



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

BOSTON, MA 02114-2023

Dated via electronic signature stamp

Jacob Bruce, EH&S Officer
Katahdin Analytical Services, LLC
600 Technology Way
Scarborough, Maine 04074

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 Chapter 13 of Title 38 of the Maine Revised Statutes
(M.R.S.A).

Dear Mr. Bruce:

On June 4-5, 2024, representatives of the United States Environmental Protection Agency ("EPA") completed a RCRA compliance evaluation inspection (CEI) of Katahdin Analytical Services, LLC, EPA ID # MER000503995. The purpose of this inspection was to determine the compliance of Katahdin Analytical Services, LLC, with State of Maine Hazardous Waste Management Rules, Chapter 850-860 and the federal Hazardous Waste Management Regulations found at 40 CFR Parts 260-273. The State of Maine 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 State of Maine Hazardous Waste Management Rules, Chapter 850-860 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 or request an extension to accumulate hazardous waste for more than ninety (90) days, as required by Chapter 851 § 8 (C).

There was one 30-gallon hazardous waste container of PCB sample vial waste containing hexane and methylene chloride, dated 11/30/2023, located in the hazardous waste storage area.

2. Failure to determine if a waste is a hazardous waste, as required by Chapter 851 § 5.

There were five 750-mL bottles of iCAP ICP-OES Corrosion Inhibitor Havoline XLI32765 chiller solution for an old ICP-MS, that the facility is no longer using, located in the Utility Room. One of the containers was marked with, "opened 6/16/2023", and another had a white powdery substance around its cover.

3. **Failure to ensure that incompatible hazardous waste is not stored in the same enclosure, building or structure unless they are segregated in a manner that prevents the wastes from coming into contact with one another under any circumstance, including simultaneous leakage or failure of a container(s), as required by Chapter 851 § 13 (C)(6).**

Specifically, there was one 10-liter cardboard box labeled “N” (clean), containing approximately forty acidic and basic hazardous waste samples in bottles of varying sizes from 250-mL, up to one-liter, located in the Receiving Area. The samples were stored in the same box with no segregation.

4. **Failure to label or mark each container with the words, “Hazardous Waste”, as required by Chapter 851 § 8(B)(3).**

At the time of the inspection, the following containers were not marked with the words “Hazardous Waste”:

- Four, two-liter containers used to decant methanol from soil samples, located on a shelf in the hazardous waste accumulation area. The following is a description of the containers:
 - Marked with an “O” on the top of the container, and the container had residual material at the bottom of the bottle.
 - Marked with an “O-C” on the top of the container, and the container was approximately $\frac{3}{4}$ of the way full.
 - Marked with an “O-L” on the top of the container, and the container was approximately $\frac{1}{4}$ of the way full.
 - Marked with an “O-I” on the top of the container, and the container was $\frac{1}{3}$ of the way full.

Note: At the time of the inspection, Mr. Bruce placed the bottles into a secondary containment box, labeled them with the words hazardous waste, and created a new SAA for these waste streams.

- Two 10-liter cardboard boxes containing corrosive aqueous waste samples of varying sizes from 250-mL, up to one-liter, located in the Receiving Area. One box was labeled “N” (clean) and contained approximately forty containers of acidic samples with different acids used to preserve the samples, and some samples were preserved with a base, having a high pH, but most samples were acidic. The other box was labeled, “Old, clean acidic samples for Neutralization” and contained approximately fifty bottles, mostly 125-mL, which were all acidic samples preserved with sulfuric acid. The boxes and the sample bottles were not labeled with the words hazardous waste.

5. **Failure to mark the date upon which each period of accumulation begins on each container, as required by Chapter 851 § 8(B)(3).**

There were two 10-liter cardboard boxes containing corrosive aqueous waste samples of

varying sizes from 250-mL, up to one-liter, located in the Receiving Area. One box was labeled “N” (clean) and contained approximately forty containers of acidic samples with different acids used to preserve the samples, and some samples were preserved with a base, having a high pH, but most were acidic. The other box was labeled, “Old, clean acidic samples for Neutralization” and contained approximately fifty bottles, mostly 125-mL, which were all acidic samples preserved with sulfuric acid. The boxes and the sample bottles were not marked with the date the accumulation began.

6. Failure to amend the contingency plan immediately when the list of emergency coordinators changes, as required by Chapter 851 § 8(B)(5), which references 40 CFR § 264.54(e).

Specifically, the most recent update on the contingency plan occurred in 2016, which only included updates on some of the plan, and the remainder was kept the same since the 2008 version of the plan. The emergency coordinators have not been amended. The current emergency coordinator is Jacob Bruce, and the alternate is Helene Gould. The contingency plan lists George Brewer as the emergency coordinator and the alternates as Galen Nickerson, and Michael Flanders.

7. Failure to submit the contingency plan, and all revisions of the plan to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services, as required by Chapter 851 § 8(B)(5), which references 40 CFR § 264.53.

Specifically, the contingency plan has not been submitted to any of the required agencies.

8. Failure to mark or label containers of universal waste batteries with one of the following phrases: “Universal Waste-Battery(ies)” or “Waste Battery(ies)”, or “Used Battery(ies)”, and failure to store universal waste in containers, as required by Chapter 858 § 7 (F), and Chapter 858 § 12, which references 40 C.F.R. § 273.14(a).

Specifically, there was one lead-acid battery sitting on a shelf in the universal waste area of the hazardous waste storage room that was not marked with any of the required phrases and was not containerized.

9. Failure to label each universal waste container with an accumulation start date, as required by Chapter 858 § 12.

The following universal waste was not dated:

- One box labeled “Dead Lead acid 12V batteries” that was stored in the universal waste area of the hazardous waste storage room was not marked with an accumulation start date.

- One lead-acid battery sitting on a shelf in the universal waste area of the hazardous waste storage room that was not marked with the accumulation start date.

10. Failure to inspect all containers of hazardous waste, including containers at satellite accumulation areas, and record the inspections in a logbook, as required by Chapter 851 § 13(D)(1).

Specifically, there was a satellite accumulation container for waste soda lime in a cabinet, located in the Low-Level Mercury Lab that was not included in the SAA weekly inspection logbook and inspections of this container had not been conducted. Additionally, there were missing weekly inspections throughout the time period the inspection team reviewed, including all of the weeks in September of 2023, of the SAAs in the Extractables Organics Lab.

Katahdin Analytical Services, LLC 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, of the actions taken to address requirements number 1 through number 10 above. Submit the information (**prefer electronically**) 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 or 617-918-1760. Thank you for your attention to this matter.

Sincerely,

O'Donnell, Mary Jane

Digitally signed by O'Donnell,
Mary Jane
Date: 2024.08.09 14:31:30 -04'00'

Mary Jane O'Donnell, Manager
Waste and Chemical Compliance Section

cc: Cherrie Plummer, MEDEP