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Incineration Backlog/Hazardous Waste Storage: Indiana Department of Environmental Management and Fort Wayne Warehouse Enter into Agreed Order Providing Storage Time Limit Extension

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The Indiana Department of Environmental Management ("IDEM") and Stoncor Group, Inc. ("SGI") entered into a February 22nd Agreed Order ("AO") addressing issues associated with the storage of containerized hazardous waste. See Case No. 2023-29165-H.

The AO provides that SGI owns and operates a distribution and manufacturing warehouse ("Warehouse") in Fort Wayne, Indiana.

The SGI Warehouse notified the United States Environmental Protection Agency ("EPA") as being a Large Quantity Generator of hazardous waste.

The AO notes that on August 10, 2021, EPA issued a Memorandum titled:

Regulatory Options for Addressing the Temporary Backlog of Containerized Hazardous Waste Needing Incineration

It is further noted in the AO that:

... Facilities may be capable of storing backlogged containerized waste absent permit modifications if their permit allows storage of those types of containerized waste and waste codes and their RCRA permitted container storage capacity will not be exceeded. The incinerator backlog is expected to be limited in both duration and scope; current information indicates that extensions will not be needed beyond March 2022.

Hazardous waste previously determined to have a combustion treatment standard as required by 40 CFR 268.40 is addressed by the AO.

SGI submitted a request for a 30-day extension of the 90-day accumulation time for hazardous waste with a treatment standard of combustion per 40 CFR 268.40 on October 26, 2022. The request for extension is stated to have been due to an existing, temporary, incinerator backlog.

IDEM approved the 30-day accumulation storage extension for the following:

- December 8, 2022, for six (6) 5-gallon containers of Benox L-40V
- January 12, 2023, for one (1) 5-gallon container of epoxy/amine/isocyanate titration waste
- January 19, 2023, for one (1) 5-gallon container of Benox L-40V

SGL submitted on December 7, 2022, a Self-Disclosure and Environmental Audit Form. An additional Self-Disclosure and Environmental Audit Form was submitted on January 13, 2023. Both were regarding hazardous waste accumulation storage beyond the allowed storage.

As a result, the AO indicates that the following violations were identified:

- A large quantity generator accumulates hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension.
- A large quantity generator who accumulates hazardous waste for more than 90 days is subject to the requirements of 40 CFR parts 124, 264 through 268, and part 270 and certain notification requirements unless an extension is granted by EPA
- Hazardous waste was accumulated for more than 90 days and more than the approved 30-day accumulation extension

The AO provides SGL a 60-day extension for the accumulation of the hazardous waste destined for incinerator due to the backlog at the permitted incinerators. Provisions are further provided for potential additional extensions.

As a condition of the extension, until acceptance at an approved incinerator with available capacity, SGL is required to:

1. Ensure the hazardous waste containers are in good condition, compatible with the waste, and stored closed
2. Ensure emergency response equipment, including an internal communication or alarm system, a telephone or hand-held two-way radio, fire control equipment, spill control equipment, decontamination equipment, and water at adequate volume and pressure are in the designated storage area(s)
3. Conduct and document daily inspections of the greater than 90/180/270-day designated storage area(s)

SGL is required to submit to IDEM documentation of its attempt to provide a map of the facility showing location of the designated storage areas with a narrative emphasizing increased storage amounts to local emergency responders. In addition, SGL is required to submit to IDEM all hazardous waste manifests that include the signature of the designated treatment, storage, and/or disposal facility. Status reports are required to be submitted for the accumulated hazardous waste destined for incineration, including certain specific identified information.

Stipulated penalties are provided for noncompliance with the AO.

A copy of the AO can be downloaded [here](#).