

RCRA Inspection Report

1) Inspector and Author of Report

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RCRA Enforcement Section
Enforcement and Compliance Assurance Division
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2) Facility Information

Wild Flavors & Specialty Ingredients
Archer Daniels Midland Company
1261 Pacific Avenue
Erlanger, Kentucky 41018
EPA ID: KYR000014910

3) Responsible Officials

CJ Ewing
Safety, Security & Environmental Technician
(859) 342 - 3623
cj.ewing@adm.com

4) Inspection Participants

CJ Ewing	Wild Flavors
Tony Huff	Wild Flavors
Lisa Roberts	Wild Flavors
Keith Reily	Wild Flavors
Charles Burden	Wild Flavors
Leslie Carr-Polly	KDEP – Frankfort Central Office
Shelby Sebastian	KDEP – Florence Field Office
Alan Newman	EPA Region 4

5) Date and Time of Inspection

September 16, 2021 1:50 p.m. – 4:30 p.m.

6) Applicable Regulations

Resource Conservation and Recovery Act (RCRA) Sections 3002 (42 U.S. Code – Annotated U.S.C.A. 6925 and 6927), and 40 Code of Federal Regulation (C.F.R.) Parts 260 - 270, 273, 278, & 279; Rules Governing Hazardous Waste Management Title 401 of Kentucky Administrative Regulations (401 K.A.R.) Chapters 30 through 40 and 44 Kentucky Department for

Environmental Protection.

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

Kentucky Revised Statutes Title XVIII, Chapter 224, Subchapter 46-Hazardous Waste *et seq.* (2006), and Title 401 of the Kentucky Administrative Regulations (K.A.R.) Chapters 30 through 38, 43 and 44 (2006).

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)], a generator may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near any 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 KRS 224.46-520(1) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with 401 KAR 39:080 Section 1 [40 C.F.R. § 262.16(b) or § 262.17(a)], except as required in 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)] (hereinafter referred to as the "SAA Permit Exemption").

Pursuant to 401 KAR 39:080 Section 3(1) [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, lamps, or aerosol cans, calculated collectively) at any time.

7) **Purpose of Inspection**

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection to determine Wild Flavors' compliance with the applicable requirements of RCRA and the corresponding Kentucky regulations. This was an EPA lead inspection.

8) **Previous Inspection History**

KDEP has conducted two RCRA CEIs at the subject facility between 2015 and 2018 and found one violation during those inspections.

On February 28, 2018, KDEP conducted the most recent RCRA CEI at the subject facility and found one apparent violation of RCRA's requirements for a satellite accumulation area. As a result, KDEP issued an informal enforcement action to Wild Flavors on February 28, 2018 and verified that the facility had returned to compliance during the February 28, 2018 inspection.

9) **Facility Description**

Wild Flavors, Inc. is the North American headquarters of the WILD Group of Archer Daniels Midland of Decatur, Illinois. The WILD Group is a privately held business involved in the worldwide production of flavors, colors, and ingredients for the food and beverage industry. The

WILD Group has eleven production facilities in eight countries, with subsidiaries in forty-three additional countries. Constructed in 1997, the Erlanger facility totals 190,000 square feet housing administrative, research and development, pilot plants, and manufacturing operations.

Wild Flavors employs about 515 people. 200 of these are laboratory, maintenance, support, and administrative staff. Administrative offices and research and development labs operate 7:30 a.m. 5:00 p.m., Monday thru Friday. Normally the manufacturing facility and quality control labs operate 24 hours a day, Monday through Friday. During periods of high demand for products, however, manufacturing and quality control may operate seven days a week.

Wild Flavors notified as a large quantity generator of hazardous waste on February 19, 2021 and has been operating as such since 2000. The NAICS #s for Wild Flavors is 31193 – Flavoring syrup and concentrate manufacturing.

10) Opening Conference

On September 16, 2021, EPA inspector Alan Newman, accompanied by KDEP inspectors Leslie Carr-Poly and Shelby Sebastian, arrived at Wild Flavors at approximately 1:50 pm. CJ Ewing, Safety, Security & Environmental Technician, immediately received the inspectors. CJ Ewing and the inspectors were joined by Tony Huff and participated in an opening conference. The inspectors introduced themselves, showed their credentials to CJ Ewing and Tony Huff 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 CJ Ewing led the inspectors on a tour of the Facility operations.

CJ Ewing provided an 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

Generally, the facility is divided into a North Plant for liquid products and a South plant for dry products. The South Plant does not regularly generate hazardous waste.

The facility is a conglomeration of research and development laboratories to develop products and eventually scale up manufacturing for customers. Wild Flavors generates off spec flavors (D001), spent solvents (D001/F003), silver nitrate (D001, D011), and coffee flavor (D001). Wild Flavors operates about 20 satellite accumulation areas (SAAs) and 1 central accumulation area

(CAA).

The inspection team inspected the following SAA laboratories:

Laboratory Room	Number of containers of Hazardous waste	Photo number	Comments:
205 – 2 nd Floor Creation #15	2 x 2.5-gallon container	1	
217 – 2 nd Floor T&I Lab 1-9	2 x 2.5-gallon container	2	
215 – T&I Hood	3 x 2.5-gallon container 2 x 4L container	3-4	The two 4-liter containers were not labeled with the indication of the hazard. These containers were labeled during the inspection (Photo 4).
219 – Wet Lab A, B, C	3 x 5-gallon	5	
213 – 2 nd Floor Stink Room	1 x 5-gallon container	6	
212 - 2 nd Floor Creation #14	1 x 2.5-gallon container		
209 - 2 nd Floor Creation #18	2 x 2.5-gallon container	7-9	
Remstar SAA	1 x 55-gallon White poly container	10-11	
Robot Area	5 5-gallon poly containers	12	
Maintenance Shop	1 x 30-gallon container	13	The white 30-gallon container was affixed with a can puncture device which was open on the day of the inspection. There was no indication of the hazard on this container. Facility personnel closed this container and added the indication of the hazard label. This plastic 3.5-gallon Recycle-Pack container was dated 2/5/2021
	1 x 3.5-gallon container	14	
226 – QC Culi 55 and Silver	1 x 55-gallon container with funnel	15	This container had dried waste that had dripped down the side of the container making reading the label difficult but not impossible.
	1 x 2.5-gallon recycle pack	16	The 2.5-gallon container held primarily alkaline batteries but also held one 3 V universal waste battery. This container was dated 2/12/2018 (> 1 year).
	1 x 5-gallon	17-19	The label of the 5-gallon container was partially covered with waste drips. There

			was also waste spilled on the ground around this container.
225 – QC Raw Mat. Silver & color - #1-3 raw #1-5 5 acetonitrile/meh	10 2.5-gallon containers 1 x 5-gallon container	20-26	
224 -QC Liq. Spray Dray 55 & #7	1 x 55-gallon 1 x 5-gallon faded label		The 5-gallon container was not labeled with an indication of the hazard. The area beside this SAA showed signs of waste spills.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers (ii) with an indication of the hazards of the contents.

Pursuant to 401 KAR 39:080 Section 1(1) [40 C.F.R. § 262.17(a)(6)], which incorporates 401 KAR 39:080 Section 1(1) [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.

The inspection team toured the CAA and noted that there were four 55-gallon containers and one 30-gallon container. The oldest accumulation start date was 9/8/2021. These containers were in good condition, labeled, and closed. Wild Flavors personnel use cell phones for required communication devices. The CAA is equipped with portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment. The inspection team recommended that the secondary containment in this area be cleaned to ensure that if and when spills occur, they can be detected.

Wild Flavors manages universal waste batteries in Laboratory 226. One 2.5-gallon plastic bucket of Universal Waste batteries, which was closed and marked with an accumulation start date, was labeled universal waste batteries. Upon inspection, the container contained one 3V universal waste battery. The date observed on this container of batteries was 2/12/2018. Subsequent to the inspection Wild Flavors documented that this universal waste battery was shipped off site.

Pursuant to 401 KAR 39:080 Section 3(1) [40 C.F.R. § 273.15(a), a SQHUW may accumulate universal waste no longer than one year from the date the universal waste is generated , or received from another handler, unless other requirements of paragraph (b) of this section are met.

- Record Review

The actions that facility personnel should take in response to an emergency are described in the facility's RCRA Contingency Plan, was last updated on June 2016. The plan describes 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. The plan describes arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or the Local Emergency Planning Committee. The plan lists the names and emergency telephone numbers for persons identified as emergency coordinators. The plan includes a list of all emergency equipment at the facility. The list includes fire extinguishing systems, spill control equipment, communications and alarm systems, and decontamination equipment. The list appears to be up to date. The plan includes the location and a physical description of each item on the list, and a brief outline of its capabilities.

The plan includes an evacuation plan for personnel. This plan describes signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

The inspectors reviewed facility job descriptions and employee names that were provided for each job title and affiliated names of employees. Each description included the requisite skill, education, duties of facility personnel assigned to that position, and describe the hazardous waste management duties of the position.

Wild Flavors provided a written description of the type and amount of both introductory and continuing training to be given to each person. The inspectors reviewed records of employee hazardous waste training completed in 2019 through 2021.

The inspectors reviewed available hazardous waste manifest records and land disposal restriction forms for shipments of hazardous waste sent since 2019.

The inspectors reviewed Wild Flavors' available records of inspections of the hazardous waste central accumulation area (CAA) for the last three years. The inspection log includes a checklist to record observations about leaking containers and for deterioration of containers caused by corrosion or other factors. The inspection log includes a checklist to record observations about aisle space, visible container labels, legible container labels, complete container labels, closed lids and bungs, material on outside of container, rings tight, rings turned down, condition of containers, containers compatible with waste, container grounding, control of ignition sources, container stacking, container storage time, contents of containment units. There were no deficiencies noted during the record review.

12) **Closing Conference**

The inspectors conducted the exit meeting at 4:20 p.m. with CJ Ewing, Tony Huff, and Lisa Roberts. During this meeting, the inspectors stated their preliminary conclusions of the inspection. Wild Flavors agreed to provide disposal records of the universal waste battery that was stored for longer than one year. On September 20, 2021, Wild Flavors provided shipping

documentation for the universal waste battery in an email to Alan Newman.

13) Inspection Findings

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

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

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Pursuant to 401 KAR 39:080 Section 3(1) [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.

14) List of Appendices

Appendix 1 – Photo Log:
26 Photos taken on: September 16, 2021
Photos taken by Shelby Sebastian
Photos taken with iPhone

15) Signed

ALAN NEWMAN

Digitally signed by ALAN NEWMAN
Date: 2021.11.18 12:18:44 -05'00'

Alan Newman
Environmental Engineer

Date

Concurrence

ARACELI CHAVEZ

Digitally signed by ARACELI CHAVEZ

Date: 2021.11.18 16:33:15 -05'00'

Araceli B. Chavez

Date

Chief

RCRA Enforcement Section

Photographs

Photos taken on September 16, 2021

Photos taken by KDEP's Shelby Sebastian

Camera: iPhone



Photo 1: Laboratory 205 SAA.

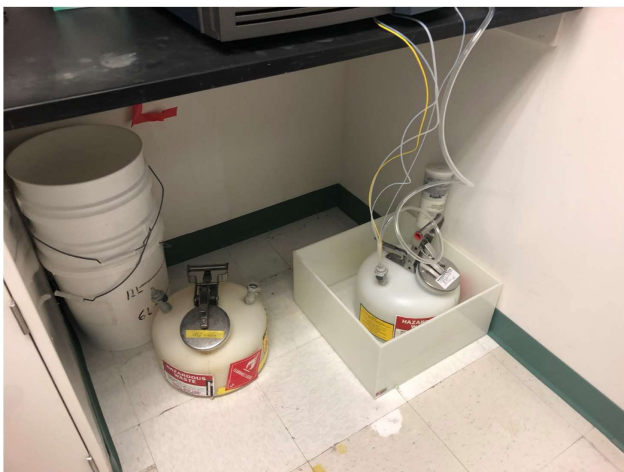


Photo 5: Laboratory 219 Wet Lab SAA.



Photo 6: Laboratory 213 SAA.



Photo 7: Laboratory 209 SAA.



Photo 9: Laboratory 209 SAA.



Photo 8: Laboratory 209 SAA.





Photo 11: Remstar SAA.

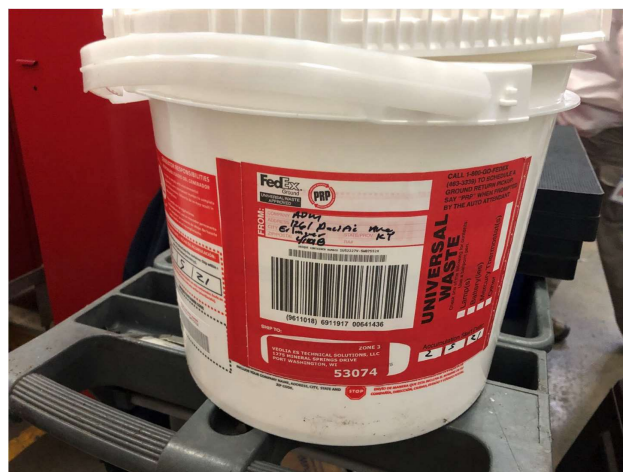


Photo 14: Maintenance Area SAA.



Photo 12: Robot Area SAA.



Photo 15: Laboratory 226 SAA.

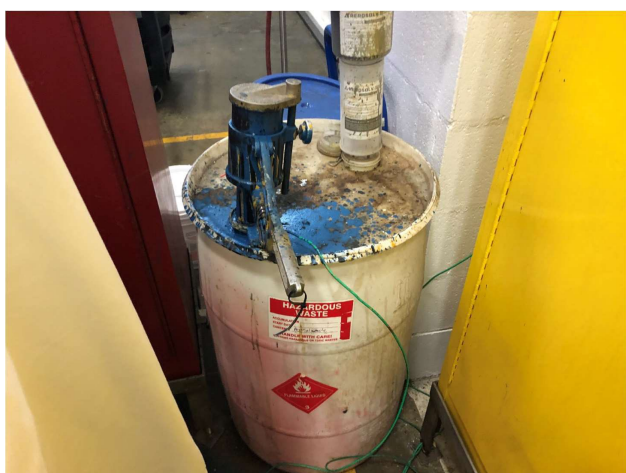


Photo 13: Maintenance Area SAA.



Photo 16: Laboratory 226 SAA.



Photo 17: Laboratory 226 SAA.

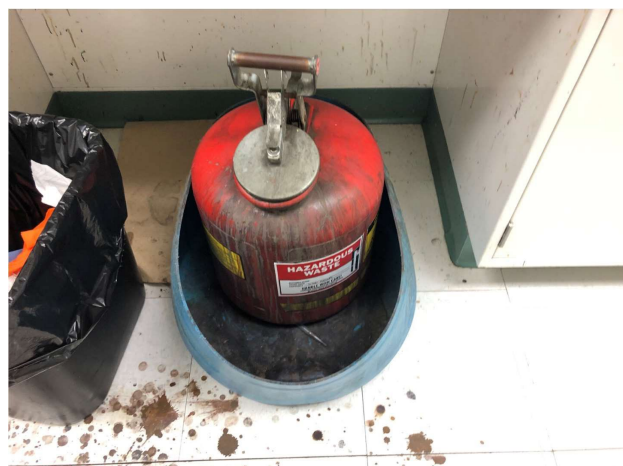


Photo 19: Laboratory 226 SAA.



Photo 20: Laboratory 225 SAA.



Photo 21: Laboratory 225 SAA.



Photo 22: Laboratory 225 SAA.



Photo 25: Laboratory 225 SAA.



Photo 23: Laboratory 225 SAA.



Photo 26: Laboratory 225 SAA.



Photo 24: Laboratory 225 SAA.