



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

VIA EMAIL

April 12, 2021

Jim Hettleman, President
Southern Galvanizing
1620 Bush Street
Baltimore, MD 21230
JHettleman@southerngalvanizing.com

Re: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and Management of Hazardous Waste by Southern Galvanizing
EPA ID No. MDD003060860
Reference Number: C21-014

Dear Mr. Hettleman:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting to supplement the information obtained during its inspection of Southern Galvanizing ("Facility") located in Baltimore, Maryland on September 24, 2019 (report narrative and photographic log enclosed). EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes" EPA hereby requires that you furnish to EPA, within **thirty (30) calendar days** of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each information request. Precede each answer with the number of the question or letter of the subpart of the request to which it corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or

control of any of your employees or agents, relating to the matters described below. All copies of documents submitted to EPA in response to the following requests must be complete and legible.

As used herein, the term "document" means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, 40 C.F.R. Parts 260-266, 268, and 273 (1998 ed.), or at the Code of Maryland Regulations ("COMAR"), Title 26, Subtitle 13 *et seq.*

Please provide the information requested below:

Information Request

1. During the September 24, 2019 EPA inspection, the EPA inspector observed a pit, which is used by Facility to collect liquid from a large secondary containment basin. All tanks in the galvanizing process, excluding the molten zinc tank, are located within this secondary containment basin. Please refer to Photo #3 and Photo #4 of the inspection report included as Attachment 1 for photographs of the pit. With respect to the contents of the pit referenced above, please answer the following:
 - a. Provide a detailed description of the process or processes that generated the content(s) of the pit.
 - b. Provide the date on which the content(s) of the pit were first placed into the pit and state the basis of your knowledge. If an exact date cannot be determined, please estimate the generation month and year.
 - c. State the amount (weight and volume) of material in the pit at the time of the EPA inspection.
 - d. State whether or not a "waste determination" and "LDR determination" were made for the content(s) of the pit.
 - e. If a "waste determination" was made for the content(s) of the pit, state whether the waste determination was based on analytic results or on the generator's knowledge of the process that generated the waste. If the determination was based on analytical

results, provide any and all documentation of such results. If the determination was based upon the generator's knowledge, provide a narrative explanation of the scientific basis for each such determination, and provide any supporting documentation.

- f. Were the content(s) in the pit determined to be "hazardous waste?" If so, please state the specific EPA Hazardous Waste Code(s) associated with the content(s) of the pit that was determined to be hazardous waste.
 - g. Please estimate, on average, how long it takes to fill the pit and explain the basis for such estimate.
 - h. Provide a detailed description of the process or processes to empty the pit. If the content(s) of the pit are transferred to another tank(s) or container(s), please describe the tank(s) or container(s). If the content(s) of the pit are shipped off-site, submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied the off-site shipment of such waste.
2. During the September 24, 2019 EPA inspection, the EPA inspector observed the pit described above in Question 1. Please refer to Photo #3 and Photo #4 of the inspection report included as Attachment 1 for photographs of the pit. Please provide the following information regarding the pit:
- a. Indicate the exact date when the pit was installed, and the exact date when the Facility first began using the pit to accumulate waste. If an exact date(s) cannot be determined, please estimate the approximate month and year.
 - b. Provide a detailed narrative that explains how the pit and its ancillary equipment (e.g. piping, sumps, piping manifolds, etc.) were installed and constructed. Submit any and all supporting documentation such as "as-built" drawings, contractor proposals, contractor invoices, etc.
 - c. Please describe, in detail, any spill (e.g. check valves, dry disconnect couplings) and overflow (e.g. level sensing devices, high level alarms, automatic cutoff valves, or bypass to a standby tank) controls installed on the pit to prevent releases from overflowing.
 - d. State the exact capacity (gallons and m³) of the pit.
 - e. State the material of construction of the pit.
 - f. Please state "yes" or "no" to the following question: Does the Facility ever drain the pit to the fullest extent possible in order to clean out the pit? If "yes", please answer the following:

- i. Describe, in detail, how such cleanouts are performed.
 - ii. Indicate how often (i.e. daily, weekly, monthly) the pit is drained to the fullest extent possible for cleanouts. If an exact amount of time cannot be determined, please estimate on average, how often the pit is drained for cleanouts and explain the basis for such an estimate.
 - g. If the pit is an “existing tank system” as defined in 40 C.F.R. § 260.10, has the Facility conducted an assessment of the integrity for the pit as described in 40 C.F.R. § 265.191? If so, please state the date this assessment was completed and provide a copy of the assessment.
 - h. If the pit is a “new tank system” as defined in 40 C.F.R. § 260.10, has the Facility certified the design for the pit as described in 40 C.F.R. § 265.192(g)? If so, please state the date this certification was completed and provide a copy of the certification.
 - i. Please state whether or not the Facility has provided methods for secondary containment and release detection for the pit in accordance with 40 C.F.R. § 265.193. If it has, please state the date(s) these methods were first provided and a detailed description of each method.
 - j. State whether or not the Facility conducts inspections of the pit. If inspections are conducted, please indicate:
 - i. How often the inspections are conducted.
 - ii. Provide inspection records for the pit from September 1, 2019 to the date you receive this letter.
 - iii. For the dates where no inspection record was provided in your response to Question 2.j.ii, please state whether or not an inspection was completed.
3. During the September 24, 2019 EPA inspection, the EPA inspector observed seven containers and one large tote in a collection area for used oil. Please refer to Photograph #8, included with this request for information as Attachment 1. With respect to the content of the containers referenced above, please answer the following:
- a. Provide a detailed description of the process or processes that generated the content(s) of the containers.
 - b. Provide the date on which the content(s) of the containers were first placed into the containers and state the basis of your knowledge. If an exact date cannot be determined, please estimate the generation month and year.

- c. State the amount (weight and volume) of material in the containers at the time of the EPA inspection.
 - d. Indicate how long (i.e., days, weeks, months) it took to fill the containers. If an exact amount of time cannot be determined, please estimate on average, how long it takes to fill the containers and explain the basis for such estimate.
 - e. State the exact date on which the containers became full. If an exact date cannot be determined, please estimate the approximate month and year.
 - f. State the volume (gallons or m³) of the containers.
 - g. State whether or not a “waste determination” and “LDR determination” were made for the content(s) of the containers.
 - h. If a “waste determination” was made for the content(s) of the containers, state whether the waste determination was based on analytic results or on the generator’s knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator’s knowledge, provide a narrative explanation of the scientific basis for each such determination, and provide any supporting documentation.
 - i. Were the content(s) in the containers determined to be “hazardous waste?” If so, please state the specific EPA Hazardous Waste Code(s) associated with the content(s) of the containers that were determined to be hazardous waste.
 - j. If the content(s) of the containers were shipped off-site, submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied the off-site shipment of such waste.
 - k. If the content(s) of the containers still remain on-site, please state where such content is currently located within the Facility and how such content(s) is currently being managed.
4. The EPA inspector reviewed a copy of the Facility’s contingency plan that was received subsequent to the September 24, 2019 EPA inspection. The reviewed contingency plan was last updated on October 30, 2015. Has the contingency plan dated October 30, 2015 been updated? If so, please provide the revised plan and date(s) of revision(s).

A copy of the report for EPA’s September 24, 2019 compliance evaluation inspection is enclosed as Attachment 1 for your information.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or

representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings. **Your response must include the following signed and dated certification:**

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.

Signature _____
Name _____
Title _____

With regard to the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"), please see the "Information for Small Businesses" memo, located at <https://www.epa.gov/compliance/small-business-resources-information-sheet>, which might be applicable to your facility. This memo provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the memo, any decision to participate in such program or to seek compliance assistance does not relieve your facility of its obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue an enforcement action. To preserve your facility's legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement actions. EPA has not made a determination as to whether or not your facility is covered by SBREFA.

Your facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your facility.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520. Please send your response electronically to:

Kaitlin McLaughlin (3ED22)
U.S. Environmental Protection Agency
Region III
1650 Arch Street
Philadelphia, PA 19103-2029
McLaughlin.Kaitlin@epa.gov

If you have any questions concerning this matter, please contact Ms. McLaughlin at 215-814-2393 or McLaughlin.Kaitlin@epa.gov.

Sincerely,

Carol Amend, Chief
Air, RCRA & Toxics Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: Kaitlin McLaughlin (3ED22)
Pauline Belgiovane (3ED20)
Brian Coblenz (MDE)