

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

Clean Harbors Environmental Services, Inc.
2247 South Highway 71
Kimball, NE 69145
(308) 235-8260

EPA ID Number: NED981723513

On

September 28 and 29, 2021

By

U.S. ENVIRONMENTAL PROTECTION AGENCY
Region 7
Enforcement & Compliance Assurance Division

1.0 INTRODUCTION

I performed a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) remote virtual and a visual inspection at Clean Harbors Environmental Services, Inc. (CHESI – Kimball), located in Kimball, Nebraska, on September 28 and 29, 2021. I conducted the inspection under the authority of RCRA Section 3007(a), as amended. During the inspection, I collected the information necessary to determine compliance with the applicable regulatory and statutory requirements. This report and attachments present the results of the inspection. Based on the information obtained during the inspection, I inspected the facility as a treatment storage disposal facility and large quantity generator of hazardous waste. CHESI - Kimball was last inspected by the Nebraska Department of Energy and Environment (NDEE) on March 30, 2021. Two violations were observed or cited as a result of the NDEE March 2021 inspection. The last EPA inspection was conducted by Ken Herstowski on September 24, 2019. Four violations were observed or cited as a result of the 2019 EPA inspection.

2.0 PARTICIPANTS

Clean Harbors Environmental Services, Inc.:

Alyssa King, Compliance Manager (virtual in briefing, onsite inspection, and exit briefing)
Walker Hayse, Compliance Specialist (onsite inspection and exit briefing)
Jared Torstenson, Senior Environmental Compliance Manager (onsite inspection and exit briefing)
Lezah Saunders, Incineration Manager (onsite inspection and exit briefing)
Brad Reader, General Manager (exit briefing)

Rich Roylance, Laboratory Manager (exit briefing)
Kenneth Redding, Maintenance Manager (exit briefing)
Kevin Sherman, Senior Health and Safety Manager (exit briefing)
James Shields, Facility Operations Manager II (onsite inspection and exit briefing)
Doug Moench, Facility Operations Manager (onsite inspection of Area 20)

U.S. Environmental Protection Agency (EPA):

Timothy Evans, Life Scientist, ECAD Region 7 (Lead Inspector)
Edwin Buckner, Environmental Engineer, ECAD Region 7

3.0 INSPECTION PROCEDURES

On September 23, 2021, at approximately 1:00 p.m., Mr. Buckner and I called CHESI – Kimball and spoke to Ms. King using MS Teams. We introduced ourselves and explained the purpose of our call. I informed Ms. King that Mr. Buckner and I intended to conduct a RCRA inspection at CHESI – Kimball on Tuesday September 28, 2021. Ms. King, Mr. Buckner, and I established a date and time for the visual, on-site inspection as 8:00 a.m. on September 28, 2021. I asked Ms. King if she had time to discuss inspection documents that I routinely provide at the time of an inspection opening conference. Ms. King stated that she had time to discuss the documents, which I provided to her through e-mail. The following opening conference documents were discussed: pre-inspection COVID-19 related questions, a site info verification report, and a copy of the RCRA Facility Access Information Sheet (March 2013), which provides inspection authority. I also explained the need to collect accurate information and provided Ms. King with a copy of Title 18 U.S. Code, Sections 1001 and 1002.

On September 28, 2021, at approximately 7:50 a.m., Mr. Buckner and I arrived at the CHESI – Kimball 10-day transfer area in Kimball, Nebraska, adjacent to the railroad tracks. Mr. Buckner and I observed there were no railcars or containers of waste. Mr. Buckner and I then proceeded to CHESI – Kimball. Mr. Buckner and I arrived at CHESI – Kimball at approximately 8:30 a.m. A drive-by, visual inspection was conducted west of the facility, on Highway 71. The north, south, and east perimeters of the facility are not accessible from the public right-of way. No issues were observed on the west perimeter of the facility. Mr. Buckner and I then proceeded to the guard house, where we were greeted by Mr. Hayse. Mr. Hayse escorted Mr. Buckner and me to a conference room within the Administration Building, Area 10, where we met Mses. King and Saunders and Mr. Torstenson. Mses. King and Saunders, and Messrs. Hayse and Torstenson acted as the primary facility representatives.

Mr. Buckner and I were also introduced to Phillip Halsted and Jasa Zunaibi, NDEE Clean Air Act (CAA) inspectors, who were conducting a CAA compliance inspection. As part of their inspection, Messrs. Halsted and Zunaibi stated they were looking at numbers associated with the facility leak, detection and repair (LDAR) program and thermal oxidizer unit temperatures.

During the inspection, discussions consisted of wastes generated and waste management and treatment practices. Mr. Buckner, and I conducted a visual inspection of the following areas on September 28, 2021:

- 10-Day Transfer area, Next to Railway in Kimball, Nebraska

- Fenced Trailer Storage Area, Southwest of Facility/Emergency Permitted Storage Area/Less than 10-Day Transfer Area, including:
 - Shipping Containers used for Document Storage
 - 10-Day Dock
 - Zip Tied Contingency Gates
- Outdoor Container Storage (Area 25)
- Permitted Storage (Area 40)
- Maintenance Equipment and Solid Hazardous Waste Storage (Area 58)
- Truck Sampling (Building 20)
 - Bay 1 (Sampling Bay)
 - Bays 2 - 4
- Off Load and North Tank Farm (Area 58)
- Generator Building C-650H
- Control Room for Shredder, Outside/North Side, and Fire Room Controls (Area 55)
- Container Storage (Area 27)

I conducted a visual inspection of the following areas on September 28, 2021:

- Oxidizer Building (Area 57D)
- Container Processing and Storage Building (Areas 57A-57C)
- Truck to Truck Transfer/10-Day Storage (Area 50C)

Mr. Buckner conducted a visual inspection of the following areas on September 28, 2021:

- HW Roll-Off Storage (Area 70C)
- Permitted Vac Box Storage (Area 95)
- Area 50 C Mezzanine
- Ash Building (Area 85)

Mr. Buckner and I conducted a visual inspection of the following areas on September 29, 2021:

- Thermal Oxidizer Unit
- Outside, "Robbe Roller" Area, HW Semi-Solid Tanker Storage (Area 50E)

I conducted a visual inspection of the following areas on September 29, 2021:

- North, Outdoor Less Than 90-Day Accumulation Area
- Main Laboratory
 - Outdoor, Less Than 90-Day Accumulation Area

Information collected during the inspection was documented in a field note logbook, on field sheets, and on the NDEE RCRA Compliance Evaluation Inspection Checklist (Attachment 1). The records that were reviewed are as noted on the NDEE RCRA Compliance Evaluation Inspection Checklist (Attachment 1), and as discussed below.

At the conclusion of the inspection, I summarized the findings and recommendations with Mses. King and Saunders, Messrs. Reader, Roylance, Hayse, Torstenson, Redding, Sherman, and Shields. I provided Ms. King with a Confidentiality Notice (Attachment 2), which she signed as acknowledgement of receipt. Ms. King made no confidentiality claims.

I provided Mr. Reader with a Receipt for Documents and Samples (Attachment 3), and a Notice of Preliminary Findings (NOPF) (Attachment 4), which he signed as acknowledgement of receipt. The following inspection documents were left with CHESI - Kimball:

Inspection Documents

Confidentiality Notice

*Notice Regarding Proprietary/Confidential Business Information Submitted to or Collected by
EPA In Connection with Inspections*

Receipt of Documents and Samples

Notice of Preliminary Findings

Instructions for Responding to a Notice of Preliminary Findings

I followed the inspection procedures established in the RCRA CEI Standard Operating Procedure (No. 2321.1D), unless noted differently. Any federal regulatory citations noted in this report are as adopted by reference in the authorized Nebraska regulations.

4.0 FINDINGS AND OBSERVATIONS

4.1 General Information/Facility Description/RCRA Status

The May 19-22, 2015 NDEQ CEI report, provides a detailed description of facility history, process descriptions, and facility generated waste streams (Attachment 8). The following is a brief paraphrased facility description from the CHESI - Kimball May 19-22, 2015 NDEQ report. CHESI - Kimball is a commercial thermal oxidation facility permitted to store waste and treat waste in a fluidized bed incinerator. Hazardous and non-hazardous wastes arrive on site, in solid or liquid form, in drums, bulk liquid tankers, or in solid waste roll-off containers. Waste is received from other CHESI facilities or directly from generators. Railcar tankers of liquid wastes are off-loaded into tanker trucks at the CHESI facility located in Sterling, CO, then shipped to the Kimball, NE facility. Railcars of solid wastes are off-loaded via intermodal and roll-off containers at a Union Pacific Rail Road rail siding, located in Kimball, Nebraska - the intermodal and roll-off containers are then trucked to CHESI - Kimball. There is no rail spur connected to the facility.

Once waste is received and sampled for fingerprint analysis, bulk dry and wet solids are either immediately processed or stored on-site for processing. Bulk liquids are directly fed to the incinerator or transferred from the trucks to a tank farm. Non-bulk wastes are stored until they are able to be processed or shipped off-site. Drum processing consists of shredding drums containing waste, transferring liquids to one of two tank farms and consolidating wet and dry solids into feed batches.

Incinerator ash is collected by an air pollution control system. The ash is transferred to a stabilization building where it is partially solidified with water. Ash meeting delisting criteria is disposed in an on-site Subtitle D monofill. If analysis indicates the presence of organics, in excess of delisting criteria, ash is reprocessed through the incinerator. If analysis indicates the presence of leachable metals, in excess of delisting criteria, an attempt to stabilize the ash can be performed.

Ash would then be reanalyzed to determine if the delisting criteria is met for the ash. Ash generated at CHESI-Kimball must meet the delisting criteria, prior to being disposed in the facility monofill. Ash not able to meet delisting criteria is shipped off-site as HW.

A detailed description of HW management units, facility operations, waste streams received at the facility, and waste treatment practices can be found in the June 13-14, 2017 CEI report (Attachment 9).

CHESI - Kimball is located five miles south of Kimball on Highway 71. CHESI owns the facility property, which includes the treatment and storage facility, ash monofill, and storm water pond areas (see Attachment 5 for aerial photo and facility layout). CHESI - Kimball is staffed by approximately 150 employees and operates 24 hours per day, seven days per week.

See the CHESI - Kimball website for additional information related to facility locations, services, and history at [www. https://www.cleanharbors.com/](https://www.cleanharbors.com/).

New construction was ongoing northeast of the current facility operations. According to Ms. King and Saunders, a new hazardous waste storage warehouse, rotary kiln, and tank farm are being built. Ms. King stated that when completed, the warehouse, kiln, and tank farm will be a separate operation from the rest of the facility.

According to Ms. Saunders, the paint shredder project planned for the eastern portion of Building 50 was on hold pending the completion of other projects at the facility.

Amended Consent Order, Case No. 3553 continues to allow CHESI-Kimball, through an emergency permit, temporary storage of up to 100 transfer vans of containerized waste in the facility's ten (10) day yard. According to the Amended Consent Order, the wastes identified in the Amended Consent Order may not be stored in the ten-day yard after December 31, 2021.

The facility continues to operate under the December 2015 RCRA permit. The RCRA permit renewal application was submitted to the NDEE on June 3, 2020.

RCRA Status

According to the RCRAInfo database, CHESI-Kimball has notified as a State of Nebraska and Federal Large Quantity Generator of hazardous waste. As part of the opening conference documents e-mailed to CHESI-Kimball, I provided Ms. King with a Hazardous Waste Site Info Verification Report for Inspector form (Attachment 6). Ms. King, Mr. Buckner, and I reviewed the form during the virtual in briefing on September 23, 2021. Ms. King made no changes to the form. Based upon the amount and type of hazardous waste generated at CHESI-Kimball, I inspected the facility as a State of Nebraska and Federal Large Quantity Generator of hazardous waste, hazardous waste transfer facility, and hazardous waste treater, storer, and disposer.

A written account of Mr. Buckner's inspection is included in this report as Attachment 7.

4.2 Previous Inspections and Any Related Violations/Issues

03/30/21 – Two violations cited, NDEE.

1. Failure to follow waste receiving procedures specified in Section 3.0 of the approved Waste Analysis Plan, Permit Condition Part II. D.
2. Failure to store and accumulate containers of hazardous waste only in the container storage areas identified in Appendix II of facility Permit, Permit Condition, Part III.A.

08/18/20 – Two violations cited, NDEE

1. Date each period of accumulation begins not marked and visible, 40 CFR 262.43(a)(2).
2. Failure to Note Discrepancy on Copies of Manifests Received at the Facility, Permit condition Part II. K.3. and b.40 CFR 264.71(a)(2)(ii)

09/24/19 – Four violations cited, EPA Region 7.

1. Requirements Regarding Design and Operation - Preparedness and Prevention, 40 CFR 264.31.
2. Requirements Regarding Design and Operation - Preparedness and Prevention, 40 CFR 264.31.
3. Containers and Aboveground Tanks Not Clearly Marked “Used Oil”, 40 CFR 279.22(c)(1).
4. Container Not in Good Condition; Requirement for a Containment System, 40 CFR 264.171; 264.175(a).

4.3 Changes Since Previous Inspection

Walker Hayse was hired as the new Compliance Specialist in February of 2021.

4.4 Waste Streams and Waste Management

CHESI - Kimball uses an electronic system for tracking hazardous waste received and generated at the facility. Ms. King was able to show me waste in storage, at the time of the on-site record review, through electronic spreadsheets. Final disposition of waste generated on-site is described within the May 19-22, 2015 CEI report (Attachment 8).

CHESI-Kimball is permitted to accept hazardous wastes listed in Appendix I of their RCRA permit and according to waste codes on the Hazardous Waste Site Info Verification Report for Inspector form (Attachment 6). The CHESI-Kimball permit prohibits the facility from accepting, storing, or incinerating the following wastes:

- Wastes containing greater than 50 mg/kg PCBs
- Wastes containing detectable levels of 2,3,7,8 TCDD equivalents (dioxin)
- Wastes that are reactive or explosive, except as specified in the Part B
- Wastes that are radioactive
- Wastes that are shock sensitive
- Wastes that are biologically infectious
- Inorganic Metal-Bearing Waste (According to the facility permit, CHESI-Kimball can accept and store, but not incinerate, these waste streams)

4.5 Areas Visually Inspected and Any Related Preliminary Findings/Issues

4.5.1 Outdoor Container Storage (Area 25)

Containers Not Stored and Handled to Prevent Rupture or Leak in Area 25, Permit Condition III. F. 2. (NOPF 1) – On September 28, 2021, during inspection of outdoor container storage, Area 25, I observed stacked, uneven pallets holding hazardous waste containers; hazardous waste containers that were partly hanging off pallets; containers not stored evenly on pallets; and leaking hazardous waste containers (Photos 1-9).

I reviewed Area 25 daily inspection records on 9/29/21. It should be noted that there were no comments regarding leaks or spills in Area 25 for the inspection conducted on 9/27/21 at 4:40 p.m. Comments for Area 25 daily inspections conducted on 9/28/21 at 5:27 p.m. referenced spills and stains on pallets and “fixed in field”.

Area 25 personnel adjusted pallets and containers and removed and processed leaking containers, addressing NOPF 1 at the time of the inspection.

Inadequate Aisle Space to Allow Unobstructed Movement of Personnel and Emergency Equipment in Area 25, Permit Condition II. I. 4. (NOPF 2) - During inspection of outdoor container storage, Area 25, Mr. Buckner noted inadequate aisle spacing between the following rows:

- Between rows 6 and 7 (Photo 12)
- Between rows 23 and 24
- Between rows 24 and 25 (Photo 13)
- Between rows 25 and 26 (Photo 14)
- Between rows 26 and 27 (Photo 15)
- Between rows 28 and 29 (Photo 16)

Using a tape measure, Mr. Buckner documented that pallets and containers listed above were within 18 inches of adjoining rows of pallets and containers. According to permit condition II. I. 4, “At no time shall aisle space be less than two (2) feet. Overpack containers of eighty-five (85) gallon capacity shall maintain at least a minimum of three (3) feet of aisle space.”

Area 25 personnel adjusted the distance between pallets and containers, addressing NOPF 2 at the time of the inspection.

4.5.2 Thermal Oxidizer Unit

Equipment Not Marked in a Manner to Distinguish Readily from Other Pieces of Equipment, Permit Condition V. I. → 40 CFR 264.1050(d) (NOV 4 Added After Inspection) – During inspection of the thermal oxidizer unit, I observed four pipe connections, associated with valves, that appeared to be missing monitoring tags or identifying marks, e.g. orange spray paint typically used on similar equipment (Photos 17 and 18). Tags observed near the connections indicated that pipes would be in contact with hazardous waste and require monitoring.

It should be noted that equipment not marked in a manner to distinguish readily from other pieces of equipment was also cited in 2014, 2015, and 2018.

4.5.3 Area 20 – Sample Bay (Bay 1)

Hazardous Waste Not Containerized, 40 CFR 262.34(a)(1)(i) (NOPF 4 Added After Inspection) - During inspection of the Area 20 Sample Bay (Bay 1), I observed an approximately 18" x 18" spot of accumulated material on the floor, against the south wall (Photos 10 and 11). The spot was directly under the coliwasa sampler storage tube. Additional hazardous waste can be seen on the wall adjacent to the coliwasa sampler storage tube and multiple smaller spots on the floor. I asked Mr. Moench what the material on the floor and on the wall was. Mr. Moench stated that the material was residual from sampling semi-truck trailers in Bay 1. I asked if all material being sampled within the trailers would be hazardous waste. According to Mr. Moench, all material being sampled within the trailers would be hazardous waste.

An e-mail was sent to the facility on November 12, 2021, informing the facility of the additional citation (Attachment 10).

4.5.4 Building 50C

Failure to Operate Building as Tested, Permit Condition IV. E. 8. (NOPF 5 Added After Inspection) - During inspection of Building 50C on September 28, 2021, Mr. Buckner observed that overhead doors numbers one, two, and four were not completely closed. Mr. Buckner was able to see daylight coming in underneath the doors (Photos 19 and 20). Mr. Buckner noted that door number one was open approximately four or five inches and doors two and four were open approximately two inches. It appeared to Mr. Buckner that hazardous waste debris may have been holding the doors open.

On September 29, Mr. Buckner observed the doors from the outside. Waste was being unloaded into a tank through door 1. Therefore, Mr. Buckner was unable to confirm that door 1 could be completely closed. However, Mr. Buckner was able to observe and confirm that doors two and four were able to be completely closed, addressing part of NOPF 5.

Maximum efficiency to control hazardous waste vapors generated within Building 50C require that all doors remain closed. Furthermore, openings in Area 50C were not present during testing of emission control equipment.

It should be noted that failure to operate building 50C as tested was also cited in 2011 and 2015.

An e-mail was sent to the facility on November 12, 2021, informing the facility of the additional citation (Attachment 10).

4.5.5 Additional RCRA Issues

- During inspection of the north tank farm, I observed small stains on the floor of the secondary containment, under tank sample ports. The stains were dry. It should be noted that small stains on the floor of the secondary containment, under tank sample ports were observed during the March 2018 RCRA inspection.
I asked Ms. Saunders about the stains. Ms. Saunders thought that the stains were a result of sampling containers being removed from sample ports. In March of 2018, Mr. Buckner offered the idea of using drip pads, at the time of sampling, to collect any liquid that may drip from sample ports. Permit condition IV.E.5. states that the Permittee shall remove any spillage of waste within the secondary containment system of the tanks each operating day.

Some small stains were also observed on the concrete next to the loadout line adjacent to the truck bay and north tank farm. Material was also observed sprayed onto the ceiling of the off-load area (Area 58).

- During inspection of the outdoor “Robbe Roller” Area, HW Semi-Solid Tanker Storage (Area 50E), I observed small cracks and gaps on the wall and floor of the secondary containment. I pointed out the cracks and gaps to Ms. King and Mr. Hayse. According to Ms. King and Mr. Hayse, a work ticket has been generated to address the cracks and gaps in the secondary containment. According to Ms. King, work tickets are automatically generated as part of the electronic inspection application used by CHESI – Kimball.

It should be noted that a violation was cited for cracks and gaps in the Robbe Roller area during the March 2018 EPA RCRA inspection.

- During inspection of the outdoor container storage (Area 25), I observed one full 5-gallon white plastic bucket labelled with the words “Hazardous Waste” “Ignitable”, and “Xylene”, located in Row 14 (Photos 4 and 5). The lid to the bucket was slightly bulging and I pointed out the condition of the bucket lid to Ms. King and Messrs. Hayse and Torstenson. Additionally, Mr. Buckner noted that he observed two bulging drums in Row 32 and seven bulging drums in Row 33. According to CHESI-Kimball personnel working in Area 25 and Ms. King, the drums were next in line for shredding and the bucket was going to be pulled and either processed or overpacked.

It should be noted that Hazardous Waste Container Not in Good Condition, Title 128, Ch. 10, 004.01A1 → 40 CFR 265.171 was cited during the March 2018 RCRA inspection for a bulging hazardous waste container lid, located in the main laboratory, less than 90-day accumulation area.

4.6 Records Review

Contingency Plan

Ms. King provided me with a copy of the most recent plan, updated in July of 2021. Ms. King stated that the contingency plan is available electronically and in hard copy at the facility.

The following information was noted as part of my review of the facility contingency plan:

- Zachary Donnan is listed as the primary emergency coordinator with 14 additional, or designated, emergency coordinators listed in Appendix F of the contingency plan.
- I asked Ms. King to show me where, in the contingency plan, arrangements with local authorities were documented. Local and regional authorities as well as a list of agencies who have received the plan are listed in Section 5 of the contingency plan.
- An up-to-date list of emergency equipment, and capabilities of the equipment, was listed within Section 10 of the contingency plan.
- A facility evacuation plan is listed in Section 12 of the contingency plan and includes information related to facility entrance and exits, evacuation procedures, and re-entering the facility.

The plan appeared to be complete with no apparent issues.

Inspections Conducted by CHESI-Kimball Personnel

Ms. King stated that the compliance application used for conducting inspections, WinWeb, was developed for use on phones as well as on laptops. According to Ms. King, the corporate dashboard, within the WinWeb system, generates an alert when an inspection has been completed. Similarly, when an inspector indicates that a problem exists as part of the inspection, the system automatically generates an electronic workorder to address the problem. The results of the workorder are able to be recorded in the system. Ms. King stated that results of inspections are discussed within management team meetings on Monday, Wednesday, and Friday each week. According to Mr. Hayse, there are approximately 75 to 80 different daily inspections performed at the facility, most of which are required by permit.

On September 29, 2021, Mr. Buckner reviewed various inspection records provided by Mr. Hayse. I reviewed the following inspection records with Ms. King:

- Daily Inspection – Area 55 Waste Processing Building, Tanks H-150A,B conducted by Rick Olson on 9/4/21 (comment: “No Free Liquids”)
- Daily Inspection – Area 70 Tank Farm, Storage Tank T-108 conducted by Rick Olson on 10/21/20
- Monthly Inspection – Subpart BB Inspections conducted by Jeff Meyer on 8/6/21 and 9/21/21; conducted and recorded initially on paper then entered into WinWeb system.
- Annual Inspection – Surficial monitoring for Dioxin in soils conducted in July 2021; (comment: “Dioxins were reported as non-detect”)

No apparent issues were observed during review of electronic inspection records.

Quarterly Calibration Records

The following five quarterly calibration records were reviewed:

- Stack flow PT-431A conducted by Daniel Vickery and Matthew Hoppes on 5/25/21
- Baghouse pressure differential sensor PDT-428 conducted by Daniel Vickery and Matthew Hoppes on 6/16/21
- Differential bed temperature conducted on 8/22/20
- Fluidized bed airflow FT-206 conducted by Daniel Vickery and Matthew Hoppes on 6/16/21

- Pumpable waste feed rate 362A-B conducted by Kevin Moeser on 3/24/21

No apparent issues were observed during review of calibration records.

Uniform Hazardous Waste Manifests and Associated Land Disposal Restriction (LDR) Notification Forms

Prior to arriving at the facility, I had conducted an on-line inspection of electronic manifests using RCRAInfo. All manifests appeared to be complete, signed by the designated facility, and were accompanied by LDR notification forms.

No apparent issues were observed during review of manifests and LDR notification forms.

2019 Comprehensive Biennial Report

Prior to arriving at the facility, I was able to review the facility 2019 biennial report using RCRAInfo.

No apparent issues were observed during review of the 2019 comprehensive biennial report.

Personnel Training

Every new employee goes through extensive hazardous waste management training, including 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training. All employees use the Learning Management System, on-line training system. Ms. Traci Garner-Janicek, Training Coordinator, helps manage new hire training and continuing training for existing employees. According to Ms. King, the new hire training checklist outlines the type and amount of training, and continuing training, required for each CHESI-Kimball employee. I reviewed training for the following CHESI - Kimball employees:

- Marcus Anderson, Receiving Chemist I
- Dave Whelchel, Facility Foreman
- Dillon Hatfield, Incineration Operator II

Ms. King provided me with a document entitled “September Training List”. The document listed the following CHESI-Kimball departmental employees slated for training: Admin (All Desk Employees); LAB-Only; Receiving; Emergency Response Team (Inc, Ops, Spe Ops, Sterling); Maintenance; and Managers. CHESI-Kimball departmental employees, listed above, were slated to take Annual Refresher RCRA Training (ET3050) and Site Specific RCRA (SS2005) training. The Annual Refresher RCRA Training, course ET3050, included the following topics:

- Definition of RCRA
- Definition of CERCLA
- Definition of EPCRA
- Assignment of Waste Codes
- Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment
- Key parameters for automatic waste feed cutoff systems
- Communication or alarm systems
- Response to Fires and Explosions
- Response to Groundwater Contamination

- Shutdown of Operations

No apparent issues were observed during review of employee training records

Emergency Equipment Testing and Inspection Records

During the inspection, I noted that fire extinguishers throughout the facility had been inspected and certified in September of 2021 by Nebraska Safety and Fire Equipment, Inc.

Ms. King provided me with weekly inspection records for the following equipment:

- Area 35 Standby Generator, conducted by Trevor Brower on 9/28/21
- Electric fire pump (P-633), conducted by Stephen Rabender on 9/6/21
- Fire pump (P-609), conducted by Stephen Rabender on 9/6/21

No apparent issues were observed during review of testing records.

Permit Application Part B

The permit application Part B was made available for review and is maintained electronically.

Incident Notifications

According to Permit Condition II.K.6, CHESI-Kimball is required to notify NDEE when a fire occurs at the facility. Ms. King provided me with forms entitled “Incident Notification in Accordance with Permit Condition II.K.6.”, dated 4/14/21, 6/21/21, 6/27/21, and 8/17/21.

No apparent issues were observed during review of incident notifications.

5.0 SUMMARY

I inspected CHESI-Kimball as a Federal Large Quantity Generator of hazardous waste and hazardous waste treater, storer, and disposer.

Hazardous waste requirements reviewed during this inspection are discussed above and are noted on the NDEE RCRA Compliance Evaluation Inspection Checklist included as Attachment 1.

The following preliminary findings/issues were noted as discussed above:

1. Containers Not Stored and Handled to Prevent Rupture or Leak in Area 25, Permit Condition III. F. 2. (NOPF 1). *Addressed at time of inspection.*
2. Inadequate Aisle Space to allow Unobstructed Movement of Personnel and emergency Equipment in Area 25, Permit Condition II. I. 4. (NOPF 2). *Addressed at time of inspection.*
3. Equipment Not Marked in a Manner to Distinguish Readily from other Pieces of Equipment, related to TOU, Permit Part I, V. I. → 40 CFR 264.1050(d) (NOPF 3).
4. Hazardous Waste Not Containerized, 40 CFR 262.34(a)(1)(i) ((NOPF 4 Added After Inspection).
5. Failure to Operate Building as Tested, Permit condition IV. E. 8. (NOPF 5 Added After Inspection).

Other than the items noted above, no other apparent preliminary findings were observed or cited. However, EPA post-inspection review of this report may change or add to my findings.

**TIMOTHY
EVANS**

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EVANS
Date: 2021.11.24 14:22:37
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Timothy R. Evans
Life Scientist
ECAD/CB/RCRA, EPA Region 7

**AMBER
WHISNANT**

Digitally signed by AMBER
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Date: 2021.11.24 13:09:59
-06'00'

Amber Whisnant
Section Chief
ECAD/CB/RCRA, EPA Region 7

Attachments

1. NDEE Compliance Evaluation Inspection Checklist (57 pages)
2. Confidentiality Notice (1 page)
3. Document of Receipt (1 page)
4. NOPF (2 pages)
5. Facility Layout and Aerial View (2 pages)
6. Hazardous Waste Site Info Verification Report for Inspector (4 pages)
7. Written account of Mr. Buckner's inspection (2 pages)
8. Selected Portion of the May 19-22, 2015 NDEQ CEI Report (16 pages)
9. Selected Portion of the June 13-14, 2017 CEI report (15 pages)
10. E-Mail to Facility - Additional NOPF (1 page)

Photo Log (3 pages)
Photos (10 pages/20 photos)

Notice of Preliminary Findings

Media: RCRA

Facility Name: CLEAN HARBORS ENVIRONMENTAL SERVICES, INC.
 Facility Address: 2247 SOUTH HIGHWAY 71
KIMBALL, NE 69145
 EPA ID#: NED 981723513 Date: 9.28-29.21

This notice is provided to call your attention to the following preliminary findings regarding state and federal regulations. This notice does not constitute a compliance order and may not be a complete listing of all findings resulting from the inspection.

*** ADDRESSED AT TIME OF INSPECTION**

Citation

Description of Finding

- | | |
|---|---|
| 1. PERMIT CONDITION III.F.2 | CONTAINERS NOT STORED AND HANDLED TO PREVENT RUPTURE OR LEAK (AREA 25) |
| 2. PERMIT CONDITION II.I.4 | INADEQUATE AISLE SPACE TO ALLOW UNOBSTRUCTED MOVEMENT OF PERSONNEL AND EMERGENCY EQUIPMENT (AREA 25) |
| 3. PERMIT CONDITION I.V.I →
40 CFR 264.1050(d) | EQUIPMENT NOT MARKED IN A MANNER TO DISTINGUISH READILY FROM OTHER PIECES OF EQUIPMENT - TOU, LEVEL 2 NON-VISCOUS FEED ON WEST SIDE, NORTH AND SOUTH ENDS |

As a continuation of the inspection performed at your facility, you are asked to submit a written response within 14 calendar days of receipt of this notice. Your response should include a description of all corrective actions taken and/or a schedule for completing the necessary corrective actions. The response should be submitted to:

U.S. Environmental Protection Agency
 Region 7, Enforcement & Compliance Assurance Division (ECAD)
 11201 Renner Boulevard, Lenexa, KS 66219
 ATTN: TIMOTHY R. EVANS

If you have any questions about this Notice or wish to discuss your response, you may call me at (913) 551-7663, or EDWIN BUCKNER (Compliance Officer) at (913) 551-7621.

This Notice prepared by Timothy R. Evans Date: 9.29.21

The undersigned person hereby acknowledges that he/she has received a copy of this Notice and has read same.

Printed Name: Brad Reader
 Signature: Brad Reader
 Title: General Manager
 Date: 9/29/21

Instructions for Responding to a Notice of Preliminary Findings (NOPF)

Note: The instructions below are being provided to assist you if you choose to submit a written response to the preliminary findings identified in the EPA's NOPF. This is an opportunity for you to provide to the EPA any and all information that you believe is relevant to these preliminary findings and your efforts to return to compliance with the regulatory requirements. The EPA will consider information submitted by you in determining our enforcement response to the preliminary findings identified at your facility, but please be advised that any information you submit may be used in a subsequent enforcement action.

1. Identify the person(s) responding to the NOPF authorized to make statements for the facility, including the person's name, title, and telephone numbers, if different from the facility's telephone number. For each numbered preliminary finding, identify all persons consulted in the preparation of the answer.
2. Your answers should address and reference each numbered preliminary finding separately.
3. Each of your answers should identify all documents consulted, examined, or referred to in the preparation of the response, or that contain information responsive to the preliminary finding. Please provide legible copies of all such documents. For each document provided, indicate on the document (or in some similar manner) the number of the preliminary finding to which it responds.
4. Describe all actions taken by you to correct the preliminary findings identified in the NOPF and/or a schedule for completing the necessary corrective actions for each numbered preliminary finding. If the preliminary finding has been corrected, please provide the date the preliminary finding was corrected.
5. Your responses should include documentation, photographs, drawings, etc. of corrected preliminary findings where applicable (for example, photographs of properly labeled containers). The information submitted should indicate the number of the preliminary finding to which it corresponds.
6. If information responsive to a preliminary finding is not in your possession, identify the person(s) from whom the information may be obtained.
7. If different or new procedures are put in place to prevent the same or similar preliminary findings, provide a description of those procedures.
8. If you want to make a confidentiality claim pursuant to 40 C.F.R. Part 2, Subpart B covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential." Refer to the Confidentiality Notice provided to you at the time of the inspection.
9. If you choose to respond, and plan to submit your response after 14 calendar days, please discuss your plans with the compliance officer noted on the NOPF.

RCRA Inspected Facilities:

If your facility was cited for hazardous waste determination preliminary findings, provide the following information for each waste stream and/or each waste unit listed:

- a. specify the waste name;
- b. indicate whether the waste is hazardous, non-hazardous, used oil, universal waste, or exempt from regulation (if you claim the waste is exempt from regulation, include the regulatory reference that you believe is applicable to the exemption for the waste);
- c. state whether process knowledge or analytical testing was used to make the determination (attach all supporting documentation, i.e., the specific documents (e.g., Safety Data Sheets) used as process knowledge);
- d. if the waste is a hazardous waste, list all applicable RCRA waste code(s) and the hazardous properties (Ignitable, Reactive, Corrosive, Toxic);
- e. if the waste is a hazardous waste, used oil, or universal waste,
 - i. indicate the quantity or monthly generation rate of this waste at your facility;
 - ii. indicate the length of time the waste has been generated at your facility, and how long the waste has been stored at your facility;
 - iii. state how you plan to handle or manage the waste at your facility;
 - iv. if applicable, describe your facility's plans for disposing the waste (attach all supporting documentation, e.g., any shipping documents or arrangements made for shipping documents); and,
- f. if the waste is non-hazardous or if you believe it is exempt from regulation, provide information on how it will be disposed, recycled, or used, and where these activities will occur.