



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

April 18, 2014

REPLY TO THE ATTENTION OF

E-19J

Honorable Susan L. Biro
Office of Administrative Law Judges
U. S. Environmental Protection Agency
Ariel Rios Building, Mailcode: 1900L
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

RE: In The Matter of: Summit, Inc.
6901 West Chicago Avenue
Gary, IN 46406
(Gary, Indiana)
Docket No.: RCRA-05-2014-0006
Complaint Date: March 17, 2014
Proposed Penalty: \$263,375.00

Dear Judge Biro:

Enclosed is a copy of the Respondent's Answer to an Administrative Complaint for Summit, Inc. in Gary, Indiana.

Please assign an Administrative Law Judge for this case. If you have questions contact me at (312) 886-3713.

Sincerely,

A handwritten signature in black ink that reads "La Dawn Whitehead". The signature is stylized with large, flowing loops.

La Dawn Whitehead
Regional Hearing Clerk

Enclosures

cc: Peter Coulopoulos, General Manager
Summit, Inc.
6901 West Chicago Avenue
Gary, Indiana 46406
(219) 994-9749

Richard Clarizio, Attorney
Associate Regional Counsel
Office Regional Counsel
U.S. EPA, Region 5
77 West Jackson Blvd., C-14J
Chicago, Illinois 60604-3590
(312) 886-0559
(312) 582-5889 (fax)
clarizio.richard@epa.gov



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

April 18, 2014

REPLY TO THE ATTENTION OF

E-19J

In the Matter of Summit, Inc. (Gary, Indiana)

Docket No.: RCRA-05-2014-0006

CERTIFICATE OF SERVICE

I certify that the above mentioned case Answer with Cover Letter was being mailed on April 18, 2014 to the following individuals:

Certified Mail

Honorable Susan L. Biro
Office of Administrative Law Judges
U. S. Environmental Protection Agency
Ariel Rios Building, Mailcode: 1900L
1200 Pennsylvania Ave., NW
Washington, D.C. 20460

Certified Mail



Peter Coulopoulos, General Manager
Summit, Inc.
6901 West Chicago Avenue
Gary, Indiana 46406

EPA Internal Mail, Copy

Richard Clarizio, Esquire
Office of Regional Counsel
U.S. Environmental Protection Agency
77 W. Jackson Boulevard (C-14J)
Chicago, Illinois 60604-3590

EPA Internal Mail, Copy

Ann Coyle
Regional Judicial Officer
U.S. Environmental Protection Agency
77 W. Jackson Boulevard (C-14J)
Chicago, Illinois 60604-3590

La Dawn Whitehead
Regional Hearing Clerk

Summit, Inc.
6901 West Chicago Avenue
Gary, IN 46406

April 15, 2014
CERTIFIED MAIL

Spiros Bourgikos (LR-8J)
Land and Chemicals Division
RCRA Branch
US EPA Region 5
77 West Jackson Boulevard
Chicago, IL 60604



**Subject: Summit, Inc. 30-Day Response and Request for hearing for
Complaint and Compliance Order
US EPA ID No. INX 000028902
RCRA-05-2014-0006**

Summit, Inc. has prepared this response to the U.S. EPA Region 5 Complaint and Compliance Order dated March 17, 2014. This response is required within 30 days to prevent a default order from being issued. Summit, Inc. would like to address the counts made against them and also request an informal conference seeking resolution of this matter.

➤ **Count 1: Failure to Determine if a Waste is a Hazardous Waste
(Paragraphs 85 – 90, page 16)**

Summit, Inc. denies that they failed to complete hazardous waste determinations. The process of recycling scrap vehicles and metal includes draining fluids to recover gasoline, antifreeze and oil. These products are sold as substitutes for commercial products and are not solid wastes. Because these products are not solid wastes, they are not hazardous wastes.

➤ **Count 2: Offering Hazardous Waste, for Transportation, without an EPA Identification Number (Paragraphs 91 – 99, page 17)**

Summit, Inc. denies that hazardous waste was offered for transportation without an EPA identification number. Recovered fluids managed in tanks and drums are products sold as substitutes for commercial products. These products are sold as substitutes for commercial products and are not solid wastes. Because these products are not solid wastes, they are not hazardous wastes.

➤ **Count 3: Failure to Ship Hazardous Waste on a Required Manifest (Paragraphs 96 – 99, page 18)**

Summit, Inc. denies failure to ship hazardous wastes on required manifest forms. Recovered fluids managed in tanks and drums are products sold as substitutes for commercial products. These products are sold as substitutes for commercial products and are not solid wastes. Because these products are not solid wastes, they are not hazardous wastes.

➤ **Count 4: Storing Hazardous Waste without a Permit or Interim Status Paragraphs 100 – 113, pages 18 – 21)**

Summit, Inc. denies storing hazardous waste without a permit. Recovered fluids stored in tanks and drums are products sold as substitutes for commercial products. These products are sold as substitutes for commercial products and are not solid wastes. Because these products are not solid wastes, they are not hazardous wastes.

➤ **Count 5: Storing Used Oil in Unmarked Containers (Paragraphs 114 – 117, page 22)**

Summit, Inc. has implemented signs for all stored fluids. Used oil tanks and drums must have labels that say "USED OIL." These labels are in place. An inspection was completed by the Indiana Department of Environmental Management (IDEM) on October 7, 2011 that demonstrated fluids management and oil programs were found in compliance. A copy of the inspection and correspondence regarding the inspection are enclosed for review.

➤ **Count 6: Respondent Failed to Contain Used Oil Releases (Paragraphs 118 – 122, pages 22 – 23)**

Summit, Inc. denies that it has failed to contain used oil releases. Any releases of used oil that are detected by Summit employees are stopped, contained, cleaned up and properly managed. Containers storing used oil are properly labeled and managed. Used oil is properly managed in conformance with 329 IAC 3.13-4-3(e)(1 thru 5) and 40 CFR 279.22 (d) (1 thru 4)

Summit, Inc. has prepared and implemented a Spill Prevention Control and Countermeasures (SPCC) Plan, compliant with 40 CFR 112. The plan includes procedures adopted for safe fluid management and reporting of spills and leaks to management so appropriate clean-up response can be completed. An inspection was completed by Dorel Hunt of Indiana Department of Environmental Management (IDEM) on October 7, 2011 and the SPCC plan was reviewed and oil programs were found in compliance. A copy of the inspection and correspondence regarding the inspection are enclosed for review.

➤ **Count 7: Failure to Comply with the Standards for Small Quantity Handlers of Universal Waste (Paragraphs 123 – 130, pages 23-24)**

Summit, Inc. denies having failed to comply with the standards for small quantity handlers of universal waste. Summit, Inc. has adopted the End of Life Vehicles Solution (ELVS) for managing mercury switches. Buckets with lids are used to collect mercury switches. These buckets have labels that include the accumulation start date.

Batteries are managed inside metal bins that are covered to prevent stormwater accumulation. Protecting the batteries from stormwater prevents stormwater pollution and prevents damage to batteries.

According to the Filing and Service of Documents (page 25) the original and one copy of each document intended as part of the record in this proceeding has been submitted to the Regional Hearing Clerk. Another copy of this submittal and all attachments has also been sent to Richard J. Clarizio.

The compliance order included in the March 17, 2014 letter (page 25) requires that Summit, Inc. certify it's compliance with each of the cited regulations within 30 days of the date of the filing to EPA in writing. This written response serves as that certification. There are no cited regulations that Summit has failed to comply with that require a reason of non-compliance and proposed date that compliance will be established.

Summit, Inc. has taken the necessary action to implement and develop compliance programs to maintain compliance with the following:

- Fluids Management
- Oil Spill Prevention
- Waste Tire Management
- Mercury Switches
- Air Permit Compliance
- Storm Water Pollution Prevention
- PCB Capacitors

Attached is the November 18, 2011 inspection completed by Dorel Hunt of IDEM showing programs that document Summit having achieved compliance. Summit, Inc. requests the opportunity to have an informal hearing with U.S. EPA to discuss this complaint and demonstrate that the required steps have been taken to achieve compliance with environmental programs listed in the Complaint and Compliance Order dated March 17, 2014.

April 15, 2014

CERTIFIED MAIL #7008 1300 0000 8348 2668

If you have additional questions or need more information, please contact me at (219) 944-9749.

Sincerely,



Peter Coulopoulos,
General Manager



Attachments

cc: Mark Thiros
Thiros & Stracci, P.C.
200 East 90th Drive
Merrillville, IN 46410-8102

Certified Mail #7008 1300 0000 8348 2682
Regional Hearing Clerk (E-13J)
US EPA, Region 5
77 W Jackson Blvd
Chicago, IL 60604

Certified Mail #7008 1300 0000 8348 2675
Richard J. Clarizio (C-14J)
Associate Regional Counsel
Office of Regional Counsel
US EPA Region 5
77 W Jackson Blvd
Chicago, IL 60604

Summit, Inc.
6901 West Chicago Avenue
Gary, IN 46406

December 15, 2011
CERTIFIED MAIL &
EMAIL

Dorel A. Hunt
Indiana Department of Environmental Management
Office of Land Quality
Compliance and Response Branch
100 N Senate Ave Room IGCN 1101
Indianapolis, IN 46204
dhunt@idem.in.gov

Dear Mr. Dorel A. Hunt:

Subject: IDEM Violation Letter Dated November 18, 2011
30 day Response
EPA ID# INX000028902

Summit, Inc. received a Violation Letter dated November 18, 2011 that was issued after an inspection performed by IDEM on October 7, 2011. This letter is the response letter requested within 30 days of receipt of that Violation Letter.

Findings from the October 7, 2011 Inspection reported that the facility had achieved compliance with most of the violations previously cited in a May 4, 2010 Inspection. The following issues were all found compliant:

- Fluids Management
- Oil
- Waste Tire Management
- Mercury Switches
- Air (specifically refrigerant removal)

There were some issues listed from the previous inspection that were concluded to remain unresolved. Unresolved issues include the Rule 6 Storm Water Pollution Prevention Plan Annual Reports and PCB Capacitors.

Storm Water Rule 6

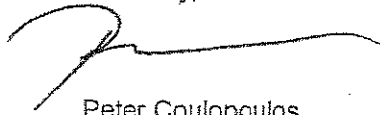
Summit, Inc. intends to comply with the Industrial Storm Water General Permit Rule 6 requirements. A notice of intent (NOI) was submitted to IDEM on July 17, 2010. Summit will be contacting Mr. Randy Braun to address any Storm Water Rule 6 deficiencies.

PCB Capacitors

Auto Shredder Residue (ASR) also called "Fluff" can potentially contain PCBs. PCB Capacitors must be removed by staff to minimize PCB contamination of ASR. PCB Training has been developed to make employees aware of this requirement. Records available to demonstrate proper disposal of capacitors include the past ASR analytical information. The inspection reported that analytical information indicated the presence of PCBs; however, the concentration has always been below the definition of PCB bulk product waste. PCB bulk product waste has a concentration of 50 ppm (mg/kg) or greater.

This should resolve all violations cited within the November 18, 2011 Violation Letter. If you have any questions, please contact me at (219) 944-9749.

Sincerely,



Peter Coulopoulos,
General Manager

cc: Lake County Health Department
2293 N Main St
Crown Point, IN 46307-1896

Mark Thiros, Thiros & Stracci, P.C.
Mark@Thiros.com

Patrick M. Gorman, Environmental Process Technologies, Inc.
Patrick.Gorman@EPTConsultants.com

Joyce Casillas

From: Joyce Casillas
Sent: Friday, December 16, 2011 3:00 PM
To: 'dhunt@idem.in.gov'
Cc: 'Peter Coulopoulos'; 'Mark Thiros'; Patrick Gorman
Subject: Summit 30 Day Response to November 18, 2011 IDEM Violation Letter
Categories: Summit Inc.
Attachments: 30 Day Response to 11-18-2011 IDEM Letter.pdf

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Your item was delivered at 11:05 am on December 21, 2011 in INDIANAPOLIS, IN 46204. Additional information for this item is stored in files offline.

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Joyce Casillas

From: Braun, Randy
Sent: Sunday, July 01, 2012 2:49 PM
To: 'Joyce Casillas'
Subject: RE: Summit, Inc. Response to

Joyce, I do not believe I notified you, but Doug wolf of my staff had visited this site with respect to Rule 6 Industrial Storm Water Permitting. At this point the facility does not have a point source, however is this situation should change they will be required to obtain Rule 6 permit coverage.

Randy J. Braun, CPESC, CMS4S
IDEM, Office of Water Quality
100 North Senate Avenue
MC 65-42, IGCN Room 1255
Indianapolis, Indiana 46204

Phone: 317-234-3980
Toll Free: 800-451-6027
FAX: 317-234-4145
rbraun@idem.in.gov

Storm Water Program: <http://www.IN.gov/idem/4896.htm>
Indiana Storm Water Quality Manual: <http://www.IN.gov/idem/4899.htm>
Section 401 Water Quality Certification Program: <http://www.IN.gov/idem/4870.htm>

From: Braun, Randy
Sent: Sunday, January 08, 2012 2:34 PM
To: Joyce Casillas
Cc: Coulopoulos@hotmail.com; Mark Thiros; Patrick Gorman; Wolf, Douglas R
Subject: RE: Summit, Inc. Response to

Joyce,

Thanks for contacting me. I did still show the file to be in the deficiency area. After receiving your e-mail and also locating the file, I do have the original letter that was sent. Megan Nagle was with the program when it was sent in and she had it targeted for an inspection to verify the claim that run-off does not discharge. She left the program last spring, but I believe one of my other staff, Doug Wolf, had visited the site for Rule 5. I am going to touch base with him and discuss the site. Once we determine how we will proceed one of us will contact you.

Randy J. Braun, CPESC, CMS4S
IDEM, Office of Water Quality
100 North Senate Avenue
MC 65-42, IGCN Room 1255
Indianapolis, Indiana 46204

Phone: 317-234-3980
Toll Free: 800-451-6027

FAX: 317-234-4145
rbraun@idem.in.gov

Storm Water Program: <http://www.IN.gov/idem/4896.htm>

Indiana Storm Water Quality Manual: <http://www.IN.gov/idem/4899.htm>

Section 401 Water Quality Certification Program: <http://www.IN.gov/idem/4870.htm>

From: Joyce Casillas [<mailto:joyce.casillas@eptconsultants.com>]

Sent: Thursday, January 05, 2012 6:42 PM

To: Braun, Randy

Cc: Coulopoulos@hotmail.com; Mark Thiros; Patrick Gorman

Subject: Summit, Inc. Response to

Mr. Braun,

Thank you for calling me today regarding the Summit, Inc. Rule 6 Storm Water Permit Compliance. Attached is the Notice of Deficiency (NOD) that you did not have a response on file. Attached is the response that was mailed to IDEM for the November 24, 2010 NOD. Please let me know if you have any additional questions.

Joyce Casillas

Environmental Process Technologies, Inc.

9305 Calumet Ave F1

Munster, IN 46321

(219) 836-1000



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

Mitchell E. Daniels Jr.
Governor

Thomas W. Easterly
Commissioner

100 North Senate Avenue
Indianapolis, Indiana 46204
(317) 232-8603
Toll Free (800) 451-6027
www.idem.IN.gov

VIA eCertified Mail 91 7190 0005 2710 0018 1947 November 18, 2011

Mr. Peter Coulopoulos
Summit, Inc
6901 West Chicago Avenue
Gary, Indiana 46406

Dear Mr. Coulopoulos:

Re: Violation Letter
Summit, Inc.
EPA ID# Non-notifier
Gary, Lake County

On October 7, 2011, a representative of the Indiana Department Environmental Management, Office of Land Quality, conducted an inspection of commercial property located at 6901 West Chicago Avenue, Gary, Indiana. This inspection was conducted pursuant to IC 13-14-2-2. For your information, and in accordance with IC 13-14-5, a summary of the inspection is provided below:

Type of Inspection: Enforcement Follow-Up (EFI) Inspection (Industrial Waste)

Results of Inspection: Violations were observed. See Description of Violations (DOV)

Referred to the Office of Water Quality - Wetlands Storm Water Section.

Within 30 days of the receipt of this letter, submit documentation of compliance with violations cited in this inspection report. Failure to respond adequately to this Violation Letter may result in a referral to IDEM's Office of Enforcement. Please direct any response to this letter and any questions to Mr. Dorel A. Hunt at 317-234-6933. Send electronic submissions to dhunt@idem.in.gov. Thank you for your attention to this matter.

Sincerely,

Theresa Bordenkecher, Section Chief
Industrial Waste Compliance Section
Compliance and Response Branch

Enclosure
cc: Lake County Health Department

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
OFFICE OF LAND QUALITY

Trip Report

EFI -

Summit, Inc. October 7, 2011

EPA ID NUMBER: INX000028902
NAME: Summit Inc.
ADDRESS: 6901 West Chicago Avenue
CITY & COUNTY: Gary, Lake County
INSPECTION DATE: October 7, 2011
INSPECTOR(S): Dorel Hunt

<u>PERSONS INTERVIEWED</u>	<u>TITLE</u>	<u>TELEPHONE</u>
Peter Coulopoulos	Owner	219-944-9749
Bevan Coulopoulos	Yard Manager	
Logan Newkirk	Assistant Yard Manager	
Joyce Cassillas	Consultant, Environmental Processes, Inc.	219-836-1000

PRE-INSPECTION INFORMATION

A complaint was received suggesting possible Poly Chlorinated Bi Phenol (PCB) contaminated auto fluff was on site.

Mr. Peter Coulopoulos, the owner, stated that the salvage yard was begun by his father in 1966 and takes up 37.9 acres. Originally it was an auto salvage yard and has transitioned into a scrap metal processing yard. Approximately a year ago a large hammer mill shredder and classifying separator went into operation on approximately four (4) acres near the south central part of the facility.

Summit, Inc. receives a variety of metal objects, scrap metal, white goods in addition to vehicles from customers. Approximately three hundred and fifty (350) vehicles, plus other metal materials and objects are run through the hammer mill and separators each day.

An Auto Salvage inspection was done at the facility on May 4, 2010. Several violations were cited. (See attached Description of Violations)

Summit, Inc. responded to the violations that were cited in a letter dated July 17, 2010 and received on July 20, 2010. The violations were addressed.

INSPECTION FINDINGS

A Follow-up Enforcement Inspection (EFI) was conducted on October 7, 2011. Staff met with Logan Newkirk the assistant yard manager in his office.

Staff requested and then reviewed the documentation lists for mercury switch removal and the verification lists of vehicles checked for refrigerant. Staff noted that on the wall behind Mr. Newkirk's desk was a white board that had various environmental related tasks and due dates listed. Mr. Newkirk advised also and then showed that training of employees regarding mercury switch removal and spill cleanup had been done.

Mr. Bevan Coulopoulos the yard manager arrived at the office. He advised he had contacted Ms. Joyce Cassillas the facilities environmental consultant, Environmental Processes, Inc. to join the walk about. She arrived shortly and the walk about the facility was begun. Noticeable improvements have taken place at the facility.

Incoming vehicles are staged on concrete and then are processed in a shed located east of the scale. Reminder posters are mounted on the interior sidewalls of the shed for proper procedures.

The facility has a campaign to reduce fly away litter. Thirty nine (39) trash containers are placed around the facility for employees to use. These are emptied once a week. In addition, a dust spray truck traverses the facility and a tracking log is maintained.

The site had undergone a complete reduction in whole vehicles, trailers and buses that had been stored on the east side of the facility.

Large piles of various combinations of source separated material have been created. These will be subject to further screening or will be sold "as is" to further processors or refiners.

CONCLUSIONS AND RECOMMENDATIONS

The facility has come into compliance with most of the violations previously cited in the May 4, 2010 inspection. One remaining violation has to do with their Rule Six Storm Water submissions of the Storm Water Pollution Prevention Plan and annual reports. The Wetlands and Storm Water Section will follow-up on this deficiency. Randy Braun, the Section Chief advised he would assist. He can be reached at 1-800-451-6027 or at his desk phone, 317-234-3980. Mr. Braun can be reached by e-mail at rbraun@idem.in.gov.

Summit Inc.
Trip Report October 7, 2011
Page 3.

In addition, clarification was received from Region V EPA concerning the PCB capacitors after the violation and required action were sent in the May 4, 2010 inspection. This report reflects the updated Required Action to meet compliance concerning PCB's.

The facility has submitted three (3) mercury buckets to Elv's (See attached e-mail) however, they have not submitted the additional cross check documentation to the IDEM Mercury Switch Program to complete the reimbursement process. The facility should contact Anthony Sullivan at 1-800-451-6027 or at his desk phone at 317-233-6663. He can also be reached by e-mail at asulliva@idem.in.gov

**Description of Violations and Further Actions
Enforcement Follow-Up Inspection October 7, 2011 for
May 4, 2010 Inspection**

Fluids Management

1. IC 13-18-4-5(1), IC 13-18-4-5(2); IC 13-30-2-1(1); IC 13-30-2-1(3); IC 13-30-2-1(4); IC 13-30-2-1(6): Specific acts prohibited. A person may not allow the deposit of any contaminants or solid waste upon the land or into the environment except as allowed through regulation.

Required Action: Immediately clean-up, remove, and contain all spills and contaminated soil/debris resulting from spills and releases. Remove at least six (6) inches below visible contamination. Dispose of all waste and contaminated soil/debris in a state permitted municipal solid waste landfill. Take before and after pictures of the areas that have been cleaned up. Submit these photos within thirty (30) to IDEM.

Status - Letter Received July 20, 2010: Advised contaminated areas had been cleaned up and contaminated materials were to be taken to the Newton County Landfill for disposal.

Status: October 7, 2011 - In Compliance. Areas had been cleaned.

1a. 327 IAC 2-6.1-5(5): Reportable spills; facility Sec. 5. The following spills from a facility must be reported: (5) Any spill for which a spill response has not been done.

Note: Two (2) spills have been reported at Summit, Inc. the first, on May 11, 2006 with incident number 2006-05-105 which were for spills and the lack of clean up, reporting and secondary containment. The second, February 8, 2005 with incident number 2005-02-064 which was a report of petroleum contaminated groundwater. The two (2) spill areas discovered during this inspection have not been cleaned up. The first area was located in front and around the two (2) fuel dispensing tanks and the second was the area under the hydraulic oil dispensing barrels in the mechanics area.

Referral: Referred to the Office of Land Quality - Emergency Response Section.

B6. *Note: Vehicles that are brought in to the facility do not have windshield wiper fluid removed.*

Status: October 7, 2011 - Windshield fluid are removed and given away to employees.

Oil

5a. 40 CFR 112.20(g)(1), (2), and (3) 40 CFR Part 112 and any amendments. You must review relevant portions of the National Contingency Plan and applicable ACP annually and, if necessary, revise the Facility Response Plan (FRP) to ensure consistency with these plans. You must review and update the FRP periodically to reflect changes at the facility. You must submit the revised portions of the response plan within 60 days of each change that may materially affect the response to a worst case discharge. These changes include: A change in the

facility's configuration that materially alters information in the response plan; A change in the type of oil handled, stored, or transferred; A material change in capabilities of any oil spill removal organization that provides equipment and personnel to respond to oil discharges from the facility; or A material change in the facility's discharge prevention and response equipment or emergency response procedures.

Note: The facility has a plan that was dated February 12, 2004 by Valerian C. Simlanu PhD, PE. There was no evidence that the plan had been updated. Changes to the storage of oils had been changed when the processing shed was built.

Referral: Referred to EPA Region 5 - Oil Program.

Status - Letter Received July 20, 2010: The SPCC Plan was being reviewed and updated.

Status - October 7, 2011: In Compliance. The plan was reviewed and updates were made.

Waste Tire Management

4. *Note: Waste tires that are pulled are stored in an open top thirty (30) cubic yard roll off box.*

Required Action: Prevent water from accumulating in tires by cutting, or drilling holes, and/or by storing in a building, enclosed area or covered container.

Status - Letter Received July 20, 2010: Facility advised they are now storing waste tires in a closed box trailer. Some tires that are on rims and are for resale are stored outside.

Status - October 7, 2011: In Compliance. Waste tires are stored in a box trailer. Good used tires are left on rims for used tire buyers.

Mercury Switches

3. IC 13-20-17.7-5 (b): Motor vehicle recyclers required to remove mercury switches; procedures and further requirements Sec. 5. (b) After a mercury switch is removed from a vehicle, the mercury switch shall be collected, stored, transported, and otherwise handled in accordance with the plan approved under section 4 of this chapter.

Note: Switches are collected in an open top cardboard box. They are taken to the office where the pellets of mercury are removed and then put in the ELVS collection bucket.

Required Action: Immediately begin storing all mercury containing switches in a container that complies with the universal waste regulations. An example of an approved container is the white bucket that can be obtained from End of Life Vehicle Solutions (ELVS).

Status - Letter Received July 20, 2010: Stated that they now have four (4) ELVS buckets

for their collected mercury switches.

Status: October 7, 2011 – In Compliance. Buckets are kept at the processing shed.

4. 40 CFR 273.13(c)(2)(vii): Waste management. (c) Mercury-containing equipment. A small quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows: (2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler: (vii) Stores removed ampules in closed, non-leaking containers that are in good condition;

Note: Switches are collected in an open top cardboard box. They are taken to the office where the pellets of mercury are removed and then put in the ELVS collection bucket

Required Action: Keep containers securely closed except for adding or removing waste. Maintain the containers in good condition (i.e. free of holes, dents, punctures).

Status - Letter Received July 20, 2010:

Status - October 7, 2011: – In Compliance. All lids were closed at the time of inspection.

5. 40 CFR 273.14(d)(1): Labeling/marking. (d)(1) Universal waste mercury-containing equipment (i.e. , each device), or a container in which the equipment is contained, must be labeled or marked clearly with any of the following phrases: "Universal Waste", "Mercury Containing Equipment", "Waste Mercury-containing Equipment", or "Used Mercury-Containing Equipment".

Note: The ELVS bucket was not inspected as it was in a locked office. However, it should be noted that Summit, Inc. is on record of sending two (2) buckets sent in.

Required Action: Label all containers with the words Universal Waste and a description of the type of waste in the container. The following three phrases are acceptable when labeling mercury waste: "Mercury Containing Equipment", "Waste Mercury-Containing Equipment", or "Used Mercury-Containing Equipment". The container must also have the accumulation start date on the container. Ideally you should use the pre-printed universal waste label provided in the ELVS bucket.

Status - Letter Received July 20, 2010: Advised that they would label mercury buckets.

Status - October 7, 2011: In Compliance. Buckets were labeled "Mercury Containing Equipment."

8. 40 CFR 273.13(c): Waste management. (c) Mercury-containing equipment. A small quantity handler of universal waste must manage universal waste mercury-containing equipment in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows: (1) A small quantity handler of universal waste must place in a

container any universal waste mercury-containing equipment with non-contained elemental mercury or that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions. The container must be closed, structurally sound, compatible with the contents of the device, must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and must be reasonably designed to prevent the escape of mercury into the environment by volatilization or any other means. (2) A small quantity handler of universal waste may remove mercury-containing ampules from universal waste mercury-containing equipment provided the handler: (i) Removes and manages the ampules in a manner designed to prevent breakage of the ampules; (ii) Removes the ampules only over or in a containment device (e.g., tray or pan sufficient to collect and contain any mercury released from an ampule in case of breakage); (iii) Ensures that a mercury clean-up system is readily available to immediately transfer any mercury resulting from spills or leaks from broken ampules from that containment device to a container that meets the requirements of 40 CFR 262.34; (iv) Immediately transfers any mercury resulting from spills or leaks from broken ampules from the containment device to a container that meets the requirements of 40 CFR 262.34; (v) Ensures that the area in which ampules are removed is well ventilated and monitored to ensure compliance with applicable OSHA exposure levels for mercury; (vi) Ensures that employees removing ampules are thoroughly familiar with proper waste mercury handling and emergency procedures, including transfer of mercury from containment devices to appropriate containers; (vii) Stores removed ampules in closed, non-leaking containers that are in good condition; (viii) Packs removed ampules in the container with packing materials adequate to prevent breakage during storage, handling, and transportation; (3) A small quantity handler of universal waste mercury-containing equipment that does not contain an ampule may remove the open original housing holding the mercury from universal waste mercury-containing equipment provided the handler: (i) Immediately seals the original housing holding the mercury with an air-tight seal to prevent the release of any mercury to the environment; and (ii) Follows all requirements for removing ampules and managing removed ampules under paragraph (c)(2) of this section; and (4) (i) A small quantity handler of universal waste who removes mercury-containing ampules from mercury-containing equipment or seals mercury from mercury-containing equipment in its original housing must determine whether the following exhibit a characteristic of hazardous waste identified in 40 CFR part 261, subpart C: (A) Mercury or clean-up residues resulting from spills or leaks and/or (B) Other solid waste generated as a result of the removal of mercury-containing ampules or housings (e.g., the remaining mercury-containing device). (ii) If the mercury, residues, and/or other solid waste exhibits a characteristic of hazardous waste, it must be managed in compliance with all applicable requirements of 40 CFR parts 260 through 272. The handler is considered the generator of the mercury, residues, and/or other waste and must manage it in compliance with 40 CFR part 262. (iii) If the mercury, residues, and/or other solid waste is not hazardous, the handler may manage the waste in any way that is in compliance with applicable federal, state or local solid waste regulations. (d) Lamps. A small quantity handle

Note: Switches that have been removed are transferred to the office in an open cardboard box. They are then taken apart and the mercury pellet is placed in the ELVS program bucket. It was unknown if the facility had a mercury spill kit.

Required Action: Obtain and maintain appropriate safety and emergency equipment for

mercury handling. This includes handling mercury in a well vented area, removing mercury switches over a containment device to prevent spillage, and maintaining a mercury spill kit on site.

Status - Letter Received July 20, 2010: Letter advised that they had purchased a mercury spill kit.

Status - October 7, 2011: In Compliance. A spill kit is located at the processing shed.

9. 40 CFR 273.16: Employee training. A small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.

Note: No records were available at the time of inspection that could show employee training.

Required Action: Immediately train all employees that may come into contact with mercury on the appropriate safety and emergency procedures. The training may include the appropriate removal of mercury switches, mercury spill response, and appropriate personal safety issues (e.g., wear skin and eye protection when handling mercury devices).

Status - Letter Received July 20, 2010: Letter advised that staff would be trained on safety and spill response.

Status - October 7, 2011: In Compliance. A log of employees that have been trained is located in the office.

Air

B3. *Note: Vehicles and white goods are spot checked for the presence of refrigerant. Customers are required to sign a statement indicating that vehicles or white goods have been checked and refrigerant removed.*

Status - October 7, 2011 In Compliance: Documentation of checking for refrigerants is logged at the processing shed and then the records are stored in the office.

Water

7a. 327 IAC 15-6-5, 327 IAC 15-6-6, 327 IAC 15-6-7, 327 IAC 15-6-10: Facilities subject to general storm water permit requirements must submit an NOI renewal letter with all required information, and comply with all subsequent storm water permit requirements including developing a SWP3, submitting a SWP3 checklist, conducting quarterly inspections, documenting

employee annual training, sampling storm water, submitting annual reports, identifying and eliminating storm water contaminants.

Note: Summit submitted a NOI and received permit number INR 600015 which was valid on February 17, 2004. It was not renewed. Summit received a violation letter on May 29, 2009. No response has been received from Summit per an e-mail from Megan Nagel, IDEM Stormwater Specialist dated May 17, 2010. (See attached Violation Letter)

Required Action: Immediately submit a response to the violation letter you received on May 29, 2009 regarding your intent to comply.

Compliance with the NOI requirements and required follow-up submittals and testing will be monitored through the Office of Water Quality, Wetlands and Storm Water Section. The contact person who can assist you is Ms. Megan Nagle, at 317-234-5029.

Referral: Referred to the Office of Water Quality -Wetlands and Storm Water Section

Status - Letter Received July 20, 2010: The letter stated that the facility had submitted a new Notice of Intent (NOI) on July 17, 2010 (received July 20, 2010) based on a violation letter received from the Office of Water Quality dated May 29, 2009. The violation letter requested a Storm Water Pollution Prevention Plan (SWP3) and monitoring report be submitted. Per the letter this would be done within sixty (60) days after the NOI was submitted.

Status - October 7, 2011 Remains Out of Compliance: (note: Megan Nagle is no longer the storm water contact) Per Randy Braun, Section Chief of the Storm Water section. The NOI was received on July 20, 2010 and the facility was assigned a new permit number, INRM 00192 which showed an effective date of February 17, 2009. This letter along with a deficiency notice was sent out in November 2010. To review requirements for the facility to regain compliance they are advised to contact Mr. Randy Braun at either 1-800-451-6027 or his direct number is 317-234-3980.

PCB

329 IAC 4.1-4-1 (incorporating 40 CFR 761 Subpart D, specifically 40 CFR 761.62): PCB bulk product waste shall be disposed of in accordance with paragraph (a), (b), or (c) of this section. Under some of these provisions, it may not be necessary to determine the PCB concentration or leaching characteristics of the PCB bulk product waste.

When it is necessary to analyze the waste to make either of these determinations, use the applicable procedures in subpart R of this part to sample the waste for analysis, unless EPA approves another sampling plan under paragraph (c) of this section.(b)

Disposal in solid waste

landfills: (1) Any person may dispose of the following PCB bulk product waste in a facility permitted, licensed, or registered by a State as a municipal or non-municipal non-hazardous waste landfill: (i) non-liquid PCB bulk product waste from the shredding of automobiles or household appliances from which PCB small capacitors have been removed (shredder fluff). (ii) Other PCB bulk product waste, sampled in accordance with the protocols set out in 40 CFR 761 Subpart R, that leaches PCBs at $<10 \mu\text{g/L}$ of water measured using a procedure used to simulate leachate generation.

Note: The facility generates shredder fluff generated from the shredding of automobiles and white goods. The facility did not indicate that they have a program in place to remove and properly dispose of capacitors prior to shredding. The facility did provide analytical information indicating the presence of PCBs in their shredder fluff. The facility disposes of this waste at a municipal solid waste landfill {Earthmovers Landfill, Opp. No 20-03}

Required Action: The facility shall submit, within 30 days of receipt of this inspection report, information indicating that capacitors are removed prior to shredding, and that this removal practice has been occurring in the past. To demonstrate this, the facility may present disposal documentation indicating the proper disposal of these capacitors, staff training documentation, or other information.

Note: In lieu of providing this information, the facility may provide information about the management of this waste at the municipal solid waste landfill demonstrating compliance with 40 CFR 761.62(b)(2) & (3):

329 IC 4-4-1 {incorporating 40 CFR 761 Subpart D, specifically 40 CFR 761.62(b)(4)}:

(i) Any person disposing off-site of PCB bulk product waste regulated under paragraph (b)(1) of this section at a waste management facility not having a commercial PCB storage or disposal approval must provide written notice to the facility a minimum of 15 days in advance of the first shipment from the same disposal waste stream. The notice shall state that the PCB bulk product waste may include components containing PCBs at ≥ 50 ppm based on analysis of the waste in the shipment or application of a general knowledge of the waste stream (or similar material) which is known to contain PCBs at those levels, and

that the PCB bulk product waste is known or presumed to leach <10 µg/L PCBs. or (ii) Any person disposing off-site of PCB bulk product waste regulated under paragraph (b)(2) of this section at a waste management facility not having a commercial PCB storage or disposal approval must provide written notice to the facility a minimum of 15 days in advance of the first shipment from the same disposal waste stream and with each shipment thereafter. The notice shall state that the PCB bulk product waste may include components containing PCBs at 50 ppm based on analysis of the waste in the shipment or application of a general knowledge of the waste stream (or similar material) which is known to contain PCBs at those levels, and that the PCB bulk product waste is known or presumed to leach 10 µg/L PCBs.

Note: The facility generates shredder fluff from the shredding of automobiles and white goods. The facility disposes of this fluff at a municipal solid waste landfill (Earthmovers Landfill, Opp. No. 20-03).

Required Action: The generator shall submit to IDEM, within 30 days of receiving this inspection report, documentation demonstrating compliance with this requirement.

Status - Letter Received July 20, 2010: The letter cited sample analysis and a copy of the Earthmovers Landfill Permit which shows they have a leachate collection system which is tested and reported to IDEM annually as the "Leachate Generation and Recirculation Report". In addition the facility referenced 40 CFR 761.3 which defines PCB bulk product waste that are non-liquids. Per this rule the cut off was fifty (50) parts per million. Per the sampling analysis provided to Summit, Inc from Earthmovers the PCB limit was not exceeded.

Status: October 7, 2011: Since this violation was sited, additional clarification for the required action was received from EPA Region V Office (EPA). *Due to this additional clarification information received from the EPA) after June 18, 2010, IDEM is, by means of this inspection report, rescinding the "in lieu" option of managing the fluff in accordance with 40 CFR 761.62(b)(2) or (3) that was previously noted in the May 4, 2010 inspection report. IDEM was informed by EPA that "allowing fluff contaminated by shredded capacitors to be disposed of at its as-found concentration would not create an incentive to remove the capacitors prior to shredding." Shredder fluff containing shredded capacitors does meet the definition of "PCB bulk product waste", but the disposal options are limited to those listed in 40 CFR 761.62(a) or (c). This EPA response and answers to other questions involving shredder fluff can be found in the EPA guidance entitled "PCB Question and Answer Manual," which can be obtained on-line at the following address:*
<http://www.epa.gov/epawaste/hazard/tsd/pcbs/pubs/qacombined.pdf>

Updated Violation: 329 IAC 4.1-4-1 (incorporating 40 CFR 761 Subpart D, specifically 40 CFR 761.62) PCB bulk product waste shall be disposed of in accordance with paragraph (a), (b), or (c) of this section. Under some of these provisions, it may not be necessary to

determine the PCB concentration or leaching characteristics of the PCB bulk product waste. When it is necessary to analyze the waste to make either of these determinations, use the applicable procedures in subpart R of this part to sample the waste for analysis, unless EPA approves another sampling plan under paragraph (c) of this section, (b) *Disposal in solid waste landfills.* (1) Any person may dispose of the following PCB bulk product waste in a facility permitted, licensed, or registered by a State as a municipal or non-municipal non-hazardous waste landfill: (i) non-liquid PCB bulk product waste from the shredding of automobiles or household appliances from which PCB small capacitors have been removed (shredder fluff). (ii) Other PCB bulk product waste, sampled in accordance with the protocols set out in 40 CFR 761 Subpart R, that leaches PCBs at <10 ug/L of water measured using a procedure used to simulate leachate generation.

The facility generates shredder fluff generated from the shredding of automobiles and white goods. The facility did not indicate that they have a program in place to remove and properly dispose of capacitors prior to shredding. The facility did provide analytical information indicating the presence of PCBs in their shredder fluff. After removal of copper and aluminum by Recovery Tech, the fluff is landfilled in a municipal solid waste (solid waste) landfill.

Updated Required Action:

Option 1: The facility shall submit, within 30 days of receipt of this inspection report, information indicating that capacitors are removed prior to shredding, and this removal practice has been occurring in the past. To demonstrate this, the facility may present disposal documentation indicating the proper disposal of these capacitors, staff training documentation, or other information.

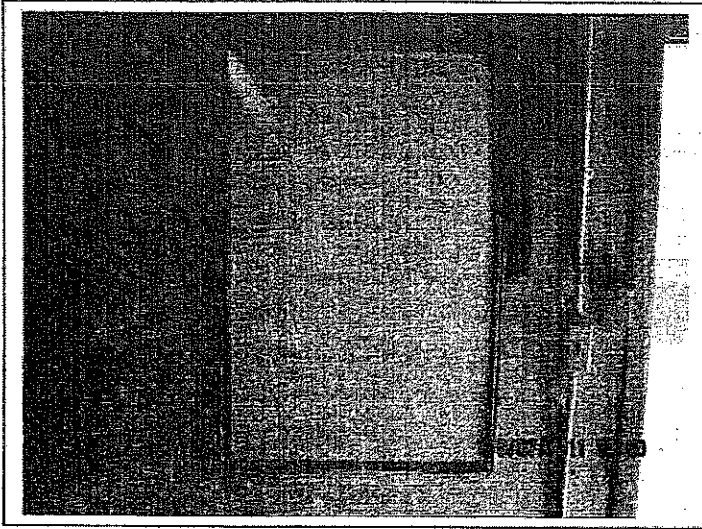
Option 2: The facility shall submit, within 30 days of receipt of this inspection report, information indicating that the fluff has been disposed pursuant to 40 CFR 761.62(a).

This regulation may be viewed on-line at:

<http://edocket.access.gpo.gov/cfr/2007/julqtr/pdf/40cfr761.62.pdf>.

Option 3: The facility shall submit, within 30 days of receipt of this inspection report, a "Risk-based cleanup approval" request pursuant to 40 CFR 761.62(c) to both IDEM and the EPA. This regulation may also be viewed on-line at:

<http://edocket.access.gpo.gov/cfr/2007/julqtr/pdf/40cfr761.62.pdf>.



Facility Name

Summit, Inc.

Photographer

Dorel Hunt

Date

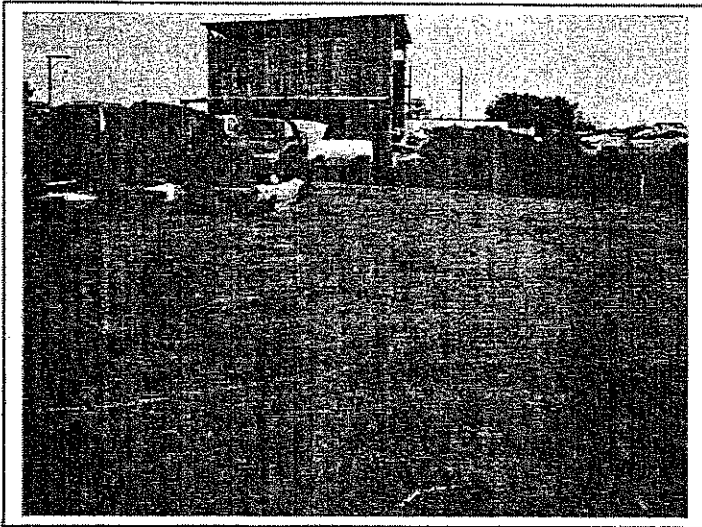
October 7, 2011

Others Present

Bevan Coulopoulos, EM; Joyce Cassillas Cslt

Description

White board in Environmental Office area
Displays due dates for when certain activities
are to be accomplished.



Facility Name

Summit, Inc.

Photographer

Dorel Hunt

Date

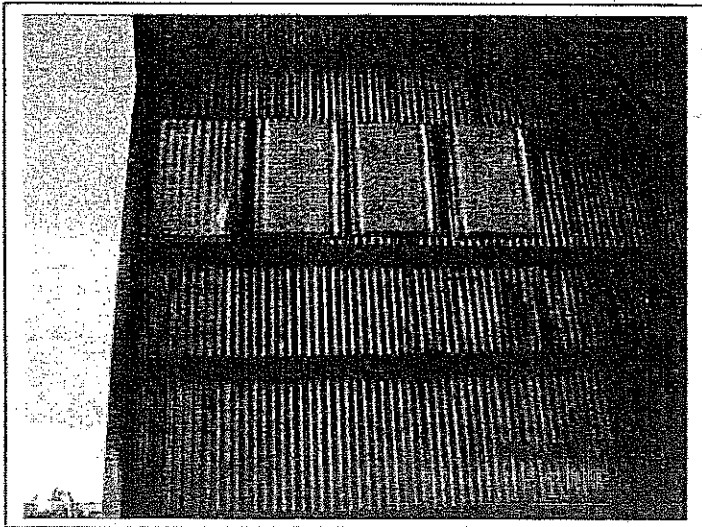
October 7, 2011.

Others Present

Bevan Coulopoulos, EM; Joyce Cassillas Cslt

Description

Staging area for incoming vehicles waiting
to be processed. Processing takes place
in steel building in the background.



Facility Name

Summit, Inc.

Photographer

Dorel Hunt

Date

October 7, 2011

Others Present

Bevan Coulopoulos, EM; Joyce Cassillas Cslt.

Description

Inside processing shed, instructions for
processing vehicles.



Facility Name

Summit, Inc.

Photographer

Dorel Hunt

Date

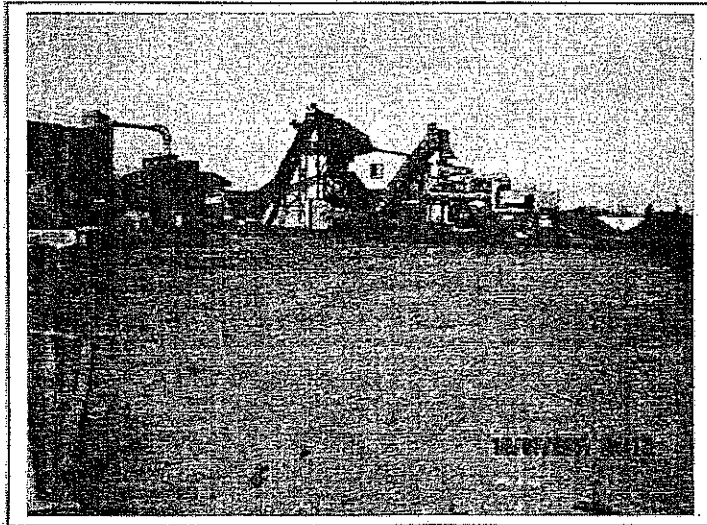
October 7, 2011

Others Present

Bevan Coulopoulos, EM; Joyce Cassillas CsIt.

Description

Shredder on left material separation on right.



Facility Name

Summit, Inc.

Photographer

Dorel Hunt

Date

October 7, 2011

Others Present

Bevan Coulopoulos, EM; Joyce Cassillas CsIt.

Description

Material separation building and bays.



NOTICE OF INSPECTION
State Form 50990 (R3 / 11-05)

INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
100 N. Senate Avenue
Indianapolis, IN 46204-2251
Telephone: (800) 451-6027 or (317) 232-8603

This is to notify you that on Oct 7 2011 an inspection of Summit Inc was conducted by the undersigned representative of the Indiana Department of Environmental Management (IDEM), Office of Lead Quality

Type of Inspection (may include more than one):

- Auto Salvage EFT Complaint
 Multi-Media Screening Evaluation
 Other

Preliminary Inspection/Screening Findings:

These findings are considered preliminary and identify specific compliance issues discovered during the above-noted inspection that the designated agent of IDEM believes may be a violation of a statute(s), rule(s) or permit(s) issued by IDEM.

Single Media Inspection:

- No violations were discovered with respect to the particular items observed during the inspection.
 Violations were discovered but corrected during the inspection.
 Violations were discovered and require a submittal from you and/or follow-up inspection by IDEM.
 Violations were discovered and may subject you to an appropriate enforcement response.
 Additional information/review is required to evaluate overall compliance.
 Other / Comments (attachment may be included)

Multi-Media Screening (Please note that a multi-media screening is not a comprehensive evaluation of the compliance status of the facility):

- Multi-media screening not conducted.
 No violations were discovered with respect to the limited multi-media screening conducted by IDEM.
 Potential violations were discovered but corrected during the inspection.
 Potential violations were discovered and may be further investigated.

Pollution Prevention:

Pollution prevention is the preferred means of environmental protection in Indiana. The goal of pollution prevention is to promote changes in business and commercial operation, especially manufacturing processes, so that Indiana businesses increase productivity, generate less environmental wastes, reduce their regulatory responsibilities and become more profitable. Your participation in Indiana's pollution prevention program is entirely voluntary. If you have any pollution prevention questions, you may contact our Office of Pollution Prevention and Technical Assistance (OPPTA) at (317) 232-8172 or (800) 988-7901, or visit OPPTA's Web site at www.idem.IN.gov/oppta/p2/. Would your company like to be contacted by IDEM's Office of Pollution Prevention and Technical Assistance? Yes No

Compliance Assistance:

In addition to the compliance assistance offered by IDEM's individual programs, IDEM's Compliance and Technical Assistance Program (CTAP) offers free, confidential compliance assistance to regulated entities, including small businesses and municipalities, throughout Indiana. In the future, if you would like to request free, confidential compliance assistance, call (317) 232-8172 or (800) 988-7901, or visit CTAP's Web site at www.idem.IN.gov/ctap.

A summary of violations and concerns noted during the inspection was verbally communicated to the undersigned representative during the inspection. The facility should correct any violations noted as soon as possible. Violations identified and corrected during the inspection may still be cited as violations.

A written inspection summary will be provided within 45 days. In accordance with IC 13-14-5-4, matters not evident to IDEM at the time of the inspection might not be included in either the verbal or written inspection summary.

IDEM Representative:

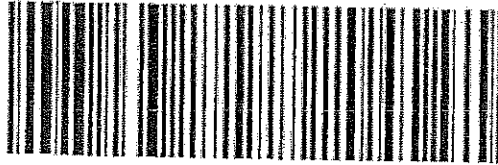
Printed Name	Signature	Phone Number	Date	Time
Dorel M. Hunt	<i>[Signature]</i>	317-232-6935	10/7/11	In: 2:58 P Out: 4:34 P

Owner/Agent Representative:

Printed Name	Signature	Title	Phone Number	Date
BEVAN COLCAGOLOS	<i>[Signature]</i>	manager	317-232-0000	10/7

DISTRIBUTION: White -- IDEM Public File; Canary -- Office of Pollution Prevention and Technical Assistance (if OPPTA assistance is requested) or IDEM Representative (i.e., inspector) (if OPPTA assistance is not requested); Pink -- Owner/Agent Representative

IDEM
Mary Lewis
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INDIANAPOLIS IN 46204



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Mr. Peter Coulopoulos
Summit, Inc.
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