



REGION 5

CHICAGO, IL 60604

ELECTRONIC MAIL DELIVERY RECEIPT REQUESTED

Mr. Zach Leicht
EHS Manager
Putzmeister Inc.
1733 90th Street
Sturtevant, WI 53177-1805
zach.leicht@putzmeister.com

Re: **Notice of Violations**
Putzmeister Inc.
Facility ID WI0001019983

Dear Mr. Leicht:

On May 21, 2024, the U.S. Environmental Protection Agency (EPA) conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection of Putzmeister Inc. ("Putzmeister" or "facility" or "you") located in Sturtevant, Wisconsin. The purpose of the inspection was to evaluate Putzmeister's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment, and storage of hazardous waste. A copy of the inspection report is enclosed for your convenience.

Information currently available to EPA suggests that Putzmeister 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 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 violations identified below or demonstrating why the violation(s) have not occurred.

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 Putzmeister's 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)]. Many of the RCRA license exemption conditions are also independent requirements that apply to treatment, storage, and disposal facilities (TSDFs). When a hazardous waste generator loses its RCRA license exemption due to failure to comply with an exemption condition incorporated from the requirements for TSDFs in Wis. Admin. Code ch. NR 655, the generator: (1) is an unlicensed operator of a TSDF (as mentioned above); and (2) simultaneously violates the corresponding TSDF requirement. For purposes of remedying noncompliance or preventing future violations, EPA recommends that Putzmeister comply with the conditions below instead of applying for a hazardous waste storage license.

1. Hazardous Waste Accumulation

Under Wis. Admin. Code § NR 662.034(1) and (2), a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a license or interim status unless the generator has been granted an extension of the 90-day period.

On 02/28/2024, Putzmeister notified the Wisconsin Department of Natural Resources that it was a large quantity generator of hazardous waste. During the inspection, facility representatives confirmed Putzmeister was operating as a large quantity generator.

At the time of the inspection, manifest records showed that hazardous waste was accumulated on-site for more than 90 days. No hazardous waste shipments occurred between 01/08/2023 (manifest # 006849919GBF) and 04/18/2023 (manifest # 006850034GBF) indicating hazardous waste stored ten (10) days over the allowable 90-day period. No hazardous waste shipments occurred between 09/26/2023 (manifest # 007333628GBF) through 12/27/2023 (manifest # 007372769GBF) indicating hazardous waste stored two (2) days over the allowable 90-day period. No hazardous waste shipments occurred between 02/04/2022 (manifest # 006846926 GBF) and 05/11/2022 (manifest # 06847112 GBF) indicating hazardous waste stored six (6) days over the allowable 90-day period.

During the inspection, facility representatives confirmed there were no shipments of hazardous waste in between each of the three time periods listed above and that the shipments were over the 90-day storage requirements.

2. 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 55-gallon drum containing hazardous waste paint was missing the required date. Please see photograph 10 of the enclosed inspection report.

At the time of the inspection, Putzmeister marked the required date on the 55-gallon hazardous waste drum which addressed the item described above. Please see photograph 18 of the enclosed 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(1)(a), 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 the requirements of RCRA. Under Wis. Admin. Code § NR 662.034(1)(d) and 665.0016(2), facility personnel shall successfully complete the program required in Wis. Admin. Code § NR 665.0016(1) within 6 months after the date of their employment or assignment to a facility, or to a new position at a facility. Employees may not work in unsupervised positions until they have completed the training requirements of Wis. Admin. Code § NR 665.0016(1). Under Wis. Admin. Code § NR 662.034(1)(d) and 665.0016(3), facility personnel shall take part in an annual RCRA training. Under Wis. Admin. Code § NR 662.034(1)(d) and 665.0016(4)(d), the owner or operator shall maintain records that document that the training required under Wis. Admin. Code § NR 662.034(1)(d) and 665.0016(3) has been given to, and completed by, facility personnel. Under Wis. Admin. Code § NR 662.034(1)(d) and 665.0016(5), training records on current personnel shall be kept until closure of the facility. Training records on former employees shall be kept for at least three (3) years from the date the employee last worked at the facility.

At the time of the inspection, the facility could not provide documentation that Zach Leicht, the EHS Manager who acts as the facility's emergency coordinator per the contingency plan, had received RCRA training. Facility representatives stated that the Mr. Leicht had not taken RCRA training while employed at Putzmeister. Mr. Leicht stated he had been employed with Putzmeister for one year.

At the time of the inspection, the facility provided records of weekly inspection logs for their 90-day storage area. The employee conducting the inspections was Paint Shop Lead Joel Fredricks. Mr. Fredricks was in a supervisory position and oversaw inspecting hazardous waste areas. Mr. Fredricks did not take RCRA training in 2023, per the RCRA Personnel Training Log provided by the facility.

At the time of the inspection, Putzmeister could not provide documentation that facility personnel took RCRA training in 2022.

4. Contingency Plan

Under Wis. Admin. Code § NR 662.034(1)(d) and Wis. Admin. Code § NR 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 inspection, Putzmeister could not demonstrate that a copy of the contingency plan had been submitted to the local authorities listed above.

5. Weekly Inspection Logs

Under Wis. Admin. Code § NR 662.034(1)(a)(1) and Wis. Admin. Code § NR 665.0174, a generator shall inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

At the time of the inspection, 2024 weekly inspection log records and a portion of 2023 weekly inspection log records were reviewed. The facility was missing logs for the following weeks: 04/08/2024, 04/01/2024, 03/04/2024, 01/08/2024, 01/15/2024, 09/04/2023, 09/11/2023, and 02/13/2023.

Other Violations

6. Hazardous Waste Determination

Under Wis. Admin. Code § NR 662.011, a generator must determine whether its waste is hazardous.

At the time of the inspection, Putzmeister had not made a determination whether the waste in the 55-gallon drum containing “Instapak Molding Foam Component” located in the 90-day storage area was hazardous. Please see photograph 14 of the enclosed inspection report.

At the time of the inspection, Putzmeister could not provide a waste profile or other documentation to support the non-hazardous waste determination for Tyvek suits, paper, and tape generated in the facility’s paint booths.

7. Universal Waste Requirement

Under Wis. Admin. Code § NR 673.13(4)(a), a small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage and compatible with the contents of the lamps. Such containers and packages shall remain closed.

At the time of the inspection, EPA inspectors observed one open box containing universal waste lamps. Please see photo 12 of the enclosed inspection report. Facility representatives closed the box of universal waste lamps, which addressed the item described above. Please see photo 16 of the enclosed inspection report. EPA is not requesting any further information for this violation.

Under Wis. Admin. Code § NR 673.14(1), universal waste batteries (i.e., each battery), or a container in which the batteries are contained, shall be labeled or marked clearly with the phrase “Universal Waste — Batteries”, “Waste Batteries” or “Used Batteries.”

At the time of the inspection, three (3) containers containing universal waste batteries were not labeled. Please see photo 13 in the enclosed inspection report. Facility representatives labeled all three containers “universal waste” during the inspection, which addressed the item described above. Please see photo 17 in the enclosed inspection report. EPA is not requesting any further information for this violation.

Actions Requested

In order to ensure compliance, by no later than 30 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 potential violations or demonstrating why the violation(s) 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

suter.kyla@epa.gov

The subject line of all email correspondence must include WI0001019983. 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 Kyla Suter 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 Kyla Suter. You may email her at suter.kyla@epa.gov or call her at (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)