

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

**Cathcart Repair Facilities LLC
8116 Wilson Road
Kansas City, Missouri 64125**

EPA ID Number: MO0000031823

On

August 10, 2022

By

**U.S. ENVIRONMENTAL PROTECTION AGENCY
Region 7**

Enforcement and Compliance Assistance Division

1.0 INTRODUCTION

I performed a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) at Cathcart Repair Facilities LLC (Cathcart) located at 8116 Wilson Road, Kansas City, Missouri, on August 10, 2022. I conducted the RCRA inspection under the authority of RCRA Section 3007(a), as amended. The inspection was a joint inspection with the Missouri Department of Natural Resources (MDNR). During the inspection, I collected the information and data necessary to determine compliance with the applicable RCRA regulatory and statutory requirements. This report and attachments present the results of the inspection. Cathcart has not previously been inspected. The previous owner/operator of the facility, Andersons Inc – The Kansas City Rail (Andersons), was last inspected for compliance with RCRA on June 13 – 15, 2016, by the Environmental Protection Agency, Region 7, (EPA). The findings of EPA CEI of the Andersons were:

- Hazardous waste determinations
- Accumulation start date on hazardous waste container
- Labeling of hazardous waste containers
- Personnel training description
- Revised contingency plan not provided to emergency agencies
- Contingency plan content

2.0 PARTICIPANTS

Cathcart

Ricky Pentz, Regional Manager
Adam Hopkins, Plant Manager
Larry Schussler, Production Manager
Shaun Horbeck, Crew Leader

Missouri Department of Natural Resources
Brandon Backus, Environmental Specialist

Environmental Protection Agency Region 7
Kenneth Herstowski, Environmental Engineer, ECAD/CB/RCRA (Lead Inspector)

INSPECTION PROCEDURES

Prior to arriving at Cathcart, I rallied with Mr. Backus at an offsite location. At about 08:23, we arrived at Cathcart. A drive-by visual observation was completed from Wilson Road (south side of the facility) with no findings. We proceeded to the Cathcart parking area and then to an administration building. Upon entering the building, we identified ourselves to the individual immediately inside the door. We asked to see Mr. Gibson who was identified in EPA's RCRAInfo database as the facility contact. We were informed that Mr. Gibson duty station was off site and Mr. Pentz was identified as the onsite facility contact. Mr. Pentz arrived shortly thereafter and greeted Mr. Backus and me. We introduced ourselves to Mr. Pentz and explained the purpose of the visit was to conduct a RCRA CEI. We adjourned to a nearby conference table where we were joined by Messrs. Hopkins, Schussler and Horbeck. I then proceeded with the entrance conference.

Mr. Backus and I presented our identification and credentials to those assembled. I explained the purpose and procedures of the RCRA CEI. I provided copies of RCRA Section 3007 to Mr. Pentz which provides inspection authority, Title 18 United States Code, Sections 1001 and 1002, which provides for penalties if false and/or misleading information is provided to Federal representatives, and for the possession and use of fraudulent documents. The assembled personnel were made aware of Cathcart's confidentiality rights and were informed that a Confidentiality Notice would be provided at the end of the inspection for them to make a confidential business information claim. At about this time during the opening conference, a representative of the United States Department of Transportation (US DOT), Federal Railroad Administration (FRA) arrived in the administrative offices. He announced that his site visit was to conduct an inspection of Cathcart. Mr. Hopkins departed with the FRA representative and was not present for the remainder of the entrance conference. Mr. Pentz acted as the primary facility representative provided verbal consent to proceed with the inspection.

I followed the inspection procedures discussed in the RCRA CEI Standard Operating Procedure (No. 2321.1D), unless noted differently. I completed checklists and other inspection related documents and collected photocopies that are included as attachments to this report. I collected 14 photographs with a digital camera and prepared a photographic log (attachments 1 and 2). I monitored for volatile organic emissions with a Thermo Fisher Scientific TVA2020 organic vapor analyzer utilizing a flame ionization detector (hereafter referred to as the "EPA FID"). Mr. Backus viewed potential volatile emission points with an optical gas imaging camera (a FLIR model GF320 – hereafter the "MDNR Gas Imaging Camera"). I obtained copies of records from the facility as detailed in the sections that follow. During the inspection, discussions consisted of the facility

operations, wastes generated, waste management practices, and an evaluation of RCRA air emissions compliance. I conducted a visual inspection of the areas noted below.

I obtained aerial photographs of the facility using Google Earth (attachment 3). A facility map was not readily available and was not provided. A Notice of Preliminary Findings (NOPF) was issued to the facility at the conclusion of the inspection (attachment 4). Documents and records were collected during the inspection and a Receipt for Documents and Samples was prepared (attachment 5). A Confidentiality Notice in which the facility did not claim any records or documents as confidential business information was prepared (attachment 6). A site-specific inspection checklist was prepared and completed.

August 10, 2022

At about 08:23, Mr. Backus and I arrived at Cathcart as described above. During the entrance conference I collected general facility information, discussed waste generation and reviewed the scope of the records review. Following the entrance conference Mr. Backus and I conducted a visual inspection of the facility. Messrs. Schussler and Horbeck accompanied us during the visual inspection. The areas reviewed included:

- Repair Building
- Cleaning Building
- Hazardous Waste Accumulation Area
- Universal Waste Accumulation Area

Following the visual inspection, Mr. Backus and I reviewed requested records (attachment 7).

After completing the records review, I summarized my findings and recommendations in an exit conference. Messrs. Pentz, Hopkins, Schussler and Horbeck represented Cathcart. I provided Mr. Pentz with a Confidentiality Notice and a Receipt for Documents and Samples both of which he signed as acknowledgement of receipt. I provided Mr. Pentz with a copy of the Confidentiality Notice (yellow copy of the completed carbonless transfer set) and Receipt of Documents and Samples (yellow copy of the completed carbonless transfer set). I reviewed and discussed my findings detailed in a Notice of Preliminary Findings (NOPF). I provided Mr. Pentz a NOPF which he signed as acknowledgement of receipt. I provided a copy of the NOPF with "Instructions for Responding to a Notice of Preliminary Findings (NOPF)" printed on the reverse of the copy to Mr. Pentz (yellow copy of the completed carbonless transfer set). I discussed providing a response to the NOPF. I described my process and timeline for converting field and record review observations into an inspection report. I provided and discussed compliance assistance information.

3.0 FINDINGS AND OBSERVATIONS

3.1 General Information/Facility Description

Cathcart acquired the railcar repair business of The Andersons, Inc., on July 8, 2022, including the Andersons Inc The Kansas City Rail facility at 8116 Wilson Road, Kansas City, Missouri. Cathcart had no onsite presence or activity prior to the acquisition. Cathcart is located in an eastern portion of Kansas City, Missouri, in an area

zoned for heavy industrial use (attachment 3). Residences are approximately 0.35-mile¹ south southeast of the closest operational building at the facility. The Blue River is approximately 0.22-mile west or northwest of operational buildings of the facility. The site is approximately 76 acres with four buildings: two used for operations, one for chemical storage and one for administration. Cathcart employs approximately 25 onsite personnel who work one shift Monday to Friday from 06:00 to 14:30.

Cathcart repairs and services railroad hopper cars, tank cars and freight cars collectively referred to as railcars. Cathcart repairs the railcar trucks, couplers, equipment, and shells. Repair operations include residual commodity product removal, interior cleaning to facilitate repair, grit blasting, fabrication (cutting and welding), and touch up painting of repaired exterior surfaces. Interior cleaning uses differing cleaning products dependent on the type of material in the railcar. One of the cleaning products is a corrosive material and one of the cleaning products is ignitable. Cathcart also provides railcar testing and certifications to US DOT requirements.

3.2 RCRA Status

The Notification Acknowledgement/Verification Report (attachment 8) indicates that Cathcart is a large quantity generator of hazardous waste and a small quantity handler of universal waste. Review of Cathcart's waste generation since July 8, 2022, shows hazardous waste generation at a rate of less than 100 kilograms per month. However, Andersons' hazardous waste generated in June 2022 in a quantity greater than 1,000 kilograms which is still on site results in Cathcart being subject to the large quantity generator requirements. Therefore, I inspected Cathcart as a large quantity generator.

3.3 Waste Streams and Management

Cathcart may generate hazardous waste streams based upon the commodity product last shipped in a railcar that will be serviced. Mr. Pentz described that the Cathcart sales team connects with customers who have railcars needing repair. The sales team obtains a SDS for the commodity last shipped in the railcar to be serviced and schedules the time the railcar will arrive at the facility. Prior to cleaning a railroad car interior, residual product is removed and the SDS and process knowledge are used to determine if the residual commodity product removed is a hazardous waste. The interior of the railcar is then cleaned with water and/or a diluted cleaning product. Two of the cleaning products used in addition to the commodity being cleaned can result in hazardous wastewater generation.

3.3.1 Hazardous Waste Streams Observed On Site

Cathcart has notified as a generator of hazardous wastes which exhibit one or more hazardous waste characteristics of ignitability, corrosivity, or toxicity, listed spent solvents, and unused or off specification commercial chemical products. The EPA hazardous waste codes for which Cathcart has notified the MDNR as being generated are shown on the Notification Acknowledgement/Verification Report (attachment 8). Mr. Pentz did not identify changes to the information in the Notification Acknowledgement/Verification Report during

¹ Distances and areas estimated using Google Earth Pro

this inspection. The following summarizes the wastes generated by Cathcart and generated by Andersons that were on site at the time of the August 10, 2022, CEI.

Dirty Rags

Cathcart generates dirty rags from the servicing of tank car valves. Solvent is used to clean the valves and residues are wiped with a rag. I observed Dirty Rags collected in a 55-gallon drum in the Valve Room at the Repair Building (page 3, attachment 3). Cathcart uses the same solvent and process for valve repair as Andersons. The Dirty Rags had previously been determined to be hazardous waste by Andersons with EPA waste code D001, F003, and F005 assigned. Cathcart uses the same solvents as was used by Andersons thus has not made a different hazardous waste determination. The container observed during the visual inspection on August 10, 2022, was approximately one-half filled (photograph 1, attachment 1). Mr. Schussler estimated Dirty Rag generation at 25 to 100 gallons per month based upon the number of tank car valves being serviced. The Andersons last sent Dirty Rags to Solvent Recovery, LLC, Kansas City, Missouri, MOD000610766, for storage, bulking and/or transfer off site (H141). Cathcart has not accumulated a full container of Dirty Rags on site or shipped Dirty Rags off site at the time of the August 10, 2022, CEI.

Aerosols

Cathcart generates waste aerosol cans in the touch up painting of railcar repairs. Areas of railcars that have had welding or grinding are repainted. I observed aerosol cans collected in a 55-gallon drum located on the north wall of the Maintenance Area of the Repair building (page 3, attachment 3). The container observed during the visual inspection on August 10, 2022, was approximately two-thirds filled (photograph 2, attachment 1). Mr. Schussler estimated Aerosols generation at 25 to 100 gallons per month based upon the number of railcars being serviced. The aerosol cans had previously been determined to be hazardous waste by Andersons with EPA waste code D001 assigned. The Andersons last sent Aerosols to Solvent Recovery, LLC, Kansas City, Missouri, MOD000610766, for storage, bulking and/or transfer off site (H141). Cathcart has not accumulated a full container of Aerosols on site or shipped Aerosols off site at the time of the August 10, 2022, CEI.

Waste Paint

I observed Waste Paint collected in two 55-gallon containers at the Hazmat Building (page 2, attachment 3). Of the two containers observed during the visual inspection on August 10, 2022, one was filled, and the other was approximately one-third filled (photograph 4, attachment 1). Mr. Horbeck stated the Andersons is in the processes of determining the status of unused commercial paint products that were not part of Cathcart's purchase of Andersons which remain the property of Andersons. Andersons empties the waste 1-quart, 5-gallon, and 2.5-gallon paint containers into a 55-gallon Waste Paint container. Andersons has determined the Waste Paint to be a hazardous waste with EPA waste codes D001 and D018. I observed three pallets of containers of commercial product paint (photographs 6 – 8, attachment 1). The Andersons last sent Waste Paint to Solvent Recovery, LLC, Kansas City, Missouri, MOD000610766, for storage, bulking and/or transfer off site (H141). Cathcart had not accumulated on site or shipped Waste Paint off site at the time of the August 10, 2022, CEI. Mr. Schussler stated that Andersons is required to remove the Waste Paint hazardous waste and any remaining unused commercial paint products from the facility as part of the sale agreement.

Diesel/Asphalt

I observed Diesel/Asphalt collected in six 250-gallon intermediate bulk containers (IBC) at the Hazmat Building (page 5, attachment 3). The six IBCs observed during the visual inspection on August 10, 2022, were filled (photograph 3, attachment 1). The Diesel/Asphalt had previously been determined to be hazardous waste by Andersons with EPA waste code D001 and D018 assigned. Mr. Horbeck stated the waste was generated from the cleaning of railroad tank cars used to transport asphalt. The Andersons last sent Diesel/Asphalt to Solvent Recovery, LLC, Kansas City, Missouri, MOD000610766, for fuel blending (H061). Cathcart had not accumulated on site or shipped Diesel/Asphalt off site at the time of the August 10, 2022, CEI. Mr. Schussler stated that Andersons is required to remove the Diesel/Asphalt hazardous waste from the facility as part of the sale agreement.

3.3.2 Non-Hazardous Waste Stream Observed On Site

I observed Ethanol/Water collected in nine IBCs out of doors west of the Hazmat Building (page 2, attachment 3). The nine IBCs observed during the visual inspection on August 10, 2022, were filled (photograph 11, attachment 1). Eight of the Ethanol/Water containing IBCs had previously been determined to be non-hazardous waste by Andersons. One Ethanol/Water containing IBC was generated by Cathcart (photographs 9 – 10, attachment 1). Mr. Horbeck stated the waste was generated from the cleaning of a railroad tank car used to transport ethanol and process knowledge waste used to determine the material was non-hazardous if the resulting Ethanol/Water mixture was less than 25 percent ethanol. I obtained a Safety Data Sheet (SDS) for the ethanol last shipped in the railroad tank car from which the Cathcart generated Ethanol/Water waste during cleaning (attachment 9). The Andersons previously sent Ethanol/Water to Solvent Recovery, LLC, Kansas City, Missouri, MOD000610766, for an undetermined disposal method. Mr. Schussler stated that Andersons is required to remove the Andersons generated Ethanol/Water non-hazardous waste from the facility as part of the sale agreement.

3.4 Less Than 90-day Hazardous Waste Accumulation

Mr. Backus and I visually inspected less than 90-day hazardous waste accumulation on August 10, 2022, accompanied by Messrs. Schussler and Horbeck. I observed containers of hazardous waste being accumulated in the Hazmat Building (page 5, attachment 3). The Hazmat Building is a metal building open on the south side. I observed fire extinguishers and a spill kit available. Mr. Pentz stated that employees working in the area have two-way radios with which they can summon assistance.

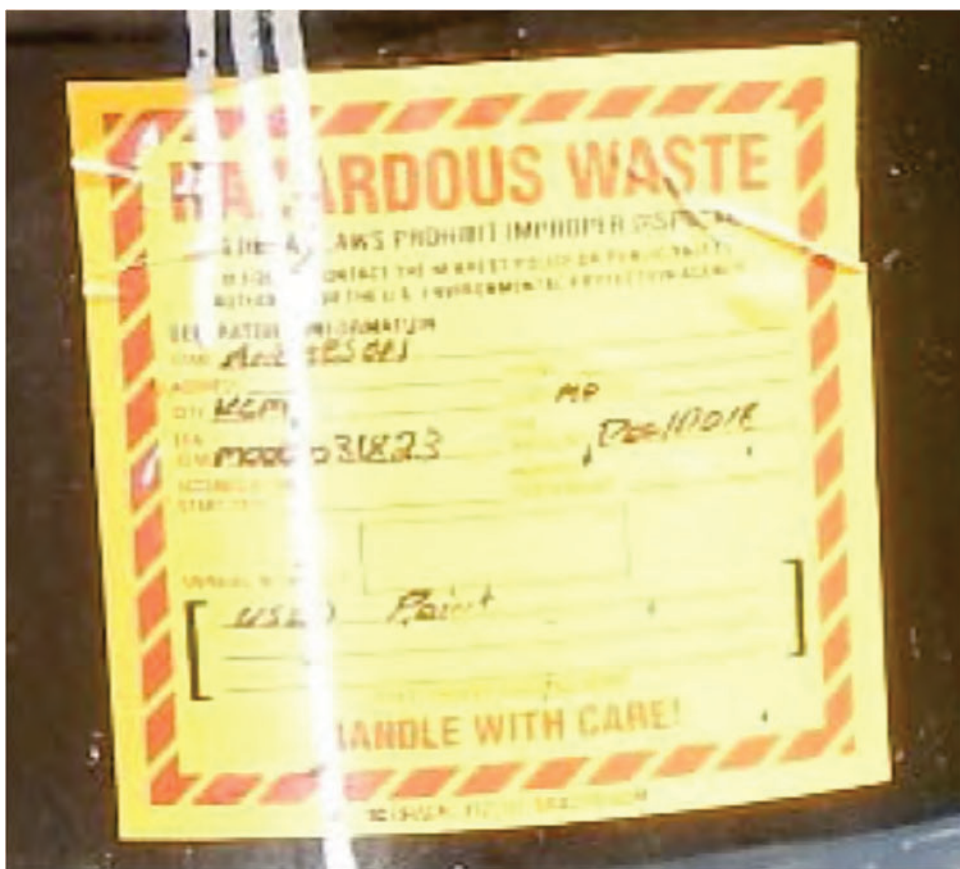
I observed Diesel/Asphalt collected in six 250-gallon intermediate bulk containers (IBC) at the Hazmat Building (page 5, attachment 3). The six IBCs observed during the visual inspection on August 10, 2022, were filled (photograph 3, attachment 1). The containers were closed, in good condition, labeled hazardous waste and included an accumulation start date. The accumulation start dates ranged from June 16 to June 28, 2022.

**Notice of Preliminary Finding (NOPF) 1 – 40 CFR 262.34(a)(2): Hazardous waste container not dated.
10 Code of State Regulations (CSR) 25-5.262(1)**

The State of Missouri has adopted by reference the EPA's requirements for generators of hazardous waste found at 40 Code of Federal Regulations (CFR) Part 262². The regulations at 40 CFR 262.34, Accumulation Time, allow generators to accumulate hazardous waste on site for 90 days or less without a permit as long as the generator complies with certain provisions. The requirement at 40 CFR 262.34(a)(2) states *"The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;"*

I observed two 55-gallon containers of Waste Paint at the Hazmat Building (photograph 4, attachment 1). The container left of center in the photograph was full, closed and had a hazardous waste label indicating Andersons as the generator. The hazardous waste label did not include an accumulation start date (see blow up portion of photograph 4 below). The container on the right was a satellite accumulation container of Waste Paint approximately one-third full. Mr. Horbeck placed an accumulation start date on the label after consulting with another person using his mobile phone (photograph 5, attachment 1).

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See Section **Error! Reference source not found.** for the discussion of air emission requirements for containers.

² See 10 CSR 25-5.262, Standards Applicable to Generators of Hazardous Waste, incorporating by reference the requirements in 40 CFR Part 262, July 1, 2013.

3.5 Satellite Accumulation

Cathcart utilizes Satellite Accumulation³ containers in the Valve Shop and Maintenance Area of the Repair Building (page 3, attachment 3). When full, satellite accumulation containers are transferred to the Hazmat Building. I also observed a Satellite Accumulation container of Waste Paint at the Hazmat Building. Mr. Backus and I visually inspected the Satellite Accumulation Containers on August 10, 2022, accompanied by Messrs. Schussler and Horbeck.

3.5.1 Hazmat Building

I observed two containers of Waste Paint at the Hazmat Building (photograph 4, attachment 1). The container left of center in the photograph was one-third filled, closed, and had a hazardous waste label indicating Andersons as the generator.

I observed no apparent issues or findings related to the Waste Paint Satellite Accumulation in the Hazmat Building.

3.5.2 Valve Shop

NOPF 4 – 40 CFR 265.173(a): Satellite Accumulation container not labeled. 10 CSR 25-5.262(1) → 40 CFR 262.34(c)(1)(ii)

The State of Missouri has adopted by reference the EPA's requirements for generators of hazardous waste found at 40 Code of Federal Regulations (CFR) Part 262⁴. The regulations at 40 CFR 262.34, Accumulation Time, allow generators to accumulate hazardous waste in containers near the point of hazardous waste generation without a permit (Satellite Accumulation) as long as the generator complies with certain provisions found at 40 CFR 262.34(c), et seq. The requirement at 40 CFR 262.34(c)(1)(ii) states "*Marks his containers either with the words 'Hazardous Waste' or with other words that identify the contents of the containers.*"

I observed one 55-gallon container labeled "Dirty Rags" approximately one-half full in the Valve Shop of the Repair Building (photograph 1, attachment 1). I asked Mr. Schussler if the rags were hazardous waste to which he replied in the affirmative stating they contained solvents giving "brake clean" as an example solvent. While the container was marked "Dirty Rags" such a marking does not indicate the contents of the container would be hazardous waste.

NOPF 5 – 40 CFR 265.173(a): Satellite Accumulation container lid does not fully seal closed. 10 CSR 25-5.262(1) → 40 CFR 262.34(c)(1)(i)

³ Satellite accumulation is a term of art for the situation where the generator accumulates hazardous waste in containers at or near any point of hazardous waste generation. The pertinent requirements are found at 40 CFR 262.34(c)(1), et seq. (10 CSR 25-5.262(1)).

⁴ See 10 CSR 25-5.262, Standards Applicable to Generators of Hazardous Waste, incorporating by reference the requirements in 40 CFR Part 262, July 1, 2013.

In accordance with 40 CFR 262.34(c)(1)(i), Satellite Accumulation must comply, in pertinent part, "...with §§ 265.171, 265.172, and 265.173(a) of this chapter" The requirement at 40 CFR 265.173(a) found in 40 CFR Part 265, Subpart I, Use and Management of Containers, requires "*A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.*"

I observed that the same Satellite Accumulation described above containing "Dirty Rags" in the Valve Shop of the Repair Building (photograph 1, attachment 1) did not have a lid that closed without cracks or gaps. I monitored the container lid flap perimeter with the EPA FID and recorded a reading of 222 parts per million by volume volatile organics (attachment 10)⁵.

I provided compliance assistance regarding the Satellite Accumulation requirements during the visual inspection and during the exit conference.

3.6 Subpart BB – Air Emission Standards for Equipment Leaks

The EPA promulgated requirements for the control of air emissions from equipment leaks at 40 CFR Part 265, Subpart BB (hereafter "Subpart BB"). The State of Missouri has adopted by reference the EPA's requirements for owners and operators of hazardous waste treatment, storage, and disposal facilities found at 40 CFR Part 265⁶. Cathcart, as a large quantity generator of hazardous waste, is subject to the requirements of Subpart BB. The provisions of Subpart BB apply to equipment such as valves, pumps, connectors, etc., that are in contact with hazardous waste with a total organic concentration at least ten percent by weight.

During my visual inspection of Cathcart on August 10, 2022, I observed a diaphragm pump and ancillary hose and couplings (photograph 12, attachment 1) in the Cleaning Building (pages 2 and 4, attachment 3). Mr. Horbeck stated the pump is used to transfer liquids from railcars being cleaned into containers. Since the transfer of the facility to Cathcart on July 8, 2022, the pump has not been used to transfer hazardous waste into containers. I asked Messrs. Schussler and Horbeck if the pump was monitored and inspected for leaks in accordance with the requirements in Subpart BB to which Mr. Horbeck replied he inspects the pump visually before each use. Mr. Horbeck further described the use of the pump includes flushing the pump with water when the transfer of cleaning wastewater or commodity products is complete.

During the exit conference, I again requested information regarding the status of the observed pump vis-a-vis Subpart BB. Those assembled were not aware of available Subpart BB recordkeeping by Andersons. I provided compliance assistance regarding the monitoring and recordkeeping provisions of Subpart BB.

3.7 Method 21 Monitoring

I calibrated a Thermo Fisher Scientific TVA-2020 (EPA FID) (attachment 11) used for Method 21⁷ monitoring the morning of August 10, 2022, prior to our arrival at the facility. The EPA FID has a flame ionization detector

⁵ Note the monitoring was for the purpose of determining if the container lid adequately closed the container.

⁶ See 10 CSR 25-7.265(1) which incorporates by reference 40 CFR Part 265, Subpart BB– Air Emission Standards for Equipment Leaks. Missouri has adopted the provisions of 40 CFR Part 265, as in effect on July 1, 2013.

⁷ Method 21 – Determination of Volatile Organic Compound Leaks is found at 40 CFR Part 60, Appendix A.

and a photoionization detector to measure organic vapor concentrations. Only the flame ionization detector was calibrated and operated for the Method 21 monitoring, i.e., the photoionization detector was switched off.

3.8 Subpart CC Air Emissions

The EPA promulgated requirements for the control of air emissions from tanks, surface impoundments, and containers at 40 CFR Part 265, Subpart CC (hereafter “Subpart CC”). The State of Missouri has adopted by reference the EPA’s requirements for owners and operators of hazardous waste treatment, storage, and disposal facilities found at 40 CFR Part 265⁸. Cathcart is subject to Subpart CC for containers used to store or accumulate hazardous waste with a volatile organic concentration of 500 parts per million (ppm) or greater. The required air emission controls are specified in 40 CFR Part 265, Subpart CC.

Mr. Backus and I visually inspected the less than 90-day hazardous waste accumulation in the Hazmat Building on August 10, 2022, accompanied by Messrs. Schussler and Horbeck. I observed 55-gallon and 250-gallon hazardous waste accumulation containers. The observed containers appeared to be compliant with the option to control air emissions from Level 1 and Level 2 containers that are compliant with United States Department of Transportation (US DOT) regulations on packaging hazardous materials for transportation found at 49 CFR Part 178, Specifications for Packaging. I monitored the assembled containers for detectable emissions using the EPA FID.

I observed no apparent issues or findings related to Subpart CC for the observed hazardous waste accumulation containers at the Hazmat Building.

3.9 Universal Waste Batteries

Cathcart generates universal waste batteries consisting of consumer style alkaline batteries removed from equipment and lithium-ion battery packs used in cordless tools, e.g., drills. Mr. Backus and I visually inspected Cathcart on August 10, 2022, accompanied by Messrs. Schussler and Horbeck. A generation rate of the Universal Waste Batteries was not determined. The observed Universal Waste Batteries containers were initially filled by Andersons and continued to be filled by Cathcart. The management of Universal Waste Batteries by Andersons was not determined. Cathcart has not yet sent Universal Waste Batteries off site for management.

NOPF 2 – 40 CFR 273.14(a): Universal Waste Batteries containers not labeled.

The EPA promulgated requirements for the management of universal wastes at 40 CFR 273 – Standards for Universal Waste Management. The State of Missouri has adopted by reference the EPA’s requirements for universal wastes⁹. In accordance with 40 CFR 273.14(a), “*Universal waste batteries (i.e., each battery), or a*

⁸ See 10 CSR 25-7.265(1), Standards for Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, which incorporates by reference 40 CFR Part 265, Subpart CC – Air Emission Standards for Containers. Missouri has adopted the provisions of 40 CFR Part 265, as in effect on July 1, 2013.

⁹ See 10 CSR 25-16.273(1), Standards for Universal Waste Management, which incorporates by reference 40 CFR Part 273, as in effect on July 1, 2013.

container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);""

I observed two approximately full 5-gallon containers and one approximately full 3-gallon container of universal waste batteries in the first-floor room on the east side of the two-story Administration Building (page 3, attachment 3). Two containers contained alkaline batteries and one container contained lithium-ion batteries (photographs 13 and 14, attachment 1. The containers were not marked or labeled "Universal Waste - Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies)."

NOPF 3 – 40 CFR 273.15(c): Universal Waste accumulation time demonstration.

In accordance with 40 CFR 273.15(c), *"A small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received."* The observed containers did not have accumulation start dates. I asked Messrs. Schussler and Horbeck if Cathcart used another means to establish the accumulation start date. Mr. Schussler thought there may be shipping records for the last shipment of universal waste. Upon further inquiry, Cathcart could not provide information to establish the accumulation start date of the Universal Waste Batteries.

3.10 Universal Waste Lamps

Mr. Backus and I did not observe waste lamps on site during the visual inspection on August 10, 2022.

3.11 Used Oil

Mr. Backus and I visually inspected Cathcart on August 10, 2022. We did not observe used oil generated by Cathcart on site. Mr. Schussler stated vehicles are serviced off site and any used oil from onsite equipment servicing is removed from the site by the servicing contractor.

3.12 Inspections

Cathcart conducts weekly inspections of the containers in the Hazmat Building. Mr. Horbeck stated Cathcart has not prepared a new inspection checklist, so he has continued to use the Andersons inspection checklist. I obtained the most recent completed inspection checklist (attachment 12).

I observed no apparent issues or findings related to my review of inspection records.

3.13 Contingency Plan

I asked to review the Cathcart RCRA Contingency Plan. After some initial confusion regarding terminology, Cathcart produced a copy of Andersons "Emergency Action & Spill Control Plan" dated May 6, 2022 (attachment 13). I reviewed the contingency plan while I was on site on August 10, 2022. The plan contained lists and locations of emergency equipment, their descriptions and capabilities and an evacuation plan, emergency services and a current primary emergency coordinator.

I observed no apparent issues or findings related to my review of the contingency plan.

3.14 Training Requirements

Mr. Pentz described Cathcart has initiated a program to retrain employees who require RCRA training within six months (January 2022). I requested the training records for Mr. Horbeck who moves containers of hazardous waste to the less than 90-day hazardous waste accumulation area in the Hazmat Building, conducts weekly inspections of same, and signs manifests. I was provided a record of his initial training while employed by Andersons and his 2021 RCRA refresher training (attachment 14).

I observed no apparent issues or findings related to my review of personnel training.

3.15 Manifests

I discussed hazardous waste manifest recordkeeping with Mr. Pentz. Cathcart has not initiated a shipment of hazardous waste since the acquisition of the facility from Andersons. Cathcart had copies of Andersons manifests and I reviewed the two 2022 hazardous waste manifest on site on August 10, 2022.

I observed no apparent issues or findings related to my review of 2022 Andersons hazardous waste manifests.

4.0 COMPLIANCE ASSISTANCE

I provided Cathcart with the following compliance assistance information:

Section 3007 Inspections Sheet (EPA Handout)

RCRA Facility Access Information Sheet (EPA Handout)

United States Code 1001/1002 Annotated (EPA Handout)

Notice Regarding Proprietary/Confidential Business Information Submitted to or Collected by EPA in Connection with Inspections (EPA Handout)

U.S. EPA Small Business Resource Information Sheet (EPA Handout)

Tampering Pollutes Our Air (EPA Handout)

Clean Air Act Vehicle Aftermarket Defeat Devices and Tampering (EPA Handout)

EPA Enforcement Alert National Compliance Initiative Focus on RCRA Air Emissions June 2020 (EPA Handout)

COMPLIANCE ADVISORY Reduction of Hazardous Waste Air Emissions April 2018 (EPA Handout)

Leak Detection and Repair: A Best Practices Guide (EPA Handout)

Hazardous Waste Satellite Accumulation - PUB2215 May 1, 2020 (MDNR Handout)

5.0 SUMMARY

I conducted an inspection of Cathcart as a large quantity generator of hazardous waste and a small quantity handler of universal waste. The following preliminary finding is noted as discussed above:

NOPF 1 – 40 CFR 262.34(a)(2): Hazardous waste container not dated. 10 CSR 25-5.262(1)

NOPF 2 – 40 CFR 273.14(a): Universal Waste Batteries containers not labeled.

NOPF 3 – 40 CFR 273.15(c): Universal Waste accumulation time demonstration.

NOPF 4 – 40 CFR 265.173(a): Satellite Accumulation container not labeled. 10 CSR 25-5.262(1) → 40 CFR 262.34(c)(1)(ii)

NOPF 5 – 40 CFR 265.173(a): Satellite Accumulation container lid does not fully seal closed. 10 CSR 25-5.262(1) → 40 CFR 262.34(c)(1)(i)

Other than the items noted above, no other preliminary findings were noted. However, the EPA may review my findings further after the inspection, which may change or add to my findings.

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Herstowski, Ken Digitally signed by Herstowski,
Ken
Date: 2022.08.29 15:30:20 -05'00'

Kenneth Herstowski
Environmental Engineer

Date

AMBER WHISNANT Digitally signed by AMBER WHISNANT
Date: 2022.10.23 20:04:54 -05'00'

Amber Whisnant
Chief, RCRA Section, Chemical Branch
Enforcement and Compliance Assistance Division

Date

Attachments

1. Inspection [14] Photographs (15 pages)
2. Photograph Log (1 page)
3. Cathcart Aerial Photographs (5 pages)
4. Notice of Preliminary Findings (3 pages)
5. Receipt for Documents (1 page)
6. Confidentiality Notice (1 page)
7. Records Request (2 pages)
8. Notification Acknowledgement/Verification Report (2 pages)
9. Ethanol SDS (5 pages)
10. EPA M21 Field Sheet (2 pages)
11. EPA FID Calibration (1 page)
12. Inspection Checklist (1 page)
13. Contingency Plan (22 pages)
14. Training Record (5 pages)