



REGION 5

CHICAGO, IL 60604

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Ms. Karen Homrich
Environmental Manager
Lacks Enterprises, Inc.
1648 Monroe Avenue NW
Grand Rapids, Michigan 49505
k.homrich@lacksenterprises.com

Re: **Notice of Violations and Return to Compliance**
Plastic Plate, Inc.
Facility ID: MID006409387

Dear Ms. Homrich:

On March 5, 2024, the U.S. Environmental Protection Agency conducted a Resource Conservation and Recovery Act compliance evaluation inspection of Lacks Enterprises' Plastic Plate, Inc. ("Facility or you") facility located in Grand Rapids, Michigan. The purpose of the inspection was to evaluate Plastic Plate'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 the EPA suggests that Plastic Plate is in violation of RCRA. During the inspection, as observed by EPA, and after the inspection, as documented in a May 7, 2024 email and letter to the EPA, you took certain actions to establish compliance with the identified violations. Based on the information received from Lacks Enterprises on May 7, 2024, EPA does not plan additional enforcement action under RCRA at this time in response to the violations identified in this letter.

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

During the inspection, EPA observed Plastic Plate's failure to comply with the RCRA license exemption conditions, below. When a hazardous waste generator fails to comply with the conditions for a license exemption, the generator is an operator of a hazardous waste storage facility without a license in violation of Mich. Admin. Code. r. 299.9502(1), 299.9508 and 299.9510 [40 C.F.R. §§ 270.1(c), and

270.10(a) and (d)]. Many of the RCRA license exemption conditions are also independent requirements that apply to licensed and interim status hazardous waste management facilities that treat, store, or dispose of hazardous waste (TSD requirements). When a hazardous waste generator loses its license exemption due to a failure to comply with an exemption condition incorporated from Mich. Admin. Code. r. 299.9601(1)-(3) and 299.11003(1)(p) and (q), the generator: (a) becomes an operator of a hazardous waste storage facility; and (b) simultaneously violates the corresponding TSD requirement.

1. Aisle Space

Under Mich. Admin. Code. r. 299.9307(1)(c), a large quantity generator must comply with 40 C.F.R. 262 Subpart M. Under 40 CFR 262.255, a large quantity generator must maintain aisle space to allow unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment in an emergency.

At the time of the inspection, the storage of non-waste materials adjacent to hazardous waste in the Hazardous Waste Storage Area caused a lack of aisle space. Please see page 5 and photo 4 of the enclosed inspection report.

In a May 7, 2024 email, Plastic Plate provide information and photos showing the non-waste materials had been removed to allow for adequate aisle space. Facility staff were also retrained on inspecting hazardous waste storage areas for adequate aisle space. This addressed the items described above. EPA is not requesting any further information for this violation.

2. Use and Management of Containers

Under Mich. Admin. Code. r. 299.9307(1)(b)(i)(D), a large quantity generator must keep a container holding hazardous waste closed at all times during storage, except when it is necessary to add or remove waste.

At the time of the inspection, a roll off containing filter cake was left open when waste was not being added or removed. Please see page 6 and photo 2 of the enclosed inspection report.

In a May 7, 2024 email, Plastic Plate provided information and photos showing the roll off had been covered and Facility staff were retrained on waste container closure requirements, which addressed the item described above. EPA is not requesting any further information for this violation.

3. Training

Under Mich. Admin. Code. r. 299.9307(1)(f) and (h), a large quantity generator must ensure that personnel complete a training program that includes hazardous waste management procedures relevant to the positions in which they are employed.

At the time of the inspection, the primary and alternate emergency coordinators listed in the Facility's contingency plan had not completed hazardous waste training during the past three (3) years. Please see page 9-10 of the enclosed inspection report.

In a May 7, 2024 email, Plastic Plate provided information and documentation showing these individuals completed hazardous waste training on March 8, 2024. EPA is not requesting any further information for this violation.

Other Violations

4. Maintenance and Operation of Facility

Under Mich. Admin. Code. r. 299.9307(1)(c), a large quantity generator must comply with 40 C.F.R. 262 Subpart M. Under 40 CFR 262.251, a large quantity generator must maintain and operate its facility to minimize any unplanned sudden or non-sudden release of hazardous waste.

At the time of the inspection, there was hazardous waste filter cake caught on the apparatus of the filter press. Please see pages 6-7 and photos 6-7 of the enclosed inspection report.

In a May 7, 2024 email, Plastic Plate provided information and photos showing the filter cake had been removed and that a housekeeping task was added to the Facility's system so filter cake observed on the filter press or immediate area would be promptly removed. EPA is not requesting any further information for this violation.

5. Contingency Plan Notifications

Under Mich. Admin. Code. r. 299.9307(1)(c), a large quantity generator must comply with 40 C.F.R. 262 Subpart M. Under 40 CFR 262.256(a), a large quantity generator must attempt to make arrangement with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals. Under 40 CFR 262.256(b), a large quantity generator shall maintain records documenting the arrangements and must include whether the arrangements actively exist or confirms that attempts were made to make such arrangements.

At the time of inspection, Plastic Plate's contingency plan did not contain documentation of arrangements made with local emergency response organizations. Please see page 10 of the enclosed inspection report.

In a May 7, 2024 email, Plastic Plate provided information and documentation that the contingency plan was distributed to local emergency response organizations on May 6, 2024. EPA is not requesting any further information for this violation.

6. Contingency Plan Quick Reference Guide Maps

Under Mich. Admin. Code. r. 299.9307(1)(c), a large quantity generator must comply with 40 C.F.R. 262 Subpart M. Under 40 CFR 262.262(b)(6) and (7), a large quantity generator must have a contingency quick reference guide that must include, among other things, the locations of

water supply (e.g., fire hydrant and its flow rate) and the identification of on-site notification systems (e.g., a fire alarm that rings off-site, smoke alarms).

At the time of inspection, Plastic Plate's contingency plan quick reference guide did not include locations of water supply or identification of on-site notification systems. Please see page 10 of the enclosed inspection report.

In a May 7, 2024 email, Plastic Plate provided information and documentation the contingency plan was updated to include the locations of water supply and on-site notification systems. EPA is not requesting any further information for this violation.

7. Satellite Accumulation Area Containers

Under Mich. Admin. Code. r. 299.305(1)(d) and (e), a large quantity generator that accumulates as much as 55-gallons of non-acute hazardous waste in a satellite accumulation area must keep containers closed at all times during accumulation, except to add, remove, or consolidate waste, and shall mark or label the container with the words "hazardous waste" and an indication of the hazards of the contents.

At the time of inspection, an aerosol puncturing device was open. The drum to which the device was attached was labeled as "hazardous waste" but did not include an indication of hazards. At the time of inspection, a representative of Plastic Plate closed the aerosol puncturing device but did not install the set screw. Please see page 7 and photo 1 of the enclosed inspection report.

In a May 7, 2024 email, Plastic Plate provided information and photos showing the set screw installed on the aerosol puncturing device and the proper labeling applied to the drum. EPA is not requesting any further information for this violation.

This letter is to inform you that the EPA has reviewed the referenced responses and does not plan additional enforcement action under RCRA at this time. This letter does not limit the applicability of the requirements evaluated, or of other federal or state statutes or regulations. EPA and the Michigan Department of Environment, Great Lakes, and Energy (EGLE) will continue to evaluate your Facility in the future.

The EPA contact in this matter is Shawn Cole. You may contact him at cole.shawn@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 D. Harris
Division Director
Enforcement and Compliance Assurance Division

Enclosure

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