



REGION 5

CHICAGO, IL 60604

April 8, 2024

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Mr. Spencer Miniely
Vice President of Operations/Manufacturing
Yenkin-Majestic Paint Corporation
1920 Leonard Avenue
Columbus, Ohio 43219
spencer.miniely@yenkin-majestic.com

Re: **Notice of Violation and Opportunity to Confer**
Compliance Evaluation Inspection Report and Description of Areas of Concern
Yenkin-Majestic Paint Corporation
Facility ID: OHD004282976
Columbus, Ohio

Dear Mr. Miniely:

On September 19, 2022, the U.S. Environmental Protection Agency conducted an RCRA compliance evaluation inspection of the Yenkin-Majestic Paint Corporation ("facility" or "you") located in Columbus, Ohio. The purpose of the inspection was to evaluate your 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 you 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 areas of concern.

During the inspection, EPA observed several areas of concern, described below. The description of the areas of concern is not a final determination regarding the Facility's compliance with RCRA. EPA requests 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 areas of concern described below or demonstrating why the areas should not be of concern. After 30 calendar days from your receipt of this letter and, if applicable, review of your response, EPA will notify you of any further action.

Areas of Concern

During the inspection, EPA observed the following areas of concern:

1. Hazardous Waste Accumulation

Under Ohio Admin. Code § 3745-52-34(A) and (B), a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status unless the generator has been granted an extension of the 90-day period.

At the time of the inspection, record review of the inventory logs for hazardous waste tank-115 indicated that hazardous wash solvent waste has been potentially stored for more than 90-days during the following periods: 03/13/2021 to 06/30/2021, 08/17/2021 to 12/15/2021, 12/15/2021 to 04/01/2022, and 04/29/2022 to 08/04/2022.

2. Hazardous Waste Container Labeling

Under Ohio Admin. Code § 3745-52-34(C)(1)(b), a large quantity generator must clearly mark each satellite container holding hazardous waste with the words "Hazardous Waste."

At the time of the inspection, one 55-gallon drum used for the collection drippage from the Tank-115 transfer lance was missing the required label. Please see photo 10 of the enclosed inspection report.

3. Use and Management of Containers

Under Ohio Admin. Code §§ 3745-52-34(A)(1)(i) and 3745-66-73(A), a large quantity generator must always keep a container holding hazardous waste closed during storage, except when it is necessary to add or remove waste.

At the time of the inspection, one 55-gallon drum accumulating "Paint Solids and Skins" was not closed when waste was not being added or removed, see the inspection report page 4.

After the inspection, you provided a photo showing closure of the container described above by electronic mail. EPA is not requesting any further information for this area of concern.

4. Training

Under Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-16(A) through (D), 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, you failed to maintain records showing that training was provided to security guards that were contracted to conduct weekly and daily inspections between 2020 and 2023.

5. Copy of Contingency Plan

Under, Ohio Admin. Code §§ 3745-52-34(A)(4) and 3745-65-53(B) a copy of the contingency plan and all revisions to the plan shall be submitted to all local emergency authorities, that may be requested to provide emergency services.

At the time of the inspection, you had not provided an updated copy of the facility's Contingency Plan to local emergency authorities (police, hospital, and fire department).

After the inspection, you provided confirmation of sharing your updated Contingency Plan with the local emergency authorities by electronic mail. EPA is not requesting any further information for this area of concern.

6. Weekly Inspections

Under, Ohio Admin. Code §§ 3745-52-34(A)(1)(a) and 3745-66-74, the owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. The owner or operator must record inspections in an inspection log or summary.

At the time of the inspection, review of weekly inspection records revealed that you failed to conduct inspections of Building 970 90-day storage and Building 1100 90-day storage areas during 07/19/22 to 08/02/22 (1 missing inspection), and 04/06/21 to 05/11/21 (4 missing inspections).

7. Air Emission Standards – Subpart BB

Under 40 C.F.R. § 265.1050(a) –(b), organic emissions standards apply to equipment that contains or contacts hazardous waste with organic concentration of at least 10 percent by weight that are managed in a unit that is exempt from permitting under the provisions of 40 CFR 262.17 (i.e., a “90-day” tank or container) and is not a recycling unit under provisions of 40CFR 261.6.

At the time of the inspection, you failed to determine applicability of Subpart BB requirements to equipment that is part of the Tank-115 system.

8. Air Emission Standards – Subpart CC

Under 40 C.F.R. § 265.1080(a), organic emission standards apply to facilities that treat, store, or dispose of hazardous waste in tanks, surface impoundments, or containers subject to either subpart I, J, K of Part 265.

At the time of the inspection, you failed to determine applicability of Subpart CC requirements to hazardous waste Tank-115 and hazardous waste storage containers.

9. Universal Waste Closure Requirement

Under Ohio Admin. Code § 3745-273-13(D)(1), a small quantity handler of universal waste must keep containers and packages managing used lamps closed.

At the time of the inspection, you failed to keep two boxes managing universal waste bulbs in Building B06 Universal Waste Storage closed.

After the inspection, you provided photos showing closure of the universal waste containers by electronic mail. EPA is not requesting any further information for this area of concern.

10. Universal Waste Labeling Requirement

Under Ohio Admin. Code § 3745-273-14(E), a small quantity handler of universal waste must keep each lamp or a container or package in which such lamps are contained labeled or marked clearly with one of the following phrases: "Universal Waste Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

At the time of the inspection, you failed to keep a box of universal waste bulbs in the Building B06 Universal Waste Storage labeled with one of the required phrases.

After the inspection, you provided photos showing proper labeling of the universal waste container by electronic mail. EPA is not requesting any further information for this area of concern.

11. Universal Waste Accumulation Time Limit Requirement

Under Ohio Admin. Code § 3745-273-15(C), a small quantity handler of universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes waste.

At the time of the inspection, you failed to demonstrate the length of time the box of used bulbs in Building B06 Universal Waste Storage was accumulated. The box was missing accumulation start date.

After the inspection, you provided photos showing dating of the universal waste container by electronic mail. EPA is not requesting any further information for this area of concern.

Actions Requested

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 areas of concern, as well as any additional information requested. You do not need to provide documentation regarding areas of concern that you addressed after the inspection as noted above.

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

r5lecab@epa.gov

and

samaranski.derrick@epa.gov

The subject line of all email correspondence must include RCRAID OHD00428976. 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 Derrick Samaranski 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 Derrick Samaranski. You may contact him at (312) 886-7812 or at samaranski.derrick@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: 2024.04.08
09:37:17 -05'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

cc: Mitchell Mathews, Ohio EPA, (mitchell.mathews@epa.ohio.gov)