Department of Environmental Protection (WVDEP) personnel conducted an inspection at the aforementioned facility in response to a complaint. During the inspection, violations of the following sections of the Code of Federal Regulations, WV Legislative Rules, and the WV/NPDES permit were observed and documented:
  - a. 40CFR270.1 and 22-18-8(a) – IPM treated and stored hazardous waste without a permit.
  - b. 40CFR262.17(a)(5)(ii)(A) – IPM failed to label tanks of hazardous waste with the words “Hazardous Waste”.
  - c. 40CFR262.17(a)(5)(ii)(B) – IPM failed to label tanks of hazardous waste with an indication of the hazards of the contents.
  - d. 40CFR265.192 – IPM failed to obtain a written assessment by a professional engineer for the new hazardous waste storage tanks.
  - e. 40CFR265.193 – IPM failed to provide secondary containment for hazardous waste storage tanks.
  - f. 40CFR262.17(a)(1)(iv)(A) – IPM failed to keep containers of hazardous waste closed.
  - g. 40CFR262.17(a)(5)(i)(A) – IPM failed to label containers of hazardous waste with the words “Hazardous Waste”.
  - h. 40CFR262.17(a)(5)(i)(B) – IPM failed to label containers of hazardous waste with an indication of the hazards of the contents.
  - i. 40CFR262.17(a)(5)(i)(C) – IPM failed to label containers of hazardous waste with an accumulation start date.
  - j. 40CFR262.17(a)(1)(v) – IPM failed to conduct weekly inspections of hazardous waste central accumulation areas.
  - k. 40CFR265.195 – IPM failed to conduct daily inspections of hazardous waste storage tanks.

- l. 40CFR262.15(a)(5)(i) – IPM failed to label satellite accumulation containers with the words “Hazardous Waste”.
- m. 40CFR262.15(a)(5)(ii) – IPM failed to label satellite accumulation containers with an indication of the hazards of the contents.
- n. 40CFR262.255 – IPM failed to provide adequate aisle spacing required for movement of personnel and equipment during an emergency.
- o. 40CFR262.17(a)(7)(i)(A) – IPM failed to provide training to employees that teaches them how to perform their duties.
- p. 40CFR262.17(a)(7)(i)(B) – IPM failed to have a training program directed by a person trained in hazardous waste management.
- q. Section B.17.A.2.a.7 – IPM failed to institute an employee training program to inform personnel at all levels of responsibility of the components and goals of the Stormwater Pollution Prevention Plan (SWPPP).
- r. Section B.17.A.2.a.8 – IPM failed to identify qualified company personnel to inspect designated equipment for quarterly visual inspections.
- s. Section B.10 – IPM failed to perform and document a visual examination of a stormwater discharge associated with industrial activity for each outlet during each monitoring period.
- t. Appendix A.III.1 – IPM failed to submit Discharge Monitoring Reports (DMRs). Specifically, DMRs had not been submitted for any of the six (6) quarters since the reissuance of the WV/NPDES permit on February 8, 2021.
- u. 47CSR58 Section 4.7.d. – IPM failed to store containers containing materials that have the potential to contaminate groundwater in such a manner that spills and leaks are contained. Multiple containers containing plating wastes were stored without secondary containment.

As a result of the aforementioned violations, Notice of Violation (NOV) Nos. 2208-006, I-22-28-031-MDP, I-22-28-032-MDP, and I-22-28-033-MDP were issued to IPM.

5. On November 10, 2022, WVDEP personnel conducted a follow-up inspection (FUI) at the aforementioned facility. During the inspection, violations of the following sections of the Code of Federal Regulations were observed and documented:
  - a. 40CFR270.1 and 22-18-8(a) – IPM treated and stored hazardous waste without a permit.
  - b. 40CFR265.192 – IPM failed to obtain a written assessment by a professional engineer for the new hazardous waste storage tanks.
  - c. 40CFR265.193 – IPM failed to provide secondary containment for hazardous waste storage tanks.
  - d. 40CFR265.195 – IPM failed to conduct daily inspections of hazardous waste storage tanks.
  - e. 40CFR262.15(a)(5)(i) – IPM failed to label satellite accumulation containers with the words “Hazardous Waste”.
  - f. 40CFR262.15(a)(5)(ii) – IPM failed to label satellite accumulation containers with an indication of the hazards of the contents.
  - g. 40CFR262.17(a)(7)(i)(A) – IPM failed to provide training to employees that teaches them how to perform their duties.
  - h. 40CFR262.17(a)(7)(i)(B) – IPM failed to have a training program directed by a person trained in hazardous waste management.

**Bluefield Facility**

6. IPM operates a welding, fabrication, and repair shop located in Bluefield, Mercer County, West Virginia. IPM has been assigned EPA ID No. WVR000516765 for regulated activity at the facility associated with hazardous waste.
7. On August 1, 2022, WVDEP personnel conducted an inspection at the aforementioned facility in response to a complaint. During the inspection, violations of the following sections of the Code of Federal Regulations and WV Legislative Rules were observed and documented:
  - a. 40CFR262.13 – IPM failed to determine the monthly generator category.
  - b. 40CFR262.11 – IPM failed to perform hazardous waste determinations.
  - c. 47CSR58 Section 4.7.d – IPM failed to store containers containing materials that have the potential to contaminate groundwater in such a manner that spills and leaks were contained. Multiple 55-gallon drums, some of which contained potentially hazardous waste, were stored without secondary containment.

As a result of the aforementioned violations, NOV Nos. 2209-007 and I-22-28-033-MDP were issued to IPM.

8. On May 12, 2023, WVDEP personnel conducted a compliance evaluation inspection (CEI) at the aforementioned facility. This facility recently changed ownership and is currently operating as Bluefield Machine Shop. During the inspection, no violations were observed.

**General Information**

9. On February 28, 2023, WVDEP personnel and representatives of IPM met to discuss the terms and conditions of this Order.

**ORDER FOR COMPLIANCE**

Now, therefore, in accordance with West Virginia State Code 22-11-1 et seq., 22-12-1 et seq., and 22-18-1 et seq., it is hereby agreed between the parties, and ORDERED by the Director:

1. IPM shall immediately take all measures to initiate compliance with the WV/NPDES permit and all pertinent laws and rules.
2. Within thirty (30) days of the effective date of this Order, IPM shall submit for approval a proposed plan of corrective action and schedule, outlining action items and completion dates for how and when IPM will achieve compliance with the WV/NPDES permit and all pertinent laws and rules. The plan of corrective action shall make reference to EPA ID Nos. WVR000516765 and WVD082967472, WV/NPDES Water Pollution Control Permit No. WV0111457, Registration No. WVG610045, and Order No. MM-23-08. The plan of corrective action shall be submitted to:

**Chief Inspector  
Environmental Enforcement - Mail Code #031328  
WVDEP  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304**

Upon approval, the plan of corrective action and schedule shall be incorporated into and become part of this Order, as if fully set forth herein. Failure to submit an approvable plan of corrective action and schedule or failure to adhere to the approved schedule is a violation of this Order.

3. Because of IPM's WV/NPDES permit and Code of Federal Regulation violations, IPM shall be assessed a civil administrative penalty in the total amount of ninety-one thousand one hundred thirty-seven dollars (\$91,137), which shall be paid within thirty (30) days of the effective date of this Order. Payments shall be made to the West Virginia Department of Environmental Protection, and shall be distributed as follows:
  - Seventy-seven thousand two hundred seventeen dollars (\$77,217) shall be paid to the Hazardous Waste Management Fund.
  - Thirteen thousand nine hundred twenty dollars (\$13,920) shall be paid to the Water Quality Management Fund.

Payments made pursuant to this paragraph are not tax-deductible for purposes of State or federal law. Payment shall include a reference to the Order No. MM-23-08 and shall be mailed to:

**Chief Inspector  
Environmental Enforcement - Mail Code #031328  
WV-DEP  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304**

**OTHER PROVISIONS**

1. IPM hereby waives its right to appeal this Order under the provisions of West Virginia State Code 22-11-21, 22-12-11, and 22-18-20. Under this Order, IPM agrees to take all actions required by the terms and conditions of this Order and consents to and will not contest the Director's jurisdiction regarding this Order. However, IPM does not admit to any factual and legal determinations made by the Director and reserves all rights and defenses available regarding liability or responsibility in any proceedings regarding IPM other than proceedings, administrative or civil, to enforce this Order.
2. The Director reserves the right to take further action if compliance with the terms and conditions of this Order does not adequately address the violations noted herein and reserves all rights and defenses which he may have pursuant to any legal authority, as well as the right to raise, as a basis for supporting such legal authority or defenses, facts other than those contained in the Findings of Fact.



3. If any event occurs which causes delay in the achievement of the requirements of this Order, IPM shall have the burden of proving that the delay was caused by circumstances beyond its reasonable control which could not have been overcome by due diligence (i.e., force majeure). Force majeure shall not include delays caused or contributed to by the lack of sufficient funding. Within three (3) working days after IPM becomes aware of such a delay, notification shall be provided to the Director/Chief Inspector and IPM shall, within ten (10) working days of initial notification, submit a detailed written explanation of the anticipated length and cause of the delay, the measures taken and/or to be taken to prevent or minimize the delay, and a timetable by which IPM intends to implement these measures. If the Director agrees that the delay has been or will be caused by circumstances beyond the reasonable control of IPM (i.e., force majeure), the time for performance hereunder shall be extended for a period of time equal to the delay resulting from such circumstances. A force majeure amendment granted by the Director shall be considered a binding extension of this Order and of the requirements herein. The determination of the Director shall be final and not subject to appeal.
4. Compliance with the terms and conditions of this Order shall not in any way be construed as relieving IPM of the obligation to comply with any applicable law, permit, other order, or any other requirement otherwise applicable. Violations of the terms and conditions of this Order may subject IPM to additional penalties and injunctive relief in accordance with the applicable law.
5. The provisions of this Order are severable and should a court or board of competent jurisdiction declare any provisions to be invalid or unenforceable, all other provisions shall remain in full force and effect.
6. This Order is binding on IPM, its successors and assigns.
7. This Order shall terminate upon IPM's notification of full compliance with the "Order for Compliance" and verification of this notification by WVDEP.

  
\_\_\_\_\_  
Shannon Remines, VP-Manufacturing  
Industrial Plating & Machine Inc.  
IPM Technologies

7-23-23  
\_\_\_\_\_  
Date

Public Notice begin:

07/28/2023  
\_\_\_\_\_  
Date

Public Notice end:

08/27/2023  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Katheryn Emery, P.E., Director  
Division of Water and Waste Management

8/30/23  
\_\_\_\_\_  
Date

# Exhibit 3



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west virginia department of environmental protection

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Environmental Enforcement  
Hazardous Waste  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Phone: 304-926-0470

Harold D. Ward, Cabinet Secretary  
dep.wv.gov

May 26, 2023

Jack Lamm, Quality Control Tech  
Bluefield Machine Shop  
P.O. Box 569  
Bluefield, WV 24701

Dear Mr. Lamm:

Enclosed is a copy of the Compliance Evaluation Inspection (CEI) report conducted by a representative from the Director of the Division of Water and Waste Management. This report is based on an inspection conducted on May 12, 2023.

There were no deficiencies noted during the inspection. Thank you for your assistance during this inspection.

If you have any questions, please contact Environmental Inspector Casey Stutler at (304) 926-0499 x49728.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Killian', is written over a vertical line.

John Killian  
Environmental Inspector Supervisor  
Environmental Enforcement - Hazardous Waste

Enclosure

cc: Joseph M. Sizemore, Assistant Chief Inspector, EE - HW/UST/AST  
Casey Stutler, Environmental Inspector, EE – HW (via email)

Promoting a healthy environment.



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west virginia department of environmental protection

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DWWM-EE/Hazardous Waste  
601 57th Street SE  
Charleston, WV 25304  
Phone: 304-926-0499 x49728

Harold D. Ward, Cabinet Secretary  
dep.wv.gov

**VERY SMALL QUANTITY GENERATOR  
COMPLIANCE EVALUATION INSPECTION**

The regulations for this inspection are Title 40 Code of Federal Regulation (CFR) Parts 260-279 as adopted and incorporated by reference in the WV Hazardous Waste Management Act (WVSC §22-18), and the WV Hazardous Waste Management Rule (33CSR20)

COMPANY NAME: Bluefield Machine Shop

EPA ID #: WVR000516765

MAILING ADDRESS: PO Box 569  
Bluefield, WV 24701

LOCATION: 1712 Coal Heritage Rd.  
Bluefield, WV 24701  
37.28269°, -81.24920°

PHONE: 304-888-1098

COUNTY: Mercer

COMPANY CONTACT(s): Jack Lamm

TITLE(s): Quality Control Tech

EMAIL ADDRESS: jlamm@alphametresources.com

HAZARDOUS WASTES:

ADVISED OF INSPECTION AUTHORITY (Y/N): Y

D001 D035 F003 F005

DATE INSPECTED: May 12, 2023

TIME INSPECTED: 1:00pm

QUANTITY PER MONTH:

<220 lbs

INSPECTOR(s): Casey Stutler, WVDEP-EE/HW

VIOLATION (Y/N): N

DISPOSAL COMPANY OR METHOD:

Safety-Kleen

ACTION TAKEN: None

PREPARED BY: Casey Stutler, Environmental Inspector

On May 12, 2023 I conducted a Compliance Evaluation Inspection of Maxxim Manufacturing - Bluefield Machine Shop. I met with Shannon Remines, Jack Lamm, and Shelley Surles. They showed me around the facility. The facility recently changed ownership. It was formerly known as IPM Technologies. They are currently notified as a Very Small Quantity Generator of hazardous waste. The facility performs welding, fabrication, hydraulic cylinder repairs, gearbox rebuilds, and gear manufacturing. Hazardous waste is generated during painting.

The facility generates used oil. It is stored in five 330-gallon totes. The totes were labeled with the words "Used Oil" and were sitting on secondary containment pallets. Hazardous waste paint and solvent are stored in the hazardous waste storage room. They had one 55-gallon drum in storage. It was labeled with the words "Hazardous Waste."

Compliance Evaluation: No violations were noted during the inspection.

Is this facility a SNY? Yes  No  Date: 5/26/2023 Authorized Initials: JDK  
 Should this facility be returned to SNN status? Yes  No  Date: \_\_\_\_\_ Authorized Initials: \_\_\_\_\_

WV Revised 8/2018

Fowler 5/26/23 MSkeens **RCRAInfo CM&E EVALUATION – VIOLATION FORM**

*EPA ID Number		WVR000516765			EIN	
Handler Name		Bluefield Machine Shop				
Physical Location		1712 Coal Heritage Rd.				
City	Bluefield	State	WV	Zip Code	24701	
Actual Generator Status <i>Check only if different from Notified Status.</i>		LQG <input type="checkbox"/>	SQG <input type="checkbox"/>	VSQG <input type="checkbox"/>	Closed <input type="checkbox"/>	Non-Handler <input type="checkbox"/>
Universe Change Required? <i>(Generator Status Change Required)</i>		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If YES, complete the Universe Change Section (on reverse side of this form).				
RCRA Non-Notifier?		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If YES, complete the Handler Section (on reverse side of this form).				
Other Facility Information Changes?		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If YES, complete the Handler Section (on reverse side of this form).				

\*EVALUATION  Add  Update  Delete

*Evaluation Identifier	*Type	*Evaluation Start Date (mm/dd/yyyy)	*Agency	Responsible Person	Suborganization
	CEI	05/12/2023	S	WVCAS	EE-HW
Day Zero (mm/dd/yyyy): <i>You need to specify Day Zero for all evaluation types except CDI, CSE, FUI, SNY, and SNN, otherwise it defaults to Evaluation Start Date. For CDI, CSE, FUI, and SNY evaluations, you must select a previous CEI Start Date for the Day Zero. SNN evaluation type does not require a Day Zero.</i>				Reclassified SV Date: <i>Only applicable for SNY evaluation type as appropriate.</i>	

Notes:

**Evaluation Indicator Field (Check all that apply)**

Citizen Complaint   
  Multimedia Inspection   
  Sampling   
  Not Subtitle C

**Focused Coverage Areas (Use Only for Evaluation Type FCI)**

*Regulation-Specific FCI*

BBI  BIF  CCI  CFI  ECM  FAI  IEC  INC  PTB  PTX  THI  UIC  UOI  UWR

*Routine/Standardized FCI*

CAR  CPC  DOS  EMR  IEI  ISI  RTI

*WV State Specific FCI*

COM  DBC  DPI  OAG  SAM  SPL  TNK  TRI

Does this Evaluation Add/Update/Delete a Violation?	YES <input checked="" type="radio"/> NO <input type="radio"/>	<i>If Yes, fill in the Violations Section(s) on page 2 of this form.</i>
Does this Evaluation link to a Commitment?	YES <input type="checkbox"/> NO <input checked="" type="radio"/>	<i>If Yes, please use the RCRAInfo 3007 Information Requests and Commitments Form.</i>
Does this Evaluation link to a 3007 Request?	YES <input type="checkbox"/> NO <input checked="" type="radio"/>	<i>If Yes, please use the RCRAInfo 3007 Information Requests and Commitments Form.</i>

**OUTSTANDING VIOLATIONS COVERED BY ABOVE EVALUATION?** YES  NO  *If Yes, fill in information below.*

*Seq. No.	*Violation Type	*Agency	*Regulation Citation (Type + Citation) <small>(ex. FR 262.1)</small>	*Date Determined (mm/dd/yyyy)
	262.A	S	40 CFR 262.13	08/01/2022
	262.A	S	40 CFR 262.11	08/01/2022

\*Required Fields



<b>EPA ID Number</b>	<b>Handler Name</b>
WVR000516765	Bluefield Machine Shop

**VIOLATIONS SECTION**  
(Additional Violations can be added/updated/deleted using the RCRAInfo CM&E Additional Violations Form)

VIOLATION  Add  Update  Delete Link to Above Evaluation

Seq. No	Violation Type	Agency	Determined Date (mm/dd/yyyy)	Return to Compliance (RTC) Qualifier	Actual RTC Date (mm/dd/yyyy)
	262.A	S	08/01/2022	<input type="checkbox"/> A RTC Qualifier is required if entering an Actual RTC Date.	05/12/2023

**Notes:** The facility failed to determine their monthly generator category. RTC

LINK CITATIONS TO ABOVE VIOLATION? YES  NO  If Yes, fill in information below

Citation Type	Citation	Notes
FR	40 CFR 262.13	

VIOLATION  Add  Update  Delete Link to Above Evaluation

Seq. No	Violation Type	Agency	Determined Date (mm/dd/yyyy)	Return to Compliance (RTC) Qualifier	Actual RTC Date (mm/dd/yyyy)
	262.A	S	08/01/2022	<input type="checkbox"/> A RTC Qualifier is required if entering an Actual RTC Date.	05/12/2023

**Notes:** The facility failed to perform hazardous waste determinations. RTC

LINK CITATIONS TO ABOVE VIOLATION? YES  NO  If Yes, fill in information below

Citation Type	Citation	Notes
FR	40 CFR 262.11	

**HANDLER SECTION (Fill out if RCRA Non-Notifier)**

<b>Handler Name</b>	<b>Contact</b>
<b>Street</b>	
<b>City</b>	<b>State</b> <b>Zip Code</b>
<b>County</b>	

**UNIVERSE CHANGE SECTION (Fill out if Universe Change Required)**

i. Indicate the Facility's current Universe(s):

ii. Indicate the new RCRAInfo Generator Universe:  
*Note: All TSD activity changes must be handled by the IOR and cannot be made using this form.*

LQG  SQG  VSQG   
Non-Handler  Closed

<p>iii. Indicate the new transporter status: (Only fill out if the facility requires a transporter status change)</p>	<p style="text-align: center;"><b>Transporter</b> <input type="checkbox"/></p> <p><i>If the transporter box is checked, you must check at least one mode of transportation below:</i></p> <p><input type="checkbox"/> Air <input type="checkbox"/> Water <input type="checkbox"/> Rail <input type="checkbox"/> Other <input type="checkbox"/> Highway</p>	<p style="text-align: center;"><b>Non-Transporter</b> <input type="checkbox"/></p> <p>Check non-transporter if the facility is currently listed in RCRAInfo as a transporter AND no longer transports hazardous waste.</p>
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**\*Required Fields**

## RCRAInfo CM&E ENFORCEMENT FORM

RTC

<b>*EPA ID Number</b> WVR000516765		<b>Handler Name</b> Bluefield Machine Shop						
<b>*ENFORCEMENT</b> <input type="checkbox"/> Add <input checked="" type="checkbox"/> Update <input type="checkbox"/> Delete						You must provide an Enforcement Identifier (also known as a Seq. No.).		
<b>*Identifier</b>	<b>*Enforcement Date (mm/dd/yyyy)</b>	<b>*Activity Location</b>	<b>*Agency</b>	<b>*Type</b>	<b>Sub-organization</b>	<b>Responsible Person</b>	<b>Attorney</b>	
	09/01/2022	WV	S	120	EE-HW	WVCAS		
<b>Docket Number:</b> _____								
<b>Enforcement Notes:</b> _____								
<b>Is Enforcement Type 380 (Super CA/FO) and part of a Multi-site Consent Agreement/Final Order (CA/FO)?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <i>If Yes, you must provide the CA/FO Sequence Number below. If you are the lead agency and want to add a Multi-site CAFO, please provide the CA/FO Respondent Name (required) and Notes (as necessary).</i>								
<b>*CA/FO Sequence Number:</b>			<b>*Respondent Name:</b>					
<b>Notes:</b> _____								
<b>Was there an Appeal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If Yes, please fill in this Section</i>				<b>Disposition Status</b>				
<b>*Appeal Initiated Date (mm/dd/yyyy)</b>		<b>*Appeal Resolved Date (mm/dd/yyyy)</b>		<b>*Disposition Status Qualifier</b>		<b>*Disposition Status Date (mm/dd/yyyy)</b>		
<b>If this facility is a SNC, does this Enforcement Action address the SNC determination?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If yes, please provide the following information.</i> <i>Note: You can only link the Enforcement Action to an SNY owned by your Agency.</i>								
<b>*SNY Evaluation Start Date:</b> _____								
<b>Does this Enforcement Action Contain Corrective Action Requirements?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No								
<b>Do you want to link Media?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If Yes, please fill in Multimedia Section on page 2 of this form.</i>								
<b>Do you want to Add/Update/Delete a Technical Requirement Milestone?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If Yes, please fill in Technical Requirement Milestone Section on page 2 of this form.</i>								
<b>*LINK VIOLATIONS TO THE ABOVE ENFORCEMENT ACTION?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If Yes, please fill in the Section below.</i> <i>Note: You can link RTC'd violations to an enforcement action.</i>								
<b>*Seq. No.</b>	<b>*Agency</b>	<b>*Type</b>	<b>*Regulation Citation (Type + Citation) (ex. FR 262.1)</b>	<b>*Date Determined (mm/dd/yyyy)</b>	<b>Already RTC'd</b>	<b>Scheduled RTC Date (mm/dd/yyyy)</b>	<b>RTC Qualifier</b> <small>An RTC Qualifier is required if entering an Actual RTC Date</small>	<b>RTC Actual Date (mm/dd/yyyy)</b>
	S	262.A	40 CFR 262.13	08/01/2022	<input type="checkbox"/>		O - Observed	05/12/2023
	S	262.A	40 CFR 262.11	08/01/2022	<input type="checkbox"/>		O - Observed	05/12/2023
					<input type="checkbox"/>			
					<input type="checkbox"/>			
					<input type="checkbox"/>			
					<input type="checkbox"/>			

**\*Required Fields**

## Corrective Action Plan for Audit Finding

Notice of Violation (NOV) #: I-22-28-034-MDP

Company: IPM Technologies

Corrective Action Plan Information	
<b>Date of Inspection:</b>	August 1, 2022
<b>Time of Inspection:</b>	15:45pm
<b>Location Issued:</b>	Bluefield Facility
<b>Permit Number:</b>	N/A
<b>Audit Report Number:</b>	Single Finding
<b>Tracking Number:</b>	N/A
<b>Regulatory Definition:</b>	Title 47, series 58, Section 4.7.d. – Drums containing materials that have the potential to contaminate ground water, shall be stored so that spills and leaks are contained. Measures shall be taken to control drum deterioration and/or damage due to handling.
<b>Finding:</b>	Permittee has failed to store containers containing materials that have the potential to contaminate groundwater in such a manner that spills, and leaks are contained.
<b>Person(s) Responsible to Oversee Plan:</b>	Plant Manager – Timmy Gordon Facility Supervisor – Gerald Reed Quality Manager – Jack Lamm
<b>Corrective Action to be Taken or that Has Been Taken:</b> <i>(Include date if non-conformance has already been addressed)</i>	IPM is in the process of negotiating removal of all hazardous waste containers/tanks from property through a reputable waste removal company. The satellite storage area will contain a holding tank(s) that containers (2) each will sit in as a source of secondary containment. IPM to provide and instruction to be given to facility employees on how and where to check for leaks of stored containers as well as checking for leaks from/around secondary containment units.  STAGE OF COMPLETION: <b>Complete</b>
<b>Method of Verification for Corrective Action Plan:</b>	Once removal of all hazardous waste containers/tanks from property through a reputable waste removal company, this pickup process will be scheduled on a 8-10 week schedule for pickup and removal of hazardous/ Non-hazardous waste from the facility. There are monitoring controls that have been added to the DAILY, WEEKLY, MONTHLY, QUARTLY INSPECTIONS CHECKS LOGBOOK to ensure that containers and secondary tanks are inspected for leaks.
<b>Proposed Date of Completion:</b>	11/15/2022 (on-going monitoring and tracking will be performed)
<b>Issues Holding Up Completion:</b>	sent Michel Puckett pics of the Waste Storage Area and containment. Also, send trucking manifest to show bulk waste has been removed.
<b>Date of Completion:</b>	11/23/2022 (continue tracking)
<b>Completion Sign-off:</b>	Jack Lamm



## Corrective Action Plan for Audit Finding

NOV#: 2209-007

Company: IPM Technologies

Corrective Action Plan Information	
<b>Date of Inspection:</b>	August 1, 2022
<b>Time of Inspection:</b>	1:37pm
<b>Location Issued:</b>	Bluefield Facility
<b>US EPA ID Number:</b>	WVR000516765
<b>Audit Report Number:</b>	1
<b>Regulation Number:</b>	40CFR 262.13
<b>Regulatory Definition:</b>	A generator must determine its generator category. A generator's category is based on the amount of hazardous waste generated each month and may change from month to month. This section sets forth procedures to determine whether a generator is a very small quantity generator, a small quantity generator, or a large quantity generator for a particular month, as defined in <a href="#">§ 260.10 of this chapter</a> .
<b>Finding:</b>	The facility failed to determine their monthly generator category
<b>Person(s) Responsible to Oversee Plan:</b>	Plant Manager – Timmy Gordon Facility Supervisor – Gerald Reed Quality Manager – Jack Lamm
<b>Corrective Action to be Taken or that Has Been Taken:</b> <i>(Include date if non-conformance has already been addressed)</i>	Add a monthly waste tracking check to the Waste Inspection Logbook to track how much, if any Hazardous Waste is picked up from the facility.  Generator Category was determined by the DEP to be a Small Generator  STAGE OF COMPLETION: <b>Complete</b>
<b>Method of Verification for Corrective Action Plan:</b>	A monthly tracking has been added to the Waste Inspection Logbook to track how much, if any Hazardous Waste is picked up from the facility.
<b>Proposed Date of Completion:</b>	12/30/2022
<b>Issues Holding Up Completion:</b>	None
<b>Date of Completion:</b>	04/28/2022 (continued tracking)
<b>Acceptable Completion Sign-off:</b>	Jack Lamm

## Corrective Action Plan for Audit Finding

NOV#: 2209-007

Company: IPM Technologies

<b>Corrective Action Plan Information</b>	
<b>Date of Inspection:</b>	August 1, 2022
<b>Time of Inspection:</b>	1:37pm
<b>Location Issued:</b>	Bluefield Facility
<b>US EPA ID Number:</b>	WVR000516765
<b>Audit Report Number:</b>	2
<b>Regulation Number:</b>	40CFR 262.11
<b>Regulatory Definition:</b>	A person who generates a solid waste, as defined in <a href="#">40 CFR 261.2</a> , must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations. A hazardous waste determination is made using the following steps: (a) The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management. (c) If the waste is not excluded under <a href="#">40 CFR 261.4</a> , the person must then use knowledge of the waste to determine whether the waste meets any of the listing descriptions under subpart D of <a href="#">40 CFR part 261</a> . If the waste is listed, the person may file a delisting petition under <a href="#">40 CFR 260.20</a> and <a href="#">260.22</a> to demonstrate to the Administrator that the waste from this particular site or operation is not a hazardous waste.
<b>Finding:</b>	The facility failed to perform hazardous waste determination
<b>Person(s) Responsible to Oversee Plan:</b>	Plant Manager – Timmy Gordon Facility Supervisor – Gerald Reed Quality Manager – Jack Lamm
<b>Corrective Action to be Taken or that Has Been Taken:</b> <i>(Include date if non-conformance has already been addressed)</i>	Samples were sent off for the two drums that were mislabeled. Reports have verified that there was no 004 arsenic in them and have been disposed of through the disposal company.  STAGE OF COMPLETION: <b>Complete</b>
<b>Method of Verification for Corrective Action Plan:</b>	Annual training log will be kept in employees job folder.
<b>Proposed Date of Completion:</b>	12/30/2022
<b>Issues Holding Up Completion:</b>	Sent Casey Stutler the Sample reports for the honing oil and sludge for determination of waste. This was approved through DEP
<b>Date of Completion:</b>	11/09/2022
<b>Acceptable Completion Sign-off:</b>	Jack Lamm

# Exhibit 4

# JACKSONKELLY PLLC

500 LEE STREET EAST • SUITE 1600 • P.O. BOX 553 • CHARLESTON, WEST VIRGINIA 25322 • TELEPHONE: 304-340-1000 • TELECOPIER: 304-340-1130  
[www.jacksonkelly.com](http://www.jacksonkelly.com)

Direct Dial No.: (304) 340-1006  
Facsimile No.: (304) 340-1130  
Email: [sharvey@jacksonkelly.com](mailto:sharvey@jacksonkelly.com)

November 17, 2023

Jeremy Bandy  
Chief Inspector, Environmental Enforcement  
WV Dept. of Environmental Protection  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304

**Re: Notification of Full Compliance with Consent Order MM-23-08  
between IPM and WVDEP (EPA ID No. WVR000516765)**

Mr. Bandy:

WVDEP previously entered into Consent Order MM-23-08 with IPM for a machine shop located at 1712 Coal Heritage Rd. in Bluefield, WV and holding EPA ID No. WVR000516765.

Subsequently, Maxxim Rebuild Co., LLC (“Maxxim”) acquired the facility, which now has the site name “Bluefield Machine Shop.” I am writing to notify you that Maxxim has fully complied with the Order for Compliance provisions of the Consent Order for the Bluefield Machine Shop and ask that you verify this so that the Consent Order for that facility may be terminated.

Specifically, Maxxim notes that it has submitted and executed the attached corrective action plans for all violations referenced in the Consent Order for the facility. This is supported by WVDEP’s attached May 12, 2023 Compliance Evaluation Inspection report. The cover letter to that report provides that “[t]here were no deficiencies noted during the inspection.”

In summary, Maxxim has satisfied all requirements of the Order for Compliance at the Bluefield Machine Shop and seeks WVDEP’s agreement that the Consent Order may be terminated for the facility pursuant to Paragraph 7. Thank you for your attention to this matter.

Please let me know if you have any questions.

Sincerely,



M. Shane Harvey, Esq.  
*Counsel for Maxxim Rebuild Co., LLC*

MSH:vmp  
Enclosures  
cc: Shannon Remines



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west virginia department of environmental protection

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Environmental Enforcement  
Hazardous Waste  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Phone: 304-926-0470

Harold D. Ward, Cabinet Secretary  
dep.wv.gov

May 26, 2023

Jack Lamm, Quality Control Tech  
Bluefield Machine Shop  
P.O. Box 569  
Bluefield, WV 24701

Dear Mr. Lamm:

Enclosed is a copy of the Compliance Evaluation Inspection (CEI) report conducted by a representative from the Director of the Division of Water and Waste Management. This report is based on an inspection conducted on May 12, 2023.

There were no deficiencies noted during the inspection. Thank you for your assistance during this inspection.

If you have any questions, please contact Environmental Inspector Casey Stutler at (304) 926-0499 x49728.

Sincerely,

A handwritten signature in blue ink, appearing to read 'John Killian', is written over a light blue horizontal line.

John Killian  
Environmental Inspector Supervisor  
Environmental Enforcement - Hazardous Waste

Enclosure

cc: Joseph M. Sizemore, Assistant Chief Inspector, EE - HW/UST/AST  
Casey Stutler, Environmental Inspector, EE – HW (via email)

Promoting a healthy environment.



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west virginia department of environmental protection

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DWWM-EE/Hazardous Waste  
601 57th Street SE  
Charleston, WV 25304  
Phone: 304-926-0499 x49728

Harold D. Ward, Cabinet Secretary  
dep.wv.gov

**VERY SMALL QUANTITY GENERATOR  
COMPLIANCE EVALUATION INSPECTION**

The regulations for this inspection are Title 40 Code of Federal Regulation (CFR) Parts 260-279 as adopted and incorporated by reference in the WV Hazardous Waste Management Act (WVSC §22-18), and the WV Hazardous Waste Management Rule (33CSR20)

COMPANY NAME: Bluefield Machine Shop

EPA ID #: WVR000516765

MAILING ADDRESS: PO Box 569  
Bluefield, WV 24701

LOCATION: 1712 Coal Heritage Rd.  
Bluefield, WV 24701  
37.28269°, -81.24920°

PHONE: 304-888-1098

COUNTY: Mercer

COMPANY CONTACT(s): Jack Lamm

TITLE(s): Quality Control Tech

EMAIL ADDRESS: jlamm@alphametresources.com

HAZARDOUS WASTES:

ADVISED OF INSPECTION AUTHORITY (Y/N): Y

D001 D035 F003 F005

DATE INSPECTED: May 12, 2023

TIME INSPECTED: 1:00pm

QUANTITY PER MONTH:

<220 lbs

INSPECTOR(s): Casey Stutler, WVDEP-EE/HW

VIOLATION (Y/N): N

DISPOSAL COMPANY OR METHOD:

Safety-Kleen

ACTION TAKEN: None

PREPARED BY: Casey Stutler, Environmental Inspector

On May 12, 2023 I conducted a Compliance Evaluation Inspection of Maxxim Manufacturing - Bluefield Machine Shop. I met with Shannon Remines, Jack Lamm, and Shelley Surles. They showed me around the facility. The facility recently changed ownership. It was formerly known as IPM Technologies. They are currently notified as a Very Small Quantity Generator of hazardous waste. The facility performs welding, fabrication, hydraulic cylinder repairs, gearbox rebuilds, and gear manufacturing. Hazardous waste is generated during painting.

The facility generates used oil. It is stored in five 330-gallon totes. The totes were labeled with the words "Used Oil" and were sitting on secondary containment pallets. Hazardous waste paint and solvent are stored in the hazardous waste storage room. They had one 55-gallon drum in storage. It was labeled with the words "Hazardous Waste."

Compliance Evaluation: No violations were noted during the inspection.



Is this facility a SNY? Yes  No  Date: 5/26/2023 Authorized Initials: JDK  
 Should this facility be returned to SNN status? Yes  No  Date: \_\_\_\_\_ Authorized Initials: \_\_\_\_\_

WV Revised 8/2018

Fowler 5/26/23 MSkeens **RCRAInfo CM&E EVALUATION – VIOLATION FORM**

<b>*EPA ID Number</b>		WVR000516765			<b>EIN</b>		
<b>Handler Name</b>		Bluefield Machine Shop					
<b>Physical Location</b>		1712 Coal Heritage Rd.					
<b>City</b>	Bluefield	<b>State</b>	WV	<b>Zip Code</b>	24701		
<b>Actual Generator Status</b> <i>Check only if different from Notified Status.</i>		LQG <input type="checkbox"/>	SQG <input type="checkbox"/>	VSQG <input type="checkbox"/>	Closed <input type="checkbox"/>	Non-Handler <input type="checkbox"/>	
<b>Universe Change Required?</b> <i>(Generator Status Change Required)</i>		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If YES, complete the Universe Change Section (on reverse side of this form).					
<b>RCRA Non-Notifier?</b>		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If YES, complete the Handler Section (on reverse side of this form).					
<b>Other Facility Information Changes?</b>		YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> If YES, complete the Handler Section (on reverse side of this form).					

**\*EVALUATION**  Add  Update  Delete

<b>*Evaluation Identifier</b>	<b>*Type</b>	<b>*Evaluation Start Date (mm/dd/yyyy)</b>	<b>*Agency</b>	<b>Responsible Person</b>	<b>Suborganization</b>
	CEI	05/12/2023	S	WVCAS	EE-HW
<b>Day Zero (mm/dd/yyyy):</b>				<b>Reclassified SV Date:</b>	
<p><i>You need to specify Day Zero for all evaluation types except CDI, CSE, FUI, SNY, and SNN, otherwise it defaults to Evaluation Start Date. For CDI, CSE, FUI, and SNY evaluations, you must select a previous CEI Start Date for the Day Zero. SNN evaluation type does not require a Day Zero.</i></p>				<p><i>Only applicable for SNY evaluation type as appropriate.</i></p>	

Notes:

**Evaluation Indicator Field (Check all that apply)**

Citizen Complaint   
  Multimedia Inspection   
  Sampling   
  Not Subtitle C

**Focused Coverage Areas (Use Only for Evaluation Type FCI)**

*Regulation-Specific FCI*

BBI  BIF  CCI  CFI  ECM  FAI  IEC  INC  PTB  PTX  THI  UIC  UOI  UWR

*Routine/Standardized FCI*

CAR  CPC  DOS  EMR  IEI  ISI  RTI

*WV State Specific FCI*

COM  DBC  DPI  OAG  SAM  SPL  TNK  TRI

<b>Does this Evaluation Add/Update/Delete a Violation?</b>	YES <input checked="" type="radio"/> NO <input type="radio"/>	<i>If Yes, fill in the Violations Section(s) on page 2 of this form.</i>
<b>Does this Evaluation link to a Commitment?</b>	YES <input type="radio"/> NO <input checked="" type="radio"/>	<i>If Yes, please use the RCRAInfo 3007 Information Requests and Commitments Form.</i>
<b>Does this Evaluation link to a 3007 Request?</b>	YES <input type="radio"/> NO <input checked="" type="radio"/>	<i>If Yes, please use the RCRAInfo 3007 Information Requests and Commitments Form.</i>

**OUTSTANDING VIOLATIONS COVERED BY ABOVE EVALUATION?** YES  NO  *If Yes, fill in information below.*

<b>*Seq. No.</b>	<b>*Violation Type</b>	<b>*Agency</b>	<b>*Regulation Citation (Type + Citation)</b> <small>(ex. FR 262.1)</small>	<b>*Date Determined (mm/dd/yyyy)</b>
	262.A	S	40 CFR 262.13	08/01/2022
	262.A	S	40 CFR 262.11	08/01/2022

**\*Required Fields**

<b>EPA ID Number</b>	<b>Handler Name</b>
WVR000516765	Bluefield Machine Shop

VIOLATIONS SECTION	
(Additional Violations can be added/updated/deleted using the RCRAInfo CM&E Additional Violations Form)	
VIOLATION <input type="checkbox"/> Add <input checked="" type="checkbox"/> Update <input type="checkbox"/> Delete	Link to Above Evaluation <input checked="" type="checkbox"/>

Seq. No	Violation Type	Agency	Determined Date (mm/dd/yyyy)	Return to Compliance (RTC) Qualifier	Actual RTC Date (mm/dd/yyyy)
	262.A	S	08/01/2022	<input type="checkbox"/> A RTC Qualifier is required if entering an Actual RTC Date.	05/12/2023
<b>Notes:</b> The facility failed to determine their monthly generator category. RTC					

LINK CITATIONS TO ABOVE VIOLATION?   YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		If Yes, fill in information below
Citation Type	Citation	Notes
FR	40 CFR 262.13	

VIOLATION <input type="checkbox"/> Add <input checked="" type="checkbox"/> Update <input type="checkbox"/> Delete		Link to Above Evaluation <input checked="" type="checkbox"/>			
Seq. No	Violation Type	Agency	Determined Date (mm/dd/yyyy)	Return to Compliance (RTC) Qualifier	Actual RTC Date (mm/dd/yyyy)
	262.A	S	08/01/2022	<input type="checkbox"/> A RTC Qualifier is required if entering an Actual RTC Date.	05/12/2023
<b>Notes:</b> The facility failed to perform hazardous waste determinations. RTC					

LINK CITATIONS TO ABOVE VIOLATION?   YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>		If Yes, fill in information below
Citation Type	Citation	Notes
FR	40 CFR 262.11	

**HANDLER SECTION (Fill out if RCRA Non-Notifier)**

<b>Handler Name</b>	<b>Contact</b>
<b>Street</b>	
<b>City</b>	<b>State</b> <b>Zip Code</b>
<b>County</b>	

**UNIVERSE CHANGE SECTION (Fill out if Universe Change Required)**

i. Indicate the Facility's current Universe(s):					
ii. Indicate the new RCRAInfo Generator Universe: Note: All TSD activity changes must be handled by the IOR and cannot be made using this form.					
	LQG <input type="checkbox"/> SQG <input type="checkbox"/> VSQG <input type="checkbox"/> Non-Handler <input type="checkbox"/> Closed <input type="checkbox"/>				
iii. Indicate the new transporter status: (Only fill out if the facility requires a transporter status change)	<table style="width:100%;"> <tr> <th style="width:50%; text-align: center;">Transporter <input type="checkbox"/></th> <th style="width:50%; text-align: center;">Non-Transporter <input type="checkbox"/></th> </tr> <tr> <td style="vertical-align: top;">                             If the transporter box is checked, you must check at least one mode of transportation below:   <input type="checkbox"/> Air                      <input type="checkbox"/> Water  <input type="checkbox"/> Rail                        <input type="checkbox"/> Other  <input type="checkbox"/> Highway                         </td> <td style="vertical-align: top;">                             Check non-transporter if the facility is currently listed in RCRAInfo as a transporter AND no longer transports hazardous waste.                         </td> </tr> </table>	Transporter <input type="checkbox"/>	Non-Transporter <input type="checkbox"/>	If the transporter box is checked, you must check at least one mode of transportation below:  <input type="checkbox"/> Air <input type="checkbox"/> Water <input type="checkbox"/> Rail <input type="checkbox"/> Other <input type="checkbox"/> Highway	Check non-transporter if the facility is currently listed in RCRAInfo as a transporter AND no longer transports hazardous waste.
Transporter <input type="checkbox"/>	Non-Transporter <input type="checkbox"/>				
If the transporter box is checked, you must check at least one mode of transportation below:  <input type="checkbox"/> Air <input type="checkbox"/> Water <input type="checkbox"/> Rail <input type="checkbox"/> Other <input type="checkbox"/> Highway	Check non-transporter if the facility is currently listed in RCRAInfo as a transporter AND no longer transports hazardous waste.				

**\*Required Fields**



## RCRAInfo CM&E ENFORCEMENT FORM

RTC

<b>*EPA ID Number</b>	<b>Handler Name</b>							
WVR000516765	Bluefield Machine Shop							
<b>*ENFORCEMENT</b> <input type="checkbox"/> Add <input checked="" type="checkbox"/> Update <input type="checkbox"/> Delete						<i>You must provide an Enforcement Identifier (also known as a Seq. No.).</i>		
<b>*Identifier</b>	<b>*Enforcement Date (mm/dd/yyyy)</b>	<b>*Activity Location</b>	<b>*Agency</b>	<b>*Type</b>	<b>Sub-organization</b>	<b>Responsible Person</b>	<b>Attorney</b>	
	09/01/2022	WV	S	120	EE-HW	WVCAS		
<b>Docket Number:</b> _____								
<b>Enforcement Notes:</b> _____								
<b>Is Enforcement Type 380 (Super CA/FO) and part of a Multi-site Consent Agreement/Final Order (CA/FO)?</b> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> <i>If Yes, you must provide the CA/FO Sequence Number below. If you are the lead agency and want to add a Multi-site CAFO, please provide the CA/FO Respondent Name (required) and Notes (as necessary).</i>								
<b>*CA/FO Sequence Number:</b>			<b>*Respondent Name:</b>					
<b>Notes:</b> _____								
<b>Was there an Appeal?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If Yes, please fill in this Section</i>				<b>Disposition Status</b>				
<b>*Appeal Initiated Date (mm/dd/yyyy)</b>		<b>*Appeal Resolved Date (mm/dd/yyyy)</b>		<b>*Disposition Status Qualifier</b>		<b>*Disposition Status Date (mm/dd/yyyy)</b>		
<b>If this facility is a SNC, does this Enforcement Action address the SNC determination?</b> <input type="checkbox"/> Yes <input type="checkbox"/> No <i>If yes, please provide the following information.</i> <i>Note: You can only link the Enforcement Action to an SNY owned by your Agency.</i>								
<b>*SNY Evaluation Start Date:</b>								
<b>Does this Enforcement Action Contain Corrective Action Requirements?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No								
<b>Do you want to link Media?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If Yes, please fill in Multimedia Section on page 2 of this form.</i>								
<b>Do you want to Add/Update/Delete a Technical Requirement Milestone?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <i>If Yes, please fill in Technical Requirement Milestone Section on page 2 of this form.</i>								
<b>*LINK VIOLATIONS TO THE ABOVE ENFORCEMENT ACTION?</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <i>If Yes, please fill in the Section below.</i> <i>Note: You can link RTC'd violations to an enforcement action.</i>								
<b>*Seq. No.</b>	<b>*Agency</b>	<b>*Type</b>	<b>*Regulation Citation (Type + Citation) (ex. FR 262.1)</b>	<b>*Date Determined (mm/dd/yyyy)</b>	<b>Already RTC'd</b>	<b>Scheduled RTC Date (mm/dd/yyyy)</b>	<b>RTC Qualifier</b> <small>An RTC Qualifier is required if entering an Actual RTC Date</small>	<b>RTC Actual Date (mm/dd/yyyy)</b>
	S	262.A	40 CFR 262.13	08/01/2022	<input type="checkbox"/>		O - Observed	05/12/2023
	S	262.A	40 CFR 262.11	08/01/2022	<input type="checkbox"/>		O - Observed	05/12/2023
					<input type="checkbox"/>			
					<input type="checkbox"/>			
					<input type="checkbox"/>			
					<input type="checkbox"/>			

**\*Required Fields**

## Corrective Action Plan for Audit Finding

Notice of Violation (NOV) #: I-22-28-034-MDP

Company: IPM Technologies

Corrective Action Plan Information	
<b>Date of Inspection:</b>	August 1, 2022
<b>Time of Inspection:</b>	15:45pm
<b>Location Issued:</b>	Bluefield Facility
<b>Permit Number:</b>	N/A
<b>Audit Report Number:</b>	Single Finding
<b>Tracking Number:</b>	N/A
<b>Regulatory Definition:</b>	Title 47, series 58, Section 4.7.d. – Drums containing materials that have the potential to contaminate ground water, shall be stored so that spills and leaks are contained. Measures shall be taken to control drum deterioration and/or damage due to handling.
<b>Finding:</b>	Permittee has failed to store containers containing materials that have the potential to contaminate groundwater in such a manner that spills, and leaks are contained.
<b>Person(s) Responsible to Oversee Plan:</b>	Plant Manager – Timmy Gordon Facility Supervisor – Gerald Reed Quality Manager – Jack Lamm
<b>Corrective Action to be Taken or that Has Been Taken:</b> <i>(Include date if non-conformance has already been addressed)</i>	IPM is in the process of negotiating removal of all hazardous waste containers/tanks from property through a reputable waste removal company. The satellite storage area will contain a holding tank(s) that containers (2) each will sit in as a source of secondary containment. IPM to provide and instruction to be given to facility employees on how and where to check for leaks of stored containers as well as checking for leaks from/around secondary containment units.  STAGE OF COMPLETION: <b>Complete</b>
<b>Method of Verification for Corrective Action Plan:</b>	Once removal of all hazardous waste containers/tanks from property through a reputable waste removal company, this pickup process will be scheduled on a 8-10 week schedule for pickup and removal of hazardous/ Non-hazardous waste from the facility. There are monitoring controls that have been added to the DAILY, WEEKLY, MONTHLY, QUARTLY INSPECTIONS CHECKS LOGBOOK to ensure that containers and secondary tanks are inspected for leaks.
<b>Proposed Date of Completion:</b>	11/15/2022 (on-going monitoring and tracking will be performed)
<b>Issues Holding Up Completion:</b>	sent Michel Puckett pics of the Waste Storage Area and containment. Also, send trucking manifest to show bulk waste has been removed.
<b>Date of Completion:</b>	11/23/2022 (continue tracking)
<b>Completion Sign-off:</b>	Jack Lamm

## Corrective Action Plan for Audit Finding

NOV#: 2209-007

Company: IPM Technologies

Corrective Action Plan Information	
<b>Date of Inspection:</b>	August 1, 2022
<b>Time of Inspection:</b>	1:37pm
<b>Location Issued:</b>	Bluefield Facility
<b>US EPA ID Number:</b>	WVR000516765
<b>Audit Report Number:</b>	1
<b>Regulation Number:</b>	40CFR 262.13
<b>Regulatory Definition:</b>	A generator must determine its generator category. A generator's category is based on the amount of hazardous waste generated each month and may change from month to month. This section sets forth procedures to determine whether a generator is a very small quantity generator, a small quantity generator, or a large quantity generator for a particular month, as defined in <a href="#">§ 260.10 of this chapter</a> .
<b>Finding:</b>	The facility failed to determine their monthly generator category
<b>Person(s) Responsible to Oversee Plan:</b>	Plant Manager – Timmy Gordon Facility Supervisor – Gerald Reed Quality Manager – Jack Lamm
<b>Corrective Action to be Taken or that Has Been Taken:</b> <i>(Include date if non-conformance has already been addressed)</i>	Add a monthly waste tracking check to the Waste Inspection Logbook to track how much, if any Hazardous Waste is picked up from the facility.  Generator Category was determined by the DEP to be a Small Generator  STAGE OF COMPLETION: <b>Complete</b>
<b>Method of Verification for Corrective Action Plan:</b>	A monthly tracking has been added to the Waste Inspection Logbook to track how much, if any Hazardous Waste is picked up from the facility.
<b>Proposed Date of Completion:</b>	12/30/2022
<b>Issues Holding Up Completion:</b>	None
<b>Date of Completion:</b>	04/28/2022 (continued tracking)
<b>Acceptable Completion Sign-off:</b>	Jack Lamm

## Corrective Action Plan for Audit Finding

NOV#: 2209-007

Company: IPM Technologies

<b>Corrective Action Plan Information</b>	
<b>Date of Inspection:</b>	August 1, 2022
<b>Time of Inspection:</b>	1:37pm
<b>Location Issued:</b>	Bluefield Facility
<b>US EPA ID Number:</b>	WVR000516765
<b>Audit Report Number:</b>	2
<b>Regulation Number:</b>	40CFR 262.11
<b>Regulatory Definition:</b>	A person who generates a solid waste, as defined in <a href="#">40 CFR 261.2</a> , must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations. A hazardous waste determination is made using the following steps: (a) The hazardous waste determination for each solid waste must be made at the point of waste generation, before any dilution, mixing, or other alteration of the waste occurs, and at any time in the course of its management. (c) If the waste is not excluded under <a href="#">40 CFR 261.4</a> , the person must then use knowledge of the waste to determine whether the waste meets any of the listing descriptions under subpart D of <a href="#">40 CFR part 261</a> . If the waste is listed, the person may file a delisting petition under <a href="#">40 CFR 260.20</a> and <a href="#">260.22</a> to demonstrate to the Administrator that the waste from this particular site or operation is not a hazardous waste.
<b>Finding:</b>	The facility failed to perform hazardous waste determination
<b>Person(s) Responsible to Oversee Plan:</b>	Plant Manager – Timmy Gordon Facility Supervisor – Gerald Reed Quality Manager – Jack Lamm
<b>Corrective Action to be Taken or that Has Been Taken:</b> <i>(Include date if non-conformance has already been addressed)</i>	Samples were sent off for the two drums that were mislabeled. Reports have verified that there was no 004 arsenic in them and have been disposed of through the disposal company.  STAGE OF COMPLETION: <b>Complete</b>
<b>Method of Verification for Corrective Action Plan:</b>	Annual training log will be kept in employees job folder.
<b>Proposed Date of Completion:</b>	12/30/2022
<b>Issues Holding Up Completion:</b>	Sent Casey Stutler the Sample reports for the honing oil and sludge for determination of waste. This was approved through DEP
<b>Date of Completion:</b>	11/09/2022
<b>Acceptable Completion Sign-off:</b>	Jack Lamm