

RCRA Inspection Report

1) Inspector and Author of Report

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2) Facility Information

Kith Kitchens - Florence
4184 Rushton Street
Florence, AL 35630
Lauderdale County
EPA ID Number: ALR000067983

3) Responsible Official

Brad Horton
Plant Manager
Kith Kitchens - Florence
4184 Rushton Street
Florence, AL 35630
bhorton@kithkitchens.com

4) Inspection Participants

Brad Horton	Kith Kitchens – Florence
John Taylor	Kith Kitchens – Florence
Mike Davis	Kith Kitchens – Florence
Andrea Slay	ADEM Land Division
Paula Whiting	US EPA Region 4 Atlanta

5) Date and Time of Inspection

January 25, 2024, at 9:00 a.m. CST

6) Applicable Regulations

Resource Conservation and Recovery Act (RCRA) Sections 3002, 3005 and 3007 (42 U.S.C. §§ 6922, 6925 and 6927), and the regulations promulgated pursuant thereto at 40 Code of Federal

Regulations (C.F.R.) Parts 260-270, 273 and 279.

Alabama Hazardous Waste Management and Minimization Act of 1978, Ala. Code § 22-30-1 et seq., and rules 335-14-1 to 335-14-17 (2016 and 2018) of the Alabama Department of Environmental Management (ADEM) Administrative Code (ADEM Admin. Code).

As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a) [40 C.F.R. § 262.17], a large quantity generator (LQG) may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Section 22-30-12(b) of the AHWMMMA, Ala. Code § 22-30-12(b) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in ADEM Admin. Code r. 335-14-3-.01(7)(a) [40 C.F.R. § 262.17] (hereinafter referred to as the "LQG Permit Exemption").

Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(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 the 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 KRS 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with ADEM Admin. Code r. 335-14-3-.01(6) (b) or (7)(a)) [40 C.F.R. § 262.16(b) or §262.17(a)], except as required in ADEM Admin. Code r. 335-14-3-.01(5)(a)7 and 8) [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in ADEM Admin. Code r. 335-14-3-.01(5)(a) [40 C.F.R. § 262.15(a)] (hereinafter referred to as the "SAA Permit Exemption").

Pursuant to ADEM Admin. Code r. 335-14-11-.02(1)(a)244. [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, or lamps, calculated collectively) at any time.

7) Purpose of Inspection

The purpose of the inspection was to conduct an unannounced RCRA compliance evaluation inspection (CEI) to determine the compliance of Kith Kitchens - Florence, EPA ID Number: ALR000067983 with the applicable regulations.

8) Facility Description

Kith Kitchens - Florence which is located at 4184 Rushton Street in Florence, Alabama, was opened at this location in October 2021 to manufacture and sale custom kitchen cabinetry. Kith Kitchens

builds, sands, and paints custom cabinets per order. Kith Kitchens - Florence employs approximately 137 full time employees with 15 employees handling hazardous waste.

Kith Kitchens - Florence's most recent Hazardous Waste Generator Notification (EPA Form 8700-12) dated February 14, 2023, characterized the facility as a Large Quantity Generator (LQG) of hazardous waste. Kith Kitchens-Florence is a LQG that generates ignitable (D001), spent non-halogenated solvents (F003) and (F005) and universal wastes.

9) Previous Inspection History

This facility has not been inspected by either the EPA or Alabama Department of Environmental Management (ADEM).

10) Findings

On January 25, 2024, EPA inspector Paula Whiting, accompanied by Alabama Department of Environmental Management (ADEM) inspector Andrey Slay, arrived at Kith Kitchens - Florence at approximately 9:00 a.m. CST. Mr. Brad Horton, Plant Manager, immediately received the inspectors. The inspectors introduced themselves, showed their credentials to Mr. Horton, and explained the purpose of the visit. The inspectors described the anticipated use of a digital camera during the inspection and provided a request for records.

Mr. Horton provided an overview of the facility's history and current operations during the opening conference. The inspection participants also discussed health and safety protocols and required personal protective equipment before the facility's representative led the inspectors on a tour of the facility's operations. Below is a description of the observations made during the inspection.

10.1 Paint Building

The inspectors began the walkthrough touring the production floor where the cabinets are cut from wood and assembled. No hazardous waste was generated in this area.

The inspectors next entered the Paint Building that contains two primer booths, multiple paint lines, and the solvent distillation area.

Solvent Distillation Area

Next to the Primer Booth 2 is the Solvent Distillation Area. At the time of the inspection, the inspectors observed a solvent still, and two 55-gallon hazardous waste drums (Pictures 1-6). The gray drum was full and contained liquid paint and solvent waste ready to move to the hazardous waste central accumulation area (CAA). The drum was sitting on a secondary containment pallet, closed, labeled, and dated. However, the hazardous waste label was streaked and the markings on the label were hard to read. Additionally, the drum was missing its required flammable hazardous material placard.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5(i)b. [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator must mark or label its containers with the following: an indication of the hazards of the contents.

The blue drum contained solid paint and solvent waste debris. The drum was labeled, placarded, but not closed because the lid ring was not attached. Mr. Horton immediately had the drum ring placed on the drum.

Primer Booth 2

The inspectors observed that Primer Booth 2 had a satellite accumulation area (SAA) with a 55-gallon drum of waste paint. The drum was closed and labeled but missing the flammable hazardous material placard (Picture 7). The drum was sitting on a secondary containment pallet; however, at the time of the inspection, the inspectors noticed dried paint and debris inside. The inspectors recommended regular clean outs per shift as a part of their housekeeping.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(6)(b)6.(i) [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.

Superfici Paint Lines

The inspectors then walked two of the Superfici Paint Lines. The inspectors observed the 55-gallon SAA drums of liquid paint and solvent waste. The drums were observed closed, labeled, and placarded (Pictures 8 and 10). Each drum sat on a secondary containment pallet.

In front of one of the Superfici Paint Booths was a 5-gallon container of waste paint and solvent flushed from the system during paint changeovers (Picture 9). The container was used to collect flushed waste paint and then dump into the SAA drum by the end of the shift. The container was not labeled. Mr. Horton immediately had the container labeled.

10.2 Less than 90 Day Central Accumulation Area

Near the door opening outside was a 55-gallon drum that was half full of floor sweeper water. The drum was unlabeled and had been left there because the floor sweeper equipment was no longer operable. When asked Mr. Horton stated that the contents had not been analyzed for hazardous contamination. The inspectors recommended analyzing the contents prior to disposal.

Outside the building was a gray dumpster with trash bags filled with spent paint filters and belt sanders (Picture 11). Mr. Horton explained that the paint filters had been analyzed and were non-hazardous. The spent filters were permitted by ADEM to be disposed of at Morgan Decatur Landfill.

The CAA was stored inside a Convex Secureall container (Pictures 12-15). The inspectors observed that the exterior was placarded with "Danger", "No Smoking" and "Authorized Personnel Only" signs and the door was locked. Inside the container were 20 55-gallon drums of hazardous paint waste with the oldest drum date of January 9, 2024. The drums were closed, labeled, and dated.

The floor of the container was grated for secondary containment. However, at the time of the inspection, there was no aisle space between the drums.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)6 [40 C.F.R. § 262.17(a)(6)], which incorporates ADEM Admin. Code r. 334-14-3-.14(6) [40 C.F.R. § 262.255], and is a condition of the LQG Permit Exemption, a generator is required to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

11) Records Review

The inspectors requested the training records, the contingency plan, the weekly inspection records, the 2021-2023 hazardous, non-hazardous, and used oil manifests. The generator status notification (EPA Form 8700-12) was last updated February 14, 2023.

The inspectors requested the training records for the employees handling hazardous waste. Hazardous Waste Training 2023 Module was provided to ten Paint Building employees on December 20, 2023. Job titles were provided and reviewed. However, job descriptions were not available at the time of the inspection.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)7(iv) [40 C.F.R. § 262.17(a)(7)(iv)], which is a condition of the LQG Permit Exemption, the generator must maintain training records that include, among others: a written job description for each position.

The inspectors requested the Hazardous Waste Prevention and Preparedness and Contingency Response Plan dated August 2021, for review. The plan included a list of emergency response equipment. At the time of the inspection, the inspectors observed that the contingency plan did not have a current emergency contact list, an evacuation map, a fire extinguisher inspection list, a RCRA Quick Reference Guide, and documentation (i.e., green return receipt cards, emails) that copies of the current contingency plan were provided to the local emergency response agencies (i.e., fire, police, hospital). Mr. Horton explained that the plan was currently being revised. The Contingency plan dated January 2023 was provided in draft form and included a current emergency contact list. The inspectors also recommended that the contingency plan be made bi-lingual to represent the diversity of their staff.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)6 [40 C.F.R. § 262.17(a)(6)], which incorporates ADEM Admin. Code r. 334-14-3-.14(9)(c-f) [40 C.F.R. § 262.261 (c-f)], and is a condition of the LQG Permit Exemption, (c) the contingency plan 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; (d) the contingency plan 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; (e) the contingency plan must include a list of all emergency equipment at the

facility where this equipment is required, and this list must be kept up to date; (f) the contingency plan must include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary.

In addition, the updated regulation under the Generator Improvement Rule, requires that the generator amending its contingency plan submit a Quick Reference Guide of the contingency plan to the local emergency responders to have the following information:

- (1) The types/names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid);
- (2) The estimated maximum amount of each hazardous waste that may be present at any one time;
- (3) The identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff;
- (4) A map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes;
- (5) A street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers;
- (6) The locations of water supply (e.g., fire hydrant and its flow rate);
- (7) The identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms); and
- (8) The name of the emergency coordinator(s) and 7/24-hour emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.

At the time, of the inspection, the current contingency plan had been updated after May 2017, and the Quick Reference Guide was not available at this time.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)6. [40 C.F.R. § 262.17(a)(6)], which incorporates ADEM Admin. Code r. 334-14-3-.14(10) [40 C.F.R. § 262.262(b)(1-8) and is a condition of the LQG Permit Exemption, a generator amending its contingency plan submit a Quick Reference Guide of the contingency plan to the local emergency responders to have all the required information.

The weekly inspection records for the CAA from 2021 to 2023 were reviewed. The inspectors observed that when Ms. Ashley Pineda conducted the inspections, she did not consistently inspect every seven days as required. The inspectors noted that the inspections ranged from 5 to 14 days in between inspections.

Pursuant to ADEM Admin. Code r. 335-14-3-.01 (7)(a)1.(v) [40 C.F.R. § 262.17(a)(1)(v)], which is a condition of the LQG Permit Exemption, a generator is required to, at least weekly, inspect central accumulation areas looking for leaking containers and for deterioration of containers caused by corrosion or other factors.

Hazardous and non-hazardous manifests were reviewed for 2020-2023. Hazardous wastes were shipped to Giant Resource Recovery (EPA ID ALD070513767) in Attalla, AL. The land disposal restriction forms were reviewed. The inspectors observed that three manifests were missing the Designated Facility to Generator forms for 022835462JJK dated December 14, 2023, 02283535454JJK dated November 29, 2023, and 022835293JJK dated February 20, 2023. The inspectors did not observe exception reports for the missing manifests from the disposal facility.

Pursuant to ADEM Admin. Code r. 335-14-3-.04(3)(a) [40 C.F.R. § 262.42(a)], a large quantity generator who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste; (2) A large quantity generator must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter. The Exception Report must include: (i) A legible copy of the manifest for which the generator does not have confirmation of delivery; (ii) A cover letter signed by the generator or his authorized representative explaining the efforts taken to locate the hazardous waste and the results of those efforts.

12) Summary

The inspectors conducted the exit meeting with Mr. Horton and Mr. Brad Knight, VP of Operations. During this meeting, the EPA and ADEM presented the preliminary results of the inspection. Kith Kitchens - Florence was inspected as a LQG of hazardous waste.

On February 2nd, Mrs. Ashley Pineda, HR and Safety Assistant, provided via email to ADEM documentation of the actions the facility had taken to address the observations made during the inspection. Attachment B contains the table below and the documents attached pertinent to each item.

13) Signed

PAULA WHITING

Digitally signed by PAULA
WHITING
Date: 2024.04.04 13:05:53 -04'00'

Paula A. Whiting
Environmental Engineer

Date

14) Concurrence

ALAN NEWMAN

Digitally signed by ALAN
NEWMAN
Date: 2024.04.05 10:51:49 -04'00'

for Araceli B. Chavez
Chief
RCRA Enforcement Section

Date

ATTACHMENT A

KITH KITCHENS - FLORENCE

FLORENCE, ALABAMA

COMPLIANCE EVALUATION INSPECTION PHOTOGRAPHS

January 25, 2024

Photos taken by Paula A. Whiting

Camera Type: Olympus Tough

Serial Number: SC7374



Picture 1 – Solvent Distillation Area SAA drum - full



Picture 3 – Solvent Distillation Area SAA label



Picture 2 – Solvent Distillation Area



Picture 4 – Solvent Distillation Area still solids SAA drum



Picture 5 – Solvent Distillation Area still solids SAA drum label



Picture 7 – Superfici Paint Line SAA drum



Picture 6 – Primer Booth 2 SAA drum



Picture 8 – Superfici Paint Booth flush bucket



Picture 9 – Superfici Paint Line SAA drum



Picture 11 – Hazardous Waste CAA interior



Picture 10 – Discarded Paint Booth filter roll-off



Picture 12 – Hazardous Waste CAA interior



Picture 13 – Hazardous Waste CAA interior

ATTACHMENT B

KITH KITCHENS - FLORENCE

FLORENCE, ALABAMA

COMPLIANCE EVALUATION INSPECTION FACILITY RESPONSE

February 2-5, 2024

Observation	Corrective Action	Attached File/Documentation
1. <u>Contingency Plan</u> - Contingency plan's emergency coordinator not updated. - No Quick Reference Guide. - No documentation proof contingency plan & quick reference were sent to local authorities. - Contingency Plan needs fire extinguisher map and evacuation map.	Working draft of Hazardous Waste Contingency Plan was finalized 01/31. - Primary and alternate emergency coordinators were updated. - Quick Reference Guide included in revised version as Appendix F. - Revisions were sent to local authorities 2/1. - Fire extinguisher and evacuation map is included in the Contingency Plan Quick Reference Guide as Appendix F, Figure 3.	KKFContingencyPlan2024_mrgd.pdf Contingency Plan Sent to Local Authorities.pdf QuickRefGuide.pdf
2. Need personnel job descriptions that deal with hazardous waste.	Descriptions of hazardous waste handling activities were added to Section 6.1 of the Contingency plan.	KKFContingencyPlan2024_mrgd.pdf
3. Need waste determination on sweeper water.	A sample of the Sweeper Water was sent for waste characterization on 1/31. Results are not anticipated back until 2/6. Results will be sent in a follow up email once received.	SwprWtrCoC.pdf
4. Weekly inspections need to be more consistent; one was 12 days apart.	Kith Kitchens will plan to perform weekly Hazardous Waste Central Accumulation Area inspections on Tuesday of each week moving forward. If an inspection is unable to be performed on a Tuesday due to holiday, shutdown, or other reasonable circumstances, it	N/A

Observation	Corrective Action	Attached File/Documentation
	will be performed on the next soonest day practicable in order to minimize days in between inspections.	
5. Missing three final manifests.	The three final manifests observed to be missing during the inspection were onsite in a separate folder. Final manifests will be maintained in one location moving forward.	11.29.23_Waste Manifest.pdf 12.14.23_Waste Manifest.pdf 1.9.24_Waste Manifest.pdf
6. Central Accumulation Area aisle space is not sufficient.	A second Central Accumulation Area has been added for the storage of hazardous waste drums to prevent inadequate aisle space. This new location will adhere to all storage requirements listed in 40 CFR 262.17, including separate weekly inspections. This location is also displayed on the Contingency Plan Quick Reference Guide – Site Overview Map. Signage for this storage area has been ordered but not yet received. Photographs documenting the installation of these signs will be sent in a follow up email with the sweeper water characterization results.	Signage Receipt.pdf

Observation	Corrective Action	Attached File/Documentation
7. Primer Booth 2 – needed updated ID of hazards – current one was covered in paint.	New hazardous waste label and hazard indication sticker were applied to the drum at the East Satellite Accumulation Area. Labels and hazard indication will be promptly replaced in the event they become obscured for any reason.	SAAEast.pdf
8. Recommendation: create bi-lingual emergency information.	Hazardous waste signs, No Smoking signs, Fire Extinguisher, Satellite Accumulation Area signs, Danger Signs for Central Accumulation Areas, and Right-to-Know signs in both English and Spanish have been purchased and will be posted upon receiving. Photographs documenting the installation of these signs will be sent in a follow up email with the sweeper water characterization results.	Signage Receipt.pdf
9. Fire extinguisher map posted along with emergency evacuation maps	Evacuation maps have been revised to include locations of fire extinguishers and posted in a larger, more legible format.	Evacuation Maps.pdf