

RCRA Inspection Report

1) Inspector and Author of Report

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2) Facility Information

MPD Inc.
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Daviess County
EPA ID KYD006394423

3) Responsible Officials

Ben Spurrier
Environmental, Health, and Safety Specialist
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4) Inspection Participants

Ben Spurrier	MPD
Karen Sumner	MPD
Tawny Burnette	MPD
Brad Howard	MPD
Ginger Morehead	MPD
Lamon O'Neal	MPD
Terri Voyles	MPD
Curtis Scott	KDEP
Leslie Carr-Poly	KDEP
Alan Newman	EPA

5) Date and Time of Inspection

November 29, 2021, 1:30-4:30 P.M. C.S.T. and November 30, 2021, 7:30 A.M. to 4:00 P.M. C.S.T.

6) **Applicable Regulations**

Resource Conservation and Recovery Act (RCRA) Sections 3002 (42 U.S. Code–Annotated U.S.C.A. 6925 and 6927), and 40 Code of Federal Regulation (C.F.R.) Parts 260-270, 273, 278, & 279; Rules Governing Hazardous Waste Management Title 401 of Kentucky Administrative Regulations (401 K.A.R.) Chapters 30 through 40 and 44 Kentucky Department for Environmental Protection.

As the State’s authorized hazardous waste program operates in lieu of the federal RCRA program, the citations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.

Kentucky Revised Statutes Title XVIII, Chapter 224, Subchapter 46-Hazardous Waste *et seq.* (2006), and Title 401 of the Kentucky Administrative Regulations (K.A.R.) Chapters 30 through 38, 43 and 44 (2006).

Pursuant to [401 KAR 39:080 Section 1] [40 C.F.R. § 260.10], a small quantity generator of hazardous waste (SQG) is a generator who generates greater than 100 kilograms (220 lbs) but less than 1,000 kilograms (2200 lbs) of non-acute hazardous waste in a calendar month.

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

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)], a generator may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status, as required by KRS 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with 401 KAR 39:080 Section 1 [40 C.F.R. § 262.16(b) or § 262.17(a)], except as required in 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)] (hereinafter referred to as the “SAA Permit Exemption”).

Pursuant to 401 KAR 39:080 Section 3(1) [40 C.F.R. § 273.9], a small quantity handler of universal waste (SQHUW) is a universal waste handler who does not accumulate 5,000 kilograms or more of universal waste (batteries, pesticides, mercury-containing equipment, lamps, or aerosol cans, calculated collectively) at any time.

7) **Purpose of Inspection**

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection to determine MPD Inc.’s compliance with the applicable requirements of RCRA and the corresponding Kentucky regulations. This was an EPA lead inspection.

8) Previous Inspection History

KDEP has conducted three RCRA CEIs at the subject facility between 2015 and 2020 and found sixteen violations during those inspections. On September 2, 2020, KDEP conducted the most recent RCRA Focused Compliance Inspection at the subject facility and found one apparent violation of RCRA's requirements for failure to make hazardous waste determinations. As a result, KDEP issued an informal enforcement action to MPD on September 9, 2020, and later verified that the facility had returned to compliance during a follow-up inspection on October 8, 2020.

9) Facility Description

MPD, Inc. manufactures a variety of electronic components for military and law enforcement applications. Products produced include proximity fuses, components for military and civilian radar systems, police radar units, portable and fixed alcohol breath testers, and audiovisual records for use in police vehicles (Photos 1-2). Most of the floor space at the facility is dedicated to assembly activities.

The facility operates a Central Accumulation Area (CAA) that is referred to as the Oil House and multiple Satellite Accumulation Areas (SAAs). MPD employs approximately 155 workers and occupies a full city block in Owensboro, Kentucky at the site of an old General Electric facility. Access to the facility is controlled through a locked lobby that leads to the inter linked production buildings and offices.

MPD most recently notified as a small quantity generator of hazardous waste, a small quantity handler of universal waste, and a used oil generator on August 30, 2021. The NAICS code is 334419—other electronic component manufacturing. This notification detailed the following waste codes describes the waste generated at the facility: D001, D002, D005, D007, F001, F003, F005, F007, and F009.

10) Opening Conference

On November 29, 2021, EPA inspector Alan Newman, accompanied by KDEP inspectors Curtis Scott and Leslie Carr-Poly, arrived at MPD, Inc. at approximately 1:30 p.m. C.S.T. Ben Spurrier, Environmental Coordinator, immediately received the inspectors. The inspectors conducted an opening conference with Ben Spurrier. The inspectors introduced themselves, showed their credentials to Ben Spurrier, and explained the purpose of the visit. The inspectors described the anticipated use of equipment (digital cameras) during the inspection and provided a request for records. The inspectors discussed the company's ability, pursuant to 40 C.F.R. §2.203, to assert a business confidentiality claim for information submitted to the EPA. The company did not assert a business confidentiality claim. The inspection participants also discussed health and safety protocols and required personal protective equipment before Ben Spurrier led the inspectors on a tour of the Facility operations.

Ben Spurrier provided an overview of the facility's history and current operations during the opening conference. The company does not appear to meet the Small Business Regulatory

Enforcement Fairness Act's classification of a "small business," which is generally set by the Small Business Administration using the business' SIC/NAICS code and annual receipts or number of employees. Therefore, the EPA inspector did not provide a copy of the agency's information sheet for small businesses, which can be found at <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>.

11) **Findings**

The site consists of multiple interconnected Buildings 1, 2, 2A, 3, 4, 5, 6, 6A, 7, 7A, 8, 8A, and 9. The waste notification August 30, 2021, described the following wastes generated at the facility.

Description of Waste	EPA Waste Number	Physical State	Estimated amount (pounds)
Spent Ignitable Non-Halogenated Solvent (Xylene, methanol, acetone, Toluene and Minerals Spirits)	D001 F003 F005	Liquid	1250
Spent Corrosive electroplating solution inorganic, hydrochloric acid, and nickel chloride	D002	Liquid	6500
Waste Chromic Acid Solution	D002 D007	Liquid	2000
Spent reactive cyanide electroplating solution - sodium and potassium cyanide solutions	D003 D011 F007 D009	Liquid	800
Waste Cyanides, inorganic solid (filter) containing gold and silver	D003 D011 F007 F009	Liquid	200
Corrosive waste, sulfuric, nitric, acetic acid, and sodium hydroxide	D002	Liquid	200
Hazardous waste solids—contains Barium	D005	Solid	5000
Corrosive liquid, acidic, inorganic, sulfuric acid, aluminum sulfate	D002	Liquid	1350

- **Basement Universal Waste Areas**

In the basement of Building 3, MPD was storing universal waste lamps and batteries (Photos 3-5). The inspection team noted six 4-foot boxes of universal waste lamps with the oldest date 9/1/2021 and seven 8-foot boxes of universal waste lamps with the oldest date 9/1/2021. MPD was storing universal waste batteries in 5-gallon plastic containers including mercury, lithium ion, lead acid, and NiCad batteries. These containers were closed in good condition and labeled. The oldest accumulation start date was 2/2/2021.

The inspection team noted approximately seventeen (17) fiber containers with some dated 6/11/1981, 6/23/1997, and 1/24/1985, in the basement near area 2-B-1 (Photos 6-12). The inspection team also noted one small jar of OLCO 100 in a nearby caged area (Photo 13). These containers appeared to be discarded. MPD had not conducted a hazardous waste determination on these containers.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.11], a person who generates a solids waste as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste.

In the basement of Building 6, the inspection team noted two areas where two 8-foot lamps were not being stored in closed containers, labeled, and MPD did not know how long these lamps had been stored in this location (Photos 14-15). The inspection team noted one of the lamps was broken. MPD had not conducted a hazardous waste determination on the broken lamp. On the second floor, the inspection team noted more un-containerized lamps (Photo 16).

Pursuant 401 KAR 39:080 Section 3(1) [40 C.F.R. § 273.13(d)], a SQHUW must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment.

Pursuant to 401 KAR 39:080 Section 3(1) [40 C.F.R. § 273.14(e)], a SQHUW must label or mark each lamp or container of lamps clearly with one of the following phrases: “Universal Waste-Lamp(s),” or “Waste Lamp(s),” or “Used Lamps.”

Pursuant to 401 KAR 39:080 Section 3(1) [40 C.F.R. § 273.15(c)], a SQHUW who accumulated universal waste must be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.

Pursuant to 401 KAR 39:080 Section 3(3) universal waste lamps that are broken, disassembled, crushed, or otherwise damaged, intentionally or unintentionally, must be managed as hazardous waste.

- Central Accumulation Area – The Oil House

MPD stores accumulated hazardous waste containers at the Oil House, a 180-day central accumulation area (Photos 17-18). At the time of the inspection, MPD was storing one 25-gallon and one 55-gallon container of Barium wastes (D005) dated 11/14/2021, one 55-gallon container of Amyl Acetate/Acetone/IPA/Methanol dated 10/23/2021 (Photos 19-25); these containers were in good condition, closed, and labeled. MPD was storing used oil, and other non-hazardous waste (Photos 26-28); these containers were in good condition. MPD was storing un-containerized, empty aerosol cans (Photos 29-30); these aerosol cans were not labeled as universal waste and MPD representatives were unable to determine how long they had been stored in this area.

MPD was storing three 5-gallon red Mobil Oil containers, one 5-gallon black rusting container labeled as methanol waste, and one 5-gallon white rusting container labeled as combustible liquid. MPD was storing one 55-gallon open rusting metal trash can in this area, one 5-gallon blue rusting container of wax oil, one blue 5-gallon container of lubricant, three red 5-gallon containers, 1 blue 5-gallon container, and one 1-gallon container for a total of 13 containers (Photos 31-41). These containers appeared to be discarded; MPD needs to make a hazardous waste determination on these containers. Two fire extinguishers in the CAA had inspection dates from 2019 and one was dated 11/2020 (Photos 42-43). MPD had not posted required up-to-date information including name and emergency telephone number of the emergency coordinator, the location of fire extinguishers and spill control material, and the telephone number of the fire department.

Pursuant 401 KAR 39:080 Section 3(1) [40 C.F.R. § 273.13(e)], a SQHUW must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment.

Pursuant to 401 KAR 39:080 Section 3(1) [40 C.F.R. § 273.14(f)], a SQHUW must label or mark universal waste aerosol cans (*i.e.*, each aerosol can), or a container in which the aerosol cans are contained, clearly with any of the following phrases: “Universal Waste - Aerosol Can(s),” “Waste Aerosol Can(s),” or “Used Aerosol Can(s).”

Pursuant to 401 KAR 39:080 Section 3(1) [40 C.F.R. § 273.15(c)], a SQHUW who accumulated universal waste must be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.11], a person who generates a solids waste as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.16(b)(8)(iii)], which is a condition of the SQG Permit Exemption, a generator is required to test and maintain all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, as necessary to assure its proper operation in time of emergency.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.16(b)(9)(ii)], which is a condition of the SQG Permit Exemption, for those areas of the generator facility where hazardous waste is generated and accumulated: (ii) The small quantity generator must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste: (A) The name and emergency telephone number of the emergency coordinator; (B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and (C) The telephone number of the fire department, unless the facility has a direct alarm.

- Plating Room

MPD operates multiple plating lines in Building 6A including conversion coating (Line 8), conversion gold (Line 7), Silver plating (Line 6), cleaning line (Line 5) among other lines (Photos 44-71). MPD was storing multiple containers near these plating lines including:

Waste Description (Photo number)	Container Type and Size	EPA Waste Code	Indication of Hazard
Waste Acetic, Nitric, Hydrochloric acid (Photos 45-47) This container was open.	55-gallon poly blue	D001, D002	Yes Corrosive
Waste Copper Cyanide solution (Photos 48-50). Indication of hazard labels were peeling off. Does not appear to meet F001 definition.	55-gallon poly blue	F001	Yes Corrosive Toxic
Sodium Cyanide Solution with Gold/Silver (Photos 51-52)	55-gallon poly blue	D002	Yes Corrosive Acute Toxicity
Waste Corrosive Solid, nitric acid, silver, Enstrip 92 (Photos 53-55) Container was incorrectly labeled and there was no indication of the hazard. Re-labeled as Alchrome Solid.	40-gallon Fiber	D002	No Corrosive
Waste Corrosive Nickel (Photos 56-57) There was no indication of the hazard for Corrosive.	55-gallon poly blue	D002	No
Waste Sodium Cyanide Solutions (Photos 58-59) There was no indication of the hazard for reactive. This label was faded.	55-gallon metal blue	D003	No
Waste Corrosive Liquid Nitric acid, silver & Enstrip 92 (Photos 60-63). This container was open.	55-gallon poly blue	D002	Yes Corrosive
Ammonium Hydroxide Solution (Photos 64-66) This container was open.	55-gallon poly black	D003	Yes
Sodium Cyanide Waste, Potassium Ferricyanide, KCN (Photos 67-68)	55-gallon poly blue	D002	Yes
Waste Cyanide PPE (Photo 69)	30-gallon Fiber	F007	Yes Toxic

To summarize the container management observations above, the inspection team noted three SAA containers that were open, and three SAA containers that did not have the correct indication of the hazards. Additionally, the inspection team noted the posted information was out of date because it listed the former EHS supervisor (Photo 70). In the plating department storage room, the inspection team noted multiple containers some of them compromised and materials scattered on the floor (Photo 71). It was unknown if these scattered materials would have been hazardous

waste or not. MPD should clean up the spills of material and determine appropriate waste disposition. This was an area of concern for the inspection team.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers (i) with the words “Hazardous Waste” and (ii) with an indication of the hazards of the contents.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.16(b)(9)(ii)], which is a condition of the SQG Permit Exemption, for those areas of the generator facility where hazardous waste is generated and accumulated: (ii) The small quantity generator must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste: (A) The name and emergency telephone number of the emergency coordinator; (B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and (C) The telephone number of the fire department, unless the facility has a direct alarm.

Pursuant to 401 KAR 39:080 Section 1(1) [40 CFR 262.16(b)(8)(i)], a small quantity generator must maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

MPD was operating two blast media machines, one wet and one dry (Photos 72-73). The waste generated from these operations was collected in a small container beside the machine (Photo 74) and in an adjacent baghouse with a 30-gallon container and 5-gallon container (Photo 75). MPD had not made a waste determination on these blast media wastes. Additionally, the inspection team noted that fire extinguisher had not been tested since 2/2020, over a year, in this area (Photo 76).

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.11], a person who generates a solids waste as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.16(b)(8)(iii)], which is a condition of the SQG Permit Exemption, all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

- Prep Lab

MPD conducts testing in portions of the Prep Lab. Below is a list of containers noted in this room:

Waste Description (Photo number)	Container Type and Size	EPA Waste Code	Indication of Hazard
Waste Flammable Liquids (Tungsten and Acetone) (Photos 77-78)	55-gallon metal black	D001	Yes Flammable
Waste Flammable Liquid (Butyl Acetate and Nitrocellulose) (Photos 79-80)	55-gallon poly blue	D001	Yes Flammable
Metalizing Waste and Acetone (Photos 81-82)	55-gallon poly blue	D001	Yes Flammable
Waste Flammable Liquid. This container was storing solids. (Photos 83-84). There was no indication of the hazard for Flammable Solid.	55-gallon fiber	D001	No
Flammable liquid waste (on hazardous waste label) This container on hold pending analysis and had a green tag that read “MT Chemical Prep 9/9/2015 CN”. (Photos 85-86) There was no indication of the hazard. This container was no longer at the point of generation.	5-gallon poly red flip top	None listed	No
Flammable liquid waste (hazardous waste) This container on hold pending analysis). There was no indication of the hazard. Dated 9/9/2015. (Photos 87-88). This container was no longer at the point of generation.	5-gallon metal red flip top	None Listed	No
“Unknown contents liquid 9/9/15”. (Photos 87 and 89). This container was no longer at the point of generation.	5-gallon metal red flip top	None Listed	No
Unknown contents dated 9/9/15. (Photo 90). This container was no longer at the point of generation.	5-gallon metal red flip top	None Listed	No
Unknown contents labeled as Carbitol Acetate (Photo 91).	5-gallon metal	None Listed	No
Trash cans collecting hazardous waste solids (Photos 92-95).	2 x 10-gallon 1 x 20-gallon containers	None Listed	No

In summary there were three 5-gallon containers of unknown wastes or wastes without hazardous waste determinations and two containers without an indication of the hazard and not at

the point of generation due to facility representatives stating that these wastes were no longer generated. These containers should be moved to the CAA and dated the date they became discarded. The waste in the trash cans was identified as hazardous waste solids. However, they were not labeled as hazardous waste or with an indication of the hazard and were open. The emergency signage for contacts in this area has outdated information (Photo 96).

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.11], a person who generates a solids waste as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)], a generator may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status, as required by KRS 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with 401 KAR 39:080 Section 1 [40 C.F.R. § 262.16(b) or § 262.17(a)], except as required in 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)].

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers (i) with the words “Hazardous Waste” and (ii) with an indication of the hazards of the contents.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.16(b)(9)(ii)], which is a condition of the SQG Permit Exemption, for those areas of the generator facility where hazardous waste is generated and accumulated: (ii) The small quantity generator must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste: (A) The name and emergency telephone number of the emergency coordinator; (B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and (C) The telephone number of the fire department, unless the facility has a direct alarm.

- Plumbers Shop

MPD was operating a dry media blast machine in this area. MPD had not made a hazardous waste determination for the waste generated in this operation (Photo 97). The inspection team noted two fire extinguishers with test dates of 2011 and 2/2020 respectively (Photos 98-99). These fire extinguishers did not appear to be tested regularly. MPD was accumulating aerosol

cans in a 5-gallon plastic universal waste container dated 6/18/2021 (Photo 100). The inspection team noted multiple aerosol cans that were not containerized (Photos 101-102). The inspection team noted a spent battery accumulation segregated by type including lithium batteries, alkaline batteries, rechargeable batteries, stainless steel, aluminum, electronic scrap, and spent cylinders (Photo 103). The universal waste lithium batteries and rechargeable batteries were not labeled as universal waste. Facility representatives stated that the most recent shipment was within the last year and they used that method to track how long these wastes were being accumulated.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.11], a person who generates a solids waste as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.16(b)(8)(iii)], which is a condition of the SQG Permit Exemption, all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

Pursuant 401 KAR 39:080 Section 3(1) [40 C.F.R. § 273.13(e)], a SQHUW must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows (1) Universal waste aerosol cans must be accumulated in a container that is structurally sound, compatible with the contents of the aerosol cans, lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and is protected from sources of heat.

Pursuant to 401 KAR 39:080 Section 3(1) [40 C.F.R. § 273.14(a)], a SQHUW must label or mark universal waste batteries (*i.e.*, each battery), or a 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).”

- Chemical Prep/Powder Room and the Ceramics Room

The inspection team inspected the Chemical Prep/Powder room where varying formulations of barium waste are generated in fiber containers (Photos 104-110). These containers were in good condition, labeled, and closed. The inspection team noted a fire extinguisher in the Powder Room that exceeded one year for testing (Photos 111-112). MPD was accumulating Barium Carbonate in a 55-gallon fiber SAA container, one 55-gallon white container of non-hazard dye waste, and one 55-gallon black poly non-hazardous container in the Ceramics Room which were in good condition, labeled, and closed (Photos 113-118).

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.16(b)(8)(iii)], which is a condition of the SQG Permit Exemption, all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

- 3rd Floor Grid Room

The inspection team noted two black, metal 55-gallon hazardous waste containers and two red, metal 5-gallon containers (Photos 119-120) of sodium cyanide solids and ammonium waste solids. Under the safety hood in this area, the inspection team noted one silver, metal 5-gallon container storing ammonia hydroxide (Photos 121-122). Adjacent to the safety hood, MPD was accumulating waste on two portable carts. On the carts, the inspection team noted four silver, metal 5-gallon containers accumulating waste methanol/IPA/acetone/amyl, waste cyanide etchant, and two containers of cyanide rinse water waste (Photos 123-128). MPD was also accumulating waste copper oxide in a red 5-gallon metal container in this area (Photos 129-130). All these containers were in good condition, labeled, and closed. The inspection team noted a fire extinguisher that was last recharged in September 2020 (Photo 131).

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.16(b)(8)(iii)], which is a condition of the SQG Permit Exemption, all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

- Magnetron Waste Grid Storage

MPD was storing waste in five SAA containers in the Magnetron waste grid storage area.

Waste Description (Photo number)	Container Type and Size	EPA Waste Code	Indication of Hazard
Ammonia Solution Waste with an attached black and red funnel (Photos 132-136). This container was open.	55-gallon Blue	D002	Yes Corrosive
Sodium Cyanide Waste Solution (Photos 137-140)	55-gallon Blue Poly	F001 (corrected to F007)	Yes Corrosive
Sodium Cyanide & Methanol Waste Solution (Photos 141-143)	55-gallon Blue Poly	F001 (corrected to F007)	Yes Corrosive
(IPA/Acetone/Methanol/Amyl Acetate) (Photos 144-145)	55-gallon Blue Poly	D001	Yes Flammable Liquid
Waste Flammable Liquid (Photo 146). There was no indication of the hazard on this container.	5-gallon Red Metal	D001	No Flammable Liquid

In summary, the inspection team noted two containers that were labeled with incorrect EPA waste codes. This was an area of concern for the inspection team. There was one container that was open and one container that was not labeled with an indication of the hazard. One label was

hard to read due to waste spills that had smeared the ink on the hazardous waste label (Photo 145).

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers (ii) with an indication of the hazards of the contents.

- Grid Room

The inspection team noted two media blast machines in the Grid Room (Photos 147-148). MPD had not conducted a hazardous waste determination of the waste generated in this process.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.11], a person who generates a solids waste as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste.

- 4th Floor Building 6 Planer Department

The inspection team noted one 5-gallon black container of used oil and two 5-gallon red metal cans with red foot-levers accumulating soiled towels and green unknown solids (Photos 149-153). These containers were labeled with Flammable Solids indicators of hazards and the words “Dirty red towels” but were not labeled as hazardous wastes. MPD must make hazardous waste determinations for these wastes.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.11], a person who generates a solids waste as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste.

- 5th Floor FIC Area

MPD was accumulating waste methanol/amyl/IPA in a 5-gallon black, metal container in a flammable cabinet (Photos 154-155). This container was labeled, closed, and in good condition.

- 1st Floor - Building 8

MPD was storing e-scrap and spent compressed gas cylinders in open 55-gallon containers (Photos 156-160). Facility personnel did not know how empty cans of compressed gas were

being managed or if they were considered hazardous waste or not. Also, the inspection team noted two fire extinguishers that were out of date (Photos 161-162).

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.11], a person who generates a solids waste as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.16(b)(8)(iii)], which is a condition of the SQG Permit Exemption, all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.

- 3rd Floor - Building 8

MPD had generated twelve 5-gallon metal containers of lead solder scrap from manufacturing operations on the 3rd Floor of Building 8 by periodic regular cleaning out of a machine (Photos 163-167). MPD had not conducted a hazardous waste determination on this waste stream.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.11], a person who generates a solids waste as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste.

- Building 6 Maintenance Paint Stockroom

The inspection team noted multiple containers of paint in the maintenance stockroom. Some of the cans appeared to be rusted or discarded (Photos 168-172). Due to the poor condition of many of the cans, the inspection team asked the facility to provide an inventory of this stockroom. The inspection team asked for documentation of materials that are still in good condition and if there is waste, a hazardous waste determination to be conducted.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.11], a person who generates a solids waste as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste.

- Records

The inspection team reviewed multiple records at the facility including manifests, inspections, training records, waste minimization report, annual notification of hazardous waste activity, and waste determinations.

MPD was not maintaining records of hazardous waste generation by month to demonstrate their generator status.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.13(a)], a generator who either generates acute hazardous waste or non-acute hazardous waste in a calendar month shall determine its generator category for that month.

MPD was not operating their facility consistent with the submitted registration and did not include multiple streams in their registration or modify and resubmit the form to the cabinet. These waste streams included broken fluorescent lamp, F003 solid waste from manifest 6683411GBF, nitrating acid (F009, D002) from manifest 015143359FLE, waste paint related material, and multiple unknown wastes which may be potentially hazardous, identified during the inspection.

Pursuant to 401 KAR 39:080 Section 1(5)(a-b), hazardous waste generation and on-site management of hazardous waste shall be consistent with the registration submitted pursuant to subsection (2) of this section and if any information submitted in accordance with subsection (2) of this section changes, the generator shall modify and resubmit the form that includes the changes to the cabinet no later than thirty (30) days following the change.

MPD was unable to demonstrate that copies of the annual report were submitted to the Daviess County Judge Executive.

Pursuant to 401 KAR 39:080 Section 1(8)(b), each generator, except for very small quantity generators, shall submit a copy of the Hazardous Waste Annual Report (DWM 7072A) established in paragraph (a) of this subsection as established in KRS 224.46-510(1)(h).

MPD was not able to document that emergency arrangements with local police, fire, hospitals, and other emergency response teams.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.16(b)(8)(vi)], which is a condition of the SQG Permit Exemption, each small quantity generator must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if it is determined to be the appropriate organization with which to make arrangements.

MPD failed to file an exception report for following manifests:

Manifest number	Date
006304965GBF	7/11/2019
014701758FLE	9/28/2020
015143567FLE	3/10/2021

The facility representative was unable to locate the return copy during the inspection.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.42(b)], a generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA Regional Administrator for the Region in which the generator is located.

12) **Closing Conference**

The inspectors conducted the exit meeting at approximately 3:00 pm with Ben Spurrier. During this meeting, the inspectors stated their preliminary conclusions of the inspection. MPD Inc. agreed to provide an inventory of the paint room by December 15, 2021. These records have not been provided as of the issuance of this inspection report.

13) **Inspection Findings**

Based on the observations made during the inspection, MPD Inc. was apparently deficient with the following RCRA requirements:

- Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.11], a person who generates a solids waste as defined in 40 C.F.R. § 261.2, must determine if that waste is a hazardous waste.
- Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.13(a)], a generator who either generates acute hazardous waste or non-acute hazardous waste in a calendar month shall determine its generator category for that month.
- Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.
- Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers (i) with the words “Hazardous Waste” and (ii) with an indication of the hazards of the contents.
- Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.16(b)(8)(iii)], which is a condition of the SQG Permit Exemption, a generator is required to test and maintain all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, as necessary to assure its proper operation in time of emergency.

- Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.16(b)(8)(vi)], which is a condition of the SQG Permit Exemption, each small quantity generator must attempt to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility. Arrangements may be made with the Local Emergency Planning Committee, if it is determined to be the appropriate organization with which to make arrangements.
- Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.16(b)(9)(ii)], which is a condition of the SQG Permit Exemption, for those areas of the generator facility where hazardous waste is generated and accumulated: (ii) The small quantity generator must post the following information next to telephones or in areas directly involved in the generation and accumulation of hazardous waste: (A) The name and emergency telephone number of the emergency coordinator; (B) Location of fire extinguishers and spill control material, and, if present, fire alarm; and (C) The telephone number of the fire department, unless the facility has a direct alarm.
- Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.42(b)], a generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA Regional Administrator for the Region in which the generator is located.
- Pursuant 401 KAR 39:080 Section 3(1) [40 C.F.R. § 273.13(d)], a SQHUW must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment.
- Pursuant 401 KAR 39:080 Section 3(1) [40 C.F.R. § 273.13(e)], a SQHUW must manage universal waste aerosol cans in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows (1) Universal waste aerosol cans must be accumulated in a container that is structurally sound, compatible with the contents of the aerosol cans, lacks evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions, and is protected from sources of heat.
- Pursuant to 401 KAR 39:080 Section 3(1) [40 C.F.R. § 273.14(a)], a SQHUW must label or mark universal waste batteries (*i.e.*, each battery), or a 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).”

- Pursuant to 401 KAR 39:080 Section 3(1) [40 C.F.R. § 273.14(e)], a SQHUW must label or mark each lamp or container of lamps clearly with one of the following phrases: “Universal Waste-Lamp(s),” or “Waste Lamp(s),” or “Used Lamps.”
- Pursuant to 401 KAR 39:080 Section 3(1) [40 C.F.R. § 273.14(f)], a SQHUW must label or mark universal waste aerosol cans (*i.e.*, each aerosol can), or a container in which the aerosol cans are contained, clearly with any of the following phrases: “Universal Waste - Aerosol Can(s),” “Waste Aerosol Can(s),” or “Used Aerosol Can(s).”
- Pursuant to 401 KAR 39:080 Section 3(1) [40 C.F.R. § 273.15(c)], a SQHUW who accumulated universal waste must be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.
- Pursuant to 401 KAR 39:080 Section 1(5)(a-b), hazardous waste generation and on-site management of hazardous waste shall be consistent with the registration submitted pursuant to subsection (2) of this section and if any information submitted in accordance with subsection (2) of this section changes, the generator shall modify and resubmit the form that includes the changes to the cabinet no later than thirty (30) days following the change.
- Pursuant to 401 KAR 39:080 Section 1(8)(b), each generator, except for very small quantity generators, shall submit a copy of the Hazardous Waste Annual Report (DWM 7072A) established in paragraph (a) of this subsection as established in KRS 224.46-510(1)(h).
- Pursuant to 401 KAR 39:080 Section 3(3) universal waste lamps that are broken, disassembled, crushed, or otherwise damaged, intentionally or unintentionally, must be managed as hazardous waste.

14) List of Appendices

Appendix 1 – Photo Log:

172 Photos taken on: November 29-30, 2021

Photos taken by: Alan Newman, EPA

Photos taken with: Panasonic DMC TS-20 Digital Camera

EPA Property Tag: S75870

And Curtis Scott, KDEP on iPhone

15) **Signed**

Alan Newman
Environmental Engineer

Date

Concurrence

Araceli B. Chavez
Chief
RCRA Enforcement Section

Date