



REGION 5

CHICAGO, IL 60604

ELECTRONIC MAIL DELIVERY RECEIPT REQUESTED

Mr. Bryce German
Environmental Compliance Manager
Tradebe Transportation, LLC
4323 Kennedy Avenue
East Chicago, Indiana 46312
bryce.german@tradebe.com

Re: **Notice of Potential Violation and Opportunity to Confer**
Compliance Evaluation Inspection Report and Description of Areas of Concern
Tradebe Treatment & Recycling, LLC
EPA I.D.: INR000123497
East Chicago, Indiana

Dear Mr. German:

On July 20, 2023, the U.S. Environmental Protection Agency conducted a RCRA compliance evaluation inspection of Tradebe Transportation, LLC ("Tradebe," "facility," or "you") located in East Chicago, Indiana. The purpose of the inspection was to evaluate the facility's compliance with certain provisions of RCRA and its implementing regulations related to the transportation and storage of hazardous waste. You were provided with a copy of the inspection report on September 14, 2023.

Information currently available to EPA suggests that Tradebe may be 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 areas of concern identified below.

During the inspection, EPA observed several areas of concern, described below. The description of the areas of concern is not a final determination regarding the Facility's compliance with RCRA. EPA requests 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 areas of concern described below or demonstrating why the areas should not be of concern. After review of your response, EPA will notify you of any further action.

Areas of Concern

During the inspection, EPA observed the following areas of concern:

1. Storage of Hazardous Waste without a Permit for Greater than Ten Days

Under 329 Ind. Admin. Code 3.1-13-1 and 3.1-13-3(a) and (d) [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)], a person storing hazardous waste is required to apply for and obtain a hazardous waste storage permit from the Indiana Department of Environmental Management (IDEM). Under 329 IAC 3.1-8-1 [40 C.F.R. § 263.12(a)], a transporter who stores manifested shipments of hazardous waste in containers meeting the independent requirements of 40 C.F.R. § 262.30 at a transfer facility for a period of ten (10) days or less is not subject to regulation under 40 C.F.R. Parts 264, 265, 267, 268, and 270 with respect to the storage of those wastes.

The Tradebe facility at 4323 Kennedy Avenue, East Chicago, Indiana, is not permitted for storage of hazardous waste.

Based on observations by the inspector and records provided during the July 20, 2023, inspection, as of the time of the inspection, the following trailers holding containerized hazardous waste were on site for greater than 10 days.

Trailer	Manifest Number	Date Arrived at Facility (2023)	Container Count	Total Days on Site ¹
53R12043	21356718	8-Mar	75	135
53R05356	21379173	21-Mar	23	122
53R13230	21379175	21-Mar	70	122
53R12086	21379262	12-Apr	127	100
53R13208	21379250	12-Apr	93	100
53R13242	21379238	18-Apr	19	94
53R12023	21379234	18-Apr	56	94
53R13234	21356035	19-Apr	14	93
PCI-079	21356064	28-Apr	81	84
53R13092	21379217	4-May	22	78
PCI-117	21356042	12-May	81	70
53R12105	21356012	24-May	70	58
53R12037	21356080	3-Jun	24	48
53R15120	21356090	3-Jun	28	48
53R13259	21356085	7-Jun	24	44
53R18067	21356081	7-Jun	24	44

¹ Days on site as of the July 20, 2023, inspection.

2. Storage During the Normal Course of Transportation

Under 329 Ind. Admin. Code 3.1-13-1 and 3.1-13-3(a) and (d) [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)], a person storing hazardous waste is required to apply for and obtain a hazardous waste storage permit from IDEM. Under 329 IAC 3.1-8-1 [40 C.F.R. § 263.12(a)], a transporter who stores manifested shipments of hazardous waste in containers meeting the independent requirements of 40 C.F.R. § 262.30 **at a transfer facility** for a period of ten (10) days or less is not subject to regulation under 40 C.F.R. Parts 264, 265, 267, 268, and 270 with respect to the storage of those wastes.

A transfer facility is defined at 329 IAC 3.1-4-1 [40 C.F.R. § 260.10] as any transportation-related facility, including loading docks, parking areas, storage areas and other similar areas where shipments of hazardous waste or hazardous secondary materials are held during the **normal course of transportation**. Emphasis Added.

The Tradebe facility at 4323 Kennedy Avenue, East Chicago, Indiana, is not permitted for storage of hazardous waste.

At the time of the July 20, 2023, inspection, the following manifested shipments of containerized hazardous waste were being held at the 4323 Kennedy Avenue, East Chicago facility, outside the “normal course of transportation.”

Manifest Document Number 021356148 JJK, for 73 containers of hazardous waste destined to AERC, Allentown, PA (PAD987367216). The generator of this manifested shipment of hazardous waste was Tradebe Treatment and Recycling LLC, which is located directly next door to the facility at 4343 Kennedy Avenue, East Chicago, Indiana. The generator signed the manifest on June 28, 2023, and the first transporter signed the manifest June 29, 2023. Three additional transporters signed the manifest on June 10 [sic], July 13 and July 20, 2023. Despite passing through four transporters over a period of 22 days, the waste was still located next door to where it was generated. This does not constitute storage within the normal course of transportation.

Manifest Document Number: 021356130 JJK, for 76 containers of hazardous waste destined to Tradebe Treatment and Recycling of TN, Millington, TN (TND000772186). The generator of this manifested shipment of hazardous waste was Tradebe Treatment and Recycling LLC, which is located directly next door to the facility at 4343 Kennedy Avenue, East Chicago, Indiana. The generator signed the manifest on June 20, 2023, and the first transporter signed the manifest on June 27, 2023. Two additional transporters signed the manifest on July 8 and July 19, 2023. Despite passing through three transporters over a period of 24 days, the waste was still located next door to where it was generated. This does not constitute storage within the normal course of transportation.

Actions Requested

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 areas of concern, as well as any additional information requested.

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 "INR000123497." 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 call him at brown.todd@epa.gov or (312) 886-6091 if you have additional questions. If you are represented by an attorney, your attorney should direct all communications to James Cha, Attorney-Advisor, U.S. EPA, Region 5, at cha.james@epa.gov or (312) 886-0512. 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

cc: Jennifer Reno, IDEM jreno@idem.in.gov