



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 26 2019

REPLY TO THE ATTENTION OF:

Via Email

Mr. Richard A. Lutkus
President
American Cylinder Company
481 South Governors Highway
Peotone, Illinois 60468
rick@americancylinder.com

Re: Consent Agreement and Final Order - In the Matter of: American Cylinder Co.,
Peotone, Illinois **RCRA-05-2019-0009**

Dear Mr. Lutkus:

Attached please find a copy of a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above-referenced case. This document was filed on April 26, 2019, with our Regional Hearing Clerk.

The civil penalty in the amount of \$8,289 is to be paid in the manner described in paragraphs 57 and 58 of the CAFO. Please be certain that your company's name and the docket number of this case are written on both the transmittal letter and on the check, or in the comments field if you are paying by electronic funds transfer. Payment is due within thirty (30) calendar days of the filing date. Thank you for your cooperation in resolving this matter.

If you have any questions please feel free to contact me at (312) 886-8121, or your staff may contact Ms. Graciela Scambiaterra, at 312-353-5103 or scambiaterra.graciela@epa.gov.

Sincerely,

D. Scott Ireland
Acting Chief, RCRA Branch
Land and Chemicals Division

Attachment

cc: Mr. Todd Marvel (w/CAFO), Illinois Environmental Protection Agency
(todd.marvel@illinois.gov)

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:

American Cylinder Co., Inc.
Peotone, Illinois

Respondent. REGION 5



Docket No. RCRA-05-2019-0009

Proceeding to Commence and Conclude
Under Section 3008(a) of the Resource
Conservation and Recovery Act,
42 U.S.C. § 6928(a)

Consent Agreement and Final Order

Preliminary Statement

1. This is an administrative action commenced and concluded under Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6928(a), and Sections 22.13(b) and 22.18(b)(2) and (3) of the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules) as codified at 40 C.F.R. Part 22.
2. The Complainant is the Director of the Land and Chemicals Division, United States Environmental Protection Agency (EPA), Region 5.
3. EPA provided notice of commencement of this action to the State of Illinois pursuant to Section 3008(a)(2) of RCRA, 42 U.S.C. § 6928(a)(2).
4. Respondent is American Cylinder Co., Inc., a corporation doing business in the State of Illinois.
5. Where the parties agree to settle one or more causes of action before the filing of a complaint, the administrative action may be commenced and concluded simultaneously by the

issuance of a consent agreement and final order (CAFO). 40 C.F.R. § 22.13(b).

6. The parties agree that settling this action 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.

7. Respondent consents: (a) to the assessment of the civil penalty specified in this CAFO; (b) to implement the Supplemental Environmental Project (SEP) as described herein; and (c) to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

8. Jurisdiction for this action is conferred upon EPA by Sections 3006 and 3008 of RCRA, 42 U.S.C. §§ 6926 and 6928.

9. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

10. Respondent waives: (a) its right to request a hearing as provided at 40 C.F.R. § 22.15(c); (b) any right to contest the allegations in this CAFO; and (c) its right to appeal this CAFO.

Statutory and Regulatory Background

11. EPA has promulgated regulations, codified at 40 C.F.R. Parts 260 through 279, governing generators and transporters of hazardous waste and facilities that treat, store, and dispose of hazardous waste, pursuant to Sections 3002, 3003, and 3004 of RCRA, 42 U.S.C. §§ 6922, 6923, 6924.

12. Pursuant to Section 3006 of RCRA, 42 U.S.C. § 6926, the Administrator of EPA may authorize a state to administer the RCRA hazardous waste program in lieu of the federal program when the Administrator finds that the state program meets certain conditions. Any violation of regulations promulgated pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921-6939g,

or any state provision authorized pursuant to Section 3006 of RCRA, constitutes a violation of RCRA and is subject to the assessment of civil penalties and issuance of compliance orders as provided in Section 3008 of RCRA, 42 U.S.C. § 6928.

13. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of EPA granted the State of Illinois final authorization to administer a state hazardous waste program in lieu of the federal government's base RCRA program effective January 31, 1986. 51 Fed. Reg. 3778 (January 31, 1986).

14. Under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), EPA may issue an order assessing a civil penalty for any past or current violation, requiring compliance immediately or within a specified period of time, or both. The Administrator of EPA may assess a civil penalty of up to \$25,000 per day for each violation of Subtitle C of RCRA according to Section 3008 of RCRA, 42 U.S.C. § 6928. The Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, note (1996), required EPA to adjust its penalties for inflation on a periodic basis. Pursuant to the Civil Monetary Penalty Inflation Adjustment Rule published at 40 C.F.R. Part 19, EPA may assess a civil penalty of up to \$37,500 per day for each violation of Subtitle C of RCRA that occurred after January 12, 2009 and before August 1, 2016.

Factual Allegations

16. Respondent is a "person" as defined by 35 Ill. Adm. Code § 720.110, Section 1004(15) of RCRA, 42 U.S.C. § 6903(15), and 40 C.F.R. § 260.10.

17. Respondent is an "owner" or "operator," as those terms are defined under 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10, of a facility located at 481 S. Governors Highway, Peotone, Illinois (the Facility).

18. At all times relevant to this CAFO, Respondent's Facility consisted of land and

structures, other appurtenances, and improvements on the land, used for treating, storing, or disposing of hazardous waste.

19. Respondent's Facility is a "facility," as that term is defined under 35 Ill. Adm. Code § 720.110 and 40 C.F.R. § 260.10.

20. At all times relevant to this CAFO, Respondent had a business that offers a variety of products for small bore air cylinder requirements, including industrial stainless steel, heavy duty aluminum and corrosion resistant air cylinders.

21. At all times relevant to this CAFO, Respondent's acts or processes produced a waste containing lead.

22. At certain times in 2013 and 2015, Respondent's lead waste was a "solid waste" as that term is defined under Ill. Adm. Code § 721.102 and 40 C.F.R. § 261.2.

23. At all times relevant to this CAFO, Respondent's lead waste was a "hazardous waste" as that term is defined under Ill. Adm. Code § 721.103 and 40 C.F.R. § 261.3 and is designated with the D008 hazardous waste code.

24. At all times relevant to this CAFO, Respondent's acts or processes produced a waste containing tetrachloroethylene.

25. At certain times in 2013 and 2015, Respondent's tetrachloroethylene waste was a "solid waste" as that term is defined under as that term is defined under Ill. Adm. Code § 721.102 and 40 C.F.R. § 261.2.

26. At all times relevant to this CAFO, Respondent's tetrachloroethylene waste was a "hazardous waste" as that term is defined under Ill. Adm. Code § 721.103 and 40 C.F.R. § 261.3 and is designated with the D039 hazardous waste code.

27. At all times relevant to this CAFO, Respondent was a "generator" as that term is defined under 35 Ill. Adm. Code § 720.110 because its D008 and D039 waste was a hazardous

waste.

28. At certain times in 2013 and 2015, Respondent generated greater than 1,000 kg of hazardous waste in a calendar month at the Facility during calendar years 2013 and 2015. Therefore, Respondent was operating as a large quantity generator at certain times during calendar years 2013 and 2015.

29. Respondent generated hazardous waste at its Facility after November 19, 1980.

30. EPA conducted an investigation and records review (Investigation) of the Facility.

31. On July 12, 2017, EPA issued a Potential RCRA Violations and Opportunity for Settlement (PRVOS) to Respondent alleging certain violations of RCRA discovered as a result of the Investigation.

32. On July 18 and 20, 2018, Respondent submitted to EPA written responses to the PRVOS.

33. At all times relevant to this CAFO, Respondent did not have interim status for the treatment, storage, or disposal of hazardous waste at its Facility.

34. Respondent's initial Hazardous Waste Notification was submitted on or near September 13, 1994.

35. In its Hazardous Waste Notifications referenced above, Respondent identified itself as a conditionally-exempt small quantity generator of hazardous waste.

Alleged Violations

Count 1 - Storage of Hazardous Waste Without a Permit or Interim Status

36. Complainant incorporates paragraphs 1 through 35 of this CAFO as though set forth in full in this paragraph.

37. Pursuant to 3005(a) of RCRA, 42 U.S.C. § 6925(a) and the regulations at 40 C.F.R. Part 270, the treatment, storage, or disposal of hazardous waste by any person who has not applied for or received a permit is prohibited.

38. Pursuant to 35 Ill. Adm. Code § 722.134(a) and 40 C.F.R. § 262.34(a), a generator of hazardous waste may accumulate hazardous waste on-site for 90 days or less without having a permit or interim status provided that the generator complies with all applicable conditions set forth in 35 Ill. Adm. Code § 722.134(a) and (c), and 40 C.F.R. § 262.34(a) and (c) including, but not limited to, requirements for owners and operators in Subparts D and I of 35 Ill. Adm. Code Part 725 and 35 Ill. Adm. Code 725.116.

39. During calendar years 2013 and 2015, Respondent was not complying with all applicable conditions set forth in 35 Ill. Adm. Code § 722.134(a) and (c), and 40 C.F.R. § 262.34(a) and (c) including, but not limited to, requirements for owners and operators in Subparts D and I of 35 Ill. Adm. Code Part 725 and 35 Ill. Adm. Code 725.116, and did not have a State of Illinois permit to treat, store, or dispose of hazardous waste at its Facility, nor did it have interim status for the treatment, storage, or disposal of hazardous waste at its Facility.

Count II - Failure to Conduct and Maintain Training Records

40. Complainant incorporates paragraphs 1 through 35 of this CAFO as though set forth in full in this paragraph.

41. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must implement a hazardous waste management procedures training program and maintain and keep all documents required for personnel training. See 35 Ill. Adm. Code §§ 722.134(a)(4) and 725.116(a)-(d) [40 C.F.R. §§ 262.34(a)(4) and 265.16(a)-(d)].

42. Respondent failed to maintain documents and records providing the written job titles, job descriptions and a description of the type and amount of both introductory and continuing training that had been given to employees at the Facility during calendar years 2013 and 2015.

43. Accordingly, Respondent failed to satisfy one of the conditions for maintaining an exemption from the requirement to have an operating permit or interim status.

Count III - Failure to Conduct Weekly Inspections

44. Complainant incorporates paragraphs 1 through 35 of this CAFO as though set forth in full in this paragraph.

45. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must inspect areas, at least weekly, where hazardous waste containers are stored. See 35 Ill. Adm. Code §§ 722.134(a)(1)(i) and 725.274 [40 C.F.R. §§ 262.34(a)(1)(i) and 265.174].

46. During certain times in calendar years 2013 and 2015, Respondent did not inspect areas, at least weekly, where hazardous waste containers are stored.

47. Accordingly, Respondent failed to satisfy one of the conditions for maintaining an exemption from the requirement to have an operating permit or interim status.

Count IV - Failure to Have a Contingency Plan

48. Complainant incorporates paragraphs 1 through 35 of this CAFO as though set forth in full in this paragraph.

49. In order for a generator of hazardous waste to maintain its exemption from the requirement to have an operating permit or interim status, it must have a Contingency Plan that is designed to minimize the hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents

to air, soil or surface water. See 35 Ill. Adm. Code §§ 722.134(a)(4) and 725.150-156 [40 C.F.R. §§ 262.34(a)(4) and 265.50-56].

50. During calendar years 2013 and 2015, Respondent did not have a Contingency Plan that is designed to minimize the hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water.

51. Accordingly, Respondent failed to satisfy one of the conditions for maintaining an exemption from the requirement that it have an operating permit or interim status.

Count V - Failure to File Annual Reports

52. Complainant incorporates paragraphs 1 through 35 of this CAFO as though set forth in full in this paragraph.

53. A generator of greater than 1000 kg of hazardous waste in a month who ships hazardous waste off-site to a treatment, storage or disposal facility must prepare and submit a copy of an Annual Report to the Illinois Environmental Protection Agency (Illinois EPA) by March 1 that covers generator activities during the previous year. See 35 Ill. Adm. Code § 722.141[40 C.F.R. § 262.41].

54. Respondent failed to file Annual Reports for generator activities during calendar years 2013 and 2015.

55. By failing to file Annual Reports for generator activities during calendar years 2013 and 2015, Respondent violated 35 Ill. Adm. Code § 722.141[40 C.F.R. § 262.41].

Civil Penalty

56. Pursuant to Section 3008(a)(3) of RCRA, 42 U.S.C. § 6928(a)(3), Complainant determined that an appropriate civil penalty to settle this action is \$8,289. In determining the penalty amount, Complainant considered the facts and circumstances of this case with specific

reference to (a) EPA's 2003 RCRA Civil Penalty Policy; (b) EPA's Supplemental Environmental Projects (SEP) Policy; (c) Respondent's willingness to complete the SEP as described herein; (d) Respondent's cooperation to settle this matter; and (e) other factors as justice may require, including an ability-to-pay analysis as to whether Respondent had an ability to pay a civil penalty for the violations alleged herein.

57. Within thirty (30) days after the effective date of this CAFO, Respondent shall pay a \$8,289 civil penalty for the RCRA violations alleged herein:

A. To pay by a cashier's or certified check by regular U.S. Postal Service mail, payment should be addressed to "Treasurer, United States of America" and sent 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 Respondent's name and the docket number of this CAFO.

B. To pay by a cashier's or certified check by express mail, payment should be addressed to "Treasurer, United States of America," and sent to:

U.S. Bank
Government Lockbox 979077
U.S. Environmental Protection Agency Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

The check must state Respondent's name and the docket number of this CAFO.

C. To pay by electronic funds transfer, payment should be addressed to "Treasurer, United States of America," and sent to:

Federal Reserve Bank of New York
ABA No. 021030004
Account No. 68010727
SWIFT address: FRNYUS33
33 Liberty Street
New York, NY 10045
Field Tag 4200 of the Fedwire message is
“D 68010727 Environmental Protection Agency”

In the comment or description field of the electronic funds transfer, state the case title:

“American Cylinder Company” the docket number of this CAFO, and the billing document number.

D. For an ACH payment, also known as REX or remittance express, payment should be addressed to “Treasurer, United States of America,” and sent to:

U.S. Treasury REX/Cashlink ACH Receiver
ABA: 051036706
Account Number: 310006, Environmental Protection Agency
CTX Format Transaction Code 22 – checking

E. For an on-line payment, go to:

www.pay.gov, and use the “Search Public Forms” option and enter “sfo 1.1” in the search field. Open the form and complete the required fields.

58. After paying the civil penalty, Respondent agrees to send evidence of that payment, and a cover letter stating Respondent’s name, the case title: “In the Matter of: American Cylinder Company, Peotone, IL,” and the case docket number, to:

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

Graciela Scambiaterra
Environmental Scientist
RCRA Branch (LR-17J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604

Jeffrey Cahn
Office of Regional Counsel (C-17J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604

59. This civil penalty is not deductible for federal tax purposes.

60. If Respondent does not timely pay the civil penalty, EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties, and the United States enforcement expenses for the collection action. The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

61. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any amount overdue from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). 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.

SUPPLEMENTAL ENVIRONMENTAL PROJECT

62. Respondent agrees to complete a SEP (described in Attachment A to this CAFO) by replacing at its Facility an outdated, non-efficient air compressor and supply piping with a new, energy-efficient air compressor. The energy efficient air compressor will be a variable speed compressor that will work on an "on demand" basis to reduce energy consumption up to 35%. Industrial compressors utilize oil for lubrication, creating an oil and water condensate, which

contains hydrocarbons and other contaminants that make it a hazardous waste. An oil water separator will also be installed to collect and filter oil from the condensate created by the compressor and dryer systems, thus reducing the amount of hazardous waste generated. Additionally, the new system will have a cycling dryer system which will further reduce energy consumption by trimming down to meet system demand instead of running constantly.

63. Respondent agrees to expend at least \$24,867 to complete this SEP at its Facility.

64. Respondent agrees to complete this SEP within 12 months after the effective date of this CAFO.

65. EPA and Respondent agree that any modifications to this SEP shall be effective only if agreed to by both Parties in writing.

66. Respondent shall be responsible for applying for and obtaining all permits and approvals necessary for the implementation and completion of the SEP.

67. Respondent certifies that it is not required to perform or develop the SEP by any law, regulation, grant, order, or agreement, or as injunctive relief as of the date it signs this CAFO. Respondent further certifies that it has not received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

68. EPA may inspect the Facility at any time to monitor Respondent's implementation and compliance with this SEP.

69. Respondent shall submit a SEP Completion Report to EPA within thirty (30) calendar days after installation of the SEP is complete. This report shall contain the following information:

- a. Detailed description of the SEP as completed;
- b. Description of any operating problems and the actions taken to correct the problems;

- c. Itemized costs of goods and services used to complete the SEP documented by copies of invoices, purchase orders, or canceled checks that specifically identify and itemize the individual costs of the goods and services;
- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

70. Respondent agrees to submit the SEP Completion Report by first class mail to Ms. Scambiaterra at her address listed above.

71. Respondent shall certify that the SEP Completion Report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, the information is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information to the United States government, including the possibility of fines and imprisonment for knowing violations.

72. Following receipt of the SEP Completion Report described above, EPA shall notify Respondent in writing that:

- a. EPA agrees that Respondent has satisfactorily completed the SEP and approves the SEP Completion Report;
- b. There are deficiencies in the SEP as completed or in the SEP Completion Report and Respondent shall have thirty (30) days after being notified of these deficiencies to correct them; or
- c. Respondent has not satisfactorily completed the SEP or the SEP Completion Report and EPA will assess an additional civil penalty as described below.

73. If EPA exercises option b. above, Respondent may object in writing to the deficiency notice within ten (10) days of receiving the notice. The parties will have thirty (30) days from EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, EPA shall give Respondent a written decision on its objection.

74. Respondent agrees to be bound by EPA's determination as to whether Respondent satisfactorily completed the SEP and/or approves of the SEP Completion Report, and agrees to comply with any requirements that EPA imposes in its decision.

75. Respondent acknowledges that, for purposes of this CAFO, the SEP is not considered as being complete until EPA approves the SEP Completion Report.

76. If Respondent does not complete the SEP as required by this CAFO, Respondent shall pay an additional civil penalty of \$24,867 to the United States.

77. Respondent agrees to pay the additional \$24,867 civil penalty assessed pursuant to this CAFO within fifteen (15) days of receiving EPA's written demand for such penalty. Respondent shall use one of the methods of payment specified in the "Civil Penalty" section above, and shall pay interest, handling charges, and nonpayment penalties on any overdue amounts.

78. Any public statement that Respondent makes referring to the SEP shall include the following language: "American Cylinder Co., Inc. undertook this project pursuant to a settlement with the United States Environmental Protection Agency regarding alleged violations of the Resource Conservation and Recovery Act at its Peotone, Illinois facility."

79. Nothing in this CAFO is intended to nor shall be construed to constitute EPA approval of any equipment or technology installed or utilized by Respondent with regard to the SEP implemented under the terms of this CAFO.

80. The costs of the SEP described herein is not deductible or depreciable for federal tax purposes.

General Provisions

81. Respondent certifies that it is complying fully with RCRA, 42 U.S.C. §§ 6901 - 6939e, its implementing regulations at 40 C.F.R. §§ 260.1 - 279.82, and the federally-authorized

Illinois corollaries to the federal regulations.

82. This CAFO resolves Respondent's liability only for federal civil penalties for the violations and facts alleged in this CAFO.

83. This CAFO does not affect the right of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

84. This CAFO does not affect Respondent's responsibility to comply with RCRA and other applicable federal, state, local laws or permits.

85. This CAFO is a "final order" for purposes of 40 C.F.R. § 22.31, and EPA's RCRA Civil Penalty Policy and Hazardous Waste Civil Enforcement Response Policy.

86. The terms of this CAFO apply to and shall legally bind Respondent, its officers, directors, servants, employees, agents, successors, and assigns.

87. Each person signing this CAFO certifies that he or she has the authority to sign this CAFO for the party whom he or she represents and to legally bind that party to its terms.

88. Each party agrees to bear its own costs and attorneys' fees in this action.

89. This CAFO constitutes the entire agreement between the parties.

90. 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 CAFO by email at the following valid email addresses: cahn.jeff@epa.gov (for Complainant) and rick@americancyliner.com (for Respondent). The parties waive their right to service by the methods specified in 40 C.F.R. § 22.6.

91. The effective date of this CAFO shall be the day it is filed with the Regional Hearing Clerk, United States Environmental Protection Agency, Region 5, in accordance with

Section 22.18(b)(3) of the Consolidated Rules, 40 C.F.R. § 22.18(b)(3).

In the Matter of: American Cylinder Co., Inc., Peotone, Illinois

Docket No. RCRA-05-2019-0009

American Cylinder Co., Inc., Respondent

03-26-2019
Date


Richard A. Lutkus
President
American Cylinder Co., Inc.
Peotone, Illinois

In the Matter of: American Cylinder Co., Inc., Peotone, Illinois

Docket No. RCRA-05-2019-0009

United States Environmental Protection Agency, Complainant

4-22-19

Date

Tinka S. Hyde

Tinka Hyde
Division Director
Land and Chemicals Division
United States Environmental Protection Agency
Region 5

In the Matter of: American Cylinder Co., Inc., Peotone, Illinois

Docket No. RCRA-05-2019-0009

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk, United States Environmental Protection Agency, Region 5. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

4/23/2019
Date

Ann L Coyle
Ann L. Coyle
Regional Judicial Officer
United States Environmental Protection Agency
Region 5

In the Matter of: American Cylinder Co., Peotone, Illinois
Docket No. RCRA-05-2019-0009

ATTACHMENT A

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Project name: Energy Efficient Air Compressor and Oil water Separator – Pollution Prevention

ACC has been using an air compressor and supply piping that is outdated and not energy efficient. The Company will replace this old technology with new, energy-efficient parts by installing an energy-efficient air compressor. The energy efficient air compressor is a variable speed compressor that will work on an “on demand” basis to reduce consumption needed to produce the required air for the facility. Energy use is estimated to be significantly reduced due to the improved “on demand” technology. Current annual compressor electrical usage is approximately 2,496 kW, and would be reduced to approximately 1,622 kW. Industrial compressors utilize oil for lubrication, creating an oil and water condensate, which contains hydrocarbons and other contaminants that make it a hazardous waste. Installation of an oil water separator will be used to collect and filter oil from the condensate created by the compressor and dryer systems, thus reducing the amount of hazardous waste generated. The new system will also have a cycling dryer system which will further reduce energy consumption by trimming down to meet system demand instead of running constantly.

Environmental Benefits:

This project will result in reduced energy consumption by the facility and will contribute to the overall reduction of pollutants associated with electric power generation. The energy efficient air compressor is expected to reduce energy consumption up to 35%. It will reduce fuel and electricity usage for heating and cooling and day-to-day operations. These reductions will reduce air emissions of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity. It will also contribute to a reduction in peak loads on the electric power grid. The project will help prevent pollution by reducing the electricity needed for compressed air systems, thereby reducing air emissions and improving air quality. The project will also result in a reduction in waste condensate that is sent offsite for disposal.

This pollution prevention project prevents pollution at its source, before it is generated, by reducing the quantity and toxicity of pollutants, including air pollutants and hazardous waste from condensate. The reduction in fuel and electricity usage will reduce air emissions of particulate matter, volatile organic carbon compounds, nitrogen oxides, and other pollutants associated with the combustion of fuel and generation of electricity. When atmospheric air is compressed, there is surplus water that condenses to a liquid. This water mixes with other airborne constituents along with lubricant/coolant from the industrial compressor, creating hazardous waste. The hazardous waste generated from the outdated industrial compressor will then be handled according to EPA disposal requirements. The installation of an oil water separator will collect and filter the oil from the condensate, thereby reducing the amount of

hazardous waste generated. The project directly addresses pollutants and effects caused by pollutants. It will be implemented on site, where the activity of concern relating to hazardous waste took place.

SEP Expenditures:

Project	Expenditures
IRN20H-cc Air Compressor	\$18,289.47
D170ECA100 Air Dryer	\$3,207.75
FA190IG Filter	\$335.96
FA190IH Filter	\$335.96
400 Gal. Vertical Receiver	\$2,149.03
PNLDII No Loss Drain Kit	\$1,044.18
Oil Water Separator	\$1,543.49
Plant supply pipe replacement	\$15,000.00
Total Proposed One-Time Project Cost:	\$41,906

Consent Agreement and Final Order
In the Matter of: American Cylinder Co., Peotone, Illinois
Docket Number: RCRA-05-2019-0009

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing **Consent Agreement and Final Order**, docket number RCRA-05-2019-0009, which was filed on

April 26, 2019, in the following manner to the following addressees:

Copy by E-mail to
Regional Judicial Officer:

Ms. Ann L. Coyle
coyle.ann@epa.gov

Copy by E-mail to
Respondent:

Mr. Richard A. Lutkus
rick@americacylinder.com

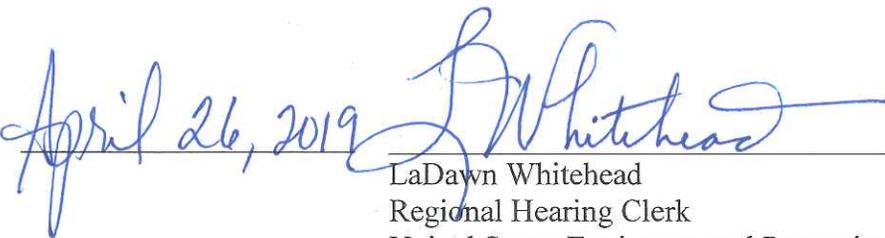
Copy by E-mail to
Complainant:

Ms. Graciela Scambiatterra
scambiatterra.graciela@epa.gov

Copy by E-mail to
Attorney for Complainant:

Mr. Jeffrey Cahn
cahn.jeff@epa.gov

Dated: April 26, 2019



LaDawn Whitehead
Regional Hearing Clerk
United States Environmental Protection Agency
Region 5