REGION 3
PHILADELPHIA, PA 19103

February 9, 2024

<u>Via Electronic Mail</u>

Doug Humphrey, President
Universal Sandblasting & Painting, LLC
260 Mindora Avenue
Lanark, West Virginia 25860
Universalspsales@outlook.com

Re: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and Management of Hazardous Waste Universal Sandblasting & Painting, LLC
EPA ID No. WVR000508549
Reference Number: C24-003

Dear Mr. Humphrey:

The U.S. Environmental Protection Agency, Region 3 ("EPA") is requesting to supplement the information obtained during its inspection of the Universal Sandblasting & Painting, LLC facility ("USP" or "the Facility") located in Lanark, West Virginia on September 26, 2023. A copy of the inspection report narrative and Photographic Log was sent via e-mail to the Facility on November 28, 2023 (copy enclosed). EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "any person who generates, stores, treats, transports, disposes of, or otherwise handles or has handled hazardous wastes shall, upon request of any officer, employee or representative of the Environmental Protection Agency, duly designated by the Administrator, . . . furnish information relating to such wastes . . . ." EPA hereby requires that you furnish to EPA, **within thirty (30) calendar days of receipt of this letter**, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each information request. Precede each answer with the number of the question or letter of the subpart of the request to which it corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. All copies of documents submitted to EPA in response to the following requests must be complete and legible.

As used herein, the term “document” means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 et seq., 40 C.F.R. Parts 260-266, 268, and 273 (1998 ed.) shall have the meanings set forth therein.

Please provide the information requested below:

<u>Information Request</u>

1. Please provide the following information with regards to Universal Sandblasting and Painting LLC (USP):

    a. History of facility ownership and operation, including but not limited to corporate owners, established date and start of facility operations;

    b. The month and year you took ownership of USP;

    c. The total acreage of property and the square footage under roof;

d. The number of employees;

e. The number and hours of shifts/days operating;

f. Please provide a description of all processes that occur at this site;

g. The types of wastes that are generated from each of the processes as provided in your response to Question 1.f;

h. How each of those wastes in Question 1.g are managed on site;

i. Please provide the full name of each person who is or was responsible for the management of each of the waste streams from January 1, 2018 up to the present.

j. Please provide names of any other "sister facilities" in the U.S; and

k. Please provide a site plan of the USP facility.

2. During the September 26, 2023 EPA inspection, the inspector observed pre-filters in the Paint Building (refer to photographs IMG_0027, IMG_0029, and IMG_0041). Please answer the following:

    a. How often are the pre-filters replaced?

    b. On what date were the pre-filters last replaced?

    c. When the pre-filters are discarded, please state whether or not a "waste determination" and "LDR determination" are made.

    d. If a "waste determination" was made, state whether the waste determination was based on analytic results or on the generator's knowledge of the process that generated the waste. If the determination was based on analytical results, <u>provide any and all documentation of such results</u>. If the determination was based upon the generator's knowledge, provide a narrative explanation of the scientific basis for each such determination, and provide any supporting documentation.

    e. Were the discarded pre-filters determined to be a "hazardous waste?" If so, please state the specific EPA Hazardous Waste Code(s) associated with each waste stream that was determined to be hazardous waste.

    f. Please submit any Standard Operating Procedures (SOPs) that were in effect from January 1, 2018 to the present which documents how pre-filters are managed from the time each is removed until the time it is shipped off-site.

3. With respect to the shotblast generated by the Facility's blasting operation both inside and outside the Blast Room (Photos IMG_0006 and IMG_0007), please answer the following:

    a. Please provide a detailed narrative describing any and all systems, agreements, and/or procedures (e.g., Standard Operating Procedure) the Facility has or had in place that show how the Facility manages the shotblast from the time it is generated until it is shipped off-site. Please submit any and all supporting documentation (e.g., SOPs, Tolling Agreements).

    b. Does the Facility sample and analyze the shotblast? If so, please provide a detailed narrative that describes the Facility sampling process and analytical methods used. Submit any and all laboratory analysis.

    c. Please state whether or not a "waste determination" and "LDR determination" have been made for such material.

    d. If a "waste determination" was made for such [material], state whether the waste determination was based on analytic results or on the generator's knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator's knowledge, provide a narrative explanation of the scientific basis for such determination, and provide any supporting documentation.

    e. Was the shotblast determined to be "hazardous waste?" If so, please state the specific EPA Hazardous Waste Code(s) associated with such hazardous waste.

    f. For the time period of January 1, 2018 up to the present, please (1) state the method of disposal for such shotblast, and (2) submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that have accompanied the off-site shipment of such waste.

4. Submit copies of all hazardous waste manifests retained by the Facility for the off-site shipments of hazardous waste that occurred in calendar years 2020, 2021, 2022, and 2023.

5. Submit copies of any Land Disposal Restriction Notification ("LDR") forms for the off-site shipments of hazardous waste sent to each treatment, storage, and disposal facility ("TSDF"). Indicate if the Facility found each of the LDRs in onsite files after

the inspection, or if the LDRs were retrieved from the TSDF or other off-site provider. If the LDR copies were retrieved from the TSDF facility or other off-site provider, please indicate the exact date it was received.

6. During the September 26, 2023 EPA inspection, the EPA inspector observed many open containers throughout the Paint Building. Please refer to photographs IMG_0012, IMG_0015, IMG_0016, IMG_0019, IMG_0021, and IMG_0022, of the inspection report. With respect to the content of the container referenced above, please answer the following:

    a. Provide the date(s) on which the content(s) of each container in the photos was first generated and placed into the containers and state the basis of your knowledge. If an exact date cannot be determined, please state an estimation of the generation month and year.

    b. State the amount (weight and volume) of material in each container in the photos at the time of the EPA inspection.

    c. Indicate how long (i.e., days, weeks, months) it took to fill each container in the photos. If an exact amount of time cannot be determined, please state an estimate of how long it takes to fill the container and explain the basis for such estimate.

    d. State the exact date on which material in each container in the photos became full. If an exact date cannot be determined, please state an estimate of the approximate month and year.

    e. State the volume (gallons or m3) of material in each container in the photos.

    f. State whether or not a "waste determination" and "LDR determination" were made for the content(s) in each container in the photos.

    g. If a "waste determination" was made for the content(s) of each container in the photos, state whether the waste determination was based on analytic results or on the generator's knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator's knowledge, provide a narrative explanation of the scientific basis for each such determination, and provide any supporting documentation.

    h. Was the content(s) in each container in the photos determined to be "hazardous waste?" If so, please state the specific EPA Hazardous Waste Code(s) associated with the content(s) of the container that was determined to be hazardous waste.

i. If the content(s) of each container was shipped off-site, submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied the off-site shipment of such waste.

j. If the content(s) of each container still remain on-site, please state where such content is currently located within the Facility and how such content(s) is currently being managed.

7. During the September 26, 2023 EPA Inspection, the Facility did not provide a copy of its 2019 and 2021 Biennial Hazardous Waste Report. Please indicate by stating “yes” or “no”: (1) Did the Facility submit a Biennial Hazardous Waste Report for the 2019 and 2021 calendar years?

   a. If you answered “yes”, please provide a copy of such submissions as an attachment to your response.

   b. If you answered “no”, please explain, in detail, why the Facility did not timely submit a Biennial Hazardous Waste Report for the 2019 and/or 2021 calendar years.

8. During the September 26, 2023 EPA Inspection, the EPA inspector observed an aerosol can product in the regular trash located in the Facility’s Mechanical Shop. Please refer to photograph IMG_0064 of the Photographic Log included with the inspection report. With respect to the Facility’s aerosol can use and management, please answer the following:

   a. Please provide a detailed description of the process or processes which utilize aerosol can products at the Facility.

   b. Submit the SDSs and/or MSDSs for each of the aerosol can products used by the Facility.

   c. Does the Facility maintain a designated accumulation receptacle for used aerosol cans that are generated throughout the Facility? If so, please (i) state when this designated receptacle for used aerosol cans was first put into service, (ii) submit photographs of such receptacle, and (iii) clearly identify the location of such receptacle at the Facility via a site map.

   d. Please state whether a “waste determination” and “LDR determination” have been made for each used aerosol can generated throughout the Facility.

e. If a “waste determination” and “LDR determination” have been made for the Facility’s used aerosol can waste stream, state when such determinations were made.

f. Were any of the Facility’s used aerosol cans determined to be “hazardous waste?” If so, please state the specific EPA Hazardous Waste Code(s) associated with each such hazardous waste.

g. If a hazardous waste determination was made, state whether the hazardous waste determination was based on analytic results or on the generator’s knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator’s knowledge, provide a narrative explanation of the scientific basis for such determination, and provide any supporting documentation.

h. Please provide a detailed narrative explaining how the Facility manages its used aerosol can waste stream from the time it is generated until it is shipped off-site.

i. If the Facility’s used aerosol can waste stream has been disposed of in the regular trash, please provide the name, address, and phone number of the municipal landfill that has been receiving the Facility’s used aerosol can waste stream. In addition, please submit copies of all bills of lading, manifests (including hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied the off-site shipment of the used aerosol cans from January 1, 2018 to the present.

j. If the Facility’s used aerosol can waste stream has been shipped off-site to a RCRA permitted treatment, storage and/or disposal (TSD) facility, provide copies of all bills of lading, manifests (including hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied the off-site shipment of the used aerosol cans from January 1, 2018 to the present.

k. If the Facility’s used aerosol can waste stream has been shipped off-site to any other entity for recycling, provide copies of all bills of lading, manifests (including hazardous waste manifests), shipping invoices, and LDR notices and certifications that accompanied the off-site shipment of the used aerosol cans from January 1, 2018 to the present.

9. During the September 26, 2023 EPA Inspection, the Facility did not provide a copy of its contingency plan that describes the actions Facility personnel must take in

response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste. Please provide the following information:

a. Please state "yes" or "no": Did the Facility have a documented contingency plan in effect at the time of the September 26, 2023 EPA inspection?

b. If "yes", please submit a copy of the contingency plan that was in effect at the time of the September 26, 2023 EPA inspection, and state the date that it was completed and in effect.

c. If "no", please submit a copy of the contingency plan currently in effect at the Facility and indicate the date it was completed and in effect.

10. During the September 26, 2023 EPA Inspection, the EPA inspector observed containers labeled as hazardous waste stored in the Storage Building, photographs IMG_0045 to IMG_0063 and a small room located in the Back Paint Room, photographs IMG_0023 to IMG_0026. With respect to each of these areas, please answer the following:

    a. Does the Facility inspect containers being stored in the HWAAs for leaking containers and deterioration of the containers caused by corrosion or other factors?

    b. If you answered "yes" to Question 10.a., above, please state how often the inspections are conducted.

    c. If you answered "yes" to Question 10.a., above, provide the first and last name of each person at the Facility who is or was responsible for conducting the inspections of the Facility's HWAAs for the time period of January 1, 2018 up to the present.

    d. Submit any and all inspection logs maintained by the Facility for the HWAAs for the time period of January 1, 2018 up to the present.

11. With respect to the Facility's used lamp waste stream, please answer the following:

    a. Provide the name of the manufacturer and the model number of each electric lamp utilized by the Facility for the time period of January 1, 2018 up to the present. Electric lamps include, but are not limited to, fluorescent, high pressure sodium, halogen and mercury-vapor.

    b. Please provide a detailed narrative describing any and all systems, agreements, and/or procedures (e.g., Standard Operating Procedure) the Facility has or had in place that details how the Facility manages its used lamps from the time the lamps are generated/received until the used lamps are shipped off-site. Please submit any and all supporting documentation (e.g., SOPs, Tolling Agreements).

c. State whether a waste determination has been conducted for each type of used lamp generated by the Facility for the time period of January 1, 2018 up to the present. If so, please answer the following:

d. Provide the results of each waste determination performed or relied upon by the Facility for the purpose of managing and disposing of the Facility's used lamp waste stream.

e. Include all information on which such waste determinations were based including, but not limited to, knowledge of the hazardous characteristics of the waste, Safety Data Sheets ("SDSs"), results of chemical or physical analyses, and any other information used to make such waste determination.

f. State the Facility's rationale for determining which used lamps are/were hazardous and which are/were non-hazardous.

g. Provide the name, address, telephone number and a contact person for each of the destination facilities, such as landfills and used lamp recyclers, to which used lamps are/were sent for the time period of January 1, 2018 up to the present.

h. Submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices that accompanied the off-site shipment of the Facility's used lamp waste stream for the time period of January 1, 2018 up to the present.

12. With respect to the Facility's hazardous waste training program:

a. Provide the first and last name of each employee at the Facility who is or has been responsible for the handling and/or management of hazardous waste from January 1, 2018 up to the present. This would include, but not be limited to, persons responsible for the labeling, dating, inspecting, and transporting containers of hazardous waste, in addition to the signing of manifests and LDR notices, waste determinations, emergency coordinators, and hazardous waste training instructors.

b. Provide the exact dates of employment for each of the employee names provided in your response to Question 12.a. above.

c. Please state "yes" or "no" to the following question: Does the Facility maintain documentation specifying the job title and job description for each employee listed in response to Question 12.a? If “yes”, please answer the following:

d. Submit the Facility’s documented job titles and written job descriptions for each employee listed in response to Question 12.a. for the time period of from January 1, 2018 up to the present.

e. For each document submitted in response to Question 12.a, above, provide the date each such document was first created by the Facility.

f. Please state “yes” or “no” to the following question: Has the Facility provided initial hazardous waste training to each employee listed in response to Question 12.a? If “yes”, please answer the following:

g. Provide the dates on which initial hazardous waste training was conducted for each of the employees listed in response to Question 12.a. for the time period of January 1, 2018 up to the present and state the basis of your knowledge.

h. Submit any and all records the Facility has maintained to document initial hazardous waste training has been conducted for each employee named in response to Question 12.a. for the time period of January 1, 2018 up to the present.

i. Please state “yes” or “no” to the following question: Has the Facility provided annual refresher hazardous waste training to each employee listed in response to Question 12.a? If “yes”, please answer the following:

j. Provide the dates on which annual refresher hazardous waste training was conducted for each of the employees listed in response to Question 12.a. for the time period of January 1, 2018 up to the present and state the basis of your knowledge.

k. Submit any and all records the Facility has maintained to document annual refresher hazardous waste training has been conducted for each employee named in response to Question 12.a. for the time period of January 1, 2018 up to the present.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings. **Your response must include the following signed and dated certification:**

> I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.
>
> Signature: ___________________________
> Date: ___________________________
> Name: ___________________________
> Title: ___________________________

With regard to the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"), please see the "Information for Small Businesses" memo, found at https://www.epa.gov/compliance/small-business-resources-information-sheet, which might be applicable to your facility. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve your facility of its obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue an enforcement action. To preserve your facility's legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement actions. EPA has not made a determination as to whether or not your facility is covered by SBREFA.

Your facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your facility.

The required information must be submitted to EPA within thirty (30) calendar days from the receipt of this letter. Please submit your response to this request electronically to Stephen Forostiak. You may submit your response using one of the following options: a) via email to forostiak.stephen@epa.gov or b) by requesting a link from Stephen Forostiak at forostiak.stephen@epa.gov for a secure EPA file transfer site where you may upload your response. Please note, the EPA cannot receive compressed files (.zip) via email. If you wish to submit compressed files, please select option b), above.

If you prefer not to send documents that you have claimed as confidential business information ("CBI") to the EPA by email, please send them as electronic files through the EPA's secure file transfer site (option B). Prior to submitting your response, please send an email to forostiak.stephen@epa.gov indicating which option you have selected to submit your response to this request.

If you have any questions regarding this matter, please contact Mr. Stephen Forostiak at (215) 814-2136 or forostiak.stephen@epa.gov.

Sincerely,

JEANNA HENRY Digitally signed by JEANNA HENRY
Date: 2024.02.09 09:29:16 -05'00'

Jeanna R. Henry, Chief
Air & RCRA Branch
Enforcement and Compliance Assurance Division

Enclosure(s)

cc: Stephen Forostiak (3ED22) Forostiak.stephen@epa.gov
Pauline Belgiovane (3ED20) belgiovane.pauline@epa.gov