



REGION 5

CHICAGO, IL 60604

March 18, 2024

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Mr. Keith Summers
Maintenance Manager
Chromium Industries LLC
4645 West Chicago Avenue
Chicago, Illinois 60651
ksummers@chromiumind.com

Re: **Notice of Violation and Opportunity to Confer**
Compliance Evaluation Inspection Report and Description of Areas of Concern
Chromium Industries LLC
Facility ID: ILD045683471
Chicago, Illinois

Dear Mr. Summers:

On February 27, 2023, the U.S. Environmental Protection Agency conducted a RCRA compliance evaluation inspection of the Chromium Industries LLC ("Chromium Industries" or "you") located in Chicago, Illinois. The purpose of the inspection was to evaluate Chromium Industries' 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.

Information currently available to EPA suggests that Chromium Industries may be 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 areas of concern.

During the inspection, EPA observed several areas of concern, described below. The description of the areas of concern is not a final determination regarding the Facility's compliance with RCRA. EPA requests 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 areas of concern described below or demonstrating why the areas should not be of concern. We also ask that you voluntarily provide responses to the question(s) found in the "Additional Information" section below. After 30 calendar days from your receipt of this letter and, if applicable, review of your response, EPA will notify you of any further action.

Areas of Concern

During the inspection, EPA observed the following areas of concern:

1. Manufacturing Process Unit

Under Ill. Admin. Code tit. 35 § 721.104(c), a hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under Ill. Adm. Code 35 §§ 702, 703, and 722 through 728 or to the notification requirements of Section 3010 of RCRA (42 USC 6930) until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw materials.

Chromium industries generated 1000 kilograms or greater of hazardous waste in some calendar months (qualifying it as a “Large Quantity Generator”), which it shipped off-site to a treatment, storage, or disposal facility within the United States.

At the time of the inspection, Chromium Industries stored hazardous waste chromic acid, with generator waste codes D007 and D002, in the manufacturing process unit for 68 days after the allowable 90 days after the unit ceased to be operated for manufacturing, and after the allowable 90 days storage time for a large quantity generator, assuming the unit ceased operation the day of the inspection, February 27, 2023. The manufacturing process unit was not in operation the date of the inspection.

2. Tank Inspections

Under Ill. Admin. Code tit. 35 § 722.134(a)(1)(B), a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that: the waste is placed in tanks and the generator complies with the applicable requirements in Subparts J of 35 § 725. Under Ill. Admin. Code tit. 35 § 725.295, an owner or operator must inspect where present, at least once each operating day: 1) the overfill/spill control equipment; 2) the above portion of the tank system for corrosion or releases; 3) data from monitoring equipment; 4) the construction materials and the area immediately surrounding the external portion of the system of its hazardous waste storage tank; 5) ancillary equipment; and 6) cathodic protection systems, to ensure that the tank is being operated according to its design.

At the time of the inspection, Chromium Industries was storing hazardous waste on-site in a tank and not conducting daily inspections in accordance with Section 725.295 of the tank or tank system.

3. Hazardous Waste Storage Tank Leak Detection

Under Ill. Admin. Code tit. 35 § 722.134(a)(1)(B) a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that: the waste is placed in tanks and the generator complies with the applicable requirements in subparts J of 35 § 725. Under Ill. Admin. Code tit. 35 § 725.293(c)(3), the secondary containment systems must be at a minimum, provided with a leak detection system that is designed and operated so that it will detect the failure of either the primary and secondary containment structure or any release of hazardous waste or accumulated liquid in the secondary containment system within 24 hours, or at the earliest practicable time if the existing detection technology or site conditions will not allow detection of a release within 24 hours.

At the time of the inspection, the secondary containment, of Chromium Industries' hazardous waste storage tank, was not provided with a leak detection system that was designed and operated to detect the failure of the secondary containment.

4. Satellite Accumulation Labeling

Under Ill. Admin. Code tit. 35 §§ 722.134(c)(1)(B), a generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in §261.33(e) in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with paragraph (a) of this section provided the generator marks their containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

At the time of the inspection, Chromium Industries was storing hazardous waste in a satellite accumulation area container without the words, "Hazardous Waste," and without other words that identify the contents of the container, located on the container.

Other Violations:

Universal Waste Requirements:

5. Universal Waste Storage

Under Ill. Admin. Code tit. 35 § 733.113(d)(1), a small quantity handler of universal waste must manage lamps in a manner that prevents releases of any universal waste or component of a universal waste to the environment, as follows: a small quantity handler of universal waste lamps must contain all lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. Chromium Industries is a small

quantity handler of universal waste because it accumulates less than 5,000 kilograms or more of universal waste at any time.

At the time of the inspection, Chromium Industries' lamps were not being stored in a closed container.

6. Universal Waste Labeling

Under Ill. Admin. Code tit. 35 § 733.114(e), a small quantity handler of universal waste must label or clearly mark each lamp or a container or package in which such lamps are contained with any one of the following phrases: "Universal Waste-Lamps," "Waste Lamps" or "Used Lamps."

At the time of the inspection, Chromium Industries' lamps were not being stored in a container, labeled with the phrase "Universal Waste-Lamps," "Waste Lamps" or "Used Lamps."

7. Universal Waste Accumulation Time

Under Ill. Admin. Code tit. 35 § 733.115(c), a small quantity handler of universal waste that accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration in any of the following ways: 1) placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received; 2) marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received; 3) maintaining an on-site inventory system that identifies the date each universal waste became a waste or was received; 4) maintaining an on-site inventory system that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received; 5) placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or 6) using any other method that clearly demonstrates the length of time that the universal waste has been accumulated from the date it became a waste or was received.

At the time of the inspection, Chromium Industries' lamps were not being stored in a closed container and they were not able to demonstrate the length of time that the lamps had been accumulated from the date the lamps became a waste or were received.

Additional Information

1. At the time of the inspection, EPA noted that hazardous waste chromic acid was being stored in a manufacturing process unit that was no longer in operation. You stated that the operations in this process equipment stopped a few months prior to the inspection.
 - a. Please provide the date in which the process equipment storing the chromic acid had ceased operations.

- b. Provide documentation of the date.

Actions Requested

By no later than 30 calendar days from the date of this letter, please provide information documenting the actions, if any, which you have taken since the inspection to address the identified areas of concern, as well as any additional information requested.

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

r5lecab@epa.gov

and

paulin.jamie@epa.gov

The subject line of all email correspondence must include ILD045683471. 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 Jamie Paulin 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 Jamie Paulin. You may contact her at (312) 886-1771, or at paulin.jamie@epa.gov, 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
HARRIS**

Digitally signed by
MICHAEL HARRIS
Date: 2024.03.18
09:25:02 -05'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Paul Eisenbrandt, Illinois Environmental Protection Agency, paul.eisenbrandt@illinois.gov