UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Four Penn Center
1600 John F. Kennedy Blvd
Philadelphia, Pennsylvania 19103

Via Electronic Mail

Alyssa Turner, Operations Manager
Adams Place Warehouse
2200 Adams Place, N.E.
Washington, D.C. 20018
alyssa.turner@dc.gov

Re: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), Regarding Generation and Management of Hazardous Waste by the Adams Place Warehouse
EPA ID No. DCR000506212
Reference Number: C23-006

Dear Ms. Turner:

The U.S. Environmental Protection Agency, Region III ("EPA") is requesting to supplement the information obtained during its inspection of the Adams Place Warehouse facility ("Adams Place" or "the Facility") located in Washington, D.C. on February 7, 2023. A copy of the inspection report narrative and photographic log was sent via e-mail to the Facility on March 31, 2023. EPA is requesting this information pursuant to the authority granted to it under Section 3007(a) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6927(a), which provides in relevant part that "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, . . . furnish information relating to such wastes . . . ." EPA hereby requires that you furnish to EPA, within **[thirty (30)] calendar days** of receipt of this letter, the information requested below, including all documents responsive to such request.

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each information request. Precede each answer with the number of the question or letter of the subpart of the request to which it corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any of your employees or agents, relating to the matters described below. All copies of documents submitted to EPA in response to the following requests must be complete and legible.

As used herein, the term "document" means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight receipts, toll receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained or translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, 40 C.F.R. Parts 260-266, 268, and 273 (1998 ed.), or 25 Pa. Code Chapters 260a-266a, 266b, and 268a (effective May 1, 1999) shall have the meanings set forth therein.

Please provide the information requested below:

Information Request

1. During the February 7, 2023 EPA inspection, Facility personnel indicated that the Facility generates the following waste streams listed in Table 1 below.

Table 1

Facility Waste Streams
1. Used Paint
2. Used Aerosol Cans
3. Used Lacquers and Coatings
4. Used Ballasts
5. Scrap Metal

Please provide the following information regarding the waste streams listed in Table 1:

a. Provide a detailed description of the process or processes that generate each of the waste streams.

b. State whether or not a “waste determination” and “LDR determination” were made for each of the waste streams.

c. If a “waste determination” was made for each of the waste streams, state whether the waste determination was based on analytic results or on the generator’s knowledge of the process that generated the waste. If the determination was based on analytical results, <u>provide any and all documentation of such results</u>. If the determination was based upon the generator's knowledge, provide a narrative explanation of the scientific basis for each such determination, and provide any supporting documentation.

d. Was each of the waste streams determined to be a "hazardous waste?" If so, please state the specific EPA Hazardous Waste Code(s) associated with each waste stream that was determined to be hazardous waste.

e. For the waste streams that are determined to be "hazardous waste", does the Facility track the amount of the waste stream that it generates over time? If so, (1) please explain how the Facility measures that amount and (2) state how often such measurements are taken, for example daily, weekly, monthly, or for some other predetermined period of time?

f. Please state, as precisely as possible, how much of each hazardous waste stream has been generated by the Facility in each calendar month for the time period of June 1, 2020 up to the present and provide the basis of your knowledge. If you cannot state the amounts on a monthly basis, please state how much of each waste stream has been generated during the smallest intervals for which you are capable of providing such information.

g. Please submit any Standard Operating Procedures ("SOPs") that were in effect from June 1, 2020 to the present which documents how each waste stream is managed from the time each is generated until the time it is shipped off-site.

h. Please provide the full name of each person who is or was responsible for the management of each of the waste streams from June 1, 2020 up to the present.

i. For the time period of June 1, 2020 up to the present, were there any periods of time in which the Facility did not generate any of the waste streams listed in Table 1? If so, please provide (1) the time frame (month/year to month/year) for each such period of non-generation, (2) the reason(s) for the Facility's non-generation, and (3) submit all supporting documentation (i.e., production records) that substantiates your claim for each period of non-generation identified.

j. For any other hazardous waste(s) generated by the Facility that are not listed in Table 1 above, please state the name of the hazardous waste, and provide the information requested in Questions 1.a. through 1.i., as indicated above.

2. Submit copies of all hazardous waste manifests retained by the Facility for the off-site shipments of hazardous waste that occurred from June 1, 2020 to the present.

3. During the February 7, 2023 EPA inspection, the EPA inspector observed waste lamps that were accumulated on the floors of the Facility, waste lamps that were not in containers that were bundled and stacked on top of containers, and waste lamps

accumulated in open fiber containers (Inspection Report, Photos #1 - #4, Photos #7, #16, #19, #20, #21, #23, & Photo #29). With respect to the Facility's used lamp waste stream, please answer the following:

a. Provide the name of the manufacturer and the model number of each electric lamp that was observed by the EPA inspector during the February 7, 2023 EPA inspection. Electric lamps include, but are not limited to, fluorescent, high pressure sodium, halogen and mercury-vapor.

b. Provide a detailed narrative describing any and all systems, agreements, and/or procedures (e.g., SOPs) the Facility has or had in place that details how the Facility manages its used lamps from the time the lamps are generated/received until the used lamps are shipped off-site. Please submit any and all supporting documentation (e.g., SOPs, Tolling Agreements).

c. State whether a waste determination has been conducted for each type of used lamp that was observed by the EPA inspector during the February 7, 2023 EPA inspection. If so, please answer the following:

    i. Provide the results of each waste determination performed or relied upon by the Facility for the purpose of managing and disposing of the Facility's used lamp waste stream.

    ii. Include all information on which such waste determinations were based including, but not limited to, knowledge of the hazardous characteristics of the waste, Safety Data Sheets ("SDSs"), results of chemical or physical analyses, and any other information used to make such waste determination.

    iii. State the Facility's rationale for determining which used lamps are/were hazardous and which are/were non-hazardous.

d. Provide the name, address, telephone number and a contact person for each of the destination facilities, such as landfills and used lamp recyclers, to which used lamps are/were sent for the time period of June 1, 2020 up to the present.

e. Submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices that accompanied the off-site shipment of the Facility's used lamp waste stream for the time period of June 1, 2020 up to the present.

f. For all the waste lamps that were observed by the EPA inspector during the February 7, 2023 inspection, please provide the following information:

    i. If the waste lamps were shipped off-site, submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and

LDR notices/certifications that accompanied the off-site shipment of such lamps.

ii. If the waste lamps still remain on-site, please state where the lamps are currently located within the Facility and describe in detail how the lamps are currently being managed.

4. During the February 7, 2023 EPA inspection of the Facility's Lamp Room, the EPA inspector observed components of broken lamps and glass on the ground outside the Lamp Room, as well as glass and broken lamps on the floor inside the Lamp Room. These observations are referenced in Table 2 below:

Table 2

Facility Location and Description	Inspection Report Photo Reference
1. On the ground outside the Lamp Room; broken glass and components of broken waste lamps.	Photos #16 - #18
2. On the floor in the Lamp Room; broken glass and broken waste lamps.	Photo #19 & Photo #20
3. On the floor in the rear of the Lamp Room; broken waste lamp	Photo #21

With respect to each of the areas referenced in Table 2, please answer the following:

a. Provide a detailed description of the process that generated the broken waste lamps and/or broken glass.

b. Provide the date on which the broken lamps and/or broken glass were first broken and state the basis of your knowledge. If an exact date cannot be determined, please estimate the generation month and year and explain the basis for such an estimate.

c. State the amount (weight and volume) of the broken lamps and broken glass that were observed at the time of the EPA inspection. If an exact amount cannot be determined, please estimate the amount and explain the basis for such an estimate.

d. State whether or not a "waste determination" and "LDR determination" were made for the broken lamps and/or broken glass.

e. If a "waste determination" was made for the broken lamps and/or broken glass, state whether the waste determination was based on analytic results or on the generator's knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator's knowledge, provide a narrative explanation of the scientific basis for each such determination, and provide any supporting documentation.

f. Were the broken lamps and/or broken glass determined to be "hazardous waste?" If so, please state the specific EPA Hazardous Waste Code(s) associated with the broken lamp and/or broken glass that was determined to be hazardous waste.

g. If the broken lamps and/or broken glass were shipped off-site, submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied the off-site shipment of such waste.

h. If the broken lamps and/or broken glass still remain on-site, please state where the lamps are currently located within the Facility and describe in detail how the broken lamps and/or broken glass are currently being managed.

5. During the February 7, 2023 EPA inspection in the Carpentry Shop the EPA inspector observed 32 containers placed on a work bench (Inspection Report, Photo #9 - Photo #13). Some of the containers were labeled with product labels, which indicated the contents included solvent-based coatings, latex-based paints, solvent-based wood stains, and wood penetrating oils. At the time of the inspection, Facility personnel indicated that the contents of all the containers on the work bench were considered to be waste. With respect to the content of each of the containers on the work bench in the Carpentry Shop, please answer the following:

a. Provide a detailed description of the process or processes that generated the content(s) of the containers.

b. Does the Facility have a waste profile for, or sample and analysis of the contents of the containers? If so, please provide the waste profile and a detailed narrative that describes the Facility's sampling process and analytical methods used. Submit any and all laboratory analysis for the contents of the container.

c. Provide the amount (weight and volume) of material in the container at the time of the inspection. If an exact amount cannot be determined, please estimate the amount and explain the basis for such an estimate.

d. Provide the exact date on which the container was placed at the location where the inspectors observed it during the inspection. If an exact date cannot be determined, please estimate the approximate month and year.

e. Provide the volume (gallons or m^3) of the container.

f. Provide the "waste determination", if one was performed, for the content(s) of the container, the date the determination was made, and provide a copy of a land disposal restriction ("LDR") determination. If the LDR determination was based on analytical results, provide any and all documentation of such results.

g. If a hazardous "waste determination" was made for the content(s) of the container, state whether the waste determination was based on analytic results or on the generator's knowledge of the process that generated the waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator's knowledge, provide a narrative explanation of the basis for each determination, and provide any supporting documentation.

h. If the content(s) in the container was determined to be "hazardous waste" please provide the specific EPA Hazardous Waste Code(s) associated with the content(s) of the container that was determined to be hazardous waste.

i. If the content(s) of the container was shipped off-site, submit copies of all bills of lading, manifests (hazardous and non-hazardous), shipping invoices, and LDR notices/certifications that accompanied the off-site shipment of such waste.

j. If the content(s) of the container still remain on-site, please state where such content is currently located within the Facility and describe in detail how such content(s) is currently being managed.

6. With regards to the 32 containers on the work bench in the Carpentry Shop (Inspection Report, Photo #9 - Photo #13), during the inspection Facility personnel indicated that the contents of the containers were open and the lids were not secured to the top of the containers to allow the contents to dry out. Please provide the following information regarding the management of the containers:

   a. Provide a detailed narrative describing any and all systems, agreements, and/or procedures (e.g., SOPs) the Facility has or had in place that describes how the Facility manages the contents of each container from the time the container is determined to be a waste until it is shipped off-site. Please submit any and all supporting documentation (e.g., SOPs, Tolling Agreements).

   b. State the date on which each of the containers was first allowed to dry out at the Facility. If an exact date cannot be determined, please provide an estimated date (month/year) and explain the basis for such an estimate.

   c. Please indicated by stating "Yes" or "No" to the following question: Does the Facility inspect the containers in this area for leaking containers and deterioration of the containers caused by corrosion or other factors?

      i. If you answered "Yes" to Question 6.c., above, please state how often the inspections are conducted.

      ii. If you answered "Yes" to Question 6.c., above, provide the first and last name of each person at the Facility who is or was responsible for conducting the inspections from the time the containers were determined to be a waste to the date the containers were shipped offsite.

iii. Submit any and all inspection logs maintained by the Facility for the containers from the time the containers were determined to be a waste to the date the containers were shipped offsite.

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928, authorize EPA to pursue penalties for failure to comply with or respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings. **Your response must include the following signed and dated certification:**

> I certify under penalty of law that I have personally examined and am familiar with the information submitted in this and all attached documents and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.

Signature: ____________________________
Date: ____________________________
Name: ____________________________
Title: ____________________________

Your facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested information is submitted, EPA may make this information available to the public without further notice to your facility.

The required information must be submitted to EPA **within thirty (30) calendar days** from the receipt of this letter. Please submit your response to this request electronically to:

Andrew Ma, Physical Scientist
Email: Ma.Andrew@epa.gov
U.S. Environmental Protection Agency, Region III

You may submit your response using one of the following options: a) via email to ma.andrew@epa.gov or b) by requesting a link from Andrew Ma at ma.andrew@epa.gov for a secure EPA file transfer site where you may upload your response. Please note, the EPA cannot receive compressed files (.zip) via email. If you wish to submit compressed files, please select option b), above.

If you prefer not to send documents that you have claimed as confidential business information ("CBI") to the EPA by email, please send them as electronic files through the EPA's secure file transfer site (option B). Prior to submitting your response, please send an email to ma.andrew@epa.gov indicating which option you have selected to submit your response to this request.

If you have any questions concerning this matter, please contact Mr. Ma, Physical Scientist, at 410.305.3429 or ma.andrew@epa.gov.

Sincerely,

JEANNA HENRY

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Date: 2023.07.07 15:39:29 -04'00'

Jeanna R. Henry, Branch Chief
Air and RCRA Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region III

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