

RCRA Inspection Report

1) Inspector and Author of Report

Laurie Benton DiGaetano, Environmental Engineer
RCRA Enforcement Section
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W. Phone: (404) 562-8948
Atlanta, Georgia 30303 Email: benton-digaetano.laurie@epa.gov

2) Facility Information

Owens-Brockway Glass Container, Inc.
9648 Old US 52 Highway
Lexington, North Carolina 27295 EPA ID# NCD061792362

3) Responsible Officials

Greg Dellinger, Environmental Health and Safety Manager

4) Inspection Participants

Greg Dellinger, Owens-Brockway	Rose Pruitt, NCDEQ
Dennis Benjamin, Owens-Brockway	Laurie Benton DiGaetano, U.S. EPA
Dave Currin, Owens-Brockway	

5) Date of Inspection

April 22, 2021

6) Applicable Regulations

Resource Conservation and Recovery Act (RCRA) Sections 3002 (42 U.S. Code – Annotated U.S.C.A. 6925 and 6927), Title 15A of the North Carolina Administrative Code (NCAC), Chapter 13; and 40 Code of Federal Regulation (C.F.R.), Parts 260 - 270, 273, 278, & 279.

Pursuant to 15A NCAC 13A .0102(b) [40 C.F.R. § 260.10], a large quantity generator of hazardous waste (LQG) is a generator who generates greater than or equal to 1,000 kilograms (2,200 pounds) of non-acute hazardous waste in a calendar month.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.15(a)], a generator may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status, as required by 130A-294(c) and (g) of the NCSWML, N.C.G.S. § 130A-294(c) and (g) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with 15A NCAC 13A .0107(a) [40 C.F.R. § 262.16(b) or § 262.17(a)], except as required in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.15(a)(7) and (8)],

provided that the generator complies with the satellite accumulation area conditions listed in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.15(a)] (hereinafter referred to as the “SAA Permit Exemption”).

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17], an LQG may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by 130A-294(c) and (g) of the NCSWML, N.C.G.S. § 130A-294(c) and (g) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17] (hereinafter referred to as the “LQG Permit Exemption”).

Pursuant to 15A NCAC 13A .0119(b) [40 C.F.R. § 273.9], a small quantity handler of universal waste (SQHUW) is a universal waste handler who does not accumulate 5,000 kilograms or more of universal waste (batteries, pesticides, mercury-containing equipment, lamps, or aerosol cans, calculated collectively) at any time.

7) **Purpose of Inspection**

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection to determine Owens-Brockway Glass Container, Inc.’s compliance with the applicable requirements of RCRA and the corresponding NCDEQ regulations. This was an EPA lead inspection.

8) **Previous Inspection History**

NCDEQ has conducted four RCRA CEIs at the subject facility over the past twenty years and found no violations during those inspections. NCDEQ’s most recent RCRA CEI was conducted on 03/07/2017.

9) **Facility Description**

Owens-Illinois is a Fortune 500 company that specializes in the manufacturing of container glass products. The company is headquartered in Perrysburg, Ohio and has operations in twenty countries in the Americas, Europe, and Asia. The subject Owens-Brockway Glass Container, Inc. (Owens-Brockway) facility is one of eighteen Owens-Illinois glass manufacturing facilities in the United States. The facility includes one 240,000 square foot primary manufacturing plant operating under the NAICS# 327213 for Glass Container Manufacturing on a 47-acre tract in Lexington, North Carolina. Owens-Brockway manufactures between 3 and 3.5-million glass bottles per day at this location, and the bottles are one of three colors: clear, amber, or green.

Glass manufacturing at Owens-Brockway is a continuous process that runs twenty-four hours per day, seven days per week. The main ingredient in this process is recycled glass, called “cullet,” which is mixed with silica sand, soda ash and limestone to make up the batch mixture. The batch mixture is heated to about 2,800° Fahrenheit in one of three ovens at the subject facility. Owens-Brockway operates one 450-ton oven and two 300-ton ovens at this location. Each furnace is heated by gas and electricity to create molten glass, which flows out of the oven into a covered

holding basin called the refiner. Air bubbles escape from the molten glass as it cools to about 2,300° Fahrenheit in the refiner.

Next, the molten glass flows into the forehearth, where it reaches a uniform temperature before entering the feeder system. Streams of molten glass flow through the feeder system, where each stream is sheared into a “gob” that is fed into a track leading to the forming machine. Each gob becomes a glass container by first dropping onto a forming mold to form the basic shape of an inverted bottle. This basic bottle is then immediately flipped to the upright position and placed into a final container mold. Compressed air is forced into the final container mold to expand the gob into the final shape of the glass container.

As they continue down the production line, the outside of the glass containers cools faster than the inside. As a result, the containers are reheated in an annealing process in order to release stress and strengthen the glass. The annealing process is performed by heating the glass containers to about 1,050° Fahrenheit and then gradually cooling them to about 300° Fahrenheit. Next, the glass containers receive a final coating on the outside of the container and an ink stamp on the bottom of the container in the cold end coater before they are packaged for shipping.

Each glass container is put through a series of inspections as it proceeds through the production line. If a glass container doesn’t pass inspection, it is removed from the production line and sent back to the raw material handling area where it becomes cullet to be reused in the batch mixture. Containers that pass inspection are prepared for transportation to food and beverage manufacturers, which fill them and then distribute to grocery stores, restaurants, hotels, and other retail locations.

Owens-Brockway applies an ink stamp to the bottom of each glass container using a video jet unit, and cleans this unit using Methyl Ethyl Ketone (MEK) solvent. As a result, the facility routinely generates hazardous waste solvents and hazardous waste solids contaminated with solvents. The facility manages two satellite accumulation areas (SAAs) in the Robot Maintenance Area for accumulating these wastes. Spent solvents are accumulated as F003 / F005 / D007 / D008 hazardous waste paint related material in one SAA, and contaminated rags are accumulated as F005 / D001 / D007 hazardous waste solids containing flammable liquids in the other SAA. Personnel estimated that the facility generates 30-gallons of spent solvents and 55-gallons of contaminated rags every two years.

In addition to the spent solvents, Owens-Brockway also routinely generates spent aerosol spray cans, which are accumulated in the maintenance Oil Containment Room and then taken to the Mold Repair Area to be punctured. Personnel stated that they do not believe they have ever filled the container of spent aerosols, which are accumulated from puncturing aerosol cans on-site, or shipped this waste off-site.

Because most machines in the production process run at temperatures that are just under 1,000° Fahrenheit, dopes, lubricants, and water are continuously dripped onto the equipment to keep from overheating. The excess cooling liquids drain from the equipment to the basement floor, where they are sent through an oil water separator. Water recovered in the oil water separator is reused on-site for equipment cooling. Oils are sent to a 5,000-tank before they are shipped offsite.

as oily water.

As dopes, lubricants, and water are dripped over equipment to cool it, the materials form a layer of oil and debris on the equipment. As a result, pieces of equipment such as machine arms and receivers are routinely removed from the process line and taken to the mold shop area for cleaning. This equipment is placed into one of two corrosive baths of sodium hydroxide to remove debris, dopes, and lubricants. One bath holds approximately 200-gallons of corrosive liquid, and the other holds approximately 250-gallons. The dip tanks are emptied and replenished with fresh corrosive liquid approximately once every six-to-twelve months. Material that is removed from the dip tanks is shipped offsite as D002 hazardous waste corrosive liquid, basic, inorganic (sodium hydroxide), and may, according to the Hazardous Waste Contingency Plan, contain elevated levels of chromium causing it to exhibit the D007 hazardous waste characteristic.

Finally, the facility generates D004 / D006 / D007 / D008 hazardous waste checker dust and refractory debris each time one of the ovens is cleaned, repaired, or replaced. According to information found in the Hazardous Waste Contingency Plan, the facility could generate as much as 50,000 kilograms of this hazardous waste during any month in which an oven maintenance event occurs. Each oven requires a clean-out event approximately once every three-to-six years. During a clean-out event, dust and debris is removed from that oven's regenerator and sent off-site as hazardous waste checker dust and refractory debris. Each oven also requires a complete replacement event approximately once every fifteen years. During a replacement event, the entire oven is completely removed and rebuilt, brick-by-brick. Spent oven bricks are shipped off-site as hazardous waste checker dust and refractory debris.

The Hazardous Waste Contingency Plan and available waste profile records also describe additional hazardous wastes that may be generated on-site. The contingency plan describes hazardous waste bottom refractories and furnace crown dust, which might each be generated in conjunction with oven repairs. Bottom refractories are described as D008 hazardous waste, and furnace crown dust is described as having the potential to be D010 hazardous waste. Waste profile records indicate that D001 / D018 hazardous waste diesel fuel may be generated at the facility when it is removed from equipment on-site.

Owens-Brockway has been operating as an LQG of hazardous waste at this location since 2015. The company most recently notified as an LQG of hazardous waste as part of the biennial report on 02/04/2020. Hazardous wastes identified in the report include: D002 waste corrosive liquid, basic inorganic (sodium hydroxide), and D004 / D006 / D008 hazardous waste solid (checker dust and refractory debris). Although the facility normally generates less than 1,000 kilograms of total hazardous waste per month, it appears that they routinely generate greater than 1,000 kilograms once or twice each calendar year.

10) Opening Conference

On April 22, 2021, EPA inspector Laurie Benton DiGaetano, accompanied by NCDEQ inspector Rose Pruitt, arrived at Owens-Brockway Glass Container, Inc. at approximately 10:05 a.m. Mr. Greg Dellinger, Environmental Health and Safety Manager, immediately received the inspectors.

Mr. Dellinger and the inspectors were joined by Dennis Benjamin, Plant Engineer, and Dave Currin, Maintenance Manager, during the opening conference. The inspectors introduced themselves, showed their credentials to Mr. Dellinger, and explained the purpose of the visit.

Mr. Dellinger provided an overview of the facility's history and current operations during the opening conference. The company does not appear to meet the Small Business Regulatory Enforcement Fairness Act's classification of a "small business," which is generally set by the Small Business Administration using the business' SIC/NAICS code and annual receipts or number of employees. Therefore, the EPA inspector did not provide a copy of the agency's information sheet for small businesses, which can be found at <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>.

The inspectors described the anticipated use of a digital camera during the inspection. The inspectors discussed the company's ability, pursuant to 40 C.F.R. §2.203, to assert a business confidentiality claim for information submitted to EPA. The company did not assert a business confidentiality claim. Mr. Dellinger provided the inspectors with a health and safety orientation before leading the inspectors on a tour of the Facility operations.

11) **Findings**

Waste Profiles: Waste profile records indicate that Owens-Brockway manages diesel fuel that is removed from equipment on-site and not reused as D001 / D018 hazardous waste diesel fuel. It appears that this waste is not routinely generated at the facility, because the inspectors did not observe any containers storing this material on-site and the hazardous waste manifest records indicate that it has been not been shipped off-site over the past three years.

The waste profile records indicate that Owens-Brockway manages processable aerosol cans as D001 hazardous waste flammable aerosols, and the information contained in the e-manifest system indicates that Owens-Brockway shipped one drum of waste aerosols to GRR Sumter (SCD036275626) as D001 hazardous waste on 01/06/2021. The inspectors observed one 55-gallon drum, which was equipped with an aerosol can puncture device, in a SAA near the Dip Tank Room (Photo 1). Owens-Brockway did not provide a hazardous waste profile for the material generated from puncturing aerosol cans, and facility personnel indicated that they have never filled this drum or sent this material off-site for disposal. The drum was labeled "aerosol can waste," but it was not labeled as hazardous waste or marked with an indication of the hazards of its contents. The small bung on the top of the drum appeared to be open and connected to a vent hose. However, the inspectors observed holes in the deteriorated hose, which caused the drum to be open to the atmosphere.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers with the words “Hazardous Waste” and with an indication of the hazards of the contents.

A.R. Stripper waste is generated from the clean out of baths containing sodium hydroxide used to clean parts in the Dip Tank Area. The waste profile indicates that the waste is managed as D002 hazardous waste corrosive liquid, basic, inorganic (sodium hydroxide). However, the Hazardous Waste Contingency Plan indicates that this material may also contain elevated levels of chromium causing it to exhibit the D007 hazardous waste characteristic. Therefore, it appears that each batch of used sodium hydroxide should be managed as D002 / D007 hazardous waste or be sampled and analyzed to determine if it exhibits the D007 hazardous waste characteristic.

Owens-Brockway routinely generates hazardous waste solvents and hazardous waste solids contaminated with solvents from cleaning the video jet unit. Waste profile records, which are over ten years old, indicate that the spent solvents are managed as F003 / F005 / D007 / D008 hazardous waste paint related material, and contaminated rags are managed as F005 / D001 / D007 hazardous waste solids containing flammable liquids. Because these waste streams are generated through the same cleaning process, it is unclear why they have not been identified with the same hazardous waste codes. Furthermore, the inspectors and facility personnel questioned how chromium (D007) and lead (D008) entered these waste streams.

It appears that the records of hazardous waste determinations made for material generated from processing aerosol cans, from clean out of sodium hydroxide baths, and from cleaning the video jet unit are missing or potentially inaccurate.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in 15A NCAC 13A .0106 [40 C.F.R. § 261.2], must use the steps articulated in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11] to make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.

Dip Tank Room: The facility tour began at the Dip Tank Room, where the inspectors observed two corrosive baths of sodium hydroxide used to remove debris, dopes, and lubricants from process equipment. According to Mr. Dellinger, one bath holds approximately 200-gallons of corrosive liquid, and the other holds approximately 250-gallons. The dip tanks are emptied and replenished with fresh corrosive liquid approximately once every six-to-twelve months. Material that is removed from the dip tanks is shipped offsite as D002 hazardous waste corrosive liquid, basic, inorganic (sodium hydroxide).

The inspectors also observed a sand blast unit in this area. Mr. Dellinger explained that the sand blast media is continuously reused in this unit until it becomes a dust which is removed through the air handling system and accumulated in a 55-gallon drum located outside of the building.

Robot Maintenance Area: Owens-Brockway manages two SAAs in the Robot Maintenance Area for managing hazardous waste spent solvents and solvent contaminated rags that are generated

by cleaning the video jet unit. The inspectors observed one 30-gallon drum in the first SAA (Photo 2). The drum, which was located inside a flammable cabinet, was labeled F003 / F005 / D007 / D008 hazardous waste paint related material and identified as UN1263. The drum was not marked to indicate the hazards of its contents. The inspectors observed one 55-gallon drum in the second SAA (Photo 3). The drum, which was located just inside the entrance to the caged Robot Maintenance Area, was labeled F005 / D001 / D007 hazardous waste solids containing flammable liquids and identified with a flammable solid DOT hazard placard. Although the waste stream was identified with a D007 hazardous waste code for elevated levels of chromium, the drum was not marked to indicate that the contents are toxic.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.15(a)(5)(ii)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers with an indication of the hazards of the contents.

Warehouse 2 - Universal Waste Storage: Owens-Brockway manages universal waste in a designated area within Warehouse 2. The inspectors observed four boxes of universal waste lamps in this area during the inspection (Photo 4). One box of four-foot lamps was observed inside a 55-gallon fiber drum (Photo 5). The drum was labeled universal waste lamps, but the box inside was not labeled. Neither the drum nor the box was closed. Another box of four-foot lamps was observed near the 55-gallon drum. This box was closed, labeled universal waste lamps, and marked with an accumulation start date of 09/08/2020. Two boxes of eight-foot lamps were also observed in this area. One box was labeled universal waste lamps and marked with an accumulation start date of 09/08/2020. The other box was not labeled or marked with an accumulation start date. Neither box was closed.

Pursuant to 15A NCAC 13A .0119(b) [40 C.F.R. § 273.13(d)], a SQHUW must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

Pursuant to 15A NCAC 13A .0119(b) [40 C.F.R. § 273.14(e)], a SQHUW must identify the type of universal waste by labeling or marking each lamp or container of lamps clearly with one of the following phrases: “Universal Waste – Lamp(s), or “Waste Lamp(s),” or “Used Lamp(s).”

The inspectors also observed five 10-gallon buckets on a wooden pallet in this area. The first bucket was labeled universal waste acid batteries, the second was labeled universal waste lithium batteries, the third was labeled universal waste batteries, the fourth was labeled alkaline batteries, and the fifth, which contained universal waste batteries, was labeled absorbent / debris. The inspectors also observed a single lead-acid battery in this area, which was not labeled as a universal waste battery.

Pursuant to 15A NCAC 13A .0119(b) [40 C.F.R. § 273.14(a)], a SQHUW must identify the type of universal waste by labeling or marking each battery or container of batteries clearly with one of the following phrases: “Universal Waste –

Battery(ies), or “Waste Battery(ies),” or “Used Battery(ies).”

Maintenance Oil Containment Room: Owens-Brockway manages one SAA in the Maintenance Oil Containment Room for managing used aerosol cans generated throughout the facility. The inspectors observed one 30-gallon drum in this SAA (Photo 6). The drum was labeled D001 hazardous waste aerosols (flammable) and identified as UN1950.

Weekly Inspections: Although Owens-Brockway does not typically manage a hazardous waste central accumulation area (CAA) at the facility, the company performs weekly inspections of the parts washers, universal waste storage area and SAAs. The inspection log includes a checklist to record observations about the condition of containers, compatibility of containers, closed containers, hazardous waste labels, volume of waste less than 55-gallons, dates on containers where greater than 55-gallons, and emergency equipment (fire extinguishers, spill kit).

Please note that when oven maintenance activities generate large volumes of hazardous waste, this waste should be managed in a CAA while it remains on-site before shipment.

Contingency Plan: The actions that facility personnel should take in response to an emergency are described in the facility’s Hazardous Waste Contingency Plan, which was last updated on June 22, 2018. The plan does not describe actions facility personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility. The plan indicates that arrangements have been made with the local fire department and with Shamrock Environmental Corp., but it does not describe arrangements agreed to with the local police department, other emergency response teams, equipment suppliers, local hospitals or the Local Emergency Planning Committee. The plan lists the names and emergency telephone numbers for persons identified as emergency coordinators. However, the primary emergency coordinator listed in the “Emergency Coordinators” section found on page 4 of the plan is not the same individual listed on the front page. The plan includes a list of all emergency equipment at the facility. The list includes absorbent materials, PPE, polyethylene sheet, portable pump, shovels and brooms, two-way radios, front-end loaders, and repair putty. The list does not include fire extinguishing systems or portable air horns used for signaling evacuation. The plan includes the general location of each item on the list and a brief outline of its capabilities, but it does not include a physical description of each item. The plan includes an evacuation plan for personnel. This evacuation plan indicates that portable air horns will be used to signal evacuation. The evacuation map includes emergency exits, but it does not include detailed evacuation routes.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(6)], which incorporates 15A NCAC 13A .0107(i) [40 C.F.R. § 262.261], and is a condition of the LQG Permit Exemption, the contingency plan must describe the actions facility personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility; it must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals, or, if applicable, the Local Emergency Planning Committee; it must list names and emergency telephone

numbers of all persons qualified to act as emergency coordinator, and this list must be kept up to date; and it must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required; and it must include an evacuation plan for personnel where there is a possibility that evacuation could be necessary. In addition, the list of emergency equipment must include the location and a physical description of each item on the list, and a brief outline of its capabilities; and the evacuation plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(6)], which incorporates 15A NCAC 13A .0107(i) [40 C.F.R. § 262.256], and is a condition of the LQG Permit Exemption, the generator must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals and shall maintain records documenting the arrangements.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(6)], which incorporates 15A NCAC 13A .0107(i) [40 C.F.R. § 262.263(d)], and is a condition of the LQG Permit Exemption, the contingency plan must be reviewed, and immediately amended whenever the list of emergency coordinators changes.

Although the plan indicates that a copy was provided to Davidson County Emergency Management, Midway Fire Department, Forsyth Medical Center, and Shamrock Environmental Corp., no records were provided to document transmittal of the plan to these response entities.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(6)], which incorporates 15A NCAC 13A .0107(i) [40 C.F.R. § 262.262(a)], and is a condition of the LQG Permit Exemption, the generator must submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services). This document may also be submitted to the Local Emergency Planning Committee, as appropriate.

Please note that 15A NCAC 13A .0107(i) [40 C.F.R. § 262.262(b)] requires an LQG that is amending its contingency plan to submit a quick reference guide of the contingency plan to the local emergency responders. The required contents of the contingency plan are specified in 15A NCAC 13A .0107(i) [40 C.F.R. § 262.261], and the required contents of the quick reference guide are specified in 15A NCAC 13A .0107(i) [40 C.F.R. § 262.262(b)].

Training Records: No facility job descriptions or employee names were provided for positions at the facility related to hazardous waste management. Owens-Brockway did not provide a written description of the type and amount of both introductory and continuing training to be given to each person filling positions related to hazardous waste management, but did provide one record to show that Hazardous Waste Management Training was provided to personnel on March 13,

2019. No records of employee hazardous waste training were provided for 2018, 2020 or 2021.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(7)(i)(A)], which is a condition of the LQG Permit Exemption, facility personnel must successfully complete a program of classroom instruction, online training, or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(7)(iii)], which is a condition of the LQG Permit Exemption, facility personnel must take part in an annual review of the initial program of classroom instruction, online training, or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(7)(iv)], which is a condition of the LQG Permit Exemption, the LQG must maintain the following documents and records at the facility: the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; a written job description for each position at the facility related to hazardous waste management; a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position at the facility related to hazardous waste management; and records that document that the training or job experience, required in this section, has been given to, and completed by, facility personnel.

Waste Manifest Records: It appears that hazardous waste manifest recordkeeping duties are shared by multiple employees at the Owens-Brockway facility, and not all manifest records were readily available for review.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.40(a)], a generator must keep a copy of each manifest signed in accordance with 15A NCAC 13A .0107(a) [40 C.F.R. § 262.23(a)] for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

12) Closing Conference

The inspectors conducted the exit meeting at approximately 3:00 p.m. with Mr. Dellinger and Mr. Steve Jenkins, Plant Manager. During this meeting, the inspectors stated their preliminary conclusions of the inspection. Because Owens-Brockway normally generates less than 1,000 kilograms of total hazardous waste per month, the inspectors discussed the possibility that Owens-Brockway may be able to meet the conditions found in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.232] for a generator managing hazardous waste from an episodic event. However, the available manifest records in the e-manifest system indicate that Owens-Brockway would not have been able to meet the conditions for episodic generation in calendar year 2018 or 2020.

During 2018, greater than 60 days passed between the start of the potentially episodic event until the date that the last shipment of hazardous waste was sent off-site. During 2020, Owens-Brockway generated greater than 1,000-kg of hazardous waste during two distinct timeframes: in January-February and again in May.

13) **Inspection Findings**

Based on the observations made during the inspection, Owens-Brockway was apparently deficient with the following RCRA requirements:

- Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in 15A NCAC 13A .0106 [40 C.F.R. § 261.2], must use the steps articulated in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11] to make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.
- Pursuant Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.
- Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers with the words “Hazardous Waste” and with an indication of the hazards of the contents.
- Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(6)], which incorporates 15A NCAC 13A .0107(i) [40 C.F.R. § 262.256], and is a condition of the LQG Permit Exemption, the generator must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals and shall maintain records documenting the arrangements.
- Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(6)], which incorporates 15A NCAC 13A .0107(i) [40 C.F.R. § 262.261], and is a condition of the LQG Permit Exemption, the contingency plan must describe the actions facility personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility; it must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals, or, if applicable, the Local Emergency Planning Committee; it must list names and emergency telephone numbers of all persons qualified to act as emergency coordinator, and this list must be kept up to date; and it must include a list of all emergency equipment at the

facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required; and it must include an evacuation plan for personnel where there is a possibility that evacuation could be necessary. In addition, the list of emergency equipment must include the location and a physical description of each item on the list, and a brief outline of its capabilities; and the evacuation plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

- Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(6)], which incorporates 15A NCAC 13A .0107(i) [40 C.F.R. § 262.262(a)], and is a condition of the LQG Permit Exemption, the generator must submit a copy of the contingency plan and all revisions to all local emergency responders (i.e., police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services). This document may also be submitted to the Local Emergency Planning Committee, as appropriate.
- Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(6)], which incorporates 15A NCAC 13A .0107(i) [40 C.F.R. § 262.263(d)], and is a condition of the LQG Permit Exemption, the contingency plan must be reviewed, and immediately amended whenever the list of emergency coordinators changes.
- Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(7)(i)(A)], which is a condition of the LQG Permit Exemption, facility personnel must successfully complete a program of classroom instruction, online training, or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part.
- Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(7)(iii)], which is a condition of the LQG Permit Exemption, facility personnel must take part in an annual review of the initial program of classroom instruction, online training, or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part.
- Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(7)(iv)], which is a condition of the LQG Permit Exemption, the LQG must maintain the following documents and records at the facility: the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; a written job description for each position at the facility related to hazardous waste management; a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position at the facility related to hazardous waste management; and records that document that the training or job experience, required in this section, has been given to, and completed by, facility personnel.
- Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.40(a)], a generator must keep

a copy of each manifest signed in accordance with 15A NCAC 13A .0107(a) [40 C.F.R. § 262.23(a)] for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

- Pursuant to 15A NCAC 13A .0119(b) [40 C.F.R. § 273.13(d)], a SQHUW must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.
- Pursuant to 15A NCAC 13A .0119(b) [40 C.F.R. § 273.14(a)], a SQHUW must identify the type of universal waste by labeling or marking each battery or container of batteries clearly with one of the following phrases: “Universal Waste – Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies).”
- Pursuant to 15A NCAC 13A .0119(b) [40 C.F.R. § 273.14(e)], a SQHUW must identify the type of universal waste by labeling or marking each lamp or container of lamps clearly with one of the following phrases: “Universal Waste – Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s).”

14) **List of Appendices**

Appendix 1 – Photo Log:

6 Photos taken on: April 22, 2021

Photos taken by: Laurie Benton DiGaetano

Photos taken with: Panasonic DMC TS-5 Digital Camera

EPA Property Tag: S09533

15) **Signed**

LAURIE
DIGAETANO

Digitally signed by LAURIE
DIGAETANO
Date: 2021.06.03 11:28:31 -04'00'

Laurie Benton DiGaetano
Senior Enforcement and Compliance Specialist

Date

Concurrence

ARACELI CHAVEZ

Digitally signed by ARACELI
CHAVEZ
Date: 2021.06.03 10:32:20
-04'00'

Araceli B. Chavez
Chief
RCRA Enforcement Section

Date