



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Region 1

5 Post Office Square, Suite 100

BOSTON, MA 02114-2023

Dated via electronic signature stamp.

Mr. Jason Hyde, EHS Manager
Fiber Materials, Inc.
5 Morin Street
Biddeford, ME 04005

RE: **NOTICE OF VIOLATION** of the Resource Conservation and Recovery 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 Chapter 13 of Title 38 of the Maine Revised Statutes (M.R.S.A).

Dear Mr. Hyde:

On March 28-29, 2023, representatives of the United States Environmental Protection Agency ("EPA") completed a RCRA compliance evaluation inspection (CEI) of Fiber Materials, Inc., EPA ID # MED048268890. The purpose of this inspection was to determine the compliance of Fiber Materials, Inc., with State of Maine Hazardous Waste Management Rules, Chapter 850-860 and the federal Hazardous Waste Management Regulations found at 40 CFR Parts 260-273. The State of Maine 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 State of Maine Hazardous Waste Management Rules, Chapter 850-860 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 label or mark each container with the words, "Hazardous Waste", as required by Chapter 851 § 8(B)(3).

At the time of the inspection, the following containers were not marked with the words "Hazardous Waste":

- There was one 55-gallon container of coal tar pitch trap residue that did not have the words "hazardous waste" on the container in Building 2, Impregnation area.
- Additionally, there was one 5-gallon container, and one 2.5-gallon container for collecting coal tar pitch liquid residue, located under the coal tar pitch trap in

Building 2, Impregnation area. Neither container had the words, “hazardous waste” on the containers.

- There was one, approximately one-quart container for mercury waste in the EMTL Thermal Lab that did not have the words, “hazardous waste” on the container.
- There were three containers of “Resbond 931 Binder”, in the hazardous waste storage area (HWSA) flammable cabinet, each approximately one quart in size. The condition of each container showed indentation, and each container was stored in separate clear plastic bags with stickers stating, “shipped date: 2/1/19 use within 6 months USE BY: 8/1/19”. None of the three containers were marked with the words, “Hazardous Waste”.
- Throughout the facility the inspection team observed containers of waste that were mislabeled. For example, there were two containers in the K4 Hydropack area that were labelled as hazardous waste, coal tar pitch distillates, which Mr. Hyde explained were labelled incorrectly. He explained that the waste in those containers was not coal tar pitch distillate, it was scrubber waste, which is hazardous waste. The containers did have a hazardous waste label, but the description of the waste was incorrect. Additionally, the majority of the containers in the HWSA were labeled with both a hazardous waste label and a non-hazardous waste label and facility personnel could not be sure exactly what type of waste was in each container. Containers need to be labelled with the correct label.

2. Failure to mark the date upon which each period of accumulation begins on each container, as required by Chapter 851 § 8(B)(3).

There were three containers of “Resbond 931 Binder”, in the HWSA flammable cabinet, each approximately one quart in size. The condition of each container showed indentation, and each container was stored in separate clear plastic bags with stickers stating, “shipped date: 2/1/19 use within 6 months USE BY: 8/1/19”. None of the three containers were marked with the date of accumulation.

3. Failure to maintain a closed container of hazardous waste, except when it is necessary to add or remove waste, as required by Chapter 851 § 8(B)(2), which references Chapter 855 § 9(C), which references, 40 CFR § 265.173.

There was one 5-gallon container, and one 2.5-gallon container for collecting coal tar pitch liquid residue, located under the coal tar pitch trap in the Impregnation Area of Building 2, neither container was closed.

4. Failure to ensure facility personnel take part in annual review of hazardous waste training, as required by Chapter 851 § 8(B)(3), which references 40 CFR § 264.16.

Hazardous waste training was not conducted for employees in years 2020 or 2021.

5. Failure to place a “No Smoking” sign where ignitable or reactive waste is handled, as required by Chapter 851 § 13(C)(7)(c)(ii), which references 40 CFR § 264.17.

There was no, “No Smoking” sign located in the HWSA, where ignitable waste is stored.

6. Failure to document weekly hazardous waste storage area inspections, as required by Chapter 851 § 13(D)(1).

Specifically, there was no documentation showing an inspection had been conducted at the following areas for the following weeks:

HWSA:

Week of Monday, May 23, 2022
 Week of Monday, May 30, 2022
 Week of Monday, June 6, 2022
 Week of Monday, June 13, 2022
 Week of Monday, June 20, 2022
 Week of Monday, July 4, 2022
 Week of Monday, July 11, 2022
 Week of Monday, July 18, 2022
 Week of Monday, July 25, 2022
 Week of Monday, August 1, 2022
 Week of Monday, August 8, 2022
 Week of Monday, September 19, 2022
 Week of Monday, October 31, 2022

B5, Bullard SAA:

Week of Monday, September 19, 2022
 Week of Monday, October 31, 2022
 Week of Monday, November 21, 2022

Weaving Hallway, e-waste SAA:

Week of Monday, May 23, 2022
 Week of Monday, May 30, 2022
 Week of Monday, June 13, 2022
 Week of Monday, June 20, 2022
 Week of Monday, June 27, 2022
 Week of Monday, July 4, 2022
 Week of Monday, July 18, 2022
 Week of Monday, July 25, 2022
 Week of Monday, August 1, 2022
 Week of Monday, August 8, 2022
 Week of Monday, September 5, 2022
 Week of Monday, September 19, 2022
 Week of Monday, October 31, 2022

EMTL Room 114 SAA:

Week of Monday, May 23, 2022
 Week of Monday, May 30, 2022
 Week of Monday, June 13, 2022
 Week of Monday, June 20, 2022
 Week of Monday, June 27, 2022
 Week of Monday, July 4, 2022
 Week of Monday, July 18, 2022
 Week of Monday, July 25, 2022
 Week of Monday, August 1, 2022
 Week of Monday, August 8, 2022
 Week of Monday, August 29, 2022
 Week of Monday, September 19, 2022
 Week of Monday, October 31, 2022

K4 SAA:

Week of Monday, May 23, 2022
 Week of Monday, May 30, 2022
 Week of Monday, June 13, 2022
 Week of Monday, June 20, 2022
 Week of Monday, June 27, 2022
 Week of Monday, July 4, 2022
 Week of Monday, July 18, 2022
 Week of Monday, July 25, 2022
 Week of Monday, August 1, 2022
 Week of Monday, August 8, 2022
 Week of Monday, September 19, 2022
 Week of Monday, October 31, 2022

7. **Failure to accumulate and store containerized hazardous waste upon a base which is a firm working surface, such as asphalt or concrete, which is impervious and which must be kept entire and which is constructed of a minimum thickness of four (4) inches and must be constructed to prevent spillage from leaving the area, as required by Chapter 851 § 13(B)(1).**

The floor of the HWSA is constructed of unsealed wooden pieces, placed down with cracks and gaps between each wooden piece. The wooden pieces are not impervious, and continuous without gaps over the entire area.

8. **Failure to mark or label containers of universal waste batteries with one of the following phrases: “Universal Waste-Battery(ies)” or “Waste Battery(ies)”, or “Used Battery(ies)”, as required by Chapter 858 § 12, which references 40 C.F.R § 273.14(a).**

Specifically, in Building 4, Room 133 there was one box of universal waste batteries that included lead-acid and lithium button batteries that did not have a universal waste label.

9. Failure to label each universal waste container with an accumulation start date, as required by Chapter 858 § 12.

Specifically, in the universal waste storage area near the HWSA there was a box containing one lithium-ion battery that was not dated.

In Building 4, Room 133, there was one box of universal waste batteries with lead-acid and lithium button batteries that was not dated.

10. Failure to include in the contingency plan, the addresses of all persons acting as emergency coordinator, as required by Chapter 851 § 8(B)(5), which references 40 CFR § 264.52.

Specifically, the contingency plan did not list the addresses of the primary or alternate emergency coordinators.

Fiber Materials, Inc. 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, of the actions taken to address requirements number 1 through number 10 above. Submit the information (prefer electronic) 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,

MARY
ODONNELL

 Digitally signed by MARY
ODONNELL
Date: 2023.10.12 13:36:01 -04'00'

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

cc: Cherrie Plummer, ME DEP