



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
KALAMAZOO DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

June 29, 2021

VIA EMAIL

Jim Grimes
Wright Coating Technologies
1603 Pitcher Street
Kalamazoo, Michigan 49007

Dear Mr. Grimes:

SUBJECT: Violation Notice; Wright Coating Technologies; Kalamazoo County; Site Identification Number MID097806004; Waste Data System Number 398020

On June 16, 2021, staff of the Department of Environment, Great Lakes, and Energy (EGLE), Materials Management Division (MMD), conducted an inspection of Wright Coating Technologies (Wright), located at 1603 Pitcher Street, Kalamazoo, Michigan. The purpose of the inspection was to evaluate 's compliance with Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); Part 121, Liquid Industrial By-Products, of the NREPA; the corresponding requirements under Subtitle C of the federal Resource Conservation and Recovery Act of 1976, as amended (July 1, 2018 edition); and any administrative rules or regulations promulgated pursuant to these acts. A copy of the completed inspection form can be obtained by contacting this office.

As a result of the inspection, the MMD staff has determined that Wright is in violation of the following at the above-referenced location:

1. A person who generates a waste as defined in R 299.9202 shall make an accurate determination if that waste is a hazardous waste to ensure the waste is properly managed under these rules (Rule 302(1)). The hazardous waste determination for each waste must be made at the point of waste generation, before dilution, mixing, or other alteration of the waste occurs (Rule 302(1)(a)).

Please characterize the filters that are impacted with the primer and MEK to determine if they are a hazardous waste. The determination should be made when the filters are at the end of their normal service life and being replaced. The presence and use of the MEK has the potential to cause the filters to be characteristically and/or a listed hazardous waste.

2. A generator shall determine its generator category. A generator's category is based on the amount of hazardous waste generated each month (Rule 303(1)). Based on the generator category determined under this rule, the generator shall meet all of the applicable independent requirements listed in R 299.9301. A generator's category also determines which provision of R 299.9301 to R

299.9307 must be met to obtain an exemption from the licensing, interim status, and operating requirements when accumulating hazardous waste (Rule 303(6)).

Wright was previously notified as small quantity generator and inspected as such. The actual amount of waste being generated is somewhat unclear. Please reassess the current waste generation to make a quantity-based determination of generator status and communicate what that status is and will be moving forward. Please keep in mind the following items affect generator status:

- Waste intended for on-site elementary neutralization must be counted unless it is managed immediately upon generation. Therefore, if the spent muriatic acid is placed in drums for storage prior to neutralization and discharge (under the current city discharge agreement) then it must be counted towards the waste generator status. These drums must also be labeled as hazardous waste while in storage prior to neutralization.
 - A small or very small quantity generator may have episodic waste generation beyond their usual generator categories if the proper notification and management practices are followed.
3. A small quantity generator must at least weekly, inspect central accumulation areas looking for leaking containers and for deterioration of containers (Rule 306(1)(d)(i)(E)). Small quantity generators shall keep documentation of all inspections, training, and other records required under R299.9306 for not less than 3 years (Rule 311(7)).

Wright had not been performing and recording weekly waste inspections. Wright may use [EGLE's template](#) or any other form of their choosing to record the inspections. Please provide 2-weeks' worth of documents showing that the required inspections are now being performed moving forward.

4. Hazardous waste accumulation containers must be marked with all of the following (Rule 306(1)(d)(i)(G)):
- a. The words "Hazardous Waste" (Rule 306(1)(d)(i)(G)(I)).
 - b. A description of the waste **OR** the hazardous waste number, **AND** an indication of the hazards of the contents (Rule 306(1)(d)(i)(G)(II)).
 - c. The date upon which each period of accumulation begins (Rule 306(1)(d)(i)(G)(III)).

The indication of the hazards of the contents may include the applicable hazardous waste characteristic(s), the hazardous 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 NFPA standard no. 704.

Wright's hazardous waste containers were not marked consistently or with all of the required information. The in-house printed marking that was on each tote lacked the words "hazardous waste" and an indication of the hazard. Several drums were not labeled at all. Please provide photographs showing that all of the wastes on-site have been re-labeled with all of the required information. If the waste has already been removed from the site, then please provide a copy of the waste manifest in lieu of labeling photographs. Please also describe what Wright has done to ensure waste containers are labeled properly in the future.

5. A small quantity generator may accumulate hazardous waste on site for no more than 180 days (Rule 306(1)(a)).

The waste primer and MEK drum in the flammable storage room was not marked with an accumulation start date. Based on manifest records this waste stream has not been sent off site for several years, which leads to the assumption that the current drum has been accumulating for more than 180 days. Please have the current MEK/primer waste drum sent for proper disposal and explain how Wright intends to manage the waste moving forward to prevent accumulation over the 180-day limit.

6. The quantity of hazardous waste accumulated at on site at a small quantity generator may never exceed 6,000 kilograms.

At the time of the inspection Wright had well over the small quantity generator's allowable 6,000-kilogram limit of hazardous waste. Please arrange for a waste removal and provide a copy of the hazardous waste manifest.

While not a specific violation, the following additional issue was identified by MMD staff during the course of the inspection. This is provided to assist Wright in maintaining compliance and avoiding future noncompliance.

- A small quantity generator shall [re-notify](#) (using the [EQP 5150](#)) by September 1, 2021 and every 4 years thereafter (Rule 308(5)).

Wright should immediately initiate any actions specified above and other actions necessary to correct the cited violations. Additionally, please submit documentation to this office regarding those actions taken, or to be taken, to address the violations listed above by **July 29, 2021**.

Your response may include additional information relevant to the violations observed for evaluation. The MMD will evaluate your response, determine 's compliance status at the above-referenced location, and notify you of this determination.

This Violation Notice does not preclude, nor limit, EGLE's ability to initiate any other enforcement action under state or federal law, as deemed appropriate.

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For more information, guidance, and training on hazardous waste and liquid industrial by-products, go to the [Michigan Guide to Environmental, Health, and Safety Regulations](#), [EGLE Hazardous Waste Webinars](#), or [EGLE Training and Workshops](#).

EGLE anticipates and appreciates your cooperation in resolving this matter. If you have any questions, please feel free to contact me at the telephone number below, or by e-mail at HettichK@Michigan.gov.

Sincerely,



Krista Hettich
Environmental Quality Analyst
Kalamazoo District Office
Materials Management Division
269-370-8527

KH:ne

cc: Fred L. Sellers; EGLE