



REGION 5

CHICAGO, IL 60604

**ELECTRONIC MAIL
DELIVERY RECEIPT REQUESTED**

Ms. Ivonne Friday
SHE Manager
Nalco Co.
6216 W 66th Pl
Chicago, Illinois 60638
Ivonne.Friday@ecolab.com

Re: **Notice of Violations**
Nalco Co.
Facility ID: ILD005092572
Chicago, Illinois

Dear Ms. Friday:

On December 11, 2024, the U.S. Environmental Protection Agency conducted a RCRA compliance evaluation inspection of the Nalco Co. ("Nalco" or "you") located in Chicago, Illinois. The purpose of the inspection was to evaluate Nalco'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 Nalco 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 violations 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 Nalco 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.

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 violations have not occurred.

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 Nalco'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 noncompliance or preventing future violations, EPA recommends that Nalco comply with the conditions below instead of applying for a hazardous waste storage permit.

1. Date When Each Period of Accumulation Begins

Under Ill. Admin. Code tit. 35 § 722.134(a)(2)¹, a large quantity generator must clearly mark each container holding hazardous waste with the date upon which each period of accumulation begins. At the time of the inspection, seven (7) containers were missing the required date. Please see photos DSCN0027.JPG and DSCN0034.JPG of the enclosed inspection report.

2. Hazardous Waste Container Labeling

Under Ill. Admin. Code tit. 35 § 722.134(a)(3), a large quantity generator must label or clearly mark each container holding hazardous waste with the words "Hazardous Waste." At the time of the inspection, eight (8) containers were missing the required label. Please see photo DSCN0027.JPG, DSCN0034.JPG, DSCN0040.JPG of the enclosed inspection report.

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

3. Training

Under Ill. Admin. Code tit. 35 §§ 722.134(a)(4) and 725.116(d), a large quantity generator of hazardous waste must have a program of classroom instruction or on-the-job training that teaches facility personnel to perform their duties in a way that ensures the facility's compliance with requirements of RCRA. With respect to this training program, a large quantity generator must maintain the following documents and records at its facility for employees filling a position related to hazardous waste management: the job title for each position at the facility and the name of the employee filling each job; a written job description for each position; a written

¹ On November 19, 2018, the State of Illinois promulgated revised regulations that have not yet been authorized by EPA. EPA authorized an earlier edition of the Illinois hazardous waste regulations, promulgated in 2011, that remain the RCRA authorized provisions in Illinois. Accordingly, this letter cites to the 2011 version of the Illinois regulations.

description of the type and amount of both introductory and continuing training that will be given; and records that document that the training or job experience described above has been given to and completed by facility personnel.

At the time of the inspection, Nalco did not have documentation regarding training given to and completed by facility personnel for the years 2022, 2023, and 2024.

After the inspection, Nalco provided the required training information for the years 2023, and 2024, which addressed some of the items described above.

4. Weekly Inspections

Under Ill. Admin. Code tit. 35 §§ 722.134(a)(1)(A) and 725.274, a generator must inspect areas where containers are stored at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.

At the time of the inspection, Nalco did not conduct a weekly inspection of its hazardous waste storage area for the week of December 3, 2023, through December 12, 2023.

5. Contingency Plan

Under Ill. Admin. Code tit. 35 §§ 722.134(a)(4) and 725.152(c)(d), a generator must have a contingency plan that describes arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services. The plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as an emergency coordinator, and this list must be kept up to date.

At the time of the inspection, Nalco listed Alex Lawless as the primary emergency contact in the contingency plan. Ms. Friday and Ms. Lee stated that Alex Lawless had left the company.

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:

R5LE CAB@epa.gov

and

garvin.melissa@epa.gov

The subject line of all email correspondence must include your EPA identification number, ILD005092572. 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 Melissa Garvin 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 Melissa Garvin. You may call her at (312) 886-1462 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

cc: Chris Cahnovsky, Illinois Environmental Protection Agency (IEPA) chris.cahnovsky@illinois.gov
Dustin Burger, IEPA dustin.burger@illinois.gov