

Region 6 - Enforcement & Compliance Assurance Division
INSPECTION REPORT

Inspection Date(s):	05/03-05/2023	
Media Program:	RCRA Compliance Evaluation Inspection	
Regulatory Program(s)	RCRA Treatment, Storage, Disposal Facility	
Company Name:	Waste Control Specialists LLC	
Facility Name:	Waste Control Specialists	
Facility Physical Location:	9998 W State Hwy 176	
(city, state, zip code)	Andrews, TX 79714	
Mailing address:	PO Box 1129	
(city, state, zip code)	Andrews, TX 79714	
County/Parish:	Andrews County	
Facility Phone Number	432-525-8500	
Facility Contact:	Jay Cartwright	Director of ESH&Q
	jcartwright@wcstexas.com	
FRS Number:	110000600118	
Identification/Permit Number:	50358	
Media Identifier Number:	TXD988088464	
NAICS:	562211 – Hazardous Waste Treatment and Disposal	
SIC:	N/A	
Personnel participating in inspection:		
Elizabeth Pham	EPA R6	Lead Inspector
John Penland	EPA R6	Sr. Inspector
Elicia Sanchez	WCS	Sr. VP Key Initiative and Communications
Ryan Williams	WCS	VP Integrated Services
Jay Cartwright	WCS	Director of ESH&Q
Keri Gonzalez	WCS	Manager of Waste Compliance
Dale Battreall	WCS	TSDf Operations Manager
David Carlson	WCS	President & COO
EPA Lead Inspector Signature/Date		
	Elizabeth Pham	Date
Supervisor Signature/Date		
	Jeffrey Yurk	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

On May 3, 2023, I, Elizabeth Pham, conducted an announced inspection of the Waste Control Systems (WCS) facility located at 9998 W State Hwy 176, Andrews, Texas for compliance with the Resource Conservation and Recovery Act (RCRA) and observed shipment of the waste coming from the East Palestine, Ohio train derailment. I was assisted on this inspection by Environmental Protection Agency (EPA) inspector, John Penland. The inspection included walkthroughs of the facility's hazardous waste generation and management units and a review of the facility records related to hazardous waste management.

The WCS facility was targeted for inspection as part of the National Compliance Initiative for Air Emissions in Hazardous Waste Management Units and hazardous waste facilities located in or near Environmental Justice communities.

We concluded the inspection of the WCS facility on May 5, 2023, with a closing conference where we presented our provisional areas of concern.

This report serves as documentation of all onsite activities and observations during the inspection of the WCS facility. Photographs and videos taken during the inspection to document onsite observations are included as Appendix 1. A summary of all areas of concern identified during the inspection is provided in Section III of this report.

FACILITY DESCRIPTION

The WCS facility operates on a 4 day -10 hours schedule with core operational hours at 0600 to 1600hrs, Tuesday through Friday, and has approximately 120 employees. WCS is a Texas-based waste management firm that operates facilities in Andrews County, Texas. The WCS site is licensed by the Texas Commission on Environmental Quality (TCEQ) for the treatment and storage of radioactive waste and for the disposal of byproduct material, low-level radioactive waste (LLRW), and mixed waste. The site is authorized for land disposal of a large array of radioactive materials under the regulation of the TCEQ. The site can dispose of Class A, B and C low-level radioactive waste. WCS is also authorized for treatment, storage and disposal of hazardous and non-hazardous industrial wastes and polychlorinated biphenyls (PCBs).

A general map of the plant is included in Appendix 2.

The WCS facility was issued the EPA ID# TXD988088464 and is operated as a Treatment, Storage and Disposal Facility of hazardous waste and was issued the Permit #50358 by the TCEQ.

Section II - OBSERVATIONS

We conducted the onsite inspection during normal business hours from the 3rd through the 5th of May 2023. During the inspection, Mixing Tank MT-1 was observed but it has not processed waste since 2019, Mixing Tank MT-2 was out-of-service, and Mixing Tank MT-3, Mixing Tank MT-4, Stabilization Building Container Storage Area, Waste Compactor, and Geomelt are all dedicated to the treatment or storage of radioactive mixed waste so therefore exempt from permitting based on the definition of 40 CFR §264.1080(b)(6). The remainder of the facility was operating normally. Throughout the week, we visited each of the facility's waste generation, accumulation, and management areas. We also reviewed the facility's operating records pertaining to the facility's RCRA applicability and compliance requirements.

This section provides an abbreviated description of our daily activities. Detailed notes summarizing the inspection activities and findings were provided to the WCS representatives following each inspection day and are included as Appendix 4 of this report. Unless otherwise specified, the statements cited in this section reflect those claims made by facility personnel or documents reviewed during the inspection.

May 3, 2023

We entered the facility at approximately 1315 hrs. where we presented our credentials to Mr. Jay Cartwright and Ms. Elicia Sanchez and informed them we were there to conduct an inspection of the facility under Section 3007 of the Resource Conservation and Recovery Act (RCRA). The opening conference sign-in sheet is shown in Appendix 3. I discussed the purpose of EPA's inspection and explained the right of WCS to assert a Confidential Business Information claim for records requested by EPA, see under Title 40 of the Code of Federal Regulations section 2.203 (40 CFR §2.203), and presented the initial request for compliance records.

Following the opening briefing, we conducted a walkthrough of the WCS facility's process on the Ohio train derailment shipment. See Appendix 4 for notes regarding our observations. We departed the WCS facility at approximately 1600 hrs.

May 4, 2023

We entered the facility at approximately 0930 hrs. and met with Elicia Sanchez, Keri Gonzalez, and Dale Battreall to discuss the planned activities for the day. Following this meeting, we conducted a facility walkthrough of the WCS facility's storage and processing areas as well as a review of documents.

Facility Walkthrough

Laboratory

We observed two 55-gallon drums in the Satellite Accumulation Area (SAA) inside the laboratory. One of the drums was full and the other was half full, therefore more than 55-gallons had been accumulating. The last record in the logbook was 11/23/2021. SAA can only accumulate 55-gallons of waste any amount over that must be removed within 3 days.

TCEQ Permit Unit Number 005

This unit is named Bin Storage Unit (BSU) 1 and is comprised of Bin Storage Areas (BSA) 1 through 3. We identified the sign for BSA #2 was not clearly visible enough from the walkway and this sign was promptly moved.

TCEQ Permit Unit Number 006

This unit is named Bin Storage Unit 2 and we identified concerns of aisle spacing photographed in Photo No. 6-9 in Appendix 1.

TCEQ Permit Unit Number 004

This unit is named Container Storage Building (CSB) and is comprised of Compartments 1 through 10. We identified concerns of aisle spacing photographed in Photo No. 11 in Appendix 1.

We observed the WWTU Tanks, <90-Day Storage Areas, and TCEQ Permit Unit Number 008.b, 008.e, and 008.f. See Appendix 4 for notes regarding our observations. We departed the WCS facility at approximately 1600 hrs.

May 5, 2023

We conducted a virtual closing briefing at 1000 hrs. where we summarized our inspection activities and preliminary findings (see Section III for more detail). The closing conference sign-in sheet is shown in Appendix 3.

Section III – AREAS OF CONCERN

John Penland and I conducted a virtual closing conference with Waste Control Specialists at 1000 hrs. on May 5, 2023 for the inspection. During the closing conference, we reviewed the 3 Areas of Concern noted during the inspection.

1. TCEQ Permit Unit Number 004 (Container Storage Building): Concerns regarding adequate aisle spacing pursuant to 40 CFR §264.35. What we observed does not seem to meet the 24-inch requirement in Permit but marked 'Yes' on Daily Inspection Report.
2. TCEQ Permit Unit Number 006 (Bin Storage Unit 2): Concerns regarding adequate aisle spacing pursuant to 40 CFR §264.35. What we observed does not seem to meet the 24-inch requirement in Permit but marked 'Yes' on Daily Inspection Report.
3. Laboratory: Concerns that total amount of waste in the drums in this SAA contain more than 55-gallons of hazardous waste and was not disposed accordingly pursuant to 40 CFR §262.15(a)(6).

Section IV – FOLLOW UP

Actions taken by WCS to resolve any areas of concern were documented by WCS with photographs or other documentation and submitted to the EPA via the electronic secure online OneDrive. Any information received from WCS after the inspection will be received via the secure online drive. These documents are accessible by the EPA Enforcement Officer.

Section V – LIST OF APPENDICES

Appendix 1 – Photograph and Video Log

Appendix 2 – General Facility Map

Appendix 3 – Opening and Closing Conference Sign-in Sheets

Appendix 4 – EPA Daily Summary E-mails

Appendix 1

Photograph Log and Video Log

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: Waste Control Specialists		
City: Andrews	County/Parish: Andrews	State: Texas



Photo #:	DSCN1042.JPG
Date:	5/3/2023
Camera:	Nikon COOLPIX AW120
Photographer:	John Penland
Witness:	Elizabeth Pham, John Penland
Description: Two containers of waste from the East Palestine train derailment. Picture taken in NE direction.	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Location: Waste Control Specialists		
City: Andrews	County/Parish: Andrews	State: Texas



Photo #:	DSCN1043.JPG
Date:	5/3/2023
Camera:	Nikon COOLPIX AW120
Photographer:	John Penland
Witness:	Elizabeth Pham, John Penland
Description: Two containers of waste from the East Palestine train derailment. Picture taken in NW direction.	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Location: Waste Control Specialists		
City: Andrews	County/Parish: Andrews	State: Texas



Photo #:	DSCN1047.JPG
Date:	5/4/2023
Camera:	Nikon COOLPIX AW120
Photographer:	John Penland
Witness:	Elizabeth Pham, John Penland
Description: Two 55-gallon drums used for the accumulation of hazardous laboratory waste in the facility laboratory. WCS claimed this is a Satellite Accumulation Area.	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

Location: Waste Control Specialists		
City: Andrews	County/Parish: Andrews	State: Texas



Photo #:	DSCN1048.JPG
Date:	5/4/2023
Camera:	Nikon COOLPIX AW120
Photographer:	John Penland
Witness:	Elizabeth Pham, John Penland
Description: Label on one of the two containers of laboratory waste in the facility laboratory.	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 5

Location: Waste Control Specialists		
City: Andrews	County/Parish: Andrews	State: Texas

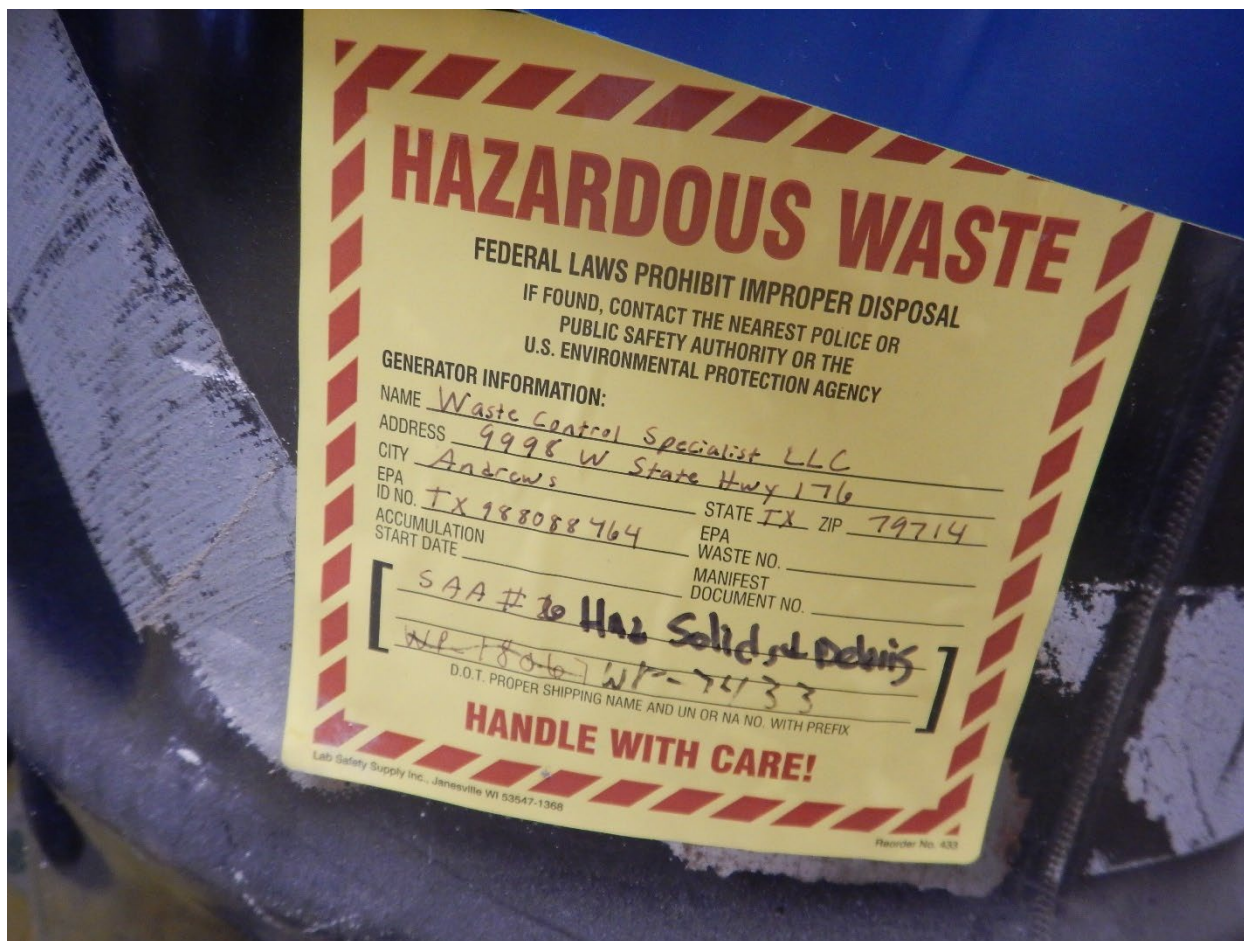


Photo #:	DSCN1049.JPG
Date:	5/4/2023
Camera:	Nikon COOLPIX AW120
Photographer:	John Penland
Witness:	Elizabeth Pham, John Penland
Description: Label on one of the two containers of laboratory waste in the facility laboratory.	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

Location: Waste Control Specialists		
City: Andrews	County/Parish: Andrews	State: Texas



Photo #:	DSCN1050.JPG
Date:	5/4/2023
Camera:	Nikon COOLPIX AW120
Photographer:	John Penland
Witness:	Elizabeth Pham, John Penland
Description: Hazardous Waste containers in Bin Storage Unit #2. Radiation hazard prevented inspection access. Aisle spacing does not appear to allow unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment. (40 CFR §264.35)	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 7

Location: Waste Control Specialists		
City: Andrews	County/Parish: Andrews	State: Texas



Photo #:	DSCN1051.JPG
Date:	5/4/2023
Camera:	Nikon COOLPIX AW120
Photographer:	John Penland
Witness:	Elizabeth Pham, John Penland
Description: Hazardous Waste containers in Bin Storage Unit #2. Radiation hazard prevented inspection access. Aisle spacing does not appear to allow unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment. (40 CFR §264.35)	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 8

Location: Waste Control Specialists		
City: Andrews	County/Parish: Andrews	State: Texas



Photo #:	DSCN1052.JPG
Date:	5/4/2023
Camera:	Nikon COOLPIX AW120
Photographer:	John Penland
Witness:	Elizabeth Pham, John Penland
Description: Hazardous Waste containers in Bin Storage Unit #2. Radiation hazard prevented inspection access. Aisle spacing does not appear to allow unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment. (40 CFR §264.35)	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 9

Location: Waste Control Specialists		
City: Andrews	County/Parish: Andrews	State: Texas



Photo #:	DSCN1053.JPG
Date:	5/4/2023
Camera:	Nikon COOLPIX AW120
Photographer:	John Penland
Witness:	Elizabeth Pham, John Penland
Description: Hazardous Waste containers in Bin Storage Unit #2. Radiation hazard prevented inspection access. Aisle spacing does not appear to allow unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment. (40 CFR §264.35)	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 10

Location: Waste Control Specialists		
City: Andrews	County/Parish: Andrews	State: Texas



Photo #:	DSCN1054.JPG
Date:	5/4/2023
Camera:	Nikon COOLPIX AW120
Photographer:	John Penland
Witness:	Elizabeth Pham, John Penland
Description: Entrance to the Container Storage Building. (TCEQ Permit Unit #4)	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 11

Location: Waste Control Specialists		
City: Andrews	County/Parish: Andrews	State: Texas



Photo #:	DSCN1055.JPG
Date:	5/4/2023
Camera:	Nikon COOLPIX AW120
Photographer:	John Penland
Witness:	Elizabeth Pham, John Penland
Description: Hazardous waste containers stored in the Container Storage Building. Aisle spacing does not appear to allow unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment. (40 CFR §264.35).	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Photograph Log

Photo No. 12

Location: Waste Control Specialists		
City: Andrews	County/Parish: Andrews	State: Texas



Photo #:	DSCN1056.JPG
Date:	5/4/2023
Camera:	Nikon COOLPIX AW120
Photographer:	John Penland
Witness:	Elizabeth Pham, John Penland
Description: South side of the Container Storage Building facing NE direction. (TCEQ Permit Unit #4)	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 13

Location: Waste Control Specialists		
City: Andrews	County/Parish: Andrews	State: Texas



Photo #:	DSCN1057.JPG
Date:	5/4/2023
Camera:	Nikon COOLPIX AW120
Photographer:	John Penland
Witness:	Elizabeth Pham, John Penland
Description: South side of the Container Storage Building facing NW direction. (TCEQ Permit Unit #4)	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 14

Location: Waste Control Specialists		
City: Andrews	County/Parish: Andrews	State: Texas



Photo #:	DSCN1058.JPG
Date:	5/4/2023
Camera:	Nikon COOLPIX AW120
Photographer:	John Penland
Witness:	Elizabeth Pham, John Penland
Description: East side of Container Storage Building facing W direction. (TCEQ Permit Unit #4)	

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Video Log

Location: Waste Control Specialists		
City: Andrews	County/Parish: Andrews	State: Texas

 https://youtu.be/T0q7EEuFSJc	Video File Name:	DSCN1044.MOV
	Date of Video:	5/3/2023
	Time of Video:	0m 06s
	Videographer:	John Penland
	Description:	Test video during camera set up

 https://youtu.be/379JkdELdTA	Video File Name:	DSCN1045.MOV
	Date of Video:	5/3/2023
	Time of Video:	9m 20s
	Videographer:	John Penland
	Description:	Disposal of waste from the East Palestine train derailment

 https://youtu.be/pzsoX_b-nMo	Video File Name:	DSCN1046.MOV
	Date of Video:	5/3/2023
	Time of Video:	0m 8s
	Videographer:	John Penland
	Description:	Disposal of waste from the East Palestine train derailment

 https://youtu.be/KG6pQUn5dxM	Video File Name:	IMG_0472.mp4
	Date of Video:	5/3/2023
	Time of Video:	1m 9s
	Videographer:	WCS
	Description:	Disposal of waste from the East Palestine train derailment

Appendix 2

General Facility Map

WCS Site – Andrews TX

Byproduct
Facility

Federal
Facility

Hazardous
Waste
Landfill

Compact
Facility

Administration
Buildings

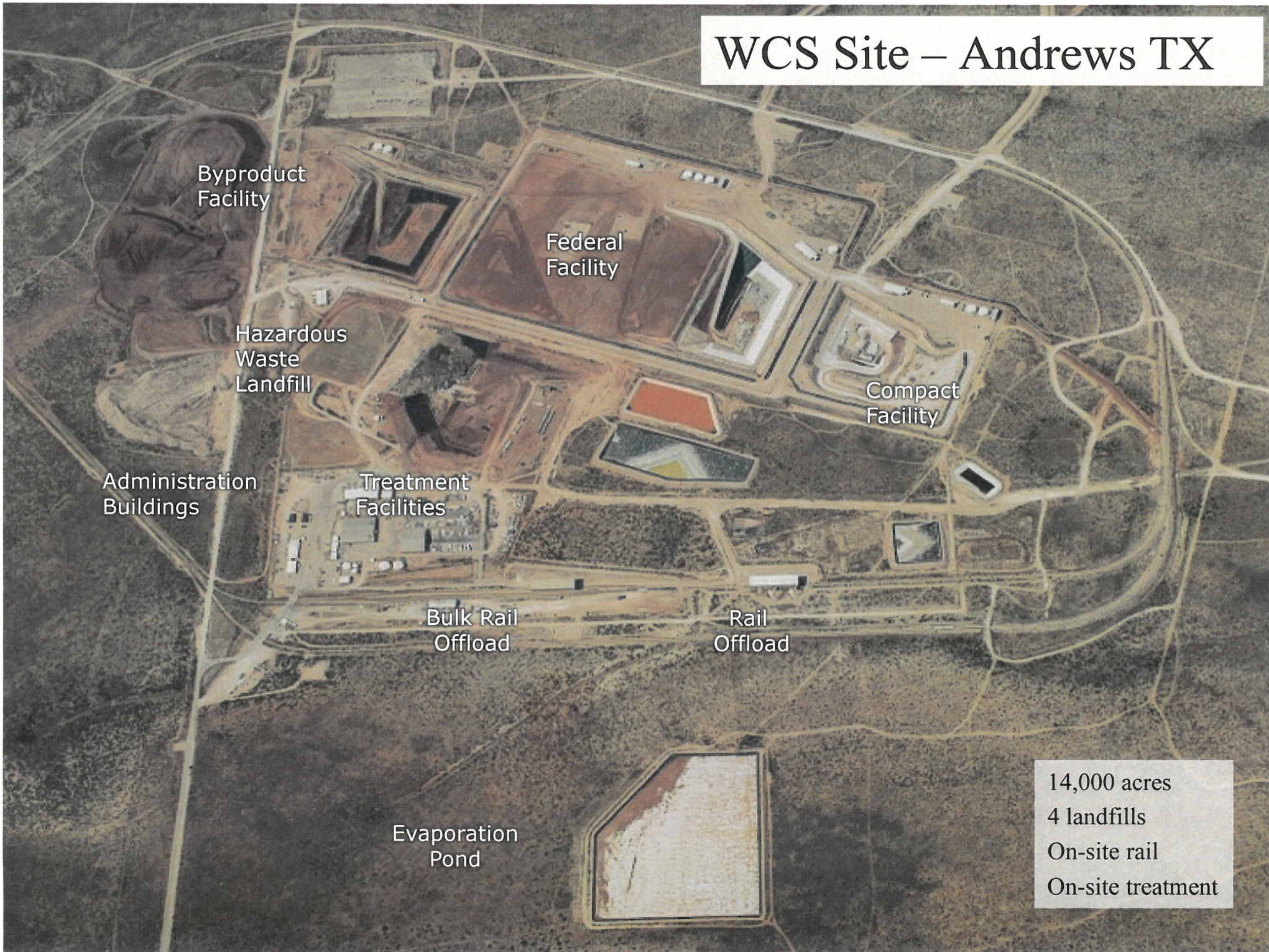
Treatment
Facilities

Bulk Rail
Offload

Rail
Offload

Evaporation
Pond

14,000 acres
4 landfills
On-site rail
On-site treatment



Appendix 3

Opening and Closing Conference Sign-In Sheets

Opening Conference Sign-In Sheet:

NAME	TITLE	REPRESENTING	EMAIL
Elizabeth Pham	Lead Inspector	EPA R6	Pham.elizabeth@epa.gov
John Penland	Inspector	EPA R6	Penland.john@epa.gov
Elicia Sanchez	Sr. VP Key Initiative and Communications	WCS	esanchez@wcstexas.com
Ryan Williams	VP Integrated Services	WCS	rwilliams@wcstexas.com
Jay Cartwright	Director of ESH&Q	WCS	jcartwright@wcstexas.com

Closing Conference Sign-In Sheet [VIRTUAL]:

NAME	TITLE	REPRESENTING	EMAIL
Elizabeth Pham	Lead Inspector	EPA R6	Pham.elizabeth@epa.gov
John Penland	Inspector	EPA R6	Penland.john@epa.gov
Elicia Sanchez	Sr. VP Key Initiative and Communications	WCS	esanchez@wcstexas.com
Ryan Williams	VP, Integrated Services	WCS	rwilliams@wcstexas.com
Jay Cartwright	Director of ESH&Q	WCS	jcartwright@wcstexas.com
Keri Gonzalez	Manager of Waste Compliance	WCS	kgonzalez@wcstexas.com
Dale Battreall	TSDf Operations Manager	WCS	dbattreall@wcstexas.com
David Carlson	President & COO	WCS	dcarlson@wcstexas.com

Appendix 4

EPA Daily Summary E-mails

Pham, Elizabeth

To: esanchez@wcstexas.com; rwilliams@wcstexas.com; jcartwright@wcstexas.com
Cc: Penland, John; Yurk, Jeffrey
Subject: RE: Daily Summary for FY2023 RCRA CEI - Waste Control Services - Andrews, TX (TXD988088464) - May 3, 2023

Revisions were made to the sixth sub-bullet on 6/1/2023.

Elizabeth Pham

Enforcement and Compliance Assurance Division

U.S. EPA Region 6

Office: (214) 665-8354

E-mail: pham.elizabeth@epa.gov

From: Pham, Elizabeth

Sent: Thursday, May 4, 2023 8:01 AM

To: esanchez@wcstexas.com; rwilliams@wcstexas.com; jcartwright@wcstexas.com

Cc: Penland, John <Penland.John@epa.gov>; Yurk, Jeffrey <yurk.jeffrey@epa.gov>

Subject: Daily Summary for FY2023 RCRA CEI - Waste Control Services - Andrews, TX (TXD988088464) - May 3, 2023

All,

Here is a summary of my notes from today's inspection. If there are any errors or omissions please let me know.

Introduction

On May 3, 2023, I, Elizabeth Pham, will be conducting an announced inspection of the Waste Control Services facility (WCS) located at, 9998 W State Hwy 176, Andrews, TX 79714 for compliance with the Resource Conservation and Recovery Act (RCRA) and to observe the off-loading and disposal of the East Palestine, Ohio train derailment. I will be assisted on this inspection by Environmental Protection Agency (EPA) inspector John Penland. The inspection will include walkthroughs of the facility's hazardous waste generation and management units and a review of the facility records related to hazardous waste management.

Inspection Attendees:

NAME	TITLE	REPRESENTING	PHONE	EMAIL
Elizabeth Pham	Lead Inspector	EPA R6	214-665-8354	Pham.elizabeth@epa.gov
John Penland	Inspector	EPA R6	214-665-9717	Penland.john@epa.gov
Elicia Sanchez	Sr. VP Key Initiative and Communications	WCS	432-525-8578	esanchez@wcstexas.com
Ryan Williams	VP Integrated Services	WCS	682-503-0030	rwilliams@wcstexas.com
Jay Cartwright	Director of ESH&Q	WCS	432-525-8698	jcartwright@wcstexas.com

Daily Summary

- Initial Entry to the facility - approximately 1245 hrs
- Opening meeting start – 1315 hrs
 - I presented my credentials to Mr. Jay Cartwright and informed them that we were there to conduct an inspection of the facility under the authority of section 3007 of the Resource Conservation and Recovery Act

- We discussed the authority for the inspection – RCRA Section 3007 - For purposes of developing or assisting in the development of any regulation or enforcing the provisions of this chapter, 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, or upon request of any duly designated officer, employee or representative of a State having an authorized hazardous waste program, furnish information relating to such wastes and permit such person at all reasonable times to have access to, and to copy all records relating to such wastes. For the purposes of developing or assisting in the development of any regulation or enforcing the provisions of this chapter, such officers, employees or representatives are authorized—
 - (1) to enter at reasonable times any establishment or other place where hazardous wastes are or have been generated, stored, treated, disposed of, or transported from;
 - (2) to inspect and obtain samples from any person of any such wastes and samples of any containers or labeling for such wastes.
- We discussed the purpose of EPA’s inspection – Assessment of WCS’s compliance with its requirements under RCRA, including, but not limited to, the requirements for: waste determination and counting; waste marking; waste container management; use of the hazardous waste manifest; emergency planning; personnel training; air pollution control requirements for hazardous waste units; and the requirements for the management of excluded or exempt materials.
- Discussed the right of WCS to assert a Confidential Business Information claim for records requested by EPA (see attachment)
- Discussed the process for transferring electronic records – EPA has set up a Microsoft OneDrive folder with access limited to the inspection participants and other designated WCS employees
 - One Drive Link: https://usepa-my.sharepoint.com/:f:/r/personal/pham_elizabeth_epa_gov/Documents/FY23%20Waste%20Control%20Specialists%20RCRA%20CEI?csf=1&web=1&e=VnduKx
- Discussed the inspection process – the inspection will be conducted May 3 through May 5, 2023 during normal business hours. The participants will meet at the facility at 9:00am each day to conduct the onsite portion of the inspection and discuss the findings of the ongoing records review. The records review will be conducted by the inspectors independently offsite throughout the week. Daily summaries will be provided by the inspectors at the end of each day to ensure a clear communication of questions and findings. The meeting Friday, May 5, 2023 will be reserved for a closing conference, where EPA will summarize the overall findings of the inspection to that point and provide a plan for concluding any unfinished evaluation.
- Presented the initial request for compliance records, including:
 - Hazardous waste notification form: 8700-12
 - A current Hazardous Waste Contingency Plan
 - Facility SOPs related to the generation or management of hazardous waste
 - RCRA related training records for selected personnel
 - Facility Maps
 - Facility process diagram(s)
 - Facility Waste Profiles
 - Land Disposal Restriction notifications
 - Any Hazardous Waste Manifests not previously uploaded to e-manifest
 - Any contract or agreement between the facility and any reclamation company related to hazardous secondary materials
 - Active RCRA permit(s)
- Meeting concluded with a safety briefing at approximately 1330 hrs.
- Facility Walkthrough
 - Beginning at approximately 1400 hrs.
 - Observed 6 containers from Ohio train derailment and watched 2 containers being emptied into landfill

- Elicia took video and will add in the OneDrive
- Daily Wrap up meeting at approximately 1545 hrs.
- Departed Facility at approximately 1600 hrs.

Planned activities for May 4, 2023

- Walkthrough of hazardous waste management units
- Initial document review

Elizabeth Pham

Enforcement and Compliance Assurance Division

U.S. EPA Region 6

Office: (214) 665-8354

E-mail: pham.elizabeth@epa.gov

From: [Pham, Elizabeth](#)
To: [esanchez@wcstexas.com](#); [rwilliams@wcstexas.com](#); [jcartwright@wcstexas.com](#); [kgonzalez@wcstexas.com](#); [dbattreall@wcstexas.com](#)
Cc: [Penland, John](#); [Yurk, Jeffrey](#)
Subject: Daily Summary for FY2023 RCRA CEI - Waste Control Services - Andrews, TX (TXD988088464) - May 4, 2023
Date: Friday, May 5, 2023 9:16:00 AM

All,

Here is a summary of my notes from today's inspection. If there are any errors or omissions please let me know.

Inspection Attendees:

NAME	TITLE	REPRESENTING	PHONE	EMAIL
Elizabeth Pham	Lead Inspector	EPA R6	214-665-8354	Pham.elizabeth@epa.gov
John Penland	Inspector	EPA R6	214-665-9717	Penland.john@epa.gov
Elicia Sanchez	Sr. VP Key Initiative and Communications	WCS	432-525-8578	esanchez@wcstexas.com
Keri Gonzalez	Manager of Waste Compliance	WCS	432-525-8630	kgonzalez@wcstexas.com
Dale Battreall	TSDf Operations Manager	WCS	432-525-8632	dbattreall@wcstexas.com

Daily Summary:

- Inspection Start – approximately 0930 hrs.
- Facility Walkthrough
 - Began at approximately 1045hrs.
 - Lab
 - We observed two 55-gallon drums in the Satellite Accumulation Area inside the lab. One of the drums was full and the other was half full, therefore more than 55G had been accumulating. The last record in the logbook was 11/23/2021.
 - WWTU Tanks
 - We observed two WWTU tanks and on first impression, the area seemed to be clean.
 - Bin Storage Unit 1 (Bin Storage Areas 1 through 3)
 - We observed TCEQ Permit Unit Number 005. Sign for BSA #2 was not clearly visible enough from walkway.
 - Bin Storage Unit 2
 - We observed TCEQ Permit Unit Number 006. Concerns about aisle spacing were raised.
 - Container Storage Building (Compartments 1 through 10)
 - We observed TCEQ Permit Unit Number 004. Concerns about aisle spacing were raised.
 - Stabilization Building Container Storage Area (North and South)
 - We observed TCEQ Permit Unit Number 008.e and 008.f. Initial concerns of applicability to Subpart CC.
 - Geomelt
 - We observed TCEQ Permit Unit Number 008.b and on first impression, the area seemed to be clean.
 - <90-Day Storage Areas

- We observed <90-Day Storage Area next to the lab. The area had drums labeled empty.
 - We observed <90-Day Storage TCEQ Unit #7. The area was empty during time of inspection.
- Document Review
 - Emergency Response Plan
 - Did not have emergency response equipment towards locations and capabilities pursuant to 40 CFR 264.52(e)
 - “The plan must include a list of all emergency equipment at the facility... the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.”
 - Trainings
 - We requested documentation for all personnel handling, treating, disposing hazardous waste that meets the requirements of 40 CFR 264.16
 - Subpart CC Applicability
 - TCEQ Permit Unit Number 008.a (Mixing Tank MT-1) has not processed waste since 2019.
 - TCEQ Permit Unit Number 008.b (Mixing Tank MT-2) is out-of-service.
 - TCEQ Permit Unit Number 008.c (Mixing Tank MT-3), TCEQ Permit Unit Number 008.d (Mixing Tank MT-4), TCEQ Permit Unit Number 008.e (Stabilization Building Container Storage Area), TCEQ Permit Unit Number 008.f (Waste Compactor), and TCEQ Permit Unit Number 008.g (Geomelt) is dedicated to the treatment or storage of radioactive mixed waste so therefore exempt based the definition of 40 CFR 264.1080(b)(6).
 - Profile of waste from Ohio train derailment was requested.
- Departed facility approximately 1600 hrs.

Planned activities for May 5, 2023

- Closing Conference 1000 hrs

Elizabeth Pham

Enforcement and Compliance Assurance Division

U.S. EPA Region 6

Office: (214) 665-8354

E-mail: pham.elizabeth@epa.gov

From: [Pham, Elizabeth](#)
To: [esanchez@wcstexas.com](#); [rwilliams@wcstexas.com](#); [jcartwright@wcstexas.com](#); [kgonzalez@wcstexas.com](#); [dbattreall@wcstexas.com](#)
Cc: [Penland, John](#); [Yurk, Jeffrey](#)
Subject: Daily Summary for FY2023 RCRA CEI - Waste Control Services - Andrews, TX (TXD988088464) - May 5, 2023
Date: Friday, May 5, 2023 10:17:00 AM

All,

Here is a summary of my notes from today's out-briefing meeting. If there are any errors or omissions please let me know.

Introduction

On May 3, 2023, I, Elizabeth Pham, conducted an announced inspection of Waste Control Services facility (WCS) located at, 9998 W State Hwy 176, Andrews, TX 79714 for compliance with the Resource Conservation and Recovery Act (RCRA) and to observe the off-loading and disposal of the East Palestine, Ohio train derailment. I was assisted on this inspection by Environmental Protection Agency (EPA) inspector John Penland. The inspection included walkthroughs of the facility's hazardous waste generation and management units and a review of the facility records related to hazardous waste management.

Purpose

The WCS facility was targeted for inspection as part of a regional commitment to verify compliance at facilities managing waste from the East Palestine, Ohio train derailment.

Close-out Meeting Attendees:

NAME	TITLE	REPRESENTING	PHONE	EMAIL
Elizabeth Pham	Lead Inspector	EPA R6	214-665-8354	Pham.elizabeth@epa.gov
John Penland	Inspector	EPA R6	214-665-9717	Penland.john@epa.gov
Elicia Sanchez	Sr. VP Key Initiative and Communications	WCS	432-525-8578	esanchez@wcstexas.com
Ryan Williams	VP, Integrated Services	WCS	682-503-0030	rwilliams@wcstexas.com
Jay Cartwright	Director of ESH&Q	WCS	432-525-8698	jcartwright@wcstexas.com
Keri Gonzalez	Manager of Waste Compliance	WCS	432-525-8630	kgonzalez@wcstexas.com
Dale Battreall	TSDF Operations Manager	WCS	432-525-8632	dbattreall@wcstexas.com
David Carlson	President & COO	WCS	865-201-3191	dcarlson@wcstexas.com

Daily Summary:

- Virtual close-out meeting – 1000 hrs.

Identified Concerns

1. TCEQ Permit Unit Number 004 (Container Storage Building)
 - Concerns regarding to adequate aisle spacing pursuant to 40 CFR 264.35. Does not seem to meet the 24-inch requirement in Permit but marked 'Yes' on Daily Inspection Report.
2. TCEQ Permit Unit Number 006 (Bin Storage Unit 2)
 - Concerns regarding to adequate aisle spacing pursuant to 40 CFR 264.35. Does not seem to meet the 24-inch requirement in Permit but marked 'Yes' on Daily Inspection Report.
3. Laboratory
 - Concerns that total amount of waste in the drums in this SAA contain more than 55-G of hazardous waste and was not disposed accordingly pursuant to 40 CFR 262.15(a)(6).

On-going document request for compliance records:

- Permit – received
- ERP – received, record of distribution is requested
- Training Records – received, any additional personnel handling/managing hazardous waste is requested
- Facility Map – received
- Waste Profiles – request for profile of waste from Ohio train derailment
- SOP's – request for waste generating processes and diagrams
- Unit Inspection Records – received

All documents must be received in shared OneDrive by COB **Friday, May 19, 2023.**

Elizabeth Pham

Enforcement and Compliance Assurance Division

U.S. EPA Region 6

Office: (214) 665-8354

E-mail: pham.elizabeth@epa.gov