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

[redacted]

00019

REPLY TO THE ATTENTION OF

EPA Region 5 Records Ctr.
247022

May 5, 1995

VIA FAX THEN
U.S. MAIL

Joseph G. Nassif
Coburn & Croft
Suite 2900
One Mercantile Center
Saint Louis, Missouri 63101
FAX (314) 621-2989

RE: Standard Scrap Metal/Chicago International Exporting Site, Chicago, Illinois

Dear Mr. Nasif:

This letter confirms our telephone conversation on May 2, 1995.

As I indicated during our telephone conversation, the owners/operators of the above referenced Site are currently improperly storing PCB contaminated material at the Site. In addition to other contaminated material, contaminated dust from the shredder baghouse is inadequately stored in cardboard boxes which are deteriorating and are not properly labeled. Inadequate storage and improper labeling are both violations of the Toxic Substances Control Act (TSCA), 15 U.S.C. §§ 2601-2671. In addition, placing PCB contaminated material, including PCB contaminated baghouse dust, on the ground or otherwise allowing that contaminated material to be disposed at the Site is a TSCA violation. As we have previously indicated to you, baghouse dust from the shredding operation has been found to contain PCBs at levels of up to 2,894 ppm and has been observed blowing out of the boxes and around the Site.

I also advised you that the site owners/operators have still not submitted a Work Plan to U.S. EPA pursuant to Administrative Order No. V-W-'95-C-283 ("Order"), nor have they identified a contractor who will perform the necessary actions under the Order. In fact, none of the violations identified in U.S. EPA's March 21, 1995 letter to Linda Tape of your office have been addressed by the site owners/operators (See Attached Letter).

Please notify the undersigned by no later than May 9, 1995 of a date upon which a Work Plan will be submitted, and a date by which all other violations of the Order identified in the March 21, 1995 letter will be addressed. If the above referenced violations are not adequately and expeditiously addressed by the Respondents, U.S. EPA may seek to enforce the order and may seek civil penalties for non-compliance therewith.

Thank you in advance for your cooperation in these matters.

If you have any questions, please do not hesitate to call me at (312) 886-6831.

Sincerely,

Kurt N. Lindland
Assistant Regional Counsel

Attachment

cc: Brian Havey, U.S. Attorney's Office
Northern District of Illinois

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

March 21, 1995

REPLY TO THE ATTENTION OF

VIA FAX THEN
U.S. Mail

Linda W. Tape
Coburn & Croft
Suite 2900
One Mercantile Center
St. Louis, Missouri 63101
FAX 314-621-2989

RE: Non-Compliance with Unilateral Administrative Order for Standard Scrap/Chicago International Exporting Site, Chicago, Illinois

Dear Ms. Tape:

This letter confirms our telephone conversation on March 20, 1995. This letter also serves as notification of non-compliance with Unilateral Administrative Order Docket No. V-W-'95-C-283 ("UAO") issued to Respondents Chicago International Exporting, Steven Cohen, Lawrence Cohen, and Chicago International Chicago on February 6, 1995.

Under the UAO, Section V., ORDER, the Respondents are currently in non-compliance with the following:

Section V. Order, 2. Designation of Contractor-- Respondents have failed to provide the U.S. EPA with adequate credentials and qualifications of contractors and subcontractors which will perform the removal actions required by the UAO.

Section V., ORDER, Part 3, Work to Performed (a)-- Respondents have failed to cease operations which cause a release or threat of release of hazardous substances into the air and onto the surface from shredding operations. Respondents have failed to install and operate adequate dust emission control equipment to ensure that no releases of hazardous substances will occur.

The U.S. EPA has sampled copper material and bag house dust from the shredding operations and has identified high levels of PCB's at 62 ppm and 426 ppm in the copper hoppers which collect material from the shredder, and 2,894 ppm of PCB's in the bag house dust. The bag house dust is being stored in a cardboard box and is blowing out of the box around the yard. In addition, total visable emissions have been read by

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the U.S. EPA as high as 30 to 35% releasing from the shredding equipment.

Respondents have failed to submit a Contingency Plan to contain these identified releases of hazardous substances. Respondents have also failed to shut down or modify equipment causing these releases.

Respondents have failed to provide to the U.S. EPA drawings, sketches, engineering blue prints, and standard operating procedures for the installed air pollution equipment. The permits submitted to the Illinois Environmental Protection Agency have been sufficiently modified, or changed altogether, and have little or no description of actual equipment currently being operated.

Section V. ORDER, Part 3. Work to Performed, (b)-- Respondents have failed to include sampling of each of the waste streams designated and have failed to propose sampling of each of the waste streams for PCB and TCLP metals as designated in this section of the UAO. Respondents have mentioned that they do not intend to sample bag house dust and in coming scrap steel, copper and fluff. In addition, Respondents have failed to propose weekly sampling for as long as the shredding and separation processes are being operated. Respondents have proposed sampling for eight weeks and have suggested discontinuing sampling at three weeks.

Section V. ORDER, Part 3. Work to be Performed (c)-- Respondents have failed to propose air sampling methods for conducting daily air sampling at the perimeter.

Section V. ORDER, Part 3, Work to be Performed (d)-- Respondents have failed to submit a sampling plan to the U.S. EPA to identify standard operating procedures, methods for sampling and analysis, Quality Assurance/Quality Control Procedures and qualifications of the selected laboratory. The development of the Sampling and data validation fails to follow U.S. EPA Guidance "Quality Assurance/Quality Control Guidance for Removal Activities" (EPA/540/G-90/004) April 1990.

The aforementioned failure of Respondents to conduct actions ordered by U.S. EPA under the UAO constitutes non-compliance with the Order. Under Section 106 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. §§ 9601-9675, the United States may seek civil penalties of up to $25,000 per day for each day of non-compliance with the UAO. In addition, the United States may also seek injunctive relief under CERCLA Section 106.

Also, the owners/operators of the Site have failed to meet the deadlines for clearing out debris, scrap and motors as outlined in the letter from U.S. EPA which was hand delivered to CIE on March 10, 1995. In an effort to cooperate with the Site owners/operators, U.S. EPA met with Buddy Cohen, and his counsel at the Site on March 15, 1995. During that meeting, all parties agreed that the main building would be cleared so that U.S. EPA could conduct response actions in the building by March 22, 1995. Unfortunately, the building is still full of shredded copper, full drums of material, scrap steel, and aluminum.

Also during the March 15, 1995 meeting, all parties agreed that debris and scrap from Area B would be removed by March 27, 1995. Unfortunately, little or no effort has been made to separate and recycle scrap steel in Area B, or to relocate the large pile of material in Area C which presently prevents U.S. EPA from accessing the building mentioned above.

As we indicated in U.S. EPA's letter dated March 10, 1995, U.S. EPA will move and consolidate materials as needed to obtain access to the areas identified above at considerable time delays and additional cost to the project unless the previously identified material is moved or relocated by the agreed upon dates, as set forth above. U.S. EPA may also seek injunctive relief under Section 106 and Section 104 of CERCLA so that the necessary response actions can be implemented at the Site.

Also, as previously discussed, U.S. EPA will allow one additional submittal detailing the above mentioned deficiencies in the work plan to be submitted under the UAO. The submittal will be due to the U.S. EPA On-Scene Coordinator on March 29, 1995. If Respondents violate the UAO or fail to address the above mentioned deficiencies, U.S. EPA may implement the required response actions, pursuant to Section 104 of CERCLA, 42 U.S.C. Section 9604, and/or may seek judicial enforcement of this Order pursuant to Section 106 of CERCLA, 42 U.S.C. Section 9606 or seek injunctive relief under Section 106 of CERCLA.

If you have any questions, please do not hesitate to call On-Scene Coordinator, Steven J. Faryan at 312-373-1085, or Kurt Lindland, Assistant Regional Counsel, at 312-886-6831.

Steven J. Faryan, On-Scene
Coordinator, U.S. EPA Region V

SJF for Kurt Lindland
Kurt N. Lindland
Assistant Regional Counsel

cc: Brian Havey
Assistant U.S. Attorney
Northern District of Illinois