



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1- New England
5 Post Office Square, Suite 100
BOSTON, MA 02109-3912

Dated via electronic signature stamp

Joseph Brady
Environmental Compliance Manager
Wheelabrator Saugus Inc.
100 Salem Turnpike
Saugus, MA 01906

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 Massachusetts General Law, Chapter 21C,
Sections 4 and 6.

Dear Mr. Brady:

On November 13-14, 2024, representatives of the United States Environmental Protection Agency ("EPA") completed a RCRA compliance evaluation inspection (CEI) of Wheelabrator Saugus Inc. ("Wheelabrator", or the "Facility"), EPA ID # MAC300002706. The purpose of this inspection was to determine the compliance of Wheelabrator with Massachusetts 310 CMR 30.000, and the federal Hazardous Waste Management Regulations found at 40 CFR Parts 260-273. The State of Massachusetts 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 310 CMR 30.000 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 mark or label each container of hazardous waste with the type of hazard(s) associated with the waste(s) indicated in words, as required by 310 C.M.R. 30.341(2)(c).**

Specifically, there was one 55-gallon container of hazardous waste, aerosol cans with an accumulation start date of 11/01/2024 that was located in the main hazardous waste accumulation area in the No. 2 Fabric Filter Building that was not labeled with the hazard(s) associated with the waste.

Note: At the time of the inspection the inspection team observed that the ignitable hazard had been added to the label of the 55-gallon container of

hazardous waste aerosol cans.

2. **Failure to label universal waste batteries (i.e., each battery), or a container in which the batteries are contained, with any one of the following phrases: “Universal Waste-Battery(ies)”, or “Waste Battery(ies)”, or “Used Battery(ies)”, as required by 310 CMR 30.1034(1)(d).**

Specifically, there was one spent lead-acid battery located in the Maintenance Shop that was not labeled with any of the required universal waste battery phrases.

Note: At the time of the inspection, the inspection team observed that the words universal waste lead acid battery had been added to the battery that was initially observed in Maintenance Shop but was later observed in the White Goods Storage Shed.

3. **Failure to mark or label universal waste with the date it became a waste, as required by 310 CMR 30.1034(7)(c).**

Specifically, the spent lead-acid battery located in the Maintenance Shop was not marked with the date it became a waste.

Note: At the time of the inspection, the inspection team observed that a date of 11/13/2024 had been added to the spent lead-acid battery that was initially in the Maintenance Shop but was later observed in the White Goods Storage Shed.

4. **Failure to inspect areas where containers are stored, at least weekly, as required by 310 C.M.R. 30.342(1)(d), which references 310 C.M.R. 30.686.**

Specifically, weekly inspections of the main hazardous waste accumulation area, located in the No. 2 Fabric Filter Building, were not conducted on the following weeks:

- Week of May 20, 2024
- Week of June 18, 2023
- Week of December 17, 2023

5. **Failure to distribute a copy of the Contingency Plan, and all revisions of the plan to local police departments, local fire departments, hospitals, local boards of health, the chief executive officer of the community, state and local emergency response teams that may be called upon to provide emergency services, as required by 310 CMR 30.341(1)(c).**

Specifically, revisions to the contingency plan have not been submitted to any local emergency response agencies since 2010. The contingency plan was most recently updated in March 2024 and the plan was not submitted to any of the local emergency response agencies.

Wheelabrator 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 (**electronic submission preferred**), of the actions taken to address requirements number 4 and 5 above. Submit the information 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 at 617-918-1760, or Wilkinson.cheryl@epa.gov. Thank you for your attention to this matter.

Sincerely,

O'Donnell,
Mary Jane

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O'Donnell, Mary Jane
Date: 2025.02.03
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Mary Jane O'Donnell, Manager
Waste and Chemical Compliance Section

cc: Scott Fasulo, MassDEP