



REGION 5

CHICAGO, IL 60604

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Mr. Todd Schlicht
Facility Manager
Alloy Products Corporation
1045 Perkins Avenue
Waukesha, Wisconsin 53186-5249
todds@alloyproductscorp.com

Re: **Notice of Violations and Return to Compliance**
Alloy Products Corporation
EPA Identification No.: WID006077978

Dear Mr. Schlicht:

On July 30, 2024, the U.S. Environmental Protection Agency conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection of the Alloy Products Corporation ("Alloy Products, facility, or you") located in Waukesha, Wisconsin. The purpose of the inspection was to evaluate Alloy Products' 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.

EPA has determined that Alloy Products was in violation of RCRA.

During the inspection, as observed by EPA, and after the inspection, as documented in emails sent to EPA on the following dates: August 2, 2024, August 8, 2024, September 11, 2024, and September 24, 2024, you took certain actions to establish compliance with the identified violations. Based on the information received from Alloy Products on the date of correspondences listed above, 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 Alloy Products' 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(4)-(6) [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)].

1. Date When Each Period of Accumulation Begins

Under Wis. Admin. Code § NR 662.034(1)(b), a large quantity generator must clearly mark each container holding hazardous waste with the date upon which each period of accumulation begins.

At the time of the inspection, one 20-cubic yard roll-off container was missing the required date. The container housed hazardous wastewater treatment sludge (F006). Please see photo #7 of the enclosed inspection report.

During the inspection, Alloy Products marked the required date on the 20-cubic yard roll-off container, which addressed the item described above. Please see photo #9 of the enclosed inspection report. EPA is not requesting any further information for this violation.

2. Use and Management of Containers

Under Wis. Admin. Code §§ NR 662.034(1)(a)1 and 665.0173(1), 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, one satellite accumulation container holding hazardous wastewater treatment sludge (F006) was left open when waste was not being added or removed. Please see photo #1 of the enclosed inspection report.

During the inspection, Alloy Products closed the satellite accumulation container, which addressed the item described above. Please see photo #3 of the inspection report. EPA is not requesting any further information for this violation.

3. Training

Under Wis. Admin. Code §§ NR 662.034(1)(d) and 665.0016(3), 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, among other things, provide an annual review of initial training and maintain the records that document that the training has been given to and completed by facility personnel.

At the time of the inspection, Alloy Products had not provided an annual review of initial training to employees Todd Schlicht and Mark Hillmer in 2023 or 2024. Facility

representative Mr. Schlicht informed the EPA inspector that Mark Hillmer had not taken RCRA training since 2022. Mr. Schlicht is a manager and acts as the facility's emergency coordinator. Mr. Hillmer conducts weekly inspections for the facility and operates the filter press that generates the hazardous wastewater treatment sludge (F006).

After the inspection on August 8, 2024, Alloy Products provided via email to EPA certificates of completion for HAZMAT Training: RCRA for employees Todd Schlicht and Mark Hillmer. The training was conducted by J.J. Keller & Associates Inc. The certificates of completion were signed and dated on August 8, 2024. EPA is not requesting any further information for this violation.

4. Contingency Plan Components

Under Wis. Admin. Code §§ NR 662.034(1)(d) and Ch. NR 665, Subchapter D, a large quantity generator shall have a contingency plan for the facility. Under Wis. Admin. Code § NR 665.0052(4), the contingency plan shall list names, addresses and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list shall be kept up to date. Under Wis. Admin. Code § NR 665.0052(5), the contingency plan shall include a list of all emergency equipment at the facility, where this equipment is required. This list shall be kept up to date. This list shall include the location and a physical description of each item on the list, and a brief outline of its capabilities. Under Wis. Admin. Code § NR 665.0052(6), the contingency plan shall also include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan shall describe the signal or signals to be used to begin evacuation, evacuation routes and alternate evacuation routes.

At the time of the inspection, the contingency plan did not include the following information: a designated emergency coordinator and their contact information, alternate emergency coordinator and their contact information, an evacuation map, a list of emergency equipment and their location, description, and capabilities.

After the inspection on September 11, 2024, Alloy Products provided via email to EPA an updated contingency plan. The contingency plan included the following information: Todd Schlicht designated as the emergency coordinator, designated alternate emergency coordinators, contact information for all emergency coordinators, a description of how an evacuation of the facility would be conducted if needed, and a list of emergency equipment and their location on a map. EPA is not requesting any further information for this violation.

5. Arrangements with Local Authorities

Under Wis. Admin. Code §§ NR 662.034(1)(d) and 665.0053(2), a copy of the contingency plan and all revisions to the plan shall be submitted to all local police departments, fire departments, hospitals and state and local emergency response teams that may be called upon to provide emergency services.

At the time of the inspection, Alloy Product representative Mr. Schlicht stated that the contingency plan had not been sent to local authorities.

On September 24, 2024, Alloy Products provided via email to EPA U.S. Postal Service Certified Mail Receipts to document that the facility's updated contingency plan had been sent to the following: Brian Charlesworth of Waukesha Fire Department, Gail Goodchild of Waukesha Local Emergency Planning, Matt Pochinski of Waukesha Memorial Hospital, and Sergeant Brady Esser of Waukesha Police Department. EPA is not requesting any further information for this violation.

Other Violations

6. Universal Waste Requirement

Under Wis. Admin. Code § NR 673.14(1), a small quantity handler of universal waste shall clearly label or mark the universal waste batteries (i.e., each battery), or a container in which the batteries are contained, with the phrase "Universal Waste — Batteries," "Waste Batteries" or "Used Batteries."

At the time of the inspection, EPA inspector observed waste batteries stored in a 5-gallon bucket not labeled as prescribed above. Please see photo #5 in the enclosed inspection report.

On August 2, 2024, Alloy Products provided via email to EPA a photograph documenting that the 5-gallon bucket observed during the inspection was labeled "Universal Waste Batteries." EPA is not requesting any further information for this violation.

Area of Concern:

- Please note this is not a violation. Under Wis. Admin. Code § NR 662.034(3)(a), a generator may accumulate no more than 55-gallons of hazardous waste in each satellite area. During the inspection, the EPA inspector observed a satellite accumulation area container that could hold 100-gallons, the container was about halfway full, so there was approximately 50-gallons of hazardous wastewater treatment sludge in the satellite accumulation area. Per Mr. Schlicht, some batches of the sludge produced are more than 55-gallons. Once the filter press needs to be emptied the flow cannot be stopped, so the hazardous waste could potentially overfill a 55-gallon drum and spill onto the floor. To remain in compliance when over 55-gallons of hazardous waste is in the satellite accumulation area the facility could, under Wis. Admin. Code § NR 662.034(3)(b) mark the container with the date the excess amount began accumulating and comply with the 90-day accumulation requirements with respect to the excess amount within 3-days of generation or treat the area as another 90-day storage area.

As noted above, 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 Wisconsin Department of Natural Resources will continue to evaluate your facility in the future.

The EPA contact in this matter is Kyla Suter. You may contact her at suter.kyla@epa.gov or (312) 353-6268 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: Michael Ellenbecker, WDNR (michael.ellenbecker@wisconsin.gov)
Andrea Keller, WDNR (andrea.keller@wisconsin.gov)