

RCRA Inspection Report

1) Inspector and Author of Report

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2) Facility Information

Safety-Kleen Systems, Inc.
3023 Dial Street
Whistler, Alabama 36612

EPA ID# ALD071951628

3) Responsible Officials

Gary Moore
Branch General Manager
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4) Inspection Participants

Gary Moore, Safety Kleen
Keith Miller, Safety Kleen
Paul Andrews, Clean Harbors

Lanny Sasser, ADEM
Laurie Benton DiGaetano, USEPA

5) Date of Inspection

March 27, 2023

6) Applicable Regulations¹

Alabama Hazardous Waste Management and Minimization Act of 1978 (AHWMMA), Ala. Code § 22-30-1 *et seq.*, [Resource Conservation and Recovery Act (RCRA) Sections 3002 - 3005, (42 U.S. Code - Annotated U.S.C.A. 6925 and 6927)] 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) [40 Code of Federal Regulation (C.F.R.) Parts 260-270, 273 and 279].

Pursuant to ADEM Admin. Code r. 335 14-1-.02-(1)(a)111. [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.

¹ As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations of those authorized provisions 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.335-14-1-.02(1)(a)285. [40 C.F.R. § 260.10], a transfer facility means any transportation-related facilities including loading docks, parking areas, storage areas, and other related areas where shipments of hazardous waste or hazardous secondary materials are held for more than 24 hours and not longer than 10 days during the normal course of transportation.

Pursuant to ADEM Admin. Code r.335-14-17-.03(1)(a), a used oil generator is any person, by individual generation site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

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 Section 22-30-12(b) of the Alabama Hazardous Wastes Management and Minimization Act (AHWMMA), Ala. Code § 22-30-12(b) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with ADEM Admin. Code r. 335-14-3-.01(6)(b) or 335-14-3-.01(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. 335-14-3-.01(7) [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 AHWMMA, 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) [40 C.F.R. § 262.17] (hereinafter referred to as the “LQG Permit Exemption”).

7) Purpose of Inspection

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection to determine Safety Kleen’s compliance with the applicable requirements of RCRA and the corresponding Alabama regulations. This was an EPA lead inspection.

8) Facility Description

Safety-Kleen Systems, Inc.:

Safety-Kleen Systems, Inc. (SK) has owned and operated the subject facility, which covers approximately 2.5 acres and is surrounded by a chain-link fence, since June of 1974. The facility operates under the NAICS Code 562112 for Hazardous Waste Collection, and it currently houses a 2,000-square foot administrative office building; a 3,000-square foot equipment storage warehouse; a 3,500-square foot waste transfer warehouse; a 20,000-gallon used oil horizontal storage tank; and a 21,000-gallon used oil frac tank. Supplies, empty drums, unused parts washer machines and electronic waste are stored in the 3,000-square foot equipment storage warehouse, and SK operates a ten-day hazardous waste container storage area in the 3,500-square foot waste transfer warehouse. The facility has nine employees, and it operates from 6:00 am through 6:00

pm Monday through Friday. SK has three box trucks, two tanker trucks and one vacuum truck dedicated to this location.

SK personnel use the dedicated box trucks to deliver clean parts cleaning solvent to customers and to pick up containers of used parts cleaning solvent (e.g., petroleum naphtha), dry cleaning waste (e.g., perchloroethylene), paint waste, spent antifreeze and other industrial waste from customer locations. Each box truck services approximately four-to-eight customers per day. Waste containers are off-loaded at the end of the day, and each truck is then loaded with containers of clean solvent for the following day's route. After they are unloaded, waste containers are segregated in the ten-day transfer area based on how they will be shipped from the facility. The company uses long-haul trucks to continue transporting containers from this location towards the hazardous waste treatment, storage or disposal facility that is designated on the hazardous waste manifest associated with each container. One long-haul truck is scheduled for pick-up from the subject facility every Thursday, and additional trucks may be scheduled, as necessary.

SK personnel use the dedicated tanker trucks to pick up used oil from customer locations and deliver it to the subject facility. Each tanker truck holds a cardboard box of four-ounce sample jars, and drivers screen and sample used oil at each customer location before pumping it into the tanker truck. When all jars in the box have been filled with used oil retain samples, the full box is offloaded, and a new box of empty jars is loaded onto the truck. Boxes of used oil retain samples are placed into a flammable storage cabinet inside the 3,000-square foot equipment storage warehouse at the subject facility. Personnel explained that SK's policy is to keep used oil retain samples that were collected during the current month and during the three most recent calendar months. Every thirty days used oil retain samples are removed from the flammable cabinet and accumulated as D001 hazardous waste.

Used oil is pumped from the dedicated used oil tanker into one of two on-site used oil tanks. Personnel explained that only one of the two tanks is used to receive used oil at a time. When full, the contents of the full tank are sampled, and the empty tank begins receiving incoming used oil. The contents of the full tank are then shipped off-site, and the process repeats when the second tank is filled. If the sample results from the full tank indicate that the levels of halogens, parafins, pH, and PCBs are within the acceptable limits, the used oil is pumped from that tank and shipped offsite for re-refining.

SK personnel use the dedicated vacuum truck to pick up nonhazardous waste from approximately one-or-two customer locations each day. The nonhazardous waste is pumped from the truck into an intermediate bulk container tote on-site. The vacuum truck also holds a cardboard box of sample jars for collecting waste retain samples. However, these retain samples are managed as nonhazardous waste, because the vacuum truck is used to transport nonhazardous waste.

Clean Harbors, Inc. (Clean Harbors) acquired Safety-Kleen Systems, Inc. at the end of 2012. Clean Harbors currently uses the subject facility to house equipment and supplies that they use for emergency response activities. In addition, Clean Harbors personnel pick up containers of hazardous waste from retail customers and store those containers in the facility's ten-day transfer area.

Biennial Report:

SK identified its subject facility as a large quantity generator (LQG) of hazardous waste; a small quantity handler of universal waste (SQHUW); a used oil generator; and a transporter/transfer facility of hazardous waste, universal waste, and used oil as part of the 2021 Biennial Report, which was submitted on January 30, 2022. The report described four hazardous waste profiles that are generated at the facility, and indicated that the following quantities of each profile were shipped off-site during 2021:

Waste Description	Waste Codes	Volume
Flammable liquids NOS branch generated	D001, D018, D039, F001, F002, F003, F004, F005	1,650 pounds
Environmentally hazardous substances liquid NOS oil retain samples	D008, D018, D039, D040	163 pounds
Environmentally hazardous substances solid NOS branch debris	D001, D004, D005, D006, D007, D008, D009, D010, D018, D019, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, D043, F002, F003, F005	1,724 pounds
Environmentally hazardous substances oil and vac samples	D008, D040	150 pounds

9) Previous Inspection History

Over the past twenty years, ADEM has conducted four RCRA CEIs at the subject facility including the most recent inspection, which was conducted on April 30, 2019. Violations of the RCRA requirements for inspecting hazardous waste containers at least weekly, for submitting a copy of the contingency plan to local emergency response entities, and for management of hazardous waste containers were most recently noted during the inspection on July 14, 2014. ADEM issued a warning letter to the facility on July 14, 2014, and the facility returned to compliance on August 13, 2014.

10) Opening Conference

On March 27, 2023, EPA inspector Laurie Benton DiGaetano, accompanied by Alabama Department of Environmental Management (ADEM) inspector Lanny Sasser, arrived at Safety Kleen Systems, Inc. at approximately 2:15 pm. Keith Miller, Safety Kleen District Manager, New Orleans, and Paul L. Andrews, Clean Harbors Senior Compliance Manager, immediately received the inspectors. The inspectors introduced themselves, showed their credentials, and explained the purpose of the visit.

The inspectors described the anticipated use of equipment (digital camera) during the inspection, and the anticipated records for review. The Small Business Regulatory Enforcement Fairness Act's classification of a "small business" is generally set by the Small Business Administration using the business' SIC/NAICS code and annual receipts or number of employees. The EPA

inspector noted that the agency has an information sheet for small businesses. That sheet can be found at <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>. The EPA inspector also 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.

Keith Miller and Paul Andrews 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 Keith Miller and Paul Andrews led the inspectors on a tour of the Facility operations.

11) Inspection Observations

Ten-Day Warehouse and CAA:

The facility tour began in the ten-day transfer area of the 3,000-square foot warehouse where inspectors observed metal drums, fiber drums, poly drums, overpacks, and cardboard boxes staged on wooden pallets. The pallets were mostly arranged in rows with varying amounts of aisle space, and pallets of containers were stacked from one-to-three pallets high.

The inspectors observed containers of hazardous and nonhazardous waste and empty overpack drums in the row farthest from the warehouse entrance (Photo 1). The next row held approximately six pallets with cardboard boxes of hazardous and nonregulated waste brought here by Clean Harbors personnel (Photo 1). The third row held three pallets, which were stacked two-high and contained a total of twenty-four empty 55-gallon drums, and three pallets, which were not stacked and contained two 35-gallon drums of hazardous waste empty aerosol cans, one 30-gallon drum of hazardous waste paint, one 55-gallon drum of hazardous waste paint solids, and five 55-gallon drums of used oil (Photo 2). The fourth row contained seven 55-gallon drums of used oil and absorbents and several empty 5-gallon containers (Photo 2). The fifth row contained one pallet, which was stacked two-high and contained four 35-gallon drums labeled D039 hazardous waste liquid, and six 35-gallon drums labeled used cleaning solution petroleum naphtha, non-USEPA regulated waste (Photo 2). The next three rows contained clean parts washing solvent, which will be distributed to customer locations, on wooden pallets stacked up to three pallets high (Photo 2 and 3). The final two rows contained more cardboard boxes of hazardous and nonregulated waste brought here by Clean Harbors, and other waste containers (Photo 3 and 4), including four 55-gallon drums of branch-generated debris (Photo 5).

In all, the inspectors observed approximately fifty cardboard boxes of hazardous and nonregulated waste brought here by Clean Harbors personnel. Each cardboard box was labeled as hazardous or nonregulated waste and identified with one or more identification labels. Each identification label contained information from the manifest associated with wastes that had been placed inside the cardboard box. Among the boxes of hazardous waste, the inspectors noted identification labels for manifest 017700432FLE, which indicated that hazardous waste had been onsite since March 2, 2023; manifest 017700422FLE, which indicated that hazardous waste had been onsite since March 1, 2023; manifest 017700416FLE, which indicated that hazardous waste had been onsite since March 1, 2023; and manifest 017700459FLE, which indicated that hazardous waste had been onsite since March 13, 2023.

Pursuant to ADEM Admin. Code r.335-14-4-.05(3) [40 C.F.R. § 263.12(a)], a transfer facility may hold waste for no longer than 10 days during the normal course of transportation.

In an email to the inspectors on March 28, 2023, Paul Andrews provided SK's 2023 U.S. National Outbound Waste Shipments summary sheet, which identifies the profile number, DOT shipping description, and EPA Hazardous Waste Codes for branch generated waste. Paul Andrews stated that the PPE/Debris (solids) are included on this summary as "Debris-FB5". According to the summary sheet, contaminated debris identified as Debris-FB5 are hazardous waste environmentally hazardous substances with the EPA Hazardous Waste Codes D004, D005, D006, D007, D008, D009, D010, D011, D018, D019, D021, D022, D023, D024, D025, D026, D027, D028, D029, D030, D032, D033, D034, D035, D036, D037, D038, D039, D040, D041, D042, D043, F002, F003, and F005. The four 55-gallon drums of branch generated debris observed in the second-to-last final row during the inspection were not labeled as hazardous waste or marked with an indication of the hazards of their contents (Photo 5). Furthermore, the containers were stored in an area without sufficient aisle space, and they were not marked with an accumulation start date. In an email to Lanny Sasser on April 11, 2023, Gary Moore stated that the waste in these drums was generated in October 2022.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(i) [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator is required to mark or label containers with the words "Hazardous Waste"; an indication of the hazards of the contents; the date upon which each period of accumulation begins clearly visible for inspection on each container; and all appropriate EPA hazardous waste numbers associated with the hazardous waste as specified in 335-14-2-.03 and 335-14-2-.04.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)6 [40 C.F.R. § 262.17(a)(6)], which incorporates ADEM Admin. Code r. 335-14-3-.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.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(b) [40 C.F.R. § 262.17(b)], which is a condition of the LQG Permit Exemption, a large quantity generator who accumulates hazardous waste for more than 90 days is subject to the requirements of 335-14-5 through 9, unless it has been granted an extension to the 90-day period. Such extension may be granted by the Department if hazardous wastes must remain onsite for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Department on a case-by-case basis.

In addition to managing hazardous waste under the ten-day transfer facility requirements found in ADEM Admin. Code r. 335-14-4 [40 C.F.R. § 263.12], SK was also managing the warehouse as a hazardous waste CAA. However, the warehouse had no physical evidence to identify where containers of hazardous waste are stored under the LQG Permit Exemption (i.e. the CAA) versus where they are stored under the transfer facility requirements. The inspectors observed "No Smoking" signs in this area. The warehouse is equipped with a fire alarm pull station, which will

summon emergency assistance from the local fire department; it is also equipped with portable fire extinguishers, spill control equipment, and an emergency shower and eyewash station.

Ten-Day Warehouse SAA:

SK manages a SAA in the ten-day warehouse for managing branch-generated hazardous waste debris that is generated by general clean-up and maintenance activities. The inspectors observed two 55-gallon drums and three 30-gallon drums in this SAA (Photo 6). The containers were located along the roll-up door to the left just inside the warehouse entrance. Each drum was equipped with a lid, but the ring on one 55-gallon drum was not secured (Photo 7). The open drum was labeled hazardous waste, but none of the containers were marked with an indication of the hazards of their contents. The remaining 55-gallon and 30-gallon containers were not labeled as hazardous waste. Although the total volume of hazardous waste in this SAA exceeded 55-gallons, none of the containers were marked with an accumulation start date.

Pursuant to ADEM Admin. Code r.335-14-3-.01(5)(a)4. [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, a container holding hazardous waste must be 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 ADEM Admin. Code r.335-14-3-.01(5)(a)5. [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 ADEM Admin. Code r.335-14-3-.01(5)(a)6. [40 C.F.R. § 262.15(a)(6)], which is a condition of the SAA Permit Exemption, a generator who accumulates hazardous waste in excess of 55-gallons at or near any point of generation must do the following: (i) comply within three consecutive calendar days with the applicable CAA regulations in 335-14-3-.01(6)(b) or (7)(a), or (ii) remove the excess from the SAA within three consecutive calendar days to either a CAA operated in accordance with the applicable requirements in 335-14-3-.01(6)(b) or (7)(a), an on-site interim status or permitted treatment, storage, or disposal facility, or an off-site designated facility; and (iii) during the three consecutive-calendar-day period the generator must continue to comply with 335-14-3-.01(5)(a)1. Through 5. The generator must mark or label the container(s) holding excess accumulation of hazardous waste with the date the excess amount began accumulating.

Facility Yard:

The inspectors observed approximately ten 55-gallon drums labeled nonhazardous waste staged near the bay door outside of the ten-day warehouse (Photo 8). Personnel stated that these drums contain soils that were generated as the result of a spill cleanup event that occurred in February.

The inspectors also observed about five totes in the facility yard. One of the totes appeared to contain new oil, and the other four appeared to contain used oil. None of the containers were labeled with the words Used Oil. SK personnel speculated that the totes were staged here by Clean Harbors personnel in preparation for or result from a Clean Harbors emergency response actions.

Pursuant to ADEM Admin. Code r.335-14-17-.03(4)(c) containers and used oil tanks, except underground tanks, used to store used oil at used oil generator locations must be labeled or marked clearly with the words “Used Oil”.

Box Truck 419076:

The inspectors reviewed the available records in Box Truck 419076, which was located at the facility. Records in the truck included a current certificate of insurance and transporter contingency plan, but the hazardous waste transporter permit found in the truck had expired in 2021. The available records in the truck did not include a current hazardous waste transporter permit.

Pursuant to ADEM Admin. Code r.335-14-4-.03(4)(a) a transporter of hazardous waste must maintain a copy of the current hazardous waste transporter permit with each vehicle actively transporting hazardous wastes.

Product Storage Warehouse SAA:

The inspectors observed two storage lockers for storing used oil and vacuum truck retain samples in the Product Storage Warehouse. One flammable locker contained boxes of used oil sample retains (Photo 9) and the other locker contained jars of vacuum truck retain samples (Photo 10). SK’s standard policy is to keep retain samples for at least ninety days, but for no more than 120 days and to remove waste retain samples from the flammable cabinets every thirty days. Aged used oil samples are accumulated as D001 hazardous waste, and aged vacuum truck samples are disposed of as nonhazardous waste. Personnel stated that the facility typically brings a 55-gallon drum to this SAA for accumulating aged used oil samples. They stated that it takes several months to fill a 55-gallon drum, and the full drum is transferred to the CAA located in the ten-day warehouse for storage until it is shipped off-site.

In an email to the inspectors on March 28, 2023, Paul Andrews provided SK’s 2023 U.S. National Outbound Waste Shipments summary sheet, which identifies the profile number, DOT shipping description, and EPA Hazardous Waste Codes for branch generated waste. Paul Andrews stated that the oil retain samples are included on this summary as “Samples-FB4”. According to the summary sheet, used oil and vac retain samples identified as Samples-FB4 are hazardous waste combustible liquids with the EPA Hazardous Waste Codes D008, D018, D039, and D040.

The inspectors did not observe a 55-gallon drum in the SAA at the time of the inspection. However, several boxes of used oil samples were older than 120 days, including one box dated April 2022. The boxes of used oil samples dated prior to November 2022 were not labeled as hazardous waste, were not marked with an indication of the hazards of their contents and were not in containers that were in good condition. Sample jars in some boxes also appeared to be in poor condition, because those boxes were stained and soaked with used oil.

Pursuant to ADEM Admin. Code r.335-14-3-.01(5)(a)5. [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 ADEM Admin. Code r.335-14-3-.01(5)(a)1. [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, if a container holding hazardous waste is not in good condition, or if it begins to leak, the generator must immediately transfer the hazardous waste from this container to a container that is in good condition and does not leak, or immediately transfer and manage the waste in a central accumulation area operated in compliance with 335-14-3-.01(6)(b) or (7)(a).

Used Oil Tanks:

The inspectors observed SK's on-site 20,000-gallon horizontal used oil storage tank and 21,000-gallon used oil frac tank. Each tank was labeled with the words "used oil." Personnel explained that the horizontal tank is equipped with a level gauge, but that the volume of used oil contained in the frac tank is measured using a wooden stick. Although the horizontal tank is equipped with a self-contained secondary containment system, the unit was bulging and in need of repair. Personnel explained that heavy rains occurred when the tank was empty, which cause the vessel to float and break free within the secondary containment. While it was floating, the vessel turned sideways and the impact from the vessel dented the secondary containment system.

Contingency Plan:

The actions that facility personnel should take in response to an emergency are described in the facility's Contingency Plan, which was last updated on June 30, 2022. The plan describes the facility's fire response procedures, and the actions facility personnel must take in response to minor and major spills of hazardous waste or hazardous waste constituents. It lists the names and emergency telephone numbers for persons identified as the primary emergency coordinator, and two alternate emergency coordinators. One alternate emergency coordinator named in the plan ceased working at this location in February, and his replacement has not yet been named in the plan. The contingency plan also includes an evacuation plan for personnel and a list of emergency equipment at the facility. The equipment list includes fire extinguishing systems, emergency shower and eyewash stations, first aid kits, emergency telephones and intercom system, available personal protection equipment, sorbent materials, shovels, mops and buckets, respirators, pumps, wet/dry vacuums, overpack drums, fire alarms, and high-level alarms. The plan includes the type, location and quantity of this equipment and describes its location and use.

A copy of the Contingency Plan (and its quick reference guide) was most recently submitted to the Pritchard Fire Department, the Pritchard Police Department, Springhill Memorial Hospital, ADEM, the Alabama Department of Public Safety, and the National Response Center on October 6, 2022. The quick reference guide includes the types/names of hazardous waste in layman's terms and the associated hazard associated with each hazardous waste present at any one time; the estimated maximum amount of each hazardous waste that may be present at any one time; the identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff; a street map of the facility in relation to surrounding businesses, schools and residential areas; the identification of on-site notification systems; and the name of the emergency coordinator(s) and emergency telephone number(s). Although the quick reference guide includes a facility diagram, that map does not show where hazardous wastes are generated and accumulated or routes for accessing these wastes or the locations of water supply.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)6. [40 C.F.R. § 262.17(a)(6)], which incorporates 335-14-3-.14(10)(b)(4) and (6) [40 C.F.R. § 262.262(b)(4) and (6)] and is a

condition of the LQG Permit Exemption, the quick reference guide must include a map of the facility showing where hazardous wastes are generated, accumulated, and treated and routes for accessing these wastes; and the location of water supply (e.g., fire hydrant and its flow rate).

Training Records:

In an email to the inspectors on March 31, 2023, Gary Moore provided job descriptions for the Material Handler, Sales and Service Representative, and Vacuum Sales and Service Representative positions. Each job description included the requisite skill, education or other qualifications, and duties of facility personnel assigned to that position. Gary Moore also provided a copy of the SK and Clean Harbors Onboarding Training Schedule. This schedule did not specifically include a RCRA training module, and the job descriptions did not include a description of the continuing training that will be given to each person filling the position.

Pursuant to ADEM Admin. Code r.335-14-3-.01(7)(a)7.(iv)a. and c. [40 C.F.R. § 262.17(a)(7)(iv)(A) and (C)], which is a condition of the LQG Permit Exemption, a large quantity generator 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; and a written description of the type and amount of both introductory and continuing training that will be given to each person filling the position.

In an email to the inspectors on March 28, 2023, Gary Moore provided Training Transcripts for branch employees. According to these records, three employees have not received RCRA training within the past year (GM Branch Manager last trained on November 4, 2020, JDC Sales and Service Rep last trained on November 16, 2021, and SGJ Branch Administrator last trained on October 29, 2021). The facility did not provide facility job descriptions and employee names.

Pursuant to ADEM Admin. Code r.335-14-3-.01(7)(a)7.(iii) [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 training required in this section.

Waste Manifest Records:

In an email to the inspectors on March 28, 2023, Paul Andrews submitted thirteen hazardous waste manifest records for branch generated waste that was shipped offsite since January 1, 2020. According to these records, SK shipped:

- between 50 and 618 pounds of D008, D018, D039, D040 hazardous waste used oil/vac retain samples for a total of 1,051 pounds over five shipments sent to Safety-Kleen (KYD053348108) on April 14, 2020, March 9, 2021, July 20, 2021, November 11, 2021, and June 29, 2022;
- 200 pounds of D001, D004, D005, D006, etc. waste flammable liquids (petroleum distillates) to Clean Harbors (TXD055141378) in one shipment on January 29, 2020; and
- between 225 and 1130 pounds of D001, D004, D005, D006, etc. waste flammable liquids (branch generated debris) for a total of 4,203 pounds over seven shipments to Clean Harbors (TXD055141378) on April 14, 2020, April 20, 2020, January 20, 2021, July 20, 2021, August 17, 2021, August 17, 2021, and October 18, 2021.

Inspection Records:

SK did not provide any records of weekly inspections of the hazardous waste CAA, and personnel stated that inspections are not routinely conducted in this area.

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 large quantity generator must inspect central accumulation areas at least weekly, looking for leaking containers and deterioration of containers caused by corrosion or other factors. The large quantity generator must record inspections in an inspection log or summary and keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of observations made, and the date and nature of any repairs or other remedial actions.

12) Closing Conference

The inspectors conducted the exit meeting at 6:00 p.m. with Gary Moore, SK General Branch Manager, Keith Miller, SK District Manager, New Orleans, and Paul Andrews, Clean Harbors Senior Compliance Manager. During this meeting, the inspectors stated their preliminary conclusions of the inspection. Personnel agreed to provide job titles, job descriptions, and training requirements along with the names of employees filling those positions and records of their hazardous waste training; a description of how the facility tracks the ten-day limit on hazardous waste in the transfer facility area; waste profiles for branch generated debris; and manifest records for branch generated hazardous waste.

In an email to the inspectors on March 28, 2023, Paul Andrews submitted thirteen hazardous waste manifest records for branch generated waste that was shipped offsite between January 1, 2020, and June 29, 2022.

Paul Andrews submitted a copy of SK's Annual Recharacterization Procedure in an email to the inspectors on March 28, 2023, and provided a description of SK's used oil sample retention procedures in an email to the inspectors on April 7, 2023.

Gary Moore submitted a copy of training transcripts for branch employees in an email to the inspectors on March 28, 2023; a copy of job titles and descriptions in an email to the inspectors on March 31, 2023; and a description of SK's step-by-step process for tracking waste in the ten-day transfer area in an email to the inspectors on March 31, 2023.

13) Summary of Regulatory Requirements

- **Pursuant to ADEM Admin. Code r.335-14-3-.01(5)(a)1. [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, if a container holding hazardous waste is not in good condition, or if it begins to leak, the generator must immediately transfer the hazardous waste from this container to a container that is in good condition and does not leak, or immediately transfer and manage the waste in a central accumulation area operated in compliance with 335-14-3-.01(6)(b) or (7)(a).**
- **Pursuant to ADEM Admin. Code r.335-14-3-.01(5)(a)5. [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 ADEM Admin. Code r.335-14-3-.01(5)(a)6. [40 C.F.R. § 262.15(a)(6)], which is a condition of the SAA Permit Exemption, a generator who accumulates hazardous waste in excess of 55-gallons at or near any point of generation must do the following: (i) comply within three consecutive calendar days with the applicable CAA regulations in 335-14-3-.01(6)(b) or (7)(a), or (ii) remove the excess from the SAA within three consecutive calendar days to either a CAA operated in accordance with the applicable requirements in 335-14-3-.01(6)(b) or (7)(a), an on-site interim status or permitted treatment, storage, or disposal facility, or an off-site designated facility; and (iii) during the three consecutive-calendar-day period the generator must continue to comply with 335-14-3-.01(5)(a)1. Through 5. The generator must mark or label the container(s) holding excess accumulation of hazardous waste with the date the excess amount began accumulating.
- 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. The generator must record inspections in an inspection log or summary and keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or remedial actions.
- Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)5.(i) [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator is required to mark or label containers with the words “Hazardous Waste”; an indication of the hazards of the contents; the date upon which each period of accumulation begins clearly visible for inspection on each container; and all appropriate EPA hazardous waste numbers associated with the hazardous waste as specified in 335-14-2-.03 and 335-14-2-.04.
- 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. 335-14-3-.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.
- Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)6. [40 C.F.R. § 262.17(a)(6)], which incorporates 335-14-3-.14(10)(b)(4) and (6) [40 C.F.R. § 262.262(b)(4) and (6)] and is a condition of the LQG Permit Exemption, the quick reference guide must include a map of the facility showing where hazardous wastes are generated,

accumulated and treated and routes for accessing these wastes; and the location of water supply (e.g., fire hydrant and its flow rate).

- Pursuant to ADEM Admin. Code r.335-14-3-.01(7)(a)7.(iii) [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 training required in this section.
- Pursuant to ADEM Admin. Code r.335-14-3-.01(7)(a)7.(iv)a. and c. [40 C.F.R. § 262.17(a)(7)(iv)(A) and (C)], which is a condition of the LQG Permit Exemption, a large quantity generator 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; and a written description of the type and amount of both introductory and continuing training that will be given to each person filling the position.
- Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(b) [40 C.F.R. § 262.17(b)], which is a condition of the LQG Permit Exemption, a large quantity generator who accumulates hazardous waste for more than 90 days is subject to the requirements of 335-14-5 through 9, unless it has been granted an extension to the 90-day period. Such extension may be granted by the Department if hazardous wastes must remain onsite for longer than 90 days due to unforeseen, temporary, and uncontrollable circumstances. An extension of up to 30 days may be granted at the discretion of the Department on a case-by-case basis.
- Pursuant to ADEM Admin. Code r.335-14-4-.03(4)(a) a transporter of hazardous waste must maintain a copy of the current hazardous waste transporter permit with each vehicle actively transporting hazardous wastes.
- Pursuant to ADEM Admin. Code r.335-14-17-.03(4)(c) containers and used oil tanks, except underground tanks, used to store used oil at used oil generator locations must be labeled or marked clearly with the words “Used Oil”.

14) List of Attachments

Attachment 1 – Photo Log:

10 Photos taken on: March 27, 2023

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: 2023.05.03 14:32:26 -04'00'

Laurie Benton DiGaetano
Environmental Engineer

Concurrence

ARACELI CHAVEZ

Digitally signed by ARACELI
CHAVEZ

Date: 2023.05.04 09:53:25 -04'00'

Araceli B. Chavez
RCRA Enforcement Section

Attachment 1
RCRA CEI Photographs

Laurie Benton DiGaetano, USEPA

Panasonic DMC TS-5 #S09533



Photo 1 (Ten-day Warehouse): Rows one and two in the ten-day warehouse.



Photo 2 (Ten-day Warehouse): Rows three, four, five and six in the ten-day warehouse.



Photo 3 (Ten-day Warehouse): Rows six, seven and eight, containing clean parts washing solvent.



Photo 4 (Ten-day Warehouse): Red drums of clean solvent in rows seven and eight, and of cardboard boxes of hazardous and nonregulated waste brought here by Clean Harbors in rows nine and ten.



Photo 5 (Ten-day Warehouse/CAA): Four 55-gallon drums of branch-generated debris. Drums were not labeled as hazardous waste, marked with an accumulation start date, or identified with an indication of the hazards of their contents.

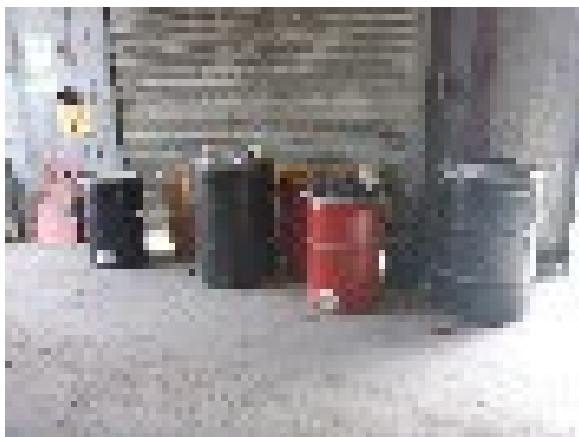


Photo 6 (Ten-day Warehouse SAA): Two 55-gallon drums and three 30-gallon drums of branch-generated debris.

Attachment 1
RCRA CEI Photographs

Laurie Benton DiGaetano, USEPA

Panasonic DMC TS-5 #S09533



Photo 7 (Ten-day Warehouse SAA): Unsecured ring on 55-gallon drum of branch-generated debris. Drum is labeled hazardous waste, but not marked with an indication of the hazards of its contents.



Photo 8 (Facility Yard): Ten 55-gallon drums labeled nonhazardous waste.



Photo 9 (Product Storage Warehouse SAA):
Flammable locker containing boxes of used oil sample retains and hazardous waste used oil sample retains.



Photo 10 (Product Storage Warehouse): Storage locker of vacuum truck retain samples and waste vacuum truck retain samples.