



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

ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Dale Hirschfield
Director of Special Projects
Dana Transport Inc.
13925 South Keeler Avenue
Crestwood, Illinois 60445
dhirschfield@danacompanies.com

Re: **Warning Letter: Notice of Violation(s)**
Dana Transport Inc.
Facility ID ILD 981 091 861
Crestwood, Illinois

Dear Mr. Hirschfield:

On May 3 through May 5, 2022, the U.S. Environmental Protection Agency conducted a RCRA compliance evaluation inspection of Dana Transport Inc. ("Dana Transport or you") located in Crestwood, Illinois. The purpose of the inspection was to evaluate Dana Transport'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 Dana Transport 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 potential 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. At this time, EPA does not plan additional enforcement action under RCRA in response to the violations identified in this letter assuming Dana Transport demonstrates full compliance. EPA, however, reserves its rights 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 Dana Transport'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 potential noncompliance or preventing future violations, EPA recommends that Dana Transport complies with the conditions below instead of applying for a hazardous waste storage permit.

1. Satellite Accumulation Area

Under Ill. Admin. Code tit. 35 § 722.134(c)(1), a generator of hazardous waste may accumulate as much as 55 gallons of non-acute hazardous waste at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status.

At the time of the inspection, two 55-gallon containers were being stored in one satellite accumulation area (SAA), exceeding the allowable 55 gallons of hazardous waste storage. Please see photos 2 and 3 of the enclosed inspection report.

2. Management of Containers

Under Ill. Admin. Code tit. 35 § 722.134(c)(1)(i) and 35 § 725.273(a), a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

At the time of the inspection, one container, located in the SAA, was not closed while hazardous waste was not being added to or removed from the container. Please see photo 4 of the enclosed inspection report.

3. Inspections

Under Ill. Admin. Code tit. 35 § 722.134(a)(1)(i) and 35 § 725.274, at least weekly, a generator of hazardous waste must inspect areas where containers are stored.

At the time of the inspection, Dana Transport did not inspect the 90-day hazardous waste storage area for eight weeks in 2019 and 2020. Please see page 6, Inspections, of the enclosed inspection report.

4. Contingency Plan

Under Ill. Admin. Code tit. 35 § 722.134(a)(4) and 35 § 725.152(c), a contingency plan must describe arrangements agreed to by local police departments, fire departments,

hospitals, contractors, and State and local emergency response teams to coordinate emergency services.

At the time of the inspection, Dana Transport's contingency plan did not include arrangements with the local hospital. Please see page 6, Contingency Plan, of the enclosed inspection report.

Other Violations

5. Universal Waste Requirement

Under Ill. Admin. Code tit. 35 § 733.113(d)(1), 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 must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

At the time of the inspection, universal waste lamps were not being stored in a closed container. Please see photos 10 and 11 of the enclosed inspection report.

6. Universal Waste Labeling and Marking

Under Ill. Admin. Code tit. 35 § 733.114(e), a small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste, as follows: each lamp or a container or package in which such lamps are contained must be labeled or clearly marked with one of the following phrases: "Universal Waste – Lamps," "Waste Lamps," or "Used Lamps."

At the time of the inspection, universal waste lamps were not being stored in a container with required universal waste labeling or marking. Please see photos 10 and 11 of the enclosed inspection report.

Actions Requested

In order to ensure compliance, 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 potential 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

paulin.jamie@epa.gov

The subject line of all email correspondence must include ILD981091861. 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 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 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: Paul Eisenbrandt, Illinois Environmental Protection Agency
(paul.eisenbrandt@illinois.gov)
James M. Jennings, Illinois Environmental Protection Agency
(james.m.jennings@illinois.gov)