

RCRA Inspection Report

1) Inspector and Author of Report

William Kappler
Physical Scientist
RCRA Enforcement Section
Phone: (404) 562-8498
kappler.william@epa.gov

U.S. Environmental Protection Agency, Region 4
Enforcement and Compliance Assurance Division
Chemical Safety and Land Enforcement Branch
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

2) Facility Information

Sherwin Williams Company
400 Bert Schulz Boulevard
Winter Haven, Polk County, Florida 33881

FLD984242453

3) Responsible Official

Joseph Shanley
Manager, Environmental Health & Safety

(863) 291-4115, ext 231
joseph.c.shanley@sherwin.com

4) Inspection Participants

Joseph Shanley, Sherwin Williams Company
Todd Baker, Sherwin Williams Company
Petra Warren, Sherwin Williams Company
Marc Sikora, Sherwin Williams Company
Butch Loser, Sherwin Williams Company
Bobby Hicks, Sherwin Williams Company
Mollie Enck, Florida Department of Environmental Protection
Leslie Pedigo, Florida Department of Environmental Protection
Avery Ghirghi, Florida Department of Environmental Protection
Coral Evens, Florida Department of Environmental Protection
Betsy Loaiza, Florida Department of Environmental Protection
William Kappler, U. S. Environmental Protection Agency, Region 4

5) Date of Inspection

March 21, 2023

6) Applicable Regulations¹

Resource Conservation and Recovery Act (RCRA) Sections 3002 (42 U.S. Code – Annotated

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.

U.S.C.A. §§ 6925 and 6927), Chapter 403 of the Florida Statutes, Fla. Stat. § 403.702 *et seq.*, and rules 62.710.210 -.901, and 62-730 *et seq.* of the Florida Administrative Code Annotated (Fla. Admin. Code Ann.) [40 Code of Federal Regulation (C.F.R.) Parts 260 - 270, 273, 278, & 279].

Pursuant to Florida Administrative Code Annotated (F.A.C.) Chapter 62-730.160(1), [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 Chapter 403 of the Florida Statutes, Fla. Stat. § 403.702 *et seq.*, [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with F.A.C. Chapter 62-730.160(1), [40 C.F.R. § 262.16(b) or § 262.17 (a)], except as required in F.A.C. Chapter 62-730.160(1), [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in F.A.C. Chapter 62-730.160(1), [40 C.F.R. § 262.15(a)] (hereinafter referred to as the “SAA Permit Exemption”).

Pursuant to Florida Administrative Code (F.A.C.) Chapter 62-730.160(1) [40 C.F.R. § 262.17], a generator of 1,000 kilograms or greater of hazardous waste in a calendar month is a large quantity generator (LQG) and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Chapter 403 of the Florida Statutes, Fla. Stat. § 403.702 *et seq.*, [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in F.A.C. Chapter 62-730.160(1) [40 C.F.R. § 262.17] (hereinafter referred to as the “LQG Permit Exemption”).

Pursuant to F.A.C. Chapter 62-730.185(1), [40 C.F.R. § 273.9], a large quantity handler of universal waste (LQHUW) is a universal waste handler who accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, or aerosol cans, calculated collectively) at any time.

7) Purpose of Inspection

The purpose of this inspection was for the U.S. Environmental Protection Agency, Region 4, and the Florida Department of Environmental Protection to conduct a joint unannounced compliance evaluation inspection (CEI) at Sherwin Williams Company (hereinafter, “SWC” or the “facility”) to determine compliance with the applicable requirements of the Resource Conservation and Recovery Act (RCRA) and the corresponding Florida Department of Environmental Protection (FDEP) regulations. This was an EPA lead inspection.

8) Facility Description

SWC is located at 400 Winter Haven Boulevard, Winter Haven, Polk County, Florida, Latitude 28.073949, and Longitude -81.699072. The facility has been at its present location since 1992 and consists of approximately 39.9 acres. The property is owned by PVP (Paul V. Profeta) Winter Haven, LLC. The facility employs approximately 180 people and operates 24 hours a day, Monday through Friday and 6:00 a.m. to 6:00 p.m. on Saturday and Sunday. The facility consists of two buildings, with approximately 379,000 square feet under roof. The City of Winter

Haven provides potable water and sanitary sewer services. The primary NAICS code for the facility is 493110, General Warehousing and Storage.

SWC is a warehouse and distribution center for paint and associated paint products. SWC supplies the Sherwin Williams retail stores, Lowes retail and Walmart retail stores. Product containers range from one quart to 5 gallons in size. Most of the paints at the facility are latex paints, and approximately five percent of the paints consist of traffic, automotive or marine paints. SWC's main building houses offices, a forklift charging area, a forklift maintenance room, the repour room, the fresh spill area, a "cutoff" room containing flammable products and a trailer maintenance room. A smaller warehouse building (Walmart Building) behind the main building is used for the storage of paint and aerosol products and contains the central accumulation area.

The facility manages hazardous waste in SAAs and stores hazardous waste for 90-days or less in the central accumulation area. Universal waste and used oil are also generated at the facility.

SWC submitted a RCRA Subtitle C Site Identification Form, 8700-12FL, of its regulated waste activity to FDEP, on June 30, 2020, notifying as a LQG of hazardous waste, and a large quantity handler of universal waste (LQHUW) batteries and universal waste lamps. The City of Winter Haven changed the street name, which changed SWC's physical address from 400 Winter Haven Boulevard, Winter Haven, Polk County, Florida 33881 to 400 Bert Schulz Boulevard, Winter Haven, Polk County, Florida 33881.

SWC notified the FDEP on Form, 8700-12FL, of its regulated waste activity on February 24, 2022, notifying as a LQG of hazardous waste and a LQHUW of batteries and lamps. In addition, SWC notified that Angel Puentas was the site contact. Angel Puentas no longer works at SWC.

Hazardous waste generated at the facility consists of waste paint related material (D001, F003, F005), waste flammable solids (D001, F003, F005), waste corrosive solution (D002), hazardous waste solids (D005), waste paint (D001, D005, D007, D018, D023, D035), waste corrosive liquid (D002, D004-D008), hazardous waste liquid (D005, D007), waste paint related material (D001, D002, D007), and waste corrosive liquid acid organic.

9) Previous Inspection History

SWC was last inspected by the FDEP on June 6, 2022, to determine the facility's compliance with state and federal RCRA regulations. The inspector observed the facility failed to mark or label one 55-gallon drum of deck wash with the words hazardous waste and one 55-gallon can puncture collection drum was not properly labeled with a hazard indicator.

SWC has not previously been inspected by the EPA, Region 4 for compliance with state and federal RCRA regulations.

10) Opening Conference

On March 21, 2023, the EPA inspector William Kappler, accompanied by FDEP inspectors Mollie Enck, Leslie Pedigo, Avery Ghirghi, Coral Evens, and Betsy Loaiza, arrived at SWC at

approximately 10:07 a.m. The inspectors were received by Todd Baker, EHS Specialist and inspectors signed a visitor's log. The inspectors were escorted by Todd Baker to a conference room for an opening conference. Todd Baker and the inspectors were joined by SWC representatives Petra Warren Area Director of Distribution, Joseph Shanley EHS Manager and Marc Sikora Operations Manager, (SWC representatives) for an opening conference. The inspectors introduced themselves, showed their credentials and explained the purpose of the visit.

The inspectors described the anticipated use of a digital camera during the inspection and provided a written list of the records needed for review. The EPA inspector explained that 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. A copy of the EPA's information sheet for small businesses 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 provided to the EPA. SWC did not assert a business confidentiality claim.

SWC 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 SWC representatives escorted the inspectors on a tour of the facility operations.

11) **Inspection Observations**

Walmart Building

Central Accumulation Area (90-Day or Less Accumulation)

The central accumulation area (CAA) is in the Walmart Building. Hazardous waste, nonhazardous waste, used oil and universal waste lamps and batteries are accumulated in the same general area against the wall near a corner of the building. A spent lead-acid battery area is located next to the CAA. The inspectors observed a sign on the wall with the words "hazardous waste storage area" indicating the area for containers accumulating hazardous waste (Photograph 1). The inspectors observed spill, emergency, and communication equipment. The inspectors observed 20 55-gallon containers on wooded pallets. The inspectors observed four pallets were stacked two pallets high, with four 55-gallon containers per pallet, for a total of 16 55-gallon containers. One pallet with four containers was on the floor. The five pallets were positioned next to each other against the wall (Photographs 1 and 2). The inspectors could not observe the hazardous waste label, the accumulation start date and hazard indicator(s) on several containers. The inspectors asked the facility to move some of the pallets so that the containers could be inspected. After the facility moved the pallets, the inspectors observed the containers were closed, in good condition, labeled with the words "hazardous waste" and marked with dates in December 2022, January, February or March 2023. Two 55-gallon containers were dated December 6, 2022, exceeding the 90-day or less accumulation. The inspectors observed 17 containers were marked with the D001, D035 and F-listed waste codes and three containers were marked with a D001 waste code on the hazardous waste label. All the containers were labeled with a flammable hazard indicator. Seventeen containers with a D035 waste code were not marked or labeled with a toxic hazard indicator. SWC representatives marked the containers with

the word “toxic” to indicate the hazard (Photographs 3 through 7). The SWC representatives provided adequate aisle space and labeled the 17 containers (D001, D035) with a toxic hazard indicator.

Pursuant to F.A.C. Chapter 62-730.160(4) [40 C.F.R. § 262.17(a)(6)], which incorporates F.A.C. Chapter 62-730.160(1) [40 C.F.R. § 262.255] and is a condition of the LQG Permit Exemption, The large quantity generator must 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 F.A.C. Chapter 62-730.160(1) [40 C.F.R. § 262.17(a)(5)(i)(B)], which is a condition of the LQG Permit Exemption, a generator must mark or label its containers with an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704).

**Pursuant to F.A.C. Chapter 62-730.160(1) [40 C.F.R. § 262.17(a)], which is a condition of the LQG Permit Exemption, a large quantity generator may accumulate hazardous waste on site without a permit or interim status, and without complying with the requirements of parts 124, 264 through 267, and 270 of this chapter, or the notification requirements of section 3010 of RCRA, provided the following condition for exemption is met:
A large quantity generator accumulates hazardous waste on site for no more than 90 days, unless in compliance with the accumulation time limit extension or F006 accumulation conditions for exemption in paragraphs (b) through (e) of this section.**

Universal Waste Lamps

The inspectors asked the facility to move the wooden pallet of universal waste lamps from the top of a double stacked pallet of containers. The facility moved the pallet to the floor and removed the shrink wrap so that the universal waste containers could be inspected. The inspectors observed 23 four-foot boxes accumulating spent lamps. The boxes were closed, in good condition, labeled with words “universal waste” and marked with dates less than one year. The oldest date observed on a box was April 20, 2022 (Photograph 8).

Universal Waste Battery Area

The inspectors observed 28 batteries with a product label and the word “NexSys”, four batteries with the product label and the word “GEL” and six small security system batteries on a wooden pallet. The batteries were not marked or labeled with the words “universal waste” and not marked with a date (Photographs 9 and 10). SWC representatives explained battery replacement dates are maintained on a log and the dates for the batteries can be provided. The inspectors requested SWC submit the documentation for the battery accumulation dates as a deliverable. The inspectors returned to this area in the afternoon after the record review. SWC representatives labeled each battery with the words “universal waste” and marked each battery with the date

February 18, 2023, March 1, 2023, March 7, 2023 or March 17, 2023 (Photograph 21).

Pursuant to F.A.C. Chapter 62-730.185(1) [40 C.F.R. § 273.34(a)], a LQHUW must label or mark the universal waste batteries (*i.e.*, each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: “Universal Waste - Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies)”.

Pursuant to F.A.C. Chapter 62-730.185(1) [40 C.F.R. § 273.35(c)], a LQHUW must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by following F.A.C. Chapter 62-730.185(1) [40 C.F.R. § 273.35(c)(1-6).

On April 3, 2023, SWC emailed their written response to the EPA dated March 31, 2023. SWC provided maintenance records that appeared to identify the date universal waste batteries were being accumulated. The records submitted showed dates from June 14, 2022 to January 30, 2023. The accumulation dates marked on the batteries during the inspection were not included in the records that were provided.

Nonhazardous Waste Container Storage Area

The inspectors observed several containers accumulating nonhazardous waste on wooden pallets stacked two pallets high. The containers were labeled with the words “NonDOT Non RCRA Regulated Liquid Material”. The containers were closed and in good condition (Photographs 11 and 12).

Used Oil Storage Area

The inspectors observed several containers accumulating used oil on wooden pallets stacked two pallets high. The containers were labeled with the words “used oil”. The containers were closed and in good condition.

Sitdown Equipment Battery Area

The inspectors also observed one “Sitdown Equipment” lead-acid battery on a wooden pallet. The inspectors observed the battery was leaking from the top of the casing, along the side of the battery to the wooden pallet and onto the concrete floor (Photographs 13 and 14). The inspectors returned to this area in the afternoon after the record review. SWC representatives removed the battery from this area for on-site management and responded to the release from the battery. The inspectors requested SWC submit a record for the off-site shipment of the battery and a record of the cleanup of waste battery material as a deliverable. SWC representatives provided a copy of the billing receipt from Absolute Motive Power (AMP) for the shipment of the battery, prior to inspectors leaving the facility.

Pursuant to F.A.C. Chapter 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(ii)], which is a condition of the LQG Permit Exemption, if a container holding hazardous waste is not in good condition, or if it begins to leak, the large quantity generator must immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this section.

On April 3, 2023, SWC emailed their written response to the EPA dated March 31, 2023. SWC indicated they provided a manifest attached to the response showing the battery was shipped on March 21, 2023.

Main Building

Fresh Spill Area

Damaged product containers, outdated products and spills of waste paint are received from facility operations for rework, consolidation and off-site disposal. The inspectors observed numerous one and five-gallon containers of waste latex paint staged for consolidation in Fresh Spill by Butch Loser, the repour technician for this area. Butch Loser indicated the waste latex paint has been accumulating in Fresh Spill for approximately 12 to 24 hours. The liquid paint in containers and from spills are consolidated into 55-gallon containers and the empty containers are dried. The inspectors observed four 55-gallon containers in this area accumulating waste latex liquid paint and six five-gallon containers accumulating latex paint debris and rags. Butch Loser indicated the empty five-gallon paint containers are shipped to the Sherwin William paint manufacturing facilities for reuse, the empty one-gallon metal containers are shipped as scrape metal, and the empty one-gallon plastic containers and dry paint contaminated carboard are disposed as solid waste.

Repour Room

The Repour Room is located next to Fresh Spill Area. EPA inspector William Kappler and FDEP inspector Mollie Enck were provided with cloth jackets prior to entering the Repour Room. SWC completed a “hot work permit” (permit) application for signature in the anticipation of the EPA inspector using the digital camera. The EPA inspector received a copy of the permit. Damaged product containers, waste paint spill residue, out-of-date and unusable solvents, waste caulking, waste adhesive, waste sealant and other paint related waste is received for consolidation in the Repour Room. The inspectors observed various containers ranging from one quart to approximately 55-gallons in size in this room. Inspectors observed two one-cubic yard carboard containers accumulating aerosol cans for puncturing and consolidation of the waste liquid. Butch Loser indicated he and two additional technicians (Jeremy Ruffing and Roy Lee) are working to separate and determine empty from nonempty aerosol cans for consolidation.

The inspectors observed a 30 to 40-gallon container accumulating waste paint mixed with spill material labeled with the words “hazardous waste”. Butch Loser indicated the waste paint and spill material was generated by FedEx as clean-up material from a spill of the paint and returned to SWC. The inspectors observed the container was accumulating approximately 10 to 15-gallons, was not closed, was not marked with a date and not marked or labeled with a hazard indicator (Photograph 17).

Pursuant to F.A.C. Chapter 62-730.160(1), [40 C.F.R. § 262.17(a)(1)(iv)(A)], which is a condition of the LQG Permit Exemption, a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

Pursuant to F.A.C. Chapter 62-730.160(1), [40 C.F.R. § 262.17(a)(5)(i)(B) and (C)], which is a condition of the LQG Permit Exemption, a generator must mark or label its containers with the following: an indication of the hazards of the contents; and the date upon which

each period of accumulation begins clearly visible for inspection on each container.

On April 3, 2023, SWC emailed their written response to the EPA dated March 31, 2023. SWC indicated the 30 to 40-gallon container in the Repour Room was re-containerized, moved to the CAA for storage, appropriately labeled, and was sent for off-site disposal on March 31, 2023. SWC indicated the manifest for the shipment was attached to their letter. The manifest provided by SWC did not specifically show the container on the manifest. SWC submitted photograph #1 with their response, showing a container but a description was not provided.

Repour Room SAAs

The inspectors observed one 55-gallon SAA container accumulating hazardous waste paint liquid (D001, D005, D035, F003), one 55-gallon SAA container accumulating hazardous waste paint solid (D001, D005, D035, F003), one 55-gallon SAA container accumulating hazardous waste bleach (D002), one 55-gallon SAA container accumulating hazardous waste muriatic acid (D002), three 55-gallon SAA containers accumulating various hazardous deck wash solutions, one 55-gallon SAA container accumulating hazardous waste liquid from punctured aerosol cans (D001, D035) and one 55-gallon SAA container accumulating hazardous waste paint (D001, F003) in the repour room SAA. The containers were in good condition and labeled with the words "hazardous waste". The top bung cap for the 55-gallon SAA container of hazardous waste paint liquid (D001, D005, D035, F003) was not kept closed and was not marked or labeled with a toxic hazard indicator (Photograph 15). The 55-gallon SAA container accumulating hazardous waste paint solid (D001, D005, D035, F003) was not marked or labeled with a toxic hazard indicator (Photograph 16). The 55-gallon SAA container accumulating hazardous waste liquid from punctured aerosol cans (D001, D035) was not marked or labeled with a toxic hazard indicator. The SWC representatives closed the container and marked or labeled the containers with toxic hazard indicators.

Pursuant to F.A.C. Chapter 62-730.160(1), [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste 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 F.A.C. Chapter 62-730.160(1) [40 C.F.R. § 262.15(a)(5)(ii)], which is a condition of the SAA Permit Exemption, a generator must mark or label its containers with an indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704).

Cutoff Room

Flammable products are stored in this room. Hazardous waste was not observed in this room at the time of the inspection.

Trailer Maintenance Shop

Truck maintenance and repair work on hardware and the floor landing gear generates used oil and grease. Truck touch-up paint work using aerosol paints are performed in the shop. Bobby Hicks, manager for this area indicated universal waste batteries and spent lead-acid batteries are generated from battery replacements. The inspectors observed one 55-gallon container accumulating used oil and one 55-gallon container accumulating oil and water. The containers were closed and labeled with the words “used oil”. The inspectors observed a step can accumulating contaminated cloth rags. The cloth rags are shipped to Cintas for reclamation. Aerosol cans are taken to the Repour Room for processing. The inspectors observed a pallet accumulating 18 lead-acid batteries and two “GEL” batteries. The two GEL batteries were not marked or labeled with the words “universal waste” and not marked with a date (Photograph 18). SWC representatives explained battery replacement dates are maintained on a log and the dates for the batteries can be provided. The inspectors requested SWC submit the documentation for the battery accumulation dates as a deliverable.

Pursuant to F.A.C. Chapter 62-730.185(1) [40 C.F.R. § 273.34(a)], a LQHUW must label or mark the universal waste batteries (*i.e.*, each battery), or a container or tank in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: “Universal Waste - Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies)”.

On April 3, 2023, SWC emailed their written response to the EPA dated March 31, 2023. SWC provided maintenance records that appeared to identify the date universal waste batteries were being accumulated. The records submitted showed dates from June 14, 2022 to January 30, 2023.

Facility Maintenance Shop

The inspectors observed two “Reach Truck” lead-acid batteries on wooden pallets. The inspectors observed the batteries appeared to be leaking from the top of the casing, along the side of the battery to the wooden pallet and onto the concrete floor (Photograph 19). The inspectors returned to this area in the afternoon after the record review. SWC representatives removed the batteries from this area and shipped them to a destination facility during the inspection. SWC responded to the release from the batteries (Photograph 20). The inspectors requested SWC submit a record for the shipment of the batteries and documentation the waste battery cleanup material was properly managed. SWC representatives provided a copy of the billing receipt from AMP for the shipment of the batteries, prior to inspectors leaving the facility.

Pursuant to F.A.C. Chapter 62-730.160(1) [40 C.F.R. § 262.17(a)(1)(ii)], which is a condition of the LQG Permit Exemption, if a container holding hazardous waste is not in good condition, or if it begins to leak, the large quantity generator must immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the conditions for exemption of this section.

Forklift Battery Charging Area

The facility recharges lead-acid batteries in this area. The batteries are recharged on shelves. The inspectors observed corrosive solids accumulating on the battery and terminals. SWC indicated the batteries are overfilled on occasion which results in the corrosive buildup on the battery.

Waste Management

Employees conducting process operations that generate hazardous waste accumulate the waste in containers at the point of generation. Full containers are transferred to the central accumulation area for 90-day or less storage.

SWC used the following transporters in 2020 through 2023

Freehold Cartage, Inc, NJD054126164

Hertiage Transport, LLC, IND058484114

Tradebe Transportation, LLC, INR000123497

SWC used the following TSDFs in 2020 through 2023

Hertiage Thermal Services, Inc, OHD980613541

Rinco, ARD981057870

Tradebe Treatment and Recycling of TN, TND000772186

Records Review

RCRA Subtitle C Site Identification Form, 8700-12F

SWC submitted a Form 8700-12FL, of its regulated waste activity to FDEP on February 24, 2022, notifying as a LQG of hazardous waste and a LQHUW of batteries and lamps. The notification also amended the facility's site contact to Angel Puentas. Angel Puentas has not been employed at SWC since the summer of 2022.

Pursuant to F.A.C. Chapter 62-730.150(2)(b), all generators, transporters, or persons who own or operate a facility which treats, stores, or disposes of hazardous waste, and everyone required to notify under Rule 62-730.181, F.A.C., shall notify the Department of all changes in status and shall use the "8700-12FL – Florida Notification of Regulated Waste Activity," Form 62-730.900(1)(b), [adopted by reference in paragraph 62-730.150(2)(a), F.A.C.], to do so. Changes in status include, but are not limited to: changes in the facility name, location, mailing address, business form, ownership or management control of the facility or its operations; ownership of the real property where the facility is located; facility contact person; type of regulated waste activity; changes in the amount of hazardous waste generated per month that put the facility in a different generator category, going out of business; tax default; or petition for bankruptcy protection.

Manifests

The hazardous waste manifests, land disposal restriction notifications, nonhazardous waste manifests and used oil records for 2022 through 2023 were reviewed. The inspectors observed hazardous waste manifest 023142160 JJK with the generator date of January 13, 2022, did not have the signed and dated manifest copy from the destination facility. SWC provided a copy of the hazardous waste manifest signed by the destination facility and dated January 26, 2022, prior to inspectors leaving the facility.

The EPA inspector reviewed one hazardous waste manifest from the EPA's E-Manifest Record System dated April 27, 2022. SWC representatives indicated that hazardous waste is shipped at least once a quarter. The universal waste and used oil records for 2021 and 2022 were reviewed.

On April 3, 2023, SWC emailed their written response to the EPA dated March 31, 2023 in response to the EPA and FDEP CEI. SWC provided a non-hazardous manifest (tracking number 3976513-15119), dated March 31, 2023 (manifest). The EPA ID number on the manifest (FLT110081833), is a temporary EPA ID number, and is not SWC assigned EPA ID number (FLD984242453). SWC indicated in their written response the container of hazardous waste paint and spill material observed by inspectors in the Repour Room was shipped on the above-mentioned manifest. The manifest provided by SWC did not specifically show the container on the manifest. Also, it is not clear if the two 55-gallon containers of hazardous waste inspectors observed in the CAA dated December 6, 2022, exceeding the 90-day or less accumulation were shipped to a destination facility.

The manifest also included 56 55-gallon containers of hazardous waste with the waste codes D006 and D007. At the time of the inspection, 20 55-gallon containers of hazardous waste were observed in the CAA with the waste codes D001 and D035. Additional information was requested by the FDEP to SWC in an email dated April 12, 2023.

Waste Determination/Profiles/Safety Data Sheets (SDS)

The inspector reviewed waste determination/profile records for nonhazardous waste latex paint (Profile 33007) and nonhazardous waste rags (Profile 33009).

Contingency Plan

The inspectors reviewed the contingency plan (Plan). SWC revised the Plan on December 30, 2022. The plan does not include the change in the emergency coordinator. Inspectors observed the Plan has Angel Puentas as an emergency coordinator. Angel Puentes, the former EHS Specialist and emergency coordinator, left in August 2022.

Pursuant to F.A.C. Chapter 62-730.160(1) [40 C.F.R. § 262.17(a)(6)], which incorporates F.A.C. Chapter 62-730.160(1) [40 C.F.R. § 262.263(d) and is a condition of the LQG Permit Exemption, the contingency plan must be reviewed, and immediately amended, if necessary, whenever: The list of emergency coordinators changes.

Quick Reference Guide

SWC draft quick reference guide (QRG) was being revised at the time of the inspection. The inspectors observed the QRG map did not clearly show the location of the SAAs in the Repour Room.

On April 3, 2023, SWC emailed the EPA a copy of the revised QRG. The QRG emailed to the EPA did not clearly show the SAAs in the Repour Room.

Pursuant to F.A.C. Chapter 62-730.160(1) [40 C.F.R. § 262.17(a)(6)], which incorporates F.A.C. Chapter 62-730.160(1) [40 C.F.R. § 262.262(b)(4) and is a condition of the LQG Permit Exemption, a generator's quick reference guide to the contingency plan must include the following elements: A map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes.

Arrangements with Local Authorities

SWC representatives indicated they made verbal arrangements. SWC did not maintain

documentation of the arrangements.

Pursuant to F.A.C. Chapter 62-730.160(1) [40 C.F.R. § 262.17(a)(6)], which incorporates F.A.C. Chapter 62-730.160(1) [40 C.F.R. § 262.262(a) and is a condition of the LQG Permit Exemption, The large quantity generator must submit a copy of the contingency plan and all revisions to all local emergency responders (*i.e.*, police departments, fire departments, hospitals and State and local emergency response teams that may be called upon to provide emergency services). This document may also be submitted to the Local Emergency Planning Committee, as appropriate.

On April 3, 2023, SWC emailed the EPA copies of mailing receipts making the arrangement with the Winter Haven police and fire departments, the Winter Haven Hospital and with the FDEP on or about March 24, 2023. The revision to the QRG will require the SWC to make the arrangement with the local authorities.

Weekly Container Inspection Records

The inspectors reviewed the weekly container inspection records from June 2022 to the present. The inspectors observed the weekly inspection for August 22, 2022, September 19, 2022 and March 6, 2023 were not documented.

Pursuant to F.A.C. Chapter 62-730.160(3), generators of hazardous waste who accumulate hazardous waste on-site under 40 CFR 262.16, and 262.17 [as adopted in subsection 62-730.160(1), F.A.C.], shall maintain written documentation of the inspections required under 40 C.F.R 262.16 and 262.17 [as adopted in subsection 62-730.160(1), F.A.C.]. The generator shall keep the written documentation of the inspections under this section for at least three years from the date of the inspection. At a minimum, this documentation shall include the date and time of the inspection, the legibly printed name of the inspector, the number of containers, the condition of the containers, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

Personnel Training Records

The inspectors reviewed the RCRA training records. Training records for Bobby Hicks, Butch Loser and Mark Sikora were not available for review at the time of the inspection.

Pursuant to F.A.C. Chapter 62-730.160(1) [40 C.F.R. § 262.17(a)(7)(i)(A)], which is a condition of the LQG Permit Exemption, facility personnel must successfully complete a program of classroom instruction, online training (*e.g.*, computer-based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part. The large quantity generator must ensure that this program includes all the elements described in the document required under paragraph (a)(7)(iv) of this section.

Pursuant to F.A.C. Chapter 62-730.160(1) [40 C.F.R. § 262.17(a)(7)(iv)(A)(B)], which is a condition of the LQG Permit Exemption, the 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.

A written job description for each position listed under paragraph (a)(7)(iv)(A) of this section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position.

On April 3, 2023, SWC emailed the EPA a record of the annual hazardous waste training for Bobby Hicks, Butch Loser and Mark Sikora. The records indicate that Butch Loser was given training on December 9, 2021 and March 31, 2023. Bobby Hicks and Mark Sikora were given hazardous waste training on March 31, 2023.

The inspectors reviewed the 2021 biennial report.

12) **Closing Conference**

The inspectors conducted a closing conference with Joseph Shanley, Petra Warren, Todd Baker and Marc Sikora. The inspectors stated their preliminary conclusions of the inspection.

13) **Sampling Overview**

Sampling was not conducted.

14) **List of Appendices**

Appendix 1 – Photograph Log:
Photos taken by: William Kappler on March 21, 2023
Samsung Camera (Model WB250F)
EPA Property Tag# S75917

15) **Signed**

WILLIAM KAPPLER

Digitally signed by WILLIAM
KAPPLER

Date: 2023.05.11 10:45:04 -04'00'

William Kappler
Physical Scientist

Date

Concurrence

ARACELI CHAVEZ

Digitally signed by ARACELI CHAVEZ
Date: 2023.05.11 15:17:33 -04'00'

Araceli B. Chavez
Chief
RCRA Enforcement Section

Date

Sherwin Williams Company
RCRA CEI Photographs



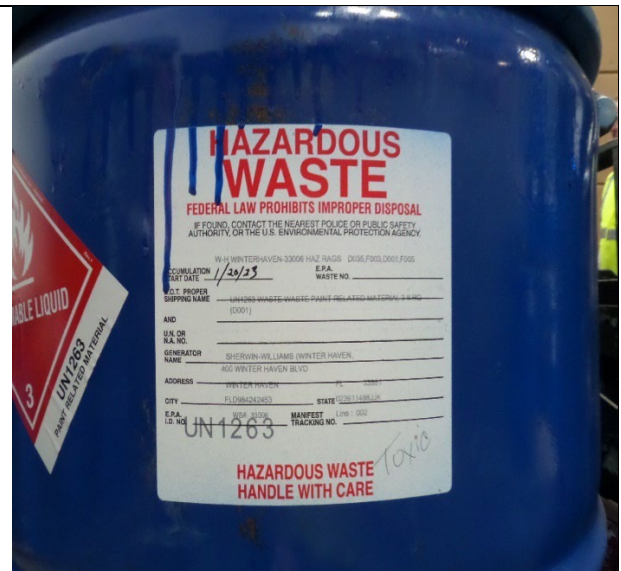
Central Accumulation Area (CAA). Observed needed aisle space. Facility rearranged containers and provided aisle space. Photograph 1 taken at 11:25 a.m.



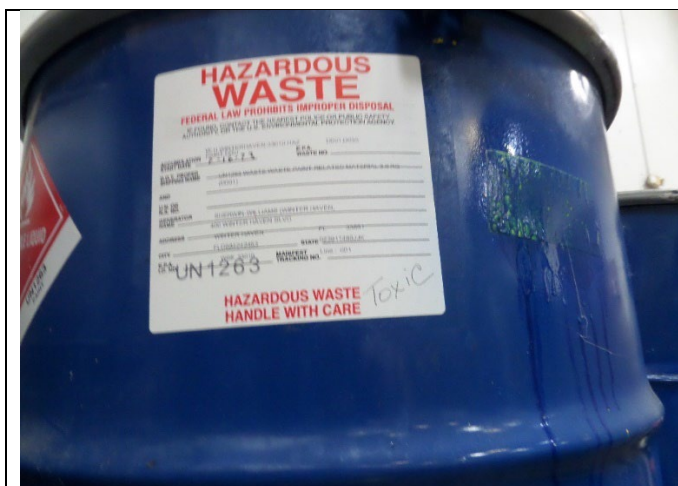
CAA. Observed needed aisle space. Photograph 2 taken at 11:35 a.m.



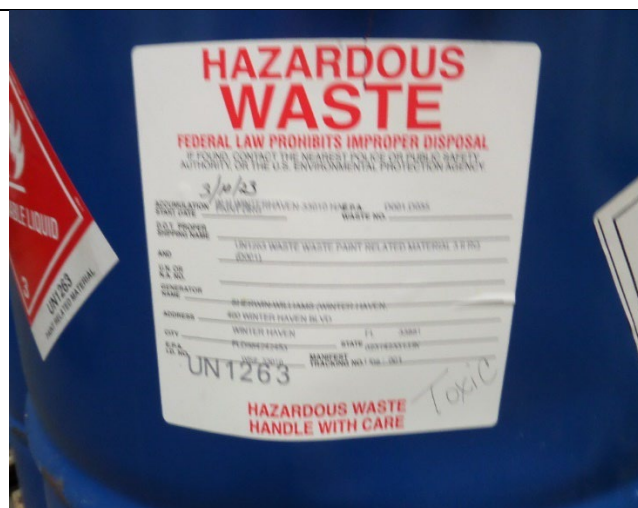
CAA. Observed a 55-gallon container accumulating hazardous waste (D001, D035), not marked or labeled with a toxic hazard indicator. Facility wrote toxic on the label. Photograph 3 taken at 11:38 a.m.



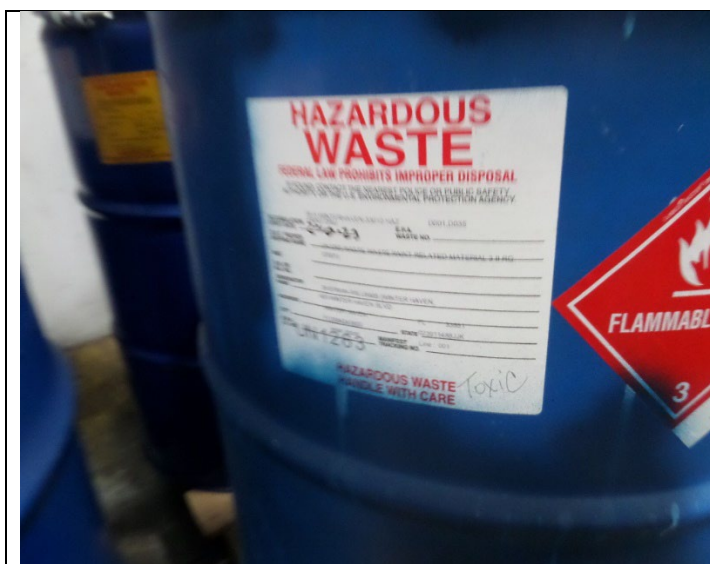
CAA. Observed a 55-gallon container accumulating hazardous waste (D001, D035), not marked or labeled with a toxic hazard indicator. Facility wrote toxic on the label. Photograph 4 taken at 11:38 a.m.



CAA. Observed a 55-gallon container accumulating hazardous waste (D001, D035), not marked or labeled with a toxic hazard indicator. Facility wrote toxic on the label. Photograph 5 taken at 11:38 a.m.



CAA. Observed a 55-gallon container accumulating hazardous waste (D001, D035), not marked or labeled with a toxic hazard indicator. Facility wrote toxic on the label. Photograph 6 taken at 11:45 a.m.



CAA. Observed a 55-gallon container accumulating hazardous waste (D001, D035), not marked or labeled with a toxic hazard indicator. Facility wrote toxic on the label. Photograph 7 taken at 11:45 a.m.



CAA. Observed containers of four-foot universal waste lamps. Photograph 8 taken at 11:52 a.m.



CAA. Observed universal waste batteries not marked or labeled universal waste and not dated. Facility labeled and dated the batteries. Photograph 9 taken at 12:11 p.m.



CAA. Observed universal waste batteries not marked or labeled universal waste and not dated. Facility labeled and dated the batteries. Photograph 10 taken at 12:11 p.m.



CAA. The inspectors observed several containers accumulating nonhazardous waste on wooden pallets stacked two pallets high. Photograph 11 taken at 12:18 p.m.



The inspectors observed several containers accumulating nonhazardous waste on wooden pallets stacked two pallets high. Photograph 12 taken at 12:18 p.m.



CAA. The inspectors observed one “sitdown equipment” battery leaking and not marked as universal waste and not dated. Facility managed the battery and shipped it off-site for disposal. Photograph 13 taken at 12:21 p.m.



CAA. The inspectors observed one “sitdown equipment” battery leaking and not marked as universal waste and not dated. Facility managed the battery and shipped it off-site for disposal. Photograph 14 taken at 12:21 p.m.



Repour Room. The top bung cap for the 55-gallon container of hazardous waste paint liquid was not kept closed and was not marked or labeled with a toxic hazard indicator. The facility closed and labeled the container. Photograph 15 taken at 1:05 p.m.



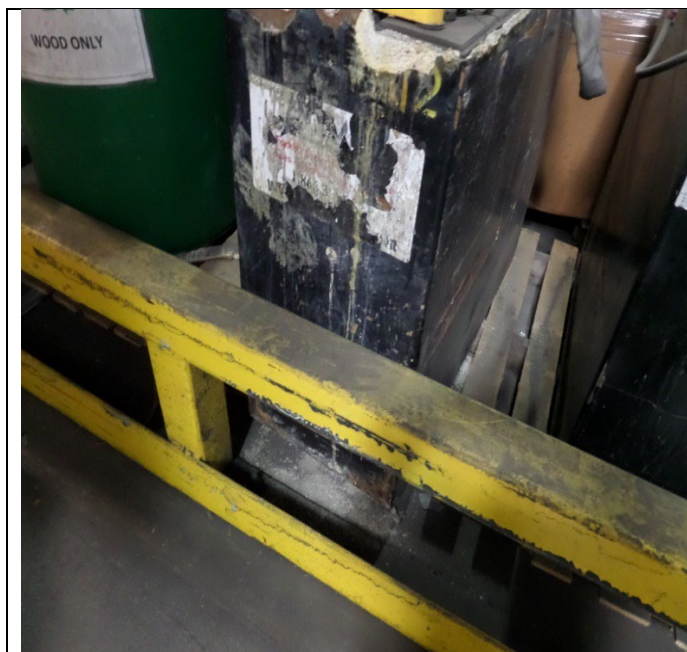
Repour Room. The 55-gallon container accumulating hazardous waste paint solid was not marked or labeled with a toxic hazard indicator. The facility labeled the container. Photograph 16 taken at 1:05 p.m.



Repour Room. Observed a 30-gallon container accumulating waste paint mixed with absorbent labeled with the words “hazardous waste”. The waste appeared to have been generated by FedEx as clean-up material from a spill of the paint and returned to SWC. The container was not closed, was not marked with a date and not marked or labeled with a hazard indicator. Photograph 17 taken at 1:06 p.m.



Trailer Maintenance Shop. Observed universal waste batteries not marked or labeled universal waste and not dated. Photograph 18 taken at 1:25 p.m.



Facility Maintenance Shop. Observed two lead-acid batteries on wooden pallets. The inspectors observed the batteries appeared to be leaking. Facility managed the batteries for off-site disposal. Photograph 19 taken at 1:46 p.m.



Facility Maintenance Shop. The inspectors returned to this area and observed the two lead-acid batteries were managed for off-site disposal. Photograph 20 taken at 4:52 p.m.



CAA. The inspectors returned to this area and observed the batteries were labeled as universal waste and marked with a date. Photograph 21 taken at 4:59 p.m.