



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

VIA ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Lan D. Trinh
Quality Manager
EFTEC North America, LLC
20219 Northline Road
Taylor, Michigan 48180
lan.trinh@eftec.com

Re: NOTICE OF POTENTIAL VIOLATION AND OPPORTUNITY TO CONFER
Notice of Potential Violations and Description of Areas of Concern
EPA Identification No.: MID099651572

Dear Ms. Trinh:

On October 27, 2020, the U.S. Environmental Protection Agency issued a Request for Information (RFI) to EFTEC North America, LLC, ("EFTEC" or "you") located in Taylor, Michigan. The purpose of the RFI was to evaluate EFTEC's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. You responded to the RFI in emails dated November 28, 2020, and November 30, 2020.

Information currently available to EPA suggests that EFTEC 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 review of records included in EFTEC's response to the RFI, EPA identified some areas of concern, described below. The description of the areas of concern is not a final determination regarding EFTEC'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 30 calendar days from your receipt of this letter and, if applicable, review of your response, EPA will notify you of any further action.

Areas of Concern

During the review of records, EPA observed the following areas of concern:

1. Hazardous Waste Accumulation

Under Mich. Admin. Code. r. 299.9306(1) and (3) ¹, a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a license or interim status unless the generator has been granted an extension of the 90-day period.

A review of EFTEC's weekly hazardous waste inspection logs dated March 27, 2019 through June 26, 2019 revealed that at least five drums containing lead solid (D008) hazardous waste had an accumulation start date of November 30, 2018. This indicates that at least five drums containing hazardous waste were stored on-site for at least two-hundred and eight (208) days.

A review of EFTEC's weekly hazardous waste inspection logs dated January 2, 2020 through June 24, 2020 revealed that two drums containing flammable liquid (MEK, xylene) hazardous waste had an accumulation start date of December 28, 2019. A subsequent, undated inspection log notes that these drums were disposed of on June 25, 2020. As such, these two drums were stored on-site for one-hundred and eighty (180) days.

A review of EFTEC's weekly hazardous waste inspection logs dated January 22, 2020 through June 24, 2020 revealed that one drum containing lead solid hazardous waste had an accumulation start date of January 15, 2020. A subsequent, undated inspection log notes that the drum was disposed of on June 25, 2020. Thus, the drum was stored on-site for one-hundred and sixty-two (162) days.

2. Hazardous Waste Recordkeeping and Reporting

Under Mich. Admin. Code. r. 299.9308(1), a large quantity 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 (EGLE) by March 1 of each even-numbered year. In calendar year 2017, EFTEC shipped multiple characteristic and listed hazardous wastes, but did not prepare and submit a report to EGLE for that year until August 6, 2018.

Further, despite EFTEC's status as a large quantity generator in calendar year 2015, EFTEC failed to submit a biennial report by March 1, 2016. As of the date of this letter, there is still no record of submission of a biennial report for calendar year 2015.

¹ Effective August 3, 2020, the State of Michigan promulgated revised regulations, which have not yet been authorized by EPA. Therefore, the regulations cited in this document and in the draft CAFO are the pre-existing regulations in Michigan, authorized by EPA effective June 6, 2019.

Actions Requested

By no later than 30 calendar days from the date 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.

If you are unable to respond in a timely fashion because of impacts related to the COVID-19 pandemic, please submit a written extension request via email to Bryan Gangwisch, explaining the specific impacts on your ability to respond.

Any response should be submitted to EPA electronically, to the extent possible and sent to r5lecab@epa.gov and gangwisch.bryan@epa.gov. The subject line of all email correspondence must include “EFTEC” and “MID099651572”. All electronically submitted materials must be in final and searchable format, such as Portable Document Format (PDF) with Optical Character Recognition (OCR) applied. If electronic submittal is not possible, the submissions must be sent to the following address:

Bryan Gangwisch (ECR-17J)
Enforcement and Compliance Assurance Division
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

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 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: Tracy Kecskemeti, Michigan EGLE (kecskemetit@michigan.gov)
Alexandra Clark, Michigan EGLE (clarka37@michigan.gov)
Lonnie Lee, Michigan EGLE (leel@michigan.gov)
Liz Browne, Michigan EGLE (brownee@michigan.gov)