

THATCHER CO OF NEW YORK INSPECTION REPORT

Inspection Date(s):	4 June & 11-12 July 2024	Inspection Announced: No (Follow-up: Yes)
Facility or Site Name:	Thatcher Company of New York	
Facility/Site Physical Location:	4135 NY Route 104	
(city, state, zip code)	Williamson, NY 14589	
Mailing address (if different from above):	Same	
Corporate HQ	1905 Fortune Road Salt Lake City, UT 84104 (800) 348-0034	
Facility/Site Contacts:	Fabian R. Taylor, Plant Manager Fabian.Taylor@tchem.com (315) 589-9330	taylor.fab@gmail.com (315) 584-3275 (personal cell)
	Adam Reask, Project Manager Sun Environmental Corp. (585) 261-2563 AdamR@sunenc.com https://sunenvironmentalcorp.com/	 
Website:	https://tchem.com/	
RCRA ID Number:	NYD986994895	
Latitude, Longitude:	43.233837138528585, -77.18464536714114	
Facility/Site Personnel/Contractors Participating in Inspections:		
Fabian Taylor	Both inspections	
Adam Reask	July inspection, only	
Dave Denisi	Laboratory/Industrial QA Manager	732-299-2664 RGiannon@sftp.com www.linkedin.com/in/dave-denisi-a040529b/
	Both inspections	
Shane Brunson	VP of Operations, Thatcher HQ July inspection, only	Shane.Brunson@tchem.com
Facility/Site Personnel/Contractors Participating in Post-Inspection:		
Dan Noll, PE	Senior Environmental Engineer LaBella Associates https://www.labellapc.com/services/environmental-consulting/	(585) 295-6611 (585) 301-8458 dnoll@labellapc.com
Inspector(s):		
Carl F. Plössl	US EPA, Enforcement Officer/Engineer	Plossl.Carl@epa.gov (212) 637-4088
Additional Inspection Report Elements:	Photos, Emergency Plan, selected manifests and waste analysis plans	

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Inspection Report Author:		
Carl F. Plössl	Plossl, Carl Digitally signed by Plossl, Carl Date: 2024.08.16 17:46:59 -04'00'	
Team Leader		
Leonard Grossman	LEONARD GROSSMAN Digitally signed by LEONARD GROSSMAN Date: 2024.08.16 17:52:47 -04'00'	

SECTION I – INTRODUCTION

Purpose of the Inspection Objective

A Compliance Evaluation Inspection (CEI) was conducted to determine the facility's compliance with the Resource Conservation and Recovery Act (RCRA) requirements for hazardous waste management.

Background

The facility has never been previously inspected for RCRA compliance. The facility has had a notification history as a Very Small quantity generator (only notification on 10 August 2023). During the July Inspection, facility renotified as an LQG (12 July 2024). A review of the EPA and State databases found no Thatcher hazardous waste manifests (Facility lab waste manifests listed the facility ID as CESQG and were not tracked in the databases). The facility never filed Biannual Reports. The facility was never inspected under the Clean Air or Water Acts. The facility is not in an environmental justice area.

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Notification History:

Dat...	Q	Source	Status	Q
7/12/24		Notification	LQG	
8/10/23		Notification	VSQG	
1/1/07		Implementer	-	
1/1/06		Implementer	-	
3/5/92		Implementer	-	

Facility Name: Thatcher Co of NY
 4135 Rte 104, Williamson, NY 14589
County: Wayne
FRS: 110000327806
Inspection Required?: no
Reason Required: N/A
Gen. Status calculated by EPA:
Generator Status in RCRAInfo: VSQG
TSDF?: no
Most Recent RCRA Inspection: 6/4/2024
Last EPA Inspection: 6/4/2024
Last State Inspection:
Last Record Review:
Federal Facility?: no
Federal Agency Name:
Is the facility a LQG, but did not submit a Biennial Report?: no
LQG not inspected in the past 5 years?: no
Most recent activity (enf action or inspection) was an informal EA?: no
Hot Spot Class:
Flood Risk: none
RSEI Score: 1014.1189954574
NAICS: 325180 Other Basic Inorganic Chemical Manufacturing
In EJ area: no
CAA Permit Types:
Last EPA formal EA?:
Last EPA informal EA :
Last state formal EA:
Last state informal EA :
Last CAA inspection:
Last CWA inspection:
Last Notification: 8/10/2023
Financial Assurance Required?: no

Opening Conference: 4 June 2024

I, EPA Region 2 RCRA inspector Plössl, arrived at the parking lot) at ~11:14 am for an unannounced inspection of the facility. I met the Plant Manager Fabian Taylor in the parking lot where I announced and identified myself (see **Facility/Site Personnel Participating in Inspection**). Mr. Taylor was familiar the nature of federal and state compliance inspections and, to a lesser extent, those conducted pursuant to RCRA federal and state hazardous waste regulations. We discussed the facility's past and current operations, material/chemical usage, waste storage management and disposal practices, and the nature of RCRA inspections. Mr. Taylor contacted his environmental contactor, Sun Environmental, to request some records. Sun Environmental was off site for training on the day of the inspection.

We then began an extensive walk through and inspection of the facility, covering plant operations, material storage, and both indoor and outdoor waste identification and management areas.

Opening Conference: 11 June 2024

I, EPA Region 2 RCRA inspector Plössl, arrived at the parking lot) at ~9:39 am for an announced inspection of the facility. I met with the Plant Manager Fabian Taylor and the consultant Adam Reask. I announced and identified myself (see **Facility/Site Personnel Participating in Inspection**). Mr. Taylor contacted a corporate VP, Mr. Shane Brunson, on the phone and conferenced him in. All were familiar the nature of federal and state compliance inspections and those conducted pursuant to RCRA federal and state hazardous waste regulations. We discussed the facility's actions regarding waste management since my June Inspection, needed additional records, other contractor/consulting support (LaBelle Associates), and progress toward meeting LQG requirements.

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Messrs. Taylor and Reask and I then began an extensive walk through and inspection of the facility, briefly covering plant operations and material storage, and concentrating on documenting the facility's changes in waste storage, and both indoor and outdoor waste identification and management areas and practices.

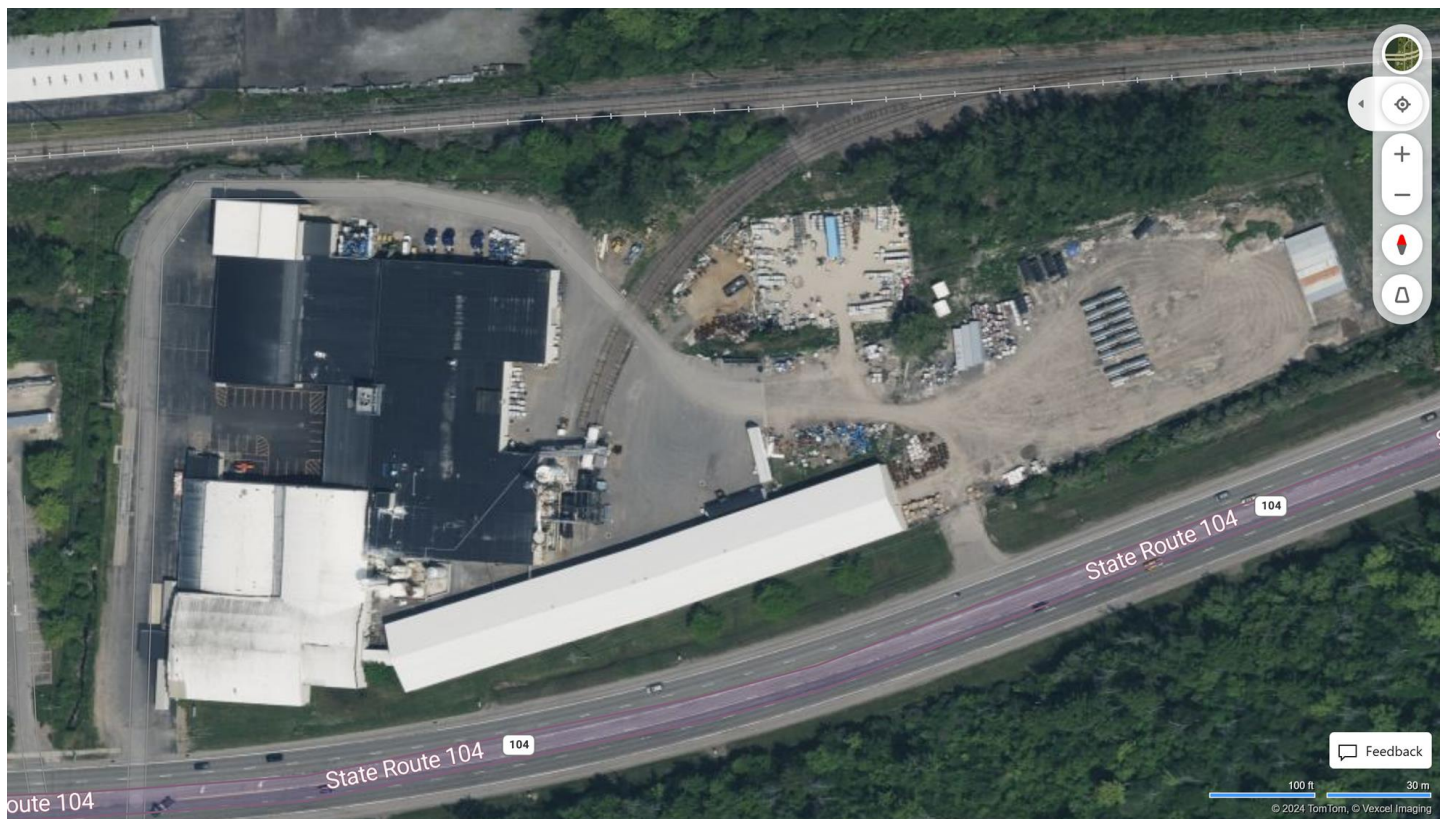
Facility/Site Description

General

Per: <https://www.bloomberg.com/profile/company/0416400D:US?embedded-checkout=true>

Thatcher Company of New York, Inc. manufactures and distributes diversified chemicals. The Company offers wide range of solutions for agricultural, water treatment, mining, construction, laundry, pharmaceutical, power generation, and food industries. Thatcher Company of New York serves customers in the United States.

The facility consists of some 15,000-m² of offices, plant, and storage with both roadway and rail access.



<https://www.bing.com/maps?osid=00a61972-1f42-43dc-9bac-d22d1986aeb5&cp=43.233806~-77.18267&lvl=18.400814&style=h&pi=0&v=2&sV=2&form=S00027>

Operations are divided into distinct sections of the facility, designated as Areas A-R. Exterior operations include rail and tractor trailer loading and storage and waste storage and management areas.

See also Appendix 1: Further Thatcher Co of New York Background

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According to the Plant Manager Taylor (4 June 2024):

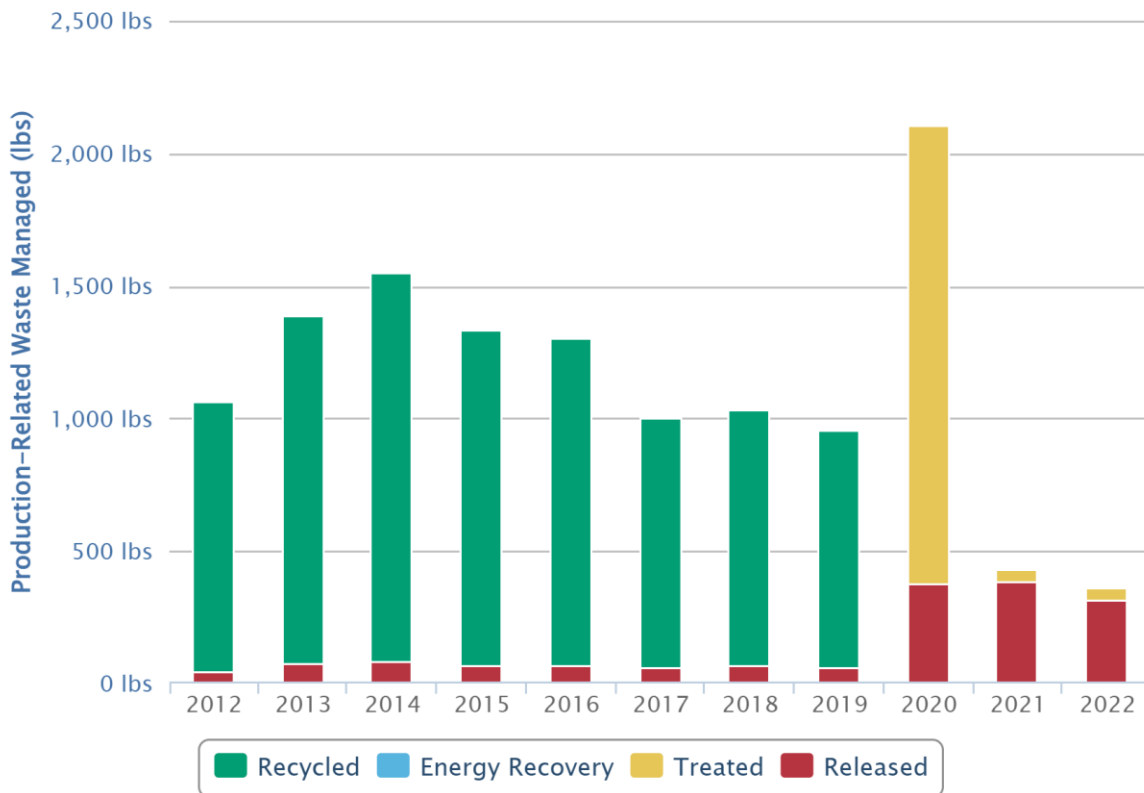
- General
 - Mr. Taylor took over as Plant Manager in April 2022. Mr. Taylor began working at the facility in or around May 2021 as the Plant Engineer & Maintenance Manager. His previous job experience is as an engineer and maintenance manager.
 - The previous Plant Manager, Christopher Pavelic, was dismissed in the aftermath of the March 2022 fire.
 - The 2022 fire:
 - Started in Areas F and V (G?), which served as a conduit between Areas O and A.
 - Area is now a parking lot.
 - Office and laboratory spaces were destroyed.
 - Facility has been operating as a chemical plant for approximately 35 years.
 - Facility previously housed Seneca Foods (closed in 1988).
 - This facility joins 13 other Thatcher locations and employs around 30 mostly Wayne County residents.
- Plant operation chemicals:

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- Nitric acid, 68%, delivered via railcars, is stored in two 20,000-gal tanks and used in production (see figure below).
- Iodine was previously a process feedstock, now gone from facility.
- Most common offsite shipment of product: WWT surfactants via tanker trucks
- Hydrogen peroxide, 34%, 17,000-gal tank
- See Attachment 3: *Tier 2 Online Submission Report*.

Management of Nitric acid at Facility THATCHER CO OF NEW YORK



- Waste generation/management:
 - In the past, waste and product were commingled (storage).
 - Since April 2022, waste began being separated for storage and management from product (separation process continues).
 - Sun Environmental estimated costs: ~\$3.4 million
 - Other than some laboratory wastes, no hazardous waste has been manifested from facility.
 - Non-haz waste manifests were available, but not yet organized
 - Process filter cakes are disposed at the Steuben Co MSWLF as non-hazardous (<https://www.steubencountyny.gov/323/Solid-Waste-Recycling/>).
 - Calcium nitrate, calcium nitrite, ferrous sulfate, and aluminum sulfate
 - Facility lab does sampling and hazardous determination
 - Wastewater discharges to the Williamson Wastewater Treatment Plant include industrial wastewaters (<https://town.williamson.ny.us/water-utilities/>).
 - Permit work in in process.

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- Two onsite WWT tanks, one in use.
- Wastewater treated for turbidity and pH.
- Planned discharge at 9-gpm to sewer.
- Sample collected for town POTW every week.
- WWT process regularly inspected by Town of Williamson.
- Heavy rainfalls result in some untreated discharges.
- Other hazardous waste generation
 - Universal wastes, including spent fluorescent lamps: no information (will check with Sun Environmental)
 - Lab wastes, at some 100-lbs/6-months
 - D022 (chloroform)
 - D011 (silver nitrate and aluminum thiocyanate)
 - D007 (chromium)

According to the Plant Manager Taylor and Sun Environmental Consultant Reask (11 July 2024):

- LaBella Associates is providing the facility with LQG consultancy work in meeting LQG requirements.
- Areas D and E and outside lot (waste pad) now used for bulk waste storage, analysis, treatment, and staging prior to disposal.
- The northern corner of the western side of warehouse/Area D houses the waste determination “Quarantine” location for materials for which possible use/reuse has yet to be decided. A 30-day period is used to decide whether or not each material is a waste, after consultation with Thatcher HQ. Barring a determination of continued use as a product, materials are determined to be wastes and are slated to be moved to the waste/HW storage areas (D, E, and waste pad).
- Two past facility practices lead to current waste storage/management issues:
 - 1) bulk wastes, including hazardous wastes, were not managed as hazardous or properly disposed. Rather, they were stored.
 - 2) many commercial chemical products were obtained and stored without a plan for use, proper management, and timely waste determination and disposal.
- Area M was the principal storage area for the thousands of containers now being stored and processed in the new waste/HW storage areas. (see Area M in Photo Albums)
- No shipments of hazardous waste, except lab hazardous wastes, as facility is awaiting LQG work.
- On site WWT is predominantly chemical treatment with soda ash or lime (pH adjustment).
- Sumps are cleaned out every 2-3 months by T&R Environmental, who also power wash the drains annually and manage and dispose of WWT tank bottoms.
- No HW contingency plan (Emergency Plan Attached).
- Waste from flood event in WWT area, Area P, observed during June Inspection, was moved by Sun to Area E for staging and disposal.
 - WWT tank overflow was wet-vac’ed by Sun and managed as potentially hazardous in totes
- Additional facility employee engaged in EH&S work: Madison McClelland.
- Plant operation chemicals:
 - Hydrogen peroxide, 50%, in substantial use (Tier 2 Report) in the past. 34% observed in storage (change in last year from 50% concentration).

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- Other hazardous waste generation
 - Most waste chemicals are caustics (D002), acids (D002), reactives (D003), and ignitables (D001). Also, a limited amount of alcohols.
 - Most common waste chemical determined to be hazardous has been ammonia compounds.
 - Until now, HW management, including incompatibles segregation, has been limited by available space. Sun plans to address this issue shortly.
 - Spent fluorescent lamps, now being managed by Sun Environmental.
 - Facility in process of converting to LED.
 - In the past, prior to Sun's presence on site, fluorescent lamps were not managed as hazardous or universal wastes.
 - Spent high intensity lamps (many, but not all, are older LED)
 - Old paints, spent cleaning and painting solvents, paint filters
 - Spent aerosol cans
 - Spent lead acid, NiCd, and lithium batteries (in Maintenance Shop - Area O)
- Other regulated wastes
 - Used oil (Maintenance Shop - Area O). Post inspection email: "Featherly's Garage recycles it as a source of heat." Regular disposal through Solvents & Petroleum, Syracuse, NY - <https://www.solventsandpetroleum.com/>
 - Parts washers (no available haz waste determination) (in Maintenance Shop - Area O)
 - 16-gal/3-months
 - 140-142 PW Stoddard's solvent

SECTION II – OBSERVATIONS

The accompanying *THATCHER COMPANY, INC EPA Inspection Photo Album.pptx* and *THATCHER COMPANY, INC EPA Inspection Photo Album Volume 2 - 11July2024.pptx* documents are the complete set of inspection observations made during the facility walkthroughs.

June 2024 Walk-thru

- Scale Room
- Area A
 - Food and dairy raw material storage
 - Facility laboratory
 - HW shipped out on a 180-day cycle with Clean Harbor
- Area B
 - Chemical storage, shipment staging, locker room, and break room
 - Four, 55-gal full blue poly drums, labels included "organic peroxide," dust/dirt accumulation on lids, said by Mr. Taylor to belong in storage elsewhere and "were not here yesterday."
 - Included two drums of Bioside:
 - Product Name: Bioside HS 15% EPA Registration Number: 63838-2
 - pH: <1 (1:10), Reactive with bases, metals, reducing agents and combustible materials.
 - Chemical predates current facility staff
 - Per QA Manager Denisi: Old product, maybe 4-5 years old

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- Area C
 - Finished product awaiting QC
- Areas D&E (contiguous)
 - Finished goods and raw material storage
 - East half of E: location of Sun's "environmental removal process," *i.e.*, waste/HW management
 - Currently pulling usable raw materials and product out of E to create space for Sun's work
 - Super sacks of sodium thiocyanate stacked 2-4 high and 3-6 deep, 1-tonne each
 - NIOSH IDLH TWA: 5 mg/m³ IDLH: 25 mg/m³
 - Incompatible Materials: Strong oxidizing agents, Acids, Strong base
 - Totes (~2,500-lbs each when full) of corrosive (sodium hydroxide) stacked up to 3 high. Totes are 1,000-L polymer, cubical containers, typically with supporting metal cage (see Appendix 3).
 - Dirty/old containers will be moved to Area M by Sun (likely incorrect as M waste containers will be moved to a cleared-out Area D&E by July Inspection).
 - East half of E is one of the Sun waste management areas.
 - In waste chemical area, 55-gal drums of aluminum nitrate stored abutting CL-100 corrosives and undetermined chemicals
 - Incompatible Materials: Moisture. Water, moist air, strong reducing agents, powdered metals, and strong acids.
 - CL-100
 - pH 12.0-13.0
 - Incompatibles: Strong acids and oxidizers
 - HW labeled 55-gal drums of sodium hydrosulfide
 - Incompatible materials: Strong oxidizing agents, Strong oxidizing agents, Do not store near acids, Zinc, Aluminum, Copper, and its alloys
 - Forms explosive mixtures with air on intense heating. A range from approx. 15 Kelvin to below the flash point is to be rated as critical.
- Area F
 - Storage of materials most used in main production areas and displaced materials.
- Area G
 - Production area.
 - Floor drains in this, and other areas flow to Areas N & S wastewater tanks. Drain system includes sumps which are periodically, every 2-3 months, have the accumulated sludge pumped out by T&R Environmental.
 - Waste filter cakes
- Area F
- Area H
 - Storage tanks, nine ~33,000-gal tanks
- Area K
 - New nitric acid tank, 20,000-gal each
 - Lime silo
- Area J
 - Boiler room

... and comply in accordance with local, state, and federal regulations.

3. COMPOSITION/INFORMATION ON INGREDIENTS		
Chemical Name	CAS #	Weight %
Sodium nitrite	7632-00-0	10-20
Sodium hydroxide	1310-73-2	<2
Non-hazardous substances	Proprietary	>80

CL-100

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- Area I
 - Truck loading
 - Truck wash station
- Area L
 - Outside tank chemical storage
 - Aluminum sulfate tanks
 - Sulfuric acid, 93%, tank
- Outside beyond Area L, concrete pad
 - Scrap metal
 - Waste materials
 - Sun Environmental exterior waste management area
- Sun Environmental exterior waste management area
 - Various drums of note (many not listed)
 - Hydrofluorosilicic acid (pH 1.5-2.0 @25%)
 - 20-30 totes already disposed
 - Reactivity: Reacts with metals to form flammable hydrogen gas.
 - Decomposition: Thermal decomposition yields hydrogen silica tetrafluoride and hydrogen fluoride gas.
 - Incompatibility: Metals, glass, stoneware, alkali, strong concentrated acids.
 - Wrapped drums of sodium aluminate, 39%.
 - Corrosive, pH of >1% solutions will range from 11.5-14
 - May react violently with acids
 - 16+ rusting steel, 55-gal drums of undetermined chemical waste
 - Bucket of E wastes next to containers of nitric acid (plus rinse) and Acid Cleaner 30 (blended acid)
 - Various totes (~2,400-lbs each when full) of note (many not listed)
 - Waste 126+ Concentrate totes
 - Acidic surfactant
 - Excel Final Oxy II
 - Human carcinogen
 - Corrosive/toxic
 - Sodium Hydroxide 50% Membrane Grade
 - Corrosive, pH 14
 - Incompatible Materials: Acids, organic materials, chlorinated solvents, aluminum, phosphorus, zinc, tin.
 - Sodium nitrate contaminated with calcium nitrate
 - Oxidizer, toxic
 - Long list of possible explosive reactions with, including acids, metals
 - Glacial acetic acid
 - Flammable (FP 39 °C (102 °F) - closed cup), corrosive
 - Risk of explosion with: long list, including metals and hydrogen peroxide
 - Odophos premix totes, ~20, stacked two high
 - 6.31% free acid, 3.47% ferrous, 6.79% ferric acid
- Outside Area M:



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- Tote of waste chemical rinsate awaiting relocation to concrete pad
- Area M:
 - 2 roll-offs with filter cake waste
 - Tote labeled as Hydrogen peroxide, 50%, with hand-written "RINSE"
 - Aluminum sulfate production
 - Sodium thiosulfate to be reused in process (mostly summer contracts)
- Area G (again):
 - Stacks of empty totes that contained Ultra LFA (corrosive)
 - Nitric acid-based product that is non-corrosive to stainless steel
 - Open containers of spill clean-up
 - Relocated organic peroxide drums from earlier
 - Oxidizer, corrosive
- Area N
 - Storage.
 - Spent fluorescent lamps and ballast fixtures
 - Chemicals in sacks and totes
- Area O
 - Maintenance and Machine Shop.
 - Used oil area.
- Area P
 - WWT tank, unidentified waste, and discarded piping storage, some sitting in wastewater.
 - Flooded when WWT tank overflowed for second time this week.
- Area R
 - Garage area
- Area S
 - Outdoor waste chemical totes, mostly unidentified, awaiting Sun Enviro management
 - Stacked two and three high, some 50-60 totes (14-17,000-gal)
 - Moved from the old waste storage, Area M.
- Area M
 - Old waste storage. Totes being relocated to S, then D, E, or outside concrete pad. Many totes have not had contents identified.
 - Counted 64 totes (~18,000-gal), plus various drums
 - Significant spill residue and leaking/failed containment totes were clearly visible.

July 2024 Walk-thru

- Area O
 - Maintenance.
 - Flammables cabinet:
 - 1 old ~5-gal container of QUICKMIX, a flammable polyester resin material
 - 2 old ~5-gal containers of MEK with visible, light corrosion on one.
 - Spill residue at base of cabinet.
 - MEK "no longer used."
 - Methyl Ethyl Ketone, FP -7°C/19.4°F CC (closed cup), RCRA U159

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- Different shelf – rusting gas cylinder with a red diamond symbol (likely flammable) partly visible.
- Area A
 - Monthly fire extinguisher inspections ended in December 2023
 - Laboratory
 - 3 containers, each partly filled, of labeled lab HW in satellite accumulation/storeroom.
 - Each started 22 March 2024
 - Potassium dichromate byproducts
 - Potassium fluoride byproducts
 - Silver nitrate testing[?] byproducts
- Area D & E
 - Numerous chemical waste totes (~275-gal each), including:
 - HCl acid rinse. Some leakage or spillage stains on tote.
 - Nitric acid recovered from 20,000-gal tank's berm.
 - Calcium polysulfide (lime sulfur) (Possible D003).
 - Lithium nitrate (oxidizing solid)
 - Sodium aluminate
 - Totes in poor condition. Leaks/spills in evidence. Example:
 - Sodium aluminate spill from tote
 - Acetic acid
 - Flammable (FP 39 °C (102 °F) - closed cup), corrosive
 - Risk of explosion with: long list, including metals and hydrogen peroxide
 - Numerous chemical waste containers, including several that were labeled:
 - Hydrogen peroxide and peroxyacetic acid mixture (PerOx)
 - Oxidizer and corrosive
 - Multiple hydrogen peroxides (likely 20-40%)
 - Oxidizer and corrosive
 - Labeled HW container: Nitric acid and soda ash (6/12/24)
 - Two 55-gal poly drums labeled as HW Bleach LP D002 6/4/24 and HW NO_[?] LP D00[?] 6/5/24.
 - 12+ 55-gal poly drums of aqua ammonia (ammonium hydroxide), labeled as corrosive
 - Extremely flammable in the presence of the following materials or conditions:
Oxidizing
 - Lower and upper explosive limits: 16% and 25%
 - Two drums of potassium permanganate (oxidizer, toxic), risk of explosion with: long list.
 - Multiple waste drums of hydrogen peroxide stored abutting a waste container of sodium permanganate (dated early 2022).
 - Sodium permanganate incompatibilities: Reactive with reducing agents, strong acids, peroxides, combustible organic materials, readily oxidizable materials, and metal powders.
 - Two wrapped drums (white poly): PerOx (oxidizer, corrosive).
 - Two black, 55-gal drums w/HW labels, D003, Cal Poly Drum Bottoms, pending analysis, and no accumulation start dates.

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- Two cardboard boxes, with HW labels, D002, [unclear], and accumulation start dates 5/30/24.
- Some 13, white poly, 5-gal buckets w/HW labels, D001, [unclear], and accumulation start dates of 7/3/24.
- Including some of the above, I counted ~7,000-lbs of hazardous waste in a section of containers all labeled as hazardous waste, some with accumulation start dates (“yesterday got dates”).
- Continuing storage of sodium thiocyanate in stacked, sagging, super sacks, many four deep and three high.
- Abutting totes containing unknown waste chemicals packed in rows with limited space separating rows
- The northern corner of the western side of warehouse/Area D houses the waste determination “Quarantine” location for materials for which possible use/reuse has yet to be decided. A 30-day period is used to decide on whether each material is a waste, after consultation with Thatcher HQ. Barring a determined use as a product, materials are determined to be wastes and are to be moved to the waste/HW storage areas (D, E, and waste pad). Quarantine materials/wastes are mostly from Area B and niches in other areas of the facility. The quarantine Area is quite limited in comparison to the bulk of Area D and E’s determined to be wastes areas.
- Break for Lunch
- Area Q
 - 2/3 of the stored chemicals from here were recently moved to D/E and the pad to manage as wastes and hazardous wastes.
- Area M
 - Cleared out and moved to D/E.
- Lab waste trailer
 - Semi-Trailer, unlabeled/placarded, was used to store lab chemicals, equipment, and wastes from the occasion of the March 2022 fire. Sun Environmental, previously unaware of this waste storage area, added this to their waste/HW waste management mission.
 - Piles of equipment, hoses, tubing, cardboard boxes of filled sample containers, and glass chemical jugs were haphazardly spread throughout the trailer.
- Outside. Sun non-haz roll-off.
 - Labeled as non-RCRA regulated wastes, inorganic basic solids. Placarded as corrosive 3262 (8).
- Sun Environmental exterior waste management area
 - Flooded. Pump out in progress (Mr. Reask and I waded through the shallower areas. Deeper sections were not observed closely).
 - Blue poly drum sets are expected by Sun to be able to have their contents determinable (slated for disposal).
 - Mixed color drum sets are unknowns.
 - Various drums/containers of note (many not listed)
 - Four 55-gal drums of, likely, ammonium chloride[unclear], no accumulation start dates.
 - Various totes of note (many not listed)
 - 1/3 full, Hydrofluorosilicic Acid 28%, corrosive, acutely toxic, pH 1.5 – 2 @10%,
 - Incompatible materials: strong acids and bases, chlorites, organic peroxides, combustible materials, and metals. Attacks glass and stoneware.

RCRA Compliance Branch**THATCHER CO OF NEW YORK INSPECTION REPORT****SECTION III – AREAS OF CONCERN****Concerns**

- Facility did not meet the 6 CRR-NY 372.2 Standards applicable to generators of hazardous waste, including:
 - Hazardous waste determination - 372.2(a)(2)
 - At the time of the June Inspection, the facility had recently begun the process of determining which of the thousands of tons of waste chemicals were hazardous wastes. By the July Inspection, while progress was evident, the vast majority of waste chemicals had not been determined and were not properly managed as hazardous wastes.
 - Accumulation Area Requirements - 372.2(a)(8)(i)
 - Except as noted in this report
 - 90 Day Storage - 372.2(a)(8)(ii) and 373-3.9(b)
 - Except as noted in this report
 - Personnel Training - 373-3.2(g)
 - Preparedness and Prevention - 373-3.3
 - The facility was not maintained and operated to minimize the possibility of a fire or explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water - 373-3.3(b).
 - The owner or operator did not maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency - 373-3.3(f).
 - Contingency Plan - 373-3.4
 - The facility's emergency plan did not meet the Contingency Plan requirements. A Contingency plan was being prepared at the time of the July Inspection and a draft version was sent to EPA on 9 August 2024.
 - Elementary neutralization – Appendix F
 - Elementary neutralization units did not meet the requirements – 373-1.1(d)(1)(xii)
- Facility did not meet the 6 CRR-NY 373-1 or 373-3 Standards applicable to hazardous waste storage facilities, including:
 - Requirements for permits - 373-1.2
 - The facility operated as an existing hazardous waste management (storage) facility without a permit issued pursuant to this Part or without interim status pursuant to this Part.
 - A person that operates an existing hazardous waste management facility without a permit issued pursuant to this Part must meet the requirements of Subpart 373-3 of this Part and the applicable interim status provisions of this Subpart.
 - Requirements for interim status - 373-3
 - The facility did not meet the Subpart 373-3 Interim Status Standards Regulations for Owners and Operators of Hazardous Waste Treatment, Storage and Disposal Facilities.

Closing Conference

4 June 2024

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Mr. Taylor and I reviewed my findings, and we discussed any follow up. We agreed that we would correspond by email regarding any additional information that I needed. We agreed that we would correspond by phone and email regarding any additional information that I needed.

I requested the following records:

- All manifests documenting facility's engagement with Sun Environmental
- Used oil records

11 July 2024

Mr. Taylor, Mr. Reask, and I reviewed my findings, and we discussed any follow up. We agreed that we would correspond by phone and email regarding any additional information that I needed. I requested the following records:

- Facility map (received during inspection-see figure above)
- Tolling agreements for used oil and parts cleaners
- Sump cleanout and disposal records
- HW Contingency Plan (or closest existing emergency plan)
 - See Attachments.
- Facility Tier 2 copy
 - See Attachments.
- Universal waste disposal records (pre-Sun Environmental)
 - No such records. Management of spent fluorescent lamps, spent high intensity lamps, and universal waste batteries began with Sun Environmental's on site work in Spring 2024.
- Lab waste manifests
 - Provided. Manifested as CESQG prior to RCRA Inspections. See Attachments.
- HW manifests upon shipping
 - See Attachments.
- Waste/HW profiles (including elementary neutralization)
 - See Attachments.
- Waste inventory
 - Partial. See Attachments.
- Volumetric calculation of all bases and acids treated thru neutralization in containers or tanks as of inspection.
 - ~10-tons in past 2 months – A.Reask

12 July 2024

I returned to the facility to collect the initial set of records from Mr. Taylor.

Post Inspection

12 July – 9 August 2024

I received a series of emailed records from Thatcher and Sun (see Appendix 2).

15 July 2024

In a phone call and subsequent email to Plant Manager Taylor, I requested that Thatcher prioritize certain, specific elements of its Contingency Plan revision work in light of its ongoing hazardous waste storage, characterization, and management efforts. Specifically, the requirement to prepare a quick reference guide

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THATCHER CO OF NEW YORK INSPECTION REPORT

and submits it to emergency response agencies (new facilities beginning operations after May 30, 2017, or facilities revising the contingency plan after that date). See Appendix 2.

24 July 2024

After several days of missed calls (I was on vacation), Dan Noll, PE, a Senior Environmental Engineer with LaBella Associates, reached me by phone to update me with progress on the facility's contingency plan. I, in turn, reiterated my 15 July 2024 request for a RCRA Contingency Plan – Quick Reference Guide to be prepared and distributed ASAP. We also discussed some of the plans for training facility personnel.

9 August 2024

Received for review the draft Hazardous Waste Contingency Plan (HWCP) and Quick Reference Guide for the Thatcher Co. of New York (Williamson, NY) facility from LaBella Associates.

Hazardous Waste Treatment and Disposal

- On site elementary neutralization from 1 May – 11 July 2024: ~20,000-lbs

Calendar month	Material name	Hazardous components	pH (measured in field)	estimated Volume (G)	Density (lb/gal)	total weight (pounds)	total weight (tons)
Jun-24	HCl rinse	hydrochloric acid	2.0	275	8.345	2295	1.15
Jun-24	Alkaplus rinse	sodium hydroxide	12.5	275	8.345	2295	1.15
Jun-24	hoof treat rinse	sulfuric acid	1.0	275	8.345	2295	1.15
Jun-24	Alkaplus rinse	sodium hydroxide	13.0	50	8.345	417	0.21
Jun-24	phosphoric acid solution	phosphoric acid	1.0	100	12	1200	0.60
Jun-24	Alkaplus	sodium hydroxide	14.0	275	12	3300	1.65
Jun-24	prestige rinse	sodium hydroxide, potassium hydroxide	14.0	275	11	3025	1.51
Jun-24	zinc chloride solution	zinc chloride	2.0	275	10	2750	1.38
Jun-24	potassium hydroxide solution	potassium hydroxide	14.0	10	12	120	0.06
Jun-24	potassium hydroxide solution	potassium hydroxide	14.0	25	12	300	0.15
Jun-24	acid san LF	phosphoric acid	1.0	100	12	1200	0.60
Total						19,197	9.60

- Manifested HW from 1 May – 11 August 2024: 257,185-lbs
 - See Table, below

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THATCHER CO of NEW YORK							
Manifest Date	Waste Qty	Units	Waste (kg)	Waste Codes	RCRA/Facility ID	TSDF ID	MTN*
8/9/2024	39,000	Pounds	17,690	D001 D002	NYD986994895	PAD010154045	019386008FLE
8/5/2024	40,000	Pounds	18,144	D002	NYD986994895	IND0932219012	019386006FLE
8/3/2024	17,200	Pounds	7,802	D001 D002 D004 D006 D007 D008	NYD986994895	IND000646943	019385997FLE
8/2/2024	3,950	Pounds	1,792	D001 D002	NYD986994895	IND000646943	019385997FLE
7/31/2024	900	Pounds	408	D001 D002 D003	NYD986994895	NJD980536593	019386001FLE
7/31/2024	40,000	Pounds	18,144	D001	NYD986994895	NJD980536593	019385999FLE
7/29/2024	1,500	Pounds	680	D001 D002	NYD986994895	PAD010154045	019385996FLE
7/29/2024	37,000	Pounds	16,783	D002	NYD986994895	PAD010154045	019385996FLE
7/25/2024	6,955	Pounds	3,155	D001 D002 D003 D011, D035 U160	NYD986994895	ARD069748192	019385991FLE
7/22/2024	11,000	Pounds	4,990	D002	NYD986994895	IND0932219012	019385988FLE
7/19/2024	40,000	Pounds	18,144	D002	NYD986994895	PAD010154045	019385986FLE
7/18/2024	3,700	Pounds	1,678	D001 D002	NYD986994895	MID980991566	019385989FLE
7/18/2024	1,980	Pounds	898	D001 D002 D005 D006 D007 D008 D035 U123	NYD986994895	ARD069748192	019385987FLE
7/17/2024	13,100	Pounds	5,942	D001	NYD986994895	IND000646943	019385983FLE
7/17/2024	900	Pounds	408	D002 D003	NYD986994895	NJD980536593	019385985FLE
3/22/2024	40	Pounds	18	D007	Didn't use ID	MAD[unclear]	019282349FLE
9/15/2023	10	Pounds	5	D011	Didn't use ID	ARD069748192	018626796FLE
9/15/2023	60	Pounds	27	D007	Didn't use ID	OHD000816629	018626797FLE
1/16/2023	7		3	D022	Didn't use ID	NCD000649451	017218542FLE
1/16/2023	140		64	D007	Didn't use ID	OHD000816629	017167918FLE
1/10/2023	23		10	D011	Didn't use ID	ARD069748192	017218543FLE

INSPECTION PHOTOGRAPHS: See *THATCHER COMPANY, INC EPA Inspection Photo Album.pptx* and *THATCHER COMPANY, INC EPA Inspection Photo Album Volume 2 - 11July2024.pptx*

APPENDICES

- **Appendix 1: Further Thatcher Co of New York Background**
- **Appendix 2: Facility Emails re Requested Documents**
- **Appendix 3: Totes**

ATTACHMENTS:

- **Attachment 1: *THATCHER COMPANY, INC EPA Inspection Photo Album.pptx***
- **Attachment 2: *THATCHER COMPANY, INC EPA Inspection Photo Album Volume 2 - 11July2024.pptx***
- **Attachment 3: *Tier 2 Online Submission Report***
- **Attachment 4: *Facility Manifests as Provided to EPA***
- **Attachment 5: *Waste/HW profiles (including elementary neutralization)***
- **Attachment 6: *Waste inventory***
- **Attachment 7: *Facility HW Contingency Plan (or closest existing emergency plan at time of the inspections)***

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THATCHER CO OF NEW YORK INSPECTION REPORT

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Appendix 1: Further Thatcher Co of New York Background

Per: https://www.fltimes.com/lifestyle/looking-back-thatcher-plant-has-long-history-in-williamson/article_c2ff777a-ad63-11ed-b6c7-a79cca5bb80d.html

For more than 30 years, the Thatcher Co. of New York quietly carried out business on Route 104 in Williamson. That quiet ended on March 23, 2022, when a fire broke out in an area of the building used for storing empty totes and drums after they have been washed. Firefighters were able to contain the fire to that area and prevented it from spreading to the rest of the building.

In rolling back the clock nearly 100 years for this location, one longtime Williamson resident remembers there was a well-used skating pond on this site. This was well before the current Route 104 was constructed, as Ridge Road was the main thoroughfare through the town.

For many years Williamson and the surrounding Wayne County area have developed into an agricultural center, and a need for ways to store and process the many fruits and vegetables grown developed. A 1928 directory of the town published by Legion Post 389 shows “almost 25% of all celery shipped in New York that year originated in Williamson.” It was almost the same percentage for carrots.

This led Walt Wegner, owner of Wegner Canning Corp. in Sodus, to sever this connection and start Walt Wegner Foods Inc. in Williamson. In 1941, he began building a modern, well-equipped plant and warehouse on what is today Route 104 in Williamson. When a staff and flag dedicatory service was held in August 1942, the plant was listed as “processing tomato juice, beets, carrots, apple sauce and freezing cherries.” More importantly, the anticipated payroll for all employees was projected at \$3,000 to \$3,500 per week, a real boost to the local economy during the war years.

However, a severe labor shortage during that time caused Wegner to proclaim the company “would be unable to process crops unless citizens could volunteer their time to help out.” One who stepped up was Wegner’s daughter, Margaret Wegner Dyson. Ironically, many of the factory workers were German POWs captured in North Africa.

After becoming established in Williamson, Wegner expanded operations into other local Wayne County and surrounding communities. Hartman Canning Co. Inc. of Macedon became Macedon Foods Inc., with administrative and sales departments moved to Williamson. Wegner was president of Commando Foods Inc. in Webster.

The post-World War II years were not kind to Wegner Foods, and the Northern Wayne Cooperative Inc. took title to the plant, equipment and machinery in 1955. This grower-owned corporation would handle the same fruits and vegetables as Wegner Foods. Wegner himself took an administrative position with the new cooperative.

This new company soon struggled and asked Seneca Grape, based in Dundee, Yates County, to manage the facility. Plant names and ownership get a little murky as the Dundee Seneca management expanded into Wayne County. Marion Canning in nearby Marion — along with facilities in Newark, East Williamson and Williamson — all fell under the Seneca umbrella. Seneca ultimately owned 11 facilities in Upstate New York, employing around 1,500 workers.

In the late 1950s, Seneca Foods, now established in the former Wegner plant in Williamson, reached out to Williamson contractor Gerry DeBack to keep plant roads and parking lots plowed during the winter. One thing led to another, with DeBack doing some general work, when he was asked if he would run the night shift.

DeBack stated, “I was happy to have this supplemental income, and I continued to do construction during the day and worked the night shift for three years.” In 1967, he was hired full time, working with the packing and warehousing departments. During his eight years with Seneca Foods, DeBack noted, “the company ran two shifts, five days a week. Women were the mainstay employees, working mostly with apples.” Most of the apples came from growers in Wayne and Monroe counties. There were 20 women on the trimming line, as apples were the sole product handled during his time. DeBack remembers that “one year the company produced a million cases of apple sauce, with nine jars to a case.”

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Sadly, an announcement in the Williamson Sun and Sentinel newspaper in January 1988 stated that Seneca Foods would close its Williamson plant at the end of that month. Forty full-time and 70 seasonal workers would be affected, as well as many area growers that would lose a market.

In 1923, Lawrence Thatcher's grandfather founded Wasatch Chemical Co. in Utah. Fast-forward to 1967, when he started Thatcher Chemical, diversifying the company to include construction, film developing and medical components, among others, and grew a relationship with Eastman Kodak in Rochester. When Kodak fortunes began to fade, Thatcher sought a location to base the business in Upstate New York, and with Seneca's demise, it was a win-win for both organizations.

The Williamson plant primarily creates materials for food and dairy, construction and water treatment facilities. This local facility joins 13 other Thatcher locations and employs around 30 mostly Wayne County residents.

Current Thatcher President Craig N. Thatcher credits the company's "can do" attitude for how fast the Williamson plant was rebuilt after the March 2022 fire. His father always stressed to Thatcher and his siblings to "be humble, strive for excellence, as you can do a lot better," a winning attitude that has seen this company survive and thrive for 50-plus years.

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THATCHER CO OF NEW YORK INSPECTION REPORT

Appendix 2: Facility Emails re Requested Documents

From: Adam Reask <adamr@SunEnc.com>
Sent: Friday, July 12, 2024 1:58 PM
To: Plossl, Carl <Plossl.Carl@epa.gov>
Cc: Fabian Taylor <Fabian.Taylor@tchem.com>; Shane Brunson <Shane.Brunson@tchem.com>
Subject: Requested documents- Thatcher Company of NY

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Good afternoon Carl, please see attached zip file with the information requested. It includes:

- some copies of waste profiles for hazardous wastes on the site (not an exhaustive list). Some of the wastes that were labeled hazardous on site have been determined to be non-hazardous.
 - copies of our common non-hazardous liquid and solid profiles
 - UW records
 - Elementary neutralization log
- Please let me know if you have any questions.



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From: Fabian Taylor <Fabian.Taylor@tchem.com>
Sent: Monday, July 15, 2024 1:27 PM
To: Plossl, Carl <Plossl.Carl@epa.gov>
Subject: Thatcher Of New York Requested Documents

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Good afternoon Carl,

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THATCHER CO OF NEW YORK INSPECTION REPORT

I am expecting to get hold of lab manifests tomorrow to complete the documents you requested. My target is 4:30pm on 7/16/24. I will notify you immediately if there is change. Thanks for your patience.

Regards,

Fabian Taylor

O: (315) 589-9330 Ext 2608

C: (585) 339-8496

The information contained in this e-mail message, and any attachments to it, contain confidential, proprietary, privileged, or otherwise secret information. If you are not the intended recipient, or believe that you may have received this email or attachments in error, any dissemination, use, review, distribution, printing or copying of the information contained in this e-mail message and any attachments to it are strictly prohibited. If you have received this communication in error, please notify us by reply e-mail or telephone and immediately and permanently delete the message and any attachments. Please include in your notice that the message and any attachments have been deleted. Thank you.

From: Plossl, Carl <Plossl.Carl@epa.gov>

Sent: Monday, July 15, 2024 6:29 PM

To: Fabian Taylor <Fabian.Taylor@tchem.com>

Subject: RE: Thatcher Of New York Requested Documents

Fabian R. Taylor, Regional Operations Director

Thatcher Co of New York

Fabian.Taylor@tchem.com

Good evening, Director Taylor:

As we discussed during my recent inspections, Thatcher Co of New York does not fully meet the RCRA Contingency Plan requirements at your Williamson facility. As we further discussed in a phone conversation this afternoon, certain, specific elements of your Contingency Plan revision work should be prioritized in light of your ongoing hazardous waste storage, characterization, and management efforts. Specifically, I bring your attention to elements 11 and 12 (copied below) of the attached list.

11. Prepares a quick reference guide and submits it to emergency response agencies (new facilities beginning operations after May 30, 2017, or facilities revising the contingency plan after that date)262.17(a)(6)→262.262(b)

12. Includes in the quick reference guide:

- (1) list and description of hazardous waste described in layman's terms;
- (2) estimated maximum amounts of each hazardous waste;
- (3) identification of any hazardous waste that would result in unique or special medical issues;
- (4) a map showing where hazardous waste is generated or managed and access routes to these locations;
- (5) a map of the facility in relation to surrounding businesses, schools, and residential areas to allow access and evacuation planning;
- (6) locations of water supplies;
- (7) identification of on-site notification systems or alarms; and
- (8) name and 24/7 telephone number for the EC262.17(a)(6)→262.262(b)(1) through (b)(8)

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THATCHER CO OF NEW YORK INSPECTION REPORT

Thank you for your prompt attention to this matter.

Any documentation of protective measures taken should be forwarded to me as soon as possible.

CARL F. PLÖSSL
Environmental Engineer, Enforcement Officer
plossl.carl@epa.gov
Direct Dial: (212) 637-4088
Fax: email
Mobile: (646) 567-0597

U.S. Environmental Protection Agency
Enforcement and Compliance Assurance Division
RCRA Compliance Branch, RCRA Senior Enforcement Team
290 Broadway, 21st Floor
NYC, NY 10007-1866

.....

From: Adam Reask <adamr@SunEnc.com>
Sent: Wednesday, July 17, 2024 9:49 PM
To: Plossl, Carl <Plossl.Carl@epa.gov>
Cc: Fabian Taylor <Fabian.Taylor@tchem.com>; Shane Brunson <Shane.Brunson@tchem.com>; Sharpe, Charles <csharpe@LaBellaPC.com>; Noll, Dan <dnoll@LaBellaPC.com>
Subject: Thatcher Co of NY- manifests and profiles

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Carl,

Please see attached manifests, LDRs, waste profiles, and approval letters for the first off site shipment of hazardous waste from Thatcher Co of NY in Williamson.

We have been working to get profiles approved as quick as possible and schedule shipments in the coming days and weeks and will continue to send copies per your request.

Adam Reask
PROJECT MANAGER

 (585) 261-2563
 adamr@sunenc.com
 sunenvironmentalcorp.com

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From: Fabian Taylor <Fabian.Taylor@tchem.com>

Sent: Thursday, July 18, 2024 2:53 PM

To: Plossl, Carl <Plossl.Carl@epa.gov>

Subject: Document Requested by EPA

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Hello Carl,
I apologize for the late submittal. Please see attached documents.

Fabian Taylor
O: (315) 589-9330 Ext 2608
C: (585) 339-8496

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From: Adam Reask <adamr@SunEnc.com>

Sent: Thursday, July 18, 2024 4:12 PM

To: Plossl, Carl <Plossl.Carl@epa.gov>

Cc: Fabian Taylor <Fabian.Taylor@tchem.com>; Shane Brunson <Shane.Brunson@tchem.com>; Sharpe, Charles <csharpe@LaBellaPC.com>; Noll, Dan <dnoll@LaBellaPC.com>

Subject: RE: Thatcher Co of NY- manifests and profiles

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Carl,

Additional documents are attached for today's shipments off site (7/18).

From: Adam Reask <adamr@SunEnc.com>

Sent: Wednesday, July 17, 2024 9:49 PM

To: plossl.carl@epa.gov

RCRA Compliance Branch

THATCHER CO OF NEW YORK INSPECTION REPORT

Cc: Fabian Taylor <Fabian.Taylor@tchem.com>; Shane Brunson <Shane.Brunson@tchem.com>; Sharpe, Charles <csharpe@LaBellaPC.com>; Noll, Dan <dnoll@LaBellaPC.com>

Subject: Thatcher Co of NY- manifests and profiles

Carl,

Please see attached manifests, LDRs, waste profiles, and approval letters for the first off site shipment of hazardous waste from Thatcher Co of NY in Williamson.

We have been working to get profiles approved as quick as possible and schedule shipments in the coming days and weeks and will continue to send copies per your request.



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From: Adam Reask <adamr@SunEnc.com>

Sent: Tuesday, July 23, 2024 9:05 AM

To: Plossl, Carl <Plossl.Carl@epa.gov>

Cc: Fabian Taylor <Fabian.Taylor@tchem.com>; Shane Brunson <Shane.Brunson@tchem.com>; Noll, Dan <dnoll@LaBellaPC.com>; Sharpe, Charles <csharpe@LaBellaPC.com>

Subject: Thatcher Co Manifests- 7/19 and 7/22

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Carl,

Please see attached documentation for hazardous waste shipped off site 7/19 and 7/22.

Thank you

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THATCHER CO OF NEW YORK INSPECTION REPORT

Adam Reask
PROJECT MANAGER

 (585) 261-2563

 adamr@sunenc.com

 sunenvironmentalcorp.com

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From: Noll, Dan <dnoll@LaBellaPC.com>
Sent: Tuesday, July 30, 2024 7:01 PM
To: Plossl, Carl <Plossl.Carl@epa.gov>
Subject: Thatcher Of New York

Carl,

It was good talking with you last week. As discussed, LaBella has been retained by Thatcher and we are working on the requested items from your prior email to Thatcher. We have staff going to the site to continue to obtain information. We would like to take you up on your offer to provide input on a draft plan. Currently we are targeting a draft the week of 8/5. I'll send you an update next week. Also, Thatcher, Sun and LaBella are working on disposal of hazardous waste and we will provide updates on disposal as requested.

Regards,

Dan

Dan Noll, PE
LaBella Associates | VP, Env. Technical Manager



585-295-6611 direct
585-301-8458 cell
585-454-6611 office
300 State Street, Suite 201
Rochester, NY 14614
labellapc.com

From: Adam Reask <adamr@SunEnc.com>
Sent: Thursday, August 1, 2024 5:52 AM
To: Plossl, Carl <Plossl.Carl@epa.gov>
Cc: Shane Brunson <Shane.Brunson@tchem.com>; Fabian Taylor <Fabian.Taylor@tchem.com>; Sharpe, Charles

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THATCHER CO OF NEW YORK INSPECTION REPORT

<csharpe@LaBellaPC.com>; Detweiler, Eric <edetweiler@LaBellaPC.com>; Noll, Dan <dnoll@LaBellaPC.com>

Subject: Thatcher Co of NY manifests and profiles

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Good evening Carl,

Please see attached manifests and profiles for shipments from Thatcher Co of NY for the remainder of July that I had not sent previously (shipment dates 7/25-7/31).



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From: Adam Reask <adamr@SunEnc.com>

Sent: Friday, August 9, 2024 3:29 PM

To: Plossl, Carl <Plossl.Carl@epa.gov>

Cc: Shane Brunson <Shane.Brunson@tchem.com>; Detweiler, Eric <edetweiler@LaBellaPC.com>; Fabian Taylor <Fabian.Taylor@tchem.com>; Sharpe, Charles <csharpe@LaBellaPC.com>; Noll, Dan <dnoll@LaBellaPC.com>; Dan Boehm <danb@SunEnc.com>

Subject: Thatcher Co of NY manifests

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Carl,

Manifest copies and hazardous waste profiles are attached for the last 3 shipments from Thatcher Co of NY.

If you need anything additional, please let me know.

Thank you,

RCRA Compliance Branch
THATCHER CO OF NEW YORK INSPECTION REPORT

Adam Reask
PROJECT MANAGER

 (585) 261-2563

 adamr@sunenc.com

 sunenvironmentalcorp.com

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From: Sharpe, Charles <csharpe@LaBellaPC.com>
Sent: Friday, August 9, 2024 11:51 AM
To: Plossl, Carl <Plossl.Carl@epa.gov>
Cc: Shane Brunson <Shane.Brunson@tchem.com>; Lauren Stein <Lauren.Stein@tchem.com>; Fabian Taylor <Fabian.Taylor@tchem.com>; Maddie McClelland <Maddie.McClelland@tchem.com>; Carr, Michael <mcarr@LaBellaPC.com>; Noll, Dan <dnoll@LaBellaPC.com>; Sisco, William <wsisco@LaBellaPC.com>
Subject: Thatcher Co. of New York: Haz. Waste Contingency Plan and Quick Reference Guide

Caution: This email originated from outside EPA, please exercise additional caution when deciding whether to open attachments or click on provided links.

Carl,

Attached for your review are the draft Hazardous Waste Contingency Plan (HWCP) and Quick Reference Guide for the Thatcher Co. of New York (Williamson, NY) facility per your recent discussion with Dan Noll of LaBella Associates. We will distribute these to the local authorities identified in Attachment 2 of the HWCP as soon as they are finalized. Please let us know if you have any questions or comments.

Thanks,
Chuck

Charles Sharpe, PE
LaBella Associates | Project Manager
he/him/his



315-263-8827 cell
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Appendix 3: Totes

https://en.wikipedia.org/wiki/Intermediate_bulk_container

Rigid IBC tanks

Rigid intermediate bulk containers are stackable, reusable, versatile containers with an integrated [pallet](#) base mount that provides [forklift](#) and [pallet jack](#) maneuverability. These containers can be made from metal, plastic, or a composite construction of the two materials. Rigid IBC design types are manufactured across a volume range that is in between those of standard shipping [drums](#) and [intermodal tank containers](#), hence the title "intermediate" bulk container. IBC totes are authorized per Title 49 CFR codes^[3] to be fabricated of a volume up to 3 cubic metres (793 US gal) while maintaining the IBC name and their federal shipping and handling permits.

IBC tank capacities generally used are often 1,040 and 1,250 litres (275 and 330 US gal).^[4] Intermediate bulk containers are standardized shipping containers often UN/DOT certified for the transport handling of hazardous and non-hazardous, packing group II and packing group III commodities. Many IBC totes are manufactured according to federal and [NSF/ANSI](#) regulations and mandates, and are often [IMDG](#) approved as well for domestic and maritime transport. Metal alloy IBC tanks are also manufactured according to [NFPA](#) and UL142 certification standards for extensive storage of materials labeled as flammable and/or combustible.

Intermediate bulk containers can be manufactured from various materials based on the requirements of the application or service the IBC will be used for. Traditional materials include:

- Plastic (high-density polyethylene)
- Composite: galvanized steel and plastic
- Carbon steel
- Stainless steel (304 and 316/316L grades)

The most widely utilized and known IBC is the limited re-use, caged IBC tote container. [Caged IBC totes](#) are composite intermediate bulk containers — a white/translucent [plastic container](#) (typically high-density [polyethylene](#)) contained and protected by a tubular [galvanized steel](#) grid, common. Caged IBC totes are commonly used due to their low cost, wide compatibility, and versatility.



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Appendix 2: Applicable Universal Waste Regulations

Title 40 Chapter I Subchapter I Part 273

Small quantity handler of universal means 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.

A small quantity handler of universal waste is:

- (a) Prohibited from disposing of universal waste; and
- (b) Prohibited from diluting or treating universal waste, except by responding to releases as provided in 40 CFR 273.17; or by managing specific wastes as provided in 40 CFR 273.13.

Lamps. A small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- (1) A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.
- (2) A small quantity handler of universal waste must immediately clean up and place in a container any lamp that is broken and must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers must be closed, structurally sound, compatible with the contents of the lamps and must lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

- (a) 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);"
- (e) Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)".

A small quantity handler of universal waste may accumulate universal waste for no longer than one year from the date the universal waste is generated, or received from another handler, unless the requirements of paragraph (b) of this section are met.

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 handler may make this demonstration by:

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- (1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
- (2) Marking or labeling each individual item of universal waste (*e.g.*, each battery or thermostat) with the date it became a waste or was received;
- (3) Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;
- (4) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;
- (5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or
- (6) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

A small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.