



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**REGION 5**  
**77 WEST JACKSON BOULEVARD**  
**CHICAGO, IL 60604-3590**

**ELECTRONIC MAIL**  
**DELIVERY RECEIPT REQUESTED**

Mr. Steve Wasson  
Plant Manager  
Curtis Metal Finishing Company  
9917 North Alphine Road  
Machesney Park, Illinois 61115  
[steve.wasson@curtismetall.com](mailto:steve.wasson@curtismetall.com)

**Re: Notice of Potential Violation and Opportunity to Confer**  
Curtis Metal Finishing Company  
EPA I.D. No.: ILR000040568  
Machesney Park, Illinois

Dear Mr. Wasson:

On November 2, 2020, the U.S. Environmental Protection Agency issued a request for information under Section 3007 of Resource Conservation and Recovery Act ("RCRA"), as amended, 42 U.S.C. § 6927 to Curtis Metal Finishing Company ("Curtis Metal Finishing," "facility" or "you") located in Machesney Park, Illinois. The purpose of the request was to evaluate Curtis Metal Finishing's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. Curtis Metal Finishing responded to the request on December 30, 2020. Curtis Metal Finishing submitted additional information regarding the requested information on January 8, 2021.

EPA has reviewed the information in the above-referenced responses. Information currently available to EPA suggests that Curtis Metal Finishing 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 potential 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 potential violations identified below or demonstrating why the violation(s) have not occurred. At this time, EPA does not plan additional enforcement action under RCRA in response to the potential violations identified in this letter assuming Curtis Metal Finishing demonstrates full compliance. EPA, however, reserves its rights to take additional actions under RCRA including issuing an information request, seeking a penalty, and issuing an order.

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

Based on Curtis Metal Finishing's response to the request for information, EPA determined that Curtis Metal Finishing failed to comply with a RCRA permit exemption condition identified 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 potential noncompliance or preventing future violations, EPA recommends that Curtis Metal Finishing 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 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.

Curtis Metal Finishing was unable to provide records that document annual training for Dan Heidenreich, Marlon Chang, Mark Wilson, Dan Glass, employees that handle or manage hazardous waste for the year 2018. Mr. Wasson stated that he was unable to locate the employees records although training was given in 2018.

Curtis Metal Finishing was unable to provide records that document annual hazardous waste training for Travis Small, Eric West and Steve Wasson for the year 2019.

Curtis Metal Finishing was unable to provide a job title for each position at the facility; a written job description for each position; and a written description of the type and amount of both introductory and continuing training that will be given.

### **Actions Requested**

In order to ensure compliance, 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 potential violations or demonstrating why the violations have not occurred.

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

[r5lecab@epa.gov](mailto:r5lecab@epa.gov)

and

[burrus.sheila@epa.gov](mailto:burrus.sheila@epa.gov)

The subject line of all email correspondence must include “ILR000040568.” 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, of my staff, to make additional arrangements for transmission of the response.

If you are unable to respond in a timely fashion because of impacts related to the COVID-19 pandemic, please submit a written extension request via email to Sheila Burrus at [burrus.sheila@epa.gov](mailto:burrus.sheila@epa.gov), explaining the specific impacts on your ability to respond.

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: Mr. James Jennings, Illinois EPA ([james.m.jennings@illinois.gov](mailto:james.m.jennings@illinois.gov))  
Mr. Paul Eisenbrandt, Illinois EPA ([paul.eisenbrandt@illinois.gov](mailto:paul.eisenbrandt@illinois.gov))