

**FILED**

Oct 24, 2024

1:13 pm

U.S. EPA REGION 5  
HEARING CLERK

**UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>IN THE MATTER OF:</b>	)	Docket No.: RCRA-05-2025-0006
	)	
	)	
<b>Allied Tube &amp; Conduit Corporation</b>	)	
<b>161 South Lathrop Avenue</b>	)	<b>EXPEDITED SETTLEMENT</b>
<b>Harvey, Illinois 60426</b>	)	<b>AGREEMENT AND</b>
<b>EPA ID. No. ILD057863847</b>	)	<b>FINAL ORDER</b>
	)	
<b>Respondent</b>	)	
	)	

**EXPEDITED SETTLEMENT AGREEMENT**

1. The Director, Enforcement and Compliance Assurance Division, U.S. Environmental Protection Agency (“EPA”), Region 5 (“Complainant”) and Allied Tube & Conduit Corporation, Harvey, Illinois (“Respondent,” “Allied Tube & Conduit” or “you”) enter into this Resource Conservation and Recovery Act (“RCRA”) Expedited Settlement Agreement (“Agreement”) to settle the civil violations set forth in this Agreement for a penalty of \$8,750.
2. EPA inspected Allied Tube & Conduit on December 13, 2022, and reviewed information Respondent provided on June 12, 2023. Complainant has determined Respondent violated the following sections of RCRA and the Illinois hazardous waste management program, Ill. Admin. Code tit. 35, Part 720, at Respondent’s facility located at 16100 South Lathrop Avenue, Harvey, Illinois 60426 (the “Facility”):
  - a. Section 3005(a) of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ill. Admin. Code tit. 35 § 703.121 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. A generator may, however, accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ill. Admin. Code tit. 35 § 722.134(a), including, but not limited to, clearly marking each container holding hazardous waste with the date upon which each period of accumulation begins. See Ill. Admin. Code tit. 35 § 722.134(a)(2). On December 13, 2022, nine containers holding hazardous waste were not clearly marked with the date upon which the period of accumulation began, and Respondent had not obtained a permit or interim

status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of 35 Ill. Admin. Code § 703.121 because it failed to comply with the conditions for an exemption as described above.

- b. Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the regulations at 40 C.F.R. Part 270 and Ill. Admin. Code tit. 35 § 703.121 prohibit the treatment, storage, or disposal of hazardous waste without a permit or interim status. However, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or interim status, provided that the generator complies with all applicable conditions set forth in Ill. Admin. Code tit. 35 § 722.134(a) including, but not limited to, labeling, or clearly marking each container holding hazardous waste with the words "Hazardous Waste." See Ill. Admin. Code tit. 35 § 722.134(a)(3). On December 13, 2022, eight containers holding hazardous waste were not clearly marked with the words "Hazardous Waste," and Respondent had not obtained a permit or interim status. Respondent stored hazardous waste without a permit or without interim status in violation of Section 3005 of RCRA, 42 U.S.C. § 6925(a), and the requirements of Ill. Admin. Code tit. 35 § 703.121 because it failed to comply with the conditions for an exemption as described above.
- c. Failure to comply with any of the conditions of Ill. Admin. Code tit. 35 § 722.134(a), subjects the generator of hazardous waste to the requirements of Ill. Admin. Code tit. 35, Part 725. Under Ill. Admin. Code tit. 35 § 725.273(a), a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste. On December 13, 2022, Respondent had not closed six containers holding hazardous waste during storage when it was not necessary to add or remove waste. Respondent's failure to close six containers holding hazardous waste during storage when it was not necessary to add or remove waste violated Ill. Admin. Code tit. 35 § 725.273(a).
- d. Failure to comply with any of the conditions of Ill. Admin. Code tit. 35 § 722.134(a), subjects the generator of hazardous waste to the requirements of Ill. Admin. Code tit. 35 Part 725. Under Ill. Admin. Code tit. 35 § 725.116(d)(4), the owner or operator must maintain at the facility records that document that the training or job experience required under Ill. Admin. Code tit. 35 § 725.116(a)–(c) has been given to and completed by facility personal. At the time of the inspection, Respondent had not maintained records that documented that the training or job experience had been given to and completed by facility personnel for 2019. Respondent's failure to maintain these records for 2019 violated Ill. Admin. Code tit. 35 § 725.116(d)(4).
- e. Failure to comply with any of the conditions of Ill. Admin. Code tit. 35 § 722.134(a), subjects the generator of hazardous waste to the requirements Ill.

Admin. Code tit. 35 Part 725. Under Ill. Admin. Code tit. 35 § 725.153(b), a generator of hazardous waste must submit a copy of its contingency plan (and all revisions) to each local police department, fire department, hospital, and State and local emergency response team that may be called upon to provide emergency services at the facility. At the time of the inspection, Respondent had not provided a copy of its contingency plan to local emergency authorities. Respondent's failure to comply with this requirement violated Ill. Admin. Code tit. 35 § 725.153(b).

- f. Failure to comply with any of the conditions of Ill. Admin. Code tit. 35 § 722.134(a), subjects the generator of hazardous waste to the requirements of Ill. Admin. Code tit. 35 Part 725. Under Ill. Admin. Code tit. 35 § 725.274, a generator must inspect, at least weekly, the area where containers are stored and must look for leaking containers and for deterioration of containers caused by corrosion or other factors. At the time of the inspection, Respondent failed to conduct 17 weekly inspections during 2020 to 2022. Respondent's failure to comply with this requirement violated Ill. Admin. tit. 35 § 725.274.
  - g. Failure to comply with any of the conditions of Ill. Admin. Code tit. 35 § 722.134(a), subject the generator of hazardous waste to requirements of Ill. Admin. Code tit. 35 Part 725. Under Ill. Admin. Code tit. 35 § 725.135, a generator must maintain adequate aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of the facility operation in an emergency—unless aisle space is not needed for any of these purposes. At the time of the inspection, Respondent failed to maintain adequate aisle space. Respondent's failure to comply with this requirement violated Ill. Admin. tit. 35 § 725.135.
3. The EPA and Respondent agree that settlement of this matter for a civil penalty of \$8,750 is in the public interest.
  4. EPA is authorized to enter into this Agreement pursuant to Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), and 40 C.F.R. §§ 22.13(b) and 22.18(b)(2)–(3).
  5. 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).
  6. In signing this Agreement, Respondent: (1) admits that Respondent is subject to RCRA and its implementing regulations; (2) admits that EPA has jurisdiction over Respondent and Respondent's conduct as alleged herein; (3) neither admits nor denies the factual allegations contained herein; (4) consents to the assessment of this penalty; (5) waives its right to request a hearing as provided at Section 3008(b) of RCRA, 42 U.S.C. § 6928, and 40 C.F.R. § 22.15(c), any right to contest the allegations in this Expedited Settlement Agreement and Final Order, and its right to appeal this Expedited Settlement Agreement and Final Order.

7. By its signature below Respondent certifies, subject to civil and criminal penalties for making a false submission to the United States Government, that: (1) the alleged violations have been corrected, and (2) Respondent has paid the civil penalty in accordance with paragraph 8.
8. Respondent shall have paid a civil penalty of \$8,750 within 30 days of its receipt of the letter setting forth the opportunity for expedited settlement that transmitted this ESA to you. Respondent shall pay the penalty using any method, or combination of appropriate methods, as provided on the EPA website: <https://www.epa.gov/financial/makepayment>. For additional instructions, see <https://www.epa.gov/financial/additional-instructions-making-payments-epa>.
9. Respondent shall have sent a notice of payment that states Respondent's name, complete address, and the case docket number to EPA at the following addresses, when it paid the penalty:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 5  
[r5hearingclerk@epa.gov](mailto:r5hearingclerk@epa.gov)

Sheila Burrus  
Land Enforcement and Compliance Assurance Branch  
U.S. Environmental Protection Agency, Region 5  
[burrus.sheila@epa.gov](mailto:burrus.sheila@epa.gov) and  
[r5lecab@epa.gov](mailto:r5lecab@epa.gov)

Jacob Podell  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
[podell.jacob@epa.gov](mailto:podell.jacob@epa.gov)

U.S. Environmental Protection Agency  
Cincinnati Finance Center  
[CINWD\\_AcctsReceivable@epa.gov](mailto:CINWD_AcctsReceivable@epa.gov)

10. The civil penalty is not deductible for federal tax purposes.
11. This Agreement resolves only Respondent's liability for federal civil penalties under Section 3008(a) of RCRA, 42 U.S.C. § 6928(a), for the violations alleged in the Agreement.
12. EPA reserves all of its rights to take enforcement action for any other past, present, or future violations by Respondent of RCRA, any other federal statute or regulation, or this Agreement.
13. Each party shall bear its own costs and fees, if any.

14. This Agreement is binding on the parties signing below, and in accordance with 40 C.F.R. § 22.31(b), is effective upon filing.
15. In accordance with 40 C.F.R. § 22.6, the parties consent to service of this Agreement by e-mail at the following valid e-mail addresses: [podell.jacob@epa.gov](mailto:podell.jacob@epa.gov) (for Complainant), and [jskalon@atkore.com](mailto:jskalon@atkore.com) (for Respondent).
16. Respondent understands that the ESA will become publicly available upon filing.


IT IS SO AGREED,

Joseph E. Pampinto

Name (print)

Director of Operations

Title (print)



Signature

10-8-24

Date

APPROVED BY EPA:

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Michael D. Harris  
Division Director  
Enforcement and Compliance Assurance Division

**In the Matter of:  
Allied Tube & Conduit Corporation  
Docket No.: RCRA-05-2025-0006**

**FINAL ORDER**

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

IT IS SO ORDERED:

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

