

RCRA Inspection Report

1) Inspector and Author of Report

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2) Facility Information

Detyens Shipyard
1670 Drydock Avenue
North Charleston, South Carolina 29405
Charleston County

EPA ID: SCR000002253
NAICS: 336611 - Ship Building and Repairing

3) Responsible Official

Mike Marshall
EHS Manager
Detyens Shipyard
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4) Inspection Participants

Mike Marshall, Detyens Shipyard
Thomas Mooney, Detyens Shipyard

Ryan Donahue, SCDHEC
Tom Richmond, SCDHEC
Paula Whiting, US EPA Region 4 Atlanta

5) Date and Time of Inspection

April 8, 2024, at 9:30 a.m. EDT

6) Applicable Regulations¹

Resource Conservation and Recovery Act (RCRA) Sections 3002, 3005 and 3007 (42 U.S.C. §§ 6922, 6925 and 6927), and the regulations promulgated pursuant thereto at 40 Code of Federal Regulations (C.F.R.) Parts 260-270, 273 and 279.

¹ As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations of those authorized provisions will be to the authorized State program. However, for ease of reference, the federal citations will follow in brackets.

South Carolina Hazardous Waste Management Act, S.C. Code Ann. § 44-56-10 et seq., and South Carolina Hazardous Waste Management Regulations (SCHWMA), S.C. Code Ann. Regs. 61-79.260-270, 61-79.273 and 61-79.279

Pursuant to S.C. Code Ann. Regs. 61-79.262.17(a) [40 C.F.R. § 262.17(a)], 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 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in S.C. Code Ann. Regs. 61-79.262.17(a) [40 C.F.R. § 262.17(a)] (hereinafter referred to as the “LQG Permit Exemption”).

Pursuant to S.C. Code Ann. Regs. 61-79.262.15(a) [40 C.F.R. § 262.15(a)], a generator may accumulate as much as 55 gallons of non-acute hazardous waste and/or either one quart of liquid acute hazardous waste 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 44-56-60(a)(2) and (b) of the SCHWMA, S.C. Code Ann. § 44-56-60(a)(2) and (b) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the satellite accumulation area conditions listed in S.C. Code Ann. Regs. 61-79.262.15(a) [40 C.F.R. § 262.15(a)] (hereinafter referred to as the “SAA Permit Exemption”).

Pursuant to S.C. Code Ann. Regs. 61-79.273.9 [40 C.F.R. § 273.9], a “Small Quantity Handler of Universal Waste” (SQHUW) is a Universal Waste handler who does not accumulate 5,000 kilograms or more of Universal Waste (batteries, pesticides, mercury-containing equipment, or lamps, calculated collectively) at any time.

7) Purpose of Inspection

The purpose of the inspection was to conduct an unannounced RCRA compliance evaluation inspection (CEI) to determine the compliance of Detyens Shipyard, EPA ID Number: SCR000002253 with the applicable regulations. This was an EPA lead inspection.

8) Facility Description

Detyens Shipyards provides ship repair and maintenance. The facility offers three graving docks with a capacity of up to Panamax (size limits for ships traveling through the Panama Canal). In addition to the docks, the facility also offers modern, enclosed shops for all crafts; eight 56-ton gantry cranes on a continuous rail system; four tower cranes; rail access and over 8,000 feet of deepwater pier space and a floating dry dock for smaller vessels.

The Detyens Shipyard facility is approximately 97 acres and operates 24 hours per day, 5 days per week in two shifts. Detyens Shipyard employs approximately 230 full time employees, 700 contractors and four employees handling hazardous waste.

Detyens Shipyard's most recent Hazardous Waste Generator Notification (EPA Form 8700-12) dated January 1, 2023, characterized the facility as a Large Quantity Generator (LQG) of hazardous waste. Detyens Shipyard may generate hazardous waste streams, spent aerosol cans, used solvent, used oil, universal lamps and batteries, paint waste and other wastes. The hazardous waste may be designated by the following EPA Waste Codes D001, D007, D008, D035, F003 and F005.

9) Previous Inspection History

This facility was last inspected on September 23, 2019, by South Carolina Department of Health and Environmental Control (SCDHEC). Deficiencies of container management were noted.

10) Findings

On April 8, 2024, EPA inspector Paula Whiting, accompanied by SCDHEC inspectors Ryan Donahue and Tom Richmond arrived at Detyens Shipyard at approximately 9:30 a.m. EDT. The inspectors signed in at the front office and were escorted to a EHS Office. Mr. Mike Marshall, EHS Manager and Mr. Thomas Mooney, Assistant EHS Manager received the inspectors. The inspectors introduced themselves, showed their credentials to the representatives, and explained the purpose of the visit.

The inspectors described the anticipated use of a digital camera during the inspection and provided a request for records. The EPA inspector explained that the Small Business Regulatory Enforcement Fairness Act's classification of a "small business" is generally set by the Small Business Administration using the business' SIC/NAICS code and annual receipts or number of employees. A copy of the EPA's information sheet for small businesses can be found at <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>. The EPA inspector also discussed the company's ability, pursuant to 40 C.F.R. § 2.203, to assert a business confidentiality claim for information submitted to the EPA. The company did not assert a business confidentiality claim.

Mr. Marshall and Mr. Mooney provided an overview of the facility's history and current operations during the opening conference. The inspection participants also discussed health and safety protocols and required personal protective equipment before the facility representative led the inspectors on a tour of the facility operations. Below is a description of the observations made during the inspection.

11) Inspection Observations

Mr. Marshall explained to the inspectors there were eight ships currently under repair at Detyens Shipyard. Any hazardous waste generated would be from the three graving docks and the one floating dock. All waste is taken to the less than 90-day central accumulation area (CAA). The tour started at Pier G. No hazardous waste was being generated on this pier.

10.1 Pier H - USNS Leroy Grumman

The USNS Leroy Grumman was undergoing repairs, stripping, and repainting. Mr. Marshall and Mr. Mooney escorted the inspectors to the end of the dock, where the hazardous waste containers would be stored. No hazardous waste containers were generated at that time. However, as the inspectors were leaving the dock, they observed a 20-cubic yard Republic roll-off dumpster across from the USNS Leroy Grumman. The inspectors could smell solvent from the roll-off and thus examined inside the roll-off. The inspectors observed black trash bags of discarded rags, Tyvek, and personal protective equipment (PPE) mixed with trash in the roll-off (Pictures 1-5). When asked, Mr. Marshall confirmed that materials generated from painting operations were typically collected and disposed of as hazardous waste. Thus, Detyens failed to make an accurate hazardous waste determination on the material in the roll-off.

Pursuant to S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in S.C. Code Ann. Regs. 61-79.261.2 [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 S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11].

Less than 50 feet away, was a green metal recycling roll-off with a discarded aerosol can inside (Pictures 6-7). Thus, Detyens failed to make an accurate hazardous waste determination on the material in the roll-off.

Pursuant to S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in S.C. Code Ann. Regs. 61-79.261.2 [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 S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11].

10.2 Less Than 90-Day Central Accumulation Area

The less than 90-day CAA was located at Pier F on the north side of Dry Dock 5. Outside the gated CAA were five wrapped pallets of discarded paint cans waiting to be drained and consolidated (Pictures 8-10). The palletized containers were observed without labels or accumulation start dates. On one pallet, was a 5-gallon container of dried epoxy paint that was not closed, not labeled, and not dated. The inspectors were told that the contents would be placed into 55-gallon containers.

Pursuant to S.C. Code Ann. Regs. 61-79.262.17(a)(1)(iv) [40 C.F.R. § 262.17(a)(1)(iv)], which is a condition of the LQG Permit Exemption, (A) a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste; and (B) A container holding hazardous waste must not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.

Pursuant to S.C. Code Ann. Regs. 61-79.262.17(a)(5)(i) [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator must mark or label its containers with the following: the words "Hazardous Waste"; an indication of the hazards of the contents;

and the date upon which each period of accumulation begins clearly visible for inspection on each container.

Inside the CAA, the inspectors observed the following:

- Aerosol cans used to mark the hazardous waste containers (Picture 11)
- Three pallets and two boxes of spent lead acid batteries that were not labeled, and the facility was not able to demonstrate the length of time that two of these batteries had been accumulating (Pictures 12-13)

Pursuant to S.C. Code Ann. Regs. 61-79.273.14(a) [40 C.F.R. § 273.14(a)], a SQHUW must label or mark each Universal Waste battery or container or tank in which the batteries are contained clearly with one of the following phrases: “Universal Waste - Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies).”

Pursuant to S.C. Code Ann. Regs. 61-79.273.15(a) and (c) [40 C.F.R. § 273.15(a) and (c)], a SQHUW may accumulate universal waste no longer than one year and must be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.

- A 7.5-gallon container of used acid from the D Pier (Picture 14)
- Eight black 55-gallon containers of flammable paint sludge, D001, F003, F005 (Picture 15). One of the containers was not closed but did have paint sludge being actively added (Picture 16). Two of the containers (#66 and #81) were incorrectly dated April 4, 2023
- Multiple 5-gallon containers with paint residue.

Pursuant to S.C. Code Ann. Regs. 61-79.261.7(b)(1) [40 C.F.R. § 261.7(b)(1)], a container or an inner liner removed from a container that has held any hazardous waste, except a waste that is a compressed gas or that is identified as an acute hazardous waste listed in §§ 261.31 or 261.33(e) of this chapter is empty if: (i) All wastes have been removed that can be removed using the practices commonly employed to remove materials from that type of container, e.g., pouring, pumping, and aspirating, and (ii) No more than 2.5 centimeters (one inch) of residue remain on the bottom of the container or inner liner.

The observed containers held more than one inch of paint residue and were therefore not RCRA empty (Pictures 17-18). The content of the five pallets of paint cans staged outside the CAA gate were marked as Non-Hazardous and Empty rather than with the words “Hazardous Waste” (Picture 19). Inside the CAA, Ms. Robin Mazyck, CAA Attendant was adding solvent to the paint residue, stirring it to loosen the paint residue and then pouring the contents into a 55-gallon container. The inspectors stated the non-hazardous labels on the pallets of spent paint cans should be changed to RCRA Empty.

Pursuant to S.C. Code Ann. Regs. 61-79.262.17(a)(5)(i) [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator must mark or label its containers with

the following: the words “Hazardous Waste”; an indication of the hazards of the contents; and the date upon which each period of accumulation begins clearly visible for inspection on each container.

- Two wrapped pallets of discarded paint cans waiting to be drained and consolidated (Picture 20)
- Two spill kits and two fire extinguishers
- No emergency contact list or evacuation map was posted in the CAA
- The ‘Danger, Unauthorized Personnel Keep Out’ sign was not posted but added after the inspection. A ‘No Smoking’ sign was not posted either.

Pursuant to S.C. Code Ann. Regs. 61-79.262.17(a)(1)(vi)(B) [40 C.F.R. § 262.17(a)(1)(vi)(B)], which is a condition of the LQG Permit Exemption, the LQG must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. “No Smoking” signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

- The discarded personal protective equipment and the rags were being disposed of in the garbage. Detyens’ representative stated that discarded PPE and rags generated in the CAA were hazardous waste that should be collected.

Pursuant to S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in S.C. Code Ann. Regs. 61-79.261.2 [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 S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11].

Inside the gate and next to the CAA was a used oil drain center with a full secondary containment (Pictures 21, 26). The secondary containment was full of used oil and did not have the capacity to accommodate a release of 55-gallons. In addition, the secondary containment was not labeled as Used Oil.

Pursuant to S.C. Code Ann. Regs. 61-79.279.22(d) [40 C.F.R. § 279.22(d)], upon detection of a release of used oil to the environment, the facility must clean up and manage properly the released used oil and other materials.

Pursuant to S.C. Code Ann. Regs. 61-79.279.22(c)(1) [40 C.F.R. § 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.”

Beside the drain center were two 55-gallon containers of paint waste, and three 55-gallon containers marked ‘oily waste’ and ‘used waste oil’. The containers marked ‘oily waste’ and ‘used oil waste’ were incorrectly labeled (Pictures 22-25). Ms. Mazyck confirmed that the contents were used oil and not waste oil. Ms. Mazyck changed the labels to Used Oil.

Pursuant to S.C. Code Ann. Regs. 61-79.279.22(c)(1) [40 C.F.R. § 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.”

The inspectors also observed a sand blast tank with black beauty blast media. Mr. Marshall and Mr. Mooney explained that the spent media is non-hazardous waste which is sent to the Oak Ridge Landfill.

10.3 North Side of Dry Dock 2 – USNS Zeus

The inspectors observed next to the gangplank of the USNS Zeus a 55-gallon container of paint waste that was closed, labeled, and three-quarters full, six black 55-gallons containers of spent oily filters potentially to be reused, eight empty containers labeled as oily waste, and two 55-gallon containers of machine shop diesel rags that were not labeled, full, and the lid ring did not fit (Pictures 27-30).

Further down the dock was a 25-cubic yard supersack of ship flooring that had been chiseled out and removed, two torn 25-cubic yard supersacks of oil material of unknown origins that was releasing to the ground, a 25-cubic yard supersack of trash, and a blue 20-cubic yard roll-off of paint chips in water covered with a plastic tarp (Pictures 31-34). Mr. Marshall and Mr. Mooney immediately called staff working in the area to address the torn and releasing supersacks.

Pursuant to S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in S.C. Code Ann. Regs. 61-79.261.2 [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 S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11].

10.4 Docks 1 and 2

Between Docks 1 and 2, the inspectors observed the following:

- A 20-cubic yard Republic trash roll-off was observed behind the condominiums. The roll-off was filled with hazardous waste paint debris mixed with trash (Pictures 35-38). According to the facility’s waste profile records, waste paint debris observed in the roll-off container should have been identified as hazardous waste.

Pursuant to S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in S.C. Code Ann. Regs. 61-79.261.2 [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 S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11].

- A 20-cubic yard roll-off of slurried paint chips blended with water (Pictures 39-41, 46, 49, 50). At the time of the inspection, the slurried paint chips was observed down the side of the roll-off and onto the ground. In addition, the contents of the roll-off were

leaking through the black plastic liner. A large puddle of slurry water was observed on the ground. A yellow VAX box was used to collect and store the paint sludge until it could be properly disposed. The job supervisor in this area stated that the paint sludge and slurry were non-hazardous, and the employee tasked with handling the paint sludge and slurry was not managing it properly.

- A red metal box of discarded PPE that was not being properly managed as hazardous waste (Picture 42-45). Bags of the discarded PPE and broken wooden pallets were strewn around the red metal box.

Pursuant to S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in S.C. Code Ann. Regs. 61-79.261.2 [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 S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11].

- Behind the red box and the paint slurry roll-off was a modified shipping container with a compressor (Pictures 47-48). The secondary containment attached to the container was filled with used oil and water. The secondary containment was not labeled with the words 'Used Oil' and not cleaned out.

Pursuant to S.C. Code Ann. Regs. 61-79.279.22(c)(1) [40 C.F.R. § 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

Pursuant to S.C. Code Ann. Regs. 61-79.262.17(a)(6)], [40 C.F.R. § 262.17(a)(6)], which incorporates S.C. Code Ann. Regs. 61-79.262.251 [40 C.F.R. § 262.251], and is a condition of the LQG Permit Exemption, a generator is required to maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

10.5 Pier D

The inspectors observed five 20-cubic yard roll-offs of river silt mud and 25-cubic yard supersacks of trash. No hazardous waste was observed in this area.

10.6 Pier C – USNS Medgar Evers

The USNS Medgar Evers was undergoing paint removal and repainting. The inspectors observed two 55-gallon containers of hazardous waste paint sludge in a SAA in this area. The first container (#86) (Picture 51), which was on a wooden pallet, the container was full, closed, labeled but not dated. The second hazardous waste container (#89) was currently in use. The inspectors also observed a pallet, with two wrapped RCRA empty discarded paint containers ready to transport to the CAA.

Pursuant to S.C. Code Ann. Regs. 61-79. 262.15(a)(6)(iii) [40 C.F.R. § 262.15(a)(6)(iii)] During the three-consecutive-calendar-day period the generator must continue to comply with

paragraphs (a)(1) through (5) of this section. The generator must mark or label the container(s) holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

10.7 Building 177 Maintenance Department

The maintenance department services the facility vehicles. The inspectors toured the main shop and observed used oil on the floor with absorbent on top. The universal waste lamps and batteries were stored in the Parts Room. The inspectors observed two new 4-foot boxes of fluorescent lamps, and three 4-foot boxes of universal waste lamps that were not closed, not labeled, and the facility was not able to demonstrate the waste was accumulated less than one year (Pictures 52, 54, 55).

Pursuant S.C. Code Ann. Regs. 61-79.273.13(d)(1) [40 C.F.R. § 273.13(d)(1)], a SQHUW 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.

Pursuant to S.C. Code Ann. Regs. 61-79.273.14(e) [40 C.F.R. § 273.14(e)], a SQHUW must label or mark each lamp or container of lamps clearly with one of the following phrases: “Universal Waste-Lamp(s),” or “Waste Lamp(s),” or “Used Lamps.”

Pursuant to S.C. Code Ann. Regs. 61-79.273.15(a) and (c) [40 C.F.R. § 273.15(a) and (c)], a SQHUW may accumulate universal waste no longer than one year and must to be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.

Behind the lamp boxes were metal shelves containing batteries and lamps that were either expired and/or unused (Pictures 53, 56-58). The lamps and batteries were covered in a thick layer of dust and had been stored on the shelves for an unknown period of time. The inspectors stated that Mr. Stan Lewandowski, Superintendent, needed to have his staff evaluate the expired and/or unused lamps and batteries, and then discard any lamps and/or batteries that were not needed or would not be used.

Pursuant to S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in S.C. Code Ann. Regs. 61-79.261.2 [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 S.C. Code Ann. Regs. 61-79.262.11 [40 C.F.R. § 262.11].

Back in the main shop area, the inspectors observed several boxes of universal lamps piled up adjacent to a yellow flammable cabinet (Pictures 59-61). The containers of discarded lamps were not secured, not closed, not labeled, and the facility was not able to demonstrate if the waste lamps were accumulated less than one year.

Pursuant S.C. Code Ann. Regs. 61-79.273.13(d)(1) [40 C.F.R. § 273.13(d)(1)], a SQHUW 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.

Pursuant to S.C. Code Ann. Regs. 61-79.273.14(e) [40 C.F.R. § 273.14(e)], a SQHUW must label or mark each lamp or container of lamps clearly with one of the following phrases: “Universal Waste-Lamp(s),” or “Waste Lamp(s),” or “Used Lamps.”

Pursuant to S.C. Code Ann. Regs. 61-79.273.15(a) and (c) [40 C.F.R. § 273.15(a) and (c)], a SQHUW may accumulate universal waste no longer than one year and must to be able to demonstrate the length of time that the universal waste has accumulated from the date that it became a waste or was received.

Outside the shop was a used oil shed. Inside the shed, the inspectors observed two 1,000-gallon used oil tanks that were not labeled, a used oil sump overflowing onto the floor, and a large release of used oil across the shed floor and under the exterior wall (Pictures 62-67).

Pursuant to S.C. Code Ann. Regs. 61-79. 279.22(c)(1) [40 C.F.R. § 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.”

Pursuant to S.C. Code Ann. Regs. 61-79. 279.22(d) [40 C.F.R. § 279.22(d)], upon detection of a release of used oil to the environment, the facility must clean up and manage properly the released used oil and other materials.

12) Records Review

The inspectors requested the training records, the contingency plan, the weekly inspection records, the waste minimization plan, waste profiles, the 2021-2024 hazardous, non-hazardous, and used oil manifests. The generator status notification (EPA Form 8700-12) was last updated January 1, 2023.

The inspectors requested the training records for the employees handling hazardous waste. Training for Robin Mazyck, Mike Marshall, Thomas Mooney, and Stan Lewandowski were provided. The employees received the 2023 RCRA/SAA PowerPoint training module. However, the in-house training module does not cover universal waste or used oil. Mr. Marshall and Mr. Mooney received RCRA/DOT Hazmat Seminar from Univar Solutions on August 3, 2023. The course covered hazardous waste, DOT for shipping, and emergency response training. However, Ms. Mazyck who signs the hazardous waste manifests has not received this training. In addition, the Rigging Department training records were provided. The inspectors were given two pages that were incomplete. The training record did not have the date, time, or the instructor listed.

Pursuant to S.C. Code Ann. Regs. 61-79.262.17(a)(7)(i) and (iv) [40 C.F.R. § 262.17(a)(7)(i) and (iv)], which is a condition of the LQG Permit Exemption, (i) 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; and (iv) the generator must maintain training records that include, among others: the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; a written job description for each position; a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position; and records documenting that the training required has been given to and completed by Facility personnel.

Job titles and descriptions were requested. However, the job titles and descriptions were not available at the time of the inspection.

Pursuant to S.C. Code Ann. Regs. 61-79.262.17(a)(7)(iv) [40 C.F.R. § 262.17(a)(7)(iv)], which is a condition of the LQG Permit Exemption, the generator must maintain training records that include, among others: the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; a written job description for each position; a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position; and records documenting that the training required has been given to and completed by Facility personnel.

The inspectors requested the Contingency Plan for review. Mr. Mooney provided the 2011 plan and the 2021 plan under revision, however neither plan was up to date. The 2021 plan did have an updated emergency contact list but did not have an evacuation map, a fire extinguisher inspection list, a list of emergency response equipment, the Quick Reference Guide, or documentation (i.e., green return receipt cards, emails) that copies of the current contingency plan were provided to the local emergency response agencies (i.e., fire, police, hospital).

Pursuant to S.C. Code Ann. Regs. 61-79.262.17(a)(6) [40 C.F.R. § 262.17(a)(6)], which incorporates S.C. Code Ann. Regs. 61-79.262.261(a, c, e, f) [40 C.F.R. § 262.261 (a, c, e, f)], and is a condition of the LQG Permit Exemption, (a) the contingency plan must describe the actions facility personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility; (c) the contingency plan must describe arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or, if applicable, the Local Emergency Planning Committee; (e) the contingency plan must include a list of all emergency equipment at the facility where this equipment is required, and this list must be kept up to date; (f) the contingency plan must include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary.

Pursuant to S.C. Code Ann. Regs. 61-79.262.17(a)(6) [40 C.F.R. § 262.17(a)(6)], which incorporates S.C. Code Ann. Regs. 61-79.262.262(b) [40 C.F.R. § 262.262(b)] and is a condition

of the LQG Permit Exemption, a large quantity generator that is otherwise 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, accumulated and treated 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.

The weekly inspection records for 2023-2024 were reviewed. Ms. Mazyck conducted the inspections. The records did not indicate any observed issues, such as spent lead acid batteries not being labeled or dated.

Pursuant to S.C. Code Ann. Regs. 61-79.262.17(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.

The Waste Minimization Plans for 2021-2023 were requested. Mr. Mooney explained that after receiving a letter from SCDHEC, which explained that they were no longer required to send a waste minimization plan to the Department, the facility no longer updated and maintained the plans since 2020.

Pursuant to S.C. Code Ann. Regs. 61-79.262.43. Additional reporting. The Department may require generators to furnish additional reports concerning the quantities and disposition of wastes identified or listed in R.61-79.261.

Waste profiles for 2023 and 2024 Paint Chips and the Black Beauty Blast Media were reviewed.

Hazardous and non-hazardous manifests were reviewed for 2020-2023. Hazardous wastes were shipped to the following:

- Lighting Resources LLC (EPA ID TNR000024273) in Johnson City, TN
- Envirite (EPA ID OHD980568992) in Canton, OH
- Univar Solution Charlotte Plant (EPA ID NCD061263315) in Charlotte, NC
- Clean Earth of Calvert City LLC (EPA ID KYD985073196) in Calvert City, KY
- US Water Recovery in Goose Creek, SC
- VLS Environmental in Maudlin, SC

The land disposal restriction forms were reviewed.

13) Summary

The inspectors conducted the exit meeting with Mr. Mooney. During this meeting, the EPA and SCDHEC presented the preliminary results of the inspection. Detyens Shipyard was inspected as a LQG of hazardous waste.

On April 16, 2024, Mr. Mooney emailed the inspectors the following list of noted deficiencies and corrective actions being taken:

1. Empty cans need to be labeled as "RCRA Empty."
 - a. New labels were designed and put into use on 4/9/24.
 - b. See attached picture and label. (RCRA Empty Label)
2. Two batteries in the 90-Day area did not have accumulation start dates.
 - a. Batteries were re labeled with original accumulation start dates. Completed on 4/8/24.
 - b. See attached picture (Battery Accumulation Date 1 and Battery Accumulation Date 2)
 - c. All Universal Waste Batteries were picked up by the recycling company on 4/16/24.
3. "Universal Waste" Signage needs to be displayed in the area where batteries are stored.
 - a. Universal Waste Batteries Sign was created and displayed on 4/9/24.
 - b. See attached picture. (Universal Waste Batteries Sign)
4. Paint Sludge drums #66 and #81 were dated with 2023.
 - a. The dates on both drums were corrected on 4/8/24.
 - b. See attached pictures. (Hazardous Waste Drum 66 and Hazardous Waste Drum 81)
5. Paint cans with greater than 1 inch of waste being transported to 90-Day Area and too many open paint cans in 90-Day Area.
 - a. Work Practices were discussed with paint contractors and 90-Day Area employees on 4/9/24.
6. Drain rack and secondary containment need to be labeled "Used Oil."
 - a. The drain rack and secondary containment were labeled "Used Oil" on 4/8/24.
 - b. See attached picture. (Drain Rack and Containment)
 - c. The drain rack and containment were pumped out on 4/9/24.
7. Non-Haz Drums labeled with "oily waste" and "waste oil" need to be labeled as "used

- oil” and “oily debris.”
- a. “Oily Waste” and “Waste Oil” verbiage was changed to “Oily Debris” and “Used Oil” on 4/8/24.
 - b. See attached pictures. (Oily Debris Drum Label and Used Oil Drum Label)
 - c. We are also working with a local vender to create printed labels to use for these types of waste.
8. Two super sacks of oily debris were found on the north side of DD2 leaking oil.
 - a. Oily Debris was cleaned up and properly disposed of on 4/8/24.
 - b. See attached picture. (Super Sack Oily Debris)
 9. Universal Waste Lamps in Building 177
 - a. Lamps were packaged into boxes, accumulation start dates were added, and a “Universal Waste Lamp” sign was added. Completed on 4/15/24.
 - b. See attached pictures (Universal Waste Lamps 1 and Universal Waste Lamps 2)
 10. Old batteries in Building 177 need to be properly disposed of.
 - a. The area was cleaned up. Lead Acid Batteries were moved to 90-Day area to be processed and disposed of.
 - b. See Attached pictures (Building 177 Battery Shelf and Building 177 Batteries)
 11. The used oil pit at Building 177 needs to be cleaned and the tanks need to be labeled.
 - a. The oil pit was cleaned and pumped out. Cleaning started on 4/9/24 and completed on 4/10/24.
 - b. Used oil tanks were labeled with their contents.
 - c. See attached pictures. (Building 177 Oil Pit and Building 177 Oil Pit Used Oil Tanks)
 12. Catch pan containing oil at Drydock 1 needs to be cleaned more frequently and be labeled “Used Oil.”
 - a. The catch pan was cleaned and pumped out on 4/10/24.
 - b. The catch pan was labeled “Used Oil” on 4/9/24.
 - c. See Attached picture. (DD1 Air Compressor Catch Pan)
 13. Satellite Accumulation Area on C pier was missing accumulation start date.
 - a. Start date was placed in drum on 4/8/24.
 - b. See Attached picture. (SAA 86)
 14. Waste minimization report needs to be completed and kept on file.
 - a. Waste minimization report was filed until 2020 when SC DHEC sent attached letter. Detyens Shipyards was under the impression that we no longer needed to complete the report unless it was requested by SC DHEC.
 - b. Detyens Shipyards will resume waste minimization reports for CY2024 and retain them on file.
 15. Need to send official job titles and descriptions for Mike, Thomas, Stan, and Robin.
 - a. Job descriptions for Mike, Thomas, and Robin are on file. We are currently waiting for Stan to return from vacation so we can get his. As soon as we have all four, we will forward them to you.
 16. Missing evacuation map and emergency contact information.
 - a. Evacuation map and emergency contact information was replaced at 90-Day Area.
 - b. See Attached pictures. (90-Day Area Emergency Contact Numbers and Evacuation Map)
 17. Training records missing information. (Date, Dept, Instructor)

- a. Training records were corrected to add missing information on 4/9/24.
- 18. Contingency Plan, Quick Reference Guide, and The Facility Map need to be updated.
 - a. Updates are currently being made. Estimated completion date is 5/6/24.
- 19. Robin needs to attend the same training as Mike and Thomas.
 - a. Robin will be enrolled in the next RCRA Course taking place on 9/19/24.
- 20. Locate Notification 8700-12.
 - a. RCRA Info Website indicates that Notification was made on 1/1/2023. However, we are unable to locate the actual notification. Is "Site Information and Status Report" sufficient?
 - b. See attached Site Information and Status Report. This report was generated on 4/9/24.

On May 13, 2024, Mr. Mooney emailed the inspectors the following:

As of this date we have addressed all the discrepancies that were brought to our attention during the inspection on 4/8/2024. Below is a list of noted deficiencies and corrective actions not previously discussed:

- 1. Paint related materials were found in roll off dumpsters.
 - a. Materials were removed from the dumpsters and collected.
 - b. Samples of PPE (Tyvek Suits, Gloves, Respirator Filters) were analyzed for Metals, Semi-volatiles, and Volatiles. Results of all samples were below the regulatory level. (See attached "Paint Related PPE and Materials Analysis")
 - c. Samples of Paint Related materials (Used paint brushes and rollers) were analyzed for Metals, Semi-volatiles, and Volatiles. Results of all samples were below the regulatory level. (See attached "Paint Related PPE and Materials Analysis")
 - d. Detyens Shipyards has decided that even though the results for the paint related materials were below the regulatory limit we will dispose of them in the same manner as the thinner wipes.
 - e. A waste profile was created through Univar Solutions for disposal of used thinner wipes, PPE, paint brushes, rollers, stirring sticks, etc. (See attached "Wipes and Paint Debris Cleanup Waste Profile")
- 2. Need to provide official job titles and descriptions for Mike Marshall, Thomas Mooney, and Robin Mazyck.
 - a. Job descriptions are in Appendix XII of the RCRA Contingency Plan.
- 3. Training needs to be updated to include waste determination and universal waste.
 - a. Training was updated. (See attached Annual RCRA Training)
- 4. RCRA Contingency Plan needs to be updated.
 - a. Plan was updated (See attached "RCRA CONTINGENCY PLAN")
 - b. Plan was delivered via email to all support agencies.
- 5. RCRA Contingency Plan Quick Reference Guide is not adequate.
 - a. RCRA Contingency Plan Quick Reference Guide was updated. (See attached "CONTINGENCY PLAN QUICK REFERENCE GUIDE")
 - b. RCRA Contingency Plan Quick Reference Guide was delivered via email to all support agencies.

6. The facility map located in the RCRA Contingency Plan and the RCRA Contingency Plan Quick Reference Guide needs to be updated.
 - a. Facility maps were updated. (See attached “DSI Map 2024” and “DWG 2 – SITE LAYOUT MAP”)
7. In addition to items discussed during the inspection closing conference Detyens Shipyards investigated an aerosol can found in a scrap metal dumpster and discovered a need for aerosol can collection.
 - a. A waste profile was created through Univar Solutions for intact aerosol cans. (See attached “Universal Waste Aerosol Waste Profile”)
 - b. Collection points have been set up around the facility to ensure they are being properly disposed of.

I have also attached a Universal Waste Manifest from the disposal of the Universal Waste Lamps found during the inspection. (See attached “Maintenance Universal Waste Lamps 2024”)

14) List of Attachments

Attachment A – Photo Log: Detyens Shipyard

15) Signed

Whiting, Paula

Digitally signed by Whiting, Paula
Date: 2024.07.02 09:59:53
-04'00'

for Paula A. Whiting
Environmental Engineer

14) Concurrence

BROOKE YORK

Digitally signed by BROOKE YORK
Date: 2024.07.02 12:39:38
-04'00'

for Alan R. Newman
Acting Chief
RCRA Enforcement Section

ATTACHMENT A

DETYENS SHIPYARD

NORTH CHARLESTON, SOUTH CAROLINA

COMPLIANCE EVALUATION INSPECTION PHOTOGRAPHS

APRIL 8, 2024

**Photos taken by Paula A. Whiting
Camera Type: Olympus Tough
Serial Number: SC7374**



Picture 1 – Near USNS Leroy Grumman 20-cubic yard roll-off with discarded HW PPE



Picture 4 – Near USNS Leroy Grumman 20-cubic yard roll-off with discarded HW PPE



Picture 2 – Near USNS Leroy Grumman 20-cubic yard roll-off with discarded HW PPE



Picture 5 – USNS Leroy Grumman 20-cubic yard roll-off with discarded HW PPE



Picture 3 – Near USNS Leroy Grumman 20-cubic yard roll-off with discarded HW PPE



Picture 6 – Near USNS Leroy Grumman 20-cubic yard recycling roll-off with discarded aerosol can



Picture 7 – Near USNS Leroy Grumman 20-cubic yard recycling roll-off with discarded aerosol can



Picture 10 – Dry Dock 5 Pier F 90-Day CAA used paint cans



Picture 8 – Dry Dock 5 Pier F 90-Day CAA used paint cans



Picture 11 – Dry Dock 5 Pier F 90-Day CAA spent aerosol cans



Picture 9 – Dry Dock 5 Pier F 90-Day CAA dry paint sludge



Picture 12 – Dry Dock 5 Pier F 90-Day CAA spent lead acid batteries



Picture 13 – Dry Dock 5 Pier F 90-Day CAA spent lead acid batteries



Picture 14 – Dry Dock 5 Pier F 90-Day CAA 5-gal container of spent acid



Picture 15 – Dry Dock 5 Pier F 90-Day CAA paint sludge



Picture 16 – Dry Dock 5 Pier F 90-Day CAA paint sludge



Picture 17 – Dry Dock 5 Pier F 90-Day CAA paint sludge



Picture 18 – Dry Dock 5 Pier F 90-Day CAA paint sludge



Picture 21 – Dry Dock 5 Pier F 90-Day CAA used oil drain station



Picture 19 – Dry Dock 5 Pier F 90-Day CAA used paint cans



Picture 22 – Dry Dock 5 Pier F 90-Day CAA paint sludge and used oil containers



Picture 20 – Dry Dock 5 Pier F 90-Day CAA



Picture 23 – Dry Dock 5 Pier F 90-Day CAA used oil mislabeled



Picture 24 – Dry Dock 5 Pier F 90-Day CAA used oil mislabeled



Picture 27 – Dry Dock 2 USN Zeus paint waste SAA



Picture 25 – Dry Dock 5 Pier F 90-Day CAA used oil mislabeled



Picture 28 – Dry Dock 2 USN Zeus used oil container



Picture 26 – Dry Dock 5 Pier F 90-Day CAA used oil drain station grate full



Picture 29 – Dry Dock 2 USN Zeus spent oil filters



Picture 30 – Dry Dock 2 USN Zeus spent oil filters



Picture 33 – Dry Dock 2 20-cubic yard roll-off of paint chips



Picture 31 – Dry Dock 2 discarded ship flooring



Picture 34 – Dry Dock 2 20-cubic yard roll-off of paint chips



Picture 32 – Dry Dock 2 torn supersack of oily material



Picture 35 – Behind Condos Republic trash roll-off with HW paint debris



Picture 36 – Behind Condos Republic trash roll-off with HW paint debris



Picture 39 – Behind Condos 20-cubic yard roll-off of paint chips water slurry



Picture 37 – Behind Condos Republic trash roll-off with HW paint debris



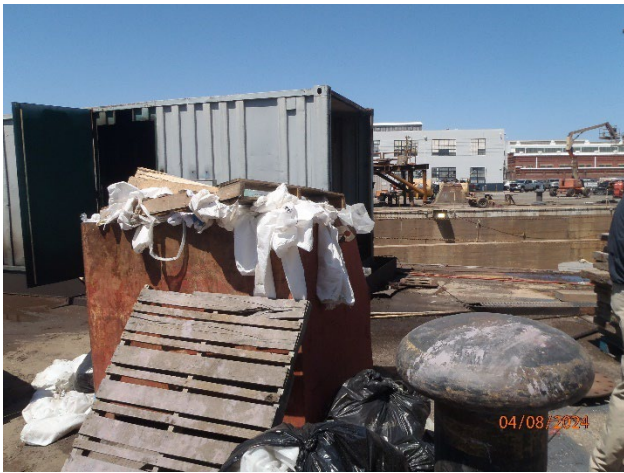
Picture 40 – Behind Condos 20-cubic yard roll-off of paint chips water slurry on the ground



Picture 38 – Behind Condos Republic trash roll-off with HW paint debris



Picture 41 – Behind Condos 20-cubic yard roll-off of paint chips water slurry



Picture 42 – Behind Condos discarded HW PPE in open metal container



Picture 45 – Behind Condos discarded paint slurry and HW PPE in open metal container



Picture 43 – Behind Condos discarded HW PPE in open metal container



Picture 46 – Behind Condos paint slurry on the ground



Picture 44 – Behind Condos discarded HW PPE in open metal container



Picture 47 – Behind Condos compressor used oil



Picture 48 – Behind Condos compressor building



Picture 51 – USN Medgar Evers SAA full container



Picture 49 – Between Dock 1&2 discarded paint slurry in yellow container



Picture 52 – Building 177 Maintenance Department UW



Picture 50 – Between Dock 1&2 discarded paint slurry in yellow container



Picture 53 – Building 177 Maintenance Department old and unused lamps and batteries



Picture 55 – Building 177 Maintenance Department old and unused lamps and batteries



Picture 54 – Building 177 Maintenance Department old and unused lamps and batteries



Picture 56 – Building 177 Maintenance Department old and unused batteries



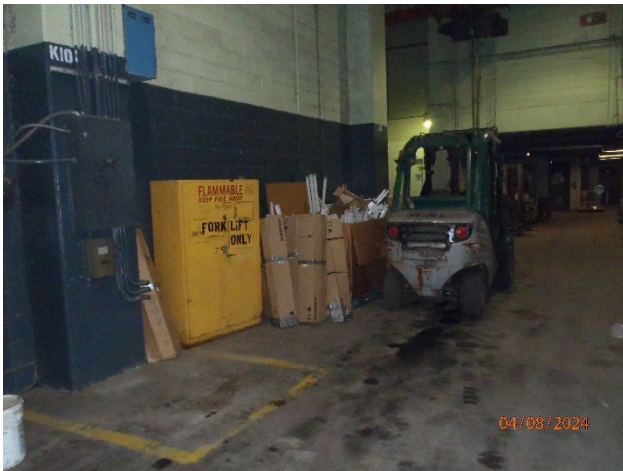
Picture 57 – Building 177 Maintenance Department old and unused batteries



Picture 58 – Building 177 Maintenance Department unused lamps



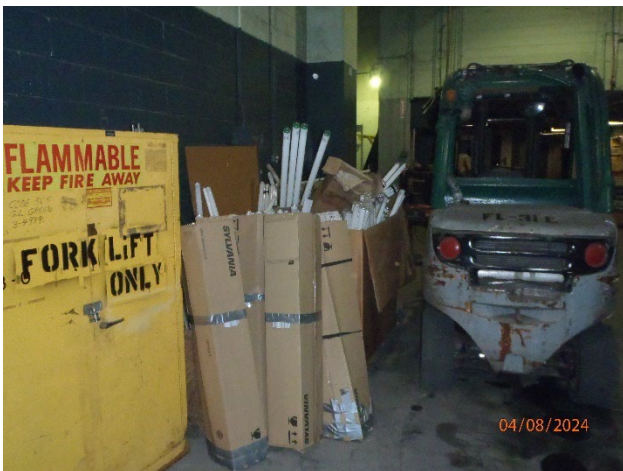
Picture 61 – Building 177 Maintenance Department universal waste lamps



Picture 59 – Building 177 Maintenance Department universal waste lamps



Picture 62 – Building 177 Maintenance Department used oil area



Picture 60 – Building 177 Maintenance Department universal waste lamps



Picture 63 – Building 177 Maintenance Department used oil release to ground



Picture 64 – Building 177 Maintenance Department used oil release to ground



Picture 67 – Building 177 Maintenance Department used oil tank



Picture 65 – Building 177 Maintenance Department used oil release to ground



Picture 66 – Building 177 Maintenance Department used oil tank