



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

ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Mr. Curt Lamb
Environmental Health & Safety Manager
Superior Metal Technologies, LLC
9850 East 30th Street
Indianapolis, Indiana 46229
clamb@superiormetals.us

Re: **Warning Letter: Notice of Potential Violation(s)**
Superior Metal Technologies, LLC
Facility ID: IND 984 867 366
Indianapolis, Indiana

Dear Mr. Lamb:

On September 29, 2022, the U.S. Environmental Protection Agency conducted an RCRA compliance evaluation inspection of the Superior Metal Technologies, LLC ("Superior" or "you") located in Indianapolis, Indiana. The purpose of the inspection was to evaluate Superior'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 Superior 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 violation(s).

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 Superior 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

During the inspection, EPA observed Superior'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 329 Ind. Admin. Code 3.1-13-3 and 40 C.F.R. §§ 270.1(c), and 270.10(a) and (d) [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 329 Ind. Admin. Code 3.1-10-1 and 40 C.F.R. Part 265, 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 Superior comply with the conditions below instead of applying for a hazardous waste storage permit.

The permit exemption conditions identified below are also independent TSD requirements:

1. Use and Management of Containers

Under 329 Ind. Admin. Code 3.1-7-1, 40 C.F.R. Part 262.34(a)(1)(i) and 265.173(a), a large 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, four satellite containers were left open when waste was not being added or removed.

During the inspection, Superior closed a container of filter sludge waste, which addressed one of four containers described above. EPA is not requesting any further information for this one container.

2. Training

Under 329 Ind. Admin. Code 3.1-7-1, 40 C.F.R. Part 262.34(a)(4) and 265.16, 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 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.

At the time of the inspection, Superior was unable to provide documentation regarding training given to and completed by the following facility personnel for the following

years: Rene Garcia-2021, Chris Davis-2019/2021, Curt Lamb-2020/2021, Sebastian Guillen-2019-2021, Felix Gortes-2019-2021 and Curtis Cook-2019-2021.

3. Preparedness and Prevention

Under 329 Ind. Admin. Code 3.1-7-1, 40 C.F.R. Part 262.34 and 265.35, a large quantity generator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, decontamination equipment and inspections.

At the time of the inspection, Superior was maintaining inadequate aisle space in its 90-day hazardous waste storage area located within the pretreatment department.

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 violation(s) have not occurred. You do not need to provide documentation regarding potential violations that you addressed during the inspection as noted above.

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

r5lecab@epa.gov

and

burrus.sheila@epa.gov

The subject line of all email correspondence must include RCRAID Number ILD984867366. 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 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 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
HARRIS

Digitally signed by
MICHAEL HARRIS
Date: 2023.01.09
09:15:52 -06'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Ms. Jennifer Reno, Indiana Department of Environmental Management
(jreno@idem.in.gov)