

RCRA Compliance Branch INSPECTION REPORT

Inspection Date(s):	9/1/2023	Inspection Announced: No
Facility or Site Name:	Atlas Environmental Lab	
Facility/Site Physical Location:	255 West 36th Street Suite 1503	
(City, state, zip code)	New York, NY 10018	
Mailing address (if different from above):		
Facility/Site Contact:	Jaqueline Darvish	President/ Lead Quality Control Manager
	j.darvish@atlasenvironmentallab.com	
	(212) 563 – 0400	
RCRA ID Number:	NYR000234781	
Facility/Site Personnel Participating in Inspection:		
Jaqueline Darvish	See above	See above
Sharona Darvish	Chief Financial Officer	H.Paschold@flavormaterials.com (732) 499- 9700
Inspector:		
Areeba Khan	AREEBA KHAN	Digitally signed by AREEBA KHAN Date: 2023.11.09 08:47:50 -05'00'
Supervisor:		
Derval Thomas	DERVAL THOMAS	Digitally signed by Derval THOMAS Date: 2023.11.09 13:25:58 -05'00'

SECTION I – INTRODUCTION

Purpose of the Inspection Objective

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

Opening Conference

EPA Region 2 RCRA inspector Areeba Khan arrived at Atlas Environmental Lab on September 1, 2023, for an unannounced inspection. I was greeted by a security guard in the entrance. The

security guard told me to take the elevator up to the fifteenth floor, Atlas Environmental Lab. Upon entering Atlas Environmental Lab, I was greeted by Sharona Darvish the Chief Financial Officer in the facility's office area. I presented my credentials to Mrs. Darvish and informed her that this was an EPA inspection to determine the facility's compliance with RCRA regulations. The scope of the inspection was to conduct a compliance evaluation inspection (CEI).

Facility/Site Description

Atlas Environmental Laboratory conducts asbestos, biological and lead tests from samples given to them by its clients. The facility generates both hazardous and nonhazardous waste. The facility has one central storage area and four lab areas. Mrs. Darvish stated the facility makes a hazardous waste determination by using the information on the safety data sheet (SDS). The facility uses Leard Environmental to transport its waste to Veolia to dispose of its hazardous and non-hazardous waste. After review of the manifest information and statements made by Mrs. Darvish, the facility was determined to be a Small Quantity Generator (SQG) of hazardous waste at the time of the inspection. The facility does not generate any universal waste.

SECTION II – OBSERVATIONS

At the time of the inspection, Mrs. Sharona Darvish showed me around the facility. Mrs. Sharona Darvish stated that any questions she is not able to answer her sister-in-law, Mrs. Jackie Darvish, can better answer my questions as she is the lead quality control manager. At the time of the inspection, Mrs. Jackie Darvish was not at the facility. Mrs. Sharona Darvish stated she will notify Mrs. Jackie Darvish about the inspection and about the records. On September 12, 2023, I set up a time to talk with Mrs. Jackie Darvish about the inspection and records.

Asbestos Prep Area

In the asbestos prep area, there were two 30-gallon drums of hazardous waste (D002). One of the accumulation containers was open, with a funnel in the open bung hole during the inspection. Mrs. Darvish had one of the employees remove the funnel and close the drum. The label of the drum was facing the wall, so I asked them to turn the drum so I could see the hazardous waste label. Both drums were labeled and dated.

Lead Acid Prep Area

Mrs. Darvish explained that this area is used to conduct lead tests. The facility receives samples from its clients for the lead test and then use the machine to read the lead test results. At the time of the inspection, there were two machines that read the lead test results. The machines were connected to a pipe that was vented to the outside. In the lead acid prep area, there was also a fume hood that contained jars that were going to be tested for the lead test. On the floor nearby the fume hood there were three 1-liter bottles on the floor, as shown in figure 1. One bottle

contained 30% nitric acid, another bottle contained 50% nitric acid, and the last bottle contained Hydrochloric Acid. On the side of the fume hood there were two 1 quarter bottles of hydrogen peroxide and ethanol, as shown in figure 2.

Mrs. Darvish explained there is no hazardous waste placed in this area. She explained that after the employees conduct the lead test and get the results, they dump the waste into the drums located in the asbestos prep area. Mrs. Sharona Darvish stated that after the lead test is done the residue in the jars are dumped into the drums and the ethanol is used to clean the funnels after dumping. Mrs. Sharona Darvish stated to ask Mrs. Jackie Darvish for the exact usage of the ethanol. Mrs. Jackie Darvish told me during the call that the residue from the jars from the lead test are cleaned with ethanol and dumped into the bathroom sink or laboratory sink.



(Figure 1: three 1-liter bottles on the floor of 30 % nitric acid, 50% nitric acid and Hydrochloric acid)



(Figure 2: three ½ liter bottles on the side of the fume hood floor of hydrogen peroxide, ethanol and two bottles that are not clear.)

Microbiology Lab:

Mrs. Darvish explained the microbiology lab is used to conduct biological tests. Mrs. Darvish stated that there is no hazardous waste generated in this area.

Asbestos Lab

The asbestos lab consisted of six employees who were identifying asbestos from the client's sample under the microscopes. Mrs. Darvish explained the asbestos waste is kept separate from the hazardous waste. At the time of the inspection, there was no hazardous waste generated in this area.

Records Review

Mrs. Sharona Darvish stated that her sister-in-law Mrs. Jackie Darvish knows where all the records are in her office. On September 13, 2023, Mrs. Jackie Darvish sent me an email regarding the following records:

- Basic Plan

At the time of the inspection, there was no plan in place.

- Manifests and Land Disposal Restrictions

At the time of the inspection, there were manifests record on site. Most of the manifest records don't have a TSDf return copy. On September 13, 2023, Mrs. Jackie Darvish sent me an email with all the missing manifest TSDf return copy.

- Personnel Training

At the time of the inspection, there was personal training done.

- Arrangement with Local Authority

At the time of the inspection, the facility only had an arrangement with the local fire department and not with the local police or local hospital. The facility representatives stated that they will follow up with the arrangements with local authority.

SECTION III – AREAS OF CONCERN

Regulatory Concerns

1. Pursuant to 6 NYCRR § 373-3.9(d)(1), management of containers. (1) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

At the time of the inspection, there was one 30 gallon drum containing hazardous waste (D002) located in the asbestos prep area that had a funnel in the opening of the drum. During the inspection, Mrs. Darvish asked an employee to take out the funnel and close the drum in front of me.

2. Pursuant to 6 NYCRR § 372.2(a)(8)(ii), The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.

At the time of the inspection, there were two 30 gallon drums containing hazardous waste (D002) located in the asbestos prep area, had a label facing the wall. During the inspection, Mrs. Darvish asked an employee to turn the drum around, so that I could see the hazardous waste label and date.

3. Pursuant to 40 CFR § 270.1(b), *Overview of the RCRA Permit Program*. Not later than 90 days after the promulgation or revision of regulations in 40 CFR part 261 (identifying and listing hazardous wastes) generators and transporters of hazardous waste, and owners or

operators of hazardous waste treatment, storage, or disposal facilities may be required to file a notification of that activity under section 3010. Six months after the initial promulgation of the part 261 regulations, treatment, storage, or disposal of hazardous waste by any person who has not applied for or received a RCRA permit is prohibited. Treatment, storage, and disposal facilities (TSDs) that are otherwise subject to permitting under RCRA and that meet the criteria in paragraph (b)(1), or paragraph (b)(2) of this section, may be eligible for a standardized permit under subpart J of this part. A RCRA permit application consists of two parts, part A (see § 270.13) and part B (see § 270.14 and applicable sections in §§ 270.15 through 270.29). For “existing HWM facilities,” the requirement to submit an application is satisfied by submitting only part A of the permit application until the date the Director sets for submitting part B of the application. (Part A consists of Forms 1 and 3 of the Consolidated Permit Application Forms.) Timely submission of both notification under section 3010 and part A qualifies owners and operators of existing HWM facilities (who are required to have a permit) for interim status under section 3005(e) of RCRA. Facility owners and operators with interim status are treated as having been issued a permit until EPA or a State with interim authorization for Phase II or final authorization under part 271 makes a final determination on the permit application. Facility owners and operators with interim status must comply with interim status standards set forth at 40 CFR part 265 and 266 or with the analogous provisions of a State program which has received interim or final authorization under part 271. Facility owners and operators with interim status are not relieved from complying with other State requirements. For existing HWM facilities, the Director shall set a date, giving at least six months notice, for submission of part B of the application. There is no form for part B of the application; rather, part B must be submitted in narrative form and contain the information set forth in the applicable sections of §§ 270.14 through 270.29. Owners or operators of new HWM facilities must submit parts A and B of the permit application at least 180 days before physical construction is expected to commence.

After the inspection, during a meeting with Mrs. Jackie Darvish, she stated that the facility disposes of the ethanol residue in the jar in the laboratory sink and/or bathroom sink.

4. Pursuant to 6 NYCRR § 373-3.3(g)(1)(i), The owner or operator must attempt to make the following arrangements as appropriate for the type of waste handled at the owner or operator's facility and the potential need for the services of these organizations: (i) arrangements to familiarize police, fire departments and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes.

At the time of the inspection, the facility had not made arrangements with the local police department about the type of waste handled at the owner or operator's facility and the potential need for the services.

5. Pursuant to 6 NYCRR § 373-3.3(g)(1)(iv), The owner or operator must attempt to make the following arrangements as appropriate for the type of waste handled at the owner or operator's facility and the potential need for the services of these organizations: (iv) arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility.

At the time of the inspection, the facility had not made arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility.

6. Pursuant to 6 NYCRR § 372.2(c)(1)(i) A generator must keep a copy of each complete manifest document as a record for at least three years from the date the waste was accepted by the initial transporter.

At the time of the inspection, there were manifests record on site. Most of the manifest records manifest don't have a TSDF return copy. On September 13, 2023, Mrs. Jackie Darvish sent me an email with all the missing manifest TSDF return copy.

General Concerns

1. In case of an emergency, it would be recommended to have an emergency plan.
2. Recommended to take RCRA training on how to properly determine hazardous waste.
3. Bottles of different acids were stored closely adjacent to each other, and it is recommended that the acids be placed in separate secondary containment from each other.

Closing Conference

The closing conference was conducted by EPA inspector Areeba Khan and Sharona Darvish the chief financial officer. Inspector Khan explained to Mrs. Darvish the areas of concern. Mrs. Darvish stated that they will follow up and tend to the areas of concern immediately.