



# INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

*We Protect Hoosiers and Our Environment.*

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**Eric J. Holcomb**  
Governor

**Brian C. Rockensuess**  
Commissioner

July 3, 2024

VIA EMAIL

Mr. Tim Tanner  
Red Spot Paint & Varnish Company  
1016 E Columbia Street  
Evansville, IN 47711

Re: Violation Letter  
Red Spot Paint & Varnish Company  
IND990873499  
Evansville, Vanderburgh County

Dear Mr. Tanner:

On 7/1/2024, a representative of the Indiana Department of Environmental Management, Office of Land Quality, conducted a record review of Red Spot Paint and Varnish Company, located at 1016 E Columbia Street, Evansville, Indiana. This inspection was conducted pursuant to IC 13-14-2-2. For your information, and in accordance with IC 13-14-5, a summary of the inspection was provided on 3/27/2024. A summary of the inspection is provided below.

Type of Inspection: Other Record Review

Results of Inspection: Violations were discovered and require a submittal.

Within fifteen days (15) days of receipt of this letter, a written detailed explanation, documenting compliance with each of the requirements listed in the attached inspection report, must be submitted to this office. Failure to respond adequately to this Violation Letter may result in additional violations being cited and further enforcement actions. Please direct any response to this letter and any questions to Scott Draschil at (317) 418-9299 or [sdraschi@idem.in.gov](mailto:sdraschi@idem.in.gov). Thank you for your attention to this matter.

Sincerely,

Susan Lowry  
Section Chief  
Hazardous Waste Compliance Section  
Compliance Branch

Enclosure

cc: Vanderburgh County Health Department  
Jennifer Reno, IDEM  
Debbie Chesterson, IDEM



## HAZARDOUS WASTE OTHER RECORD REVIEW (ORR)

Indiana Department of Environmental Management

### Facility/ Inspection Information

<b>Facility Name:</b> Red Spot Paint & Varnish	
<b>EPA Identification Number:</b> IND990873499	
<b>Facility Status:</b> LQG	<b>Inspection Date:</b> 7/1/2024
<b>Inspector:</b> Scott Draschil	

### Facility Contact Information

<b>Facility Mailing Information:</b> 1016 E Columbia Street, Evansville, IN 47711
<b>Contact Name &amp; Job Title:</b> Tim Tanner – VP of Operations
<b>Contact Phone Number:</b> 812-428-9239
<b>Contact Email Address:</b> <a href="mailto:tjtanner@redspot.com">tjtanner@redspot.com</a>

### Summary of Other Record Review

On April 23, 2024, IDEM inspected Accelerated Curing located at 304 East County Road 100 North in Portland Indiana. During this inspection it was noted that in Line 1 they solely use a Red Spot UV topcoat. Overspray from this line is captured in filters, then collected in a basin and pumped into a 55-gallon drum; these drums are then sent to Red Spot Paint and Varnish Company on a Bill of Lading for reclamation. According to facility representatives, Red Spot filters the waste coating and adds solvent to make a product that can be resold.

Upon further review, it appears the waste coating from Line 1 meets the definition of a “spent material” in 40 CFR §261.1(c)(1): a spent material is “any material that has been used and as a result of contamination can no longer serve the purpose for which it was produced without processing.” Due to the need for Red Spot to filter the topcoat and add additional solvent to make a re-sellable product, the used topcoat produced from Accelerated Curing’s Line 1 meets the definition of a spent material, and thus would be a characteristic hazardous waste.

Information provided by the generator indicates that Red Spot considers the used coating to be a product, but additional information is necessary to determine the regulatory status of the used coating, the generator, and the receiving facility/reclaimer.

### Description of Violation(s)

329 IAC 3.1-6-2(2): Respondents in actions to enforce regulations implementing IC 13 who raise a claim that a certain material is not a solid waste, or is conditionally exempt from regulation,

must demonstrate that there is a known market or disposition for the material and that they meet the terms of the exclusion or exemption. In doing so, they must provide appropriate documentation to demonstrate that the material is not a waste or is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

### **Results/Actions**

Within fifteen (15) days of receipt of this report, provide documentation to IDEM that details which exclusion or exemption is being claimed for the used coating, and demonstrate how Red Spot meets the conditions for that exclusion or exemption.

Failure to properly support this claim may result in additional violations being cited and appropriate enforcement action.