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

AUG 10 2016

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL 7009 1680 0000 7677 7742
RETURN RECEIPT REQUESTED

Ms. Jill Jarchow
Environmental, Health, and Safety Manager
Loparex, LLC
1740 Ridgeway Street
Hammond, Wisconsin 54015

Re: Notice of Violation
Compliance Evaluation Inspection
EPA ID Number: WID988631727

Dear Ms. Jarchow:

On June 22, 2016, a representative of the U.S. Environmental Protection Agency inspected the Loparex, LLC, facility located in Hammond, Wisconsin. As a large quantity generator of hazardous waste, Loparex is subject to the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 et seq. (RCRA). The purpose of the inspection was to evaluate Loparex's compliance with certain provisions of RCRA and its implementing regulations related to the generation, treatment and storage of hazardous waste. A copy of the inspection report is enclosed for your reference.

Based on information provided by Loparex, on EPA's review of records pertaining to Loparex, and on the inspector's observations, EPA has determined that Loparex has unlawfully stored hazardous waste without a license or interim status as a result of Loparex's violation of certain requirements for a license exemption under Wis. Admin. Code § NR 662.034(1)-(3). EPA has identified the license exemption requirements violated by Loparex as of the date of the inspection in the paragraphs below.

STORAGE OF HAZARDOUS WASTE WITHOUT A LICENSE OR INTERIM STATUS

At the time of the inspection, Loparex violated the following large quantity generator license exemption requirements:

1. Satellite Accumulation Container Labeling

   Under Wis. Admin. Code § NR 662.034(3)(a)2. [40 C.F.R. § 262.34(c)(1)(ii)], a large quantity generator who stores waste in satellite accumulation containers must label those containers with either the words "Hazardous Waste," or other words identifying the contents of the container.

At the time of the inspection, Loparex failed to label the following satellite containers of hazardous waste with the words "Hazardous Waste" or other words describing the contents of the containers:

- Area 7 – One 5-gallon container of rags contaminated with heptane was not labeled as above.

- Area 11 – In the laboratory, one 1-gallon container in the hood holding used methyl isobutyl ketone was not labeled as above. Also in the laboratory, one 5-gallon container of used rags contaminated with solvents was not labeled as above.

2. Training Documentation Requirements

A large quantity generator, in accordance with Wis. Admin. Code §§ NR 662.034(1)(d) and 665.0016]40 C.F.R. §§ 262.34(a)(4) and 265.16], must include an outline of training requirements or expectations in the job description documentation for employees who manage hazardous waste.

At the time of the inspection, descriptions of required training for employees who manage hazardous waste for Loparex were not included in the reviewed job descriptions documents.

3. Contingency Plan Requirements

A large quantity generator, in accordance with Wis. Admin. Code §§ NR 662.034(1)(d) and 665.0052(3) [40 C.F.R. §§ 262.34(a)(4) and 265.52(c)], must provide, among other things, a description of the arrangements agreed to by local police departments, fire departments, hospitals, contractors and state and local emergency response teams to coordinate emergency services;

At the time of the inspection, the facility contingency plan did not include a written description of arrangements made with emergency responders.

Summary of license exemption requirements: By violating the requirements for a license exemption, above, Loparex became an operator of a hazardous waste storage facility, and was required to obtain a Wisconsin hazardous waste storage license. Loparex failed to apply for such a license. Loparex's failure to apply for and obtain a hazardous waste storage license violated the requirements of Wis. Admin. Code §§ NR 680.30, 680.31, and 680.32 [40 C.F.R. §§ 270.1(c), and 270.10(a) and (d)].

CONCLUSION

At this time, EPA is not requiring Loparex to apply for a Wisconsin hazardous waste storage license so long as it immediately establishes compliance with each of the requirements for a permit exemption outlined in the paragraphs, above.

According to Section 3008(a) of RCRA, EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified time period, or both. Although this letter is not such an order or a request for information under Section 3007 of RCRA, 42 U.S.C. § 6927, we request that you submit a response in writing to us no later than 30 days after receipt of this letter documenting the actions, if any, which you have taken to establish compliance with the requirements listed above. You should submit your response to Brenda Whitney, U.S. EPA, Region 5, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604.

If you have any questions regarding this letter, please contact Ms. Whitney, of my staff, at 312-353-4796 or at whitney.brenda@epa.gov.

Sincerely,

Gary J. Victorine, Chief
RCRA Branch

Enclosure

cc: Scott Szymanski, WDNR (Szymanski.Scott@wisconsin.gov)
Michael Ellenbecker, WDNR (Michael.Ellenbecker@wisconsin.gov)