ENVIRONMENTAL PROTECTION AGENCY
REGION 1 – NEW ENGLAND
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

May 3, 2023

(b)(6) , Environmental Division Head
Portsmouth Naval Shipyard
Code 106, Bldg 44
Portsmouth, NH 03804-5000

Re: U.S. EPA-Region 1 Inspection Report of Portsmouth Naval Shipyard, March 1-2, 2023

Dear (b)(6) :

In accordance with current policy, I am providing you with a copy of the final inspection report summarizing observations made during the March 1-2, 2023 inspection of your site.

This inspection was conducted under the authority of RCRA

Please contact me at 617-918-1760 or wilkinson.cheryl@epa.gov if you have any questions.

Sincerely,

CHERYL WILKINSON Digitally signed by CHERYL WILKINSON
Date: 2023.05.03 07:03:17 -04'00'

Cheryl Wilkinson, Life Scientist
Waste and Chemical Compliance Section

cc: Cherrie Plummer, ME DEP

Disclaimer: Unless otherwise noted, this report describes conditions at the site/property as observed by EPA inspector(s), and/or through records provided to and/or information reported to EPA inspector(s) by site representatives and as understood by the inspector(s). This report may not capture all operations or activities ongoing at the time of the inspection. This report does not make final determinations on potential areas of concern. Nothing in this report affects EPA's authorities under federal statutes and regulations to pursue further investigation or action.

ENVIRONMENTAL PROTECTION AGENCY
REGION 1 – NEW ENGLAND
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

RCRA Compliance Inspection of:

Portsmouth Naval Shipyard
Code 106, Bldg 44
Portsmouth, NH 03804-5000

March 1-2, 2023
Date of Inspection

CHERYL WILKINSON Digitally signed by CHERYL WILKINSON Date: 2023.05.03 07:02:05 -04'00'

Cheryl Wilkinson, Life Scientist
Waste and Chemical Compliance Section

May 2, 2023
Date Inspection Report Approved

MARY ODONNELL Digitally signed by MARY ODONNELL Date: 2023.05.02 16:53:23 -04'00'

Mary Jane O'Donnell, Manager
Waste and Chemical Compliance Section

May 2, 2023
Date Inspection Report Finalized

May 3, 2023
Date Inspection Report Transmitted to Portsmouth Naval Shipyard

Disclaimer: Unless otherwise noted, this report describes conditions at the site/property as observed by EPA inspector(s), and/or through records provided to and/or information reported to EPA inspector(s) by site representatives and as understood by the inspector(s). This report may not capture all operations or activities ongoing at the time of the inspection. This report does not make final determinations on potential areas of concern. Nothing in this report affects EPA's authorities under federal statutes and regulations to pursue further investigation or action.

RCRA HAZARDOUS WASTE INSPECTION REPORT

I. GENERAL INFORMATION

a. **Site Name:** Portsmouth Naval Shipyard ("PNS" or the "Site")

b. **Inspection Date:** March 1-2, 2023

c. **Inspection Type:** RCRA Compliance Evaluation Inspection (CEI)

d. **EPA Inspectors:** Cheryl Wilkinson, Life Scientist
Andrew Meyer, Environmental Scientist

e. **State Inspectors:** Tristan Price, Environmental Specialist III

f. **EPA ID Number:** ME7170022019

g. **NAICS/SIC:** 92811- National Security
3731 – Shipbuilding and Repair
3444 – Sheet Metal Work
3621 – Motors and Generators (Rebuilding)

h. **Street Address:** Seavey Island, Kittery, ME 03904

i. **Mailing Address:** Code 106, Bldg 44, Portsmouth, NH 03804-5000

j. **Site Contacts:** (b)(6)
Environmental Division Head
Phone: (b)(6)
Email: (b)(6)

(b)(6)
Environmental Operations and Emergency Response Branch Head
Phone: (b)(6)
Email: (b)(6)

(b)(6)
Engineering Technician
Phone: (b)(6)
Email: (b)(6)

k. **Generator Status (per RCRAInfo):** Large Quantity Generator (LQG) and Treatment Storage and Disposal Facility (TSD)

l. **Date first notified as a generator (per RCRAInfo):** 01/01/1980

m. **Date of most recent notification in RCRAInfo:** 07/08/2022

n. **Current Property Owner:** U.S. Navy

o. **Current Operator:** Portsmouth Naval Shipyard

p. **Wastes generated (per most recent RCRAInfo notification)**: D001 D002 D003 D004 D006 D007 D008 D009 D010 D011 D018 D019 D021 D028 D029 D035 D039 D040 F001 F003 F005 P001 U158 U160 U210

II. SITE DESCRIPTION

Portsmouth Naval Shipyard ("PNS") is an installation federally owned by the US Department of the Navy, since 1800. PNS is engaged in the overhaul, servicing, and repair of nuclear submarines. The site is located on Seavey Island in Kittery, ME at the Piscataqua River. PNS operates a commercial hazardous waste storage facility, known as Building 357. In addition to Building 357, PNS manages hazardous waste as a Large Quantity Generator ("LQG"). The site has been generating and managing hazardous waste since the year 1980. The island is 278 acres of land.

III. INSPECTION IN-BRIEF

Prior to arriving at Portsmouth Naval Shipyard, on Tuesday, February 28, 2023, Inspector Wilkinson called Robert Burley to inform him that the inspection team would be arriving the morning of Wednesday, March 1, 2023, to conduct an inspection of Portsmouth Naval Shipyard. Inspector Wilkinson did not state the program which the inspection would take place under. Inspector Wilkinson provided the names of the inspectors to obtain access to the base.

EPA inspectors arrived at Gate 1 of at Portsmouth Naval Shipyard at 9:00am on Wednesday, March 1, 2023, and met (b)(6), Environmental Engineering Branch Head, and (b)(6) Engineering Technician. (b)(6) and (b)(6) provided temporary badges to the inspection team and escorted them onto the base, to a conference room located at Building 44, Code 106. The following personnel were present for all or part of the in-brief:

EPA: Cheryl Wilkinson, Life Scientist
Andrew Meyer, Environmental Scientist

ME DEP: Tristan Price, Environmental Specialist III

PNS: (b)(6) , Environmental Division Head
(b)(6) , Environmental Operations & Emergency Response Branch Head
(b)(6) , Environmental Engineering Technician
(b)(6) , Division Head Nuclear Facilities & Waste Engineering
(b)(6) Acting Radiological Controls Deputy Director
(b)(6) , Branch Head 105.42, Radiological Training
(b)(6) , Dosimetry Branch Head Radiation Health Division

The inspection team of Cheryl Wilkinson and Andrew Meyer (inspection team) explained they would be conducting a compliance evaluation inspection (CEI), under the resource conservation and recovery act, RCRA program. Inspector Wilkinson explained the inspection team will be inspecting on the permit conditions, covered in the permit issued by Maine DEP for the operation of a commercial hazardous waste storage facility and on the large quantity generator LQG requirements. Inspector Wilkinson explained that if at any time, PNS felt that the information the inspection team was requesting was confidential business information, please let the inspection team know. (b)(6) explained that instead of a CBI claim, if necessary, it would be considered a security issue. (b)(6) accepted the CBI documents presented to him by Inspector Wilkinson. (b)(6) explained that if photos must be taken during the inspection, they must be taken by PNS personnel, and not by the inspection team. (b)(6) explained that all the photos taken must undergo a security review, prior to being released to the inspection team.

PNS personnel informed the inspection team of the following information about the site during the in-brief:

The site is 270 acres, and the site employs over 6,000 employees, of which, approximately 150 are qualified to handle hazardous waste. PNS manages a combined total of approximately 20 satellite accumulation areas (SAAs), and hazardous waste accumulation areas (HWAA). The hours of operation for production are 6:30 am to 3:00 pm.

PNS personnel explained there are many operations on site that generate hazardous waste. One example is the painting shop, where the operators receive and return paint. There is one 90-day HWAA at the paint shop. The top operations on-site that generate hazardous waste are:

1. Painting, 7112 Shop and Building
2. Machining, electroplating, and powder coating
3. Soil and construction debris, contaminated with lead, generated during excavation during construction on site.
4. Caustic waste (>12.5 pH) from pouring and cutting of concrete for construction work.
5. Tiles used for sound proofing on ships which are contaminated with lead.

(b)(6) questioned if the inspection team would be inspecting the mixed radioactive hazardous waste area. Inspector Wilkinson explained the inspection team will not be inspecting the radioactive waste area. As a result, a group of PNS personnel exited the room.

PNS personnel explained they use solvent during paint operations, and epoxy paint is the largest contributor to the waste paint. All paint waste is managed in 55-gallon containers. The site does not reclaim or recycle solvent, and it does not treat hazardous waste. The site does not manage hazardous waste in tanks, only non-hazardous used oil is managed in tanks. Hazardous waste is managed in containers. The site also manages universal waste.

The site receives waste from Department of Defense (DOD) sites located in New England. In 2022, it received 9 shipments, which totaled less than 2,000 pounds. No shipments were scheduled to arrive on-site during the inspection days.

(b)(6) explained PNS uses generator knowledge, and safety data sheets (SDSs) to make hazardous waste determinations on the waste generated on-site. Approximately 2.5 million pounds of hazardous waste is generated on-site, with the majority being contaminated soil. The remainder, approximately a couple hundred thousand pounds is non-soil hazardous waste.

Waste that PNS receives from DOD sites, is characterized off-site by the generator, and PNS samples 10% of each shipment they receive. PNS samples the waste according to its Environmental Sampling Plan. The waste is analyzed for SVOCs, VOCs, metals, PCBs and other hazards. The analysis of the samples is mainly conducted off-site by Alpha Analytical. PNS personnel choose 10% of the waste being received to sample, including liquid and solid waste. PNS does have a lab on-site that is capable of analyzing the samples for some characteristics, but not all.

Inspector Wilkinson asked if PNS has recently rejected any hazardous waste received from off-site, and when it occurred. (b)(6) explained that he isn't aware of any waste that PNS has rejected recently. PNS had used a licensed transporter in the past to transport hazardous waste to the site, but now they pick the waste up themselves. They do not pick up or accept any unknown waste streams. PNS uses Triumvirate Environmental for shipping hazardous waste off-site.

When PNS receives waste from off-site, or on-site, it is managed in Building 357.Building 357 is the permitted hazardous waste storage area, managed under permit number #O-000005-HA-U-R, issued by issued by Maine Department of Environmental Protection (ME DEP). The site uses a tracking system for the waste it receives from off-site. When waste is received at Building 357, PNS personnel are aware of who is sending the waste, when it will arrive and what the types of waste are. Once received, the waste is either consolidated from smaller containers to larger containers or is placed directly into its appropriate storage room, segregated by waste type.

Building 357 consists of 13 individual rooms, each designated to store specific types of waste, including hazardous waste and non-hazardous waste. PNS personnel explained that rooms 137, 134 and 135 are not currently being used to store hazardous waste.

The inspection team asked if and when the site has had any spills of hazardous waste. PNS personnel explained there have been no releases of hazardous waste in the last five years. They have had spills of oil or hazardous materials, but not hazardous waste.

PNS personnel explained there is currently a construction project occurring on site, that utilizes a wastewater treatment system. The project is being managed by a contract company and the wastewater treatment system has yet to generate any waste. The wastewater treatment system has been in operation for approximately 8 months.

IV. SITE TOUR

The physical tour of the site occurred on Wednesday, March 1 and 2, 2023. Photos were taken throughout the tour of the site by (b)(6) , but are not attached or referenced in the report due their classification of CUI (controlled unclassified information). The following personnel were present for all or part of the tour:

EPA:	Cheryl Wilkinson Andrew Meyer
MEDEP:	Tristan Price
PNS:	(b)(6) (b)(6)

The tour of the site began at the back side of Building 357. There is a playground located across the parking lot from the back of Building 357. PNS personnel explained the area of the base where Building 357 is located is known as “Jamaica Island”. The inspection team observed no smoking signs posted on the entrance doors to rooms designated for hazardous waste storage inside Building 357. PNS personnel explained that all the entry doors remain locked and are not used as the primary entrance to the rooms.

Inside Building 357, the inspection team observed the Shipping and Receiving area. The inspection team observed the floor is concrete and was coated with a sealant. There were no cracks or breaks in the concrete or coating observed. PNS personnel stated the floor was recoated in January 2023. The shipping and receiving area is equipped with a secondary containment trench, with grating over it. The inspection team did not observe any liquid in the trench. PNS personnel explained, when waste first arrives at Building 357, this is where it comes. Here it is weighed, reviewed, and put into PNS’s tracking system. If necessary, in this area, the waste is consolidated, and/or it is moved directly into its appropriate storage room. PNS personnel explained that the waste that is consolidated at the shipping and receiving area is oily water, and non-hazardous waste. The hazardous waste is consolidated in the consolidation room. The inspection team observed 10 empty, new 55-gallon containers, and one container with spill control equipment staged in front of the middle of three rolling dock doors.

PNS personnel explained there is one hazardous waste stream that is consolidated in the shipping and receiving area, which is lead-contaminated debris. The waste arrives in plastic storage bags, inside cubic yard boxes. If two or more cubic yard boxes arrive, that contain less than full bags of waste, they place the bags into one box, to fill the cubic yard box.

The inspection team continued the inspection outside, at the loading dock. The inspection team observed the loading dock has two bays, both constructed of concrete and coated. PNS personnel explained that the loading dock was recoated in June of 2022. The inspection team did not observe any cracks or breaks in the concrete. The area was equipped with a secondary containment trench, with grating over it. PNS personnel explained that the trench can be opened via a valve and allow material to flow into two detention ponds on-site. The valve remains closed in the event a spill occurs. The times they have opened it have been when precipitation fills the trench, to allow it to drain to the detention ponds and keep the trench dry.

In the same area as the loading dock, the inspection team observed the outdoor storage and support area. The inspection team observed two drains in the outdoor storage and support area. PNS personnel explained these drains also allow material to flow to the detention ponds. PNS samples the material in the detention ponds quarterly, prior to discharging into the adjacent river.

The inspection team also observed a concrete pad used for the storage of roll-off containers in the outdoor storage and support area. The inspection team observed cracks in the concrete pad, that PNS personnel explained were filled in and sealed in June of 2021. The inspection team observed the following containers on the concrete pad:

- Three black, 2000-gallon transportable oil tanks, closed
- One roll-off container for the storage of non-regulated waste described as oily solids, oily debris, dried hardened epoxy, (profile number 9028B). The container was covered.
- One green roll-off container, labelled with numbers, “3001”, and the words, “ASBESTOS IN USE”, the container was lined and covered.
- One green roll-off container, labelled with numbers, “3002”, and was used for the same purpose as 3001, the container covered and was empty.
- One roll-off container, labelled with numbers, “252216”, PFAS contaminated material.

Across the way from the concrete pad, in an area known as an outdoor storage sub-area, the inspection team observed an additional concrete pad. There were five empty grey transportable oil tanks (TOTS). PNS personnel explained these TOTS are used for storage of non-hazardous oil.

The inspection team observed a scale to measure the weight of incoming trucks at the outdoor storage sub-area. PNS personnel explained that PNS receives approximately 2,300 manifested shipments of soils, and oily water per year. Under the scale is a sump, which material is allowed to flow into a catch basin, and then is sent to the detention ponds.

The inspection team did not observe any hazardous waste signage on the outside of Building 357. PNS personnel explained there are hazardous waste signs on the fence surrounding the

perimeter of the building and associated areas. The inspection team left the outdoor storage and support area and sub-areas and continued the inspection inside Building 357.

Inside Building 357 are 13 enclosed rooms, each designated in the permit to hold specific types of waste. The floor of the building was concrete and sealed with no visible cracks. Throughout the building the inspection team observed secondary containment trenches. The inspection team did not observe any liquid in any of the trenches. Throughout the building there were fire extinguishers and spill control equipment. There were eye wash stations and a shower. The following is a breakdown of what the inspection team observed and what PNS personnel explained was conducted in the rooms in Building 357:

Room 137, Machine Room

The inspection team observed two empty hoppers, labelled with non-hazardous waste labels and the profile number 9028B. Additionally, there was one compactor used for paint contaminated debris, profile number 2020, managed as hazardous flammable solid waste. The PNS personnel explained this waste stream is collected in plastic bags and is a dry solid material. When they have two containers each holding one bag, that are not completely full, they will consolidate the two bags into one container.

Room 124, Consolidation Room

PNS personnel explained they receive small containers of waste, such as 5-gallon containers which they consolidate into 55-gallon drums in this room. The inspection team observed 16 containers, all closed, labelled, and dated. The inspection team did not observe any dates over the time allowed in the permit. The following is a breakdown of the containers:

- One black 55-gallon container, hazardous waste, loose-pack, corrosive, profile number 3027, dated 12-09-2022
- One white, 55-gallon container, equipped with a funnel, hazardous waste, profile number 4014, dated 01-07-2023
- One black 55-gallon container, universal waste batteries, profile number 9009
- One universal waste batteries, profile number 4032
- One epoxy resin, non-hazardous waste, profile number 9065L
- One 55-gallon container, hazardous waste, flammable adhesives, dated 12-20-2022
- One 55-gallon container, hazardous waste, flammable waste paint, dated 12-20-2022
- One 55-gallon container, hazardous waste, flammable solvents, dated 11-8-2022
- One 55-gallon container, hazardous waste, waste oil, dated 01-24-2023
- One 55-gallon container, hazardous waste, antifreeze, dated 01-16-2023
- One 55-gallon container, non-hazardous waste, cooking grease
- One 55-gallon container, non-hazardous waste, diesel
- One white hazardous waste, corrosive, high pH, 01-16-2023
- One white, 5-gallon container, universal waste bulbs, 02-22-2023
- One cardboard container, universal waste bulbs, 02-01-2023
- Once cardboard container, universal waste, sodium halides, 07-06-2022

Room 125, Class 9 Solid

The inspection team observed 55 containers including universal waste and hazardous waste. All containers were closed, labelled, and dated. The inspection team did not observe any dates over the time allowed in the permit. The following is a breakdown of the containers:

- One cardboard container, universal waste lamps, dated 08-09-2022
- One 55-gallon, hazardous waste abrasive blasting dust, dated 01-26-2023
- One container, universal waste dry sealed lead acid batteries
- Seven cubic yard box containers, Hazardous waste bulk solid
- Hazardous waste SHT tiles, 01-13-2023
- 44 containers, staged on 11 pallets, each pallet containing 4 boxes. All boxes were labelled batteries for recycle.

Room 126, Class 9 Liquid

The inspection team observed forty-eight 55-gallon containers staged no more than two containers high, and an additional 80 double-stacked boxes of batteries for recycle staged on pallets. All containers were closed, labelled, and dated. The inspection team did not observe any dates over the time allowed in the permit. The following is a breakdown of the containers:

- Eleven 55-gallon containers, non-regulated, pfas, fire extinguisher foam, profile number 9006.
- Four 55-gallon containers, non-regulated, miscellaneous oils, profile number 8011
- Four 55-gallon containers, hazardous waste, oil sludge, profile number 4060
- Two 55-gallon containers, hazardous waste, rinse water (RCRA), profile number 4058
- One 55-gallon container, hazardous waste, hypo solution, neutral, profile number 4012
- Three 55-gallon container, hazardous waste, antifreeze, profile number 4001
- Eight 55-gallon containers, hazardous waste, coolant & water, profile number 4007
- Fifteen 55-gallon containers, hazardous waste, used oil (lead, arsenic), profile number 4015

Room 127A, Water Reactive

There were not containers for the inspection team to observe, the room was empty. Outside of the room, in the hallway there were carbon dioxide gas containers, a fire extinguisher, and spill control material

Room 127, Oxidizer Waste

The inspection team observed 29 containers, all closed, labelled, and dated. The inspection team did not observe any dates over the time allowed in the permit. The following is a breakdown of the containers:

- One 5-gallon container, hazardous waste, hydrogen peroxide, 01-24-2023
- Twenty-eight 55-gallon containers, non-regulated, pfas contaminated water, fire extinguisher foam, profile number 9006.

Room 130, Flammable Solids

The inspection team observed 7 containers, all closed, dated, and labelled as hazardous waste, profile number 2020, paint brushes, rags, rollers, debris. The inspection team did not observe any dates over the time allowed in the permit.

Room 129, Acid Waste

The inspection team observed 26 containers, all closed, labelled, and dated. The inspection team did not observe any dates over the time allowed in the permit. The following is a breakdown of the containers:

- Twelve 55-gallon containers, hazardous waste, plating solution, pH<2, profile number 3016
- Ten 55-gallon containers, hazardous waste, plating waste/debris, profile number 3052
- One 55-gallon container, hazardous waste, acid miscellaneous (inorganic), profile number 3001
- One 5-gallon container, hazardous waste, glacial acetic acid, profile number 3074
- One 5-gallon container, hazardous waste, nitric acid, profile number 3057
- One 5-gallon container, hazardous waste, acid, corrosive solids, profile number 3011

Room 132, Alkaline Waste

The inspection team observed 41 containers, all closed, labelled, and dated. The inspection team did not observe any dates over the time allowed in the permit. The following is a breakdown of the containers:

- Sixteen cubic yard boxes, hazardous waste, hazardous solids (bulk), stacked two high, profile 4039B
- Three 5-gallon containers, hazardous waste, alkaline miscellaneous solutions profile number 3022
- Fifteen 55-gallon containers, hazardous waste, caustic concrete slurry, profile number 3020
- One 55-gallon container, hazardous waste, morpholine, profile number 3008L
- One 5-gallon container, hazardous waste, corrosive solids (sodium hydroxide), profile number 3012
- Three 55-gallon containers, hazardous waste, floor cleaning soln. (high pH), profile number 3005
- Two 55-gallon containers, hazardous waste, ammonium hydroxide soln., profile number 3003L

Room 133 Flammable Liquid Waste

The inspection team observed 29 containers, all closed, labelled, and dated. The inspection team did not observe any dates over the time allowed in the permit. The following is a breakdown of the containers:

- One 55-gallon containers, hazardous waste, paint epoxy (used part A and part B), profile number 2022
- Thirteen 5-gallon containers, hazardous waste, paint, excess material, profile number 2007PL
- Four 30-gallon containers, hazardous waste, aerosol cans, profile number 2024
- Two 55-gallon containers, hazardous waste, paint sludge (used paints, solvents), profile number 2007
- Five 55-gallon containers, hazardous waste, water/gasoline, profile number 2061
- Four 55-gallon containers, hazardous waste, paint, solvents and paint, profile number 2008

Room 135
Storage of empty, new poly drums.

Room 134
Battery charging station Storage and storage of empty containers and files.

The inspection completed the inspection of Building 357, prior to exiting the building, the inspection team met (b)(6), QA Manager and (b)(6), Environmental Engineering Tech. (b)(6) and (b)(6) explained that 10% of every shipment received from generators outside of PNS is sampled and analyzed. A coliwasa sampler is used to collect a sample from containers of liquid waste, or, if the volume is small, then a scoop is used to collect the sample. The majority of the waste sampled is sent off-site to a lab for analysis of pH, metals, TCLP, SVOCs, VOCs, pesticides, herbicides and PCBs. They explained that pH and metal analysis can be done in the PNS lab on-site, located at Code 134, Building 20, but PNS mainly sends the waste off-site for analysis.

The inspection team exited Building 357 and continued the inspection at HWAAs and SAAs where waste is generated and stored before being sent to Building 357.

PNS personnel explained the wastewater treatment system is being used during the process of digging holes and pouring new concrete foundations. The concrete foundations are being poured to build new dry docks for the base. The water from the concrete process around building the footings is being put through the wastewater treatment system. When PNS digs, they either remove the dirt and sample the dirt, or they sample the dirt at the site with a drill. They sample, analyze, and dispose of the soil as necessary.

CIA Area: Building 18, Paint Shop
The inspection team observed one HWAA located at the Paint Shop, named HWAA 18-1. PNS personnel explained the waste stored at this HWAA is generated from the dry docks and brought up to this area for consolidation and storage. PNS personnel explained they use a system, hazardous material management system (HMMS) to keep track of product paints. HWAA 18-1 is located next to the paint storage room.

Outside the paint room the inspection team observed a no smoking sign, and a hazardous waste accumulation area sign. The floor in the HWAA is grated with a concrete basin underneath. The inspection team observed 35 containers in HWAA 18-1. All containers were closed and dated. The inspection team did not observe any dates over the 90-day allowance. The following is a breakdown of the containers:

- One 55-gallon container, hazardous waste, brush, rag rollers, dated 02-24-2023, profile number 2020
- One 55-gallon container, hazardous waste, epoxy waste, dated 02-24-2023, profile number 2022
- One 55-gallon container, hazardous waste, miscellaneous paint, dated 02-01-2023, profile number 2007

- One 55-gallon container, hazardous waste, dye penetrant, dated 02-24-2023, profile number 2020
- One 55-gallon container, hazardous waste, acid debris, electroplating, dated 02-06-2023, profile number 3052
- One 55-gallon container, hazardous waste, epoxy waste, dated 02-27-2023
- One 55-gallon container, non-hazardous waste, greasy debris
- One 55-gallon container, non-hazardous waste, oily debris
- One 55-gallon container, hazardous waste, oil waste, dated 02-27-2023
- One 55-gallon container, hazardous waste, mixed solution, dated 02-26-2023
- One 55-gallon container, hazardous waste, brushes, rags, rollers, dated 02-27-2023
- Two 55-gallon container, hazardous waste, polysulfide, dated 03-12-2023
- One 55-gallon container, hazardous waste, waste oil, dated 12-05-2022
- One 18-gallon plastic storage container of epoxy waste cans, dated 02-24-2023, profile number 2022
- One 3-gallon plastic storage container, non-regulated waste, batteries alkaline, profile number 9009
- One empty carboard container
- One 3-gallon plastic storage container, hazardous waste, aerosol spray can, dated 02-14-2023, profile number 2024
- Four 55-gallon empty containers
- One small bag of expired acid containers awaiting waste determination
- Twelve total, six half-gallon and six one-gallon containers of expired paint awaiting a waste determination. PNS personnel explained that if the paint is determined to be waste, they will consolidate it into larger containers of waste paint. PNS personnel explained some expired paint can still be used, while some cannot, and it depends on where the paint is planning to be used.

PNS personnel explained that once a month they go through their product inventory and look for expired materials to make a waste determination on. They explained they had just completed that inventory and is why the bag of expired acid containers and paint was there without a label. They were in the process of making a hazardous waste determination.

Outside of the paint storage area, against the outside wall, the inspection team observed two cardboard cubic yard boxes on pallets in a roped off area. One of the cubic-yard boxes was empty, while the other was holding SHT tile, waste profile number 4040. The box was covered and labelled with a date of 01-23-2023. PNS personnel explained these containers are managed as part of HWAA 18-1. Additionally, the inspection team observed another cubic yard box across from the two roped off ones against the wall. The container was closed with a hazardous waste label which described the waste as, hazardous substance, Tyvek booties, gloves. The inspection team met (b)(6) , hazmat operator who explained the box was full, closed and placed across from the two against the wall the previous night, and is awaiting transport to Building 357. The inspection team observed spill control equipment, a landline phone, a fire extinguisher, and a no smoking sign in the area.

The inspection team exited Building 18 and continued the inspection in Building 240. PNS personnel explained the plating processes take place in Building 240. Additionally, paints,

machine coolants and dyes are used in Building 240. The inspection team observed one HWAA, named 240-2. The HWAA was roped off and the floor was concrete. The inspection team observed six 55-gallon containers on secondary containment staged on the floor and an additional rack system holding 15 containers of varying sizes between 3-gallons and 18-gallons. The inspection team observed a landline phone, spill control equipment, an emergency contact posting, an eyewash station, and a fire extinguisher at the area. All containers were closed and labelled. The inspection team did not observe any dates over the 90-day allowance. The following is a breakdown of the containers:

Staged on the floor:

One 55-gallon container, hazardous waste, paint debris 02-25-2023
One 55-gallon container, hazardous waste, plating waste, 02-24-2023
One 55-gallon container, hazardous waste, plating waste,
One 55-gallon container, non-hazardous waste, empty
One 55-gallon container, non-hazardous waste
One 55-gallon container, non-hazardous waste

On the rack system:

Non-regulated waste, zinc chloride batteries, profile number 9009.
Non-regulated waste, NOVEC contents, profile number 9035.
Universal waste silver oxide batteries, dated 01/10/2023
Universal waste mercury containing lamps, dated 01/27/2023
Universal waste lithium batteries, dated 01/03/2023
Hazardous waste, Alodine profile number 3002L, dated 02/01/2023
Hazardous waste, used freon, profile number 4016, dated 01/27/2023
Non-regulated, zinc carbon batteries
Non-regulated, alkaline batteries
Hazardous waste aerosol cans, profile number 2024, 02/27/2023
Hazardous waste Fiber epoxy waste, profile number 3027, dated 02/02/2023
Hazardous waste, delta safe d-scale rags, profile number 3052.
Five non-regulated containers
Waste cutting fluid, profile number 8011
Waste, epoxy resin
Hazardous waste, alcohol, acetone, flux, dated 02/27/2023
Hazardous waste, adhesive misc., dated 02/02/2023
Waste latex paint
Waste Grease, profile number 8017
Waste toner, profile number 9028
Hazardous waste, paint, varnish, liquid, dated 02/02/2023

The inspection team exited Building 240 and was escorted back to the conference room where the in-brief took place. The inspection team conducted a day-one out-brief, and discussed the following areas of concern observed on day one of the inspection:

- In Building 357 there were areas that were potentially less than 36 inches. (b)(6) explained that the permit allows the site to store containers in the manner in which they were staged, with less than 36 inches between rows of less than four containers

wide. (b)(6) explained that he has had discussions with the State of Maine regarding the setup of the containers and has it documented. (b)(6) stated he would provide the information to the inspection team.

- The inspection team observed that Room 130 is currently storing flammable solid waste, and the permit states Room 130 is for the storage of alkaline waste. And that Room 132 is currently storing alkaline waste, and the permit states it is for the storage of flammable solid waste. (b)(6) explained that these two rooms are included in the interchangeable rooms in the permit, and they have the required documents per the permit and SOP, to show they are authorized for storing the type of wastes currently in the rooms.

- The inspection team observed Room 127 had one 5-gallon container of hydrogen peroxide waste, and twenty-eight 55-gallon containers of pfas wastewater, fire extinguisher foam. The permit states this room is for the storage of oxidizing waste, and not for the pfas wastewater. (b)(6) explained that the permit does not state PNS is not allowed to store non-hazardous waste in these rooms. (b)(6) explained he had discussions with the State of Maine and they authorized PNS to store this type of waste here. Ms. Wilkinson requested any documentation that PNS has on that determination.

- The inspection team observed one of the emergency postings did not include the contact information for the emergency coordinator.

- The inspection team observed some containers in the HWAA at the paint room which were awaiting hazardous waste determination were not labelled or dated. The PNS personnel explained they recently reviewed their inventory and determined the materials were expired and had not made a waste determination on them yet.

- The inspection team discussed with PNS personnel the site's practice of generating a solid waste stream at the dry dock when they remove hazardous waste tiles from the ship and then bring them up to the HWAA instead of storing them at an SAA at the dock. PNS prefers to manage them at the HWAA, not an SAA at the dry dock.

- The inspection team observed flammable waste containers at HWAAs that were not grounded. PNS personnel explained that the building which the area is housed in or the grating in the area where the containers are being stored may be grounded.

- The inspection team discussed the description of the waste on the labels did not specify the hazard and was not clear as to what the waste was. The inspection team explained they would look at the Maine regulations for the requirements for the labeling of hazardous waste containers.

PNS personnel explained the hazardous waste training is documented in an electronic system and is given by the Installment (Navy). The Navy Code for the training is 900T. PNS personnel who work at the shipyard are trained annually on hazardous waste.

The inspection team requested the training documents for the following site personnel:

(b)(6)
(b)(6)
(b)(6)
(b)(6)

The emergency coordinators

(b)(6)

Building 357 workers
Other site personnel who directly manage 90-day HWAAs

PNS personnel explained PNS exports some hazardous waste to other countries. The waste types they export are corrosive waste, lead based waste, and soils. They explained they export the waste approximately once a month.

The inspection team requested the following documents as part of the inspection, to be reviewed off-site after the on-site portion of the inspection:

- Site diagram
- Process flow diagram of the wastewater treatment plant
- Analytical data for the most recent monthly testing on the material entering and exiting the wastewater treatment unit
- Hazardous waste contingency plan
- Proof that the contingency plan was submitted to local emergency response facilities
- List of employees with hazardous waste responsibilities
- Hazardous waste training plan
- Hazardous waste training records for the most recent two years
- HAZWOPER training records for the primary and alternate emergency coordinators
- Hazardous waste storage area inspection logs for Building 357 for January 2022, March 2022 and January 2023
- Hazardous waste export records for November 2022 and January 2023
- Hazardous Waste Manifests and Land Disposal Restriction Notices for January 2022, March 2022, and January 2023
- Environmental Sampling Plan (Waste Analysis Plan)
- Table H.1 or equivalent document which lists the hazardous waste profile numbers and associated waste types/codes
- Any documentation from Maine DEP regarding the authorized use of rooms in Building 357 for storing non-hazardous waste, other than the designated rooms outlined in the permit for storage of non-hazardous waste; particularly the storage of pfas wastewater in Room 127
- Any documentation from Maine DEP regarding the authorized use of changing the type of waste stored in Rooms 130 and 132 in Building 357.

End of day one of inspection.

Day two of inspection, March 2, 2023

The following personnel were present for all or part of the tour:

EPA:	Cheryl Wilkinson Andrew Meyer
MEDEP:	Tristan Price
PNS:	(b)(6) (b)(6)

The inspection team was escorted to the Multi-Year Dry Dock Treatment System, to observe the wastewater treatment system, which was located at the construction area where the new dry docks were being constructed. The inspection team met the following personnel who were responsible for the wastewater treatment unit, the construction project and/or Navy employees working on the project:

- (b)(6) , Environmental Manager
- (b)(6) , NAVFAC employee permitted the outfall with a NPDES permit
- (b)(6) , NAVFAC, OICC Construction Manager

(b)(6) explained that pretreatment occurs at the site and prior to the water being put through the wastewater treatment system, the water has met the pretreatment limits. (b)(6) explained PNS tests the water before discharge to ensure the limits are met at each process. PNS is using water from around the shipyard as dilution water. (b)(6) explained they have not received any analytical results that have been over the pretreatment limits, and that they are testing monthly.

PNS personnel explained that the wastewater treatment system is being used in the project to build new dry docks on the base. The project is expected to be completed in year 2028. The water going through the wastewater treatment system is excess wastewater from the concrete process of building the new footings for the dry docks. There is also wastewater generated from rinsing of equipment that goes through the system as well.

The inspection team left the area where the wastewater treatment system is located and continued the inspection at a shipping container used as HWAA, named 174-2. The container has a model number of LF1020 and has a capacity of 2,680-gallons. The container is located outside and is used to store waste generated from waterfront areas, such as the dry docks. The container remains locked, and only certain personnel have keys to access the container. The waste stored here is mostly expired materials, adhesives, and aerosol cans. The inspection team met (b)(6) hazardous waste operator for 174-2. On the outside of the container, the inspection team observed a no-smoking sign, a hazardous waste sign, and a flammable and corrosive sign. In an adjacent container, used as an office, the inspection team observed a landline telephone and emergency posting. Inside the container, the inspection team observed spill control equipment, a fire extinguisher, and an eyewash station. The floor inside the container is made of some wood,

and some grating, with a concrete basin area under the wood and grating. Inside the container, against the back wall, the inspection team observed a 5-tier rack system with containers on each tier. All containers were closed, labelled, and dated. The inspection team did not observe any dates over the 90-day allowance. The following is a breakdown of the containers:

Staged on the floor:

- One 55-gallon container, hazardous waste, aerosol cans 02-14-2023
- One 55-gallon container, hazardous waste, aerosol cans, dated 01-27-2023
- One 55-gallon container, hazardous waste, PT solids, rags, rollers, dated 01-06-2023
- One cardboard container, universal waste, fluorescent lamps, dated 11-08-2022
- One 55-gallon container, non-regulated waste
- Two cardboard containers, empty

On the rack system:

Tier 1

- Four 3-gallon universal waste containers
- One 3-gallon hazardous waste, smoke tubes acetic acid, profile number 3001
- One 3-gallon hazardous waste, hypochlorite solution, profile number 3055

Tier 2

- One 14-gallon non-regulated, non-hazardous cleaning solution, profile number 9035
- One 14-gallon miscellaneous oils, profile number 8011
- One 14-gallon, non-regulated, adhesives, profile number 9065

Tier 3

- One hazardous waste, 14-gallon, cleanser detergent, profile number 3005
- One hazardous waste, 14-gallon, rag waste, profile number 3066
- One hazardous waste, 14-gallon, adhesives, corrosive, profile number 3027
- One hazardous waste, 14-gallon, alcohol/oil mix, profile number 2007
- One hazardous waste, 14-gallon, cadmium debris, profile number 3052
- Two hazardous waste, 14-gallon, miscellaneous adhesives, profile number 2042

Tier 4

- Two hazardous waste, 14-gallon, silver nitrate solution, profile number 3049
- One hazardous waste, 14-gallon, miscellaneous adhesives, profile number 2042
- Two 14-gallon containers, non-regulated
- One 14-gallon container, non-regulated

Tier 5

- One 18-gallon container, hazardous waste
- Two 18-gallon container, non-regulated
- One 18-gallon container, universal waste

The inspection team exited container 174-2 and continued the inspection at HWAA container 373-1, which was same type of container as 174-2. The inspection team met (b)(6) , hazardous waste operator in charge of HWAA 373-1. PNS personnel explained the main types of waste stored here are paint-related waste, solvent waste, oil, and lead debris. The paint department runs this container. The container is located outside and remains locked. On the outside of the container, the inspection team observed a no-smoking sign, and a hazardous waste sign. Inside the container, the inspection team observed spill control equipment, and an eyewash

station. PNS personnel explained the container is equipped with a fire suppression system. The floor of the container is a concrete basin with grating over the top. There is an adjacent container used as office space, where a cell phone is located. The cell phone remains at the area. The inspection team did not observe an emergency posting. All the containers were closed, labelled, and dated. The inspection team did not observe any dates over the 90-day allowance. The following is a breakdown of the containers:

Two 55-gallon containers of hazardous waste
One 55-gallon container of non-regulated waste
One universal waste lamps container
Three 55-gallon containers, hazardous waste, rags, rollers, brushes, profile number 2020
Two empty 55-gallon containers
One 55-gallon container, not waste, xylene for cleaning
Two 55-gallon containers, hazardous waste, epoxy paint, profile number 2022
One 55-gallon container, mixed solvent, flammable profile number 2008
One 55-gallon container of waste oil, profile number 4015
One 55-gallon container, hazardous waste, mixed paints profile number 2007
Two 55-gallon containers, hazardous waste, polysulfide debris, profile number 2042
Two 5-gallon container, hazardous waste, epoxy paint, profile number 2022
One 5-gallon container, non-regulated, termalene, profile number 8017
One 14-gallon container, hazardous waste, epoxy paint, profile number 2022

The inspection team left container 373-1 and continued the inspection at HWAA container 285-2, which was the same type of container as 174-2 and 373-1. (b)(6) is also the hazardous waste operator in charge of HWAA 285-2. PNS personnel explained the main type of waste stored here is solid lead contaminated debris. The container is located outside and remains locked. On the outside of the container, the inspection team observed a no-smoking sign, and a hazardous waste sign. Inside the container, the inspection team observed spill control equipment and a fire extinguisher. The floor of the container is wood. The same cell phone located at container 373-1 is the communication device for this container as well. Both HWAA 373-1 and HWAA 285-2 are in close proximity to each other. All the containers the inspection team observed inside HWAA 285-2 were closed, labelled, and dated. The inspection team did not observe any dates over the 90-day allowance. The following is a breakdown of the containers:

- Two cardboard cubic yard boxes, hazardous waste lead debris, PPE, profile number 4039.
- One empty cardboard cubic yard box

The inspection team exited HWAA 285-2 and continued the inspection at Building 20, in the lab. The inspection team met (b)(6) , Safety Officer and Chemical Hygiene Officer. The lab manages one HWAA. On the outside door to the HWAA, the inspection team observed a no-smoking sign and a hazardous waste sign. Outside of the room, in the area of the HWAA, the inspection team observed a spill kit, fire extinguisher, a landline phone, and an evacuation route. Inside the room, the inspection team observed a 5-tier shelving unit. All the containers were closed, labelled, and dated. The inspection team did not observe any dates over the 90-day allowance. The following is a breakdown of the containers:

Top Tier, Tier 1:

Empty, there were no containers

Tier 2

One hazardous waste 3-gallon container, Lecosorb, magnesium, profile 2063

Tier 3

Two 3-gallon hazardous waste container, acid debris, profile number 3052
One 3-gallon hazardous waste container, organic acid, solid, profile number 3068
One 3-gallon hazardous waste container, magnesium perchlorate, profile number 2063

Tier 4

One 5-gallon hazardous waste container, thymolphthalein indicator solution, profile number 2008

Tier 5

One 5-gallon hazardous waste container, Hg/Ag/NO_3, profile number 4014
One 5-gallon hazardous waste container, miscellaneous alkaline solution, profile number 3022

Additionally, staged on the floor of the HWAA room, the inspection team observed one 55-gallon container, hazardous waste, miscellaneous acids, profile number 3001. (b)(6) explained that the small containers of acid at SAAs around the lab are consolidated here. The container was dated 01/04/2023.

The inspection team continued the inspection at SAAs around the lab. The inspection team observed the SAA in Room 313, Inorganics Environmental Lab. Lab personnel explained they use nitric acid or hydrochloric acid for digestion in their analysis. The inspection team observed an eye wash station, spill kit, and a fire extinguisher in or around the lab. The following SAA containers were observed at the SAA in Room 313:

- One container for liquid waste from OES-ICP instrument, hazardous waste labelled, miscellaneous acids
- One container for liquid waste from TOC instrument, hazardous waste labelled, miscellaneous acids

The inspection team continued the inspection and observed the SAA in Room 20-329, Oils Lab. The following SAA containers were observed at the SAA in Room 313:

- One 5-gallon container, hazardous waste, Karl Fischer titration solution, profile number 2064
- One 5-gallon container, hazardous waste, acids and solvents, profile number 2008
- One 5-gallon container, hazardous waste, hydraulic lubrication oils, profile number 4015

The tour of the site ended at lab 20-329.

End of Site Tour Meeting

The inspection team was escorted back to the conference room where the in-brief took place. The inspection team and PNS personnel discussed the following areas of concern:

- Less than 36 inches of aisle space observed in Building 357 was discussed, again as it wast the first day of the inspection. (b)(6) provided the layouts of the drums that the permit authorizes for the storage of the containers in each of the 13 rooms designated for waste storage. As well, (b)(6) discussed how the state of Maine is aware of how the site is storing their containers and has stated they allow them to store their containers the way they have them.
- The inspection team discussed the emergency posting not being at every HWAA, or the emergency coordinator's information not being on the posting. Inspector Wilkinson explained that the inspection team will look at the state of Maine regulations to determine if the emergency posting is a requirement in the State of Maine.
- The inspection team discussed the interchangeable rooms, and the requirements in the permit which allow them to switch the waste type stored in each room. The inspection team requested any information or documents PNS has regarding PNS being authorized to switch the waste types in Rooms 130 and 132.
- The inspection team explained they observed flammable waste around the site at HWAA that was not grounded. PNS personnel explained that they believe the entire unit where the flammable waste is being stored is grounded.

The inspection team set a date of Wednesday, March 8, 2023, for PNS to upload the requested documents. Inspector Wilkinson explained the next steps in the inspection process, which included the out-brief being held via a Microsoft Teams meeting once the document review was complete. Inspector Wilkinson also explained that PNS will receive an inspection report within 60 days of the inspection out-brief date. Inspector Wilkinson explained the spectrum of enforcement follow up at EPA's disposal. The inspection ended and the inspection team was escorted off the site.

V. RECORDS REVIEW

Inspector Wilkinson sent (b)(6) , (b)(6) and (b)(6) an email with a link to an electronic folder to upload documents on March 2, 2023. All documents and information requested by EPA as part of the inspection were submitted by PNS electronically using DOD Safe links, because PNS personnel were unable to access the electronic folder. All documents PNS submitted to EPA were reviewed prior to the out-brief after the on-site portion of the inspection. The following is the list of documents requested by EPA and notes the inspection team had regarding the documents reviewed:

<u>Hazardous Waste Contingency Plan and documentation of transmittal to local authorities</u>

- No comment

<u>List of employees with hazardous waste responsibilities for Building 357, and the primary management of the HWAAs throughout the shipyard.</u>

- No comment

Personnel Training Records, RCRA and HAZWOPER

- Ms. Wilkinson noted gaps in training for some PNS personnel listed as having hazardous waste responsibilities. Inspector Wilkinson sent an email requesting clarifying information on March 10, 2023, to (b)(6) . In response, (b)(6) sent clarifying information on the training gaps.
- After receiving the clarifying information, Ms. Wilkinson had no further comment

RCRA Training Program Description or Plan
Hazardous Waste Manifests and Land Disposal Restriction Notices for January 2022, March 2022, and January 2023

- No comment

Daily/Weekly Hazardous Waste Accumulation Area Inspection Logs for Building 357, for the months of, January 2022, March 2022, and January 2023

- No comment

Process flow diagram and analytical data for for the process associated with the wastewater treatment unit

- No comment

Hazardous waste manifests, permit and associated documents for the exported hazardous waste for the months of November 2022, and January 2023

- No comment

Environmental Sampling Plan (Waste Analysis Plan)

- No comment

Table H.1 or equivalent document which lists the hazardous waste profile numbers and associated waste types/codes

- No comment

Any documentation from Maine DEP regarding the authorized use of rooms in Building 357 for storing non-hazardous waste, other than the designated rooms outlined in the permit for storage of non-hazardous waste; particularly the storage of pfas wastewater in Room 127

- No documents received; PNS explained to the inspection team that they had discussions with ME DEP regarding this waste being stored in this room, but the discussions were not documented.

Any documentation from Maine DEP regarding the authorized use of changing the type of waste stored in Rooms 130 and 132 in Building 357

- No comment

VI. INSPECTION OUTBRIEF

The out-brief conference was conducted via Microsoft Teams at 10:00am Monday, March 27, 2023. The following personnel were present for the closing conference:

EPA:	Cheryl Wilkinson
ME DEP:	Tristan Price
PNS:	(b)(6) (b)(6) (b)(6)

Ms. Wilkinson stated the purpose of the call was to discuss areas of concern identified during EPA's Compliance Evaluation Inspection of Portsmouth Naval Shipyard, and that the purpose of the inspection was to assess Portsmouth Naval Shipyard's compliance with the permit issued by Maine DEP for the operation of a commercial hazardous waste storage facility and the Large Quantity Generator Hazardous Waste requirements.

Ms. Wilkinson stated the following areas of concern were observed during the inspection:

In Building 357 the inspection team observed one 5-gallon container of hydrogen peroxide, and twenty-eight 55-gallon containers of pfas contaminated water, fire extinguisher foam in Room 127. The permit states Room 127 is for the storage of oxidizer waste. The permit authorizes the use of rooms 134 and 135 for the use of general storage of non-hazardous materials and non-hazardous waste, not Room 127. The permit also does not designate rooms 134 and 135 as interchangeable rooms, as it does for Room 127. The SOP for interchangeable rooms is consistent with the permit for these rooms also. Both the permit and the SOP state that Room 127 can be interchanged with rooms 125, 126, 129, 130, 132, and 133, all of which are for storage of hazardous waste. The twenty-eight 55-gallon containers of pfas contaminated water, or fire extinguishing foam could have been stored in rooms 134 and 135, which are designated for non-hazardous waste.

During the on-site portion of the inspection, the inspection team and PNS personnel had discussions on what constitutes an aisle in the Maine regulations, and the 36-inch aisle space requirement between rows of containers. As was discussed, the regulations state that containers must not be stacked in excess of four wide and two high, which PNS was following. The regulations also state there must be sufficient space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment and decontamination equipment…

in an emergency. PNS provided documents, and explained that they had discussions with ME DEP, regarding the configuration of the drums and how the permit shows they are allowed to store the drums in the configuration they have them in, in Building 357.

HWAA

The inspection team discussed ignitable waste not being grounded, and the lack of emergency postings or the emergency coordinator's contact information not being listed on the posting at the 90-day hazardous waste storage areas. After the on-site portion of the inspection, Inspector Wilkinson stated that she did not see that the Maine regulations require these items.

Inspector Wilkinson explained the next steps in the inspection process, thanked PNS personnel for their time, and the out-brief ended.