



REGION 5

CHICAGO, IL 60604

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Mr. Matthew Evers
Senior Vice President Business Development and Quality
The Meyers Printing Company, Inc.
7277 Boone Ave N
Brooklyn Park, Minnesota 55428
matt.evers@meyers.com

Re: **Notice of Potential Violation and Opportunity to Confer**
Notice of Intent to File Civil Administrative Complaint Against Meyers Printing Company, Inc.
Facility ID: MND985703362
Brooklyn Park, Minnesota

Dear Mr. Evers:

The EPA plans to file an administrative complaint for civil penalties against The Meyers Printing Company, Inc. ("MPC" or "you"). We will allege that you violated RCRA, 42 U.S.C. §§ 6901–6992k, as amended, as described below. RCRA is a cradle-to-grave framework to ensure proper management of hazardous wastes which, if handled in an unsafe manner, could present risks to humans and the environment.

Based on information provided by MPC, EPA's review of records pertaining to MPC, and the inspector's observations, MPC may have unlawfully stored hazardous waste without a permit or interim status as a result of MPC's failure to comply with certain conditions for a permit exemption under Minn. R. 7045.0292, Subpart 1. 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)]. Accordingly, if MPC unlawfully stored hazardous waste without a permit, EPA would deem MPC to be in significant noncompliance with RCRA.

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. 7045.0552 to

7045.0649, the generator: (a) becomes an operator of a hazardous waste storage facility; and (b) simultaneously violates the corresponding TSD requirement. MPC's failure to comply with certain conditions are violations of the corresponding requirements in Minn. R. 7045.0552 to 7045.0649.

Finally, MPC violated RCRA requirements related to reporting, used oil, and universal waste.

Please see the attachment for a list of the violations.

Based on information currently available to us, we plan to propose a penalty of \$22,366 in the complaint. In developing the penalty amount proposed in a complaint, EPA considers the particular facts and circumstances of the case, as well as EPA's penalty policy.

This letter is not a demand to pay a penalty. We will not ask you to pay a penalty until we file the complaint or a final order. Before filing the complaint, we are giving you the opportunity to present any information that you believe we should consider. Relevant information might include evidence that you did not violate the law; evidence that you relied on compliance assistance from EPA or a state agency; evidence that we identified the wrong party; or financial data bearing on your ability to pay a penalty. If you believe that you will be unable to pay a \$22,366 penalty because of financial reasons, please electronically send us certified, complete financial statements including balance sheets, income statements and all notes to the financial statements, and your company's signed income tax returns with all schedules and amendments, for the past three years.

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.

Please send any written responses to this letter to:

r5lecab@epa.gov

and

martinez.daniel@epa.gov

If you want to confer with us regarding this Notice, you should contact Dan Martinez via email at martinez.daniel@epa.gov or by phone at 312-886-6128, requesting such a conference, within ten (10) calendar days after you receive this Notice. Please be advised that this conference is not a settlement negotiation covered by Federal Rule of Evidence 408 and we may use any information you submit in support of any administrative, civil or criminal action. After this conference (or after you have submitted a written reply), you will have an opportunity to engage in settlement negotiations before we file the complaint.

After 30 days from receipt of this letter, EPA may file a complaint without further notice against MPC as authorized under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a).

This letter is being made available to the State of Minnesota as a means of notifying the State pursuant to Section 3008(a) of RCRA, as amended, that EPA is preparing to issue a formal enforcement action to MPC.

If you have any legal questions regarding this Notice, please contact Elyse Voyer at (312) 886-1980 or voyn.elyse@epa.gov.

Sincerely,

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Kit Grayson, Minnesota Pollution Control Agency (MPCA), kit.grayson@state.mn.us,
Tanya Maurice, MPCA, tanya.maurice@state.mn.us

Attachment List of Violations

Storage of Hazardous Waste without a Permit or Interim Status

At the time of the inspection, MPC was out of compliance with the following large quantity generator permit exemption conditions:

1. Use and Management of Containers

Under Minn. R. 7045.0292, Subpart 1.B. and 7045.0626, Subpart 4, 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, one (1) container was left open when waste was not being added or removed.

Other Violations

MPC violated the following generator requirements:

2. Hazardous Waste Recordkeeping and Reporting

Under Minn. R. 7045.0248, Subpart 1.B. 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 Minnesota Pollution Control Agency by March 1 of every even-numbered year for the preceding calendar year. In November 2021, March and October 2022, and September 2023, MPC was a large quantity generator that shipped hazardous waste, but did not prepare and submit a report to the Minnesota Pollution Control Agency by March 1, 2022, for the preceding calendar year.

3. Notification

Under Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), generators of hazardous waste in Minnesota are required to file with the Minnesota Pollution Control Agency a notification including the types of wastes handled and the type of hazardous waste activity (e.g., if a generator's hazardous waste activity changes to Large Quantity Generator Status). In November 2021, March and October 2022, and September 2023, MPC was a large quantity generator of hazardous waste, but did not submit notification of the change in generator category from Small Quantity Generator to Large Quantity Generator.

4. Used Oil Requirements

Under Minn. R. 7045.0855, Subpart 2.C., containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil." At the

time of the inspection, two (2) containers of used oil, located in MPC's storage areas, were not labeled with the words "Used Oil."

Under Minn. R. 7045.0990, Subpart 3.A., used oil filter generators must store used oil filters in closed, leakproof containers labeled as "Used Oil Filters." At the time of the inspection, one (1) container of used oil filters was labeled as "oil filters," not "Used Oil Filters."

5. Universal Waste Requirement

Under Minn. R. 7045.1400 [40 C.F.R. § 273.13(d)(1)], each waste lamp container or package in which such lamps are contained should be structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such waste lamp containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions. At the time of the inspection, MPC was not managing six (6) boxes of waste lamps in closed containers.

Under Minn. R. 7045.1400 [40 C.F.R. 273.14(a)], a small quantity handler of universal waste batteries must label or clearly mark each battery or a container or package in which such batteries are contained with any one of the following phrases: "Universal Waste—Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)." At the time of the inspection, three (3) containers of universal waste batteries were not labeled or marked with any of the above phrases.