

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5

IN THE MATTER OF: )  
)  
Heritage Environmental ) FINDING OF VIOLATION  
Services, LLC )  
Lemont, Illinois ) EPA-5-99-IL-23  
)  
Proceedings Pursuant to )  
the Clean Air Act, )  
42 U.S.C. §§ 7401 et seq. )  
)

---

**Finding of Violation**

The United States Environmental Protection Agency (U.S. EPA) hereby notifies the State of Illinois and Heritage Environmental Services, LLC (Heritage) that U.S. EPA finds that Heritage, located at 15330 Canal Bank Road, Lemont, Illinois, is in violation of the Clean Air Act (Act), 42 U.S.C. §§ 7401 et seq. Heritage is in violation of Section 112 of the Act, 42 U.S.C. § 7412, and regulations setting forth National Emission Standards for Hazardous Air Pollutants (NESHAPs) for Benzene Waste Operations, at 40 C.F.R. Part 61, as follows:

**Regulatory Authority**

1. On January 7, 1993, in accordance with Section 112 (d) of the Act, U.S. EPA promulgated the National Emission Standard for Benzene Waste Operations, 40 C.F.R. Part 61, Subpart FF, §§ 61.340 - 61.358.
2. Subpart FF applies to the owners or operators of chemical manufacturing plants, coke by-product recovery plants, and petroleum refineries.

3. Subpart FF applies to the owners or operators of hazardous waste treatment, storage, and disposal facilities ("TSDFs") that treat, store, or dispose of hazardous waste generated by any chemical manufacturing plants, coke by-product recovery plants, and petroleum refineries.
4. Pursuant to the Benzene Waste Operations NESHAPs, hazardous waste TSDFs must calculate the total annual benzene (TAB) quantity for each waste stream received from chemical manufacturing plants, coke by-product recovery plants, and petroleum refineries. This applies to waste streams that are either at least 10% water, or are mixed with streams that are at least 10% water. 40 C.F.R. § 61.342 (a) and 40 C.F.R. § 61.355 (a) (1).
5. If the facility's TAB quantity is less than 10 Mg/yr, but is equal to or greater than 1 Mg/yr, then the owner or operator must comply with the reporting requirements of Subpart FF. 40 C.F.R. § 61.355 (a) (4). The owner or operator must determine the facility's TAB quantity and submit a report to U.S.EPA at least once a year and whenever there is a change in the process generating the waste that could cause the TAB quantity from facility waste to increase to 10 Mg/yr or more. 40 C.F.R. § 61.357 (c).
6. Hazardous waste treatment and disposal facilities subject to the benzene waste operations NESHAPs, must determine the annual benzene waste quantity at the point where the waste enters the facility, pursuant to 40 C.F.R. § 61.355 (b) (3).

**Factual Background**

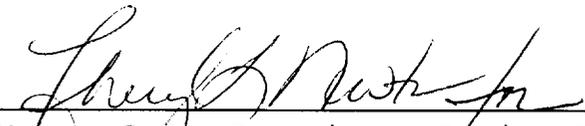
7. Heritage owns and operates a hazardous waste treatment storage, and disposal facility that treats, stores, or disposes of hazardous waste generated by chemical manufacturing plants, coke by-product recovery plants or petroleum refineries. Heritage's facility is located at 15330 Canal Bank Road, NE, Lemont, Illinois.
8. Heritage reported TAB quantity of less than 1 Mg/yr during the year 1992.
9. Heritage submitted an annual TAB report to U.S.EPA in April 1993, but has not submitted any reports since then.
10. Documents sent by Heritage in response to U.S. EPA information request demonstrated that Heritage's TAB quantity for 1997 exceeded 1 Mg/yr or more.

**Violations**

11. Heritage failed to determine annual benzene waste quantity, for wastes received from off-site, at the point where the waste enters the hazardous waste treatment, storage, and disposal facility, as required by 40 C.F.R. § 61.355 (b) (3).
12. Heritage failed to submit a report for its 1997 TAB in violation of the reporting requirements of 40 C.F.R. § 61.357 (c).

6/17/99

Date

  
Margaret M. Guerriero, Acting Director  
Air and Radiation Division

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Finding of  
Violation by Certified Mail, Return Receipt Requested, to:

Patrick R. Denis, Compliance Manager  
Heritage Environmental Services, LLC  
15330 Canal Bank Road  
Lemont, Illinois 60439

I also certify that I sent copies of the Finding of  
Violation by first class mail to:

Harish Narayen, Acting Regional Manager  
Environmental Control  
Illinois Environmental Protection Agency, Region 1  
1701 South First Avenue  
Maywood, Illinois 60153

David Kolaz, Chief  
Compliance and Systems Management Section  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue East  
Springfield, Illinois 62702

on the 18<sup>th</sup> day of June, 1999.

  
Betty Williams, Secretary  
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: P 140 779 139