



REGION 5

CHICAGO, IL 60604

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Xinying Wang
Senior Environmental Engineer
LyondellBasell Industries Holdings
8805 North Tabler Road
Morris, Illinois 60450
xinying.wang@LYB.com

Re: **Notice of Violation**
Equistar Chemicals LP
Facility ID: ILD048296180
Morris, Illinois

Dear Ms. Wang:

On May 28-29, 2024, the U.S. Environmental Protection Agency conducted a RCRA compliance evaluation inspection of Equistar Chemicals LP ("Equistar," "facility," or "you") located in Morris, Illinois. The purpose of the inspection was to evaluate the facility's compliance with Equistar's RCRA permit as well as 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 Equistar 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 violation(s) have not occurred. At this time, EPA does not plan additional enforcement action under RCRA in response to the violations identified in this letter assuming Equistar 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.

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

During the inspection, EPA observed Equistar's failure to comply with the RCRA permit exemption condition, 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 Equistar comply with the condition below instead of applying for a hazardous waste storage permit.

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

1. Hazardous Waste Tank System Tightness Test

Under Ill. Admin. Code tit. 35 §§ 722.134(a)(1)(B) and 725.292(d), a large quantity generator storing hazardous waste in a new tank system (i.e., installation commenced after July 14, 1986) must test the tank and ancillary equipment for tightness prior to it being covered, enclosed, or placed in use. Under Ill. Admin. Code tit. 35 §§ 722.134(a)(1)(B) and 725.292(g), a large quantity generator must obtain and keep on file at the facility written statements by those persons required to certify the design of the tank system and supervise the installation of the tank system in accordance with the requirements of sections 725.292(b) through (f), to attest that the tank system was properly designed and installed and that repairs, pursuant to sections 725.292 (b) and (d) were performed. These written statements must also include the certification statement, as required in 35 Ill. Adm. Code tit. 35 § 702.126(d).

At the time of the inspection, Equistar was storing ignitable vinyl acetate waste in a 6,000-gallon horizontal storage tank system (Tank 25TK3400). During and after the inspection, Equistar was unable to provide documentation that a tightness test was performed prior to its being placed in use.

2. Contingency Plan

Under Ill. Admin. Code tit. 35 §§ 722.134(a)(4) and 725.152(d), a large quantity generator's contingency plan must list names and emergency phone numbers of all persons qualified to act as emergency coordinator (see Section 725.155), and this list must be kept up to date. Where more than one person is listed one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

At the time of the inspection, there existed a discrepancy between the emergency coordinators identified in the Emergency Response Plan (ERP) and those identified in the RCRA Contingency

Plan Quick Reference Guide. The ERP lists the Plant Manager (Randy Tatum) as the “Emergency Coordinator.” The Fire Chief/Security Emergency Coordinator (Jason Bush) and HSES Manager (Raymond Powell) are listed as alternates. However, the Quick Reference Guide lists the primary and tertiary Emergency Coordinators as Daniel Medler and Cynthia Wang, respectively. Mr. Bush is listed as the secondary. After the inspection, on June 21, 2024, in response to EPA’s transmittal of the inspection report, Equistar acknowledged that the emergency coordinator list in the ERP was out of date.

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 violations or demonstrating why the violation(s) have not occurred.

Please send all reports requested by this letter by electronic mail to:

r5lecab@epa.gov

and

brown.todd@epa.gov

The subject line of all email correspondence must include your EPA identification number, ILD048296180. 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 Todd Brown 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 Todd Brown. You may contact him at (312) 886-6091 or brown.todd@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: Chris Cahnovsky, Illinois EPA (IEPA), Chris.Cahnovsky@Illinois.gov
Dustin Burger, IEPA, Dustin.Burger@illinois.gov