



REGION 5

CHICAGO, IL 60604

ELECTRONIC MAIL DELIVERY RECEIPT REQUESTED

Steve Sadlak
Environmental Manager
Peter Lacke USA
865 Stephenson Hwy
Troy, Michigan 48083
steve.sadlak@comcast.net

Re: **Notice of Violation and Opportunity to Confer**
Notice of RCRA Violations and Opportunity for Settlement
MIK483578167

Dear Steve Sadlak:

Information currently available to the U.S. Environmental Protection Agency suggests that Peter Lacke USA ("Peter Lacke" or "you") is in violation of the Resource Conservation and Recovery Act (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).

EPA has identified significant reporting violations of RCRA, 42 U.S.C. § 6901 *et seq.*, and the regulations promulgated thereunder at Peter Lacke located in Troy, Michigan. As a generator of hazardous waste, Peter Lacke is subject to Sections 3002 and 3010 of RCRA, 42 U.S.C. §§ 6922 and 6930, and the regulations set forth in Michigan Admin. Code R 299.9301¹. Generator categories are based on the amount of waste generated per month.

Based on EPA's records review, Peter Lacke last notified in 2015 and identified itself as a very small quantity generator of hazardous waste. However, for the periods of 2020, 2021, 2022, and 2023 Peter Lacke generated hazardous waste in quantities that exceeded the threshold amount of 1,000 kilograms of hazardous waste per month, which establishes Peter Lacke as a large quantity generator, established under Michigan Admin. Code R 299.9301. As a large quantity generator of hazardous waste, EPA has identified that Peter Lacke violated the following:

¹ Under Section 3006 of RCRA, EPA may authorize state implementing regulations. Following authorization, the state regulations operate in lieu of the federal regulations. Under Section 3008 of RCRA, EPA retains the authority to enforce state authorized regulations.

- i. Failure to file biennial reports in violation of Michigan Admin. Code R 299.9312; and
- ii. Failure to submit sufficient initial notification and/or subsequent notification of the change in the type of RCRA hazardous waste activity (*e.g.*, change in generator category from VSQG to LQG) in violation of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a) (EPA Form 8700-12).

EPA has identified these violations based on select waste reports of one or more treatment, storage, and disposal facilities:

- i. In the period of 2020, Peter Lacke generated, accumulated and offered for transport and treatment 25164.60 kg of D001, D035, and D039 waste in quantities that exceeded the threshold amount of 1,000 kg per month, which qualified Peter Lacke for the large quantity generator status; and
- ii. In the period of 2021, Peter Lacke generated, accumulated and offered for transport and treatment 36576.23 kg of D001, D035, and D039 waste in quantities that exceeded the threshold amount of 1,000 kg per month, which qualified Peter Lacke for the large quantity generator status; and
- iii. In the period of 2022, Peter Lacke USA generated, accumulated and offered for transport and treatment 23299.85 kg of D001 and D035 waste in quantities that exceeded the threshold amount of 1,000 kg per month, which qualified Peter Lacke for the large quantity generator status; and
- iv. In the period of 2023, Peter Lacke generated, accumulated and offered for transport and treatment 38543.10 kg of D001 and D035 waste in quantities that exceeded the threshold amount of 1,000 kg per month, which qualified Peter Lacke for the large quantity generator status; and
- v. There is no record of Peter Lacke submitting biennial reports in the periods identified above.

EPA seeks to bring your facility into compliance and resolve the limited violations alleged above within 60 days, provided your facility comes into compliance with the notification requirement of Section 3010(a) of RCRA, 42 U.S.C. § 6930(a) (EPA Form 8700-12) and the biennial reporting requirement of Michigan Admin. Code R 299.9312, and enter into a Consent Agreement and Final Order (CAFO). The CAFO includes the payment of a civil penalty. To take advantage of this proposed settlement, you must:

- (1) Notify EPA **within 15 calendar days** of receipt of this Notice informing EPA of your intent to enter into a CAFO to resolve the matters identified.
- (2) Complete and return to EPA the enclosed CAFO within 30 days of receipt of this letter. In signing the attached CAFO, you are certifying that you have corrected the violations (or will correct them as specified in the CAFO) and will pay the assessed penalty, and you are waiving your opportunity for a hearing or an appeal concerning the violations.
- (3) Correct the violations and provide the submittals required in the enclosed CAFO at paragraphs 37 and 39, within 30 days of the effective date of the CAFO.

During this process Peter Lacke will have the opportunity to address the alleged violations. We are giving you the opportunity to present any information that you believe we should consider. Relevant information might include evidence that you did not violate the law; evidence that you relied on compliance assistance from EPA or a state agency; evidence that we identified the wrong party; or financial data bearing on your ability to pay such a penalty.

You may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information you submit to us. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If you fail to assert a business confidentiality claim, EPA may make all submitted information available, without further notice to you, to any member of the public who requests it. If you assert a business confidentiality claim, please contact Megan Cox for directions on how to submit the documents.

It should be noted that if Peter Lacke decides not to enter into a CAFO to resolve the alleged violations or to notify the EPA of its decision to enter into the proposed CAFO, EPA will consider such decision or the lack of notice as a rejection of the proposed CAFO. EPA will consider further options for ensuring Peter Lacke's timely compliance with RCRA which could include a broader evaluation of your facility's compliance with RCRA under Section 3007 of RCRA. Under Section 3008 of RCRA and U.S. EPA's RCRA Civil Penalty Policy, EPA may assess a civil penalty of up to one hundred and seventeen thousand four hundred and sixty-eight dollars (\$117,468), as adjusted for inflation pursuant to 40 C.F.R. Part 19, for each of the cited violations. However, EPA is offering you an opportunity to settle this matter for \$27,430 provided your facility comes into compliance within 60 days.

This letter is being made available to the State of Michigan as a means of notifying the State pursuant to Section 3008(a) of RCRA, as amended, that EPA is preparing to issue a formal enforcement action to Peter Lacke.

Thank you for your prompt attention to this matter. Please direct questions to Megan Cox, of my staff, at cox.megan@epa.gov or (312) 353-2054.

Sincerely,

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

Enclosures

1. Proposed CAFO
2. Small Business Resources Information Sheet

cc: Alexandra Clark, EGLE, clarka37@michigan.gov
Phil Roycraft, EGLE, roycraftp@michigan.gov
Elizabeth Browne, EGLE, brownee@michigan.gov