



REGION 5

CHICAGO, IL 60604

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Mr. David Susler
Associate General Counsel
Nacme Steel Processing
429 W. 127th Street
Chicago, Illinois 60628
dsusler@nmlp.com

Re: **Notice of Violations**
Nacme Steel Processing
Chicago, Illinois
Facility ID: ILR000049544

Dear Mr. Susler:

On May 9, 2024, the U.S. Environmental Protection Agency conducted a Resource Conservation and Recover Act ("RCRA") compliance evaluation inspection of the Nacme Steel Processing ("Nacme or you") located in Chicago, Illinois. The purpose of the inspection was to evaluate Nacme'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. On June 24, 2024, EPA sent Nacme a Request for Information (RFI) under section 3007 of RCRA. Nacme responded to the RFI on August 22, 2024, and April 7, 2025.

Information currently available to EPA suggests that Nacme is 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 violations. EPA, however, reserves its right to take additional actions under RCRA including issuing an information request, seeking a penalty, and issuing an order.

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 violations identified below or demonstrating why the violations have not occurred.

Storage of Hazardous Waste without a Permit or Interim Status Which Violated Section 3005 of RCRA, 42 U.S.C. § 6925(a) and State Permitting Requirements

During the inspection, EPA observed Nacme'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 Ill. Admin. Code tit. 35 §§ 703.121(a) and (b); 703.180(c); and 705.121(a) [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 Ill. Admin. Code tit. 35 Part 725, the generator: (a) becomes an operator of a hazardous waste storage facility; and (b) simultaneously violates the corresponding TSD requirement. For purposes of remedying noncompliance or preventing future violations, EPA recommends that Nacme comply with the conditions below instead of applying for a hazardous waste storage permit.

The permit exemption conditions identified below are also independent TSD requirements:

1. Training

Under Ill. Admin. Code tit. 35 §§ 722.134(a)(4) and 725.116(d), 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.

At the time of the inspection, Nacme did not have a list of each position at the facility related to hazardous waste management and the name of the employee filling such position(s)/written description for each position/written description of the type and amount of introductory and continuing training/documentation regarding training given to and completed by facility personnel.

2. Weekly Inspections

Under Ill. Admin. Code tit. 35 §§ 722.134(a)(1)(A) and 725.274, a large quantity generator must inspect areas where containers are stored, at least weekly looking for leaks and deterioration caused by corrosion or other factors.

At the time of the inspection, Nacme could not provide any weekly inspection records.

Other Violations

3. Hazardous Waste Recordkeeping and Reporting

Under Ill. Admin. Code tit. 35 § 722.141(a), a generator that ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit an annual report to the Illinois Environmental Protection Agency by March 1 for the preceding calendar year. During the months of February, March, May, June and August 2022, Nacme shipped 324.22849 tons (714,297 pounds) corrosive liquid (D002/K062) hazardous waste, but did not prepare and submit an annual report to the Illinois Environmental Protection Agency by March 1, 2023, for the preceding calendar year.

4. Notification of Change of Hazardous Waste Activity

Under Ill. Admin. Code tit. 35 § 722.110(b), a generator must determine the quantity of hazardous waste per month, so as to allow the generator to determine the applicability of the provisions of 35 Ill. Admin. Code Part 722 that are dependent on quantity generated per month. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), a generator is required to file with an authorized State a notification (or, if necessary, a subsequent notification) including the types of wastes handled and the type of hazardous waste activity (e.g., change to large quantity generator status).

Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), is implemented through EPA Form 8700-12 (OMB 2050-0024), which requires notification if, among other things, a generator's hazardous waste activity changes to large quantity generator status. Nacme did not submit notification of the change of the facility's type of hazardous waste activity to large quantity generator status for the year 2022.

Actions Requested

In order to ensure compliance, by no later than 30 calendar days after receipt of this letter, please provide information documenting the actions, if any, which you have taken since the inspection to address the identified violations or demonstrating why the violations have not occurred.

Please send all reports requested by this letter by electronic mail to:

R5LE CAB@epa.gov

and

burrus.sheila@epa.gov

The subject line of all email correspondence must include your EPA identification number, ILR000049544. 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

cc: Nolin Moon (Nolin.Moon@illinois.gov)
Chris Cahnovsky (Chris.Cahnovsky@illinois.gov)