

RCRA Compliance Branch INSPECTION REPORT

Inspection Date(s):	5/17/2023	Inspection Announced: No
Facility or Site Name:	Exergy LLC	
Facility/Site Physical Location:	320 Endo Blvd Ext	
(City, state, zip code)	Garden City, NY 11530	
Mailing address (if different from above):	N/A	
Facility/Site Contact:	Brian Shapiro	Operations Manager
	bshapiro@exergyllc.com	
	(516) 508- 6833	
RCRA ID Number:	NYR000193664	
Inspector(s):		
Areeba Khan	AREEBA KHAN Digitally signed by AREEBA KHAN Date: 2023.07.17 14:39:39 -04'00'	{date}
Supervisor:		
Derval Thomas	DERVAL THOMAS Digitally signed by Derval THOMAS Date: 2023.07.17 12:35:25 -04'00'	{date}

SECTION I – INTRODUCTION

Purpose of the Inspection Objective

The purpose of the inspection was to perform a Resource Conservation and Recovery Act (RCRA) comprehensive evaluation inspection (CEI) at this facility. The inspection was conducted by EPA RCRA inspector Areeba Khan.

Opening Conference

EPA Region 2 RCRA inspector Areeba Khan arrived at Exergy LLC on May 17, 2023, for an unannounced inspection. I met with Brian Shapiro, the Operations Manager at the entrance of the facility. I presented my credentials to Mr. Shapiro and informed him that this was an EPA inspection to determine the facility's compliance with RCRA regulations. The scope of the inspection was to conduct a compliance evaluation inspection (CEI).

Facility/Site Description

Exergy LLC designs and manufactures heat exchangers for pharmaceutical, biotech, sanitary, and process industries. The facility is located in Garden City, New York. Exergy LLC employs approximately 51 to 200 individuals and operates Monday through Friday from 8 am to 5:30 pm. The facility primarily generated hazardous waste from the residue of the machine used to cut metal. Mr. Shapiro stated that the facility used to generate hazardous waste from acetone used to clean the metal parts, but they switched to citric acid to reduce their hazardous waste. Their hazardous waste is stored in 55-gallon drums, and it is picked up by Environmental Waste Minimization Inc. within two months. After review of the manifest information and statements made by Mr. Shapiro, the facility was determined to be a Small Quantity Generator (SQG) of hazardous waste at the time of the inspection. The facility does not generate universal waste.

SECTION II – OBSERVATIONS

Parts Cleaning Area

Mr. Shapiro explained that previously the facility used to clean and purify the metal parts with acetone. However, recently they switched to Citrisurf 2050, citric acid, to reduce their hazardous waste generated. The Citrisurf 2050 has a pH of 1.23 to 1.26, the facility brings the pH down to 1.8 to clean and purify the metal parts. After cleaning the parts, they neutralize and balance the pH on site before it goes down the drain. Mr. Shapiro stated that the facility does this three times a year. The facility conducted a hazard waste determination (TCLP test), and the results show that the waste is non-hazardous.

Central Storage Area

At the time of the inspection, Mr. Shapiro stated that the facility was being rearranged. The Central Storage Area was located by a wall with the drums inside a secondary containment. The Central Storage Area did not have signage indicating this was a hazardous waste area and there was no list of emergency contacts in the area. Before I left the facility, Mr. Shapiro put up the signage and list of emergency contacts in the area in front of me. The Central Storage Area contained:

- Four empty 55-gallon drums labeled, dated, and closed
- One 55-gallon drum of hazardous waste that was being filled and it was labeled, dated, and closed.
- Spill kit labeled
- Fire extinguisher nearby

Universal Waste:

Mr. Shapiro stated that there was no universal waste, all the lightbulbs were changed to LED.

Records Review

- Basic Plan

After review of the basic plan, there were no discrepancies to report.

- Manifests and Land Disposal Restrictions

After review of the manifest and land disposal restriction documentation, there were no discrepancies

- Personnel Training

After reviewing the statement from the facility representative there was sufficient personnel training determined.

- Arrangement with Local Authority

There had been no arrangement with local authorities at the time of the inspection. The facility stated that they would follow up on the arrangement with local authorities

- Weekly Inspection

There was no weekly inspection done by the facility at the time of the inspection. Inspections were done when there is a pickup from the transporter Environmental Waste Minimization Inc. within two months.

SECTION III – AREAS OF CONCERN

Regulatory Concerns

1. Pursuant to 6 NYCRR § 373-3.9(e): The containers and storage area are inspected at least weekly.
 - a. At the time of the inspection, there was no weekly inspection done by the facility. Inspections were done when there is a pickup by the transporter within two months.
2. Pursuant to 6 NYCRR § 373-3.3(g)(1): The facility owner or operator has attempted to make the following arrangements as appropriate with local authorities for the type of waste handled at the facility and the potential need for the services of these
 - a. At the time of the inspection there had been no arrangement with local authorities.

On Wednesday, May 17, 2023 (same day of inspection), Mr. Shapiro followed up in an email regarding the area of concerns. Mr. Shapiro stated: “In response to your inquiries during your site visit, one issue dealt with Exergy notification of local emergency services regarding the nature of our business and what we produce. Please find attached a copy of all supporting correspondence with said agencies regarding what Exergy does and what Exergy produces, including waste. Hopefully, these letters satisfy this outstanding issue. I will also forward you any additional materials you require to assist you in this matter.”

Closing Conference

The closing conference was conducted by inspector Areeba Khan and with the facility representative, Brian Shapiro were present for the closing conference. I explained to the facility representative the areas of concerns. Mr. Shapiro stated that he will follow up and tend to the areas of concern immediately.