



REGION 5
CHICAGO, IL 60604

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Bryan Hill
Environmental, Health, and Safety Manager
MNP Corporation
44225 Utica Road
Utica, Michigan 48317
Bryan.Hill@mnp.com

Re: **Notice of Violations**
MNP Corporation Plant 2
1524 Fourteen Mile Road
Madison Heights, Michigan 48071
EPA Identification No.: MIK529539876

Dear Bryan Hill:

On April 2, 2025, the U.S. Environmental Protection Agency conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection of the MNP Corporation ("MNP" or "you") facility located in Madison Heights, Michigan. The purpose of the inspection was to evaluate MNP's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment, and storage of hazardous waste. The Inspection Report was emailed to you on May 15, 2025.

Information currently available to EPA suggests that MNP 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 EPA 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. At this time, EPA is not planning additional enforcement actions under RCRA in response to the violations identified in this letter provided MNP demonstrates full compliance. EPA, however, reserves its right to take additional actions under RCRA including issuing an information request, seeking a penalty, and issuing an order.

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

During the inspection, EPA observed MNP'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 treatment, storage, or disposal facility (TSDF) without a license in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a) and Mich. Admin. Code r. 299.9502(1), 299.9508 and 299.9510.

1. Hazardous Waste Container Labeling

Under Mich. Admin. Code § R 299.9305(1)(e)(i) and (ii), a large quantity generator who accumulates hazardous in a satellite accumulation area must mark or label its container with both the following:

- (i) The words "Hazardous Waste."
- (ii) A description of the waste or the hazardous waste number, and an indication of the hazards of the contents. The indication of the hazards of the contents may include the applicable hazardous waste characteristics, the hazard communication consistent with 49 CFR part 172, subpart E or F, a hazard statement or pictogram consistent with 29 CFR 1910.1200, or a chemical hazard label consistent with the DFPA standard no. 704.

At the time of the inspection, MNP had labeled 55-gallon drums collecting oily skimmings from the potassium hydroxide wash tanks as used oil. MNP had determined that this wastestream was a hazardous waste for corrosivity but continued to label the containers as "Used Oil." See page 4 of the Inspection Report.

MNP submitted a photograph to EPA in an email dated May 27, 2025, showing that satellite containers associated with the wash tanks had been re-labeled as "Hazardous Waste." EPA is not requesting any additional information to show compliance with Mich. Admin. Code § R 299.9305(1)(e)(i). The new label, however, did not include the description of the waste or the hazardous waste number, nor did it include an indication of the hazards of the contents. EPA is requesting information to show compliance with Mich. Admin. Code § R 299.9305(1)(e)(ii).

2. Preparedness and Prevention

Under Mich. Admin. Code §§ R. 299.9307(1)(c), which references 40 C.F.R. part 262, subpart M, a large quantity generator of hazardous waste shall, in part, document arrangements with local authorities (i.e., police and fire departments, emergency response teams, emergency response contractors, equipment suppliers, local hospitals, and or the local emergency planning committee) for emergency response. Documentation in the operating record must either confirm such arrangements actively exist or, in cases where no arrangements exist, confirm that attempts to make such arrangements were made. See, 40 C.F.R. § 262.256(b).

Bryan Hill provided information regarding arrangements with emergency responders in an email to EPA on May 20, 2025, which stated, in part,

The local fire marshal schedules regular walks through the facilities as part of the Fireman's Right To Know. Initial copies of our ICP were sent to local authorities, but most responded with questions about why we were sending them as they don't typically get them. From there we will send out a new copy if chemicals or processes change or if requested, so far they have not.

Documentation confirming that arrangements with all emergency responders including, but not limited to the fire department, have been either made or attempted was not provided.

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

Many of the RCRA license exemption conditions are also independent requirements that apply separately to licensed and interim status TSDFs. A hazardous waste generator that loses its license exemption due to a failure to comply with an exemption condition that is also a requirement found in Mich. Admin. Code § R. 299.9601(1)-(3) not only violates the statute and licensing requirements as mentioned above, but also simultaneously violates the corresponding TSDF requirement.

3. Contingency Plan

Under Mich. Admin. Code §§ R. 299.9307(1)(c), which references 40 C.F.R. part 262, subpart M, a large quantity generator of hazardous waste shall, in part, provide a hazardous waste contingency plan for the facility. A TSDF is also required to provide a contingency plan under Mich. Admin. Code § R. 299.9607, which references 40 C.F.R. part 264, subpart D. The hazardous waste contingency plan as a whole may be incorporated into a Spill Prevention, Control, and Countermeasures plan or into another emergency or contingency plan.

The plan shall include, among other things:

- Description of arrangements with local emergency responders (police, fire, emergency response teams or contractors, equipment suppliers, and local hospitals). Arrangements may be made with the Local Emergency Planning Committee. *See*, 40 C.F.R. §§ 262.261(c) and 264.52(c).
- Descriptions and locations of the emergency equipment on the spill and safety equipment list. *See*, 40 C.F.R. §§ 262.261(e) and 264.52(e).
- An evacuation plan for personnel with signals, evacuation routes, and alternate routes. *See*, 40 C.F.R. §§ 262.261(f) and 264.52(f).

Bryan Hill provided MNP's integrated contingency plan (ICP) in an email dated April 23, 2025. The plan did not include the required information outlined above. In another email on May 20, 2025, Bryan Hill provided MNP's TIER II Off-Site Response Plan, which is separate from the ICP. The plan includes a map of the emergency equipment for the facility but does not include a description of the equipment. The plan also includes a generic description of responsibilities for the fire department but does not include specific description of arrangements for any other emergency responders. The evacuation plan consists of a map depicting the emergency exits but does not describe signals or routes/alternate routes (or a statement instructing personnel to find the nearest exit, if deemed appropriate in the case of this facility).

At this time, EPA is not requiring MNP to apply for a hazardous waste storage license so long as MNP immediately establishes compliance with the conditions for a license exemption outlined in paragraphs 1-3, above.

Used Oil Violations

4. Used Oil - Identification

Under Mich. Admin. Code § R. 299.9809(1)(b), a material that contains or is otherwise contaminated with used oil and is burned for energy recovery is subject to regulation as used oil.

At the time of the inspection, MNP was generating solids (textiles/rags/spill absorbent) that had been contaminated with used oil. MNP was managing this waste stream as non-hazardous waste and had labeled containers of this waste stream as such. According to Mr. Hill, the vendor receiving the wastes centrifuges entrained oils out of the wastestream for reprocessing and sends the solids to be burned for energy recovery. Because this waste stream is burned for energy recovery, it is subject to regulation as used oil. Were this waste stream to be discarded without reclamation of the oil and energy, it would be a solid waste subject to a hazardous waste determination under Mich. Admin. Code § R. 299.9302.

5. Used Oil - Labeling

Under Mich. Admin. Code § R. 299.9810(3), which references 40 C.F.R. § 279.22(c)(1), containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

At the time of the inspection, three 55-gallon drums of used oil generated from compressor repairs in the facility maintenance area were not labeled with the words, "Used Oil."

Also, at the time of the inspection, one 1,000-gallon above-ground tank of used oil was labeled both as "Waste Oil" and "Used Oil."

MNP submitted photographs to EPA in an email dated May 27, 2025, showing that the three 55-gallon containers had since been removed from the facility and the used oil tank had been re-labeled as only "Used Oil." EPA is not requesting any additional information for this violation.

6. Used Oil – Storage

Under Mich. Admin. Code § R. 299.9810(4), a used oil generator shall not store used oil in units other than containers or tanks.

At the time of the inspection, MNP was storing used oil and other oils in above ground tanks. Drips or leaks from these tanks collected in a metal containment tray beneath the tanks. The containment tray was storing liquid at the time of the inspection. Though the tray may meet the definition of a tank, it was being used as containment, which should be kept empty to continue to function as containment when needed.

MNP submitted photographs to EPA in an email dated May 27, 2025, showing that the oil in the containment tray had been removed. EPA is not requesting any additional information for this violation.

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 violation(s) have not occurred. You do not need to provide documentation regarding violations that you addressed after the inspection as noted above.

Please send all reports requested by this letter by electronic mail to Brenda Whitney at whitney.brenda@epa.gov and to R5LECAB@epa.gov.

The subject line of all email correspondence must include your EPA Identification Number: MIK529539876. 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 Brenda Whitney 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.

You may contact Brenda Whitney at whitney.brenda@epa.gov or at 312-353-4796 if you have questions regarding this letter. Thank you for your prompt attention to these concerns and for your efforts to protect human health and the environment.

Sincerely,

Michael D. Harris
Division Director
U.S. EPA Region 5 Enforcement and Compliance
Assurance Division

cc: Alexandra Clark, Michigan EGLE (clarka37@michigan.gov)
Phil Roycraft, Michigan EGLE (roycraftp@michigan.gov)
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