



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Mr. Michael Shuler
EHS Manager
Research Organics, LLC
4353 East 49th Street
Cleveland, OH 44125
michael.shuler@milliporesigma.com

Re: **Warning Letter: Notice of Potential Violation**
Research Organics, LLC
OHD046632717
Cleveland, Ohio

Dear Mr. Shuler:

On September 7, 2022, the U.S. Environmental Protection Agency conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection of Research Organics, LLC ("Research Organics" or "you") located in Cleveland, Ohio. The purpose of the inspection was to evaluate Research Organics's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment, and storage of hazardous waste.¹ A copy of the inspection report was sent to your attention by electronic mail on November 3, 2022.

Information currently available to EPA suggests that Research Organics may be in violation of RCRA. During the inspection, as observed by EPA, and after the inspection, as documented in a September 13, 2022, email to EPA, you took certain actions to establish compliance with the identified potential violations. Based on the information received from Research Organics on September 13, 2022, EPA does not plan additional enforcement action under RCRA at this time in response to the potential violations identified in this letter.

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.

Potential Violations:

1. Universal Waste Requirement

Under Ohio Admin. Code § 3745-273-14(A), a small quantity handler of universal waste must label or clearly mark each battery or a container in which the batteries are contained with any one of the following phrases: “Universal Waste-Batteries,” “Waste Batteries” or “Used Batteries.”

Under Ohio Admin Code § 3745-273-15(A), a small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of paragraph (B) of this rule are met.

Under Ohio Admin Code § 3745-273-15(C), a small quantity handler of universal waste who accumulates universal waste shall be able to demonstrate the length of time that the universal waste has been accumulated from the date the universal waste becomes a waste or is received.

During the inspection of Building 6 and the Maintenance area, the inspector observed one 30-gallon container that was labeled as “Universal Waste Lamps.” The container was closed but was marked with an accumulation start date of 9/2/21, which indicated that the container of universal waste had been stored for 370 days (5 days past the allotted 365). Since the inspection, Research Organics submitted correspondence dated September 13, 2022, that documented that the universal waste lamps had been shipped off-site on September 12, 2022. There was one 5-gallon container that was labeled as “Non-Regulated Waste” and “Dry Potassium Hydroxide” and was closed. Mr. Shuler opened the container and the inspector observed waste Ni-Cad batteries. The container was not labeled as “Universal Waste Batteries” and was not marked with an accumulation start date. During the inspection, Mr. Shuler re-labeled the container and marked the accumulation start date of 9/7/22.

This letter is to inform you that EPA has reviewed the referenced responses and 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 EPA will continue to evaluate your facility in the future.

The EPA contact in this matter is Bryan Gangwisch. You may call him at (312) 886-0989 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

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