



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

ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Mr. Charles Knott
Operation Manager
Brenntag Mid-South, Inc.
3111 North Post Road
Indianapolis, Indiana 46226
Charles.Knott@brenntag.com

Re: **Warning Letter: Notice of Potential Violation(s)**
Brenntag Mid-South, Inc.
U.S. EPA ID Number: IND980702526
Indianapolis, Indiana

Dear Mr. Knott:

On August 24, 2023, the U.S. Environmental Protection Agency conducted an RCRA compliance evaluation inspection of the Brenntag Mid-South, Inc. ("Brenntag," "facility or you") located in Indianapolis, Indiana. The purpose of the inspection was to evaluate Brenntag'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 Brenntag 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 potential 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 potential 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 potential violations identified in this letter assuming Brenntag 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.

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 Brenntag'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 Brenntag comply with the conditions below instead of applying for a hazardous waste storage permit.

1. 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. *See* 40 C.F.R. 265.16(d).

At the time of the inspection, Brenntag did not have a list of job titles for each position at the facility related to hazardous waste management 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. Specifically, there was no documentation provided to EPA for review that indicated that Charles Knott and Josh Griffin, who were hired on May 15, 2021, and September 26, 2022, respectively, received initial and annual training for calendar years 2021, 2022 and 2023. In addition, there was no documentation provided to EPA for review that indicated that Eric Ramsey received annual training for the calendar years 2020 and 2021. Furthermore, during the inspection, there were no job descriptions provided to EPA for review for any of the facility personnel.

After the inspection, Brenntag provided job descriptions, which addressed the required job description details for Messrs. Knott, Ramsey and Griffin. EPA is seeking a response regarding the initial and annual training records for these three employees.

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 after 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: IND980702526. 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 Environmental Management (jreno@idem.in.gov)