



REGION 5

CHICAGO, IL 60604

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Ms. Lisa Fierst
Vice President of Human Resources
Vulcan Global Manufacturing Solutions, Incorporated
1400 West Pierce Street
Milwaukee, Wisconsin 53204
lfierst@vulcangms.com

Re: **Notice of Violation and Return to Compliance**
Vulcan Global Manufacturing Solutions, Inc.
EPA ID WID988586152

Dear Ms. Fierst:

On May 2, 2023, the U.S. Environmental Protection Agency conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection of Vulcan Global Manufacturing Solutions, Inc., ("facility," "Vulcan," or "you") located in Milwaukee, Wisconsin. The purpose of the inspection was to evaluate Vulcan's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. A copy of the inspection report is enclosed for your convenience.

Information currently available to EPA suggests that Vulcan is in violation of RCRA. During the inspection, as observed by EPA, and after the inspection, as documented in emails and letters to EPA, you took certain actions to establish compliance with the identified violations. Based on the information received from Vulcan on July 6 and August 14, 2023, EPA does not plan additional enforcement action under RCRA at this time in response to the violations identified in this letter.

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

During the inspection, EPA observed Vulcan's failure to comply with the RCRA license exemption conditions, below. When a hazardous waste generator fails to comply with the requirements for a license exemption, the generator is an operator of a hazardous waste storage facility without a license

in violation of Wis. Admin. Code §§ 670.001(3), and 670.010(1), and (4)-(6) [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)]. The RCRA license exemption conditions related to emergency procedures under Wis. Admin. Code § NR 662.192(1)(e) are also independent license exemption requirements that are violable. When a hazardous waste generator loses its license exemption due to a failure to comply with an exemption condition incorporated from Wis. Admin. Code ch. NR 665, the generator is not only an operator of an unlicensed hazardous waste storage facility, as mentioned above, but also simultaneously violates the Wis. Admin. Code ch. NR 665 corresponding treatment, storage and disposal requirement.

1. Use and Management of Satellite Accumulation Area (SAA) Containers

Under Wis. Admin. Code §§ NR 662.192(4)(a)1. and 665.0173(1), a small quantity generator must always keep a container holding hazardous waste closed during storage, except when it is necessary to add or remove waste.

At the time of the inspection, downstairs at the General Maintenance area, one 55-gallon drum was stored open and there was no waste being added or removed at the time of the inspection. Please see Photos 2 and 3 of the enclosed inspection report.

During the inspection, Vulcan personnel placed the bung cap in the drum and tightened to close the drum, which addressed the item described above. **EPA is not requesting any further information for this violation.**

2. Posting of Emergency Equipment Locations

Under Wis. Admin. Code § NR 662.192(1)(e)2.b., a small quantity generator shall post the following information next to the telephone: locations of fire extinguishers and spill control material, and fire alarms.

At the time of the inspection, the facility's fire extinguisher, spill control equipment, and fire alarm locations were not posted. Please see Photo 6 of the enclosed inspection report.

After the inspection, on July 6, 2023, Vulcan provided the required emergency equipment posting information, which addressed each of the items described above. **EPA is not requesting any further information for this violation.**

3. Contingency Plan Content

Under Wis. Admin. Code §§ NR 662.034(1)(d) and 665.0052(5), a large quantity generator shall ensure that its contingency plan includes the location and a physical description of each emergency equipment item, and a brief outline of its capabilities.

At the time of the inspection, Vulcan's contingency plan did not describe the types, location, and capabilities of decontamination equipment that is located at the facility. The plan did not describe the capabilities of the facility's spill control equipment.

After the inspection, on July 6, 2023, Vulcan provided the required contingency plan information, which addressed each of the items described above. **EPA is not requesting any further information for this violation.**

Other Violations

4. Notification of Change of Hazardous Waste Activity

Pursuant to Wis. Admin. Code § 660.07(2), existing generator activities that are subject to NR 600 to 679 shall notify the Wisconsin Department of Natural Resources (WDNR) of the activities using EPA Form 8700-12. Pursuant to Section 3010(a) of RCRA, 42 U.S.C. § 6930(a), generators are required to file, with an authorized State, subsequent notifications which include 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 is implemented through EPA Form 8700-12 (OMB 2050-0024), which requires notification of, among other things, a generator's hazardous waste activity changes to Large Quantity Generator status.

For years 2019 and 2022, Vulcan did not submit a subsequent notification of the change of the facility's type of hazardous waste activity to Large Quantity Generator status in relevant months, in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a). Vulcan had notified the WDNR that its status was a Small Quantity Generator on August 22, 2019, and on February 24 and October 4, 2022, and submitted annual hazardous waste reports for years 2019 and 2022 as a Small Quantity Generator. However, since the inspection, the facility submitted documentation on August 3 and August 14, 2023 which indicates that Vulcan has notified the WDNR of its generator status of a Large Quantity Generator for years 2019 and 2022. **EPA is not requesting any further information for this violation.**

5. Hazardous Waste Recordkeeping and Reporting

Under Wis. Admin. Code § NR 662.041(1), a generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States shall prepare and submit a single copy of an annual report to the WDNR by March 1 of each year. The annual report shall be submitted on department forms and cover generator activities during the previous year. Under Wis. Admin Code § NR 660.10(70m), a Large Quantity Generator is a generator who generates one thousand kilograms (two thousand two hundred and five pounds) or more of non-acute hazardous waste in a calendar month.

Based upon representations made during the inspection by the facility personnel and the review of the facility's manifest data, Vulcan in 2019 and 2022, generated large quantity generator amounts of hazardous waste lead furnace brick.

Prior to the inspection, all manifests for the facility in the e-Manifest System were reviewed from 8/1/18 through 12/21/22. Based on this prior review of manifests, and information gained during the inspection of Vulcan's hazardous waste generation rate of waste lead furnace brick, the following years had regulatory hazardous waste generation rates of a large quantity generator (LQG): 2019 and 2022. The following manifest shipment in

2019 had LQG rates of hazardous waste generation: manifest # 019441850JJK with a shipment date of 10/30/19, and a total of approximately 11,411 pounds (based on the waste lead furnace brick generation rate). The following two different manifest shipments in 2022 had LQG rates of hazardous waste generation: manifest # 023792108JJK with a shipment date of 3/15/22, and a total of approximately 8,771 pounds (based on the waste lead furnace brick generation rate); and manifest # 024606758JJK with a shipment date of 12/22/22, and a total of approximately 6,070 pounds (based on the waste lead furnace brick generation rate).

After the inspection, EPA, Region 5, reviewed RCRAInfo and did not observe Vulcan's submitted annual hazardous waste reports as an LQG for the following years: 2019, and 2022. Also, RCRAInfo did not indicate that Vulcan notified WDNR of its waste generator classification for the same years: 2019 and 2022. After the inspection, on May 25, 2023, Vulcan submitted to EPA by electronic mail the documented annual hazardous waste reports submitted to the WDNR for 2019 (submitted as SQG), and 2022 (submitted as SQG with a documented planned one-time LQG event).

Vulcan did not prepare and submit an accurate annual report to the WDNR by March 1, 2020 and 2023, for the preceding calendar year. Thus, Vulcan violated Wis. Admin. Code § NR 662.041(1) by generating more than 1,000 kg of hazardous waste in 2019 and 2022 and failing to file the required annual report as a Large Quantity Generator for those years. After the inspection, Vulcan submitted documentation that indicated that accurate annual reports were submitted to WDNR for 2019 on August 3 and 14, 2023, and for 2022 on August 3, 2023. **EPA is not requesting any further information for this violation.**

This letter is to inform you that EPA has reviewed the referenced responses and does not plan additional enforcement action under RCRA at this time. This letter does not limit the applicability of the requirements evaluated, or of other federal or state statutes or regulations. EPA and the WDNR will continue to evaluate your facility in the future.

The EPA contact in this matter is Bryan Gangwisch. You may call him at (312) 886-0989 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: Michael Ellenbecker, WDNR, michael.ellenbecker@wisconsin.gov
Andrea Keller, WDNR, andrea.keller@wisconsin.gov