

Region 6 - Enforcement & Compliance Assurance Division
INSPECTION REPORT

Inspection Date(s):	04/11-15/2022	
Media Program:	RCRA Compliance Evaluation Inspection	
Regulatory Program(s)	RCRA Large Quantity Generator	
Company Name:	The Sherwin-Williams Company	
Facility Name:	Sherwin-Williams Shiloh Road	
Facility Physical Location:	701 South Shiloh Road	
(city, state, zip code)	Garland, Texas 75042	
Mailing address:	Same as above	
(city, state, zip code)		
County/Parish:	Dallas	
Facility Phone Number	972-487-7246	
Facility Contact:	Shane Shifflet	Site HSE Manager
FRS Number:	NA	
Identification/Permit Number:	NA	
Media Identifier Number:	TXD007320963	
NAICS:	32551 – Paint and Coating Manufacturer	
SIC:	2851 – Paints and Allied Products	
Personnel participating in inspection:		
John Penland	EPA Region 6 (ECDSR)	Lead Inspector
Debra Pandak	EPA Region 6 (ECDSR)	Inspector
Joyce Johnson	EPA Region 6 (ECDSR)	Inspector
Matoaka Johnson	Sherwin Williams	Environmental and Training Manager
Karen Hull	Sherwin Williams	EHS Specialist
Shane Shifflet	Sherwin Williams	Site HSE Manager
EPA Lead Inspector Signature/Date		
	John Penland – Lead Inspector	Date
Supervisor Signature/Date		
	Jeff Yurk – Waste Section Chief	Date

Section I – INTRODUCTION

PURPOSE OF THE INSPECTION

During the week of April 11, 2022, I, John Penland, conducted an unannounced inspection of the Sherwin Williams facility (Sherwin) located at 701 South Shiloh Road in Garland, Texas for compliance with the Resource Conservation and Recovery Act (RCRA). I was assisted on this inspection by Environmental Protection Agency (EPA) inspectors Debra Pandak and Joyce Johnson. The inspection included a walkthrough of the facility's production, waste generation and management units, a review of the facility records related to hazardous waste management, and a specific evaluation of the facility's compliance with the RCRA air pollution control requirements.

The Sherwin facility was targeted for inspection as part of Regional and National investigation initiatives to evaluate facilities subject to RCRA Subpart AA, BB, CC, regulations related to air emissions from hazardous waste management units.

We concluded the inspection of the Sherwin facility on April 15, 2022, with a closing conference where we presented our provisional areas of concern.

This report serves as documentation of all onsite activities and observations during the inspection of the Sherwin Williams Shiloh facility. Photographs taken during the inspection to document onsite observations are included as Appendix 1. A summary of all areas of concern identified during the inspection is provided in Section III.

FACILITY DESCRIPTION

Sherwin William's main facility is located at the corner of Shiloh Road and Forest Lane in Garland, Texas. The site is 26-acres in size surrounded by light industrial, commercial, and residential land use. The facility manufactures industrial, consumer and packaging coatings. The Consumer and Industrial plants manufacture water and solvent based paints, and the Packaging plant manufactures synthetic resins for production of industrial coatings for food-grade containers and other general industry coatings. The Packaging plant manufactures resin in a batch process by heating monomers and other raw materials in a reactor to create polymers. The Consumer & Industrial Plant manufactures solvent based coatings in a batch process that involves only blending of raw materials.

A general map of the plant is included in Appendix 2.

The Sherwin facility was issued the EPA ID# TXD007320963. Sherwin is operating as a Large Quantity Generator (LQG) of hazardous waste since November 2007.

The facility operates under Clean Air Act under Title V permit #1416 and NSR permit #56448 issued by the Texas Commission on Environmental Quality (TCEQ).

Section II - OBSERVATIONS

We conducted the onsite inspection during normal business hours from April 11- 15, 2022. During the inspection, the facility was conducting normal operations and all areas of the facility were in use. Throughout the week we visited each of the facility's waste generation, accumulation, and management areas. We also reviewed the facility's operating records pertaining to the facility's RCRA applicability and compliance requirements.

This section provides an abbreviated description of our daily activities. Appendix 1 provides photographs of our observations. This section provides information on our observations each day. Unless otherwise specified, the statements cited in this section reflect those claims made by facility personnel or documents reviewed during the inspection.

April 11, 2022

Debra Pandak, Joyce Johnson and I entered the facility at 0950hrs where we presented our credentials to Mr. Shifflet and informed him that we were there to conduct an inspection of the facility under Section 3007 of the Resource Conservation and Recovery Act (RCRA). I also explained the right of Sherwin to assert a Confidential Business Information claim for records requested by EPA. This discussion was followed by a presentation of EPA Region 6's Confidentiality Notice (40 CFR Section 2.203). Following this introduction, we conducted an inspection opening briefing with Shane Shifflet, Matoaka Johnson and Karen Hull.

Following the opening briefing, we conducted a walkthrough of Sherwin's production and associated waste management areas. The walkthrough began on the third floor of the Commercial/ Industrial plant. Glenn Sheffield, the production manager for the coatings unit, accompanied us on the walkthrough.

Commercial & Industrial Plants

The team began the tour on the third floor in the paste mixing area/mill area. This area is used for the formulation of the pigment/resin blend that serves as the basis for the paint mixture. Mills and small batch mixers are in this area. We observed one, 275-gallon tote marked as Universal Waste, e-coat waste. See Appendix 1. This waste was generated from the mill cleanout. According to Karen Hull this waste is described by waste profile #207.

We observed a collection of drums marked as universal waste, located against one wall of the floor. Each drum was closed and marked as universal waste. Solvent odors were present in the area. Ventilation is provided by open windows. We did not observe any air pollution control device for this area.

On the second floor is the paint mixing area. This area is used for the loading of the larger mixing vessels. We observed a collection of drums marked as Universal Waste, located against one wall of the floor. Each drum was closed and marked as universal waste. Solvent odors were present in the area.

Ventilation is provided by open windows. We did not observe any air pollution control device for this area.

The first floor contained the packing area where Sherwin products are packaged. Products are loaded into 55-gallon drums. Mix tanks are rinsed with reclaimed solvent between batches. This spent solvent is then drained into an open topped steel container (>121 gallons capacity). This container is then moved to a nearby pneumatic pump to be siphoned into the spent solvent reclamation system.

When observed, this spent solvent container was actively managing spent solvent. The container was covered with a thin plastic cover without any apparent vapor tight seal. See Appendix 1.

The pneumatic pump line is equipped with an in-line filter which was observed to be visibly dripping into an open 5-gallon bucket located beneath the filter. No label was observed for this bucket. An open 5-gallon bucket with an accumulation of spent solvent was also located beneath the siphon hose. No label was observed for this bucket. See Appendix 1.

The mixing container wash area is also located on the first floor. A recirculating solvent wash is used to clean mixing containers between batches. This solvent is drained to a second container when spent prior to being pumped to the solvent reclamation system. We observed one open topped steel container (>121 gallons capacity) actively managing spent solvent. The container was covered with a thin plastic cover without any apparent vapor tight seal. See Appendix 1.

A nearby open-topped container was being used for the accumulation of paint cans to be sold for scrap. The cans within the container appeared to contain free liquids. When asked, Mr. Shifflet stated that the facility did not have a free liquids exclusion procedure for this material. See Appendix 1.

The dispensing areas are equipped with an inline filter for each dispenser. Beneath one of these filters, we observed 2, 5-gallon buckets containing spilled paint from changing filters. These containers were open and unlabeled.

Central Waste Accumulation Area

The Central Waste Accumulation Area is located outdoors south of the Commercial & Industrial plants. During our visual observation of this area, we identified a collection of totes from the polymer operations which were marked as scrap SQ-492. According to Ms. Hull, this material is still being evaluated for final disposition, but might be shipped for disposal as universal waste. Other containers in this area were labeled, closed, and in good condition.

Spent Solvent Reclamation

The solvent reclamation unit is located outside, adjacent to the central waste accumulation area. Spent solvent is accumulated in Tank W-7. This tank was marked as Universal Waste. The pressure relief valve on the roof of the tank was marked as triggering at a positive pressure of 3.5 psi. All other closure devices appeared to be secured in the closed position. Still Bottoms from the reclamation of spent solvent are accumulated in Tank W- 6. This tank was marked as Universal Waste (Appendix 1). When I

observed the manway hatch located on the top of the tank, it was not secured and not equipped with a gasket seal to prevent volatile organic emissions. An adjacent sight glass was also broken. The pressure relief valve was marked as triggering at ½ oz per square inch positive pressure. Solvent odors were present in the area. According to Ms. Hull, the tank is manually gauged by operators.

One open ended line was observed in the reclamation area (Appendix 1). No significant cracks or gaps were identified in the secondary containment area. No LDAR tags were observed for any of the equipment in the spent solvent reclamation system.

April 12, 2022

On this day we were joined on the walk-through of the Packaging plant by Lawrence Beebe, the unit Shift Supervisor, and Dan Ossman, the interim plant manager.

The unit manufactures acrylic resins from reactant monomers in a series of linked reactors. Intermediate products are manufactured in the primary reactors before the final reactions are carried out in the extended reactors. The final products from the extended reactors are pumped to product storage tanks where they are controlled for viscosity and packaged for shipment.

Reactor vessels are cleaned out using a high-pressure water wash followed by a solvent rinse. This solvent rinse is accumulated in totes and transferred to the central accumulation area.

On the 3rd floor of the reactor building, we identified one container marked as universal waste solvent which did not have the lid secured when first observed. According to the unit operators, this container receives a mix of solvent and reactants or intermediates. The lid was secured immediately upon identification.

Spent filters from the primary reactors are accumulated in a 55-gallon drum located next to the filter canisters. This drum was not labeled as either hazardous or universal waste when observed.

Drip pails located beneath sample ports and loading lines throughout the unit were unlabeled. Only one pail was observed to be open. This pail was located beneath a sample port on a solvent-based acrylic product tank (Appendix 1).

April 13, 2022

We conducted our preliminary document review on this day including a review and discussion of the Clean Air Act (CAA) permit, and how RCRA Subpart BB applies to equipment in hazardous waste service or waste otherwise subject to the requirements of 40 CFR 265 Subpart J (i.e., tanks under 40 CFR 262.17 or 30 TAC 335.262).

40 CFR 265.1064(m) allows facilities subject to the requirements of Subpart BB to document compliance with applicable NSPS or NESHAP standards in lieu of Subpart BB requirements. However, these CAA standards must be incorporated into a federally enforceable permit.

According to the CAA permits provide by Sherwin Williams, piping and ancillary equipment used to manage the spent solvent and the solvent distillation column bottoms are not subject to any NSPS or NESHAP standards.

NESHAP and NSPS standards may also be used in lieu of RCRA Subpart CC standards for hazardous waste storage tanks. According to the CAA permits provide by Sherwin Williams tanks w-6 and w7 used to manage the spent solvent and the solvent distillation column bottoms are not subject to any NSPS or NESHAP standards.

Universal Waste Determinations

In every observed case, waste containers and tanks at the Sherwin Williams plant have been marked as universal waste, with a sub-categorization of paint and paint related waste.

The paint and paint related waste definition in the state of Texas is codified at 30 TAC 335.262(b). This definition limits the category to include final paint products or materials that are contaminated with those final paint products. Materials derived from the treatment of these paint or paint contaminated waste are also excluded if they are used in a manner constituting disposal or destined to be burned for energy recovery.

In addition, 30 TAC 335.262(c)(1) includes an incorporated prohibition on the reclamation of universal waste under any standards other than a RCRA part 270 permit or part 262 permit exemption.

Paint products or polymer coating products manufactured by Sherwin Williams may meet the paint and paint related waste definition under Texas' universal waste program, but the coating ingredients and intermediate products would not. The materials contaminated with these ingredients or intermediate products would also be excluded from this definition.

The spent solvent being reclaimed in the solvent recovery system would also need to be managed under some other standard than universal waste.

Since the distillation column bottoms generated in Sherwin Williams solvent reclamation system are being sent to Rineco for fuel blending prior to burning for energy recovery, they would not be eligible for management under the Texas Universal waste program.

Initial review of waste profiles

Profile #207 indicates that the waste is not subject to RCRA subpart CC (>500ppm VOC), but the composition includes at least 30% VOC solvent.

The NOR entry associated with profile 207 does not include the D035 waste code indicated on the profile and Hazardous waste manifests.

Annual Waste Summaries do not report the generation of this waste despite the hazardous waste coding and manifesting.

We are having difficulty tying wastes observed during our inspection to waste profiles we have received. We are looking specifically at still bottom wastes, reactor washout waste from the resin plant, resin plant satellite wastes, e-coat wastes, and drip bucket wastes observed throughout the facility.

April 14, 2022

On this day we revisited the <90-day central accumulation area to review the items in storage with facility representatives. We documented, including photographs, the wastes located in the accumulation area and gathered explanations from facility representatives on where each waste stream was generated. At times, the facility representatives were not able to identify from which plant the waste originated.

We observed 18 drums and 55 totes in the container accumulation area. All but 11 totes and 1 drum were labeled as Universal Waste. Of those not labeled as Universal waste, they were labeled as analysis pending. See Appendix 1 and 3.

Some of the wastes in storage at the time were identified as R6 strainer waste, Mop Heads, Lab Paint Waste, Fire Foam, Solvent Waste, SweCo Waste, and Scrap R02219806 AH1096B.

After the documenting the container inventory, I discussed the maximum organic vapor pressure values for the spent solvent accumulated in tank W-7 and the distilled solvent reclaimed from the distillation column. The record does not provide the maximum organic vapor pressure of the distillation column bottoms accumulated in tank W-6. Sherwin will provide follow-up information.

April 15, 2022

I facilitated a closing meeting with facility representatives reviewing the areas of concern. Together we reviewed the outstanding document requests and established a schedule for submittal.

Section III – PRELIMINARY FINDINGS

The following is a list of potential areas of concern discussed with the facility representatives. See Appendix 4 for details of EPA observations.

- Waste determinations throughout the facility may have misapplied the paint and paint related waste definition. This item will be a point of review for this inspection and may lead to multiple areas of concern.
- Based on our observations of the facility operations, spent solvent from the removal of paint products may be managed in one of three ways: 1) hazardous secondary materials being reclaimed under the control of the generator [261.4(a)(23)]; 2) hazardous waste being reclaimed in units subject to a <90-day permit exemption; or 3) universal waste under the State of Texas' paint and paint related waste definition. However, should the facility elect to manage this waste as universal waste, it would be prohibited from reclamation since the management standards attach in accordance with the waste categorization made at the point of generation.

- Waste associated with intermediate products from the Packaging plant production may be hazardous and not meet the universal waste definition. This will require additional review.
- Based on our inspection to this point and statements made by facility representatives, Sherwin Williams does not manage any equipment in compliance with the Subpart BB regulations.
- According to the CAA permits provided by Sherwin Williams, tanks W-6 and W-7 used to manage the spent solvent and the solvent distillation column bottoms are not subject to any NSPS or NESHAP standards.
- Multiple observations of unlabeled, open, or unsecured drums containing hazardous waste were observed throughout the production satellite accumulation areas.

Section IV – FOLLOW UP

Actions taken by Sherwin to resolve any areas of concern were documented by Sherwin with photographs or other documentation and submitted to the EPA via the electronic secure online drive. Any information received from Sherwin after the inspection was also received via the secure online drive. These documents are accessible by the EPA Enforcement Officer, as applicable.

Section V – LIST OF APPENDICES

Appendix 1 - Photo Log – Photos taken on 4/11 - 14/2022

Appendix 2 - Facility Diagram

Appendix 3 – Inventory of Containers in Less than 90-day Storage Area

Appendix 4 – EPA Daily Summary E-mails.

Appendix 1

Photograph Log



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 1

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	Day 1.1.jpg
Date:	4/11/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Debra Pandak, Joyce Johnson
Description: Satellite accumulation area holding: dirty filler gags, dirty mop heads, solvent waste and Ecoat waste. Containers labeled universal waste.	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 2

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas

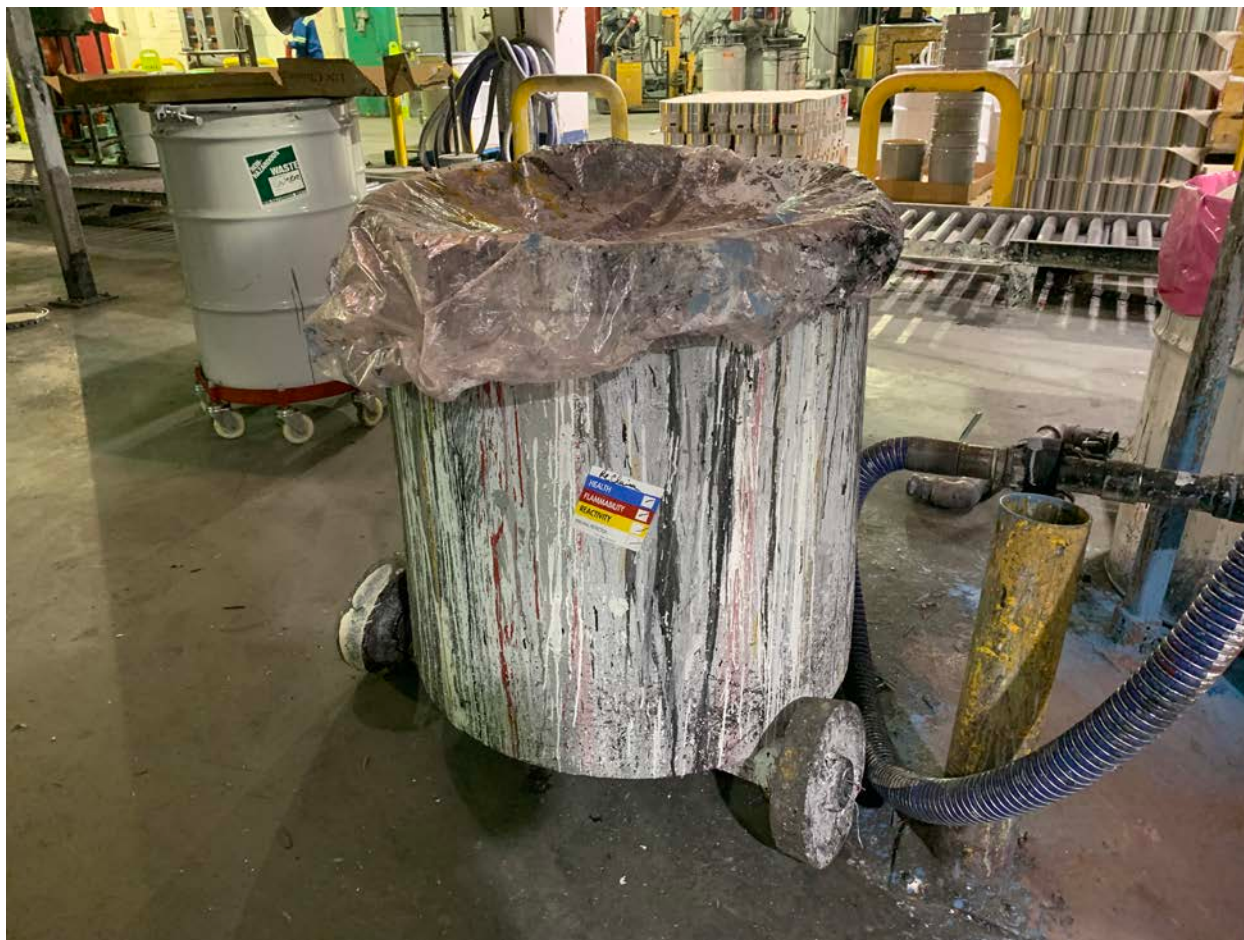


Photo #	Day 1.2.jpg
Date:	4/11/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Debra Pandak, Joyce Johnson
Description: Solvent catch tank to catch solvent from mix tanks. Contained approximately 40 gallons at time of photograph.	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 3

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	Day 1.3.jpg
Date:	4/11/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Debra Pandak, Joyce Johnson
Description: Lines to Tank W-7 next to open bucket under the stinger used to move solvent from tank. Bucket contained solvent and is not closed.	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 4

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	Day 1.4.jpg
Date:	4/11/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Debra Pandak, Joyce Johnson
Description: Container wash area. Tank size approximately 300 gallons. Note container managing solvent. Note plastic cover as closure device.	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 5

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas

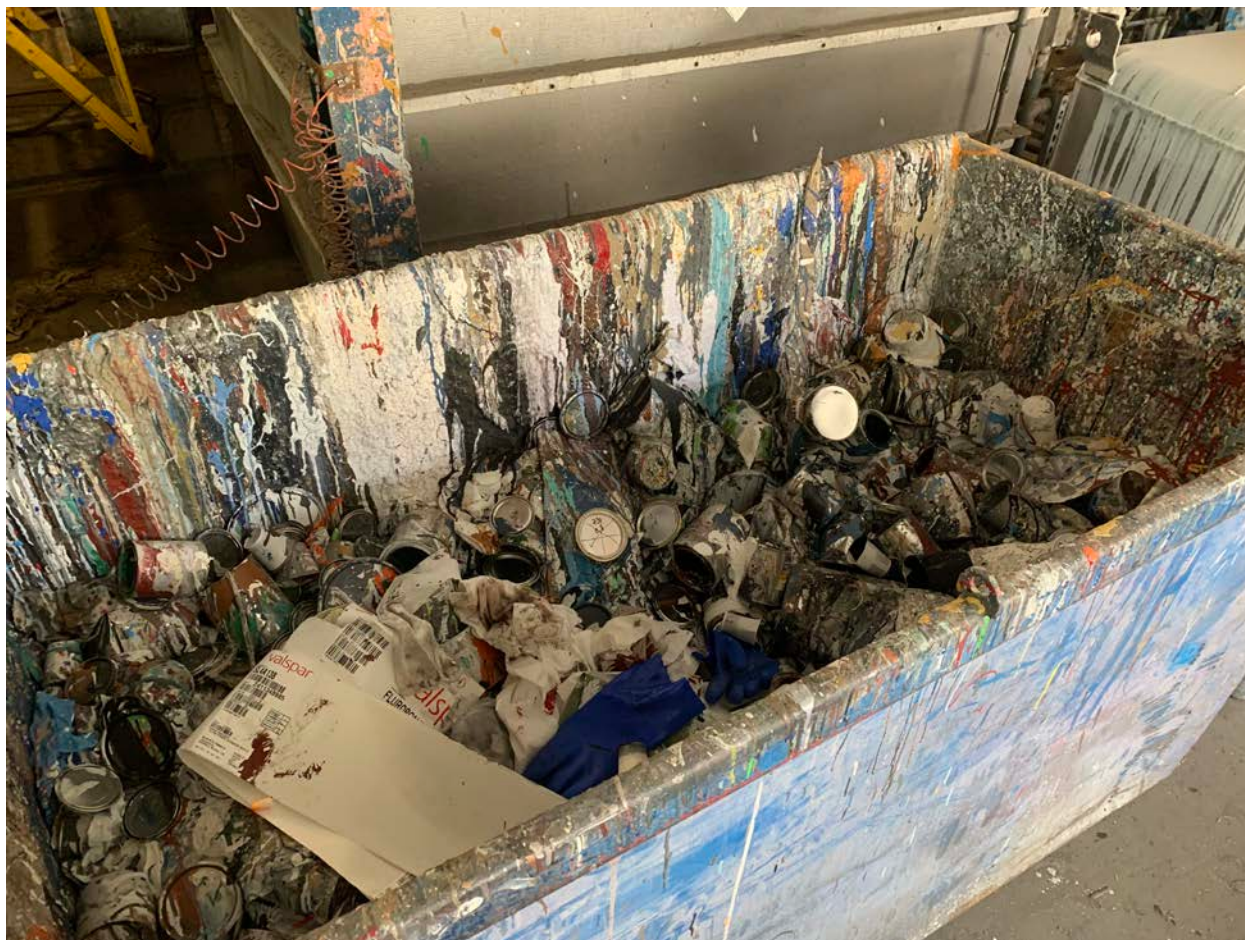


Photo #	Day 1.6.jpg
Date:	4/11/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Debra Pandak, Joyce Johnson
Description:	Open metal roll-off with waste paint cans inside. Located near container wash area.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 6

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	Day 1.7.jpg
Date:	4/11/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Debra Pandak, Joyce Johnson
Description: View of open metal roll-off with waste paint cans near container wash area.	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 7

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	Day 1.8.jpg
Date:	4/11/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Debra Pandak, Joyce Johnson
Description: Dispensing area. Buckets beneath dispensers contained spilled paint. Not closures.	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 8

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	Day 1.10.jpg
Date:	4/11/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Debra Pandak, Joyce Johnson
Description:	Central waste accumulation area outside, east of solvent reclamation area.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 9

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	Day 1.11.jpg
Date:	4/11/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Debra Pandak, Joyce Johnson
Description:	Proximity of central accumulation area to solvent reclamation area (background).



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 10

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	Day 1.13.jpg
Date:	4/11/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Debra Pandak, Joyce Johnson
Description: Totes labeled SQ0492P on hold for waste characterization analysis. Located on west side of solvent reclamation area.	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 11

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	Day 1.14.jpg
Date:	4/11/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Debra Pandak, Joyce Johnson
Description: Solvent reclamation area inside containment.	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 12

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	Day 1.15.jpg
Date:	4/11/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Debra Pandak, Joyce Johnson
Description:	Tank W-6. Still bottoms tank. Photo



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 13

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	Day 1.17.jpg
Date:	4/11/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Debra Pandak, Joyce Johnson
Description:	Open ended pipe on still bottom tank W-6 related piping.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 14

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	Day 3.1.jpg
Date:	4/13/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	None
Description:	Tank W-6 labelling



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 15

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	Day 1.16.jpg
Date:	4/11/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Debra Pandak, Joyce Johnson
Description: Solvent still unit.	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 16

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	Day3.2.jpg
Date:	4/13/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	None
Description: Tank W-7 part of solvent reclamation system.	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 17

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	Day 2.3.jpg
Date:	4/12/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Debra Pandak, John Penland
Description:	Satellite accumulation area in poly area. Top unlatched.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 18

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	Day 2.4.jpg
Date:	4/12/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	John Penland, Debra Pandak
Description:	Open bucket to catch drips from sample port on Tank F-8. SQ501. 8633 gallons.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 19

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	IMG_0665.jpg
Date:	4/14/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	John Penland, Debra Pandak
Description: Totes of latex waste and one with water in centralized accumulation area, west of solvent reclamation unit.	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 20

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	IMG_0666.jpg
Date:	4/14/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Joyce Johnson, Debra Pandak
Description: Totes with scrap SQ 0492P waiting for analysis for disposal determination.	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 21

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	IMG_0667.jpg
Date:	4/14/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Joyce Johnson, Debra Pandak
Description:	Totes with various rinse waters.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 22

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	IMG_0668.jpg
Date:	4/14/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Joyce Johnson, Debra Pandak
Description:	Closeup of totes with various rinse waters. Label shows date of 2/27/22



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 23

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	IMG_0669.jpg
Date:	4/14/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Joyce Johnson, Debra Pandak
Description: Closeup of totes various rinse waters –“Blow Down WQ1155P”. Label shows date of 3/30/2022.	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 24

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	IMG_0671.jpg
Date:	4/14/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Joyce Johnson, Debra Pandak
Description:	Drums of SWECO waste. Labeled as universal waste.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 25

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	IMG_0672.jpg
Date:	4/14/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Joyce Johnson, Debra Pandak
Description: Totes in Central Accumulation area labeled solvent. Labeled universal waste.	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 26

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	IMG_0673.jpg
Date:	4/14/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Joyce Johnson, Debra Pandak
Description: Drums with spent filters from R6. Labeled universal waste.	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 27

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	IMG_0674.jpg
Date:	4/14/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Joyce Johnson, Debra Pandak
Description: Additional totes labeled solvent and universal waste.	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 28

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	IMG_0675.jpg
Date:	4/14/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Joyce Johnson, Debra Pandak
Description: Drums with paint waste and solvent waste.	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 29

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas

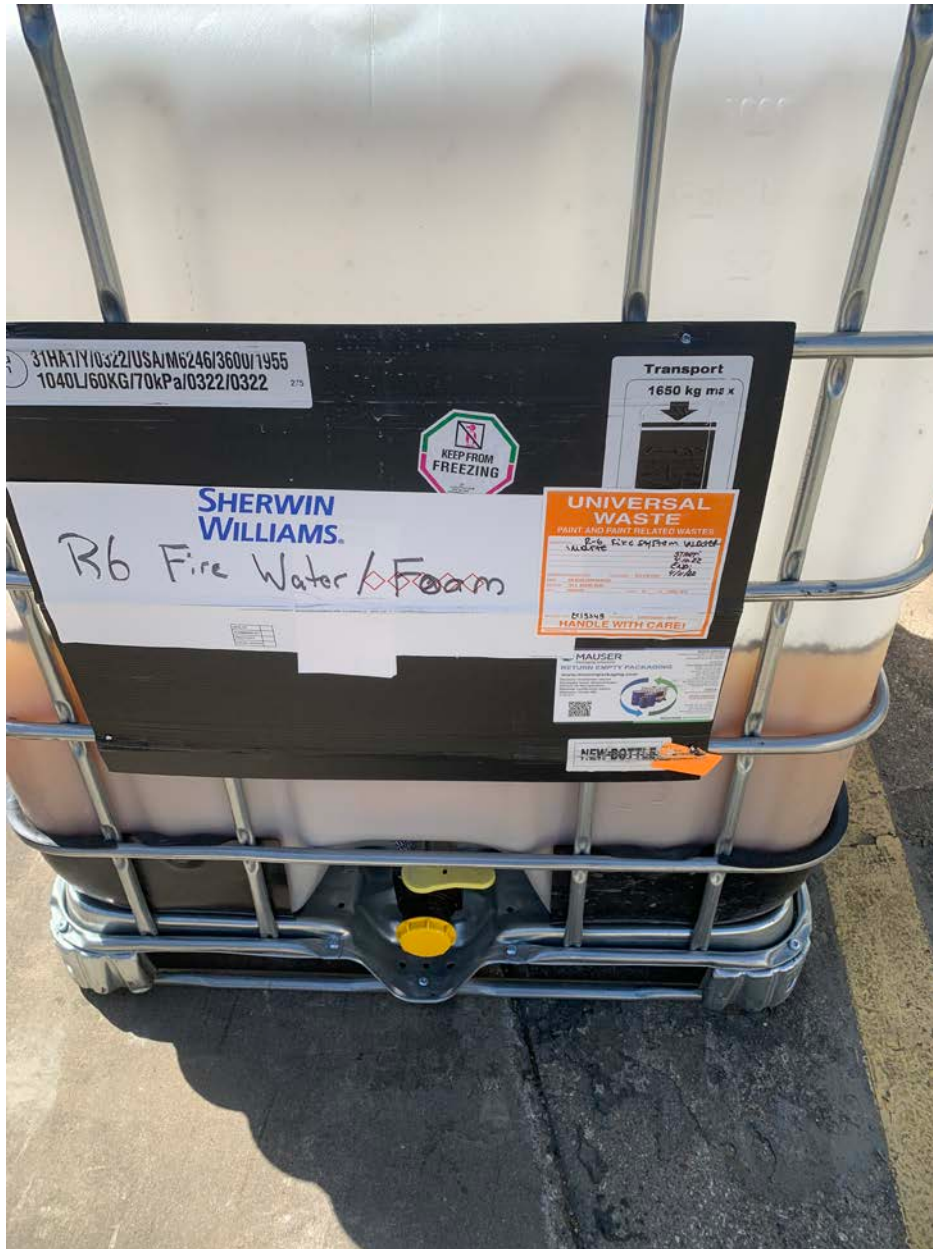


Photo #	IMG_0681.jpg
Date:	4/14/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Joyce Johnson, Debra Pandak
Description: Tote of Fire water/Foam from R6 area. Labeled universal waste.	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 30

Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	IMG_0677.jpg
Date:	4/14/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Joyce Johnson, Debra Pandak
Description: Overview of central accumulation area that was inventoried. Solvent reclamation unit in background.	



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Photograph Log

Photo No. 31

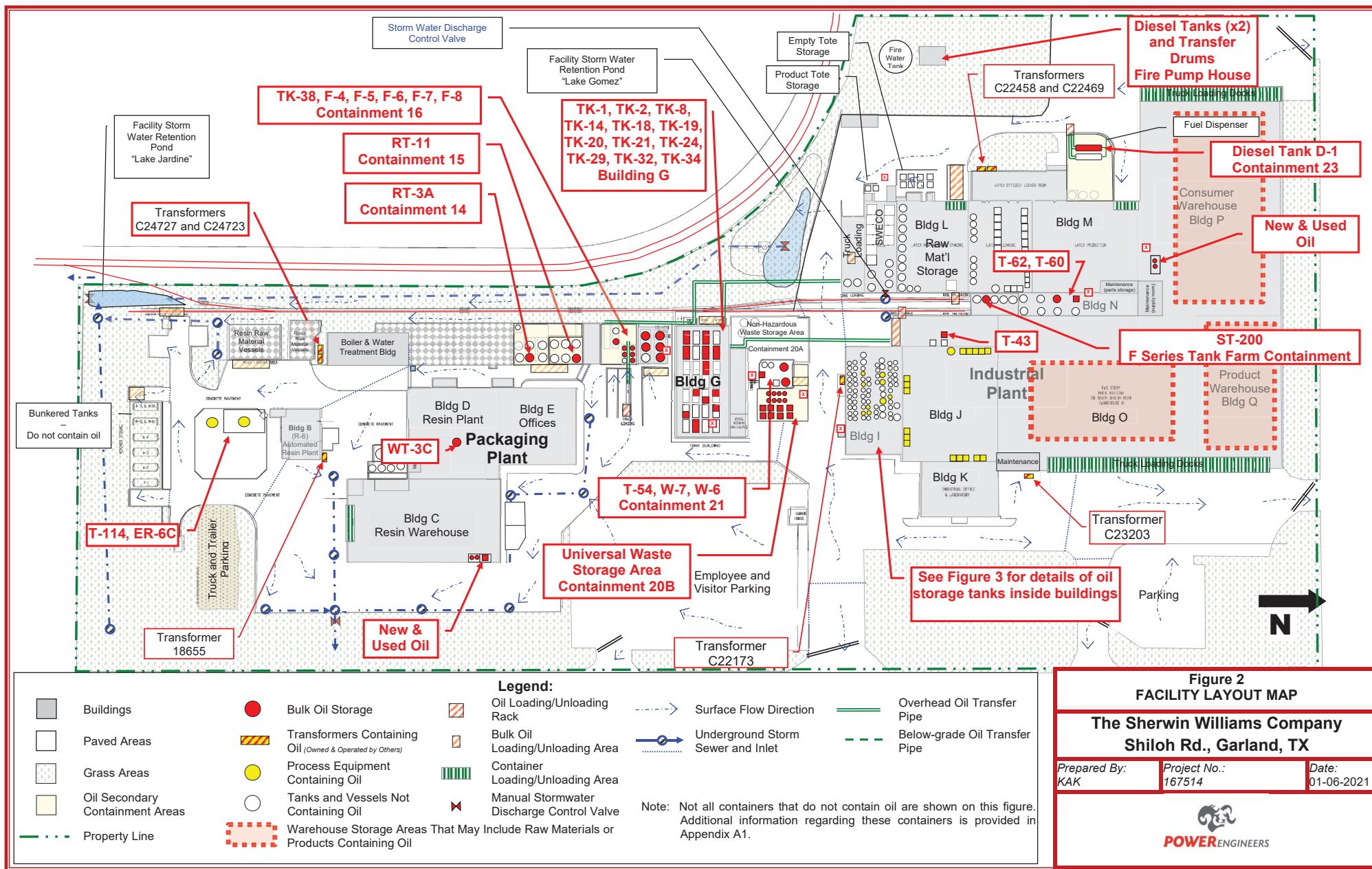
Location: Sherwin Williams, Shiloh Rd Plant		
City: Garland	County/Parish: Dallas	State: Texas



Photo #	IMG_0678.jpg
Date:	4/14/2022
Camera:	Sherwin Williams iPhone Model #: XC iphone XR; Serial #: XCXR225
Photographer:	Shane Shifflet
Witness:	Joyce Johnson, Debra Pandak
Description: Drums with spent mops and R6 strainer waste.	

Appendix 2

Facility Diagram



Appendix 3
Inventory of Containers in < 90-day Storage Area

Inventory of Containers in Less than 90-day Storage Area

R6 strainer waste – One 55-gallon drum

Described as solids from the primary acrylic reactor
Profile 201
TX Waste code 409H
Marked as Universal Waste

Mop Heads – One 55-gallon drum

Described as being used to clean up final products
Profile 200
TX Waste code 409H
Marked as Universal Waste

Fire Foam – One 55-gallon drum

Profile 216 or 209

Lab Paint Waste – One 55-gallon drum

Profile 207
TX Waste Code 219H
Marked as Universal Waste

Solvent Waste – One 55-gallon drum

Origin unknown
Profile 207
TX Waste Code 219H
Marked as Universal Waste

Solvent Waste – Six Tote

Origin unknown
Profile 207
TX Waste Code 219H
Marked as Universal Waste

R6 filters – Four 55-gallon drum

From filter of acrylic product intermediate
Profile 194
TX Waste Code 409H
Marked Universal Waste

Filters from Fill Floor – One 55-gallon drum

Profile 194
TX Waste Code 409H
Marked Universal Waste

SweCo Waste – Four 55-gallon Drum

From product loading operations
Profile 220
TX Waste Code 219H
Marked Universal Waste

Scrap CD281B Suspeno 201X – Three 55-gallon drum

Unused Commercial chemical product for disposal
SDS requested
Profile 220
TX Waste Code 219H
Marked Universal Waste

Scrap R02219806 AH1096B – One 55-gallon drum

Unused Commercial chemical product for disposal
SDS requested
Profile 220
TX waste code 219H
Marked as universal Waste

High Water Content Waste – Twenty Totes

Marked for benzene and flash point
Profile 220
TX Waste code 219H
Marked as universal waste

Scrap SQ492 – 18 Totes

Off spec product – resin intermediate
Profile 220
TX waste cods 219H
Marked as universal waste

Water waste – One Tote

Origin unknown
Pending analysis

Latex waste – Ten Totes

Origin unknown
Pending analysis

From: [Penland, John](#)
To: [Pandak, Debra](#); [Johnson, Joyce-R6](#); [Shane.shifflet@valspar.com](#)
Cc: [Yurk, Jeffrey](#); [Erin Gorman](#)
Subject: Daily Summary April 11, 2022 - FY2022 RCRA Investigation at the Sherwin Williams facility located at 701 Shiloh Rd. in Garland, Texas (TXD007320963)
Date: Monday, April 11, 2022 11:50:20 PM
Attachments: [cbi form RCRA 2-19-20.pdf](#)

All,

Here is a summary of my notes from today's inspection. If there are any errors or omissions please let me know.

Introduction

During the week of April 11, 2022, I, John Penland, will be conducting an unannounced inspection of the Sherwin Williams manufacturing facility located at 701 S. Shiloh Road in Garland, Texas for compliance with the Resource Conservation and Recovery Act (RCRA). I will be assisted on this inspection by Environmental Protection Agency (EPA) inspectors Joyce Johnson and Debra Pandak. This inspection will include walkthroughs of the facility's hazardous waste generation and management units; a review of the facility records related to hazardous waste management; and a specific evaluation of the facility's compliance with the RCRA air pollution control requirements.

Purpose

The Sherwin Williams facility was targeted for inspection as part of the EPA's National Compliance Initiative for the RCRA air pollution control requirements.

Inspection Attendees:

NAME	TITLE	REPRESENTING	PHONE	EMAIL
John Penland	Sr. Environmental Scientist – Lead Inspector	US EPA Region 6	214-665-9717	Penland.john@epa.gov
Debra Pandak	Sr. Environmental Scientist – Asst. Inspector	US EPA Region 6	214-665-7565	pandak.debra@epa.gov
Joyce Johnson	Sr. Environmental Scientist – Asst. Inspector	US EPA Region 6	214-665-8548	johnson.joyce-r6@epa.gov
Matoaka Johnson	Environmental and Training Manager	Sherwin Williams	972-485-7128	matoaka.johnson@sherwin.com
Karen Hull	EHS Specialist	Sherwin Williams		
Shane Shifflet	Site EHS Manager	Sherwin Williams	972-487-7246	Shane.shifflet@valspar.com

Daily Summary

- Opening meeting start – 9:50am
 - I presented my credentials to Mr. Shifflet and informed him that we were there to conduct an inspection of the facility under the authority of section 3007 of the Resource Conservation and Recovery Act
 - We discussed the authority for the inspection – RCRA Section 3007 - For purposes of developing or assisting in the development of any regulation or enforcing the provisions of this chapter, 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, or upon request of any duly designated officer, employee or representative of a State having an authorized hazardous waste program, furnish information relating to such wastes and permit such person at all reasonable times to have access to, and to copy all records relating to such wastes. For the purposes of developing or assisting in the development of any regulation or enforcing the provisions of this chapter, such officers, employees or representatives are authorized—
 - (1) to enter at reasonable times any establishment or other place where hazardous wastes are or have been generated, stored, treated, disposed of, or transported from;
 - (2) to inspect and obtain samples from any person of any such wastes and samples of any containers or labeling for such wastes.
 - We discussed the purpose of EPA's inspection – Assessment of Sherwin Williams's compliance with its requirements under RCRA, including, but not limited to, the requirements for: waste determination and counting; waste marking; waste container management; use of the hazardous waste manifest; emergency planning; personnel training; and air pollution control requirements for hazardous waste units.
 - Discussed the right of Sherwin Williams to assert a Confidential Business Information claim for records requested by EPA (see attachment)
 - Discussed the process for transferring electronic records – EPA has set up a Microsoft OneDrive folder with access limited to John Penland, Debra Pandak, Joyce Johnson, and Shane Shifflet.
 - Discussed the inspection process – the inspection will be conducted April 11 through April 15, 2022. The participants will meet at the facility at 9:30am each day to conduct the onsite portion of the inspection and discuss the findings of the ongoing records review. The records review will be conducted by the inspectors independently offsite throughout the week. Daily summaries will be provided by the inspectors at the end of each day to ensure a clear communication of questions and findings. The meeting Friday, April 15, 2022, will be conducted via Microsoft TEAMS at 9:00am and serve as a closing conference where EPA will summarize the overall findings of the inspection to that point and provide a plan for concluding any unfinished evaluation.
 - Meeting concluded at approximately 10:45am
- General Facility Process – The Sherwin Williams Shiloh Road facility manufactures oil-based, architectural coatings and polymer coatings for sale in a variety of consumer markets. The

facility occupies approximately 26 acres and operates 24-hours per day and 7-days per week. The remainder of the facility description will be provided by Sherwin Williams.

- Facility Walkthrough
 - Beginning at approximately 10:45
 - Third Floor – Paste mixing area / Mill Area
 - Used for the formulation of the pigment/resin blend that serves as the basis for the paint mixture. Mills and small batch mixers are located in this area
 - We observed one 275 gallon tote marked as Universal Waste - ecoat waste. This waste was generated from the mill cleanout. According to Karen Hull this waste is described by waste profile #207
 - We observed a collection of drums marked as universal waste, located against one wall of the floor. Each drum was closed and marked as universal waste.
 - Solvent odors were present in the area. Ventilation is provided by open windows. No air pollution control device for this area was observed.
 - Second Floor - Paint Mix Area –
 - Used for the loading of the larger mixing vessels.
 - We observed a collection of drums marked as universal waste, located against one wall of the floor. Each drum was closed and marked as universal waste.
 - Solvent odors were present in the area. Ventilation is provided by open windows. No air pollution control device for this area was observed.
 - First Floor – Package Area
 - Used for the packaging of mixed products. Products are loaded into 55-gallon drums. Mix tanks are rinsed with reclaimed solvent between batches. This spent solvent is then drained into an open topped steel container (>121 gallons capacity). This container is then moved to a nearby pneumatic pump to be siphoned into the spent solvent reclamation system.
 - When observed, this spent solvent container was actively managing spent solvent. The container was covered with a thin plastic cover without any apparent vapor tight seal.
 - The pneumatic pump line is equipped with an in-line filter which was observed to be visibly dripping into an open 5 gallon bucket located beneath the filter. No label was observed for this bucket.
 - An open 5-gallon bucket with an accumulation of spent solvent was located beneath the siphon hose. No label was observed for this bucket.
 - First Floor – Mixing Container Wash Area
 - A recirculating solvent wash is used to clean mixing containers between batches. This solvent is drained to a second container when spent prior to being pumped to the solvent reclamation system.
 - When we observed this unit, one open topped steel container (>121 gallons capacity) was actively managing spent solvent. The container was covered with a thin plastic cover without any apparent vapor tight seal.
 - A nearby open-topped container was being used for the accumulation of paint cans to be sold for scrap. The cans within the container appeared to contain free liquids. When asked, Mr. Shifflet stated that the facility did not have a free liquids exclusion procedure for this material.

First Floor – Dispensing area

- Each dispenser is equipped with an inline filter. Beneath one of these filters we observed 2 5-gallon buckets containing spilled paint from changing filters. These containers were open and unlabeled.
- Central Waste Accumulation Area
 - During our review of this area we identified a collection of totes from the polymer operations which were marked as scrap SQ-492. According to, Ms. Hull, this material is still being evaluated for final disposition but might be shipped for disposal as universal waste.
 - Other containers in this area were labeled, closed, and in good condition.
- Spent Solvent Reclamation –
 - Spent Solvent is accumulated in Tank W-7. This tank was marked as Universal Waste. The pressure relief valve was marked as triggering at a positive pressure of 3.5 psi. All other closure devices appeared to be secured in the closed position
 - Still Bottoms from the reclamation of spent solvent are accumulated in Tank W-6. This tank was marked as Universal Waste. When observed the manway hatch located on the top of the tank was not secured and not equipped with a gasket seal to prevent volatile organic emissions. An adjacent sight glass was broken. The PRV was marked as triggering at 1/2oz/in² positive pressure. Solvent odors were present in the area.
 - According to Ms. Hull, the tank is manually gauged by operators.
 - One open ended line was observed.
 - No significant cracks or gaps were identified in the secondary containment area.
 - No LDAR tags were observed for any of the equipment in the spent solvent reclamation system
- Daily Wrap up meeting
 - Following the conclusion of the facility walkthrough we discussed extent of the records request.
 - A current copy of the facility Contingency Plan and Emergency Procedures (may also be part of a broader Emergency Response Plan) with associated distribution records
 - Personnel training records related to hazardous waste activities for selected personnel. The current request includes:
 - Ms. Karen Hull
 - Ms. Matoaka Johnson
 - Mr. Shane Shifflet
 - Facility Maps – preferably identifying the solid waste generation and management areas
 - Facility waste profiles for any solid waste generated from 2019 to present. Include documentation relevant to the waste determination made for each waste (i.e. analytical reports or documentation to support generator knowledge)
 - Records showing the 40 CFR 265 Subpart CC determinations for each hazardous waste stream. This includes but is not limited to applicability (>500ppmv VOC) certifications, Light material determinations (>20% greater than 0.3 kpa), maximum organic vapor pressure determinations (Tank W-6 and W-7)

Diagrams of Waste generating processes if available

- Manifests and accompanying land disposal restriction notices for any hazardous waste shipped for offsite disposal from 2019 to present if not already in e-manifest
- Any active CAA permits that pertain to RCRA management units and the facility Title V operating permit
- Engineering diagrams for the solvent reclamation system and its associated tanks.
- Any contractual agreement between Sherwin Williams and any subsequent waste handler or Treatment, Storage, or Disposal Facility pertaining to the management and disposition of Sherwin Williams' wastes.
- SOPs related to waste generating or management processes
- Inspection Records for hazardous waste management units from 2019 to present
 - Where these records are not immediately available, please provide an estimated date of delivery.

- Departed Facility at approximately 12:30pm

Topics for discussion on April 12, 2022

- Resin process walkthrough

John Penland

Senior Environmental Scientist (ECDSR)

Enforcement and Compliance Assurance Division

Waste Enforcement Branch

EPA Region 6 1201 Elm St., Suite 500

Dallas, Texas 75270

(214)665-9717

From: [Penland, John](#)
To: [Pandak, Debra](#); [Erin Gorman](#); [Johnson, Joyce-R6](#); [Shane.shifflet@valspar.com](#)
Cc: [Yurk, Jeffrey](#)
Subject: Daily Summary April 12, 2022 - FY2022 RCRA Investigation at the Sherwin Williams facility located at 701 Shiloh Rd. in Garland, Texas (TXD007320963)
Date: Tuesday, April 12, 2022 6:34:41 PM

Inspection Attendees:sha

NAME	TITLE	REPRESENTING	PHONE	EMAIL
John Penland	Sr. Environmental Scientist – Lead Inspector	US EPA Region 6	214-665-9717	Penland.john@epa.gov
Debra Pandak	Sr. Environmental Scientist – Asst. Inspector	US EPA Region 6	214-665-7565	pandak.debra@epa.gov
Joyce Johnson	Sr. Environmental Scientist – Asst. Inspector	US EPA Region 6	214-665-8548	johnson.joyce-r6@epa.gov
Matoaka Johnson	Environmental and Training Manager	Sherwin Williams	972-485-7128	matoaka.johnson@sherwin.com
Shane Shifflet	Site EHS Manager	Sherwin Williams	972-487-7246	Shane.shifflet@valspar.com

Daily Summary

- Inspection start – approximately 10:00am
- Review of Daily Summary for 4/11/2022
 - General Facility Process – The Sherwin Williams Shiloh Road facility manufactures oil-based, architectural coatings and polymer coatings for sale in a variety of consumer markets. The facility occupies approximately 26 acres and operates 24-hours per day and 7-days per week with a total of approximately 250 employees. The remainder of the facility description will be provided by Sherwin Williams.
 - Facility Walkthrough clarifications
 - Glenn Sheffield the production manager for the coatings unit accompanied us for the 4/11/2022 walkthrough
 - The “Change Tanks” used for the accumulation of spent solvent in the packaging area and the wash area range in size between 250 and 400 gallons.
- Facility Walkthrough
 - Beginning at approximately 10:35
 - Joined on this inspection by Lawrence Beebe, the unit Shift Supervisor, and Dan Ossman, the interim plant manager.

- The unit manufactures acrylic resins from reactant monomers in a series of linked reactors. Intermediate products are manufactured in the primary reactors before the final reactions are carried out in the extended reactors. The final products from the extended reactors are pumped to product storage tanks where they are controlled for viscosity and packaged for shipment.
- Reactor vessels are cleaned out using a high pressure water wash followed by a solvent rinse. This solvent rinse is accumulated in totes and transferred to the central accumulation area.
- On the 3rd floor of the reactor building, we identified one container marked as universal waste solvent which did not have the lid secured when first observed. According to the unit operators this container receives a mix of solvent and reactants or intermediates. The lid was secured immediately upon identification.
- Spent filters from the primary reactors are accumulated in a 55-gallon drum located next to the filter canisters. This drum was not labeled as either hazardous or universal waste when observed.
- Waste associated with intermediate products may be hazardous and not meet the universal waste definition. This will require additional review
- Drip pails located beneath sample ports and loading lines throughout the unit were unlabeled. Only one pail was observed to be open. This pail was located beneath a sample port on a solvent-based acrylic product tank.
- Daily Wrap up meeting
 - Waste determinations throughout the facility may have misapplied the paint and paint related waste definition. This item will be a point of review for this inspection and may lead to multiple areas of concern.
 - Based on our observations of the facility operations spent solvent from the removal of paint products may be managed in one of three ways: 1) hazardous secondary materials being reclaimed under the control of the generator [261.4(a)(23)]; 2) hazardous waste being reclaimed in units subject to a <90-day permit exemption; or 3) universal waste under the State of Texas' paint and paint related waste definition. However, should the facility elect to manage this waste as universal waste, it would be prohibited from reclamation since the management standards attach in accordance with the waste categorization made at the point of generation.
 - Received documents:
 - Active CAA permits that pertain to RCRA management units and the facility Title V operating permit
 - Engineering diagrams for the solvent reclamation system and its associated tanks.
 - Facility waste profiles for any solid waste generated from 2019 to present. Include documentation relevant to the waste determination made for each waste (i.e. analytical reports or documentation to support generator knowledge)
 - Any contractual agreement between Sherwin Williams and any subsequent waste handler or Treatment, Storage, or Disposal Facility pertaining to the management and disposition of Sherwin Williams' wastes.
 - Inspection Records for hazardous waste management units from 2019 to present

- Ongoing records request.
 - A current copy of the facility Contingency Plan and Emergency Procedures (may also be part of a broader Emergency Response Plan) with associated distribution records
 - Personnel training records related to hazardous waste activities for selected personnel. The current request includes:
 - Ms. Karen Hull
 - Ms. Matoaka Johnson
 - Mr. Shane Shifflet
 - Facility Maps – preferably identifying the solid waste generation and management areas
 - Records showing the 40 CFR 265 Subpart CC determinations for each hazardous waste stream. This includes but is not limited to applicability (>500ppmv VOC) certifications, Light material determinations (>20% greater than 0.3 kpa), maximum organic vapor pressure determinations (Tank W-6 and W-7)
 - Diagrams of Waste generating processes if available
 - Manifests and accompanying land disposal restriction notices for any hazardous waste shipped for offsite disposal from 2019 to present if not already in e-manifest
 - SOPs related to waste generating or management processes
- Where these records are not immediately available, please provide an estimated date of delivery.
- Departed Facility at approximately 12:00pm

Topics for discussion on April 12, 2022

- Resin process walkthrough

John Penland
 Senior Environmental Scientist (ECDSR)
 Enforcement and Compliance Assurance Division
 Waste Enforcement Branch
 EPA Region 6 1201 Elm St., Suite 500
 Dallas, Texas 75270
 (214)665-9717

From: [Penland, John](#)
To: [Pandak, Debra](#); [Johnson, Joyce-R6](#); [Shane.shifflet@valspar.com](#)
Cc: [Yurk, Jeffrey](#); [Erin Gorman](#)
Subject: Daily Summary April 13, 2022 - FY2022 RCRA Investigation at the Sherwin Williams facility located at 701 Shiloh Rd. in Garland, Texas (TXD007320963)
Date: Wednesday, April 13, 2022 11:03:07 PM

All,

Here is a summary of my notes from today's inspection. If there are any errors or omissions please let me know.

NAME	TITLE	REPRESENTING	PHONE	EMAIL
John Penland	Sr. Environmental Scientist – Lead Inspector	US EPA Region 6	214-665-9717	Penland.john@epa.gov
Debra Pandak	Sr. Environmental Scientist – Asst. Inspector	US EPA Region 6	214-665-7565	pandak.debra@epa.gov
Joyce Johnson	Sr. Environmental Scientist – Asst. Inspector	US EPA Region 6	214-665-8548	johnson.joyce-r6@epa.gov
Matoaka Johnson	Environmental and Training Manager	Sherwin Williams	972-485-7128	matoaka.johnson@sherwin.com
Shane Shifflet	Site EHS Manager	Sherwin Williams	972-487-7246	Shane.shifflet@valspar.com

Daily Summary

- Inspection start – approximately 09:50am
- Review of Daily Summary for April 12, 2022
 - Clarification for Records request provided below
- Review of CAA permit.
 - RCRA Subpart BB applies to equipment in hazardous waste service or waste otherwise subject to the requirements of 40 CFR 265 Subpart J (i.e. tanks under 40 CFR 262.17 or 30 TAC 335.262)
 - 40 CFR 265.1064(m) allows facilities subject to the requirements of Subpart BB to document compliance with applicable NSPS or NESHAP standards in lieu of Subpart BB requirements. However, these CAA standards must be incorporated into a federally enforceable permit.
 - According to the CAA permits provided by Sherwin Williams piping and ancillary equipment used to manage the spent solvent and the solvent distillation column

bottoms are not subject to any NSPS or NESHAP standards.

- Based on our inspection to this point and statements made by facility representatives, Sherwin Williams does not manage any equipment in compliance with the Subpart BB regulations.
- NESHAP and NSPS standards may also be used in lieu of RCRA Subpart CC standards for hazardous waste storage tanks.
- According to the CAA permits provided by Sherwin Williams tanks w-6 and w7 used to manage the spent solvent and the solvent distillation column bottoms are not subject to any NSPS or NESHAP standards.

- Universal Waste Determinations

- As discussed previously, waste determinations must be made at each waste's point of generation. This determination includes its designation as a hazardous waste, universal waste, or hazardous secondary material.
- In every observed case, waste containers and tanks at the Sherwin Williams plant have been marked as universal waste, with a sub-categorization of paint and paint related waste.
- The paint and paint related waste definition in the state of Texas is codified at 30 TAC 335.262(b). This definition limits the category to include final paint products or materials that are contaminated with those final paint products. Materials derived from the treatment of these paint or paint contaminated waste are also excluded if they are used in a manner constituting disposal or destined to be burned for energy recovery.
- In addition, 30 TAC 335.262(c)(1) includes an incorporated prohibition on the reclamation of universal waste under any standards other than a RCRA part 270 permit or part 262 permit exemption.
- Paint products or polymer coating products manufactured by Sherwin Williams may meet the paint and paint related waste definition under Texas' universal waste program, but the coating ingredients and intermediate products would not. And, the materials contaminated with these ingredients or intermediate products would also be excluded from this definition.
- The spent solvent being reclaimed in the solvent recovery system would also need to be managed under some other standard than universal waste.
- Since the distillation column bottoms generated in Sherwin Williams solvent reclamation system are being sent to Rineco for fuel blending prior to burning for energy recovery, they would not be eligible for management under the Texas Universal waste program.

- Initial review of waste profiles

- Profile 207 indicates that the waste is not subject to RCRA subpart CC (>500ppm VOC), but the composition includes at least 30% VOC solvent.
- The NOR entry associated with profile 207 does not include the D035 waste code indicated on the profile and Hazardous waste manifests.
- Annual Waste Summaries do not report the generation of this waste despite the hazardous waste coding and manifesting.
- We are having difficulty tying wastes observed during our inspection to waste profiles

we have received. We are looking specifically at still bottom wastes, reactor washout waste from the resin plant, resin plant satellite wastes, e-coat wastes, drip bucket wastes from throughout the facility.

- Received documents:
 - Active CAA permits that pertain to RCRA management units and the facility Title V operating permit
 - Engineering diagrams for the solvent reclamation system and its associated tanks.
 - Facility waste profiles for any solid waste generated from 2019 to present. Include documentation relevant to the waste determination made for each waste (i.e. analytical reports or documentation to support generator knowledge)
 - Any contractual agreement between Sherwin Williams and any subsequent waste handler or Treatment, Storage, or Disposal Facility pertaining to the management and disposition of Sherwin Williams' wastes.
 - Inspection Records for hazardous waste management units from 2019 to present
 - A current copy of the facility Contingency Plan and Emergency Procedures
 - Facility Maps – preferably identifying the solid waste generation and management areas
 - Manifests and accompanying land disposal restriction notices for any hazardous waste shipped for offsite disposal from 2019 to present if not already in e-manifest
- Ongoing records request.
 - Distribution records for the Integrated Contingency Plan
 - Personnel training records related to hazardous waste activities for selected personnel. These records must address each of the elements listed in 40 CFR 262.17(a)(7). The current request includes:
 - Ms. Karen Hull
 - Ms. Matoaka Johnson
 - Mr. Shane Shifflet
 - Records showing the 40 CFR 265 Subpart CC determinations for each hazardous waste stream. This includes but is not limited to applicability (>500ppmv VOC) certifications, Light material determinations (>20% greater than 0.3 kpa), maximum organic vapor pressure determinations (Tank W-6 and W-7)
 - Diagrams of Waste generating processes if available
 - SOPs related to waste generating or management processes
 - SDS for SQ-492
 - Where these records are not immediately available, please provide an estimated date of delivery.
- Departed Facility at approximately 1130

Topics for discussion on April 14, 2022

- Revisit of the Central Accumulation Area.
- Waste to profile to Texas Waste code matching.
- Delivery timeline for outstanding records

John Penland
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Enforcement and Compliance Assurance Division
Waste Enforcement Branch
EPA Region 6 1201 Elm St., Suite 500
Dallas, Texas 75270
(214)665-9717

From: [Penland, John](#)
To: [Pandak, Debra](#); [Johnson, Joyce-R6](#); [Shane A Shifflet](#)
Subject: Daily Summary April 14, 2022 - FY2022 RCRA Investigation at the Sherwin Williams facility located at 701 Shiloh Rd. in Garland, Texas (TXD007320963)
Date: Wednesday, April 20, 2022 10:17:19 PM

All, Here is a summary of my notes from the Thursday, April 14, 2022 inspection. If there are any errors or omissions please let me know.

NAME	TITLE	REPRESENTING	PHONE	EMAIL
John Penland	Sr. Environmental Scientist – Lead Inspector	US EPA Region 6	214-665-9717	Penland.john@epa.gov
Debra Pandak	Sr. Environmental Scientist – Asst. Inspector	US EPA Region 6	214-665-7565	pandak.debra@epa.gov
Joyce Johnson	Sr. Environmental Scientist – Asst. Inspector	US EPA Region 6	214-665-8548	johnson.joyce-r6@epa.gov
Matoaka Johnson	Environmental and Training Manager	Sherwin Williams	972-485-7128	matoaka.johnson@sherwin.com
Shane Shifflet	Site EHS Manager	Sherwin Williams	972-487-7246	Shane.shifflet@valspar.com

Daily Summary

- Inspection start – approximately 09:45am
- Review of Daily Summary for April 13, 2022
 - The maximum organic vapor pressure provided lists values for the spent solvent accumulated in tank W-7 and the distilled solvent reclaimed from the distillation column. The record does not list the maximum organic vapor pressure of the distillation column bottoms accumulated in Tank W-6
 - The request for training records is being amended to include records for the following additional personnel:
 - Glen Sheffield
 - Lawrence Beebe
 - Julio Mancilla
 - Jorge Barrera
 - Josh Self
 - Floyd Norris
- Revisit of the <90day container accumulation area

- Inventory of containers:
 - R6 strainer waste – One 55-gallon drum
 - Described as solids from the primary acrylic reactor
 - Profile 201
 - TX Waste code 409H
 - Marked as Universal Waste
 - Mop Heads – One 55-gallon drum
 - Described as being used to clean up final products
 - Profile 200
 - TX Waste code 409H
 - Marked as Universal Waste
 - Fire Foam – One 55-gallon drum
 - Profile 216? or 209?
 - Lab Paint Waste – One 55-gallon drum
 - Profile 207
 - TX Waste Code 219H
 - Marked as Universal Waste
 - Solvent Waste – One 55-gallon drum
 - Origin unknown
 - Profile 207
 - TX Waste Code 219H
 - Marked as Universal Waste
 - Solvent Waste – Six Tote
 - Origin unknown
 - Profile 207
 - TX Waste Code 219H
 - Marked as Universal Waste
 - R6 filters – Four 55-gallon drum
 - From filter of acrylic product intermediate
 - Profile 194
 - TX Waste Code 409H
 - Marked Universal Waste
 - Filters from Fill Floor – One 55-gallon drum
 - Profile 194
 - TX Waste Code 409H
 - Marked Universal Waste
 - SweCo Waste – Four 55-gallon Drum
 - From product loading operations
 - Profile 220
 - TX Waste Code 219H
 - Marked Universal Waste
 - Scrap CD281B Suspeno 201X – Three 55-gallon drum
 - Unused Commercial chemical product for disposal
 - SDS requested
 - Profile 220

- TX Waste Code 219H
 - Marked Universal Waste
- Scrap R02219806 AH1096B – One 55-gallon drum
 - Unused Commercial chemical product for disposal
 - SDS requested
 - Profile 220
 - TX waste code 219H
 - Marked as universal Waste
- High Water Content Waste – Twenty Totes
 - Marked for benzene and flash point
 - Profile 220
 - TX Waste code 219H
 - Marked as universal waste
- Scrap SQ492 – 18 Totes
 - Off spec product – resin intermediate
 - Profile 220
 - TX waste cods 219H
 - Marked as universal waste
- Water waste – One Tote
 - Origin unknown
 - Pending analysis
- Latex waste – Ten Totes
 - Origin unknown
 - Pending analysis
- Departed Facility at approximately 1145

Topics for discussion on April 15, 2022

- Closing Conference

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