

Region 6 - Enforcement & Compliance Assurance Division
INSPECTION REPORT

Inspection Date(s):	3/28/2023 – 3/30/2023	
Media Program:	RCRA	
Regulatory Program(s)	RCRA Very Small Quantity Generator (VSQG) of hazardous waste and Used Oil Generator	
Company Name:	Mauser Packaging Solutions	
Facility Name:	Industrial Container Services	
Facility Physical Location:	1402 Clinton Drive	
(city, state, zip code)	Galena Park, Texas	
Mailing address:	1402 Clinton Drive	
(city, state, zip code)	Galena Park, Texas 77547	
County/Parish:	Harris	
Facility Phone Number	832-384-9825	
Facility Contact:	Jason Garvin	Plant Manager
	Jason.Garvin@mauserpackaging.com	
FRS Number:	110000895808	
Identification/Permit Number:	71151 – Texas Solid Waste Registration #	
Media Identifier Number:	EPA ID #: TXD026481440	
NAICS:	81131 – Commercial and Industrial Machinery and Equipment (Except automotive and Electronic) Repair and Maintenance	
SIC:	7699 - Repair Shops and Related Services, Not Elsewhere Classified	
Personnel participating in inspection:		
Dedriel Gardner	EPA R6/ECD-SR	Environmental Engineer
Jason Garvin	Industrial Container Services	Plant Manager
Fabio Franesconi	Industrial Container Services	Maintenance Manager
Kendrick Newsome	Industrial Container Services	Production Manager
Ernest Donnelly	Industrial Container Services	Maintenance Mechanic
EPA Lead Inspector Signature/Date		
	Dedriel Gardner	Date
Supervisor Signature/Date		
	Jeff Yurk – Waste Enforcement Section Chief	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

On March 28 - 30, 2023, I, Dedriel Gardner, conducted an unannounced inspection of the Industrial Container Services (ICS) facility located at 1402 Clinton Drive in Galena Park, Texas, for compliance with the Resource Conservation and Recovery Act (RCRA). I presented my credentials to Jason Garvin (Plant Manager) and informed him that I was there to conduct an inspection of the facility under the authority of Section 3007 of RCRA. I discussed EPA Region 6's Confidentiality Notice (40 CFR Section 2.203) for any, potential Business Confidentiality Information claims by ICS. I informed him that the inspection would include a discussion of facility operations, waste generation, and waste management; a visual inspection of the facility including waste generation and management areas; and a review of related waste management records.

At the conclusion of the inspection on March 30, 2023, I conducted a closing conference with Mr. Garvin where I presented my provisional areas of concerns. A summary of the areas of concern identified during the inspection is provided in Section III.

This report serves as documentation of all onsite activities and observations during the inspection of the ICS facility. Photographs taken during the inspection to document onsite observations are included as Appendix 1. Also, I set up an electronic secure online drive for documents to be uploaded during and after the inspection.

FACILITY DESCRIPTION

Mr. Garvin acted as the official facility representative and provided the information throughout this report unless stated otherwise.

ICS is a subsidiary of Mauser Packaging Solutions (Mauser), Oak Brook, Illinois. They are a drum reconditioner, as well as container recycler and retailer. This facility has been operated by various companies since the 1940s. ICS purchased it from Burbank Barrel and Drum Ltd (Burbank Barrel) around 2011 or 2012 and then ICS was purchased by Mauser around 2014. They have 54 full-time employees and is operated 6:00 A.M. to 4:30 P.M., Monday through Friday, with annually scheduled shut down times for maintenance.

ICS is located on about one and a half acres that are leased from Clinton Drive, LLC (see Appendix 2 for document provided). It is surrounded by industrial and commercial businesses. A facility map was provided and is included as Appendix 3.

According to RCRAInfo and the Texas Commission on Environmental Quality (TCEQ) Notice of Registration (NOR), Burbank Barrel and Drum, Ltd. (Burbank Barrel) last notified for this site in 2008. They notified as a VSQG of hazardous waste. It should be noted that although the TCEQ NOR listed Burbank Barrel as the company name, it also listed ICS as the site name. Mr. Garvin was not aware of this notification for the facility and stated that they are not related to Burbank Barrel. According to 30 TAC 335.6 (c), a generator that generates in any calendar month more than 100 kilograms of non-acute hazardous waste, more than 1 kilogram of acute hazardous waste, or more than 100 kilograms of industrial Class 1 waste, must notify and document any changes within 90 days for all hazardous waste

streams, industrial solid waste streams, and associated waste management units. In addition, per Mr. Garvin there have been waste stream changes as discussed in Section II. **(AOC #2)**

Process Description

ICS reconditions and recycles only 55-gallon drums. There are three types of drum processing lines on-site that include a steel open head drum line, steel tight head drum line, and poly tight head drum line. ICS processes a total of about 2,200 to 2,400 drums per day. This includes about 1,200 steel open head drums and 1,000 steel tight head or 900 to 1,000 poly tight head drums per day (the same crew operates both the steel and poly tight head drum lines).

When a customer contacts ICS for service, the following steps take place:

1. The customer contacts Mauser's National Inbound group stationed in Addison, Illinois for service. That group sets up service by having the customer sign an Acceptance Policy that states only empty containers will be provided and limits the types of chemicals the drums last contained. See Appendix 4 for a copy of the policy provided.
2. The National Inbound group schedules pick up by Mauser's private fleet, although they also accept containers from the customer's fleet, or a customer booked common carrier.
3. Mauser drivers conduct a visual inspection of the containers at the customer's site to verify that they are as stated in the Acceptance Policy. This includes verifying that they are empty (less than 1 inch), labeled, closed, and last contained an acceptable chemical (based on container labels) or labeled as triple rinsed if required. ICS does not track the type of chemicals the drums last contained that are processed on-site. If the customer or common carrier delivers the drums, they are visually inspected on-site for the same criteria by the ICS Receiver Team prior to unloading.
4. If the drums are acceptable, they are processed by type on one of the three drum lines as detailed in the daily summaries included as Appendix 5.
5. If the drums are not acceptable, they are rejected and handled as follows:
 - a. If the drums have not been accepted from the transporter (i.e., signed for and opened) they are rejected, and then the transporter returns them to the customer.
 - b. If the drums have been accepted from the transporter and later found to be unacceptable, then the drums are pulled and set aside, labeled as "Heavy", re-closed, and the Non-compliance Rejection Manager (Brandy Lowder) is contacted. She handles all the Mauser facilities' rejections. Ms. Lowder is sent the bill of lading and photos. She contacts the customer and works with them to have the drums returned. The customer either makes the arrangements to transport the containers back or ICS will. If the company is non-responsive and ICS must pay for transportation, then ICS will transport and request a refund afterwards. ICS's policy is to not have any rejected containers on-site more than 30 days. Ms. Lowder maintains a log of the rejected containers. During the inspection, Mr. Garvin uploaded to the EPA's electronic secure online drive this facility's rejection log for the past three years.
 - c. If a heavy drum (i.e., drum containing greater than 1 inch of chemical) is accepted and the process started (e.g., lid cut open), ICS cannot return it. Therefore, the drum is processed on-site. This includes burning the chemical in the furnace on the steel open head drum line or pouring it off on the conveyor line of the steel and poly tight head drum lines as discussed in Section II.

ICS has a process wastewater system on-site that treats (i.e., phase separation and pH adjustment) the process wastewaters as explained in Section II. They also have a maintenance shop for equipment maintenance and minor vehicle maintenance.

Section II - OBSERVATIONS

I conducted the onsite inspection during normal business hours from March 28- 30, 2023. During the inspection, the facility was conducting normal operations. I visually inspected the facility to include the Yellow Dock sorting area, each of the three drum processing lines (although the poly tight head drum line was not operating), paint storage area, the maintenance shop, process wastewater tank farm, and southwest side of the facility where trailers and wastes are stored. Also, I reviewed facility records including Safety Data Sheets (SDS), waste profiles and analyses, and container rejection logs pertaining to the facility's RCRA applicability and compliance requirements.

This section provides an abbreviated description of my onsite activities (see Appendix 5 for daily summaries). Appendix 1 provides photographs of these observations. Unless otherwise specified, the statements cited in this section reflect those claims made by Mr. Garvin.

Waste Streams

The facility representatives were not very familiar with making RCRA hazardous waste determinations. However, Mr. Garvin stated that ICS uses Quala Wash (i.e., Quala Industrial, Baytown, Texas) as a broker for waste management. Quala Wash makes the hazardous waste determinations, arranges for analyses, waste transportation, and off-site management to include selecting where the wastes are shipped.

Based on my discussions with facility personnel and documents reviewed, Appendix 6 is a waste table that by waste stream name, addresses generation process, facility's hazardous waste determination, generation rate, on-site management, off-site management, and related issues. As noted in Appendix 6, it was difficult to verify some of ICS's hazardous waste determinations for the following reasons:

- Not all the information was available or known.
- Different names appear to be used for the same waste stream.
- Mixing waste streams prior to the hazardous waste determinations being made.
- Difficulty matching up some waste profiles and analyses to waste streams. During the inspection, various copies of waste profiles and analyses were uploaded to the secure online drive (see Appendix 7 for list) and I was provided a couple of waste profiles and one analysis that are included as Appendix 8. They all noted the wastes to be non-hazardous.
- Difficulty matching up some waste profiles and analyses to manifested waste. Based on manifests in the eManifest system, it appears that three waste streams are manifested off-site as non-hazardous (rinse water sludge, wastewater, and stabilized sludge from drum cleaning operations).
- Some generation rates not appearing to match amounts manifested.
- Difficulty verifying the analytical results were based on a representative sample of waste.

Mr. Garvin contacted Quala Wash during the inspection to clarify the hazardous waste determinations and locate/obtain related records. Even so, it was difficult to verify some of the hazardous waste determinations for the reasons stated above.

As part of the daily summaries, a copy of the waste table with partial information was sent to Mr. Garvin on April 3, 2023, along with a revised process wastewater diagram for comments/completion (see Appendix 5 for the waste table sent to ICS for comments). I did not receive the table or diagram back prior to completing this report. It should be noted that on the waste table, I stated that waste profiles and the latest analyses were provided for waste streams #4 and #5. However, after further review of uploaded documents on the secure online drive and information provided during the inspection, this was not certain as it was difficult to match the analyses to waste streams.

Section III – AREAS OF CONCERN

I conducted a closing conference with Mr. Garvin on March 30, 2023. During the closing conference, I reviewed the following provisional areas of concern noted during the inspection.

Waste Streams

According to 30 TAC 335.504, an accurate hazardous waste determination must be made on each solid waste at the point of waste generation. Therefore, I noted the following waste streams as a concern (see Appendix 6 for a more detail discussion):

- From the Process Wastewater System
 - Oily wastewater and drum heels from the heated oil/water separator.
 - Handled after mixing as used oil based on knowledge and the process wastewater system is operated without any known permits – However, the accuracy of this determination not being based on the individual waste streams and the treatment system’s unregulated status were noted as a concern. See Appendix 6, waste streams #2 and #3. **(AOC #1a and #1k)**
 - Spent caustic wash tank solution from the pH adjustment/holding tank.
 - Handled as non-hazardous based on analyses – However, the accuracy of this determination was noted as a concern since it was unclear how it was sampled, if all recent analytical results were available for review, if the treatment of the solution met the wastewater treatment or elementary neutralization exemption, and how it was being managed off-site. See Appendix 6, waste stream #4. **(AOC #1b)**
- Rinse water sludge that consists of multiple waste streams including exterior and interior waste paint, spent acetone, wastewater from paint booths, spent absorbent, spent paint booth filters, filter screenings/paint chips, and contaminated rags.
 - Handled as non-hazardous waste based on analyses of the mixture – However, not making hazardous waste determinations on the individual waste streams prior to mixing was noted as a concern, and additional information is needed to clarify what the current stabilized sludge from drum cleaning operations consists of since ICS ceased stabilization about 18 months to two years ago. See Appendix 6, waste stream #5. **(AOC #1c)**
- Incinerator ash
 - Handled as non-hazardous waste based on analysis – However, the accuracy of this determination was noted as a concern since analyses were not provided and how it was sampled is unknown. See Appendix 6, waste stream #1. **(AOC #1d)**

- Shot blast residue/dust – sold for scrap metal.
 - Not making hazardous waste determinations on the spills/releases not cleaned up and any residue/dust that may be sent for landfilling were noted as a concern, See Appendix 6, waste stream #6. **(AOC #1e)**
- Waste rags disposed in general trash.
 - A hazardous waste determination was not made and was noted as a concern. See Appendix 6, waste stream #7. **(AOC #1r)**
- Spent personal protective equipment (gloves and aprons) disposed in general trash.
 - A hazardous waste determination had not been made and was noted as a concern. See Appendix 6, waste stream #8. **(AOC #1f)**
- Used oil shipped off-site for unknown management.
 - How the used oil is managed determines how it is regulated. I noted as a concern that a hazardous waste determination had not been made on the used oil regarding if the used oil is recycled or disposed. See Appendix 6, waste stream #9. **(AOC #1l)**. If the used oil is recycled directly to a burner, ICS would be a used oil marketer.
- Spent Lamps disposed in general trash.
 - A hazardous waste determination had not been made and was noted as a concern. See Appendix 6, waste stream #10). **(AOC #1g)**

Other Spills/Releases Not Listed in Waste Table

According to 30 TAC 335.504, a hazardous waste determination must be made on each solid waste. I observed the following spills/releases on the ground that did not have a hazardous waste determination made and therefore were noted as concerns:

- Steel Open Head Drum Line
 - I observed dark stains (about 10 ft x 4 ft) on the north side of the Cut Porch's elevated deck. The stains are located about 20 ft from a storm drain. See Appendix 1, Photos 18, 20, 21, and 23 and Appendix 3. I asked Messrs. Garvin and Newsome what these dark stains were, and they were not sure. Mr. Newsome stated they could have been made over time. **(AOC #1i)**
 - I observed various spills/releases of waste including apparent incinerator ash, shot blast residue/dust and hardened interior liner paint along the east side of the facility as shown in Appendix 1, Photos 32 thru 40 and Appendix 3. This included the following:
 - approximately 5 ft long x 18 inches high dark brown and rust pile (width not completely visible) (Appendix 1, Photo 35);
 - grey and rust stains and pile that were not completely visible (Appendix 1, Photo 37);
 - hardened interior red paint in an approximately 4 ft diameter x 1 ft high pile (Appendix 1, Photo 36 and 40); and

- approximately 10 ft x 6 ft area of grey and rust stains (Appendix 1, Photos 38 and 39).

I asked Mr. Garvin, Mr. Newsome, and Fabio Franeesconi (Maintenance Manager), how these releases were occurring, and they were unsure other than they were put there in a pile as opposed to inside a drum for off-site shipment. I observed openings along the building's east wall in this area. One of the wall's square openings was where a fan was once located but had been removed according to Mr. Franeesconi. Mr. Garvin and Mr. Franeesconi were not aware of this area ever being cleaned up since they have been on-site (about four and two years respectively). **(AOC #1c and #1e)**

- Steel Tight Head Drum Line

- I observed a dark stain spill (about 8 ft x 5 ft) on the south side of the receiving dock (Appendix 1, Photos 56 and 57 and Appendix 3). Messrs. Garvin and Newsome stated that they did not know the source of the spill. **(AOC #1j)**

Unknown Materials on Southwest Side of Facility

I observed about 40 trailers stored on the southwest side of the facility (see Appendix 3 for facility layout). Mr. Garvin stated that some of the trailers were brought over from one of Mauser's other facilities. He stated that the trailers contained equipment, drums to be processed on-site, and intermediate bulk containers (IBCs) and other plastic containers that will be sent to another facility to be processed. I randomly selected eight of these trailers to visually inspect. I observed the following 55-gallon drums that Mr. Garvin, Mr. Newsome, and Ernest Donnelly (Maintenance Mechanic) did not know what they contained. According to 30 TAC 335.504, a hazardous waste determination must be made on each solid waste. Since they were unknown materials without a hazardous waste determination being made, I noted them as a concern as follows:

- Trailer #538105

- I observed two black poly drums that appeared set up to drain one into another. This was based on the open bung hole of one was leaning against the wall and tilted over top the open bung hole of the other (top drum was removed prior to a photo being taken). The top drum was labeled hydrochloric acid and empty. The bottom drum contained about 2 to 3 inches of a yellowish looking chemical that had a corrosive type of odor. See Appendix 1, Photos 92 thru 95. Why this was set up like this or exactly what it was Messrs. Garvin, Newsome, or Donnelly did not know. **(AOC #1m)**

- Trailer #190220

- Mr. Garvin believed this to be a customer's trailer. I observed 14, 55-gallon drums that were "not empty" based on Mr. Donnelly inspecting them, although exact amounts were unknown. See Appendix 1, Photo 96. Label information was not obtained, although Mr. Donnelly stated that one drum was labeled used gear box oil and was about 1/3rd full. **(AOC #1n)**

- Trailer #32130
 - I observed empty 55-gallon drums labeled hazardous waste and one drum with about 2 to 4 inches of a brownish color liquid labeled toluene (see Appendix 1, Photos 97 and 101 thru 103). **(AOC #1o)**
- Trailer #52645
 - I observed 38 unlabeled 55-gallon drums that were “not empty” based on Messrs. Garvin and Donnelly inspecting them, although exact amounts were unknown. Mr. Garvin stated that they could be old paint that ICS removed in December 2022 from a building they demolished or old metal chains. Messrs. Garvin and Donnelly tried but could not open the drums to look inside. See Appendix 1, Photo 98. **(AOC #1p)**
- Trailer #LAR99008
 - I observed 82 unlabeled old (i.e., rusting) 55-gallon drums. One drum was opened, and it contained old metal chains (see Appendix 1, Photos 99, 100), but it was unknown for sure if all were the same. One drum was also slightly bulging. **(AOC #1q)**

In addition to making a hazardous waste determination on these above drums, I asked for an inventory of the wastes to include the dates generated, and any waste in the trailers I did not visually inspect.

General RCRA Requirements

Since the facility representatives were not familiar with RCRA, I briefly discussed during the closing conference the different RCRA generator statuses (Very Small Quantity Generator, Small Quantity Generator, and Large Quantity Generator). Also, due to pending hazardous waste determinations possibly changing ICS’s generator status to a SQG, LQG, and/or universal waste handler, I asked Mr. Garvin if ICS has any emergency plans and/or conduct any hazardous waste and universal waste related training. Mr. Garvin stated that he would upload their emergency plans to the secure online drive, however they were not received prior to my completing this report. He stated that they do not conduct any hazardous waste or universal waste related training, although they conduct hazardous material related training.

AOCs Subsequent to Inspection

I noted the following additional AOC after the on-site inspection:

AOC #2 – According to 30 TAC 335.6 (c), any person, by site, that generates in any calendar month more than 100 kilograms of non-acute hazardous waste, more than 1 kilogram of acute hazardous waste, or more than 100 kilograms of industrial Class 1 waste must register in a method approved by the state. Mr. Garvin was not aware of ICS submitting an updated NOR. Since 2008, there have been ownership and waste stream changes as discussed above in Section I.

I provided Mr. Garvin EPA Region 6’s Confidentiality Notice (40 C.F.R. § 2.203) to make any claims regarding confidential information. I did not receive the form back prior to completing this report.

Section IV – FOLLOW UP

Actions taken by ICS to resolve any areas of concern were documented by ICS with other documentation and submitted to the EPA via the electronic secure online drive. Any information received from ICS after the inspection was also received via the secure online drive. These documents are accessible by the EPA Enforcement Officer, as applicable. The following documents were uploaded to the secure online drive on April 6, 2023, after exiting the Facility on March 30, 2023:

1. 12/5/22 Green for Life Environmental, Ft Bend Regional, Rinse Water Sludge Waste Profile Recertification.
2. 10/27/21 Waste Corporation of America (WCA), Ft Bend Regional Landfill Special Waste Profile, Stabilized Sludge from Drum Cleaning Operation – Recertification
3. 11/30/21 Special Waste Disposal Agreement, Stabilized Sludge from Drum Cleaning Operation.
4. 2/19/2019 WCA, Ft Bend Regional Landfill Special Waste Profile, Stabilized Sludge from Drum Cleaning Operation. Includes analytical from 2/1/2017.
5. 9/21/20 – WCA, Ft Bend, Recertification.
6. 4/22/20 - WCA, Ft Bend Regional Landfill Special Waste Profile, Stabilized Sludge from Drum Cleaning Operation.
7. 9/30/20 – Roll-off Box analysis.
8. Undated/Unsigned Manifest (021650104JJK) for Stabilized Sludge from Drum Cleaning Operation – profile 0670-19-0243 to Ft Bend Regional Landfill, Needville, Texas.
9. Undated/Unsigned Manifest (021650108JJK) for Stabilized Sludge from Drum Cleaning Operation – profile 0670-19-0243 to Fort Bend Regional Landfill, Needville, Texas.

Section V – LIST OF APPENDICES

- Appendix 1 - Photo Log – 103 photos taken 3/28 -20/2023
- Appendix 2 - Facility Site Owner
- Appendix 3 - Facility Map
- Appendix 4 - Acceptance Policy
- Appendix 5 - Daily Summaries and Waste Table for ICS Comments
- Appendix 6 - Waste Table
- Appendix 7 - List of Waste Profiles and Analyses Provided During the Inspection
- Appendix 8 - 12/5/22 Rinse Water Sludge Waste Profile Recertification – no changes and no analyses and 1/20/22 Oily Water Analysis
- Appendix 9 - Interior Paint SDS
- Appendix 10 - Exterior Solvent-Based Paints SDS - Chevron Blue, Mobil Red, Black Water Enamel, Citgo Red Enamel, Blue White Enamel, Shell Red Enamel, Exxon Mobil Red Enamel
- Appendix 11 - Acetone SDS
- Appendix 12 - Shot SDS