



REGION 5

CHICAGO, IL 60604

ELECTRONIC MAIL DELIVERY RECEIPT REQUESTED

Kyle Reau
Director of Operations
Conn Selmer Vincent Bach Division
500 Industrial Parkway
Elkhart, Indiana 46516
KREAU@CONNSELMER.COM

Re: **Notice of Potential Violation and Opportunity to Confer**
Compliance Evaluation Inspection Report and Description of Areas of Concern
Conn Selmer Vincent Bach Division
EPA I.D.: IND000821561
Elkhart, Indiana

Dear Kyle Reau:

On March 1, 2024, the U.S. Environmental Protection Agency conducted an RCRA compliance evaluation inspection of Conn Selmer Vincent Bach Division ("Conn-Selmer," "facility," or "you") located in Elkhart, Indiana. The purpose of the inspection was to evaluate Conn-Selmer's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment, and storage of hazardous waste. You were provided with a copy of the inspection report on March 18, 2024.

Information currently available to EPA suggests that Conn-Selmer 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. After review of your response, EPA will notify you of any further action.

Areas of Concern

1. Hazardous Waste Accumulation

Under 329 Ind. Admin. Code 3.1-7-1, a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status unless the generator has been granted an extension of the 90-day period. At the time of the inspection, one roll-off container of hazardous waste filter cake was marked with a date of “11-30” (see photographs 8 through 12 of the inspection report). This corresponds to 92 days before the date of the inspection.

2. Containment of Hazardous Waste

Under 329 Ind. Admin. Code 3.1-7-1, a large quantity generator may accumulate hazardous waste without a permit provided it is contained in containers, tanks, drip pads, or containments buildings. At the time of the inspection, F006 hazardous waste filter cake was located on the floor around the filter press (see photographs 13 through 15 of the inspection report).

3. Hazardous Waste Container Labeling

Under 329 Ind. Admin. Code 3.1-7-1, 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, a hopper located underneath the filter press, which contained listed F006 hazardous waste, was missing the required label (see photographs 2 through 4 of the inspection report).

4. Hazardous Waste Container Dating

Under 329 Ind. Admin. Code 3.1-7-1, a large quantity generator must clearly mark each container holding hazardous waste with the date waste first began to accumulate in the container. At the time of the inspection, one container of hazardous waste was not marked with an accumulation start date (see photographs 13 and 14 of the inspection report).

5. Use and Management of Containers

Under 329 Ind. Admin. Code 3.1-7-1, 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 hopper located underneath the filter press, which contained listed F006 hazardous waste, was open when waste was not being added or removed (see photographs 13 and 14 of the inspection report).

6. Training

Under 329 Ind. Admin. Code 3.1-7-1, 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 must take part in annual review of the initial training. With respect to this training program, a large quantity generator must maintain the following documents and records at its facility for employees filling a position related to hazardous waste management: (1) the job title for each position at the facility and the name of the employee filling each job; (2) a written job description for each position; (3) a written description of the type and amount of both introductory and continuing training that will be given; and (4) records that document that the training or job experience described above has been given to and completed by facility personnel.

At the time of the inspection, the last record of RCRA training provided to facility personnel dated to 2018.

7. Contingency Plan

Under 329 Ind. Admin. Code 3.1-7-1, for a large quantity generator, at all times, there must be at least one employee either on the generator's premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility for coordinating all emergency response measures and implementing the necessary emergency procedures (i.e., the Emergency Coordinator). The contingency plan for the facility must list names and emergency telephone numbers of all persons qualified to act as emergency coordinator, and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

At the time of the inspection, the contingency plan listed Tori Patterson as the emergency coordinator, who was no longer employed at the facility. Alternate emergency coordinators were not identified in the order in which they will assume responsibilities as alternates.

8. Waste Determination Records

Under 329 Ind. Admin. Code 3.1-7-1, a large quantity generator must maintain records supporting its hazardous waste determinations. Records must be maintained for at least three years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal. At the time of the inspection, hazardous waste determination records were not available.

9. Universal Waste Requirement

Under 329 Ind. Admin. Code 3.1-16-1, and 40 C.F.R. §§ 273.13(d)(1) and 273.33(d)(1), a handler of universal waste lamps must contain any lamp in containers and packages that are closed. At the time of the inspection, one box of universal waste lamps at the hazardous waste storage area was not closed (see photographs 5 and 6 of the inspection report).

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

and

brown.todd@epa.gov

The subject line of all email correspondence must include IND000821561. 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 Todd Brown, of my staff, 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 Todd Brown. You may contact him at brown.todd@epa.gov and (312) 886-6091 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: Lori Freeman, Indiana Department of Environmental Management (IDEM) (lfreeman@idem.in.gov)
Jennifer Reno, IDEM (jreno@idem.in.gov)