



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100
BOSTON, MA 02114-2023

Dated via electronic signature stamp

Leonel Klassen, Senior Vice President of Operations
Elektrisola Inc.
126 High Street
Boscawen, NH 03301

RE: **NOTICE OF VIOLATION** of the Resource Conservation and Recovery Act
Act of 1976 (RCRA), the Hazardous and Solid Waste Amendments of 1984
(HSWA), 42 U.S.C. 6622(a) and 6924(d) through (m), and State of New Hampshire
Revised Statutes Annotated (RSA), Chapter 147-A

Dear Mr. Klassen:

On January 3, 2023, representatives of the United States Environmental Protection Agency ("EPA") completed a RCRA compliance evaluation inspection (CEI) of Elektrisola Inc., EPA ID # NHD040252744. The purpose of this inspection was to determine the compliance of Elektrisola, Inc., with Env-Hw Parts 100-1114, and the federal Hazardous Waste Management Regulations found at 40 CFR Parts 260-273. The State of New Hampshire has been granted final authorization by EPA to administer certain portions of RCRA.

As a result of the inspection noted above, EPA has determined that your facility violated certain provisions of Env-Hw Parts 100-1114, and the corresponding federal Hazardous Waste Management Regulations found at 40 CFR Parts 260 through 272. The violations are set forth below:

- 1. Failure to have a minimum of 2 feet aisle space on at least one side of each hazardous waste container and all hazardous waste labels must be visible without having to move the container as required by Env-Hw 507.02.**

In the HWSA, the label of two 55-gallon drums were not visible for inspection and there was not a minimum of 2 feet of aisle space on at least one side of each hazardous waste container.

In an email dated January 4, 2023 from Elektrisola, Mr. Klassen stated that these drums were rearranged to give proper access and so the hazardous waste labels are visible for inspection.

- 2. Failure to position each container accumulating hazardous waste so that its hazardous waste label or marking is not hidden by walls or other containers and can be easily read without having to move any containers, as required by Env-Hw 509.03(d), which references Env-Hw 507.02(b)(2).**

At the QC Lab SAA, the labels on the two 5-gallon containers located under the lab bench were not facing out and were not visible for inspection.

At the time of the inspection, Mr. Klassen repositioned the two 5-gallon containers, so the labels were visible.

3. **Failure to mark the beginning accumulation date on the containers located in the less than 90-day storage area, as required by Env-Hw 507.03(a).**

In the HWSA, there were two satellite containers labeled, Hazardous waste, Flammable solids, Toxic, Organic, (Xylene, Phenol) F003, D001, Flammable rags. According to Mr. Klassen, these satellite containers were approximately 200 feet from where the waste is generated. These satellite containers were not at or near the point of generation and not under the control of the operator. Since these two containers were in the HWSA, the accumulation date needs to be added to these containers.

In an email dated January 4, 2023, Elektrisola stated they have consolidated two of the drums with the same waste stream and moved the satellite container to the proper area.

4. **Failure to clearly label or mark each container of waste batteries with any of the following phrases: “Universal Waste – Battery (“ies”) or “Waste Battery (“ies”) or “Used Battery (“ies”) and to store universal waste-batteries in containers that are closed at all times except when batteries are being added to, or removed from the containers, as required by Env-Hw 1109.**

In the UWSA, the following containers of universal waste batteries were observed: one unlabeled 5-gallon white container of Universal waste batteries, and one open and unlabeled 2-gallon blue container of universal waste batteries.

In an email dated January 4, 2023, Elektrisola stated they have labeled and closed the containers of universal waste batteries.

5. **Failure to store universal waste lamps in closed containers, at all times, except for when lamps are being added to, or removed from, the container, as required by Env-Hw 1112.**

In the UWSA, the following containers of universal waste lamps were observed:
Two open, four ft. boxes containing Universal waste lamps (with lamps that were longer than the boxes); and
One open, three ft. box, labeled “Universal Waste”, containing about 10 Universal waste lamps.

In an email dated January 4, 2023, Elektrisola stated they have labeled and closed the containers of universal waste lamps.

In an email dated January 4, 2023, Elektrisola, Inc. has addressed the requirements set forth above and must continue to operate in compliance with all applicable Federal and State regulations.

Please direct questions to Linda Brolin at (617) 918-1876 or brolin.linda@epa.gov. Thank you for your attention to this matter.

Sincerely,

MARY

ODONNELL

Mary Jane O'Donnell, Manager

Waste and Chemical Compliance Section

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cc: Tod Leedberg, NH DES