



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

BOSTON, MA 02114-2023

Dated via electronic signature stamp

Jean-Pascal Mill
Seqens – Polycarbon Industries, Incorporated
67 Buena Vista Street
Devens, MA 01434

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 Massachusetts General Law, Chapter 21C,
Sections 4 and 6.

Dear Mr. Mill:

On May 1-2, 2024, representatives of the United States Environmental Protection Agency ("EPA") completed a RCRA compliance evaluation inspection (CEI) of Seqens – Polycarbon Industries, Inc., ("Seqens") EPA ID # MAR000622738. The purpose of this inspection was to determine the compliance of Seqens – Polycarbon Industries, Inc., with 310 CMR 30.000, and the federal Hazardous Waste Management Regulations found at 40 CFR Parts 260-273. The State of Massachusetts 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 310 CMR 30.000, 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 obtain a license for the storage of hazardous waste for greater than 90 days, as required by 310 C.M.R. 30.341(8).

At the time of the inspection, which was conducted on May 1st and 2nd of 2024, the following containers in the main accumulation area (MAA) had dates that were greater than 90-days from the inspection dates:

- Blue, 55-gallon container, waste solvents alkali, dated January 25, 2024
- Black, 55-gallon container, halogenated solvent waste, January 25, 2024
- Blue, 55-gallon container, mixed solvents acidic, January 25, 2024

2. Failure to mark or label each container of hazardous waste with the date upon which each period of accumulation begins, as required by 310 CMR 30.341(2)(d).

At the time of the inspection, the following containers in the MAA were not dated:

- One white, 55-gallon container, waste solvents that was concave in condition, and was not dated.
- One 2.5-gallon container, no label, the container stated, “Smells hydrochloride”, the container was not dated.

3. Failure to mark or label each container of hazardous waste with the words, “Hazardous Waste”, the hazardous waste identified in words, and the type of hazard(s) associated with the waste(s) indicated in words, as required by 310 CMR 30.341(2)(a) through (c).

At the time of the inspection, the following containers were not labeled with some or all of the required information:

- One 5-gallon container, with a reclamation material label, spent palladium, pyrophoric, flammable diamond, dated 02/22/2024. The container did not have the words hazardous waste and was not destined for reclamation per Mr. Williams. The container was located in the MAA.
- One 5-gallon container, reclamation material label, spent Ranney nickel, pyrophoric, flammable diamond, dated 02/22/2024. The container did not have the words hazardous waste and was not destined for reclamation per Mr. Williams. The container was located in the MAA.
- One 2.5-gallon container that had the words, “Smells hydrochloride” written on it, the container was not dated, did not have the hazard associated with the waste, and did not have the words hazardous waste. The container was located in the MAA.
- One 5-gallon container, reclamation material label, PPE/palladium/water, pyrophoric, dated 03/28/2024. The container did not have the words hazardous waste and was not destined for reclamation per Mr. Williams. The container was located in the MAA.
- One 5-gallon container, reclamation material label, palladium/water, top of container stated spent Rx #1 solution in water. The inspection team could not access the container to read all of the information on it, but it was not destined for reclamation per Mr. Williams. The container was located in the MAA.
- The inspection team observed at least six red hazardous waste SAA step-cans throughout the facility used for solid hazardous waste accumulation that did not have a description of the waste, or the hazards associated with the waste.
- The inspection team observed at least twelve containers used for collecting hazardous waste from analytical instrumentation, such as HPLC’s in the Analytical Lab and the Kilo Labs that did not have the words hazardous waste. Some of the containers had labels with hazard pictograms circled if applicable, but the hazards were not indicated in words. Others had no pictogram, no hazard in words, or a description of the waste, but did have the words hazardous waste.

4. **Failure to maintain sufficient aisle space to allow the owner or operator or the Department to inspect each row of containers and the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment, as required by and 310 CMR 30.342(1)(c), which references 310 CMR 30.685(4), and 310 CMR 30.341(1)(e)(6).**

At the time of the inspection, the inspection team could not inspect all containers, or read all labels on containers due a lack of aisle space between rows of containers and containers and the walls. Specifically, the inspection team could not inspect the label on a 5-gallon container in the back of the MAA, and there was limited space around the rows of 55-gallon containers to the right front of the room.

5. **Failure to transfer hazardous waste from a container holding hazardous waste that is not in good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, to a container that is in good condition, or manage the hazardous waste in some other way that complies with the requirements of 310 CMR 30.000, as required by, 310 CMR 30.342, which references 310 CMR 30.683.**

Specifically, there was one white, 55-gallon hazardous waste container of waste solvents alkali that was concave in condition, located at the MAA.

6. **Failure to inspect areas where containers are stored, at least weekly, as required by 310 CMR 30.342(d), which references 310 CMR 30.686.**

At the time of the inspection, the following four weekly inspections of the MAA were missed, 02/12/2024, 04/01/2024, 10/09/2023, and 11/20/2023.

7. **Failure to provide a program of instruction or on-the-job training that teaches personnel assigned to the management of hazardous waste to perform their duties in a way that ensures the facility's compliance with 310 CMR 30.000. The program shall include instruction which teaches facility personnel hazardous waste management procedures, including contingency plan implementation, relevant to the position in which they are employed, as required by 310 CMR 30.341(1)(a), which references 310 CMR 30.516(1)(a).**

At the time of the inspection, the training plan provided by Seqens contained only basic information on the RCRA regulatory program and was not specific to the site's hazardous waste management procedures, the hazardous waste generated by Seqens or the Seqens' contingency plan. Also, at the time of the inspection, Mr. William Williams, who is Seqens' EH&S director and an emergency coordinator among other hazardous waste duties, had not completed initial hazardous waste training.

8. **Failure to ensure a container of hazardous waste remains closed during storage, except when waste is being added or removed, as required by 310 CMR 30.342(1)(c), which references 310 CMR 30.685(1).**

At the time of the inspection, there were two hazardous waste containers in a chemical lab hood located in the R&D lab, with covers attached to the containers, but the containers were open.

9. **Failure to distribute a copy of the Contingency Plan, and all revisions of the plan to local police departments, local fire departments, hospitals, local boards of health, the chief executive officer of the community, state and local emergency response teams that may be called upon to provide emergency services, as required by 310 CMR 30.341(1)(c).**

Specifically, Mr. Williams stated that the contingency plan was only submitted to the Devens Fire Department and not to any of the other local emergency response agencies.

10. **Failure to prepare a hazardous waste manifest and ensure that all required information has been provided in accordance with the Appendix to Part 262—Uniform Hazardous Waste Manifest and Instructions, before the waste is transported off-site, as required by 310 CMR 30.311(1).**

Specifically, every shipment of waste that was manifested to Tradebe Environmental Services, LLC from Seqens, since April of 2023, which included at least seventeen manifests, had the incorrect EPA ID number of the facility in block 2.

11. **Failure to retain Copy 3, “Designated facility to generator” copy of the hazardous waste manifest, as required by 310 CMR 30.331(1).**

Specifically, the following manifests were missing the designated facility to generator copy:

- Manifest number 022527687JJJ, dated 08/31/2023.
- Manifest number 022527532JJJ, dated 05/17/2023.
- Manifest number 022527531JJJ, dated 05/17/2023.
- Manifest number 024301900JJJ, dated 05/18/2023.

12. **Failure to submit an Exception Report to MassDEP after not receiving the handwritten signature of the owner or operator of the designated facility within 45 days of the date the hazardous waste was accepted by the initial transporter, as required by 310 CMR 30.333(2).**

Specifically, manifest number 017664824FLE, was picked up at the facility on 10/26/2022, and the final destination received date on the manifest was 12/12/2022, which is a total of 47 days, and no exception report was completed.

13. Failure to retain a copy of land disposal restriction (LDR) notices on-site for at least three years from the date that the waste that is subject of such documentation was last sent to off-site treatment, storage, or disposal, as required by 310 CMR 30.340(2), which references 310 CMR 30.750(3)(d)(9), which incorporates by reference, 40 CFR 268.7(a)(8).

There were no LDR notifications for the following shipments of hazardous waste:

Manifest number 022527531JJK, dated 05/17/2023.

Manifest number 025579034JJK, dated 12/11/2023.

Manifest number 011630959FLE, dated 02/08/2023.

14. Failure to comply with the universal waste dating requirement to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received, as required by 310 CMR 30.1034(6)(c).

At the time of the inspection, there was a box of universal waste fluorescent bulbs in the MAA that was not dated with the accumulation start date.

Seqens – Polycarbon Industries Inc. must address the requirements set forth above and must immediately begin and continue to operate in compliance with all applicable Federal and State regulations.

Within (30) thirty calendar days of receipt of this NOTICE, submit a written description, with supporting documentation (**electronic submission preferred**), of the actions taken to address requirements number 1 through number 14 above. Submit the information to:

Wilkinson.cheryl@epa.gov

OR

Cheryl Wilkinson, Life Scientist
U.S. Environmental Protection Agency
Waste and Chemical Compliance Section
5 Post Office Square, Suite 100
[Mailcode: 5-MO]
Boston, Massachusetts 02109-3912

Failure to correct the violations as required by this NOTICE may subject the facility to further Federal enforcement action, including the assessment of penalties, pursuant to Section 3008 of

RCRA, 42 U.S.C. § 6928.

Please direct questions to Cheryl Wilkinson, wilkinson.cheryl@epa.gov, phone number 617-918-1760. Thank you for your attention to this matter.

Sincerely,

O'Donnell,
Mary Jane

Digitally signed by
O'Donnell, Mary Jane
Date: 2024.07.15 16:38:49
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Mary Jane O'Donnell, Manager
Waste and Chemical Compliance Section

cc: Leah Fernandez, MassDEP