

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

Owens Corning Insulating Systems, LLC

300 Sunshine Road
Kansas City, Kansas 66115
(913) 281-9400

EPA ID Number: KSD000610725

On

October 18-20, 2022

By

U.S. ENVIRONMENTAL PROTECTION AGENCY

Region 7

Enforcement and Compliance Assurance Division

1.0 INTRODUCTION

At the request of the Enforcement and Compliance Assurance Division, I conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) at Owens Corning Insulating Systems, LLC (hereafter OC), located in Kansas City, Kansas, on October 18-20, 2022. 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.

2.0 PARTICIPANTS

OC:

Brianne Bass, Environmental, Health and Safety (EHS) Leader
Dave Jacobs, Regional Environmental Leader
Christy Darst, Environmental Technical Leader
Jeff Buckmaster, Plant Leader
Chuck Brumbaugh, Contractor
Tuesday Blome, EHS Lead
Les Pruett, Powerhouse/Utilities
Sheffie Fadayami, EHS

U.S. Environmental Protection Agency (EPA):

Michael J. Martin, Physical Scientist (Lead Inspector)
Tiffany DeLong, Physical Scientist

3.0 INSPECTION PROCEDURES

Prior to beginning the inspection on the morning of October 18, 2022, Ms. DeLong and I conducted a visual reconnaissance of OC searching for areas of concern observable from the adjacent roadway. We identified no environmental issues or concerns during this preliminary examination. Upon arriving unannounced at OC at 9:41 a.m., we met Ms. Bass. She escorted us to a conference room where we met Ms. Darst and Messrs. Buckmaster, Jacobs, and Brumbaugh. I presented them 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. Mses. Bass and Darst and Messrs. Buckmaster, Jacobs, and Brumbaugh acted as the official facility representatives during the course 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.

Ms. DeLong and I conducted a visual inspection of the following areas at OC:

Powerhouse	Hazardous Waste Cage	K5 Emergency Engine Area
Paint Shed	Universal Waste Storage Area	K5 Waste Ink Area
Carpenter Room	Used Oil Storage Area	Dep Houses J and K
Sand Blast Room	Lubrication Room	Aerosol Can Puncturing Area
Batch House	Building 13	Wash Bay

Document photocopies and photographs were collected as inspection documentation (attachments 1-15). A total of 75 photographs were collected and a photolog was prepared (attachments 1 and 2). Information collected during the inspection is documented on the Kansas Department of Health and Environment (KDHE) Hazardous Waste Generator Compliance Inspection Checklist and the Used Oil Generator Compliance Inspection Checklist (attachment 3). 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 Kansas regulations.

At the conclusion of the inspection (October 20, 2022), I summarized my findings and recommendations to Mses. Bass and Darst and Messrs. Buckmaster, Jacobs, and Brumbaugh. I provided Mr. Buckmaster with a *Confidentiality Notice* (attachment 4), a *Receipt for Documents and Samples* (attachment 5), and a *Notice of Preliminary Findings* (NOPF) (attachment 6), which he signed as acknowledgement of receipt. No confidentiality claims were made by OC.

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

Notice Regarding Proprietary/Confidential Business Information (EPA Handout)
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)
Environmental Compliance Assistance Centers (EPA Handout)
E-Manifest Fact Sheet (EPA Handout)
Hazardous Waste Determinations and Documentation (KDHE Technical Guidance Document)
Characteristic and Listed Hazardous Wastes (KDHE Technical Guidance Document)
Container Management for Hazardous Waste Generators (KDHE Technical Guidance Document)
Solvent-Contaminated Wipes (KDHE Technical Guidance Document)
Recycling and Disposal of Aerosol Cans (KDHE Technical Guidance Document)
Spent Fluorescent Lamps Containing Mercury (KDHE Technical Guidance Document)
Used Oil Generators (KDHE Technical Guidance Document)

4.0 FINDINGS AND OBSERVATIONS

4.1 Facility Information and Operations

OC is a manufacturer of fiberglass insulation. The facility is located on 42-acres, has eight buildings onsite, staffed by 200 employees and operates four shifts (24 hour per day/seven days a week). OC's insulation manufacturing process includes: (1) melting glass (cullet) and other raw materials (sand, soda ash, etc.) in a furnace, (2) fiberizing molten glass is into insulation and (3) packaging/shipping the final insulation product to customers. The facility produces 270 million pounds of insulation product per year.

4.2 RCRA Status

OC had been last inspected for RCRA compliance on August 26, 2016, by the KDHE. During the August 2016 KDHE inspection, OC was cited for:

1. Failure to conduct a hazardous waste determination.
2. Failure to mark the accumulation start date on hazardous waste storage containers.
3. Failure to label hazardous waste storage containers with the words "Hazardous Waste."
4. Failure to label hazardous waste satellite accumulation containers with the words "Hazardous Waste."
5. Failure to keep hazardous waste satellite accumulation containers closed.
6. Failure to post the location of fire extinguishers and spill control material.
7. Failure to conduct weekly hazardous waste inspections.
8. Failure to maintain written job descriptions.
9. Failure to label used oil storage containers with the words "Used Oil."
10. Failure to clean-up and properly manage a used oil release.

According to the Hazardous Waste Site Info Verification Report (attachment 7), OC operates as a Large Quantity Generator (LQG) of D002 characteristic hazardous waste. I asked Ms. Bass to review the Hazardous Waste Site Info Verification Report, which I provided to her during the inspection. She stated that the facility's site contact changed from Paul Ferrara in May 2022. Ms. Bass noted herself as the new site contact and updated the site contact section with her contact information. I asked Ms. Bass if OC had provided the KDHE with updated notification regarding change of site contact. Ms. Bass stated "No." **Failure to provide updated notification to the KDHE - KAR 28-31-4 (NOPF 3).**

At the time of the inspection, OC's representatives were not aware of the facility's hazardous waste generation rates. Ms. Darst stated that OC notifies as a LQG, but their actual hazardous waste generator status and waste stream generation rates would be much lower. According to the Hazardous Waste Site Info Verification Report (attachment 7), OC noted that no hazardous waste had been generated in 2021. Ms. Bass was not aware of any off-site hazardous waste shipments in 2021 and 2022. Based on hazardous waste generation discussions with OC's representatives, I determined that OC generates the following known hazardous waste streams:

1. Dry electric precipitator (DEP) dust - D004, D007 and D010 characteristic hazardous waste (two full 55-gallon drums onsite - estimate of 917 pounds).
2. DEP personal protective equipment (PPE) - D004, D007 and D010 characteristic hazardous waste (five full 55-gallon drums onsite - estimate of 1,375 pounds).
3. Waste ink - D001 characteristic hazardous waste (one $\frac{3}{4}$ full 55-gallon drum onsite - estimate of 344 pounds).
4. Aerosol can puncturing waste - D001 characteristic hazardous waste (one $\frac{1}{4}$ full 55-gallon drum onsite - estimate of 115 pounds).
5. Broken fluorescent lamps - D009 characteristic hazardous waste (one $\frac{1}{4}$ full 55-gallon drum onsite - estimate of 115 pounds).

At the time of the inspection, I determined that the OC generates between 55 to 220 pounds of known hazardous waste per month and had accumulated an estimate of 2,883 pounds of hazardous waste onsite. Therefore, I inspected OC as a Small Quantity Generator of D001, D004, D007, D009 and D010 characteristic hazardous waste. In addition, I determined OC to be a small quantity handler of universal waste-lamps and a used oil generator. I asked Ms. Bass if OC had provided the KDHE with updated notification regarding hazardous waste codes D001, D004, D007, D009 and D010 generated onsite. Ms. Bass stated "No." **Failure to provide updated notification to the KDHE - KAR 28-31-4 (NOPF 3).** OC's current hazardous waste generator status could possibly change, based on the outcome of pending hazardous waste determinations. *Listed on the Receipt for Documents and Samples document (attachment 5), I asked OC to confirm their hazardous waste generator status, determine if the 2021 KDHE LQG Monitoring Fee Invoice Form (attachment 8) was accurate and determine if the 2021 biennial report was accurate.* In a November 28, 2022, response to inspection follow-up questions (attachment 15), OC determined their facility typically generates hazardous waste at the Kansas Small Quantity Generator level, the 2021 KDHE LQG Monitoring Fee Invoice form was accurate and the 2021 biennial report was accurate.

4.3 Facility Waste Streams and Management

DEP Dust - OC generates DEP dust from the melting of raw materials in two furnaces referred to as “J” and “K” by OC personnel. DEP dust is collected in two batch houses and is used as an ingredient (used as is with no further processing) and recycled back into the fiberglass manufacturing process. DEP dust that contacts moisture and is harden is collected in 55-gallon drums, managed as D004, D007 and D010 characteristic hazardous waste and disposed by Univar (Kansas City, Kansas). *Additional discussion of DEP dust management is in Section 4.6.*

DEP PPE - OC generates an estimated six 55-gallon drums of DEP PPE per year from furnace maintenance activities. DEP PPE is collected in 55-gallon drums, managed as D004, D007 and D010 characteristic hazardous waste and disposed by Univar (Kansas City, Kansas). *Additional discussion of DEP PPE management is in Section 4.6.*

Furnace Bricks - In 2020, furnace J went down for maintenance and came back online in March 2021. Furnace rebuild occurs every eight to ten years and bricks removed from furnaces J and K during rebuild activities are sent to Glen Hunter and Associates (Delta, Ohio) to be recycled and/or rebuilt. Mr. Jacobs stated that crushed bricks would be managed as D007 characteristic hazardous waste and disposed by Univar (Kansas City, Kansas). At the time of the inspection, I did not observe any furnace bricks (intact or crushed) being generated or accumulation onsite. *Listed on the Receipt for Documents and Samples document (attachment 5), I asked OC to provide the EPA with a description of the furnace rebuild process and brick management. See attachment 15 for OC’s November 28, 2022, response to the description of the furnace rebuild process and brick management.*

Spent Blasting Sand - OC generates spent blasting sand from the blasting of equipment (non-DEP and DEP) at the Sand Blast Shed (photo 36). Mr. Jacobs stated that the spent blasting sand is used as an ingredient (used as is with no further processing) and recycled back into the insulation manufacturing process. At the Sand Blast Shed, I observed one half-full 55-gallon drum labeled with the words “Hazardous Waste” and “DEP Dust” (photos 34 and 35). I asked Messrs. Jacob and Brumbaugh if they knew the generation process of the material in the 55-gallon drum. Both stated that the material was generated from the blasting of DEP equipment and it would be recycled back into to the insulation manufacturing process. Messrs. Jacob and Brumbaugh were not aware of the reason the spent blasting sand was accumulated in a “Hazardous Waste” labeled drum. *Listed on the Receipt for Documents and Samples document (attachment 5), I asked OC to provide the EPA with the description of the sand blast media (generation process, generation rage and onsite/off-site management). See attachment 15 for OC’s November 28, 2022, response to the management of sand blast media.*

Waste Ink - OC generates waste ink from the printing on the backing of the final insulation product. The generation of the waste ink varies. Waste ink is collected in a 55-gallon drum at the K5 Waste Ink Area, managed as D001 characteristic hazardous waste (based on OC’s process knowledge) and disposed by Univar (Kansas City, Kansas). See attachment 9 for the Ink Safety Data Sheet (SDS).

At the K5 Waste Ink Area, I observed one 55-gallon hazardous waste satellite accumulation drum of waste ink (photo 75). The drum was $\frac{3}{4}$ full, in good condition, closed and labeled with the words "Hazardous Waste." Mr. Brumbaugh stated that the waste ink had been accumulating for at least one year. The management of waste ink appeared to be satisfactory.

Aerosol Can Waste - OC generates spent aerosol cans (lubricants and silicone) from the maintenance of various equipment. The generation rate of the spent aerosol cans varies. Spent aerosol cans are drained using a puncturing unit attached to one 55-gallon hazardous waste satellite accumulation drum located at the Aerosol Can Puncturing Area (photo 60). Punctured aerosol cans are managed as scrap metal (photo 61) and recycled by Advantage Metal Recycling (Kansas City, Kansas). Aerosol puncturing liquid waste is managed as D001 characteristic hazardous waste (based on OC's process knowledge) and disposed by Univar (Kansas City, Kansas). At the Aerosol Can Puncturing Area, I observed one 55-gallon hazardous waste satellite accumulation drum of aerosol puncturing waste (photo 60). The drum was less than $\frac{1}{4}$ full, in good condition, closed and labeled with the words "Hazardous Waste." Mr. Brumbaugh stated that the drum had been accumulating for at least one year. The management of aerosol can waste appeared to be satisfactory.

Broken Fluorescent Lamps - Spent fluorescent lamps that are accidentally broken are collected in a 55-gallon drum located at the Universal Waste Storage Area. The generation rate of the broken fluorescent lamps varies. Broken fluorescent lamps are managed as D009 characteristic hazardous waste (based on OC's process knowledge) and disposed by Univar (Kansas City, Kansas). At the Universal Waste Storage Area, I observed one 55-gallon hazardous waste satellite accumulation drum of broken fluorescent lamps (photo 72). The drum was less than $\frac{1}{4}$ full, in good condition, closed and labeled with the words "Hazardous Waste." The management of broken fluorescent lamps appeared to be satisfactory.

Scrap Fiberglass Insulation - OC generates scrap fiberglass insulation from the insulation manufacturing process. From January 2021 to August 2021, OC generated 245 tons of scrap fiberglass insulation per month. Scrap fiberglass insulation is managed as non-hazardous waste (based on OC's process knowledge) and disposed at the Courtney Ridge landfill (Sugar Creek, Missouri). The management of the scrap fiberglass insulation appeared to be satisfactory.

Wet Electrostatic Precipitator (WEP) Waste - OC generates WEP dust and wet scrap fiberglass insulation from the fiberglass manufacturing process. The generation of the WEP waste varies. The WEP waste is managed as non-hazardous waste (based on OC's process knowledge) and disposed by Republic Services at the Courtney Ridge landfill (Sugar Creek, Missouri). At the time of the inspection, I did not observe any WEP waste being generated or accumulated onsite.

Wash Bay Sludge - OC generates wash bay sludge from the cleaning of dirty forklifts with water at the Wash Bay. Ms. Bass stated that water is only used in the cleaning process. OC determined the wash bay sludge to be non-hazardous based on process knowledge. The wash bay pit is cleaned out by Safety-Kleen (Kansas City, Kansas) twice per year. At the time of the inspection, I did not observe any wash bay sludge being generated or accumulated onsite.

Parts Washer Solvent - OC has a total of five parts washer units onsite (photo 44) and they are operated with Safety-Kleen 105 solvent (see attachment 10 for the Parts Washer Solvent SDS). The parts washer units are serviced quarterly by Safety-Kleen (Independence, MO). The spent parts washer solvent is managed under Safety-Kleen's continued use program. The management of the parts washer solvent appeared to be satisfactory.

Universal Waste-Lamps - OC generates one to three cardboard boxes of universal waste-lamps per year from relamping activities. Univar (Kansas City, Kansas) recycles the universal waste-lamps.

At the Universal Waste Storage Area, I observed three open containers of universal waste-lamps:

1. One 12-foot long cardboard box (labeled with the words "Universal Waste-Lamps" and marked with the July 18, 2022, accumulation start date) (photos 69 and 70).
2. One 6-foot long cardboard box (labeled with the words "Universal Waste-Lamps" and marked with the March 15, 2022, accumulation start date) (photos 69 and 70).
3. One 6-foot long cardboard box (labeled with the words "Universal Waste-Lamps" and marked with the July 18, 2022, accumulation start date) (photos 69 and 71).

Failure to store universal waste-lamps in a closed container - 40 CFR 273.13(d)(1) (NOPF 4).

Universal Waste-Batteries - OC generates four to five 55-gallon drums of universal waste-batteries (nickel cadmium, lithium and lead-acid) per year from the service of various equipment. Univar (Kansas City, Kansas) recycles the universal waste-batteries.

At the Universal Waste Storage Area, I observed the following universal-waste batteries and storage containers of universal-waste batteries not labeled:

1. Eight universal waste-batteries stored on the concrete floor (lead-batteries were accumulated onsite for less than two weeks) (photo 62).
2. One ¾ full 55-gallon drums of universal waste batteries (drum of lithium-ion batteries was not marked with the date of accumulation) (photo 63).

Failure to label universal waste-batteries with the words "Universal Waste - Battery(ies)," or "Waste Battery(ies)" or "Used Battery(ies)" - 40 CFR 273.14(a) (NOPF 5).

At the Universal Waste- Storage Area, the following universal-waste batteries were stored for longer than one year:

1. One ¾ full 55-gallon drum of universal waste batteries (drum of lithium-ion batteries was not marked with the date of accumulation) (photo 63).
2. One ¾ full 55-gallon drum of universal waste batteries (drum of NiCad batteries was marked with the June 18, 2018, date of accumulation) (photos 62 and 64).

3. One ¾ full 55-gallon drum of universal waste batteries (drum of lithium-ion batteries was marked with the June 18, 2018, date of accumulation) (photos 62, 65, 66, 68 and 73).
4. One ¾ full 55-gallon drum of universal waste batteries (drum of lead-acid batteries was marked with the June 18, 2018, date of accumulation) (photos 62 and 67).

I asked Mr. Brumbaugh if he was aware of the length of time of accumulation of the universal waste-batteries noted in drums 1-4 above. Mr. Brumbaugh stated that the all four drums of universal waste-batteries had been accumulating since June 8, 2018. **Accumulating universal waste for longer than one year - 40 CFR 273.15(a) (NOPF 6).**

Used Oil - OC generates used oil from the maintenance of various equipment onsite. The generation of used oil varies (900 pounds of used oil was generated in 2021). Univar (Kansas City, Kansas) recycles the used oil. At the Used Oil Storage Area, I observed one ¼ full 330-gallon tote of used oil (photo 43). The tote was in good condition, closed and labeled with the words “Used Oil.”

I observed the following used oil storage containers not labeled with the words “Used Oil”:

Powerhouse

1. One ¾ full one-quart container of used oil (photo 6).
2. One less than ¼ full five-gallon pail of used oil (photos 12 and 13).

K5 Emergency Engine Area

1. One less than ¼ full five-gallon pail of used oil (photo 37). Prior to the conclusion of the visual inspection, OC personnel labeled the pail with the words “Used Oil” (photo 48).

Used Oil Storage Area

1. One 4 by 4-foot metal containment structure storing used oil (photos 39-42).
2. One ¾ full five-gallon pail of used oil (photos 39-42).
3. One ¼ full five-gallon pail of used oil (photos 39-42).
4. One ¾ full 55-gallon drum of used oil (photo 45).

Prior to the conclusion of the visual inspection, OC personnel labeled containers 1-4 with the words “Used Oil” (photos 46 and 47).

Failure to label containers of used oil with the words “Used Oil” - 40 CFR 279.22(c) (NOPF 12).

At the K5 Emergency Engine Area, I observed one 4 by 6-foot long area of black residue on the concrete floor with a concrete containment area (photo 38). I asked Ms. Bass if she knew the contents of the black residue. Ms. Bass stated that the residue was probably generated from a previous oil spill. The oil spill appeared not to be active and not releasing to the environment. I asked Ms. Bass if she knew how long the oil spill had not been properly cleaned up. Ms. Bass stated “No.”

On the NOPF, I left NOPF 13 [40 CFR 279.22(d)(3)] for failing to properly clean up a used oil release. After further review, it appears that the used oil release was contained within the concrete floor/containment area inside the building and was not releasing into the environment. NOPF 13 had been rescinded.

Oily Rags - OC generates oily rags from the maintenance of various equipment. Oily rags are stored in 55-gallon drums, managed as non-hazardous waste (based on OC's process knowledge) and disposed by Univar (Kansas City, Kansas). At the time of the inspection, I did not observe any oily rags being generated or accumulated onsite.

General Trash - General trash includes office paper wastes, lunch wastes and restroom wastes. Deffenbaugh (Kansas City, Kansas) disposes of the general trash as non-hazardous waste. I reviewed the management of the general trash appeared to be satisfactory.

4.4 Documentation of Waste Determinations

I asked Mses. Bass and Darst if OC had documentation of waste determinations. Both stated "Yes" and provided me with documentation of waste determinations for parts washer solvent, used fluorescent lamps, lead-acid batteries, oily rags, used oil, used oil filters, chrome debris, contaminated personal protective equipment-PPE and DEP dust (see attachment 11 for the Waste Determination Forms). OC had no documentation of waste determinations for routine generated waste streams (waste ink, broken lamps, sand blast media, universal waste, WEP waste, furnace bricks, wash bay sludge, scrap insulation and other waste streams). **Failure to document waste determinations - 40 CFR 262.40(c) (NOPF 2).**

4.5 Hazardous Waste Determinations Not Conducted

At the Powerhouse, I asked Ms. Bass if the below-listed containers, unknown black liquid on the concrete floor and sand blast media on the concrete floor were waste. Ms. Bass stated that she did not know. I asked Ms. Bass if she had conducted a hazardous waste determination on the items. Ms. Bass stated "No." Ms. Bass was not aware of the length of time of accumulation of the below items. **Failure to conduct a hazardous waste determination - 40 CFR 262.11(a) (NOPF 1).**

Powerhouse

1. Two $\frac{3}{4}$ full 5-gallon pails of an unknown dark green liquid (open pails) (photos 1 and 2).
2. One full 55-gallon drum of white powder labeled as Zep (closed drum) (photos 3-5).
3. One full 55-gallon drum labeled as Zep Hot Vac Stripper 9862 (open bung) (photo 3).
4. One 2 by 2-foot area of unknown black liquid on the concrete floor surrounding the 55-gallon drum of Zep Hot Vac Stripper 9862 (photos 3-5).
5. One 5-gallon pail of sand blast media (open pail) located under a sand blast machine (photos 7, 10 and 11).
6. One 3 by 3-foot area of sand blast media on the concrete floor surrounding a five-gallon pail of sand blast media (photos 7-9).

At the Hazardous Waste Storage Cage, I asked Ms. Bass if the below-listed five-gallon container of black ink stored waste. Ms. Bass stated that she did not know. I asked Ms. Bass if she had conducted a hazardous waste determination on the five-gallon container of black ink. Ms. Bass stated “No.” Ms. Bass was not aware of the length of time of accumulation of the five-gallon container of black ink. **Failure to conduct a hazardous waste determination - 40 CFR 262.11(a) (NOPF 1).**

Hazardous Waste Storage Cage

1. One ¼ full 5-gallon container of black ink (closed and labeled with the words “Printing Ink”) (photo 59). Prior to the completion of the inspection, Ms. Bass stated that container of black ink was emptied into a 55-gallon hazardous waste satellite accumulation drum of waste ink located at the K5 Waste Ink Area.

At the Carpenter Room, I asked Ms. Bass if the below-listed five-gallon containers stored waste. Ms. Bass stated that she did not know. I asked Ms. Bass if she had conducted a hazardous waste determination on the five-gallon containers. Ms. Bass stated “No.” Ms. Bass was not aware of the length of time of accumulation of the five-gallon containers. **Failure to conduct a hazardous waste determination - 40 CFR 262.11(a) (NOPF 1).**

Carpenter Room

1. One full 5-gallon container of Oakite 32 with corrosive labeling (closed container) (photo 32).
2. One full 5-gallon pail of Karnax Cold Press Adhesive (closed pail) (photo 33).
3. One full 5-gallon pail of Rop 25 Adhesive (closed pail) (photo 31).
4. One full 5-gallon container of EPO Resurfacer Epoxy Concrete Topping (closed pail) (photo 31).
5. One full 5-gallon black pail of unknown (closed pail) (photo 31). The labeling of the pail was not visible, due to the label facing a wall (pails listed in items 3 and 4 were stacked on top of the five gallon pail).

At the Paint Shed, I observe an estimate of 108 various containers of paint on four metal shelves. Mr. Brumbaugh stated that waste paint is stored on the four shelves and the waste paint is air dried by leaving the lid off. I asked Ms. Bass if she had conducted a hazardous waste determination on the below containers on the four metal shelves. Ms. Bass stated “No.” Ms. Bass and Mr. Brumbaugh were not aware of the length of time of accumulation of containers stored on the four metal shelves. **Failure to conduct a hazardous waste determination - 40 CFR 262.11(a) (NOPF 1).** *Listed on the Receipt for Documents and Samples document (attachment 5), I asked OC to provide the EPA with a complete inventory of waste containers in the Paint Shed. See attachment 15 for OC’s November 28, 2022, inventory of waste containers in the Paint Shed.*

Paint Shed - Shelf 1 *(estimate of 40 containers; list below is not inclusive) (photos 14-18)

1. Two $\frac{3}{4}$ full 1-gallon pails of Rust Oleum Industrial DTM Epoxy Mastic 9104402 (open pails).
2. Two 1-gallon pails of Devaguard 4308 (open pails).
3. One 1-gallon pail of Rust-Oleum AS9186425 Floor Coating (open pail).
4. One 1-gallon pail of Zinsser - Bulls Eye Primer (open pail).
5. One 1-quart pail of Behr Interior Semigloss (open pail).
6. One 1-gallon pail of Industrial Choice DTM Acrylic (open pail).
7. One 1-gallon pail of Sherwin Williams Pro Industrial Acrylic Coating (open pail).
8. One 1-gallon pail Industrial Acrylic 5225402 (open pail).
9. One 1-gallon pail Industrial Acrylic 5225402 - Marlin Blue (open pail).
10. One 1-gallon pail of Sherwin Williams Pro Mar - Black (open pail).
11. One 5-gallon pail of Sherwin Williams Promar 400 (closed pail).

Paint Shed - Shelf 2 *(estimate of 12 containers; list is not inclusive) (photos 19, 20 and 27)

1. Two 1-gallon pails of Zinsser - Bulls Eye Primer (open pails).
2. One 1-gallon pail of Industrial Choice DTM Acrylic 5244402 - Yellow (closed pail).
3. One 1-gallon pail of Sherwin Williams DTM Acrylic B66W212 (closed pail).
4. One 1-gallon pail of Sherwin Williams HPA Red (closed pail).
5. One 1-quart pail of Olympic paint (closed pail).
6. One 1-quart pail of Valspar Ultra paint/primer (closed pail).
7. Two 1-quart pails of Anti-Slip Floor Coating (closed pails).
8. One 5-gallon pail of Karnax Cold Press Adhesive (closed pail).

Paint Shed - Shelf 3 *(estimate of 28 containers; list is not inclusive) (photos 21-23)

1. One 17-ounce aerosol can of Rust-Oleum Stripping Paint (spray nozzle missing).
2. One 8-ounce aerosol can of CRC Dust Remover.
3. One 8-ounce pail of Crawford Vinyl Spackling Paste (closed pail).
4. One 8-ounce bottle of Loctite LB8150 (closed bottle).
5. One 1-quart pail of Behr Premium Plus Ultra (closed pail).
6. One 1-quart pail of Valspar (closed pail).
7. One 8-ounce pail of labeled Behr (closed pail).
8. One 1-gallon pail of Krylon Interior Semi-Gloss (closed pail).
9. One 1-gallon pail of Sherwin Williams Promar 400 (closed pail).
10. One 1-gallon pail of Glidden Ultra Hide (closed pail).
11. One 1-gallon pail of Sherwin Williams Promar 200 (closed pail).
12. One 1-gallon container of Klean Strip Boiled Linseed Oil (closed container).
13. Two 1-gallon containers of T2 Floor Prep (closed containers).
14. One 3-gallon pail of Overkrete Extra (closed pail).
15. One 5-gallon pail of Sherwin Williams Promar 200 (closed pail).

Paint Shed - Shelf 4 *(estimate of 28 containers; list is not inclusive) (photos 24-26)

1. One 1-gallon pail of Devoe HT4H Silicone Acrylic (open pail).
2. One 1-gallon pail of Industrial Choice 527402 - National Blue (open pail).
3. One 1-gallon pail of Industrial Choice - Gray (open pail).
4. One 1-gallon pail of Devoe Orange (open pail).
5. One 1-gallon pail of Rust-Oleum Overkrete Extra (open pail).
6. Three 1-gallon pails of Peel Away Concrete Remover (open pails).

On a countertop at the Paint Shed, I observed the below-listed 15 containers. Mr. Brumbaugh stated that the containers were probably generated from a random clean out of various work areas onsite. I asked Ms. Bass if the containers stored waste. Ms. Bass stated that she did not know. I asked Ms. Bass if she had conducted a hazardous waste determination on the below-listed containers. Ms. Bass stated “No.” Ms. Bass and Mr. Brumbaugh were not aware of the length of time of accumulation of these containers. **Failure to conduct a hazardous waste determination - 40 CFR 262.11(a) (NOPF 1).**

Paint Shed - Countertop *(15 containers; list is inclusive) (photos 28 and 29)

1. Two 1-gallon containers of Collinite Insulator Cleaner (closed containers).
2. One 1-quart pail of Rust-Oleum 200 Anti-Skid (closed pail).
3. One unlabeled 1-quart container of unknown (closed rusted container).
4. One 1-quart pail of Weber Multipurpose Cleaner (closed pail).
5. One unlabeled 1-quart pail with handle of unknown (closed rusted pail).
6. Two 1-quart containers of Meriam 175 RM Porosity Tester (closed containers).
7. One 15-ounce bottle of Cage Oil (closed container).
8. One 1-quart container of Neoprene Rubber and Gasket Adhesive (closed pail).
9. One 17-ounce bottle of Rust Remover (closed container).
10. One 1-gallon container of Hydrosonic Cleaning Solution (closed container).
11. One 1-gallon container of Rubbing Alcohol (closed container).
12. Two 1-gallon containers of Aquasonic Cleaning Solution (closed containers).

Inside the Paint Shed, I observed one locked flammable cabinet (photo 30). I asked Ms. Bass if the cabinet stored product or waste. Ms. Bass stated that she did not know. At the time of the inspection, OC personnel did not have a key or access to the cabinet. Mr. Brumbaugh stated that the locking mechanism on the cabinet would need to be safely removed. *Further EPA review may be needed to determine the contents of the flammable cabinet.*

4.6 Hazardous Waste Storage Area

OC has one Hazardous Waste Storage Area onsite. At the Hazardous Waste Cage, I observed the following hazardous waste storage drums:

1. Three 55-gallon drums of DEP dust (drums were in good condition, closed and labeled with the words “Hazardous Waste”).
 - a. DEP dust drum 1 was missing the accumulation start date (photos 49 and 50). During the visual inspection, Mr. Brumbaugh marked the drum with the October 11, 2022, accumulation start date (photo 53).
 - b. DEP dust drum 2 was marked with the February 11, 2022, accumulation start date (photos 50, 51 and 52). During the visual inspection, Mr. Brumbaugh marked the drum with an updated accumulation start date of October 11, 2022 (photo 54).
 - c. DEP dust drum 3 was marked with the February 11, 2022, accumulation start date (photos 56 and 74).
2. Four 55-gallon drums of DEP PPE (closed, labeled with the words “Hazardous Waste” and drums 2-4 were in good condition).
 - a. DEP PPE drum 1 was marked with the February 11, 2022, accumulation start date. The drum lid and lower third of the drum body had a severe corrosion and the drum appeared not to be in good condition (photo 55).
 - b. DEP PPE drums 2 and 3 were both marked with the June 30, 2022, accumulation start date (photos 56, 57, 58 and 74).
 - c. DEP PPE drum 4 was marked with the July 20, 2021, accumulation start date (photos 53, 57, 58 and 74).

Mr. Brumbaugh also stated that all hazardous waste storage drums in the Hazardous Waste Cage were marked with the date of filling in the satellite accumulation areas and did not get marked with the accurate accumulation start date when moved to the Hazardous Waste Cage. I asked Mr. Brumbaugh if he knew how long the seven 55-gallon drums of DEP dust and DEP PPE had been stored. He stated that DEP dust drums 1 and 2 had been stored since October 11, 2022, and he was not aware of the accurate accumulation start dates of the other five drums. **Accurate accumulation start date not marked on each storage container (five drums) – 40 CFR 262.34(a)(2) (NOPF 7).** I informed Ms. Bass that that DEP PPE drum 1 (photo 55) had severe corrosion (on the lid and the lower third of the drum body) and it appeared not to be in good condition. **Container storing hazardous waste not in good condition - 40 CFR 265.171 (NOPF 8).** DEP dust drum 3 and DEP PPE drums 2-4 were stored near the back wall of the Hazardous Waste Cage (photos 56, 57, 58 and 74). There was a less than two-foot wide path along the wall to access the drums and empty 250-gallon totes were stored in the front and on the side of the drums.

The drums were stored closely together on a wooden pallet and did not have aisle space for the unobstructed movement of personnel or emergency equipment. **Failure to provide adequate aisle space for the unobstructed movement of personnel and fire protection/spill control/decontamination equipment - 40 CFR 265.35 (NOPF 9).**

I asked Ms. Bass if OC conduct inspections on the drums in the Hazardous Waste Cage. Ms. Bass stated “Yes” and provided me with a copy of the 2020-2022 weekly hazardous waste inspection records for review. See Attachment 12 for the 2020-2022 Weekly Hazardous Waste Inspection Logs. The last documented weekly inspection was on March 30, 2022. I asked Ms. Bass if OC had conducted any inspections after March 30, 2022, on hazardous waste drums. Ms. Bass stated that she did not know. **Failure to conduct weekly hazardous waste inspections - 40 CFR 265.174 (NOV 10).** The time of inspection was not noted on weekly inspections logs from January 2, 2020 to March 30, 2022. **Failure to include the time of weekly hazardous waste inspections - 40 CFR 265.15(d) (NOV 11).**

4.7 Other Regulatory Requirements

Manifest and Land Disposal Restriction Requirements - OC had no uniform hazardous waste manifests on file for 2021 and 2022. OC’s last off-site hazardous waste shipment was on December 11, 2020. According to the Hazardous Waste Site Info Verification Report (attachment 7), OC noted that no hazardous waste had been generated in 2021. Ms. Bass was not aware of any off-site hazardous waste shipments in 2021 and 2022. From review of the 2021 KDHE LQG Monitoring Fee Invoice (attachment 8), OC listed the generation of 2.15 tons of hazardous waste with an off-site shipment of silane material. Mr. Jacobs stated that the silane material was a trial binder additive and it is non-hazardous based on process knowledge. See attachment 13 for the Silane SDS. From my review of the silane SDS, the material appears to be non-hazardous. Mr. Jacobs stated that an error may have occurred on the 2021 KDHE LQG Monitoring Fee Invoice form. *Listed on the Receipt for Documents and Samples document (attachment 5), I asked OC to determine if the 2021 LQG Monitoring Fee Invoice form was accurate and determine if the 2021 biennial report was accurate.* In a November 28, 2022, response to inspection follow-up questions (attachment 15), OC determined that the 2021 KDHE LQG MF LQG Invoice form was accurate. After completion of the inspection, I further reviewed the 2020-2022 Weekly Hazardous Waste Inspection Logs (attachment 12) and it appeared that OC had the following drums of waste in Hazardous Waste Cage during 2021:

1. One drum of DEP PPE (chrome dust rags) from January 6, 2021 to February 24, 2021.
2. Waste Ink and solvent on April 28, 2021.
3. Five drums of DEP dust (chrome dust rags) from December 22, 2021 to February 24, 2021.

Further EPA review may be needed to determine OC’s 2021 hazardous waste generation and disposal.

Preparedness and Prevention Requirements - Safety and emergency equipment were present and in satisfactory condition. Appropriate arrangements and coordination with local and State emergency agencies were made.

Personnel Training - Required staff had received appropriate training on hazardous waste management and the training records appeared to be satisfactory.

Contingency Plan - OC maintains a contingency plan and it was up to date. See attachment 14 for the Contingency Plan.

5.0 SUMMARY OF FINDINGS

NOPF 1 - Failure to conduct a hazardous waste determination - 40 CFR 262.11(a).

NOPF 2 - Failure to document waste determinations - 40 CFR 262.40(c).

NOPF 3 - Failure to provide updated notification to the KDHE - KAR 28-31-4.

**NOPF 4 - Failure to store universal waste-lamps in a closed container -
40 CFR 273.13(d)(1).**

NOPF 5 - Failure to label universal waste-batteries - 40 CFR 273.14(a).

NOPF 6 - Accumulating universal waste for longer than one year - 40 CFR 273.15(a).

**NOPF 7 - Accurate accumulation start date not marked on each storage container -
40 CFR 262.34(a)(2).**

NOPF 8 - Container storing hazardous waste not in good condition - 40 CFR 265.171.

NOPF 9 - Failure to provide adequate aisle space - 40 CFR 265.35.

NOPF 10 - Failure to conduct weekly hazardous waste inspections - 40 CFR 265.174.

**NOPF 11 - Failure to include the time of weekly hazardous waste inspections -
40 CFR 265.15(d).**

**NOPF 12 - Failure to label containers of used oil with the words "Used Oil" -
40 CFR 279.22(c)**

NOPF 13 - RESCINDED

Other than the items specifically noted in this narrative, I observed no additional issues or potential finding. However, further EPA review may change or add to my findings.

Martin, Mike

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Mike Martin
Physical Scientist
RCRA Section, Chemical Branch
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Date

AMBER WHISNANT

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Amber Whisnant
Chief, RCRA Section, Chemical Branch
Enforcement and Compliance Assurance Division

Date

Attachments

- 1) Inspection [75] Photographs (38 pages)
- 2) Photolog Log (5 pages)
- 3) KDHE Hazardous Waste Generator Compliance Inspection Checklist and Used Oil Generator Compliance Inspection Checklist (17 pages)
- 4) Confidentiality Notice (1 page)
- 5) Receipt for Documents and Samples (1 page)
- 6) Notice of Preliminary Findings (6 pages)
- 7) Hazardous Waste Site Info Verification Report (2 pages)
- 8) 2021 KDHE LQG MF Invoice (12 pages)
- 9) Ink SDS (8 pages)
- 10) Safety-Kleen 105 Solvent SDS (10 pages)
- 11) Waste Determination Forms (8 pages)
- 12) 2020-2022 Weekly Hazardous Waste Inspection Logs (117 pages)
- 13) Silane SDS (15 pages)
- 14) Contingency Plan (19 pages)
- 15) Response to Inspection Follow-Up Questions (20 pages)