

- ii. Under Minn. R. 7045.0292, Subpart 8.B(2), a generator must clearly label each container with the words “Hazardous Waste” and a description that clearly identifies its contents to employees and emergency personnel. At the time of the Inspection, Respondent had not labeled three containers used at or near the point of generation with the words “Hazardous Waste” in violation of Minn. R. 7045.0292, Subpart 8.B(2).
 - iii. Under Minn. R. 7045.0292, Subpart 8.B(1), a generator must comply with part 7045.0626, Subparts 2 to 4 and 6. Minn. R. 7045.0626, Subpart 4, requires that a generator must always keep a container in satellite accumulation areas holding hazardous waste closed during storage, except when it is necessary to add or remove waste. At the time of the Inspection on August 24, 2022, Respondent had not closed three containers in satellite accumulation areas holding hazardous waste during storage at a time when it was not necessary to add or remove waste. Respondent’s failure to close three containers holding hazardous waste during storage when it was not necessary to add or remove waste violated Minn. R. 7045.0292, Subpart 8.B(1).
 - iv. Under Minn. R. 7045.0292, Subpart 8.C(2), a generator must for a container or containers not located in the immediate working area, inspect the containers and areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors and keep a written record of the dates and findings of these inspections. At the time of the Inspection, Respondent did not have written records of weekly inspections for satellite accumulation areas in violation of Minn. R. 7045.0292, Subpart 8.C(2).
- b. Under Minn. R. 7045.0292, Subpart 1.B. and 7045.0626, Subpart 4, a generator must always keep a container holding hazardous waste closed during storage, except when it is necessary to add or remove waste. On the date of the Inspection, August 24, 2022, Respondent had not closed one container holding hazardous waste within the central accumulation area during storage when it was not necessary to add or remove waste. Respondent’s failure to close one container holding hazardous waste during storage when it was not necessary to add or remove waste is a violation of Minn. R. 7045.0292, Subpart 1.B. and 7045.0626, Subpart 4.
 - c. Under Minn. R. 7045.0454, Subpart 3, a generator must include instruction which teaches facility personnel hazardous waste management procedures relevant to the positions in which they are employed, including contingency plan implementation procedures. The training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems. At the time of the Inspection, Respondent did not include training on implementation of the contingency plan and procedures in personnel training in violation of Minn. R. 7045.0454, Subpart 3.

- d. Under Minn. R. 7045.0454, Subpart 6.D, Subpart 7 and 7045.0294, Subpart 3a, a generator must maintain at the facility records that document that the training or job experience required under subparts 1 to 5 of 7045.0454 has been given to, and completed by, facility personnel. Training records on current personnel must be kept until closure of the facility. The training records on former employees must be kept for at least three years from the date the employee last worked at the facility. At the time of the Inspection, Respondent did not have RCRA training records for one temporary employee in violation of Minn. R. 7045.0454, Subpart 6.D, Subpart 7 and 7045.0294, Subpart 3a.
 - e. Under Minn. R. 7045.0214, a generator must determine whether its waste is hazardous. At the time of the Inspection, Respondent had not made a determination whether the waste was hazardous for three generated wastes observed on site; 1.) used acetone solvent wipes from the Black Line and the Silicone Line, 2.) spilled coating material from the Silicone Line, and 3.) a small odorous container in the satellite accumulation area room. Respondent's failure to make a hazardous waste determination for the three generated wastes violated Minn. R. 7045.0214.
 - f. Under Minn. R. 7045.0248, Subpart 1(B), large quantity generators must submit a license renewal application containing information required for the biennial report required by the EPA under Code of Federal Regulations, title 40, section 262.41 for each hazardous waste produced during the proceeding calendar year by March 1 of every even-numbered year. At the time of the Inspection, Respondent had not submitted a biennial report for the years 2019 or 2021. Respondent's failure to submit biennial reports for the years 2019 and 2021 violated Minn. R. 7045.0248, Subpart 1(B).
3. The EPA and Respondent agree that settlement of this matter for a civil penalty of twelve thousand, five hundred dollars, \$12,500, is in the public interest.
 4. EPA is authorized to enter into this Agreement pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. §§ 22.13(b), and 22.18(b)(2)– (3).
 5. EPA provided notice of commencement of this action to the State of Minnesota pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
 6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein, (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives the opportunity for a hearing pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b); and (6) waives any right to contest the allegations contained herein or to appeal the Final Order.

7. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected, and (2) that Respondent has paid the civil penalty in accordance paragraph 8.
8. Respondent shall pay a civil penalty of twelve thousand five hundred dollars (\$12,500) within 30 days of its receipt of the letter setting forth the opportunity for expedited settlement. Payment of civil penalty may be made online at www.pay.gov. To pay online at www.pay.gov use the Search Public Forms option and enter 'sfo 1.1' in the search field then open the form and complete required fields. If Respondent is unable to pay the penalty online at www.pay.gov, contact Andrea Dierich at Dierich.andrea@epa.gov to make alternative arrangements.
9. Respondent must send a notice of payment that states Respondent's name, complete address, and the case docket number to EPA at the following addresses, when it pays the penalty:

Regional Hearing Clerk
U.S. EPA, Region 5
r5hearingclerk@epa.gov

Andrea Dierich
Land Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
Dierich.andrea@epa.gov and
r5lecab@epa.gov

Cathleen R. Martwick
Office of Regional Counsel
U.S. EPA, Region 5
Martwick.cathleen@epa.gov

10. The civil penalty is not deductible for federal tax purposes.
11. This Agreement resolves only Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in the Agreement.
12. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
13. Each party shall bear its own costs and fees, if any.
14. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.

In the Matter of:
Rayven LLC
Docket Number: RCRA-05-2023-0005

FINAL ORDER

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

IT IS SO ORDERED:

Date

Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5