



EPA REGION 7 Enforcement Division
INSPECTION REPORT

Inspection Entry Date/Time	10/29/2024 09:15 AM (CT)	Announced: No	
Inspection Exit Date/Time	10/29/2024 05:15 PM (CT)	Access: Granted	
Regulatory Program	Resource Conservation and Recovery Act (RCRA)		
Type of Inspection	Compliance Evaluation Inspection (CEI)		
Facility or Site Name	Tnemec Company, Inc.		
Facility/Site Identifier	MOD007121841		
Facility/Site Physical Address	123 West 23rd Avenue		
City, State, Zip Code	North Kansas City, MO 64116		
County/Borough	Clay		
Generator Status	Large Quantity Generator (LQG)		
NAICS	32551		
Type of Operation	Paint and coating manufacturing.		
Geographic Coordinates	39.145149, -94.581343		
Permit Number (If Applicable)	Not Applicable		
Lead Inspector:			
Mike Martin	<i>[Signature]</i> Martin, Mike	Digitally signed by Martin, Mike Date: 2024.11.19 17:21:56 -06'00'	
	EPA REGION 7	martin.mike@epa.gov	
Additional Inspectors Participating in Inspection:			
Name	Title	Organization	Email
Donald Melton	Inspector	EPA REGION 7	melton.donald@epa.gov
Crew Schuster	Inspector	Missouri Department of Natural Resources (MoDNR)	crew.schuster@dnr.mo.gov
Supervisor Review:			
Amber Whisnant	<i>[Signature]</i> AMBER WHISNANT	Digitally signed by AMBER WHISNANT Date: 2024.12.20 14:25:38 -06'00'	<i>[Date]</i>
	EPA REGION 7	whisnant.amber@epa.gov	

SECTION I – INTRODUCTION**Site Entry and Purpose of the Inspection**

Type of inspection: CEI

At the request of the Enforcement and Compliance Assurance Division, I conducted a RCRA CEI at Tnemec Company, Inc. (Tnemec). The CEI was conducted under the authority of Section 3007(a) of RCRA, as amended. During the CEI, I collected the information and data necessary to determine compliance with the applicable regulatory and statutory requirements. The inspection report and attachments present the results of the CEI.

Prior to beginning the inspection on the morning of October 29, 2024, I conducted a visual reconnaissance of Tnemec searching for areas of concern observable from the adjacent roadway. I identified no environmental issues or concerns during this preliminary examination. Upon arriving unannounced at Tnemec at 9:15 a.m., Mr. Melton, Ms. Schuster and I met with Messrs. Frakes and Carter. I presented them with my EPA credentials and explained the purpose and procedures of the inspection.

The CEI consisted of a discussion of facility operations, waste generation, and waste management; a review of waste management records; and a visual inspection of waste generation and management areas (see Appendix 2 - Attachment 1 for the Site Overview).

Mr. Melton, Ms. Schuster and I conducted at visual inspection of the following areas at Tnemec:

Building 1 – Manufacturing Plant; Product Support Lab, Color Lab; Shade Area; Solvent Distillation Area; Maintenance; Hazardous Waste and Universal Waste Storage Areas	Building 4 – Technical Services; Analytical Lab; and Panel Lab (Building 4 is located on contiguous property at 101 West 26 th Avenue, North KC, MO 64116)
Building 3 – Shipping Warehouse; Research and Development Lab and Tinting	Building 5 – Receiving Warehouse (Building 5 is located on contiguous property at 130 West 23 rd Avenue, North KC, MO 64116)

Document photocopies and photographs were collected as inspection documentation (Appendices 1 and 2). A total of 36 photographs were collected and a photolog was prepared (Appendix 1). Due to the facility operating in a Class 1 explosive building, an intrinsically safe camera was used to collect photographs. I followed the inspection procedures discussed in the RCRA CEI Standard Operating Procedure (No. 2321.1E), unless noted differently. Any authorized Federal regulatory citations noted in this report are adopted by reference in the authorized Missouri regulations.

Attendees

Title/Organization	Name	Opening Conf.	Closing Conf.
RCRA Inspector/EPA	Mike Martin	Yes	Yes
RCRA Inspector/EPA	Donald Melton	Yes	Yes
RCRA Inspector/MoDNR	Crew Schuster	Yes	Yes
Director of Technical and Regulatory Affairs	Kyle Frakes (816) 326-4305 frakes@tnemec.com	Yes	Yes
Safety Manager	Cole Carter (816) 326-4353 carterc@tnemec.com	Yes	Yes

Opening Conference

I presented Messrs. Frakes and Carter with my EPA credentials and explained the purpose and procedures of the inspection. I next presented them with a copy of RCRA Section 3007(a), which provides inspection authority. I explained my need to collect accurate information and presented them with a copy of Title 18 U.S. Code, Sections 1001 and 1002. They were made aware of their confidentiality rights and were informed that a Confidentiality Notice would be provided at the end of the inspection to make or not to make any confidentiality claims. Messrs. Frakes and Carter acted as the official facility representatives during the course of the inspection.

Tnemec had been last inspected for RCRA compliance on September 16, 2020, by the MoDNR. During the September 2020 MoDNR inspection, no findings were cited.

According to the Hazardous Waste (HW) Site Info Verification Report (Appendix 2 - Attachment 2), Tnemec operates as a LQG of D001, D002, D007, D009, D018, D035, D040, F003, F005, P007, P008, P046, P094, U080, U096, U110, U194, U228 and U404 hazardous waste. No changes were noted to the Hazardous Waste Site Info Verification Report. Tnemec generates greater than 2,200 pounds of known HW per month. Therefore, I inspected Tnemec as a LQG. In addition, I determined Tnemec to be a small quantity handler of universal waste and a used oil generator.

Facility/Site Information

Number of employees	125
Length of Facility at Location	103 years
Operating Hours	5:00 am to 11:30 pm (two shifts), Monday-Friday
Size of Facility	4 buildings
What type of generator facility verified as?	LQG
Weather Conditions	Mostly cloudy

Process Description

Tnemec's paint and coating manufacturing process includes: (1) blending resins, pigments, and additives with solvent or water in mixing units and (2) the resulting mixture is then packaged and shipped to customers.

Waste Description and Generation Process	Waste Type	Generation Rate	If HW, list all codes	Waste Determination Method	Waste Amount Presently in Storage (less than 90-day HW accumulation)	Oldest Accumulation Start Date	Waste Disposal Location
Spent Solvent (generated from the cleaning of product mixing units with xylene and methyl isobutyl ketone) *This waste stream includes waste epoxy resin, additives and pigments (not managed as HSM) and is sent off-site for HW disposal.	HW	Varies (an estimate of 44,000 pounds in 2024)	D001, D018, F003 and F005	Process Knowledge	An estimate of 57 pallets of 55-gallon drums of spent solvent and still bottoms	09/20/2024	Heritage Environmental (KC, MO) Green America Recycling LLC (Hannibal, MO)
HSM (generated from the cleaning of product mixing units with xylene and methyl isobutyl ketone) *This waste stream is managed under the generator-controlled exclusion (conditions of the exclusion are met and HSM is recycled in the on-site distillation unit).	-	9,000 to 13,000 gallons/month (an estimate of 160 to 240 55-gallon drums/month)	-	Process Knowledge	Two 55-gallon drums (photos 22 and 23)	NA	NA
Still Bottoms	HW	4,400 gallons/month (an estimate of 80 55-gallon drums/month)	D001, D018, D035, F003 and F005	Process Knowledge	An estimate of 57 pallets of 55-gallon drums of spent solvent and still bottoms	09/20/2024	Heritage Environmental (KC, MO) Green America Recycling LLC (Hannibal, MO)
Waste Paint	HW	Varies (an estimate of 137,000 pounds in 2024)	D001 and D035	Process Knowledge	NA	NA	Veolia (Menomonee, WI) Safety-Kleen (Smithfield, KY) Clean Harbors (El Dorado, AR)

Inspection Date(s):

10/29/2024

Waste Corrosion Inhibitor	HW	Varies (600 pounds generated in 2024)	D002	Process Knowledge	NA	NA	Heritage Environmental (East Liverpool, OH)
Waste Mixed Acids	HW	Varies (270 pounds generated in 2024)	D002	Process Knowledge	NA	NA	Heritage Environmental (KC, MO)
Solvent Contaminated Rags	HW	760 pounds/month (an estimate of four 55-gallon drums/month)	D001, F003 and F005	Process Knowledge	NA	NA	Green America Recycling LLC (Hannibal, MO)
Lab Pack (generation of old reagents/chemicals)	HW	Varies	D001	Process Knowledge	NA	NA	Heritage Environmental (KC, MO)
Spent Aerosol Cans (general maintenance, spray paint, etc.)	HW	Varies (an estimate of one 55-gallon drum/year)	D001	Process Knowledge	NA	NA	Heritage Environmental (KC, MO)
Used Oil (mixed with spent solvent and/or still bottoms and managed as HW)	HW	Varies (an estimate of less than 10 gallons/year)	D001, D018, D035, F003 and F005	Process Knowledge	NA	NA	Heritage Environmental (KC, MO)
Spent Paint Booth Filters	SW	Varies	NA	AD	NA	NA	Green America Recycling LLC (Hannibal, MO)
Universal Waste (Lamps and Batteries (re-lamping and general maintenance)	UW	Two to three boxes of lamps/year Two pails of batteries/year	NA	Process Knowledge	Three boxes of lamps Two pails of batteries	10/28/2024	Heritage Environmental (KC, MO)
General Trash	SW	NA	NA	NA	NA	NA	Republic Services (KC, KS)

HW = Hazardous Waste	AD = Analytical Data	UO = Used Oil	EX = Exempt
SW = Solid Waste	ND = Not Determined	UW = Universal Waste	HSM = Hazardous Secondary Material

Building(s)

Building/Area/Sub-area	Process Description	Area of Concern
Building 1 – Manufacturing Plant Solvent Distillation Area Color Lab Shade Area	Paint and coating manufacturing.	Yes
Building 3 – Research and Development	Research and development labs.	No
Building 4 – Technical Services Panel Lab Analytical Lab	Training Center.	Yes
Building 5 – Receiving Warehouse	Raw material storage.	No

**Note – when selecting a hyperlink within the inspection report, press ALT and left arrow at the same time to go back to the original location prior to clicking the hyperlink*

SECTION II – OBSERVATIONS

Building: Bldg. 1 - Manufacturing Plant			
Observations #: MM1-OB-001, MM1-OB-002, MM1-OB-003, MM1-OB-004, MM1-OB-005, MM1-OB-006, MM1-OB-007, MM1-OB-008, MM1-OB-009, MM1-OB-010, MM1-OB-011, MM1-OB-012 and MM1-OB-013		Date: 10/29/2024	Contains AOC: Yes Contains CBI: No
Person Interviewed: Kyle Frakes		Title: Director of Technical and Regulatory Affairs	
Mr. Melton, Ms. Schuster and I observed yellow/green residue (an estimate of less than one ounce) on the lid top of one 55-gallon HW satellite accumulation drum of waste paint (photos 4, 5 and 6). Mr. Frakes stated that he was not aware of the length of time of accumulation of the yellow/green residue. I asked Mr. Frakes if the yellow/green residue was hazardous waste. Mr. Frakes stated that he did not know. I asked Mr. Frakes if he had conducted a hazardous waste determination on the yellow/green residue. Mr. Frakes stated “No.” Failure to conduct a hazardous waste determination – 10 CSR 25-5.262(1) incorporating 40 CFR 262.11(a) (Notice of Preliminary Finding - NOPF 1A1). On the concrete floor (under mixing units), Mr. Melton, Ms. Schuster and I observed one 1-foot-long area of dried blue and green paint splatter (photo 8), one 1-foot-long area of dried white paint splatter (photos 9 and 10) and two half-foot-long areas of dried white paint splatter (photos 9 and 10). Mr. Frakes stated that he was not aware of the length of time of accumulation of the paint splatter. He stated that the paint splatter is dry and non-hazardous waste based on process knowledge. I asked Mr. Frakes if he had conducted a hazardous waste determination on the paint splatter at the point of generation (when the paint first came in contact with the concrete floor and prior to drying). Mr. Frakes stated “No.” Failure to conduct a hazardous waste determination – 10 CSR 25-5.262(1) incorporating 40 CFR 262.11(a) (NOPFs 1A2, 1A3 and 1A4). Located in an empty container area (near the Solvent Distillation Area), Mr. Melton, Ms. Schuster and I observed one ¾ full pail (an estimate of three to five gallons) of a dark gray solid material (photos 20 and 21). Mr. Frakes stated that he was not aware of the length of time of accumulation of the dark gray solid material. I asked Mr. Frakes if the dark gray solid material was hazardous waste. Mr. Frakes stated that he did not know. I asked Mr. Frakes if he had conducted a hazardous waste determination on the ¾ full pail an estimate of (three to five gallons) of dark gray solid material. Mr. Frakes stated “No.” Failure to conduct a hazardous waste determination – 10 CSR 25-5.262(1) incorporating 40 CFR 262.11(a) (NOPF 1A5).			

Inside the secondary containment of the Solvent Distillation Area, Mr. Melton, Ms. Schuster and I observed two half-full pails (an estimate of three to five gallons each) of dark gray and brown solid material (photo [24](#)). Mr. Frakes stated that he was not aware of the length of time of accumulation of the dark gray and brown solid material inside the two pails. I asked Mr. Frakes if the dark gray and brown solid material was hazardous waste. Mr. Frakes stated that he did not know. I asked Mr. Frakes if he had conducted a hazardous waste determination on the two pails of dark gray and brown solid material. Mr. Frakes stated "No." **Failure to conduct a hazardous waste determination – 10 CSR 25-5.262(1) incorporating 40 CFR 262.11(a) (NOPF 1A6).**

In Building 1, Mr. Melton, Ms. Schuster and I observed the following HW satellite accumulation containers not closed:

- (1) One open and unlabeled $\frac{3}{4}$ full container (an estimate of 250 ml) of waste F041-0052 solvent - D001 characteristic hazardous waste (photos [4](#), [5](#) and [6](#) and Appendix 2 - Attachment 3 for the Safety Data Sheet-SDS) (NOPF 2A1).
- (2) One open $\frac{3}{4}$ full container (an estimate of 250 ml) of waste N-69XG092A paint additive - D001 characteristic hazardous waste (photos [4](#), [5](#), [6](#) and [7](#) and Appendix 2 - Attachment 4 for the SDS) (NOPF 2A2).
- (3) One open and unlabeled $\frac{3}{4}$ full 5-gallon pail of waste T099 solvent - D001, F003 and F005 hazardous waste located at the 2nd Floor Manufacturing Area (photo [14](#)) (NOPF 2A3).
- (4) One open and unlabeled $\frac{1}{4}$ full 55-gallon drum of solid solvent residue (generated from the cleanout/repair of the aboveground tank connected to the solvent distillation unit) (photos [27](#) and [28](#)) (NOPF 2A4). During the visual inspection, facility personnel were in the process of closing and labeling the drum with the words "Hazardous Waste" (photo [28](#)).
- (5) One open and unlabeled less than $\frac{1}{4}$ full 20-gallon pail of waste solvent (generated from the cleanout/repair of the aboveground tank connected to the solvent distillation unit) (photo [27](#)) (NOPF 2A5). During the visual inspection, facility personnel closed the pail and were in the process of labeling it with the words "Hazardous Waste" (photo [28](#)).

Failure to close HW satellite accumulation containers – 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(c)(1)(i) referencing 40 CFR 265.173(a) (NOPFs 2A1, 2A2, 2A3, 2A4 and 2A5). **Tnemec follows the Federal satellite accumulation requirements.*

In Building 1, Mr. Melton, Ms. Schuster and I observed the following HW satellite accumulation containers not labeled:

- (1) One open and unlabeled $\frac{3}{4}$ full container (an estimate of 250 ml) of waste F041-0052 solvent - D001 characteristic hazardous waste (photos [4](#), [5](#) and [6](#) and Appendix 2 - Attachment 3 for the Safety Data Sheet-SDS) (NOPF 3A1).
- (2) One open and unlabeled $\frac{3}{4}$ full 5-gallon pails of waste T099 solvent - D001, F003 and F005 hazardous waste located at the 2nd Floor Manufacturing Area (photo [14](#)) (NOPF 3A3).
- (3) One open and unlabeled $\frac{1}{4}$ full 55-gallon drum of solid solvent residue (generated from the cleanout/repair of the aboveground tank connected to the solvent distillation unit) (photos [27](#) and [28](#)) (NOPF 3A4). During the visual inspection, facility personnel were in the process of closing and labeling the drum with the words "Hazardous Waste" (photo [28](#)).
- (4) One open and unlabeled less than $\frac{1}{4}$ full 20-gallon pail of waste solvent (generated from the cleanout/repair of the aboveground tank connected to the solvent distillation unit) (photos [27](#) and [28](#)) (NOPF 3A5). During the visual inspection, facility personnel closed the pail and were in the process of labeling it with the words "Hazardous Waste" (photo [28](#)).
- (5) One unlabeled 5-gallon pail of solvent contaminated rags (photos [11](#), [12](#) and [13](#)) (NOPF 3A6). **On the NOPF, the location of the pail was inadvertently noted as the Color Lab.*

- (6) One unlabeled 55-gallon drum of solvent contaminated rags located at the Shade Area (photos [16](#), [17](#) and [18](#)). During the visual inspection, facility personnel marked the drum with the words “Hazardous Waste” (photo [19](#)) (NOPF 3A7).
- (7) One unlabeled 55-gallon drum of waste paint located at the Color Lab (photos [29](#) and [30](#)). During the visual inspection, facility personnel marked the drum with the words “Hazardous Waste” (photos [31](#) and [32](#)) (NOPF 3A8). **NOPF 3A8 was inadvertently left off the NOPF form provided to Mr. Frakes on 10/29/2024. On 11/14/2024, Mr. Frakes was notified of NOPF 3A8.*

Failure to label HW satellite accumulation containers with the words “Hazardous Waste” or with other words identifying the contents – 10 CSR 25-5.262(2)(C)(3) incorporating 40 CFR 262.34(c)(1)(ii) (NOPFs 3A1, 3A3, 3A4, 3A5, 3A6, 3A7 and 3A8). **Tnemec follows the Federal satellite accumulation requirements.*

**RESCINDED - NOPF 3A2 (one $\frac{3}{4}$ full HW satellite accumulation container [an estimate of 250 ml] of N-69XG092A was marked with words identifying its contents at the time of the CEI) (photo [4](#))*

Located within the secondary containment of the Solvent Distillation Area, Mr. Melton, Ms. Schuster and I observed a 2-foot by 2-foot foot-long area of dark gray solid material located under and around the aboveground tank that feeds the solvent distillation unit (photos [27](#) and [28](#)). I asked Mr. Frakes if the dark gray solid material was hazardous waste. Mr. Frakes stated “Yes.” He stated that the material has the same RCRA hazardous waste codes (D001, D018, D035, F003 and F005) as still bottoms. Mr. Frakes stated that he was not aware of the length of time of accumulation of the hazardous waste. Mr. Frakes stated that the hazardous waste had been generated from the cleanout/repair of the aboveground tank that feeds the solvent distillation unit. Since October 23, 2004, the solvent distillation unit had been shut down and under repair/cleanout. Mr. Frakes stated that facility personnel working on the repair/cleanout took a lunch break and the hazardous waste should have been stored in the 55-gallon HW satellite accumulation drum located within the secondary containment area. **Facility not maintained and operated to minimize the release of hazardous waste – 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.31 (NOPF 5).** During the visual inspection, facility personnel were in the process of cleaning up the hazardous waste and adding it to a 55-gallon hazardous waste satellite accumulation drum within the secondary containment of the Solvent Distillation Area (photo [28](#)).

Photos

- | | | | |
|----------------------------|------------------------------|------------------------------|------------------------------|
| 1. Photo 4 | 7. Photo 10 | 13. Photo 17 | 19. Photo 27 |
| 2. Photo 5 | 8. Photo 11 | 14. Photo 18 | 20. Photo 28 |
| 3. Photo 6 | 9. Photo 12 | 15. Photo 19 | 21. Photo 29 |
| 4. Photo 7 | 10. Photo 13 | 16. Photo 20 | 22. Photo 30 |
| 5. Photo 8 | 11. Photo 14 | 17. Photo 21 | 23. Photo 31 |
| 6. Photo 9 | 12. Photo 16 | 18. Photo 24 | 24. Photo 32 |

Building: Bldg. 4 - Technical Services/Lab Area

Observation #: MM1-OB-014

Date: 10/29/2024

Contains AOC: Yes

Contains CBI: No

Person Interviewed: Kyle Frakes

Title: Director of Technical and Regulatory Affairs

On the concrete floor, Mr. Melton, Ms. Schuster and I observed dried multicolor paint splatter (photos [33](#), [34](#), [35](#) and [36](#)). The dried paint splatter covered a 4-foot by 4-foot-long area, a 8-foot-long area and a 9-foot-long area. Mr. Frakes stated that he was not aware of the length of time of accumulation of the areas of paint splatter. He stated that the paint is dry and non-hazardous waste based on process knowledge. I asked Mr. Frakes if he had conducted a hazardous waste determination on the paint splatter at the point of generation (when the paint first came in contact with the concrete floor and prior to drying). Mr. Frakes stated “No.” **Failure to conduct a hazardous waste determination – 10 CSR 25-5.262(1) incorporating 40 CFR 262.11(a) (NOPF 1B).**

Photos

- | | | | |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| 1. Photo 33 | 2. Photo 34 | 3. Photo 35 | 4. Photo 36 |
|-----------------------------|-----------------------------|-----------------------------|-----------------------------|

SECTION III – RECORDS REVIEW

Record: Manifests		AOC: No
Ref #: MM1-RR-001	Reviewed By: Mike Martin	Reviewed Date: 10/29/2024
The past three years uniform hazardous waste manifests were on file and appeared to be satisfactory.		
Record: Personnel Training		AOC: Yes
Ref #: MM1-RR-002	Reviewed By: Mike Martin	Reviewed Date: 10/29/2024
HW training records appeared to be satisfactory, except for no documentation of 2022 HW management training for Ron Shimmel (Alternative Emergency Coordinator listed in the contingency plan). Mr. Frakes was not aware that Mr. Shimmel missed 2022 HW management training. Annual HW training not provided - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(c) (NOPF 4).		
Record: Inspections		AOC: No
Ref #: MM1-RR-003	Reviewed By: Mike Martin	Reviewed Date: 10/29/2024
Weekly HW inspections are conducted on HW storage containers (less than 90-day HW accumulation containers). The weekly HW inspection logs for past three years were on file and appeared to be satisfactory.		
Record: Biennial Reports		AOC: No
Ref #: MM1-RR-004	Reviewed By: Mike Martin	Reviewed Date: 10/29/2024
The biennial report was on file and appeared to be satisfactory.		
Record: Contingency Plan		AOC: No
Ref #: MM1-RR-005	Reviewed By: Mike Martin	Reviewed Date: 10/29/2024
Tnemec 's contingency plan was on file and up to date.		

SECTION IV – AREA OF CONCERN

The presentation of Areas(s) of Concern does not constitute a formal compliance determination or violation.

Building: Bldg. 1 - Manufacturing Plant

[MM1-OB-001](#), [MM1-OB-002](#), [MM1-OB-003](#), [MM1-OB-004](#), [MM1-OB-005](#) and [MM1-OB-006](#)

Failure to conduct a hazardous waste determination – 10 CSR 25-5.262(1) incorporating 40 CFR 262.11(a):

- Yellow/green residue (an estimate of less than one ounce) on the lid top of one 55-gallon HW satellite accumulation drum of waste paint (photos [4](#), [5](#) and [6](#)) (**NOPF 1A1**).
- One 1-foot-long area of dried blue and green paint splatter located on the concrete floor (photo [8](#)) (**NOPF 1A2**).
- One 1-foot-long area of dried white paint splatter located on the concrete floor paint (photos [9](#) and [10](#)) (**NOPF 1A3**).
- Two half-foot-long areas of dried white paint splatter located on the concrete floor (photos [9](#) and [10](#)) (**NOPF 1A4**).
- One $\frac{3}{4}$ full pail (estimate of three to five gallons) of dark gray solid material in an empty container area near the Solvent Distillation Area (photos [20](#) and [21](#)) (**NOPF 1A5**).
- Two half-full pails (an estimate of three to five gallons each) of dark gray and brown solid material inside the secondary containment of the Solvent Distillation Unit (photo [24](#)) (**NOPF 1A6**).

Building: Bldg. 4 - Technical Services/Lab Area

[MM1-OB-014](#)

Failure to conduct a hazardous waste determination on dried multicolor paint splatter (4-foot by 4-foot-long area, 8-foot-long area and 9-foot-long area) located on the concrete floor (photos [33](#), [34](#), [35](#) and [36](#)) - 10 CSR 25-5.262(1) incorporating 40 CFR 262.11(a) (**NOPF 1B**).

Building: Bldg. 1 - Manufacturing Plant

[MM1-OB-007](#), [MM1-OB-008](#), [MM1-OB-009](#), [MM1-OB-010](#)

Failure to close HW satellite accumulation containers – 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(c)(1)(i) referencing 40 CFR 265.173(a):

- One open and unlabeled $\frac{3}{4}$ full container (an estimate of 250 ml) of waste F041-0052 solvent (photos [4](#), [5](#) and [6](#)) (**NOPF 2A1**).
- One open $\frac{3}{4}$ full container (an estimate of 250 ml) of waste N-69XG092A paint additive (photos [4](#), [5](#) and [6](#)) (**NOPF 2A2**).
- One open and unlabeled $\frac{3}{4}$ full 5-gallon pail of waste T099 solvent (photo [14](#)) (**NOPF 2A3**).
- One open and unlabeled $\frac{1}{4}$ full 55-gallon drum of solid solvent residue (photos [27](#) and [28](#)) (**NOPF 2A4**). During the visual inspection, facility personnel were in the process of closing and labeling the drum with the words “Hazardous Waste” (photo [28](#)).
- One open and unlabeled less than $\frac{1}{4}$ full 20-gallon pail of waste solvent (photo [27](#)) (**NOPF 2A5**). During the visual inspection, facility personnel closed the pail and were in the process of labeling it with the words “Hazardous Waste” (photo [28](#)).

Building: Bldg. 1 - Manufacturing Plant[MM1-OB-007, MM1-OB-008, MM1-OB-009, MM1-OB-010, MM1-OB-011, and MM1-OB-012](#)

Failure to label HW satellite accumulation containers with the words “Hazardous Waste” or with other words identifying the contents – 10 CSR 25-5.262(2)(C)(3) incorporating 40 CFR 262.34(c)(1)(ii):

- One open and unlabeled $\frac{3}{4}$ full container (an estimate of 250 ml) of waste F041-0052 solvent (photos [4](#), [5](#) and [6](#)) (**NOPF 3A1**).
- One open and unlabeled $\frac{3}{4}$ full 5-gallon pails of waste T099 solvent (photo [14](#)) (**NOPF 3A3**).
- One open and unlabeled $\frac{1}{4}$ full 55-gallon drum of solid solvent residue (photos [27](#) and [28](#)) (**NOPF 3A4**). During the visual inspection, facility personnel were in the process of closing and labeling the drum with the words “Hazardous Waste” (photo [28](#)).
- One open and unlabeled less than $\frac{1}{4}$ full 20-gallon pail of waste solvent (photos [27](#) and [28](#)) (**NOPF 3A5**). During the visual inspection, facility personnel closed the pail and were in the process of labeling it with the words “Hazardous Waste” (photo [28](#)).
- One unlabeled 5-gallon pail of solvent contaminated rags (photos [11](#), [12](#) and [13](#)) (**NOPF 3A6**). **On the NOPF, the location of the pail was inadvertently noted as the Color Lab.*
- One unlabeled 55-gallon drum of solvent contaminated rags located at the Shade Area (photos [16](#), [17](#) and [18](#)). (**NOPF 3A7**). During the visual inspection, facility personnel marked the drum with the words “Hazardous Waste” (photo [19](#)).
- One unlabeled 55-gallon drum of waste paint located at the Color Lab (photos [29](#) and [30](#)) (**NOPF 3A8**). During the visual inspection, facility personnel marked the drum with the words “Hazardous Waste” (photos [31](#) and [32](#)) (NOPF 3A8). **NOPF 3A8 was inadvertently left off the NOPF form provided to Mr. Frakes on 10/29/2024. On 11/14/2024, Mr. Frakes was notified of NOPF 3A8.*

**RESCINDED - NOPF 3A2 (one $\frac{3}{4}$ full HW satellite accumulation container [an estimate of 250 ml] of N-69XG092A was marked with words identifying its contents at the time of the CEI) (photo [4](#))*

Record: Personnel Training[MM1-RR-002](#)

Annual HW training not provided (no documentation of 2022 HW management training for Ron Shimmel - Alternative Emergency Coordinator listed in the contingency plan) - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(c) (**NOPF 4**).

Building: Bldg. 1 - Manufacturing Plant[MM1-OB-013](#)

Facility not maintained and operated to minimize the release of hazardous waste (one 2-foot by 2-foot foot-long area of D001, D018, D035, F003 and F005 located within the secondary containment of the Solvent Distillation Area) – 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.31 (**NOPF 5**).

SECTION V – CLOSING CONFERENCE AND FOLLOW UP**Closing Conference**

At the conclusion of the CEI, I summarized my findings and recommendations to Messrs. Frakes and Carter. I provided Mr. Frakes with a *Confidentiality Notice* (Appendix 2 - Attachment 5), a *Receipt for Documents and Samples* (Appendix 2 - Attachment 6), and a *Notice of Preliminary Findings* (NOPF) (Appendix 2 - Attachment 7), which he signed as acknowledgement of receipt. No confidentiality claims were made by Tnemec.

The following inspection documents and compliance assistance handouts were left with Tnemec:

Confidentiality Notice (Top page of the completed carbonless transfer set)

Receipt for Documents and Samples (Top page of the completed carbonless transfer set)

NOPF (Top page of the completed carbonless transfer set)

Instructions for Responding to an NOPF (EPA Handout)

U.S. EPA Small Business Resources (EPA Handout)

e-Manifest Fact Sheet (EPA Handout)

Hazardous Waste Generator Status Guidance (MoDNR Technical Guidance Document)

Hazardous Waste Satellite Accumulation (MoDNR Technical Guidance Document)

Aerosol Cans (MoDNR Technical Guidance Document)

Follow Up

Type	Point of Contact	Job Title/Description	Description	Contains PII	Date
Email	Kyle Frakes	Director of Technical and Regulatory Affairs	NOPF response transmittal to Inspector.	No	11/11/2024 6:43 AM (CT)
Phone Call	Kyle Frakes	Director of Technical and Regulatory Affairs	Inspector's phone call to Mr. Frakes regarding receipt of NOPF response and inspection follow-up.	No	11/14/2024 11:25 AM (CT)
Phone Call	Cole Carter	Safety Manager	Inspector's phone call to Mr. Carter regarding inspection follow-up (review on SDS for blue paint, white paint, and E014, rescinding NOPF 3A2 and need of a NOPF response for NOPFs 3A6 and 3A8).	No	11/14/2024 11:27 AM (CT)
Email	Kyle Frakes	Director of Technical and Regulatory Affairs	Inspector's emails to Messrs. Frakes and Carter regarding inspection follow-up.	No	11/14/2024 12:15 PM (CT) 11/15/2024 7:58 AM (CT)
Email	Kyle Frakes	Director of Technical and Regulatory Affairs	Follow-up NOPF response transmittal to Inspector.	No	11/19/2024 4:45 PM (CT)

SECTION VI – SAMPLING ACTIVITIES AND ANALYTICAL RESULTS

No sampling was conducted.

SECTION VII – LIST OF APPENDICES

1. Photo Log
2. Report Attachments