

RCRA Inspection Report

1) Inspector and Author of Report

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2) Facility Information

Safety-Kleen Systems, Inc. EPA ID# NCD079060059
2320 Yadkin Avenue
Charlotte, North Carolina 28205

3) Responsible Officials

Mr. Jason Porter, Branch General Manager
jason.porter@Safety-Kleen.com

4) Inspection Participants

Jason Porter, Safety-Kleen Mark Burnette, NCDEQ
Laurie Benton DiGaetano, US EPA Bobby Nelms, NCDEQ

5) Date of Inspection

October 19, 2021

6) Applicable Regulations

Resource Conservation and Recovery Act (RCRA) Sections 3002 (42 U.S. Code – Annotated U.S.C.A. 6925 and 6927); Title 15A of the North Carolina Administrative Code (NCAC), Chapter 13; RCRA Hazardous Waste Facility Operating Permit NCD079060059; and 40 Code of Federal Regulation (C.F.R.), Parts 260 - 270, 273, 278, & 279.

7) Purpose of Inspection

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection to Safety-Kleen Systems, Inc.'s compliance with the applicable requirements of RCRA and the corresponding NCDEQ regulations.

8) **Previous Inspection History**

Although this Facility routinely receives focused compliance inspections from NCDEQ's resident inspector program, the most recent comprehensive evaluation inspection was conducted on 06/09/2021. NCDEQ found no RCRA apparent violations during that inspection.

9) **Facility Description**

Safety-Kleen Systems, Inc. is an international company offering solvent collection and reclamation services for customers, who are primarily engaged in automotive repair, industrial maintenance, and dry-cleaning activities. The company has been in operation since 1968, and the 1.5-acre subject Facility opened on July 15, 1980. Safety-Kleen Systems, Inc. owns this Facility, and operates it under the NAICS Code 532490 for Other Commercial and Industrial Machinery and Equipment Rental and Leasing, 484220 for Specialized Freight (Except Used Good) Trucking Local, 484230 for Specialized Freight (Except Used Goods) Trucking Long Distance and 562112 for Hazardous Waste Collection. The business activities conducted here relate to the leasing and servicing of parts cleaning equipment, the collection and distribution of solvents, the collection of paint wastes, and the collection and management of industrial wastes. Customers are primarily located within a 10,000 square mile area of North and South Carolina surrounding Charlotte, North Carolina. The Facility is a large quantity generator (LQG) of hazardous waste, a permitted hazardous waste storage facility, and a less than 10-day hazardous waste transfer facility. Safety-Kleen, Inc. most recently notified of these activities on 02/26/2020, and the most recent hazardous waste storage permit became effective on 09/20/2019. This Facility has about 12 employees, and operations run from 6:30 am until 5:00 pm, Monday through Friday (with occasional Saturdays, as needed). A six-foot high chain link fence, which is topped with barbed wire, surrounds the Facility, and access is controlled by a motorized gate in the fence.

The Facility is permitted to manage hazardous wastes with a variety of hazardous waste codes, which are identified in the operating permit. Although containers of waste immersion cleaner, dry cleaning wastes, paint wastes, spent paint booth filters, gasoline pump filters, gasoline automotive filters, and photographic imaging wastes may be managed in one of the on-site container storage areas, Safety-Kleen, Inc. intentionally moved away from accepting these wastes for container storage in the permitted areas. As a result, most of these wastes are manifested to another designated permitted TSD facility and are kept at this location for less than 10-days under the transporter's transfer facility requirements. Parts washer solvents are still manifested to terminate for storage at this location before they are sent to another facility for recycling / reclamation.

Although parts washer solvent may be stored in the permitted container storage areas, it is primarily managed in one of the two above ground storage tanks located on-site. At the return and fill station, containers of used solvent are poured into one of two wet dumpsters and pumped from there into the hazardous waste storage tank. Spent parts washer solvent is removed from the above ground storage tank by a tanker truck about once every ten days. Although no reclamation activities are performed at this location, the Facility stores clean parts washer solvent in the second above ground storage tank. Clean solvent is delivered to this location in tanker trucks. The clean solvent is pumped from the tanker trucks into the above ground storage tank, and later transferred into drums and containers, which are shipped to customers for use at their location.

The facility is permitted to store the following waste codes in the bulk storage tanks: D001 (ignitable), D004 (containing arsenic), D005 (containing barium), D006 (containing cadmium), D007 (containing chromium), D008 (containing lead), D009 (containing mercury), D010 (containing selenium), D011 (containing silver), D018 (containing benzene), D019 (containing carbon tetrachloride), D021 (containing chlorobenzene), D022 (containing chloroform), D023 (containing o-Cresol), D024 (containing m-Cresol), D025 (containing p-Cresol), D026 (containing cresol), D027 (containing 1,4-dichlorobenzene), D028 (containing 1,2-dichloroethane), D029 (containing 1,1-dichloroethylene), D030 (containing 2,4-dinitrotoluene), D032 (containing hexachlorobenzene), D033 (containing hexachlorobutadiene), D034 (containing hexachloroethane), D035 (containing methyl ethyl ketone), D036 (containing nitrobenzene), D037 (containing pentachlorophenol), D038 (containing pyridine), D039 (containing tetrachloroethylene), D040 (containing trichloroethylene), D041 (containing 2,4,5-trichlorophenol), D042 (containing 2,4,6-trichlorophenol), D043 (containing vinyl chloride).

10) **Opening Conference**

On October 19, 2021, EPA inspector Laurie Benton DiGaetano, accompanied by NCDEQ inspectors Mark Burnette and Bobby Nelms, arrived at the subject Safety Kleen facility at approximately 10:15 a.m. Mr. Jason Porter, Branch General Manager, immediately received the inspectors. The inspectors introduced themselves, showed their credentials to Mr. Porter, and explained the purpose of the visit. The inspectors described the anticipated use of equipment (digital camera) during the inspection and provided a request for records. The inspectors discussed the company's ability, pursuant to 40 C.F.R. §2.203, to assert a business confidentiality claim for information submitted to EPA. The company did not assert a business confidentiality claim. The inspection participants also discussed health and safety protocols and required personal protective equipment before Mr. Porter led the inspectors on a tour of the Facility operations.

Mr. Porter provided a brief overview of the facility's history and current operations during the opening conference. The company does not appear to meet the Small Business Regulatory Enforcement Fairness Act's classification of a "small business," which is generally set by the Small Business Administration using the business' SIC/NAICS code and annual receipts or number of employees. Therefore, the EPA inspector did not provide a copy of the agency's information sheet for small businesses, which can be found at <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>.

11) **Findings**

Transfer Facility Area in Warehouse Building: The Facility tour began in the Main Warehouse Building, where the less than 10-day transfer wastes are stored. The Transfer Facility Area within the Main Warehouse is separated into two sections by a chain link fence. The inspectors observed two rows of pallets which were ready for shipment offsite in the caged bay, which forms the smaller side of the building. Mr. Porter explained that these pallets were scheduled for shipment the previous day, but the truck experienced mechanical issues and was now expected to arrive the following day. Waste containers on these pallets were shrink-wrapped in preparation for transport. Although most of these containers were labeled as nonhazardous waste, the hazardous waste containers were closed, labeled, and dated.

Incoming waste containers are staged in the main area of the building outside of the caged bay. The inspectors observed five rows of pallets holding waste containers in this area. Some pallets were full, and others were partially full and awaiting additional containers to prepare for transport. The containers were all closed, labeled and in good condition. The inspectors observed a total of five containers that were dated 10/08/2021 in the Transfer Facility Area. These containers had exceeded the 10-day transfer facility time limit. Each of the following containers had been in the area for 11 days, which is over the 10-day limit for a transfer facility:

- Two 5-gallon containers of hazardous waste, dated 10/08/2021
- One overpack container of ignitable / toxic hazardous waste, dated 10/08/2021
- Two 55-gallon containers of corrosive / toxic hazardous waste, dated 10/08/2021

Mr. Porter explained that these drums had been scheduled for pick-up the previous day, but the truck had mechanical issues and would not be available until the following day. An employee had begun the process of moving the containers to the Permitted Storage Area in the Warehouse Building on the morning of the inspection. Safety-Kleen resolved the following apparent deficiency on the day of the inspection:

Pursuant to 15A NCAC 13A .0108 [40 C.F.R. § 263.12(a)], a transporter who stores manifested shipments of hazardous waste in containers meeting the independent requirements of § 262.30 of this chapter at a transfer facility for a period of ten (10) days or less is not subject to regulation under parts 264, 265, 267, 268, and 270 of this chapter with respect to the storage of those wastes.

Permitted Storage Area in Warehouse Building: Next, the inspection participants visited the permitted hazardous waste storage area, which is located in a second room within the Main Warehouse Building. The inspectors observed an emergency shower and eyewash station, fire extinguisher, spill kit, fire alarm pull station, alarm signal button and sprinkler system in this area. The company primarily uses this area now for storing raw materials and products to be shipped off-site. The inspectors observed three storage racks and three rows of pallets, which primarily contained raw materials and facility supplies, in this room. One wooden pallet held two 55-gallon drums of hazardous waste. Both drums were closed, labeled with the words “hazardous waste,” identified with an indication of the hazards of their contents, marked with an accumulation start date, and in good condition.

Products Storage Warehouse Annex: Next, the inspection participants visited the prefabricated metal frame building, which was constructed directly above the containment area of the former used oil tank farm in 2003. An opening was cut into the former secondary containment area, connecting this area to the adjacent Permitted Storage Area of the Main Warehouse Building. This annex is used for the storage of product materials and equipment, and no hazardous wastes were observed in this area during the inspection.

Return and Fill Station / Non-Ignitable Waste Container Storage Warehouse: Used parts washer solvent is collected from customers in drums and off-loaded onto the canopy covered loading dock at the return and fill station. The drums are manually opened, and the used solvent is transferred into the bulk hazardous waste storage tank through two tank-like Subpart X permitted drum washer / wet dumpster units. Safety-Kleen generally uses only one of the two drum

washer/wet dumpster units at a time, designating the other one as a back-up unit to be used when repairs are necessary on the primary unit. Both units are maintained in a closed position during those times of the operating day when no trucks are delivering used parts washer solvent to be processed.

The drum washer / wet dumpster units are specifically designed to remove residuals from both the inside and outside of various open-ended containers. The contents of the container are poured into the wet dumpster, and the container is loaded onto the drum washer mechanism. A recirculating pump lifts used solvent from the collection reservoir at the bottom of the unit and injects it inside the rotating drum. The used solvent cleans the container's interior while two rotary brushes turn the drum and clean its exterior. The drum washer / wet dumpster units are not designed or intended to treat or store an accumulation of hazardous waste, and excess dirty solvents are automatically pumped from the wet dumpster reservoir directly into the storage tank when the unit is in use. When the unit is not actively being used to receive solvent or wash drums, the drum washer / wet dumpster unit is drained and closed. Furthermore, the unit(s) are emptied, cleaned, closed, and prepared for the next day's operation at the end of each day's operating shift, which typically consists of 2.5 to 4 hours of processing.

Safety Kleen manages one satellite accumulation area (SAA) at the Return and Fill Station for managing hazardous waste branch debris. This waste includes rags used by employees to wipe off the inside and outside of the containers, PPE worn by employees while working in this area, sludge accumulated in and around the drum washer wet dumpster unit(s), and any other contaminated debris generated in this area. The inspectors observed one 55-gallon drum in this SAA. The drum was equipped with a flip-top lid, which was clamped closed. It was labeled toxic and ignitable hazardous waste branch debris solid / liquid and identified with a flammable liquid DOT hazard placard.

The secondary containment for the return and fill area consists of concrete flooring and curbing, with the floor sloped to a central collection sump. The interior surface of the secondary containment structure has been sealed with an epoxy and/or urethane coating to prevent spilled or leaked materials from migrating out of the containment area. Section IV.J. of the Permit requires Safety Kleen to clean and visually inspect the secondary containment system for the Drum Washer / Dumpster Units at least once per calendar year. The inspectors reviewed documentation of the most recent cleaning and inspection event, which was dated 12/07/2020.

Parts Washer Solvent Tank Farm: The tank farm houses two 15,000-gallon aboveground storage tanks and is located directly north of the return and fill station. Only one of these tanks is permitted and designated for the storage of hazardous waste used parts washer solvent. This tank is required to have its integrity assessed every 10 years. The most recent integrity assessment was performed 01/28/2014 and is due again in 2024. The 2014 assessment was performed by Mott Tank Inspections, and covered the containment area, foundation, tank, coatings, thickness, nozzles, alarms, and ventilation. The other tank is used to store petroleum products that are compatible with the used parts washer solvent. Both tanks are marked with their contents. Mr. Porter estimated that used parts washer solvent is shipped from the storage tank about one or two times each month.

Contingency Plan: The actions that facility personnel should take in response to an emergency are described in the facility's Contingency Plan. The plan describes actions facility personnel must take in response to fires, explosions, acts of vandalism / sabotage, severe weather, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility. It includes a list of emergency equipment at the facility, which includes fire extinguishing systems, spill control equipment, communications and alarm systems, emergency eyewash and shower stations, PPE and first aid kits. The plan includes the location and a physical description of each item on the list, and a brief outline of its capabilities. It also includes an evacuation plan for personnel. It describes signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

The plan lists the names and emergency telephone numbers for persons identified as emergency coordinators. Jason Porter is listed as the primary emergency coordinator, and Diego Francisca is listed as the alternate emergency coordinator. It describes arrangements with the local police department, fire department, other emergency response teams, local emergency response agencies, and local hospitals.

According to the Permit application, the Contingency Plan was last updated in November 2020, and a copy of the Contingency Plan (and its quick reference guide) was most recently submitted to the Charlotte Mecklenburg Police Department, Charlotte Fire Department and Emergency Management Office, Clean Harbors Environmental Services, Charlotte City Manager, and Mecklenburg County Manager in January 2017. According to the records provided by the facility, the contingency plan was most recently sent to the Carolinas Medical Center on November 14, 2006.

Pursuant to the Hazardous Waste Permit NCD079060059, Part II. L.2. - Copies of Plan, the Permittee shall comply with the requirements of 40 CFR § 264.53 as adopted in 15A NCAC 13A .0109 and NC General Statute 130A-295(d) and (g). Specifically, 15A NCAC 13A .0109 [40 C.F.R. § 264.53(b)] requires the contingency plan and all revisions to the plan to be submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

In addition to the Contingency Plan, the facility has also created a quick reference guide, which includes the types/names of hazardous waste in layman's terms and the associated hazard associated with each hazardous waste present at any one time; the estimated maximum amount of each hazardous waste that may be present at any one time; the identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff; a map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes; a street map of the facility in relation to surrounding businesses, schools and residential areas; the locations of water supply; the identification of on-site notification systems; and the name of the emergency coordinator(s) and emergency telephone number(s). The Quick Reference Guide named Jason Porter as the primary Emergency Coordinator and Scott Curry as the alternate Emergency Coordinator. The inspectors noted that the Quick Reference Guide and the Contingency Plan did not name the same person as the alternate Emergency Coordinator. Therefore, it appears that the facility may have been deficient of the following requirement:

Pursuant to the Hazardous Waste Permit NCD079060059, Part II. L.3. - Amendments to Plan, the Permittee shall review and immediately amend, if necessary, the contingency plan, in accordance with 40 CFR § 264.54 as adopted in 15A NCAC 13A .0109 and shall provide documentation that the groups listed in 40 CFR § 264.53(b) have received the revised copy of the contingency plan. Specifically, 15A NCAC 13A .0109 [40 C.F.R. § 264.54(d)] requires the contingency plan to be reviewed, and immediately amended, if necessary, whenever the list of emergency coordinators changes.

Training Records: The inspectors reviewed facility job descriptions, which are included in the Hazardous Waste Permit application, and Mr. Porter provided a computer printout, which contained employee names associated with those job descriptions. Each description included the requisite skill, education, or other qualifications, and duties of facility personnel assigned to that position. The inspectors reviewed records of employee hazardous waste training, which was most recently completed on 04/20/2021 and 06/06/2021.

Waste Manifest Records: The inspectors reviewed hazardous waste manifest records and land disposal restriction forms on the e-manifest system for shipments of hazardous waste sent from the subject facility since June 2021. Manifest records included signed returned copies for shipments sent during this timeframe.

Inspection Records: The inspectors reviewed Safety Kleen's electronic records of inspections of the permitted hazardous waste central storage areas and hazardous waste tank systems for the past year.

Each daily inspection log for the Warehouse Part B Room, the Warehouse Transfer Area, the Return and Fill Station Container Storage Area, and the Container Storage Main Warehouse area includes a checklist to record observations about container placement and stacking, sealing of containers, labeling of containers, container integrity, pallets, doors, base / foundation / roof, berms / racks, site generated waste, exit signs, aisle space, containment area, sumps, loading / unloading area(s), communication and alarm, storage capacity, bonding and grounding, pumps, inventory age and SAA containers.

The daily inspection log for the Tank Systems included a checklist to record observations about tanks and insulation, pipes / piping support, valves, fittings / hose connection(s), liquid level, secondary containment, dike drain valves, interstitial monitoring, sumps, bonding and grounding, transfer equipment pump / pump motors, communication and alarm, SAA containers, manways / hatches / other openings / ladder / platforms / walkways, pressure relief valves, tank label, monitoring equipment / level indicators / overfill protection equipment, loading / unloading areas, tank system safety, connection box / dip trays and buckets, and site generated waste.

The daily inspection log for the Return and Fill Station included a checklist to record observations about pump seals, pump motors, fittings, valves, hose connections and fittings, hose body, clam shell unit type, wet dumpster / drum washer, secondary containment, loading / unloading area, SAA containers, and site generated waste.

The daily inspection log for the Subpart BB equipment included a checklist to record observations about tagged and nontagged tank system identified BB equipment points per area plan; open ended valves / line equipment with cap, leaking equipment repairs within 15 days, and tags on leaking equipment.

The inspection log records include the date and time of the inspection and the name of the employee conducting the inspection. No daily inspection records were provided for the Warehouse Part B Room, the Warehouse Transfer Area, the Container Storage Area Return and Fill Station, the Container Storage Main Warehouse Area, the Tank Systems Area, the Return and Fill Station, or the Subpart BB equipment between the following dates:

- 09/03/2021 - 09/07/2021 (3 days)
- 09/07/2021 - 09/13/2021 (5 days)
- 08/19/2021 - 08/30/2021 (10 days)
- 08/13/2021 - 08/18/2021 (4 days)

Pursuant to the Hazardous Waste Permit NCD079060059, Part II.F. – General Inspection Requirements, the Permittee shall follow the inspection schedule as described in Section F of the Attachment and shall comply with 40 CFR § 264.15(c) and (d) as adopted in 15A NCAC 13A .0109. Specifically, Table F-1 in Section F of the Attachment specifies that the Facility will conduct daily visual inspections of the Parts Washer Solvent Tank Farm, the Truck Station Area, and the Container Storage Areas, and 15A NCAC 13A .0109 [40 CFR § 264.15(d)] requires the owner or operator to record inspections in an inspection log or summary.

12) Closing Conference

The inspectors conducted the exit meeting with Mr. Porter. During this meeting, the inspectors stated their preliminary conclusions of the inspection.

13) Inspection Findings

Based on the observations made during the inspection, Safety Kleen was apparently deficient with the following RCRA requirements:

- **Pursuant to 15A NCAC 13A .0108 [40 C.F.R. § 263.12(a)], a transporter who stores manifested shipments of hazardous waste in containers meeting the independent requirements of § 262.30 of this chapter at a transfer facility for a period of ten (10) days or less is not subject to regulation under parts 264, 265, 267, 268, and 270 of this chapter with respect to the storage of those wastes.**
- **Pursuant to the Hazardous Waste Permit NCD079060059, Part II. L.2. - Copies of Plan, the Permittee shall comply with the requirements of 40 CFR § 264.53 as adopted in 15A NCAC 13A .0109 and NC General Statute 130A-295(d) and (g). Specifically, 15A NCAC 13A .0109 [40 C.F.R. § 264.53(b)] requires the contingency plan and all revisions to the plan to be submitted to all local police departments, fire**

departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

- Pursuant to the Hazardous Waste Permit NCD079060059, Part II. L.3. - Amendments to Plan, the Permittee shall review and immediately amend, if necessary, the contingency plan, in accordance with 40 CFR § 264.54 as adopted in 15A NCAC 13A .0109 and shall provide documentation that the groups listed in 40 CFR § 264.53(b) have received the revised copy of the contingency plan. Specifically, 15A NCAC 13A .0109 [40 C.F.R. § 264.54(d)] requires the contingency plan to be reviewed, and immediately amended, if necessary, whenever the list of emergency coordinators changes.
- Pursuant to the Hazardous Waste Permit NCD079060059, Part II.F. – General Inspection Requirements, the Permittee shall follow the inspection schedule as described in Section F of the Attachment and shall comply with 40 CFR § 264.15(c) and (d) as adopted in 15A NCAC 13A .0109. Specifically, Table F-1 in Section F of the Attachment specifies that the Facility will conduct daily visual inspections of the Parts Washer Solvent Tank Farm, the Truck Station Area, and the Container Storage Areas, and 15A NCAC 13A .0109 [40 CFR § 264.15(d)] requires the owner or operator to record inspections in an inspection log or summary.

14) **Signed**

Laurie Benton DiGaetano
Senior Enforcement and Compliance Specialist

Concurrence

Araceli B. Chavez
Chief
RCRA Enforcement Section