

RCRA Inspection Report

1) Inspector and Author of Report

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

2) Facility Information

LLFlex LLC
1255 W Burnett St.
Louisville, KY40210

EPA ID#: KYD062958889
NAICS #: 32220 – Paper Bag and Coated,
Treated Paper Manufacturing

3) Responsible Officials

Greg Morris
Environmental, Health, Safety and
Facilities Manager
gmorris@llflex.com

4) Inspection Participants

Greg Morris, LLFlex LLC
Natalie Gardiner, KYDEP
Scott Gerstner, KYDEP
Raj Aiyar, USEPA

5) Date of Inspection

March 6, 2024, at 9:15 AM

6) Applicable Regulations¹

Resource Conservation and Recovery Act (RCRA) Sections 3002 (42 U.S. Code – Annotated U.S.C.A. 6925 and 6927), and 40 Code of Federal Regulation (C.F.R.) Parts 260 - 270, 273, 278, & 279; Kentucky Revised Statutes Title XVIII, Chapter 224, Subchapter 46-Hazardous Waste *et seq.* (2006), and Title 401 of the Kentucky Administrative Regulations (K.A.R.) Chapters 30 through 38, 43 and 44 (2006)

Pursuant to 401 KAR 39:080 Section 1(1) (some provisions in Section 1 are broader in scope and not part of the authorized program). [40 C.F.R. § 260.10], a generator of greater than 100 kilograms (220 lbs) but less than 1,000 kilograms (2200 lbs) of hazardous waste in a calendar month is a Small Quantity Generator (SQG).

¹ As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations of those authorized provisions will be to the authorized State program. However, for ease of reference, the federal citations will follow in brackets.

Pursuant to 401 K.A.R. 32:030 [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 KRS § 224.46-520 [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with 401 KAR 39:080, [40 C.F.R. § 262.16(b)], except as required in 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.15(a)] (hereinafter referred to as the “SAA Permit Exemption”).

Pursuant to 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.16)], SQG may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status, as required by KRS § 224.46-520 [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.16] (hereinafter referred to as the “SQG Permit Exemption”).

Pursuant to 401 K.A.R. 39:060, Section 3(1) [40 C.F.R. § 261.4(a)(24)], the following materials are not solid wastes for the purpose of this part: Hazardous secondary material that is generated and then transferred to another person for the purpose of reclamation is not a solid waste, provided that the generator comply with all of the conditions listed in 401 K.A.R. 39:060, Section 3(1) [40 C.F.R. § 261.4(a)(24)(i-vii)].

Pursuant to 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.231], episodic event means an activity or activities, either planned or unplanned, that does not normally occur during generator operations, resulting in an increase in the generation of hazardous wastes that exceeds the calendar month quantity limits for the generator's usual category.

Pursuant to 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.232(a)], a very small quantity generator may maintain its existing generator category for hazardous waste generated during an episodic event provided that the generator complies with the conditions listed under KAR 39:080, Section [40 C.F.R. § 262.232(a)(1-7)].

Pursuant to 401 KAR 39:080, Section 3(1) [40 C.F.R. § 273.9], a small quantity handler of universal waste (SQHUW) is a universal waste handler who does not accumulate 5,000 kilograms or more 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 to conduct an unannounced compliance evaluation inspection to determine LLFlex LLC (known hereinafter as “LLFlex” or “the facility”) compliance with the applicable requirements of RCRA and the corresponding Kentucky regulations. This was an EPA lead inspection.

8) Facility Description

LLFlex has been operating since 1950 and is headquartered in Louisville, Kentucky. The facility is located at 1225 West Burnett Street, Louisville, Kentucky. The facility manufactures laminated flexible substrates comprised of paper, paperboard, films, and foils. These substrates have wide application in the consumer products, wire and cable, insulation, building and construction and tobacco industries. LLFlex has approximately 160,000 square feet under roof. LLFlex has 130 employees and operates three shifts, 24 hours per day. The City of Louisville provides the potable water and provides domestic waste service. LLFlex has been operating as a large quantity generator of hazardous waste; however, recently in January 2024, LLFlex notified KYDEP to operate as a small quantity generator of hazardous waste.

As part of the manufacturing process, LLFlex uses a virgin wash solvent to flush their printing lines and their process equipment. The spent ink line flush solvent is stored in a chemical containment locker where drums are color coated based on their contents. The spent ink line flush solvent is then shipped to Midwest Environmental Services Inc. (EPA ID# OHD987029808) facility located in Hamilton, Ohio where it is bulked and shipped offsite to be managed as continued use for its solvent properties. Waste generated besides the spent ink line flush solvent includes used oil, waste batteries and waste lamps.

9) Previous Inspection History

LLFlex was last inspected by KYDEP on August 11, 2020. No deficiencies were observed at the time of the inspection. There was no prior EPA inspection at the facility.

10) Opening Conference

On March 6, 2024, EPA inspector Raj Aiyar, accompanied by KYDEP inspectors Natalie Gardiner and Scott Gerstner, arrived at approximately 9:00 a.m. at the facility, Greg Morris, Environmental, Health, Safety (EHS) and Facilities Manager received the inspectors. The inspectors introduced themselves, showed their credentials and explained the purpose of the visit.

Upon meeting, Greg Morris stated to the inspectors that the facility was having a scheduled tornado drill and, as part of that drill, the inspectors would be required to stay at a secure designated location until such time the drill got over. After the drill, the inspectors were led into a conference room for having an opening conference. The inspectors discussed the scope of the inspection, the anticipated use of equipment, a digital camera and requested for a list of records to be reviewed as part of the inspection.

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 facility's ability, pursuant to 40 C.F.R. § 2.203, to assert a business confidentiality claim for information submitted to EPA. The company did not assert a business confidentiality claim.

Greg Morris 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 the required personal protective equipment before Greg Morris led the inspectors on a tour of the facility's operations.

11) Inspection Observations

Satellite Accumulation Areas (SAAs)

There were no SAA containers observed in the process area. According to Gregg Morris, there is no hazardous waste generated in their process area. The inspectors observed few 5-gallon open containers containing unknown liquid in the process area. The material was identified as lacquer that was used in their production process. According to Gregg Morris, the spent ink line flush used for recycling comprised of waste lacquer with spent solvent. The spent ink line flush is treated as hazardous material for the purpose of safe handling and storage purposes only since it is recycled. Other processing waste streams are managed as nonhazardous. According to LLFlex, the nonhazardous spent material is shipped off site for continued use as a product. The process areas were observed to be equipped with fire extinguishers, spill kits, a map indicating evacuation routes and emergency coordinator contact information. There was no hazardous waste observed in their process area.

Chemical Containment Locker

The inspectors inspected a chemical containment locker with signage (Photo-1). There were two 55-gallon containers observed inside the containment locker during the inspection (Photo-2). One container was observed to be empty; the other container contained spent ink line flush solvent with hazard indication. The containers were observed to be closed and intact. There were no leaks and spills observed in the containment area. According to Gregg Morris, one 55-gallon container containing spent ink-line flush was staged for shipping offsite for recycling purposes. The chemical containment locker was equipped with spill kits and the emergency equipment.

Used Oil and Universal Waste

There were no used oil and universal waste observed during the inspection.

12) Records Review

Once the inspectors completed the walkthrough of the facility, the inspectors were escorted to a conference room to conduct a review of the required documentation. The records reviewed for a three-year period included the following:

- 2023 Hazardous Waste Annual Report
- Solvent Reuse Bill of Lading

- Emergency Response Coordinator Information
- Emergency Evacuation and Fire Extinguishers Map
- Safety Data Sheets
- Documents showing emergency arrangement with local authorities

There were no deficiencies observed during the records review.

13) Closing Conference

An exit briefing was conducted at the conclusion of the inspection. Greg Morris, LLFlex LLC, Natalie Gardiner, KYDEP, Scott Gerstner, KYDEP and Raj Aiyar, US EPA participated during the exit briefing. The observations made during the inspection were discussed and the inspection was concluded. Based on the inspection, the facility appeared to be operating as a very small quantity generator (VSQG) of hazardous waste.

14) List of Appendices

Appendix 1 – Photo Log:

15) Signed

RAJAGOPAL AIYAR

Digitally signed by RAJAGOPAL
AIYAR

Date: 2024.04.17 10:46:42 -04'00'

Raj Aiyar
Environmental Engineer

16) Concurrence

ARACELI CHAVEZ

Digitally signed by ARACELI
CHAVEZ

Date: 2024.04.19 15:40:13 -04'00'

Araceli B. Chavez
Chief
RCRA Enforcement Section

Appendix 1 – Photo Log

Photos taken on March 6, 2024

Photos taken by: Raj Aiyar

Camera Model: Kodak PixPro FZ53

EPA Property Tag: SX9090



Photo-1 Chemical Containment Locker with Signage



Photo -2 Inside Chemical Containment Locker - 1 55-gallon, Spent Ink Line Flush;
1-55-gallon Empty Drum