



REGION 5

CHICAGO, IL 60604

ELECTRONIC MAIL DELIVERY RECEIPT REQUESTED

Becky Anderson
Director of Compliance
WRR Environmental Services Co., Inc.
5200 Ryder Road
Eau Claire, Wisconsin 54701
andersrl@wrres.com

Re: **Notice of Violations**
EPA Identification No.: WID990829475

Dear Becky Anderson:

On May 6-7, 2025, the U.S. Environmental Protection Agency conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection of WRR Environmental Services Co., Inc. ("WRR" or "you") located in Eau Claire, Wisconsin. The purpose of the inspection was to evaluate WRR's compliance with its hazardous waste operating license effective from September 25, 2014, known also as the Final Determination to Approve a Feasibility and Plan of Operation Report – License #3161 and 6005 ("License"), with its approved modifications, and with certain additional provisions of RCRA and its authorized implementing regulations related to the generation, treatment, and storage of hazardous waste.¹ WRR provided to EPA additional records on May 30, 2025 to support the inspection. A copy of the inspection report is attached to this letter.

Information currently available to EPA suggests that WRR is in violation of RCRA. By this letter, EPA is extending to you an opportunity to advise the Agency of any further information EPA should consider with respect to the violations. EPA requests that you voluntarily submit a response to this Notice of Violation in writing no later than 15 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. At this time, EPA is not planning additional enforcement actions under RCRA in response to the violations identified in this letter assuming WRR demonstrates full compliance. EPA, however, reserves its right to take additional actions under RCRA including issuing an information request, seeking a penalty, and issuing an order.

¹ We note that effective September 1, 2020, the State of Wisconsin promulgated revised regulations which have not yet been authorized by EPA. In April 2009, EPA authorized the 2006 edition of Wisconsin's hazardous waste regulations which remains the EPA-authorized RCRA provision in Wisconsin.

Storage of Hazardous Waste in Violation of License Conditions

1. Exception Reporting

According to License Condition 1, WRR shall comply with, among other things, the requirements of Wis. Admin. Code chs. NR 660 to 670.

Pursuant to Wis. Admin. Code s. NR 662.042(2), a large quantity generator of hazardous waste must submit an exception report to the WDNR if the generator has not received a copy of the manifest with a handwritten signature from the designated facility within 45 days of the date the waste was accepted by the initial transporter.

On outbound manifests 019751686FLE, 019751687FLE, 019751688FLE, 019751689FLE, and 019751690FLE, 5 loads of hazardous waste were shipped from WRR between November 26, 2024, and December 3, 2024. These loads were transferred to a single railcar, which was received by the designated treatment, storage and disposal facility (TSDF) on January 30, 2025, more than 45 days after the loads were shipped off-site from WRR. WRR had not filed an exception report with WDNR at the time of the inspection. See, page 9 of the inspection report.

In email correspondence from WRR to EPA dated June 18, 2025, WRR provided an exception report that has been sent to WDNR on June 18, 2025, for these shipments. See Appendix C of the inspection report. EPA is not requesting additional information for this violation.

2. Prohibitions on Storage of Restricted Waste

According to License Condition 1, WRR shall comply with, among other things, the requirements of Wis. Admin. Code chs. NR 660 to 670.

Pursuant to Wis. Admin. Code §§ NR 668.50(1)(b)1., an owner or operator of a TSDF must clearly mark each container of hazardous waste with its contents and with the date each period of accumulation begins.

At the time of the inspection, WRR was storing several discarded bottles of sample retains, that had been brought from other areas of the facility, near a consolidation drum within the licensed fuels building. The bottles were not marked with their contents or with a start date of accumulation. The consolidation drum was labeled as “Hazardous Waste” but was not marked with a start date of accumulation. See, page 6 of the inspection report.

3. Land Disposal Restrictions (LDR)

According to License Condition 1, WRR shall comply with, among other things, the requirements of Wis. Admin. Code chs. NR 660 to 670.

Pursuant to Wis. Admin. Code s. NR 668.07(2)(e), if a waste or treatment residue will be further managed at a different TSDF, the TSDF sending the waste or residue off-site shall comply with the notice and certification requirements application to generators in this section.

Outbound LDR form accompanying WRR outbound manifest 019021404FLE to Systech Environmental dated November 8, 2024 did not include the D021 hazardous waste number for chlorobenzene as had been included as a primary code on the incoming LDR form associated with incoming manifest 019749965FLE. The LDR form for the outbound manifest does not include chlorobenzene as either a primary characteristic or as an underlying hazardous constituent (UHC). UHCs with codes 248, 243, and 165 are included on the form. Chlorobenzene is identified with code 47. See, page 9 of the inspection report.

4. Air Emissions Requirements

According to License Condition 91, when WRR relies upon provisions of the Clean Air Act (incorporated in corresponding enforceable air permit conditions) to determine compliance for hazardous waste units or equipment subject to Wis. Admin. Code, ch. NR 664, subch. AA, BB, or CC, WRR shall certify that those hazardous waste units or equipment are operated, monitored, and/or controlled subject to federally enforceable conditions within WRR's air quality permit. Additionally, specific air permit documents and applicable conditions shall be specified with this certification and included in the operating record.

At the time of the inspection, WRR provided certification statements dated October 1, 2024 claiming that their Clean Air Act Title V permit program is being used to determine compliance with Subchapters AA and CC of RCRA. Neither certification includes the identification of the specific conditions in the air permit with which the waste management units are complying. See, page 11 of the inspection report.

5. Air Emissions Requirements

According to License Condition 96, WRR shall maintain in the facility operating record, among other things, a record of all visual inspections demonstrating compliance with Wis. Admin. Code ch. NR 664, subch. BB.

Pursuant to Wis. Admin. Code s. NR 664.1052(1)(b), each pump in light liquid service is to be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.

WRR provided records demonstrating compliance with Wis. Admin. Code ch. NR 664, subch. BB indicating that pumps are monitored monthly using an FID. Records did not indicate that a visual inspection was being conducted on a weekly basis. See, page 11 of the inspection report.

Actions Requested

In order to ensure compliance, by no later than 15 calendar days after receipt of this letter, please provide information documenting the actions, if any, which you have taken since the inspection to address the identified violations or demonstrating why the violations have not occurred. You do not need to provide documentation regarding alleged violations that you addressed during the inspection, or post-inspection, as noted above.

Please send all information requested by this letter by electronic mail to Brenda Whitney at whitney.brenda@epa.gov, Julianne Socha at socha.julianne@epa.gov, and R5LECAB@epa.gov. The subject line of all email correspondence must include WRR's EPA Identification Number: WID990829475.

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 Brenda Whitney or Julianne Socha 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.

Contact Brenda Whitney at (312) 353-4796 or at whitney.brenda@epa.gov and contact Julianne Socha at (312) 886-4436 or socha.julianne@epa.gov if you have questions about this letter. Thank you for your prompt attention to these concerns and for your efforts to protect human health and the environment.

Sincerely,

Michael D. Harris
Division Director
U.S. EPA, Region 5, Enforcement and Compliance
Assurance Division

cc: Michael Ellenbecker, WDNR (michael.ellenbecker@wisconsin.gov)
Andrea Keller, WDNR (andrea.keller@wisconsin.gov)