

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	Docket No. RCRA-005-2014-0006
)	
Summit, Inc.)	Proceeding to Assess a Civil Penalty
6901 West Chicago Avenue)	Under Section 3008(a) of the Resource
Gary, Indiana)	Conservation and Recovery Act,
)	42 U.S.C. § 6928(a)
U.S. EPA ID #: INX 000 028 902)	
)	RCRA-05-2014-0006
Respondent.)	
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**DECLARATION
SPIROS BOURGIKOS**

I, Spiros Bourgikos, state the following:

1. I am an Environmental Engineer with a Bachelors of Science in Chemical Engineering employed by U.S. EPA, Region 5 since May 1988. A copy of my resume was included as Complainant's Exhibit 21 (CX 21) with Complainant's Prehearing Exchange.
2. I have worked for U.S. EPA, Region 5, Land and Chemicals Division (LCD) since November of 2003. I have evaluated the compliance status of companies subject to the Resource Conservation and Recovery Act (RCRA) regulations by reviewing and evaluating data and other information submitted by the companies and/or conducting on-site inspections. I have been the lead inspector for RCRA multi-media inspections. I have conducted approximately 90 investigations and have been involved in 10 administrative enforcement actions seeking civil penalties from respondents.
3. As an Enforcement Engineer my duties include, but are not limited to, investigating companies for compliance with the hazardous waste and used oil management

requirements of RCRA. My duties may include, but are not limited to, visual and sampling inspections of companies, writing and reviewing requests for information under section 3007 of RCRA, interviewing employees and managers, discussing compliance with other federal, state and local authorities, researching complex regulatory and technical issues, researching various EPA data bases including, but not limited to RCRA INFO, writing letters related of compliance and proposing penalties and injunctive relief. I am also responsible for maintaining the enforcement files for investigations and/or cases I am assigned. The enforcement files contain inspection reports, sampling results, correspondence, information requests and responses to information requests and other documents related to an investigation of a particular company.

4. I am the Enforcement Engineer responsible for U.S. EPA's investigation of and enforcement actions related to RCRA compliance for Summit, Inc. located at 6901 W. Chicago Avenue, Gary, Indiana (hereinafter referred to as the Summit Site or Site). As the Enforcement Engineer, my duties included, but were not limited to, directing the April 2, 2008, and March 18, 2009, on-site inspections of Summit, drafting the information requests to Summit, Beaver Oil and T & S Trading, reviewing the responses from these companies, coordinating the inspection with the Indiana Department of Environmental Management (IDEM) and the other EPA inspectors, calculating the proposed penalty, maintaining the enforcement files and other duties required for the site.
5. Summit owns and operates an automobile scrap recycling facility located at 6901 West Chicago Avenue, Gary, Indiana.

6. I was the lead inspector for EPA's RCRA inspection of Summit on April 2, 2008, and March 19, 2009. The EPA inspection team included, Sue Brauer and Jamie Paulin. As the lead inspector I identified the areas to be inspected, discussed my observations with the other inspectors, wrote inspection reports and reviewed their inspection reports.
7. On March 18, 2009, Ms. Brauer and Mrs. Paulin accompanied me on an inspection of the Site to determine compliance with RCRA, review progress or changes at the facility since the April 2, 2008, inspection and collect samples for analysis. Mrs. Paulin was primarily responsible for directing the sampling activities. Ms. Brauer assisted with either collection of the samples or recording information about them. She also observed conditions related to compliance with the used oil management standards of RCRA. I prepared an inspection report which included the results of the March 18, 2009, sampling inspection. Ms. Brauer also prepared a report. A copy of our reports and the sampling results were included in CX 14 submitted as part of Complainant's Prehearing Exchange.
8. At the time of the April 2, 2008, inspection Summit received approximately 100 vehicles per day and had two car crushers. Summit had similar operations on March 18, 2009, except that it was adding a shredder which was projected to cost Summit approximately \$16 million.
9. Summit operations included collecting gasoline, batteries, mercury, catalytic converters and tires with aluminum wheels prior to crushing the vehicles. Summit did not remove, prior to crushing, "automotive liquids" such as engine crankcase oils, anti-freeze, transmission and power steering fluids and windshield wiper fluid along with any residual gasoline or other liquids. These automotive liquids would typically drain from

the vehicles as they were crushed and afterwards. I observed Summit collecting these automotive liquids in buckets near the crushers. Once crushed, the cars were placed in metal pans (20' x 8') where the automotive liquids and other liquids were further drained and placed into containers such as drums. The crushed cars were shrink wrapped and stacked on-site

10. I observed automotive liquids from the crushing operations collected and stored at various locations on-site in various containers such as, buckets, totes and drums that were unmarked during the March 18, 2009 inspections. I observed crushed vehicles with oil dripping on their sides. I observed that the vehicles were on wooden pallets and that the ground beneath the crushed vehicles were saturated with oil.
11. During both April 2, 2008, and March 18, 2009, I observed numerous spills of automotive liquids that looked like used oils; areas where containers with automotive liquids and batteries were stored open to the elements; containers that were not labeled hazardous waste or used oil.
12. At the end of the inspection on April 2, 2008, I participated in an exit interview with representatives of Summit and EPA. We informed Summit of our observations and concerns. We were concerned about the management of used oil and batteries, the leaks and drips of automotive fluids on the ground and the lack of proper labeling.
13. On July 7, 2008, U.S. EPA issued to Summit an information request under Section 3007 of RCRA. Summit submitted its response on August 16, 2008. CX 15 and 16 are copies of both the request and response and were included in Complainant's Prehearing Exchange. Summit admitted in its response that the wastes it generated included used oil, antifreeze and other car fluids from the crushing operations and that the waste

streams were collected in various containers including buckets, drip pans and drums and transferred to above ground storage tanks and then taken by Beaver Oil Co., Inc., (Beaver Oil) located in Hodgkins, Illinois with a bill of lading. It admitted that it did not conduct a waste analysis on any of the automotive fluids and that it relied on Beaver Oil. It also admitted that the oil water separator collected rain water and automotive fluids from the crushing operation and was removed in June of 2008.

14. During the March 18, 2009, inspection I saw a metal box with two 55-gallon drums located east of Crusher #1. The box was half full of a brownish liquid with an oily sheen. The drums and the box were unmarked.
15. At that time I saw a large green tank, a smaller red tank and approximately 39 drums in the gasoline recovery shed. The green tank was placed inside a steel box. I saw inside the steel box there was over one foot of a reddish liquid. There was a gasoline or diesel fuel smell near the box. The tanks and drums were unlabeled.
16. I saw a steel box filled with car batteries near the gasoline recovery shed. It did not have a top. Several batteries were broken with the lead plates exposed. The batteries were thrown in the box and not arranged in any manner. I could not see the bottom of the box to see if there were any liquids at the bottom. I did not see any markings on the steel box indicating that it contained universal or hazardous waste. I have not received an inventory system for the contents of the box.
17. During the March 18, 2009, inspection I saw 39 drums in the gasoline recovery shed. They were not marked with the words hazardous waste or used oil and appeared to be filled with liquids. The drums were stacked next to each other without any aisle space. Ms. Brauer, Mrs. Paulin and I collected samples from 4 of the 39 drums – drum 1

(SCN3180905, 6 and 7), drum 2 (SCN3180908, 9 and, 10), drum 3 (SCN3180911, 12 and 13) and drum 4 (SCN318090914, 15 and 16).

18. We transported the samples collected on March 18, 2009, to U.S. EPA's Central Regional Lab (CRL) located in Chicago. I have reviewed CRL's analytical reports from those samples. A copy of a summary of those results is included as part of CX 14 in Complainant's Prehearing Exchange.
19. Based CRL's sample analysis four drums sampled from the gasoline recovery shed contained benzene concentration above the regulatory level of 0.5 mg/L. Specifically, sample SCN 3180905 collected from a Drum 1 had a benzene concentration of 4.30 mg/L; sample SCN3180908 collected from Drum 2 had a benzene concentration of 14.2 mg/L; sample SCN 3180911 collected from a Drum 3 had a benzene concentration of 213 mg/L; and sample SCN 3180914 collected from Drum 4 had a benzene concentration of 1,080 mg/L. CRL reported that Drum 3 contained a liquid waste with a flash point below 140° F. Specifically sample SCN 3180912 collected from a Drum 3 had a flash point of 76.9° F.
20. On September 15, 2009, EPA sent Summit a second RCRA 3007 information request. On October 6, 2009, Summit submitted a response and identified the contents of the 39 drums. Copies of the request and response are included as CX15 and CX 16 in Complainant's Prehearing Exchange. Summit admitted that the contents of the 39 drums contained waste oils from the drain pad and were placed into the drums between March 5 and March 18, 2009. Summit further admitted that the 39 drums were pumped into a tank located on-site and that Beaver Oil picked up the contents of the tank and used a Bill of Lading. Summit admitted that Beaver Oil picked up 3,000 gallons of

“oil” on or about March 21, 2009. See CX 16.

21. During the March 18, 2009, inspection I observed dirt saturated with what appeared to be oil near the gasoline recovery shed. I also observed a pool of water with an oil sheen in the area between crushed cars and the shredder. The soil in front of the water was dark and appeared to be stained with oil.
22. Prior to my inspections I reviewed various EPA hazardous waste databases to determine the reported regulatory status of Summit. I also contacted Rosemary Cantwell of the Indiana Department of Environmental Management (IDEM) to confirm my results. I determined that there were no records of Summit ever submitting an EPA Hazardous Waste Notification Form (Notification) and it did not have a RCRA permit.
23. Based on my review of the various hazardous waste data bases I have discovered that on two different occasions IDEM, for the purpose of entering compliance information into the RCRA INFO database, issued to Summit two temporary EPA ID numbers. The first temporary ID number (EPA ID # INX 000 034 959) was issued on or about May 25, 2005. The second EPA number (EPA ID # INX 000 028 902) was issued on or about May 4, 2010.
24. Summit did not have a hazardous waste training plan at the time of the March 18, 2009, inspection and did not conduct hazardous waste training. It did not have a training program for handlers of universal wastes.
25. Summit did not have any records of having conducted weekly inspections at the time of the March 18, 2009, inspection. Additionally, it did not appear that Summit had conducted an inspection since I observed used oil and other automotive liquids that looked like they were on the ground for a period of time; the batteries were thrown and

broken inside an open container; and the drums in the gasoline recovery area were stored without labels and without any room between them.

26. Summit did not have a contingency plan when I inspected it on March 18, 2009.

I declare under penalty of perjury that the foregoing is true and correct.

10/21/2014
Date

Spiros Bourgikos
Spiros Bourgikos