



**REGION 10**

SEATTLE, WA 98101

Reply To: 20-C04

**CERTIFIED MAIL – RETURN RECEIPT REQUESTED**

Mr. Ryan Oates  
Site Manager  
AkzoNobel Coatings, Inc.  
1660 Cross Street Southeast  
Salem, Oregon 97302

Re: **NOTICE OF VIOLATION**  
AkzoNobel Coatings, Inc.  
EPA ID No. ORD009412602

Dear Mr. Oates:

This Notice of Violation (NOV) is to inform AkzoNobel Coatings, Inc. (“AkzoNobel”) of violations of the Oregon Administrative Rules for Hazardous Waste Management, as authorized by the U.S. Environmental Protection Agency (EPA) pursuant to the Resource Conservation and Recovery Act (RCRA). These violations were identified as a result of an inspection performed by EPA on July 18-19, 2023 at the AkzoNobel facility located at 1660 Cross Street, Salem, Oregon. The inspection was performed pursuant to EPA’s inspection authority under Section 3007 of RCRA, 42 U.S.C. § 6927.

From the observations made during the inspection, the following RCRA violations were identified at the facility. Unless otherwise noted, requirements from the Code of Federal Regulations (C.F.R.) are incorporated by reference at OAR 340-100-0002.

**Violation 1: Satellite Container Requirements Not Met**

RCRA § 3005(a) [ORS 466.100] requires, among other things, that the owner and operator of a hazardous waste management unit must have a permit for storage of hazardous waste. 40 C.F.R. § 262.34(c)<sup>1</sup> provides that certain generators may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near any point of generation where wastes initially accumulate

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<sup>1</sup> On January 1, 2022, Oregon DEQ adopted the 2016 Generator Improvement Rule regulations, including the new 40 C.F.R. § 262.17 large quantity generator conditions; however, at the time of the inspection, EPA had not authorized those regulations. Therefore, in this matter, the previously authorized 40 CFR § 262.34(a) large quantity generator conditions apply.

which is under the control of the operator of the process generating the hazardous waste ("satellite accumulation area") without a permit provided that, among other things, the container is closed; the container is marked either with the words "Hazardous Waste" or with other words that identify the contents of the containers; the volume of hazardous waste does not exceed 55 gallons; and hazardous waste from a satellite accumulation area is transferred to, among other things, a 90 day large quantity generator area.

At the time of the inspection, inspectors observed:

- a. In the Solutions Lab, a satellite accumulation area had two 55-gallon drums, one for solids and one for liquids. The inspectors observed that the combined volume of hazardous waste in this satellite accumulation area exceeded 55 gallons, in that the solids drum was nearly full and the liquids drum was approximately 1/3 full.
- b. Another satellite accumulation area in the Solutions Lab was comprised of a 25-gallon step can for hazardous waste solids such as personal protective equipment and rags. AkzoNobel personnel stated that the waste solids in this step can were transferred to the 55-gallon solids drum mentioned above, which was in a different satellite accumulation area. On July 28, 2023, AkzoNobel provided the EPA inspectors with a document that stated that the step can is no longer in service and that the hazardous waste solids are now placed directly in the larger solids container; therefore, this violation has been resolved and no further information from AkzoNobel is required.
- c. Inspectors observed that, under multiple parts washer units throughout the facility, such as the parts washer under the mezzanine in Area D, hazardous waste was accumulating in an open and unlabeled bucket/container. This resulted in high concentrations of organic vapor being released from the container, as measured by a toxic vapor analyzer instrument. On July 28, 2023, AkzoNobel provided the EPA inspectors with a document that stated that the containers have been labeled and sealed; therefore, this violation has been resolved and no further information from AkzoNobel is required.
- d. AkzoNobel personnel stated that the wash solvent satellite accumulation area drum adjacent to the Renzmann washer accepts parts washer solvent from throughout the facility, as well as residual products that are deemed wastes. This container was therefore not at or near the point of generation for all of the hazardous waste placed into the container.
- e. Wash solvent drums that were in use had loose lids without drum locking rings, resulting in detectable emissions from these containers, such as the container in the satellite accumulation area in Area A below the mezzanine. On July 28, 2023, AkzoNobel provided the EPA inspectors with a document that stated that the containers now have sealed lids; therefore, this violation has been resolved and no further information from AkzoNobel is required.
- f. The inspection team observed a leaking filter at the outlet of the Renzmann dirty solvent tank. Mr. Bradd Brunkal of AkzoNobel stated that there was a leaking part and he explained that he had ordered a replacement for this part. The drip pan collecting the leaking material, a "container" within the meaning of RCRA, was not closed nor was it marked either with the words "Hazardous Waste" or with other words that identified the contents of the container.

## **Violation 2:**

RCRA § 3005(a) [ORS 466.100] requires, among other things, that the owner and operator of a hazardous waste management unit must have a permit for storage of hazardous waste.

40 C.F.R. § 262.34(a) provides that certain generators may accumulate hazardous waste without a permit provided that, among other things, the hazardous waste is accumulated for a period of 90 days or less. At the time of the inspection, inspectors observed that, based on their review of a December 10, 2021 “Hazardous Waste Shed Weekly Inspection Form,” 20 drums of “Obsolete Raw Material/Paint/Stains/Lacquers” had been accumulated since August 13, 2021, a total of 112 days.

### **Required Action**

The above violations may subject AkzoNobel to enforcement action under Section 3008 of RCRA, including the assessment of civil penalties. Within 20 days of receipt of this NOV, EPA requests that you submit a written response and/or photographs that identify actions you have taken or will take to correct the violations.

Please send all material submitted in response to this NOV to Kevin Schanilec, by email, at [schanilec.kevin@epa.gov](mailto:schanilec.kevin@epa.gov).

### **EPA Reservation of Rights**

Notwithstanding this NOV or your response, EPA reserves the right to take any action pursuant to RCRA or any other applicable legal authority. Your response to this NOV does not constitute compliance with RCRA.

Nothing in this NOV or your response shall affect duties, obligations or responsibilities with respect to AkzoNobel under local, state or federal law or regulation.

Thank you for your prompt attention to this important matter. If you have questions regarding this NOV, please contact Kevin Schanilec, of my staff, at [schanilec.kevin@epa.gov](mailto:schanilec.kevin@epa.gov).

Sincerely,

**MORGAN JENCIUS** Digitally signed by MORGAN  
JENCIUS  
Date: 2024.05.24 13:05:53 -07'00'

Morgan Jencius, Chief  
Air and Land Enforcement Branch  
Enforcement and Compliance Assurance Division

cc: Ms. Becky Williams  
Oregon Department of Environmental Quality