



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 26 2018

SENT VIA E-MAIL

REPLY TO THE ATTENTION OF:

Ed Austin, Ph.D.  
Associate Director, Environmental, Health, Safety, and Security  
6000 North Teutonia Avenue  
Milwaukee, Wisconsin 53209  
[ed.austin@epa.gov](mailto:ed.austin@epa.gov)

Re: Expedited Settlement Agreement and Final Orders

Aldrich Chemical Company, LLC 6000 North Teutonia Avenue Milwaukee, Wisconsin 53209 WID006112973 Docket No: <u>RCRA-05-2018-0019</u>	Aldrich Chemical Company, LLC 230 Emmber Lane Milwaukee, Wisconsin 53233 WID000808147 Docket No: <u>RCRA-05-2018-0018</u>
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Dear Dr. Austin:

Enclosed, please find two signed and fully-executed Expedited Settlement Agreement and Final Orders (ESA) in resolution of the above cases. The originals were filed on July 26, 2018 with the Regional Hearing Clerk (RHC).

In the matter of Docket No: RCRA-05-2018-0019 associated with EPA Identification Number WID006112973, please pay the civil penalty in the amount of \$5,000 in the manner prescribed in paragraphs 9-13 of the ESA.

In the matter of Docket No: RCRA-05-2018-0018 associated with EPA Identification Number WID000808147, please pay the civil penalty in the amount of \$5,000 in the manner prescribed in paragraphs 9-13 of the ESA.

Reference all checks with the Respondent's site name and respective docket numbers. Your payment is due within 30 calendar days of the effective date of the ESAs.

Thank you for your cooperation in resolving these matters. If you have any questions or concerns regarding these matters, please contact Brenda Whitney, of my staff, at 312-353-4796 or at [whitney.brenda@epa.gov](mailto:whitney.brenda@epa.gov).

Sincerely,

Julie Morris, Acting Chief  
RCRA Branch

Enclosures

cc: Steven Sisbach, WDNR ([steven.sisbach@wisconsin.gov](mailto:steven.sisbach@wisconsin.gov)) (w/ESA)

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF:

Aldrich Chemical Co., LLC  
Milwaukee, Wisconsin  
6000 North Teutonia Avenue  
EPA ID No.: WID006112973

**Respondent.**

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Docket No. RCRA-05-2018-0019

**EXPEDITED SETTLEMENT  
AGREEMENT AND FINAL  
ORDER**

**EXPEDITED SETTLEMENT AGREEMENT**

1. Aldrich Chemical Co., LLC (“Respondent”) is a corporation doing business in the State of Wisconsin and is the owner or operator of the facility located at 6000 North Teutonia Avenue in Milwaukee, Wisconsin (the “Facility”).
2. The U.S. Environmental Protection Agency (“EPA”) inspected Respondent’s Facility on March 21, 2017 (the “Inspection”), to determine compliance with the Resource Conservation and Recovery Act (“RCRA”) 42 U.S.C. §§ 6901 *et seq.*, and its implementing regulations, and the EPA approved and authorized State of Wisconsin hazardous waste management program as set forth in the Wisconsin Administrative Code Chapters NR 600-699.
3. EPA issued a Notice of Violation (“NOV”) to Respondent on August 30, 2017 that alleged, in part, the following violations of RCRA:
  - a. Date When Each Period of Accumulation Begins - Under Wis. Admin. Code § NR 662.034(1)(b) [40 C.F.R. § 262.34(a)(2)], a large quantity generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without a license or interim status provided each container is marked clearly and visibly for inspection with the date upon which each period of accumulation began.

At the time of the Inspection, the Facility was storing hazardous waste in the following containers without having the start date of accumulation marked clearly and visibly for inspection:

- Three 55-gallon drums in the Building 8 ventilated 90-day storage area for wastes that have inhalation hazards;
- A plastic bag of spill clean-up material near a compactor in the Building 8 90-day storage area;
- A collection tote (yard-box) in a compactor in the Building 8 90-day storage area;

- A yard-box beside the compactor in the Building 8 90-day storage area; and
  - The containers in the Building 13 90-day storage area that were blocked from view and all containers stored on upper racks three and four.
- b. Hazardous Waste Container Labeling - Under Wis. Admin. Code § NR 662.034(1)(c) [40 C.F.R. § 262.34(a)(3)], a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a license or interim license provided each container accumulating hazardous waste is labeled or clearly marked with the words “Hazardous Waste.”

At the time of the Inspection, one plastic bag containing hazardous waste spill clean-up material and one yard-box of hazardous waste in a compactor that were both located in the Facility’s Building 8 ventilated 90-day storage area were not marked with the words “Hazardous Waste.”

- c. Weekly Inspections - Under Wis. Admin. Code §§ NR 662.034(1)(a)1. and 665.0174 [40 C.F.R. §§ 262.34(a)(1)(i) and 265.174], a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a license or interim license provided it inspects 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, weekly inspections were being conducted in the Facility’s 90-day storage areas. The Facility’s weekly inspection records indicated that weekly inspections were not conducted between January 5, 2017 and February 12, 2017.

- d. Aisle Space - Under Wis. Admin Code §§ NR 662.034(1)(d) and 665.0035 [40 C.F.R. §§ 262.34(a)(4) and 265.35], a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a license or interim license provided it maintains aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

At the time of the Inspection, the Facility failed to maintain aisle space in between containers that were located in the Building 8 90-day ventilated storage area.

- e. Used Oil Requirement - Under Wis. Admin. Code § NR 679.22(3)(a) [40 C.F.R. § 279.22(c)(1)], used oil generators must label or clearly mark containers and aboveground tanks used to store used oil with the words “Used Oil.”

At the time of the Inspection, one 55-gallon drum of used oil in the Facility’s Maintenance Area was not labeled with the words “Used Oil.”

4. Respondent submitted a response to the NOV on October 17, 2017 describing actions that it had undertaken to correct the alleged violations.

5. The parties agree that settlement of all five alleged violations for a total civil penalty of five thousand dollars (\$5,000), without the filing of a complaint or the adjudication of any issue of fact or law, is in their interest and in the public interest.
6. EPA is authorized to enter into this Expedited Settlement Agreement (“Agreement”) pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928, and 40 C.F.R. § 22.13(b).
7. By signing this Agreement, Respondent: (a) admits that it is subject to Wisconsin’s hazardous waste rules published in the Wisconsin Administrative Code; (b) admits that EPA has jurisdiction over Respondent, and the violations alleged in the NOV and this Agreement; (c) neither admits nor denies the factual allegations contained herein; (d) consents to the assessment of the civil penalty specified herein; and (e) waives any right to contest the allegations contained herein.
8. By its signature below, Respondent certifies, subject to civil and criminal penalties for making a false statement to the United States Government, that the alleged violations have been corrected and that Respondent is complying with the applicable sections of RCRA and its implementing regulations.
9. Within thirty (30) days after the effective date of this Agreement, Respondent agrees to pay a civil penalty of five thousand dollars (\$5,000) for the violations of RCRA alleged in the NOV and in this Agreement, by sending a cashier’s or certified check, payable to “Treasurer, United States of America” to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, Missouri 63197-9000

The check must state the case title (“In the Matter of: Aldrich Chemical Co. Teutonia Facility”) and the docket number of this Agreement.

Respondent may also pay the civil penalty online at:

[www.pay.gov](http://www.pay.gov)

Use the Search Public Forms option and enter “sfo 1.1” in the search field, open the form and then complete the required fields.

Within ten (10) calendar days after payment, Respondent agrees to send a notice of payment which includes Respondent’s name, complete address, and the case docket number (along with a photocopy of the check or a statement of affirmation regarding an electronic funds transfer) to EPA at the following addresses:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard (E-19J)  
Chicago, IL 60604

Brenda Whitney  
Environmental Engineer  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard (LR-17J)  
Chicago, IL 60604

Naeha Dixit  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Boulevard (C-14J)  
Chicago, IL 60604

10. Respondent acknowledges that the civil penalty assessed herein is not deductible for federal tax purposes.
11. If Respondent does not timely pay the civil penalty as agreed to herein, EPA may refer this matter to the Attorney General who will recover such amount, plus interest, in the appropriate district court of the United States pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a). The validity, amount, and appropriateness of the civil penalty are not reviewable in any such collection action.
12. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount of the civil penalty that is overdue under this Agreement. Interest will accrue on any amount overdue at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a fifteen dollar (\$15) handling charge each month that any portion of the penalty is more than thirty (30) days past due. In addition, Respondent must pay a six percent (6%) per year penalty on any principal amount ninety (90) days past due.
13. Respondent's payment of the civil penalty shall constitute a full settlement of the violations alleged in the NOV and in this Agreement and resolves Respondent's liability for federal civil penalties for these alleged violations.
14. EPA reserves all of its rights to take any enforcement action for any other past, present or future violations of RCRA by Respondent, or for any other violations of any federal statute or regulation, or this Agreement.
15. Upon signing and returning this Agreement to EPA, Respondent waives any and all remedies, claims for relief, opportunities for hearing, and any otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Agreement, including but not limited to the opportunity for a hearing or appeal pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b), 40 C.F.R. § 22.15(c),

and Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706. Respondent also consents to EPA's approval of this Agreement without further notice.

16. EPA is authorized to enter into this Agreement under the authority vested in the EPA Administrator by Section 3008 of RCRA, 42 U.S.C. § 6928, and by 40 C.F.R. § 22.13(b). This Agreement is a "final order" under 40 C.F.R. § 22.31.
17. Each party shall bear its own costs and fees associated with resolving this matter.
18. Consistent with the "Standing Order Authorizing E-Mail Service of Order and Other Documents Issued by the Regional Administrator or Regional Judicial Officer Under the Consolidated Rules," dated March 27, 2015, the parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: whitney.brenda@epa.gov and dixit.naeha@epa.gov (for EPA) and ed.austin@sial.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.
19. This Agreement is binding on the parties signing below and any of Respondent's successors or assigns and, in accordance with 40 C.F.R. 22.31(b), is effective upon filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 5.

**IT IS SO AGREED:**

APPROVED BY ALDRICH CHEMICAL CO., LLC, MILWAUKEE, WISCONSIN

(Signature)

Date

(Printed Name)

(Title)

APPROVED BY EPA:

Michael D. Harris

Acting Director

Land and Chemicals Division

U.S. Environmental Protection Agency

Region 5

In the Matter of:

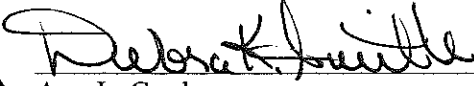
Aldrich Chemical Co., LLC, Teutonia Avenue Facility, Milwaukee, Wisconsin

Docket Number: RCRA-05-2018-0019

**FINAL ORDER**

This Expedited Settlement Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 5. This Expedited Settlement Agreement and Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31.

**IT IS SO ORDERED:**

*for*   
\_\_\_\_\_  
Ann L. Coyle  
Regional Judicial Officer  
United States Environmental Protection Agency  
Region 5

7/24/18  
Date

In the matter of: **Aldrich Chemical Company, LLC**  
EPA ID Number: WID006112973  
Docket Number: RCRA-05-2018-0019

**CERTIFICATE OF SERVICE**

I certify that I served a true and correct copy of the foregoing **Expedited Settlement Agreement and Final Order**, Docket Number RCRA-05-2018-0019, which was filed on July 26, 2018, in the following manner to the addressees:

Copy by e-mail to

Respondent:

(Authorized in CAFO)

Ed Austin, Ph.D.

[ed.austin@sial.com](mailto:ed.austin@sial.com)

6000 North Teutonia Avenue

Milwaukee, Wisconsin 53209

Copy by e-mail to

Attorney for Complainant:

Naeha Dixit

[dixit.naeha@epa.gov](mailto:dixit.naeha@epa.gov)

Copy by e-mail to

Case Assignee:

Brenda Whitney

[whitney.brenda@epa.gov](mailto:whitney.brenda@epa.gov)

Copy by e-mail to

Regional Judicial Officer:

Ann Coyle

[coyle.ann@epa.gov](mailto:coyle.ann@epa.gov)

Dated:

July 26, 2018



LaDawn Whitehead

Regional Hearing Clerk

U.S. Environmental Protection Agency, Region 5