



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

ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Mr. Travis Richins
Environmental Health and Safety Manager
Anchor Glass Container Corporation
4108 Valley Industrial Blvd. N
Shakopee, Minnesota 55379
travis.richins@anchorglass.com

Re: **Warning Letter: Notice of Potential Violations**
Anchor Glass Container Corporation
EPA I.D. No.: MND000819319
Shakopee, Minnesota

Dear Mr. Richins:

On October 26, 2021, the U.S. Environmental Protection Agency conducted a RCRA compliance evaluation inspection of the Anchor Glass Container Corporation ("Anchor Glass" or "you") located in Shakopee, Minnesota. The purpose of the inspection was to evaluate Anchor Glass' compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment, and storage of hazardous waste.

Information currently available to EPA suggests that Anchor Glass 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 potential violations.

We request 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 potential violations identified below or demonstrating why the violations have not occurred. At this time, EPA does not plan additional enforcement action under RCRA in response to the potential violations identified in this letter assuming Anchor Glass demonstrates full compliance. EPA, however, reserves its rights to take additional actions under RCRA including issuing an information request, seeking a penalty, and issuing an order.

Storage of Hazardous Waste without a Permit or Interim Status Which Potentially Violated Section 3005 of RCRA, 42 U.S.C. § 6925(a) and State Permitting Requirements

During the inspection, EPA observed Anchor Glass' failure to comply with the RCRA permit exemption conditions, below. When a hazardous waste generator fails to comply with the

conditions for a permit exemption, the generator becomes an operator of a hazardous waste storage facility without a permit in violation of Minn. R. 7001.0030; 7001.0520 Subpart 1(A); 7001.0530; 7001.0550 [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)]. Many of the RCRA permit exemption conditions are also independent requirements that apply to permitted and interim status hazardous waste management facilities that treat, store, or dispose of hazardous waste (TSD requirements). When a hazardous waste generator loses its permit exemption due to a failure to comply with an exemption condition incorporated from Minn. R. 7045.0292, Subpart 1, the generator: (a) becomes an operator of a hazardous waste storage facility; and (b) simultaneously violates the corresponding TSD requirement. For purposes of remedying potential noncompliance or preventing future violations, EPA recommends that Anchor Glass comply with the conditions below instead of applying for a hazardous waste storage permit.

The permit exemption conditions identified below are also independent TSD requirements:

1. Training

Under Minn. R. 7045.0292, Subpart 1.G. and 7045.0558, 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. 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: the job title for each position at the facility and the name of the employee filling each job; a written job description for each position; a written description of the type and amount of both introductory and continuing training that will be given; and records that document that the training or job experience described above has been given to and completed by facility personnel.

Anchor Glass was unable to provide hazardous waste training records for Mr. Otto for the year 2021.

Anchor Glass was unable to provide hazardous waste training records for Mr. Steinhoff for the year 2021.

Anchor Glass was unable to provide hazardous waste training records for Travis Richins and Michael Murphy for the years 2019, 2020 and 2021.

Travis Richins, Michael Murphy, and Richard Steinhoff's job descriptions did not include hazardous waste duties and a written description of the type and amount of initial/continuing training that will be given to each person.

Mark Otto's job description did not include hazardous waste duties.

2. Weekly Inspections

Under 7045.0626, Subpart 5, a large quantity generator must inspect hazardous waste containers and areas where containers are stored weekly, looking for leaks and for deterioration caused by corrosion or other factors and shall keep a record of the dates and findings of these inspections. At the time of the inspection, Anchor Glass was unable to provide for review records of its weekly hazardous waste inspections for the year 2019.

Other Potential Violations

3. Waste Analyses

Under 7045.0294, Subpart 3, a large quantity generator must keep test results records of any test results, waste analyses, or other determinations made for at least 3 years from the date the waste was last sent to on-site or off-site treatment, storage, or disposal. At the time of the inspection, Anchor Glass was unable to provide test results, waste analyses or other determination records of its waste.

4. Used Oil Filters Requirement

Under Minn. R. 7045.0990, Subpart 3 (C)(3), used oil filter generators must keep records of all shipments of used oil filters taken from their sites by transporters for at least three years after the date of shipment. At the time of the inspection, Anchor Glass did not have available for review records of its shipments of used oil filters.

5. Universal Waste Requirement

Under Minn. R. 7045.1400, a large quantity handler of universal waste must label or clearly mark each lamp or a container or package in which such lamps are contained with any one of the following phrases: "Universal Waste-Lamps," "Waste Lamps" or "Used Lamps." Anchor Glass is a large quantity handler of universal waste because it accumulates 5,000 kilograms or more of universal waste at any time. At the time of the inspection, Anchor Glass' waste lamp container was not labeled with the phrase "Universal Waste-Lamps," "Waste Lamps" or "Used Lamps."

During the inspection, Anchor Glass labeled the waste lamp container, which addressed the item described above. EPA is not requesting any further information for this potential violation.

Actions Requested

In order to ensure compliance, 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 potential violations or demonstrating why the violations have

not occurred. You do not need to provide documentation regarding potential violation number 5 that you addressed during the inspection as noted above.

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

r5lecab@epa.gov

and

burrus.sheila@epa.gov

The subject line of all email correspondence must include EPA I.D. No.: MND000819391. 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 Sheila Burrus to make additional arrangements for transmission of the response.

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 Sheila Burrus at burrus.sheila@epa.gov, explaining the specific impacts on your ability to respond.

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 Sheila Burrus. You may call her at (312) 886-3587 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: Kit Grayson, MPCA (kit.grayson@state.mn.us)