



REGION 5

CHICAGO, IL 60604

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Mr. Frank Calabrese
Administrative Manager
Lawson Products Inc.
8801 West 47th Street
McCook, Illinois 60525
frank.calabrese@lawsonproducts.com

Re: **Notice of Violations**
Lawson Products Inc.
Facility ID: ILR000176859
McCook, Illinois

Dear Mr. Calabrese:

On August 7, 2024, the U.S. Environmental Protection Agency conducted a RCRA compliance evaluation inspection of the Lawson Products Inc. ("Lawson or you") located in McCook, Illinois. The purpose of the inspection was to evaluate Lawson'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.

Information currently available to EPA suggests that Lawson 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.

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 Lawson'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 Lawson comply with the condition below instead of applying for a hazardous waste storage permit.

The permit exemption condition identified below is also an independent TSD requirement:

1. Inspections

Under 35 IAC § 722.134(a)(1)(A) and 725.274, an owner or operator must always inspect areas where containers are stored, at least weekly, looking for leaking containers and for deterioration of containers caused by corrosion or other factors. At the time of the inspection, Lawson was not conducting weekly inspections of the areas where hazardous waste containers are stored.

Other Violations

2. Hazardous Waste Manifests

Under Ill. Admin. Code tit. 35 § 722.140(a), a generator must keep a copy of each manifest signed in accordance with Section 722.123(a) for three years or until it receives a signed copy from the designated facility that received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter. At the time of the inspection, Lawson did not have a record of nine signed copies of manifests from the designated facility that received the waste.

After the inspection, Lawson provided the signed copies of manifests, which addressed the item described above. EPA is not requesting any further information for this violation.

3. Hazardous Waste Recordkeeping and Reporting

Under Ill. Admin. Code tit. 35 § 722.141(a), a large quantity 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. For the reporting years, 2021, 2022, and 2023, Lawson shipped hazardous waste, but did not prepare and submit an annual report to the Illinois Environmental Protection Agency by March 1, 2022, 2023, and 2024, for each preceding calendar year.

After the inspection, Lawson notified as a large quantity generator and submitted the annual reports to the Illinois Environmental Protection Agency. EPA is not requesting any further information for this violation.

4. Subsequent Notification

Under Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), implemented through EPA Form 8700-12 (OMB 2050-0024), generators are 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 activity (e.g., change to Large Quantity Generator Status). At the time of the inspection, Lawson had not changed its status from Small Quantity Generator to Large Quantity Generator when it began to generate large quantity amounts.

After the inspection, Lawson notified the Illinois Environmental Protection Agency as a large quantity generator. EPA is not requesting any further information for this violation.

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. You do not need to provide documentation regarding violations that you addressed after the inspection as noted above.

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 your EPA identification number, ILR000176859. 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 D. Harris
Division Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Chris Cahnovsky, Illinois Environmental Protection Agency (IEPA), Chris.Cahnovsky@illinois.gov
Dustin Burger, IEPA, Dustin.Burger@illinois.gov