



REGION 5

CHICAGO, IL 60604

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Mr. Moelker
Manufacturing Engineer
DECC Company Inc.
1266 Wallen Avenue SW
Grand Rapids, MI 49507
emoelker@decc.com

Re: **Notice of Violation**
Compliance Evaluation Inspection Report and Description of Areas of Concern
DECC Company Inc.
MIR000011387
Grand Rapids, Michigan

Dear Mr. Moelker:

On March 6, 2024, the U.S. Environmental Protection Agency conducted an RCRA compliance evaluation inspection of the DECC Company Inc. ("facility or you") located in Grand Rapids, Michigan. The purpose of the inspection was to evaluate DECC Company Inc.'s compliance with certain provisions of RCRA and its implementing regulations 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 DECC Company Inc. 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.

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 violations described below or demonstrating why the violations have not occurred. We also ask that you voluntarily provide responses to the question found in the "Additional Information" section below.

Violations

During the inspection, EPA observed the following areas of concern:

1. Date When Each Period of Accumulation Begins

Under Mich. Admin. Code. r. 299.9307(1)(b)(i)(I)(III), a large quantity generator must clearly mark each container holding hazardous waste with the date upon which each period of accumulation begins. At the time of the inspection, at least 20 containers of expired waste titration chemicals that were being stored in the 90-Day Storage Area were missing the required date of accumulation. Please see photographs 4 and 5 of the enclosed inspection report.

2. Aisle Space

Under Mich. Admin. Code. r. 299.9307(1)(c), a large quantity generator must comply with the requirements of 40 CFR Part 262, Subpart M. Under 40 CFR 262.255, a large quantity generator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

During the inspection, EPA inspectors observed six 55-gallon drums in the facility's 90 Day Storage Area with an inadequate amount of aisle space. Two rows of drums were pressed against the wall, therefore there was no aisle space in between the rows of drums to allow for emergency equipment in the event of a spill. Please see photographs 1 and 3 in the enclosed inspection report.

After the inspection, on 05/17/2024, DECC Company Inc. representative Erik Moelker sent two photographs via email documenting that the facility added aisle space to the 90-Day Storage Area. The photographs show that the facility moved the 55-gallon hazardous waste drums out from against the wall, creating a walkway around the area. EPA is not requesting further information for this violation.

3. Hazardous Waste Container Labeling

Under Mich. Admin. Code. r. 299.9307(1)(b)(i)(I)(I), a large quantity generator must label or clearly mark each container holding hazardous waste with the words "Hazardous Waste."

Mich. Admin. Code. r. 299.9307(1)(b)(i)(I)(II), states a large quantity generator must mark or label each container with all the following: description of the waste or the hazardous waste number, and an indication of the hazards of the contents. The indication of the hazards of the contents may include the applicable hazardous waste characteristic(s), the hazard communication consistent with 49 CFR part 172, subpart E or F, a hazard statement or pictogram consistent with 29 CFR 1910.1200, or a chemical hazard label consistent with the NFPA standard no. 704.

At the time of the inspection, at least: twenty various sized containers holding a variety of expired waste titration chemicals, five 55-gallon drums, one 1-gallon container, and twenty-eight 5-gallon buckets of hazardous waste, were missing the required labels. Please see photographs 4, 5, 7, 8, 9, 11, 12, 14, 16, 18, 19, 20, and 21 of the enclosed inspection report.

4. Use and Management of Containers

Under Mich. Admin. Code. r. 299.9307(1)(b)(i)(D), 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, at least five 55-gallon drums and two 5-gallon buckets holding hazardous waste were left open when waste was not being added or removed. Please see photographs 7, 8, 12, 15, 16, and 20 of the enclosed inspection report.

Additionally, during the inspection, seventeen 5-gallon buckets of liquid hazardous waste being stored in the Chem Room were not securely closed. The lids on the 5-gallon buckets were placed on top of the containers but not snapped shut to prevent a spill of the liquid hazardous waste. Please see photographs 12 and 16 in the enclosed inspection report.

5. Satellite Accumulation

Mich. Admin Code. r. 299.9305(1) states, in part, that a generator may accumulate as much as 55-gallons of non-acute hazardous waste in containers at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process that generates the waste without an operating license.

Mich. Admin Code. r. 299.9305(2)(b) and (2)(c) require that wastes exceeding 55-gallons should be marked with a start date of accumulation and be removed to an on-site central accumulation area or to an off-site treatment storage or disposal facility within three days.

During the inspection, DECC Company Inc. representatives explained that liquid hazardous waste is generated upstairs in Area 10 from flushing spray guns or residual product from the spray lines. The liquid hazardous waste in Area 10 is collected in 5-gallon buckets, then brought downstairs to the Chem Room to be consolidated into 55-gallon drums. The Chem Room acts as a satellite accumulation area in the facility. Therefore, the liquid hazardous waste is not being kept in a satellite accumulation area near the point of generation, as the waste is generated upstairs in Area 10 and is being stored downstairs in the facility's Chem Room.

During the inspection, EPA inspectors observed over 55-gallons of liquid hazardous waste acetone accumulating in a satellite accumulation area located in the Chem Room. The satellite accumulation area contained the following: one 55-gallon drum of liquid hazardous waste acetone that was one-third of the way full (about 18 gallons) and ten 5-gallon buckets full of liquid hazardous waste acetone (50 gallons). The satellite area had approximately a total of 68-

gallons of hazardous waste acetone accumulating. The satellite accumulation area exceeded the 55-gallon storage limit and there was no start of accumulation date on the drum or the buckets. Please see photographs 12 and 13 in the enclosed inspection report.

6. Training

Mich. Admin. Code. r. 299.9307(1)(f)(i-vi), states, in part, that at a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems.

Under Mich. Admin. Code. r. 299.9307(1)(f), personnel at a large quantity generator shall successfully complete a program of classroom instruction, online training, or on-the-job training that teaches them to perform their duties in a way that ensures compliance with the rules. The program must be directed by a person trained in hazardous waste management procedures and include instruction which teaches personnel hazardous waste management procedures, including contingency plan implementation, relevant to the positions in which they are employed.

Under Mich. Admin. Code. r. 299.9307(1)(j), training records on current personnel must be kept until closure of the large quantity generator's site. Training records on former employees must be kept for at least 3 years from the date the employee last worked at the large quantity generator's site.

At the time of the inspection, DECC Company Inc. did not have documentation regarding RCRA training given to and completed by facility personnel for years 2022 and 2021.

During the inspection, EPA inspectors reviewed DECC Company Inc.'s RCRA PowerPoint training slides presented to facility personnel in 2023. The PowerPoint slides contained no site-specific emergency response review or contingency plan review. The slides only contained information on RCRA regulations. The training was not designed to ensure that facility personnel can respond to on-site emergencies.

7. Hazardous Waste Recordkeeping and Reporting (Biennial Report)

Under Mich. Admin. Code. r. 299.9312(1), a generator that ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit a report to the Michigan Department of Environment, Great Lakes, and Energy by March 1 of each even numbered year.

In calendar year 2023, DECC Company Inc. shipped the following hazardous wastes: "Waste Flammable Liquids" (D001, D035, F003, F005), "Waste Flammable Solids" (D007, D035, F003, F005), and "Waste Paint" (D001, D007, D035). During the inspection the facility identified as a large quantity generator of hazardous waste. EPA inspectors inquired if the facility had submitted a Biennial Report by 03/01/2024, for calendar year 2023, to the Michigan Department of Environment, Great Lakes, and Energy. The facility representatives stated during

the inspection that they had not submitted a report and did not have access to RCRAInfo to do so.

After the inspection, on 03/19/2024, facility representative Erik Moelker emailed EPA confirmation that the Biennial Report for 2023 had been submitted to the Michigan Department of Environment, Great Lakes, and Energy via RCRAInfo earlier that same morning. EPA is not requesting further information for this violation.

8. Quick Reference Guide

Mich. Admin Code. r. 299.9307(1)(c), a large quantity generator must comply with the requirements of 40 CFR Part 262, Subpart M. 40 CFR 262.262(b)(4)-(7) require the following to be included in a large quantity generator's contingency plan quick reference guide: a map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes; a street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers, the locations of water supply (*e.g.*, fire hydrant and its flow rate), and the identification of on-site notification systems (*e.g.*, a fire alarm that rings off site, smoke alarms).

During the inspection, DECC Company Inc.'s quick reference guide did not include the following: a street map, site map, locations of water supply to access in an event of emergency, and facility alarm system details.

After the inspection, on 05/17/2024, facility representative Erik Moelker sent EPA via email updated quick reference guide documents. One document included a street map view of the facility that showed surrounding businesses and identified areas the local fire department could connect to a water source in event of an emergency. The second document included a facility layout map that labeled where all hazardous waste is kept on-site, evacuation routes, fire alarms on-site, and where telephones can be accessed. EPA is not requesting further information for this violation.

9. Arrangement with Local Authorities

Under Mich. Admin Code. r. 299.9307(1)(c), a large quantity generator must comply with the requirements of 40 CFR Part 262, Subpart M. Under 40 CFR 262.262(a), a large quantity generator is required to submit a copy of the contingency plan and all revisions to all local emergency responders (*i.e.*, police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services).

At the time of the inspection, DECC Company Inc. did not demonstrate that the contingency plan had been submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams.

10. Waste Analyses Record Keeping

Under Mich. Admin. Code r. 299.9311, small and large quantity generators shall keep records supporting the hazardous waste determinations made under Mich. Admin. Code r. 299.9302 for not less than 3 years from the date that the waste was last sent to on-site or off-site treatment, storage, or disposal.

During the inspection, no waste determination documents for any waste generated by DECC Company Inc. were able to be reviewed. The facility did not have any documentation regarding waste determinations on-site, except for the non-hazardous wastewater treatment sludge. Facility representatives stated that they would have to reach out to their destination facility after the inspection.

After the inspection, on 03/22/2024, via email, facility representative Erik Moelker sent EPA its waste profiles for the following waste streams generated at the facility: aerosols, paint, spent solvents/paint thinner, non-hazardous wastewater, paint related materials, phosphate sludge, solvent excluded wipes, still bottoms, and used oil. The waste profiles act as the facility's waste determination documentation. EPA is not requesting further information for this violation.

11. Weekly Inspections

Mich. Admin Code r. 299.9307(1)(b)(i)(F), states, in part, that a large quantity generator may accumulate waste on site without an operating license if the hazardous waste is managed in containers and the large quantity generator inspects central accumulation areas at least weekly looking for leaking containers and for deterioration of containers caused by corrosion or other factors.

Per statements from facility representatives, DECC Company Inc. did not conduct weekly inspections of the facility's central accumulation area (the 90-Day Storage Area) from January 2024 until the date of the inspection (03/06/2024).

During the inspection, EPA inspectors reviewed inspection logs from the last week in September 2023 through November 2023. DECC Company Inc. missed four weeks of weekly inspections of the 90-Day Storage Area. Specifically, the facility was missing weeks of 10/02/2023, 10/09/2023, 10/23/2023, and 11/20/2023.

During the inspection, EPA inspectors reviewed inspection logs from June 2022 through July 2022. DECC Company Inc. missed three weeks of weekly inspections of the 90-Day Storage Area during that two-month time frame. Specifically, the facility was missing the weeks of 06/13/2022, 07/04/2022, and 07/18/2022.

After the inspection, on 03/15/2024, facility representative Erik Moelker emailed EPA a weekly inspection log to document that DECC Company Inc. started to conduct weekly inspections of the 90-Day Storage Area post inspection. The log included the two-weeks of inspections conducted by the facility in March following the date of inspection and showed that the facility

is checking to ensure containers in the 90-Day Storage Area are closed, labeled, and not leaking. EPA is not requesting further information for this violation.

12. Manifest Exemption Report

Under Mich. Admin Code r. 299.9312(4)(b), requires a large quantity generator who transports, or offers for transport, a hazardous waste for off-site treatment, storage, or disposal, to submit an Exception Report to the Director of Michigan Department of Environment, Great Lakes, and Energy and the EPA Regional Administrator for the Region in which the generator is located if he has not received a copy of the hazardous waste manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

On 10/27/2023, DECC Company Inc. used transporter U.S. Industrial Technologies Inc. (MIR000022772) to ship 715 gallons of hazardous waste off-site (waste codes: F003, F005, D001, D035). On 12/20/2023, the manifest was signed by the designated facility, Tradebe Recycling (IND000646943) to acknowledge receipt of the hazardous waste shipment. From the date of the initial shipment (10/27/2023) to the date Tradebe Recycling signed manifest number 018700899 FLE (12/20/2023), 54 days elapsed. Per Tradebe Recycling's signature date, DECC Company Inc. did not receive a signed copy of the manifest from the designated facility within 45 days. DECC facility representatives stated an exception report had not been submitted.

After the inspection, on 03/08/2024, facility representative Erik Moelker emailed EPA confirmation that a Manifest Exception Report had been submitted to Michigan Department of Environment, Great Lakes, and Energy for manifest number 018700899 FLE. DECC Inc. submitted the Manifest Exception Report to the State on 03/07/2024. EPA is not requesting further information for this violation.

13. Universal Waste Requirements:

a. Universal Waste Battery Requirements

Under Mich. Admin. Code. r. 299.9228(4)(a), a universal waste small quantity handler shall comply with the requirements of 40 CFR Part 273, Subpart B, except 40 CFR 273.10 and 273.18(b).

40 CFR 273.14(a), requires universal waste batteries (*i.e.*, each battery), or a container in which the batteries are contained, to be labeled or marked clearly with any one of the following phrases: "Universal Waste—Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)." During the inspection, one 5-gallon bucket accumulating spent batteries located in the Maintenance Room was not labeled. Please see photograph 23 of the enclosed inspection report.

b. Universal Waste Consumer Electronic Requirements

Under Mich. Admin. Code. r. 299.9228(4)(f)(i), a universal waste small quantity handler must manage the consumer electronics in a manner that prevents breakage or the release of any universal waste or components of universal waste by containing the consumer electronics in packaging that will prevent breakage during normal handling conditions. During the inspection, universal waste consumer electronics (i.e. computer monitors and computer towers) were not stored in a container. The universal waste consumer electronics were stored stacked on top of each other and kept on the floor in the basement of the facility. Please see photograph 26 of the enclosed inspection report.

Under Mich. Admin Code. r. 299.9228(4)(f)(ii), the facility must, label the outer packaging or container with the words "universal waste consumer electronics" or "universal waste electronics." During the inspection, the universal waste consumer electronics located on the floor in the basement of the facility were not labeled with the words "universal waste consumer electronics" or "universal waste electronics." The universal waste consumer electronics were stacked on top of each other and not stored in a container. Please see photograph 26 of the enclosed inspection report.

c. Universal Waste Lamp Requirements

Mich. Admin. Code. r. 299.9228(4)(c)(ii), requires a universal waste small quantity handler to manage lamps in a manner that prevents breakage or the release of any universal waste or components of universal waste by containing unbroken lamps in structurally sound packaging that is compatible with the contents of the lamps and will prevent breakage during normal handling conditions. The packaging shall remain closed and lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

During the inspection, inspectors observed that DECC Company Inc.'s 8-foot universal waste lamps located in the Maintenance Room were not being stored in a container. The facility's 4-foot universal waste lamps located in the Maintenance Room were stored in an open cardboard box. Please see photographs 24 and 25 of the enclosed inspection report.

Mich. Admin. Code. r. 299.9228(4)(c)(iv), states, lamps or packaging in which the lamps are contained shall be labelled with the words "universal waste lamps," "waste lamps," or "used lamps."

At the time of the inspection, DECC Company Inc.'s 8-foot and 4-foot universal waste lamps were not labeled with the phrase "Universal Waste-Lamps," "Waste Lamps" or "Used Lamps." Please see photographs 24 and 25 of the enclosed inspection report.

d. Universal Waste Accumulation Time

Under Mich. Admin. Code. r. 299.9228(4)(a), a universal waste small quantity handler shall comply with the requirements of 40 CFR Part 273, Subpart B, except 40 CFR 273.10 and 273.18(b). 40 CFR 273.15(a) states that small quantity handlers of universal waste may

accumulate universal waste for no longer than one year from the date the universal waste is generated.

During the inspection, EPA inspectors reviewed the facility's universal waste bill of lading. Universal waste (batteries and fluorescent lamps) was shipped off site by US Industrial Technologies. The most recent shipment prior to the date of inspection occurred on 01/30/2023 and before that on 12/17/2021. The bill of lading dates demonstrate that DECC Company Inc. accumulated universal waste for longer than one year. The facility had no other way of tracking universal waste accumulation dates. The facility did not have date of accumulation labels on any universal waste observed on-site.

Additional Information

1. On 04/04/2024, EPA received an email from DECC Company Inc. representative Erik Moelker stating that the facility shipped out all universal waste stored on-site on 03/22/2024. Please provide documentation (i.e., a bill of lading or receipt) that the universal waste lamps, consumer electronics, and/or batteries were shipped off-site on 03/22/2024.
2. Are any solvents disposed of on-site by incineration in a regenerative thermal oxidizer (RTO)? Please provide a process description for "Line 4: Bell Filters" and "Line 4: Robots" located in Area 3 (Permit to Install No. 87-09: Process Description: FG -COATING) (EULINE4). How are all solvents and filters disposed of on "Line 4: Bell Filters" and "Line 4: Robots"? Are solvents being flushed into containers, incinerated in an RTO, or a combination of both?

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 violations or demonstrating why the violations have not occurred. You do not need to provide documentation regarding violations that you addressed after the inspection as specifically noted above. Please also provide the additional information (items 1 and 2) identified above.

Please send all reports requested by this letter by electronic mail to:

r5lecab@epa.gov

and

suter.kyla@epa.gov

The subject line of all email correspondence must include MIR000011387. 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 Kyla Suter 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 Kyla Suter. You may contact her at suter.kyla@epa.gov or at (312) 353-6268 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

Enclosure

cc: Alexandra Clark, MI EGLE clarka37@michigan.gov