



REGION 5

CHICAGO, IL 60604

October 17, 2024

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Mr. Ron Marinelli
HSE Professional
Marathon Petroleum Co LP
2408 Gambrinus Avenue SE
Canton, Ohio 44706
rmarinelli@marathonpetroleum.com

Re: **Notice of Violation and Return to Compliance**
Marathon Petroleum Co LP
Facility ID: OHD048107049
Canton, Ohio

Dear Mr. Marinelli:

On September 29, 2022, the U.S. Environmental Protection Agency conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection of the Marathon Petroleum Co LP ("facility or you or Marathon Petroleum") located in Canton, Ohio. The purpose of the inspection was to evaluate Marathon Petroleum's compliance with certain provisions of RCRA and its implementing regulations¹ 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 Marathon Petroleum is in violation of RCRA. During the inspection, as observed by EPA, you took certain actions to establish compliance with the identified violations. Based on the action you took during the inspection, EPA does not plan additional enforcement action under RCRA at this time in response to the violations identified in this letter.

Storage of Hazardous Waste without a Permit or Interim Status Which Violated Section 3005 of RCRA, 42 U.S.C. § 6925(a) and State Permitting Requirements

During the inspection, EPA observed Marathon Petroleum's failure to comply with the RCRA permit exemption condition, below. When a hazardous waste generator fails to comply with the conditions for

¹ We note that effective October 5, 2020, the State of Ohio promulgated revised regulations which have not yet been authorized by EPA. EPA authorized the 2010 edition of Ohio's hazardous waste regulations which contained a provision at Ohio Admin. Code § 3745-52-34 that remains the RCRA authorized Large Quantity Generator provision in Ohio.

a permit exemption, the generator is an operator of a hazardous waste storage facility without a permit in violation of Ohio Admin. Code §§ 3745-50-45(A); 3745-50-41(A) and (D) [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)]. Many of the RCRA permit exemption conditions are also independent requirements that apply to permitted and interim status hazardous waste management facilities that treat, store, or dispose of hazardous waste (TSD requirements). When a hazardous waste generator loses its permit exemption due to a failure to comply with an exemption condition incorporated from Ohio Admin. Code chs. 3745-65 to 68 and 3745-256, the generator: (a) becomes an operator of a hazardous waste storage facility; and (b) simultaneously violates the corresponding TSD requirement.

The permit exemption condition identified below is also an independent TSD requirement:

1. Use and Management of Containers

Under Ohio Admin. Code §§ 3745-52-34(A)(1)(i) and 3745-66-73(A), a large quantity generator must always keep a container holding hazardous waste closed during storage, except when it is necessary to add or remove waste. At the time of the inspection, a roll-off box accumulating spent hazardous gasoline/diesel polishing filters in the West Staging Pad Area was partially open when waste was not being added or removed, see the inspection report page 4.

During the inspection, a Marathon Petroleum contractor closed the roll-off box and monitored the cover container interface with a Flame Ionization Detector to ensure complete closure. EPA is not requesting any further information for this violation.

This letter is to inform you that EPA does not plan additional enforcement action under RCRA at this time. This letter does not limit the applicability of the requirements evaluated, or of other federal or state statutes or regulations. EPA and the Ohio Environmental Protection Agency will continue to evaluate your facility in the future.

The EPA contact in this matter is Derrick Samaranski. You may call him at (312) 886-7812 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
HARRIS

Digitally signed by
MICHAEL HARRIS
Date: 2024.10.17
09:37:50 -05'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Mitchell Mathews, Ohio EPA, mitchell.mathews@epa.ohio.gov