



Walter Wright, Jr.
wwright@mwlaw.com
(501) 688.8839

Used Oil/Hazardous Waste Enforcement: U.S. Environmental Protection Agency and South Lyon, Michigan Metal Heat Treating Facility Enter into Consent Agreement

08/01/2018

The United States Environmental Protection Agency (“EPA”) and Sun Steel Treating (“Sun”) entered into a June 21st Consent Agreement and Final Order (“CAFO”) addressing alleged violations of Resource Conservation and Recovery Act (“RCRA”) regulations. See Docket No. RCRA-05-2018-0014.

The CAFO provides that Sun is the owner of a metal heat treating facility (“Facility”) in South Lyon, Michigan.

EPA is stated to have conducted an inspection of the Facility on August 29, 2017. The Facility is described as consisting of land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste.

Sun is stated to have created solid wastes including D005 and D007 hazardous waste. The Facility’s processes are stated to produce several hazardous wastes identified or listed in MAC R. 299.9201-9230; or cause a hazardous waste to become subject to regulation under MAC 299.9101-299.11107.

The CAFO provides that the Sun Facility is a “generator,” as that term is defined by 40 C.F.R. § 260.10 and generated prior to the EPA inspection, and continues to generate after the inspection, more than 2,205 pounds of hazardous waste each calendar month. As a result, it is stated to have been and is a large quantity generator.

The Facility is stated to not hold a license to treat, store, or dispose of hazardous waste at the Facility

The CAO alleges certain violations which include:

- Storage of Hazardous Waste without a License or Interim Status (referencing a failure to place pieces of hazardous waste castable in a container, tank, or on a drip pad, therefore failing to meet a license exemption requirement)
- Failure to Keep Hazardous Waste Containers Closed (referencing a roll-off box equipped with a tarp cover but the cover was not secured when waste was not being added or removed)
- Failure to Close and Label Satellite Containers (referencing a fiber pack drum labeled as “Hazardous Waste” but lacked the hazardous waste number or chemical name of the waste)

- Failure to Provide Annual Personnel Training (referencing a failure by Sun's representatives to demonstrate that annual training had occurred in 2014, 2015, and absence of attendance records for such dates)
- Failure to Minimize Releases (referencing hazardous waste liquid being observed splashing outside of a roll-off box during the addition of waste to the container)
- Failure to Label Containers of Used Oil (referencing a failure to label certain containers as "Used Oil")

A civil penalty of \$44,600 is assessed.

A [copy of the CAFO](#) can be downloaded here.