



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

**VIA ELECTRONIC MAIL**  
**DELIVERY RECEIPT REQUESTED**

Ms. Christina Robedeau  
Site Environmental, Health, and Safety Manager  
Pratt & Whitney AutoAir, Inc.  
5640 Enterprise Drive  
Lansing, Michigan 49345  
[christina.robudeau@prattwhitney.com](mailto:christina.robudeau@prattwhitney.com)

Re: Warning Letter - Notice of Potential Violation  
5640 Enterprise Drive, Lansing, Michigan – Plants 1, 2, and 3  
EPA Identification No.: MID005343512

Dear Ms. Robedeau:

On November 2-3, 2022, the U.S. Environmental Protection Agency and the Michigan Department of Environment, Great Lakes, and Energy conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection of the Pratt & Whitney AutoAir, Inc., ("PWAA") facility located in Lansing, Michigan. The purpose of the inspection was to evaluate PWAA's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment, and storage of hazardous waste. A copy of the inspection report was sent to your attention by electronic mail ("email") on December 21, 2022. You provided to EPA additional information to clarify the inspection report by email on January 17, 2023.

Information currently available to EPA suggests that PWAA 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 is not planning additional enforcement actions under RCRA in response to the potential violations identified in this letter provided PWAA demonstrates full compliance. EPA, however, reserves its right to take additional actions under RCRA including issuing an information request, seeking a penalty, and issuing an order.

## PART I – GENERATOR CONDITIONS FOR A LICENSE EXEMPTION

During the inspection, EPA observed PWAA’s potential failure to comply with generator conditions for an exemption from obtaining a RCRA license, which is applicable to certain hazardous waste treatment, storage, and disposal facilities (TSDFs). Upon failure to comply with any condition for a license exemption, a generator is an unlicensed operator of a TSDF in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a) and of State Licensing Requirements at Mich. Admin. Code r. 299.9502(1), 299.9508, and 299.9510.

### 1. Aisle Space

Mich. Admin. Code r. 299.9307(1)(c) references 40 C.F.R. part 262, subpart M. Per 40 C.F.R. § 262.255, a large quantity generator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

At the time of the inspection, aisle space was restricted in the central accumulation area trailer utilized for storage of hazardous wastes and solid wastes generated in Plants 1 through 3. Certain containers were not accessible for visual inspection nor for physical emergency response. Though the containers that were not accessible may not have contained hazardous waste, their storage in a central accumulation area should not impede inspection or emergency response in the area.

## PART II – AREAS OF CONCERN

### A. Waste Determinations – Timing and Documentation

Under Mich. Admin. Code r. 299.9302, a generator must determine whether its waste is hazardous. This determination must be made at the point of generation. A generator must maintain documentation to support that determination. See Mich. Admin. Code r. 299.9311(1).

During the inspection, a random compilation of containers was accumulating in a vented workspace in the Materials Control Lab in Plant 1. Though apparently discarded, the containers were not identified as waste. In PWAA’s January 17, 2023 email, Ms. Robedeau stated:

*Materials and containers are kept in this vented workspace while chemists are safely performing multi-step tasks and detailed protocols. While the process is ongoing, it is not practical for chemists to remove material that may still be needed, so certain material is temporarily staged pending further evaluation and waste determination. PWAA does not designate this workspace as a satellite accumulation area. Material from this area, once determined waste, is then transferred to an accumulation area for packaging and labeling.*

It appears that the materials accumulating in the vented workspace are commercial chemical products that are partially used and may not yet be discarded. The point of generation for commercial chemical products is, in this case, when the evaluation is made that the material is no longer needed by laboratory staff.

Though not identified during the inspection, please note that any spent material or byproduct generated and stored in the vented workspace area should immediately be managed as a solid and potentially hazardous waste in a satellite area as it is subject to a waste determination at the point of generation.

**EPA is not requesting a response to this area of concern.**

**B. Satellite Accumulation Area – Volume Restrictions**

Mich. Admin. Code r. 299.9305(1) and (2) state, in part, that a generator may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near any point of generation where wastes initially accumulate that is under the control of the operator of the process that generates the waste without an operating license. Wastes exceeding 55-gallons should be marked with a start date of accumulation and be removed to an on-site central accumulation area or to an off-site TSDF within three days.

During the inspection, 55-gallon drums of hazardous waste were stored in tandem in many areas of the PWAA buildings. These areas were being managed as satellite accumulation containers.

In PWAA's January 17, 2023 email, Ms. Robedeau stated:

*In an effort to prevent and minimize issues with spills and leaks, PWAA placed containers of different waste streams in close proximity to each other. This arrangement ensures that the wastes are accumulated at or near the point of generation. This practice is aligned to Michigan EGLE # OWMRP-111-02 Satellite Accumulation Areas.*

According to Michigan EGLE #OWMRP-111-02 "Satellite Accumulation Areas," satellite accumulation designed for the purpose of circumventing the requirements of full generator storage is not permitted. The guidance document also states, "the generator should be able to explain to an inspector why the chosen satellite accumulation configuration meets the interests of safety, practicality, and convenience without constituting a method of circumventing general storage requirements." Further note that the document mentions, "it is also believed that there should be relatively few instances in which the factors discussed above will dictate several adjacent or proximate satellite accumulation areas."

**EPA is requesting PWAA to elaborate on the explanation provided in the January 17, 2023 email, as shown above.** In particular, EPA requests that PWAA explain further how the chosen satellite accumulation configuration meets the interests of safety,

practicality, and convenience without constituting a method of circumventing general storage requirements.

### **PART III - ACTIONS REQUESTED**

In order to ensure compliance, by no later than 30 calendar days after receipt of this letter, please provide information documenting the actions, if any, which you have taken since the inspection to address the identified potential violations and areas of concern or demonstrating why they have not occurred.

The EPA contact in this matter is Brenda Whitney. Please send all information requested by this letter by electronic mail to [whitney.brenda@epa.gov](mailto:whitney.brenda@epa.gov) and to [R5LEECAB@epa.gov](mailto:R5LEECAB@epa.gov). EPA is not accepting paper submittals at this time.

The subject line of all email correspondence must include PWAA's EPA Identification Number: MID005343512. 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 Ms. Whitney to make alternative arrangements for submittal of the response.

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.

As noted above, you may contact Ms. Whitney at [whitney.brenda@epa.gov](mailto:whitney.brenda@epa.gov) or at 312-353-4796 if you have questions about this letter. Thank you for your prompt attention to these concerns and for your efforts to protect human health and the environment.

Sincerely,

Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division

cc: Phil Roycraft, Michigan EGLE ([roycraftp@michigan.gov](mailto:roycraftp@michigan.gov))  
Alexandra Clark, Michigan EGLE ([clarka37@michigan.gov](mailto:clarka37@michigan.gov))  
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