



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

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Mr. James Skalon
Environmental Health & Safety Manager
Allied Tube & Conduit Corporation
16100 South Lathrop Avenue
Harvey, Illinois 60426
jskalons@atkore.com

Re: Notice of Potential Violation and Opportunity to Confer
Compliance Evaluation Inspection Report and Description of Areas of Concern
Allied Tube & Conduit Corporation
Facility ID Number: ILD057863847
Harvey, Illinois

Dear Mr. Skalon:

On December 13, 2022, the U.S. Environmental Protection Agency conducted an RCRA compliance evaluation inspection of the Allied Tube & Conduit Corporation ("Allied Tube & Conduit," "facility" or "you") located in Harvey, Illinois. The purpose of the inspection was to evaluate Allied Tube & Conduit'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 Allied Tube & Conduit 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 areas of concern.

During the inspection, EPA observed several areas of concern, described below. The description of the areas of concern is not a final determination regarding the Facility's compliance with RCRA. EPA requests 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 areas of concern described below or demonstrating why the areas should not be of concern. We also ask that you voluntarily provide responses to the question(s) found in the "Additional Information" section below. After 30 calendar days from your receipt of this letter and, if applicable, review of your response, EPA will notify you of any further action.

Areas of Concern

During the inspection, EPA observed the following areas of concern:

1. Maintenance and Operation of Facility

Under Ill. Admin. Code tit. 35 §725.131, facilities must be maintained and operated to minimize the possibility of a fire, explosion or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. At the time of the inspection, there was hazardous water-based lacquer scattered throughout the lacquer box and the surrounding area at Mill #2. In addition, chromium rinse water was found on container lids in the 90-day non-flammable storage area. Please see photographs 6, 31 and 32 of the enclosed inspection report.

On February 23, 2023, Allied Tube & Conduit sent an email to EPA indicating that the lacquer box and surrounding area had been cleaned using a scraping tool on December 27, 2022. The waste was then gathered and appropriately disposed of via the water-based lacquer hazardous waste stream. However, the photograph attached to the email depicted only a cleaned lacquer box, failing to capture the requested images of the surrounding area.

2. Date When Each Period of Accumulation Begins

Under Ill. Admin. Code tit. 35 § 722.134(a)(2), 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, approximately thirty containers were missing the required date. Please see photos 2 through 8, 20, 24, 27, 28, and 35 of the enclosed inspection report.

3. Hazardous Waste Container Labeling

Under Ill. Admin. Code tit. 35 § 722.134(a)(3), a large quantity generator must label or clearly mark each container holding hazardous waste with the words "Hazardous Waste."

At the time of the inspection, approximately thirty-two containers were missing the required label. Please see photos 2 through 8, 20, 24, 27, 28, 33, and 35 of the enclosed inspection report. During the inspection, Allied Tube & Conduit labeled four containers (see photo 24) which addressed four of the thirty-two containers described above.

4. Use and Management of Containers

Under Ill. Admin. Code tit. 35 §§ 722.134(a)(1)(A) and 725.273(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, approximately twenty-three, containers were left open when waste was not being added or removed. Please see photos 2 through 8, 22 and 35 of the enclosed inspection report. During the inspection, Allied Tube & Conduit closed two containers (see photo 22), which addressed two of the twenty-three containers described above.

5. Weekly Inspections

Under Ill. Admin. Code tit. 35 § 725.274, large quantity generator, at least weekly, must inspect areas where containers are stored. The owner or operator must look for leaking containers and for deterioration caused by corrosion or other factors.

At the time of the inspection, EPA observed that in year 2020, there were no weekly inspections conducted during one week each in March, April, June, July and two weeks in August 2020. In 2021, there were no weekly inspections conducted for two weeks in August/September nor during the months of October through December 2021. In 2022, there were no weekly inspections conducted for one week in January, three weeks in April/June, one week in July and two weeks in August 2022.

6. Aisle Space

Under Ill. Admin. Code tit. 35 § 725.135, a large quantity generator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility operation in an emergency, unless aisle space is not needed for any of these purposes.

At the time of the inspection, Allied Tube & Conduit was not maintaining adequate aisle space in its nonflammable 90-hazardous waste storage area. Please see photos 2 through 7 of the enclosed inspection report.

7. 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.

At the time of the inspection, Allied Tube & Conduit did not have a list of each position at the facility related to hazardous waste management and the name of the employee filling such position(s)/written description for each position/written description of the type and amount of introductory for its cut-off operators and continuing training/documentation regarding training given to and completed by some facility personnel.

On January 26, 2023, Allied Tube & Conduit provided training records for thirty-eight employees who served as cut-off operators in 2020, as well as training records for twenty-six cut-off operator employees in 2021. However, no training records were available for cut-off operators in 2019. Furthermore, Allied Tube & Conduit did not provide any job descriptions for its cut-off operator employees.

8. Content of the Contingency Plan

Under Ill. Admin. Code tit. 35 §§ 722.134(a)(4) and 725.152(f), a large quantity generator's contingency plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

At the time of the inspections, Allied Tube & Conduit's contingency plan did not contain an evacuation plan.

9. Copies of Contingency Plan

Under Ill. Admin. Code tit. 35 §§ 722.134(a)(4) and 725.153(a)(b), the facility owner or operator must undertake each of the following actions with regard to copies of the contingency plan and all revisions to the plan: (a) maintain a copy at the facility; and (b) submit a copy to each local police department, fire department, hospital, and State and local emergency response team that may be called upon to provide emergency services at the facility.

At the time of the inspection, Allied Tube & Conduit was unable to provide documentation showing a copy of the contingency plan had been sent to local emergency authorities.

Other Potential Violations

10. Universal Waste Aerosol Cans – Labeling/Marking Requirement

Under Ill Admin. Code tit. 35 § 733.114(f), a small quantity handler must clearly label or mark its universal waste cans (i.e., each aerosol can), or a container in which the aerosol cans are contained, with any of the following phrases: “Universal Waste-Aerosol Cans,” “Waste Aerosol Cans,” or “Used Aerosol Cans.”

At the time of the inspection, Allied Tube & Conduit’s aerosol can container was not marked or labeled with any of the above phrases. Please see photo 21.

Additional Information

- On February 23, 2023, Allied Tube & Conduit sent EPA an email attempting to address the hazardous water-based lacquer scattered throughout the lacquer box and the surrounding area at Mill #2. In the email, you included a photograph. EPA observed that the photograph you provided only displayed a cleaned lacquer box, without capturing the requested images of the surrounding area at Mill 2. Shortly thereafter, EPA communicated with you and requested a photograph of the surrounding area in Mill 2. Subsequent to that communication, on March 2, 2023, you sent EPA an email indicating the lacquer box surrounding area, identified during inspection, will require additional cleaning when the equipment is not in operation in order to clean the area safely and adequately.

Please provide photographs of the surrounding area of the lacquer box, as well as the date when the surrounding area was cleaned. Provide supporting documentation, including a copy of the work order pertaining to the cleaning of the area in question in Mill 2.

Actions Requested

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 areas of concern, as well as any additional information requested.

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: ILD057863847. 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 D. Harris
Division Director
Enforcement and Compliance Assurance Division

Enclosure

cc: Paul Eisenbrandt, Illinois EPA (paul.eisenbrandt@illinois.gov)
James Jennings, Illinois EPA (james.m.jennings@illinois.gov)