



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

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Mr. Mark Earl
Chief Executive Officer
Corsi Cabinet Company
6111 Churchman bypass
Indianapolis, Indiana 46203
mark.earl@thecorsigroup.com

Re: **Warning Letter: Notice of Violation(s)**
Corsi Cabinet Company
U.S. EPA ID Number: IND065543241
Indianapolis, Indiana

Dear Mr. Earl:

On August 23, 2023, the U.S. Environmental Protection Agency conducted a RCRA compliance evaluation inspection of the Corsi Cabinet Company ("Corsi Cabinet," "facility or you") located in Indianapolis, Indiana. The purpose of the inspection was to evaluate Corsi Cabinet'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 Corsi Cabinet 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 violation(s).

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 violation(s) have not occurred. At this time EPA does not plan additional enforcement action under RCRA in response to the violations identified in this letter assuming Corsi Cabinet 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.

During the inspection, as observed by EPA, you took certain actions to establish compliance with the identified violations numbers 1 and 2.

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 Corsi Cabinet's 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 329 Ind. Admin. Code 3.1-13-3 and 40 C.F.R. §§ 270.1(c), and 270.10(a) and (d) [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 329 Ind. Admin. Code 3.1-10-1 and 40 C.F.R. Part 265, 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 Corsi Cabinet comply with the conditions below instead of applying for a hazardous waste storage permit.

1. Date When Each Period of Accumulation Begins

Under 329 Ind. Admin. Code 3.1-7-1 and 40 C.F.R. Part 262.34(a)(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, three containers were missing the required date. Please see photos 1 and 4 of the enclosed inspection report. At the time of the inspection, Mr. White marked the required date on the containers, which addressed the item described above. EPA is not requesting any further information for this potential violation.

2. Labeling of Satellite Accumulation Container

Under 329 Ind. Admin. Code 3.1-7-1 and 40 C.F.R. Part 262.34 (c)(1)(ii), a large quantity generator must mark its satellite accumulation containers with the words "Hazardous Waste" or other words that identify the contents of the containers.

At the time of the inspection, a satellite container holding waste paint was lacking a hazardous waste label or any descriptive words indicating its contents. Please see photo 4, located to the left of the image. During the inspection, Mr. White affixed a label to the container. EPA is not requesting any further information for this potential violation.

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

3. Training

Under 329 Ind. Admin. Code 3.1-7-1, 40 C.F.R. Part 262.34(a)(4) and 265.16, 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.

At the time of the inspection, there were no training records available for review for three employees for the year 2022. On September 5, 2023, EPA made a request for employee training records for the year 2021. Mr. Shield mentioned that he would provide "more detailed information" sometime during the week of September 11, 2023.

At the time of the inspection, there were no job descriptions available for review. After the inspection, EPA received job descriptions for its employees on September 1, 2023, via email. The job descriptions did not include responsibilities related to the handling and/or management of hazardous waste duties.

4. Copies of Contingency Plan

Under 329 Ind. Admin. Code 3.1-10-1, 40 C.F.R. Part 265.52(b), the facility owner or operator must undertake each of the following actions with regard to copies of the contingency plan and all revisions to the plan: (a) maintain a copy at the facility; and (b) submit a copy to each local police department, fire department, hospital, and State and local emergency response team that may be called upon to provide emergency services at the facility.

At the time of the inspection, Corsi Cabinet was unable to provide documentation showing a copy of the contingency plan had been sent to local emergency authorities.

5. Weekly Inspections

Under 329 Ind. Admin. Code 3.1-10-1, 40 C.F.R. Part 265.174, the facility owner or operator must inspect areas where containers are stored at least weekly, looking for leaks or deteriorations.

At the time of the inspection, Corsi Cabinet had not been conducting weekly inspections of its 90-days hazardous waste storage area. On September 1, 2023, EPA received a weekly inspection log showing Corsi Cabinet has begun to conduct weekly inspections of its hazardous waste storage area. Please submit copies of weekly inspections performed up to the current period.

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 violation(s) have not occurred. You do not need to provide documentation regarding potential violations 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 RCRAID Number: IND065543241. 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.

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

Enclosure

cc: Ms. Jennifer Reno, Indiana Department of Environmental Management, (jreno@idem.in.gov)