



**REGION 5**

CHICAGO, IL 60604

**ELECTRONIC MAIL  
DELIVERY RECEIPT REQUESTED**

Mr. Peter Riehle  
Director of Operations  
Rayven, Inc. - Owatonna  
405 24<sup>th</sup> Ave. SW  
Owatonna, Minnesota 55060  
[PRiehle@Rayven.com](mailto:PRiehle@Rayven.com)

Re: **Notice of Potential Violation and Opportunity to Confer**  
Compliance Evaluation Inspection Report and Description of Areas of Concern  
Rayven, Inc - Owatonna  
Facility ID MNS000166496  
Owatonna, Minnesota

Dear Mr. Riehle:

On August 18, 2023, the U.S. Environmental Protection Agency conducted an RCRA compliance evaluation inspection of the Rayven, Inc - Owatonna ("Rayven, facility or you") located in Owatonna, Minnesota. The purpose of the inspection was to evaluate Rayven's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment, and storage of hazardous waste. We have enclosed a copy of the inspection report for your convenience.

Information currently available to EPA suggests that Rayven may be in violation of RCRA. By this letter, EPA is extending to you an opportunity to advise the Agency, in person or in writing, of any further information EPA should consider with respect to the areas of concern.

During the inspection, EPA observed several areas of concern, described below. The description of the areas of concern is not a final determination regarding the facility's compliance with RCRA. EPA requests that you voluntarily submit a response in writing to us no later than 30 calendar days after receipt of this letter documenting the actions, if any, which you have taken since the inspection to address the areas of concern described below or demonstrating why the areas should not be of concern. We also ask that you voluntarily provide responses to the requests found in the "Additional Information" section below. After 30 calendar days from your receipt of this letter and, if applicable, review of your response, EPA will notify you of any further action.

## Areas of Concern

During the inspection, EPA observed the following areas of concern:

### 1. Accumulation of Hazardous Waste

Under Minn. R. 7045.0292, Subpart 1.C., a large quantity generator must clearly label or clearly mark each container holding hazardous waste with the waste accumulation state date, which must be visible for inspection or, for containers that are not used as shipping containers, maintain a clearly designated and legible log of transactions which includes accumulation start dates. At the time of the inspection, four containers that are used as shipping containers were not visible for inspection. Please see observation AD3-OB-009 and photos IMG\_0069, IMG\_0070, IMG\_0071, IMG\_0072 and IMG\_0073 of the enclosed inspection report.

### 2. Hazardous Waste Container Labeling

Under Minn. R. 7045.0292, Subpart 1.F., a large quantity generator must label or clearly mark each container holding hazardous waste with the words "Hazardous Waste." At the time of the inspection, one container appeared to be missing a label with the required marking. Please see observation AD3-OB-009 and photo IMG\_0070 of the enclosed inspection report.

### 3. Date When Each Period of Accumulation Begins

Under Minn. R. 7045.0292, Subpart 2, a large quantity generator must clearly mark each container holding hazardous waste with the date upon which each period of accumulation begins. At the time of the inspection, two hazardous waste containers were missing the required date. Please see observation AD3-OB-009 and photos IMG\_0067 and IMG\_0074 of the enclosed inspection report.

### 4. Training

Under Minn. R. 7045.0292, Subpart 1.G. and 7045.0558 Subpart 5 and 6, a large quantity generator of hazardous waste must have a program of classroom instruction or on-the-job training that teaches facility personnel to perform their duties in a way that ensures the facility's compliance with requirements of RCRA. Facility personnel shall take part at least once per calendar year in a review of the initial training required in subparts 1-3 of 7045.0558, and that records that document the training or job experience required under subparts 1 – 5 of 7045.0558 have been given to and completed by facility personnel.

Rayven generated over 2,200 lbs of hazardous waste of flammable liquids (D001 and F003) June of 2021 and March of 2022, meeting large quantity generator status for the years 2021 and 2022. At the time of the inspection, Rayven stated that prior to 2023 there was no annual hazardous waste training completed by the facility. Rayven did not have an annual RCRA training program in the years 2021 and 2022. The facility started their annual RCRA training program in 2023. Rayven was unable to provide records of training prior to 2023.

## 5. Hazardous Waste Recordkeeping and Reporting

Under Minn. R. 7045.0248, Subpart 1(B), a large quantity generator, by March 1 of every even-numbered year, must submit information required for the biennial report required by EPA under 40 C.F.R. § 262.41. Under 40 C.F.R. § 262.41, a generator who is a large quantity generator for at least one month of an odd-numbered year (reporting year) who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must complete and submit EPA Form 8700-13 A/B to the Regional Administrator by March 1 of the following even-numbered year and must cover generator activities during the previous year. A large quantity generator is a generator who, in a calendar month, generates 1000 kilograms [2,200 lbs] of hazardous waste or more. On June 22, 2021, Rayven shipped 3,200 pounds of D001 and F003 flammable liquid hazardous waste. Rayven did not prepare and submit a report to the Minnesota Pollution Control Agency by March 1, 2022, for the preceding calendar year.

## 6. Use and Management of Containers

Under Minn. R. 7045.0526, Subpart 4a, containers must be clearly labeled with the words "Hazardous Waste" and a description that clearly identifies their contents. If it is not possible for the labels to be clearly visible for inspection, the information on the labels must be accessible in some other form that will allow ready identification of the contents without having to move the containers. At the time of the inspection, three containers had illegible labels that could not be clearly read. A fourth container did not have a label that was visible for inspection. None of the information required on any of the four labels and/or containers were accessible in some other form that allowed for ready identification of the contents. Please see observation AD3-OB-009 and photos IMG\_0069, IMG\_0070, IMG\_0071, IMG\_0072 and IMG\_0073 of the enclosed inspection report.

## 7. Contingency Plan

Under Minn. R. 7045.0466 Subpart 5.B., a copy of the contingency plan and all revisions to the plan must be submitted to all local police departments, fire departments, hospitals, and state and local emergency response teams that may be called upon to provide emergency services. Rayven did not provide any information to show that it submitted the revised 2023 to local emergency response agencies. Please see observation AD3-RR-009.

## **Additional Information**

1. Please provide a copy of the manifest(s) for the shipment of the drums that did not have generation dates and hazardous waste labels at the time of the inspection. Refer to photographs IMG\_0067, IMG\_0070 (back drum in the lower right of the picture), and IMG\_0074 of the enclosed inspection report.
2. Please provide a copy of the submitted biennial report for the year 2021.

## **Actions Requested**

By no later than 30 calendar days after receipt of this letter, please provide information documenting the actions, if any, which you have taken since the inspection to address the identified areas of concern, as well as any additional information requested.

Please send all reports requested by this letter by electronic mail to:

[r5lecab@epa.gov](mailto:r5lecab@epa.gov)

and

[Dierich.andrea@epa.gov](mailto:Dierich.andrea@epa.gov)

The subject line of all email correspondence must include MNS00066496. All electronically submitted materials must be in final and searchable format, such as Portable Document Format (PDF) with Optical Character Recognition (OCR) applied. If you are unable to send a response to these email addresses due to email size restrictions or other problems, contact Andrea Dierich to make additional arrangements for transmission of the response.

This letter is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks information from specific individuals or entities as part of an administrative investigation. You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B for any part of the information you submit to EPA in response to this letter. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth at 40 C.F.R. Part 2, Subpart B. If you do not assert a business confidentiality claim when you submit the information, EPA may make this information available to the public without further notice.

The EPA contact in this matter is Andrea Dierich. You may call her at (312) 353-6134 if you have additional questions. Thank you for your prompt attention to these concerns and your efforts to protect human health and the environment.

Sincerely,

Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division

Enclosure

cc: Kit Grayson, Minnesota Pollution Control Agency (MPCA), [kit.grayson@state.mn.us](mailto:kit.grayson@state.mn.us)  
Cory Boeck, MPCA, [cory.boeck@state.mn.us](mailto:cory.boeck@state.mn.us)