



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

ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED

Mr. Jason Pfeiffer
EHS Manager
B.L. Duke River Transport, LLC
1 Industry Avenue, Gate 2
Joliet, Illinois 60435
jpfeiffer@blduke.com

Re: **Warning Letter: Notice of Potential Violations**
BL Duke River Transport, LLC
U.S. EPA ID: No U.S. EPA ID Number
Joliet, Illinois

Dear Mr. Pfeiffer:

On June 28 – June 29, 2021, the U.S. Environmental Protection Agency conducted a Resource Conservation Recovery Act (RCRA) compliance evaluation inspection of the B.L. Duke River Transport, LLC (“B.L. Duke”) facility located in Joliet, Illinois. The purpose of the inspection was to evaluate B.L. Duke’s compliance with the generation, treatment, and storage of hazardous waste provisions of RCRA, EPA’s RCRA regulations, and EPA approved State implementing regulations. Attached is a copy of the inspection report for your records.

Based on EPA’s inspection of your facility, it appears that B.L. Duke may be in violation of RCRA. By this letter, EPA is extending B.L. Duke the opportunity to provide the Agency, in person or in writing, any further information EPA should consider with respect to the potential violations.

We request that you 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 potential violations identified below. If it is your position that the EPA has mistakenly identified potential violations, we ask that your response explain how B.L. Duke is in compliance with the applicable RCRA statutory or regulatory provision. EPA reserves its rights to take additional actions under RCRA including issuing an information request, seeking a penalty, and/or issuing an order.

Potential Violations

1. Hazardous Waste Determination

Under Ill. Admin. Code tit. 35 § 722.111, a generator must determine whether its waste is hazardous.

At the time of the inspection, B.L. Duke had not made a determination whether the waste that was being stored in the pit located in the Old Rolling Mill was hazardous.

In addition, approximately thirty (30) 55-gallon containers of “Flammable Solid,” “Aluminum Oxide,” and “Magnesium,” were being stored in Building 6. B.L. Duke had not made a determination whether the material that was being stored in this location was a hazardous waste.

2. Used Oil Requirement

Under Ill. Admin. Code tit. 35 § 739.122(c)(1), containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.”

At the time of the inspection, two containers of used oil, located in BL Dukes’ Oil/Water Separator area, were not labeled with the words “Used Oil.”

Correspondence

Please send all information 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 “BL Duke.” 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 Ms. 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.

If you are unable to respond timely because of impacts related to the COVID-19 pandemic, please submit a written extension request via email to Ms. Jamie Paulin at paulin.jamie@epa.gov, explaining the specific impacts on your ability to respond.

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 call her at (312) 886-1771 or email her 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,

Harris,
Michael

 Digitally signed by Harris,
Michael
Date: 2021.10.13
12:49:01 -05'00'

Michael D. Harris
Division Director
Enforcement and Compliance Assurance Division

Attachment

cc: Mr. James Jennings, Illinois EPA, (james.m.jennings@illinois.gov)