

RCRA Compliance Evaluation Inspection Report

1) **Inspector and Author of Report**

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2) **Facility Information**

Induron Coatings, LLC
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Birmingham, Alabama 35234
County: Jefferson
Latitude: 33.533022
Longitude: -86.794089

EPA ID Number: ALD004010120
SIC Code: 2851 – Paints, Varnishes, Lacquers, Enamels, and Allied Products
NAICS Number: 325510 – Paint and Coating Manufacturing

3) **Responsible Official**

Mr. Jeff White, Executive Vice President, Induron Coatings, LLC
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4) **Inspection Participants**

Mr. Parvez Mallick, US EPA Region 4
Ms. Kayla Acosta, US EPA Region 4
Mr. Jonah Harris, Alabama Department of Environmental Management
Mr. Jeff White, Executive Vice President, Induron Coatings, LLC
Mr. Mike Nelms, Plant Manager, Induron Coatings, LLC
Mr. Jeff Mackey, Lab Director, Induron Coatings, LLC

5) **Dates of Inspection**

June 15, 2021, 9:00 a.m.

6) **Applicable Regulations**

Resource Conservation Recovery Act (RCRA), 42 U.S.C.A. §§ 6901 to 6992k
Sections 3005 and 3007 of RCRA, 42 U.S.C.A. §§ 6925 and 6927
40 Code of Federal Regulations (C.F.R.) Parts 260-270, 273, and 279

ADEM Administrative Code Division 335-14 Hazardous Waste Program Regulations

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.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7) [40 C.F.R. § 262.17], a large quantity generator (LQG) may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Section 22-30-12(b) of the AHWMA, Ala. Code § 22-30-12(b) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in ADEM Admin. Code r. 335-14-3-.01(7) [40 C.F.R. § 262.17] (hereinafter referred to as the "LQG Permit Exemption").

Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a) [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 the 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 Section 22-30-12(b) of the Alabama Hazardous Wastes Management and Minimization Act (AHWMA), Ala. Code § 22-30-12(b) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with ADEM Admin. Code r. 335-14-3-.01(6)(b) or 335-14-3-.01(7)(a) [40 C.F.R. § 262.16(b) or §262.17(a)], except as required in ADEM Admin. Code r. 335-14-3-.01(5)(a)7. and 8. [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in ADEM Admin. Code r. 335-14-3-.01(5)(a) [40 C.F.R. § 262.15(a)] (hereinafter referred to as the "SAA Permit Exemption").

7) **Purpose of Compliance Evaluation Inspection**

On June 15, 2021, the U.S. Environmental Protection Agency, Region 4 inspectors, Parvez Mallick and Kayla Acosta, accompanied by Alabama Department of Environmental Management (ADEM) inspector, Jonah Harris, arrived at Induron Coatings, LLC (hereinafter Induron or facility) to inspect the facility to determine its compliance status with both RCRA and the State of Alabama hazardous waste regulations. This was an EPA lead compliance evaluation inspection (CEI). Induron was represented by Mr. Jeff White, Executive Vice President, Mr. Mike Nelms, Plant Manager, and Mr. Jeff Mackey, Lab Director of the facility. Upon entering the facility, the inspectors introduced themselves, showed their credentials and explained the purpose of the visit and a description of the facility's process was discussed.

8) **Facility Description**

Induron Coatings, LLC formulates and manufactures high-performance coatings that serve a range of industrial applications, including wastewater, electrical transmission and distribution, potable water storage, treatment, and transmission sectors. Induron manufactures several types of industrial coatings: acrylics, epoxies, polyurethanes, primers, alkyds, ceramic epoxies to primarily prevent concrete or steel from corroding. A secondary common use is to make these materials more resistant to fire and other environmental adverse conditions. The Induron Birmingham facility has been in operation since 1947 and currently employs approximately 25 people. Induron's typical hours of operation are from 4:30 am to 2:30 pm, Monday through Thursday.

The facility occupies 4.7 acres of land and consists of a mixing area, a product packaging area, a QA/QC laboratory, a 90-day hazardous waste accumulation area, and a storage warehouse.

Induron's most recent hazardous waste generator notification (EPA form 8700-12), submitted on June 30, 2020, characterized the facility as a large quantity generator (LQG) of hazardous waste, generating personal protective equipment and rags contaminated with paint and solvent (D001, D035, F003, and F005) from paint mixing activities; paint and solvents wash (D001, D035, F003, and F005) from clean-up of mixing tubs; and waste cans with excess paint materials from outdated products (D001, D035, F003, and F005).

9) **Inspection Findings**

A walk-through inspection of the facility was performed with the facility representatives. Below is a description of the observations made in the various areas of the facility inspected.

QA/QC Laboratory

The inspectors started the inspection in QA/QC Laboratory area. The laboratory consisted of a Physical Lab and Chemical Lab. Various machines are used to test coatings' resilience to abrasion, rust, impact, and ultraviolet light in the Physical Lab and chemical assays are used to test coatings' resilience to corrosion, chemical weathering, degradation in the Chemical Lab.

The inspectors observed no wastes in the Physical Lab during the inspection. There were several small containers of various coatings staged in a corner of the Chemical Lab. According to Mr. Jeff Mackey, Laboratory Director, the containers held coating products that were being tested and verified for customers specifications. The inspectors were informed that once the testing had been completed and verified, the coating containers would either be disposed as hazardous waste or reused on-site as ingredients in the manufacturing process.

There were two 55-gallon open satellite accumulation containers of paint and solvent waste staged in the Chemical Lab. Both drums were open during the inspection. According to the facility representatives, the 55-gallon containers contained two separate waste streams, "Part A" and "Part B" generated in the Chemical Lab. The first 55-gallon container contained "Part A" waste, marked with the words "Hazardous Waste" and "Flammable Liquid" (Photograph #1). The second 55-gallon container contained "Part B" coatings waste but was not marked "Hazardous Waste" and with an indication of the hazards of the contents (Photograph #2). The facility personnel placed "Hazardous Waste" and "Flammable Liquid" label on the "Part B" drum prior to the conclusion of the inspection.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)4. [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 ADEM Admin. Code r. 335-14-3-.01(5)(a)5. [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.

Paint Mixing Area

The inspectors were escorted to Paint Mixing Area where pigments, resin, and additive solvents are added in the high-speed dispersion units to mix the desired coatings formulation. There are approximately 25 high speed dispersion units in this area. Each unit is capable of mixing batches ranging in size from 200 to 500-gallons of coatings materials. The inspectors observed an open-top metal 55-gallon container containing paint and solvent waste staged in this area. The drum was open and labeled with the words “Hazardous Waste” and “Flammable Solid.”

Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)4. [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.

Central Hazardous Waste Accumulation Area (90-Day Storage Area)

The Central Hazardous Waste Accumulation Area is located in a ventilated room next to the loading docks on the westside of the building. The cinderblock room has a coated concrete floor. The room has two entrances with signs bearing the words “Hazardous Waste Storage Area” and “Unauthorized Persons Keep Out” posted at both entrances. The inspectors observed the following containers in the 90-Day Storage Area:

- Five 55-gallon containers of waste paint related materials from cleaning tub (D001, D035, F003, and F005) were staged on plastic spill control pallets (Photograph #3). The drums were closed, marked with the words “Hazardous Waste,” an indication of the hazards of the contents, and marked with an accumulation start date of June 10, 2021;
- Five additional 55-gallon containers containing waste paint related materials (D001, D035, F003, and F005) were staged on a wooden pallet. The containers were closed, marked with the words “Hazardous Waste,” an indication of the hazards of the contents, and marked with an accumulation start date of May 3, 2021. The drums were not placed on spill control pallets;
- One 55-gallon container of waste paint related materials from the canning room (D001, D035, F003, and F005) was stored in the room. The drum was closed, marked with the words “Hazardous Waste,” an indication of the hazards of the contents, and marked with an accumulation start date of June 10, 2021;
- Approximately ten empty 5-gallon buckets (each of which contained a small amount of epoxy residue) were also staged in the central hazardous waste accumulation area;

- One open-top 55-gallon metal container of wash solvent was staged in the central hazardous waste accumulation area. The container was open and unlabeled. According to the facility representative, the wash solvents are used to clean parts and equipment and is not a waste. The facility indicated that once the wash solvents become unusable and/or contaminated with impurities then the spent solvent waste is managed as hazardous waste;
- One 55-gallon container and three 5-gallon containers were stored in the back wall of the 90-day storage area (Photograph #4). The facility representative couldn't identify the waste materials in the containers. The inspectors instructed the facility to conduct a waste determination on the four containers and dispose of it accordingly.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(2) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in ADEM Admin. Code r. 335-14-2-.01(2) [40 C.F.R. § 261.2], must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations articulated in ADEM Admin. Code r. 335-14-3-.01(2) [40 C.F.R. § 262.11].

The coating on the concrete floor of the central hazardous waste accumulation area was cracked and worn away in several places. The floor should be repaired and coated to prevent spilled waste from entering the ground.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)1.(viii) which incorporates ADEM Admin. Code r. 335-14-6-.09(6)(a), and is a condition of the LQG Permit Exemption, container storage areas must meet the following requirements: (b) a containment system must be designed and operated as follows: 1. A base must underlie the containers which is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, and accumulated precipitation until the collected material is detected and removed. This is an area of concern and should be addressed to ensure compliance with the regulations.

Product Packaging Area

The facility's representatives escorted the inspectors to the Product Packaging Area, where coatings manufactured at the site are placed in containers of various sizes and packaged for shipment off-site. The inspectors observed two separate cleaning stations in the Product Packaging Area. Clean/re-used solvents used to clean mixing vats between batches are located in this area. Waste solvents and related material are collected in metal 55-gallon containers and placed in satellite accumulation areas near the cleaning stations. A sign bearing the words "Caution: Satellite Waste Accumulation Area" was posted near both satellite accumulation areas. The inspector observed the following in the first vat cleaning station:

- One 55-gallon container of liquid waste paint related materials (D001, D035, F003, and F005); and
- One 55-gallon container of solid (PPEs, rags, etc.) waste paint related materials (D001, D035, F003, and F005).

Both drums were closed. The drum containing liquid wastes was marked with the words "Hazardous Waste" and "Flammable Liquid." The drum containing solvent-contaminated solids was not marked "Hazardous Waste" and an indication of the hazards of the contents. The facility representative placed "Hazardous Waste" and "Flammable Liquid." labels on this container prior to the conclusion of the inspection.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)5. [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.

The inspector observed the following in the second vat cleaning station:

- One 55-gallon container of liquid waste paint related materials (D001, D035, F003, and F005); and
- One 55-gallon container of solid (PPEs, rags, etc.) waste paint related materials (D001, D035, F003, and F005).

Both drums were closed. The drum containing liquid wastes was marked with the words “Hazardous Waste” and “Flammable Liquid.” The drum containing solvent contaminated solids was also marked with the words “Hazardous Waste” and “Flammable Solid.”

Product Storage Area

The inspectors were escorted to Induron’s Product Storage Area. In this part of the warehouse, finished products, raw materials, and other manufacturing supplies are stored. No wastes were observed in this area during the inspection.

Document Review

Following the walk-through inspection, the facility representatives provided inspectors with the following documents for review: notification of regulated waste activity form (8700-12), hazardous waste manifests, records of weekly inspections of the central hazardous waste accumulation area, contingency plan and quick reference guide, 2019 Biennial Report, hazardous waste management training records, job title and position descriptions and notification to state and local authorities. The inspectors review and evaluation of the documents revealed the following:

- American Transportation Solutions, LLC (PAR000521740) of King of Prussia, PA is the designated hazardous waste transporter and Clean Earth of Alabama, Inc. (ALD981020894) of Glenco, AL is the designated hazardous waste acceptance facility;
- Records of the 90-Day Storage Area weekly inspections performed between September 14, 2020, and October 5, 2020, and between December 14, 2020, and January 4, 2020, were not available for review;
- The 2019 Biennial report indicated that the facility disposed of 7,700 lbs. of personal protective equipment and rags contaminated with paint and solvents from paint mixing activities, 9,485 lbs. of paint and solvents wash from clean-up of mixing tubs, and 4,050 lbs. of waste cans with excess paint materials from outdated products;
- Although the contingency plan was last updated in 2020, the facility did not create a quick reference guide when the plan was updated. As of the date of the inspection, no quick reference guide had been created or submitted to the local emergency responders; and
- Hazardous waste management training was last provided to facility personnel in March 2018. Two of the facility personnel were not provided with hazardous waste management training in 2019 and 2020.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)1.(v) [40 C.F.R. § 262.17(a)(1)(v)], which is a condition of the LQG Permit Exemption, a generator is required to, at least

weekly, inspect central accumulation areas looking for leaking containers and for deterioration of containers caused by corrosion or other factors.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)6 [40 C.F.R. § 262.17(a)(6)], which incorporates ADEM Admin. Code r. 334-14-3-.14(10) [40 C.F.R. § 262.262(b)], and is a condition of the LQG Permit Exemption, a large quantity generator that is amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee. The quick reference guide must include the following elements: 1. The types/names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid); 2. The estimated maximum amount of each hazardous waste that may be present at any one time; 3. The identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff; 4. A map of the facility showing where hazardous wastes are generated and accumulated, and routes for accessing these wastes; 5. A street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers; 6. The locations of water supply (e.g., fire hydrant and its flow rate); 7. The identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms); and 8. The name of the emergency coordinator(s) and 7/24-hour emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)7 [40 C.F.R. § 262.17(a)(7)], which is a condition of the LQG Permit Exemption, facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the regulations; (ii) Facility personnel must complete personnel training within six months of being hired or of being assigned to a new position at the Facility; (iii) Facility personnel must take part in an annual review of the initial training required by this section.

10) Out-Briefing

An exit briefing was conducted at the conclusion of the inspection. Mr. Jeff White, Mr. Mike Nelms, Mr. Jeff Mackey participated in the exit briefing. The observations made during the inspection were discussed and the inspection was concluded. Induron was inspected as a large quantity generator of hazardous waste. The inspectors requested that the facility submit information regarding actions taken subsequent to the inspection to ADEM and the EPA.

11) Signed

Parvez A. Mallick
Inspector and Author of Report
RCRA Enforcement Section

Date

12) **Concurrence and Approval**

Araceli B. Chavez
Chief
RCRA Enforcement Section

Date

Compliance Evaluation Inspection photos taken by Parvez Mallick
Canon PowerShot SD980 IS - EPA Property Number S75319



Photo #1 – Open satellite accumulation container in the Chemical Lab.



Photo #2 – Open and unlabeled satellite accumulation container in the Chemical Lab.



Photo #3 – Hazardous waste containers in the 90-Day Storage Area.



Photo #4 – A 55-gallon container of unknown waste stored in the 90-Day Storage Area.