



REGION 5

CHICAGO, IL 60604

ELECTRONIC MAIL DELIVERY RECEIPT REQUESTED

Charles Lagoni
General Manager
Libra Industries Inc.
1951 Arthur Avenue
Elk Grove Village, Illinois 60007
clagoni@librasafety.com

Re: **Notice of Violations**
Libra Industries Inc.
Facility ID: ILD005204359
Elk Grove Village, Illinois

Dear Mr. Lagoni:

On March 25, 2024, the U.S. Environmental Protection Agency conducted a RCRA compliance evaluation inspection of the Libra Industries Inc. ("Libra or you") located in Elk Grove Village, Illinois. The purpose of the inspection was to evaluate Libra'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 Libra is 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 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 violations identified below or demonstrating why the violations have not occurred.

Storage of Hazardous Waste without a Permit or Interim Status In Violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a) and Illinois State Permitting Requirements

During the inspection, EPA observed Libra'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 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 noncompliance or preventing future violations, EPA recommends that Libra comply with the conditions below instead of applying for a hazardous waste storage permit.

1. Date When Each Period of Accumulation Begins

Ill. Admin. Code tit. 35 § 722.134(a)(2) requires that 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 tote storing hazardous waste, one container storing hazardous waste in the secondary containment of the hazardous waste storage tank, and one hazardous waste storage tank were missing the required date. (See photos on pages 1 through 4 of the Photo Log, Appendix 1 of the enclosed inspection report).

In response to the inspection report, Libra marked the required date on the tote and tank, and removed the container from the secondary containment, which addressed the item described above. EPA is not requesting any further information for this violation.

2. Hazardous Waste Container Labeling

Ill. Admin. Code tit. 35 § 722.134(a)(3) requires that 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, one tote storing hazardous waste and one container storing hazardous waste in the secondary containment of the hazardous waste storage tank were missing the required label. (See photos on pages 10 and 12 of the Photo Log, Appendix 1 of the enclosed inspection report).

In response to the inspection report, Libra labeled the tote and removed the container from the secondary containment which addressed the item described above. EPA is not requesting any further information for this violation.

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

3. Use and Management of Containers

Ill. Admin. Code tit. 35 §§ 722.134(a)(1)(A) and 725.273(a) requires a large quantity generator to 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 container of hazardous waste stored in the secondary containment of the hazardous waste storage tank was left open when waste was not being added or removed. (See photo on page 10 of the Photo Log, Appendix 1 of the enclosed inspection report).

In response to the inspection report, Libra removed the container from the secondary containment area, which addressed the item described above. EPA is not requesting any further information for this violation.

4. Training

III. Admin. Code tit. 35 §§ 722.134(a)(4) and 725.116(c) require that 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 RCRA requirements. With respect to this training program, facility personnel must take part in an annual review of the initial training required. At the time of the inspection, Libra had not conducted annual RCRA training for the years 2021 and 2022.

In response to the inspection report, Libra provided OSHA Annual Employee Safety Training documentation for 2021 and 2022; however, the documentation provided was not the annual RCRA training documentation.

5. Contingency Plan

III. Admin. Code tit. 35 §§ 722.134(a)(4) and 725.152(a), (c), (e) and (f) requires that the facility Contingency Plan must include evacuation routes, arrangements with local authorities, a list of safety equipment, capabilities, and locations, and a description of responses to fires, explosions, and releases. At the time of the inspection, Libra's Contingency Plan did not contain the required elements listed above.

In response to the inspection report, Libra submitted an updated Contingency Plan which included the required elements, addressing the item described above. EPA is not requesting any further information for this violation.

6. Hazardous Waste Storage Tank Assessment

III. Admin Code tit. 35 §§ 722.134(a)(1)(B) and 725.292(a) require that an owner or operator of a new tank system or component must ensure that the foundation, structural support, seams, connections, and pressure controls (if applicable) are adequately designed and that the tank system has sufficient structural strength, compatibility with the wastes to be stored or treated, and corrosion protection so that it will not collapse, rupture, or fail. The owner or operator must obtain a written assessment reviewed and certified by a qualified Professional Engineer, in accordance with 35 Ill. Adm. Code 702.126(d), attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste. At the time of the inspection, Libra had not obtained a written tank assessment by a qualified Professional Engineer of its hazardous waste storage tank.

7. Hazardous Waste Storage Tank Inspections

Under III. Admin Code tit. 35 §§ 722.134(a)(1)(B) and 725.295(a), the owner or operator must inspect the following, where present, at least once each operating day, data gathered from

monitoring and leak detection equipment (e.g., pressure or temperature gauges, monitoring wells, etc.) to ensure that the tank system is being operated according to its design. At the time of the inspection, Libra was not conducting daily tank inspections.

In response to the inspection report, Libra submitted documentation of weekly storage inspections; however, the documentation submitted did not include the required daily inspections.

Actions Requested

In order to ensure compliance, by no later than 30 calendar days after receipt of this letter, please provide any further information documenting the actions, if any, which Libra has taken since the inspection, and not discussed in Libra's response to the inspection report, to address the identified violations or demonstrating why the violations have not occurred. You do not need to provide documentation regarding 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

paulin.jamie@epa.gov

The subject line of all email correspondence must include your EPA identification number, ILD005204359. 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 Jamie Paulin at paulin.jamie@epa.gov to make 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.

EPA's representative in this matter is Jamie Paulin. You may contact her at (312) 886-1771 or at paulin.jamie@epa.gov 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: Nolin Moon, Illinois Environmental Protection Agency, Nolin.Moon@illinois.gov
Chris Cahnovsky, IEPA, Chris.cahnovsky@illinois.gov