



REGION 5

CHICAGO, IL 60604

ELECTRONIC MAIL DELIVERY RECEIPT REQUESTED

Ms. Christine Steman
EHS Director
Aveda Midwest Distribution Center
3860 Pheasant Ridge Drive NE
Blaine, Minnesota 55449-7106
chsteman@aveda.com

Re: **Notice of Violations**
Aveda Midwest Distribution Center
Facility ID: MNS000120469
Blaine, Minnesota

Dear Ms. Steman:

On September 19, 2024, the U.S. Environmental Protection Agency ("EPA" or "the Agency") conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection of Aveda Midwest Distribution Center ("Aveda" or "you") located in Blaine, Minnesota. The purpose of the Inspection was to evaluate Aveda's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. We have enclosed a copy of the Inspection report for your convenience.

Information currently available to EPA suggests that Aveda is 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 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 violations identified below or demonstrating why the violations have not occurred.

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

During the Inspection, EPA observed Aveda's apparent 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. 7045.0552 through Minn. R. 7045.0650, the generator: (a) becomes an operator of a hazardous waste storage facility; and (b) simultaneously violates the corresponding TSD requirement. For purposes of remedying noncompliance or preventing future violations, EPA is not requiring Aveda to apply for a Minnesota hazardous waste storage permit so long as it immediately establishes compliance with the conditions for a permit exemption outlined below.

1. Date When Each Period of Accumulation Begins

Under Minn. R. 7045.0292, Subpart 2, a large quantity generator must clearly mark each container holding hazardous waste with the date upon which each period of accumulation begins. At the time of the Inspection, several containers were missing the required date. Please see photographs 13 and 18, on pages 16 and 18 of the enclosed Inspection report.

2. Hazardous Waste Container Labeling

Under Minn. R. 7045.0292, Subpart 1.F., a large quantity generator must label or clearly mark each container holding hazardous waste with the words "Hazardous Waste." At the time of the Inspection, several containers were missing the required label. Please see photograph 18, on page 18 of the enclosed Inspection report.

3. Satellite Accumulation

Under Minn. R. 7045.0292, Subpart 8. A., a generator may, without a permit or interim status, accumulate as much as 55 gallons of hazardous waste or one quart of acute hazardous waste per waste stream per each point of generation. At the time of the Inspection, Aveda was storing hazardous waste in satellite accumulation areas in amounts that were greater than 55 gallons. Please see photographs 5 and 6 on page 12 of the enclosed Inspection report.

4. Satellite Accumulation Labeling

Under Minn. R. 7045.0292, Subpart 8. B. (2), a generator may, without a permit or interim status, accumulate as much as 55 gallons of hazardous waste or one quart of acute hazardous waste per waste stream per each point of generation provided the generator clearly label each container with the words "Hazardous Waste" and a description that clearly identifies its contents to employees and emergency personnel. At the time of the Inspection, Aveda was storing hazardous waste in satellite accumulation areas without labeling each container with the words "Hazardous Waste" or including a description that clearly identifies its contents to employees and emergency personnel. Please see photographs 4, 5, 6, 15, and 16, on pages 11, 12, and 17 of the enclosed Inspection report.

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

5. Training Requirements

Under Minn. R. 7045.0292, Subpart 1.G. and 7045.0558 Subpart 3, 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 the requirements of RCRA. The training program must include instruction that teaches facility personnel hazardous waste management procedures relevant to the positions in which they are employed, including contingency plan implementation procedures. The training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems. At the time of the Inspection, Aveda's RCRA training did not cover contingency plan implementation procedures.

After the Inspection, Aveda provided the required training information, which addresses any ongoing concern. While EPA is not requesting any further information for this violation, we still believe Aveda failed to comply with Minn. R. 7045.0292, Subpart 1.G. and 7045.0558 Subpart 3.

6. Annual Training

Under Minn. R. 7045.0292, Subpart 1.G. and 7045.0558 Subpart 5, 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 the requirements of RCRA. With respect to this training program, facility personnel must take part in an annual review of the initial training required in Minn. R. 7045.0558 Subparts 1-3. At the time of the Inspection, Aveda had not conducted annual RCRA training for the year 2023.

After the Inspection, Aveda provided the required training information, which addresses any ongoing concern. While EPA is not requesting any further information for this violation, we still believe Aveda failed to comply with Minn. R. 7045.0292, Subpart 1.G. and 7045.0558 Subpart 5.

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 violations or demonstrating why the violations have not occurred.

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

r5lecab@epa.gov

and

paulin.jamie@epa.gov

The subject line of all email correspondence must include your EPA identification number, MNS000120469. 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 Jamie Paulin to make additional arrangements for transmission 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.

The EPA contact in this matter is Jamie Paulin. You may contact her at (312) 886-1771 or paulin.jamie@epa.gov, 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
HARRIS

Digitally signed by
MICHAEL HARRIS
Date: 2025.06.09
14:36:22 -05'00'

Michael D. Harris
Division Director
U.S. EPA Region 5 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