

RCRA Inspection Report

1) Inspector and Author of Report

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U.S. Environmental Protection Agency (EPA), Region 4
Enforcement and Compliance Assurance Division
Chemical Safety and Land Enforcement Branch
RCRA Enforcement Section
61 Forsyth Street, S.W.
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2) Facility Information

Brenntag Mid-South, Inc.
1405 KY 136 W
Henderson, Kentucky 42420

EPA ID#: KYD981020159
NAICS #: 424690 – Other Chemical and Allied
Products Wholesalers

3) Responsible Officials

Jacob Miller
Safety, Regulatory, & Quality (SRQ) Coordinator
Brenntag Mid-South, Inc. (Henderson Kentucky Plant)
jwmiller@brenntag.com

4) Inspection Participants

Bryon Mason, CSP, Director of Quality, Safety, Health, and Environmental, Brenntag Mid-South
Joe Pryor, Regional Safety & Regulatory Compliance Manager, Brenntag Mid-South
Jacob Miller, Safety, Regulatory, and Quality (SRQ) Coordinator, Brenntag Mid-South
Henderson Plant
Curtis Scott, Environmental Scientist Advisor, Division of Waste Management (DWM), Kentucky
Department for Environmental Protection (KYDEP)
Cammie Paul, Environmental Scientist Advisor, DWM, KYDEP
Robert Nakamoto, Environmental Engineer, U.S. EPA, Region 4

5) Date of Inspection

12/6/2023 at 9:00 a.m.

6) Applicable Regulations¹

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; Kentucky Revised Statutes Title XVIII, Chapter 224, Subchapter 46-Hazardous Waste *et seq.*

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

(2006), and Title 401 of the Kentucky Administrative Regulations (KAR) Chapters 30 through 38, 43 and 44 (2006).

Pursuant to 401 KAR 39:005, Section 1 [40 C.F.R. § 260.10], a large quantity generator of hazardous waste (LQG) is a generator who generates greater than or equal to 1,000 kilograms (2,200 pounds) of non-acute hazardous waste in a calendar month.

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.

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 the point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status, as required by 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 (SAA) conditions listed in 401 KAR 39:080 Section 1 [40 C.F.R. § 262.15] (hereinafter referred to as the “SAA Permit Exemption”).

Pursuant to 401 KAR 39:080 Section 1 [40 C.F.R. § 262.17], a generator of 1,000 kilograms or greater of hazardous waste in a calendar month is a large quantity generator (LQG) and may accumulate hazardous waste on-site for 90 days or less 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], provided that the generator complies with the conditions listed in 401 KAR 39:080 Section 1 [40 C.F.R. § 262.17] (hereinafter referred to as the “LQG Permit Exemption”).

Pursuant to 401 K.A.R. 39:060, Section 3(1) [40 C.F.R. § 261.4(a)(8)], secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process are not solid wastes provided that the conditions listed in 401 K.A.R. 39:060, Section 3(1) [261.4(a)(8)] (hereinafter referred to as the “Closed-Loop Recycling Exemption”) are met.

Pursuant to 401 K.A.R. 39:060, Section 3(1) [40 C.F.R. § 261.4(b)(18)], solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation, provided that the conditions listed in 401 K.A.R. 39:060, Section 3(1) [40 C.F.R. § 261.4(b)(18)] are met (hereinafter referred to as the “Solvent-Contaminated Disposable Wipe Exclusion”).

Pursuant to 401 K.A.R. 39:060, Section 3(1) [40 C.F.R. § 261.4(a)(26)], solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes from the point of generation, provided that the conditions listed in 401 K.A.R. 39:060, Section 3(1) [40 C.F.R. § 261.4(a)(26)] are met (hereinafter referred to as the “Solvent-Contaminated Reusable Wipe Exclusion”).

7) Purpose of Inspection

The purpose of this inspection was to conduct a joint unannounced compliance evaluation inspection to determine Brenntag Mid-South, Inc.'s (hereinafter referred to as "Brenntag Mid-South" or "the facility") compliance with the applicable requirements of RCRA and the corresponding Kentucky regulations. This was an EPA lead inspection supported by KYDEP inspectors.

8) Facility Description

Brenntag Mid-South is a distributor of chemicals. The company distributes industrial and specialty chemicals. The company has 25 locations in 10 states in the Midwest and South. The company operates approximately 200 delivery vehicles. Brenntag provides services that include blending, repackaging, and technical and safety assistance. Customer sectors include; but are not limited to, businesses operating in agriculture, construction, batteries, beauty and personal care, energy, food, metal businesses, automotive, lubricants, food, mining, pharmaceuticals, textiles, pulp and paper, polymers, rubber, and water treatment.

Brenntag Mid-South is a subsidiary of the Brenntag Group. The Brenntag Group has two global divisions, Brenntag Essentials and Brenntag Specialties. The company has over 17,500 employees and more than 600 sites in 72 countries.

Brenntag Mid-South in Henderson, Kentucky, is a full line chemical distributor. Bulk chemicals are received at the facility via rail or tanker truck. Chemicals may be blended (if required), and they are shipped in smaller volumes per customer needs. The Henderson Plant stores and packages a wide range of acids, caustics, solvents, dry chemicals, liquid sulfur dioxide, liquid chlorine, and anhydrous ammonia. These products are packaged in bulk tankers, drums, and cylinders. Access to the facility is tightly controlled via a fence, controlled entrance, and other security measures.

Brenntag Mid-South (Henderson) is a Large Quantity Generator (LQG) of hazardous waste. The company has approximately 130 employees and operates 24 hours a day, five days a week. Waste codes generated at Brenntag include D001, D035, D039, D040, F003, and F005. Brenntag Mid-South in Henderson, Kentucky, reported 14 active Waste Streams as reported in its 2021 Biennial Report. For the 2021 reporting cycle, Brenntag Mid-South in Henderson, Kentucky reported generating 94.1045 tons of hazardous waste and shipped 94.0945 tons of hazardous waste. The company is also a transporter of hazardous waste.

9) Previous Inspection History

The Kentucky Department for Environmental Protection conducted 3 RCRA CEIs at the subject facility between 2009 and 2022 and found a total of 2 violations during those inspections.

On 10/14/2020, the Kentucky Department for Environmental Protection conducted the most recent RCRA CEI at the subject facility and found two apparent violations of RCRA's

requirements for two open satellite containers and two satellite containers that did not have the hazard indicator marking on the containers. These deficiencies were corrected during the inspection.

10) Opening Conference

On December 6, 2023, EPA inspector Robert Nakamoto, accompanied by Kentucky inspectors Curtis Scott and Cammie Paul, arrived at Brenntag Mid-South, in Henderson, Kentucky, at approximately 9:00 a.m. Jacob Miller, the Site Safety, Regulatory, and Quality Coordinator, immediately received the inspectors. Jacob Miller, and the inspectors were joined by Joe Pryor, the Regional Safety & Regulatory Manager, for the opening conference. The inspectors introduced themselves, showed their credentials to Joe Pryor and Jacob Miller, and explained the purpose of the visit.

The inspectors described the anticipated use of equipment as limited to a digital camera (EPA) and cell phone (KYDEP) to take photographs during the inspection and provided a request for records. It was briefed that some areas of the plant were non-cell phone areas, but provisions for pictures would be made if needed. The EPA inspector explained that the Small Business Regulatory Enforcement Fairness Act's classification of a "small business" is generally set by the Small Business Administration using the business' SIC/NAICS code and annual receipts or number of employees. A copy of the EPA's information sheet for small businesses was provided to the company. The EPA inspector also discussed the company's ability, pursuant to 40 C.F.R. § 2.203, to assert a business confidentiality claim for information submitted to EPA. The company did not assert a business confidentiality claim.

Joe Pryor and Jacob Miller provided an overview of the facility's history and current operations during the opening conference. The inspection participants also discussed health and safety protocols, watched a short safety video, and required personal protective equipment before Facility representative led the inspectors on a tour of the Facility operations. Bryon Mason, CSP, Director of Quality, Safety, Health, and Environment (Brenntag Mid-South), also joined the inspection.

11) Inspection Observations

Warehouse & Truck Maintenance Area

The inspectors first went to the warehouse area where truck maintenance is performed. Used oil is collected in a steel used oil tank. The tank was appropriately labeled as "Used Oil" (Photograph 1). Brenntag is also an authorized hazardous waste transporter. The transportation of hazardous waste was discussed. Brenntag primarily transports its own hazardous waste when needed and has a limited service for a small portion of its customers. An aerosol can puncturing device, on top of a 55-gallon satellite accumulation container, was observed. The container was appropriately marked and labeled but was open (Photograph 2). Facility staff immediately closed the container (Photograph 3).

Pursuant to 401 KAR 39:080, Section 1(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.

During the walk-through of this area a single vehicle battery, without a cap, was observed (Photograph 4). Some small house-keeping issues were observed of vehicle fluid (oil) containers, and a partially full aerosol can, that were outside the door of the building (Photographs 5 and 6). The facility was advised that it would be better to keep the containers inside the building. The facility personnel located the battery cap and placed the battery with the rest of the vehicle batteries that are being recycled (Photograph 7). Brenntag Mid-South is managing its spent lead-acid vehicle batteries under the provisions of 401 KAR 39:090, Section 3 [40 C.F.R. § 266 Subpart G].

Reconditioning Area (Compressed Gas Cylinder Area)

In this building returned compressed gas cylinders are reconditioned. The facility will sometimes use aerosol can spray paint on the cylinders. The facility operates an acid and caustic wash bay and the effluent from this process is pH adjusted and discharged to the plant's wastewater treatment plant (WWTP) before being discharged to the city Publicly Owned Treatment Works (POTW). In this area a can puncturing device, on top of a 55-gallon satellite accumulation container, was observed that had recently been put in operation. The container had a hazardous waste label but was missing the hazard indicator marking (Photograph 8). Facility personnel immediately affixed an appropriate hazard indicator marking (Photograph 12).

Pursuant to 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.15(a)(5)(ii)], which is a condition of the SAA Permit Exemption, a generator must mark or label its container with the following: (ii) An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704).

The container for the punctured cans had a few punctured cans in it but was inappropriately labeled as "Trash Only" (Photograph 9). The facility staff briefed that it was their intent to recycle the pierced cans. Several pierced cans were observed in a drum labeled as "Trash Only" (Photograph 10). The facility was briefed that if cans are pierced, the can must be recycled, or piercing is considered treatment of Hazardous Waste. The facility advised the inspectors that the drum was mislabeled. The facility was briefed that the punctured cans, for this exclusion, are required to be recycled as scrap metal and that the cans can be typically managed with a facility's other scrap metal. The facility staff immediately relabeled the container as "Scrap Metal" (Photograph 11).

Production Areas (Chlorine, Corrosives, and Solvents)

The inspection team walked through these inspection areas. No housekeeping or waste management issues were observed. The areas appeared to be well kept and organized. The facility's staff also briefed on the strict safety protocols that are in place due to the nature of some of the products that the company is managing.

Central Accumulation Area (CAA)

This area had signage to identify the area. Ten 55-Gallon drums of hazardous waste were present (Photograph 13). The containers were all properly labeled and had hazard markings. The containers were on pallets, appeared to be in good condition, and no leaks or releases were observed. The oldest date recorded in this area was 10/23/2023. Seven 55-gallon drums of waste styrene and toluene were dated 10/23/2023, two 55-gallon containers of waste styrene and toluene were dated 11/10/2023, and one 55-gallon container of waste paint solvent was dated 12/1/2023. The company noted that yellow hazardous waste labels for transport are affixed when the transporter arrives.

The 55-gallon container of waste paint solvent, dated, 12/1/2023, was observed to have a defective bung hole cap. A small opening (gap) between the defective cap and container was observed under approximately a third of the cap with a gap of approximately an eighth to a quarter of an inch (Photograph 14). Facility personnel obtained a new bung hole cap and this item was immediately corrected (Photograph 15).

Pursuant to 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(1)(iv)(A)], which is a condition of the large quantity generator permit exemption, A container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste. Pursuant to 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(1)(i)], which is a condition of the large quantity generator permit exemption, (1) Accumulation of hazardous waste in containers. If the hazardous waste is placed in containers, the large quantity generator must comply with the following: (i) Air emission standards. The applicable requirements of subparts AA, BB, and CC of 40 CFR 265.

Pursuant to 401 KAR 39:090, Section 2(1) [40 C.F.R. § 265.1087(c)], which is a condition of the large quantity generator permit exemption, (1) A container using Container Level 1 controls is one of the following: (i) A container that meets the applicable U.S. Department of Transportation (DOT) regulations on packaging hazardous materials for transportation as specified in paragraph (f) of this section. (ii) A container equipped with a cover and closure devices that form a continuous barrier over the container openings such that when the cover and closure devices are secured in the closed position there are no visible holes, gaps, or other open spaces into the interior of the container. The cover may be a separate cover installed on the container (e.g., a lid on a drum or a suitably secured tarp on a roll-off box) or may be an integral part of the container structural design (e.g., a "portable tank" or bulk cargo container equipped with a screw-type cap).

The CAA is equipped with a device capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams; it is equipped with portable fire extinguishers, fire control equipment, spill control equipment, and

decontamination equipment; and the building is equipped with water to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray system (Photographs 16 and 17).

Wastewater Treatment Plant (WWTP)

The WWTP area was visited to observe if there were any hazardous waste issues present. The WWTP has two separate neutralization tanks (Photographs 18 and 19). No solid waste streams were observed in this area. It appeared that the only solids that would be generated would be from periodic tank cleanouts. The facility's staff briefed that no tank shutdowns and cleaning had occurred in the past six years. No generation or management of solid or hazardous waste solids was evident at the time of the inspection.

12) Records Review

Contingency Plan and Quick Reference Guide (QRG):

The actions that facility personnel should take in response to an emergency are described in the facility's "Emergency Contingency Plan", which was last updated on 2/06/2023. The Contingency Plan appeared to be complete. 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 with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals and the Local Emergency Planning Committee. Facility staff briefed that they routinely host exercises with local emergency responders.

The plan lists the names and emergency telephone numbers for persons identified as emergency coordinators. Mike Theising (Plant Operations Manager) is listed as the primary emergency coordinator, and the other individuals are listed in the order in which they will assume responsibility as alternates. 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 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 quick reference guide 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; 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).

Training Records:

Joe Pryor (Regional Safety & Regulatory Compliance Manager) and Jacob Miller (Safety Coordinator and Quality Control Coordinator) participate in routine third party RCRA training events. Jacob Miller also receives third party training on the U.S. DOT hazardous materials shipping regulations (last training was in June 2023). The inspectors reviewed facility job descriptions and employee names that were provided for Jacob Miller (primary on-site environmental manager) and checked other employees. Brenntag Mid-South demonstrated on their computer system a written description of the type and amount of both introductory and continuing training to be given to each person filling the positions listed above. The inspectors reviewed records of employee hazardous waste training completed in 2023. Training participation is tracked on an Excel spreadsheet. The facility is testing employees at the conclusion of training and the course material reviewed appeared to adequately cover required topics, to include emergency response per the contingency plan. No issues with hazardous waste training were identified.

Waste Manifest and Land Disposal Restriction (LDR) Records:

The inspectors reviewed available hazardous waste manifest records and land disposal restriction forms for shipments of hazardous waste sent for 2021 through 2023. Brenntag Mid-South transports Hazardous Waste for one of their customers that buys product from Brenntag. Hazardous Waste is received at that customer's location and transported by Brenntag to Clean Earth of Calvert City (KYD985073196; former AES Environmental) typically within a day or two of receipt. Brenntag also serves as the primary transporter for Hazardous Waste that this same customer generates which is destined for Hydrite Chemical Company (WID000808824) in Wisconsin. In 2022, Mid-South served as the primary transporter for three shipments to Clean Earth of Calvert City and nine shipments that went by secondary transport to Hydrite Chemical Company. To date in 2023, Brenntag has served as the primary transporter to Clean Earth of Calvert City for twelve shipments. No shipments have been destined to Hydrite. Brenntag Mid-South transports some of their own Hazardous Waste to Clean Earth of Calvert City.

In 2022, Brenntag Mid-South transported some of their own Hazardous Waste to Clean Earth of Calvert City. Nine manifests were executed in 2022. At the time of the inspection, Brenntag Mid-South had not performed, for 2023, any shipments of Hazardous Waste from their own facility to any disposal facilities. Hazardous waste transporters Brenntag Mid-South utilized included Enviroserve Inc. (EPA ID #OH000033336), Bed Rock Inc. (EPA ID # MOD095038998), and Heritage Transport LLC (EPA ID# IND093219012). Land Disposal Restriction (LDR) notifications are included with the manifests. No issues with Brenntag Mid-South's hazardous waste shipment manifests were identified.

In 2022 hazardous waste generated by Brenntag Mid-South was managed by Clean Earth of Calvert City (KYD985073196) and Ross Incineration Services (OHD048415665). In 2023, hazardous waste generated by Brenntag Mid-South was managed by Clean Earth of Calvert City (KYD985073196), Ross Incineration Services (OHD048415665), Green America Recycling (MOD054018288), EQ Detroit (MID980991566), and Heritage Environmental Services (IND093219012). Used Oil and used oil filters are being managed by Heritage Crystal Clean.

Weekly Inspection Records:

The inspectors reviewed Brenntag Mid-South's available records of inspections of the hazardous waste central accumulation area (CAA) for 2022 and 2023. Electronic inspection records are kept on a computer system and the computer logging in and recording inspections is in the office in very close proximity to the CAA. The inspection log includes a checklist to record observations about leaking containers and for deterioration of containers caused by corrosion or other factors. The records include the date and time of the inspection and the name of the employee conducting the inspection. Employees are routinely recording inspection observations and subsequent follow-up actions on the inspection log. No weekly inspection records were identified as missing or incomplete.

13) Closing Conference

The inspectors conducted the exit meeting at 2:15 p.m. with:

Bryon Mason, CSP, Director of Quality, Safety, Health, and Environment, Brenntag Mid-South
Jacob Miller, Site Safety, Regulatory, & Quality (SRQ) Coordinator,
Brenntag Mid-South Henderson Plant
Joe Pryor, Regional Safety & Regulatory Compliance Manager, Brenntag Mid-South

During this meeting, the inspectors stated their preliminary observations of the inspection. Any observations that were identified during the site walk-through had been corrected.

14) List of Attachments

Attachment 1 – Photo Log

15) Signed

Nakamoto, Robert Digitally signed by Nakamoto, Robert
Date: 2024.01.24 19:17:04 -05'00'

Robert S. Nakamoto
Environmental Engineer
RCRA Enforcement Section

16) Concurrence

ARACELI CHAVEZ Digitally signed by ARACELI
CHAVEZ
Date: 2024.01.25 10:42:26 -05'00'

Araceli B. Chavez
Chief
RCRA Enforcement Section

Attachment 1 – Photo Log

Photos taken on: December 6, 2023

Photos taken by: Robert Nakamoto

Photos taken with: Kodak PixPro FZ53

EPA Property Tag: SX9091



Photograph 1: Used Oil Container.



Photograph 2: Open Satellite Accumulation Container.



Photograph 3: Corrected Satellite Accumulation Container (by closing).



Photograph 4: Battery Outside of the Warehouse area missing cap. Battery was immediately closed and put in collection area.



Photograph 5: One quart oil containers outside of the warehouse. Appeared to have product in them.



Photograph 6: Aerosol can, substantially full, misplaced by tires.



Photograph 7: Batteries collected for recycling.



Photograph 8: Aerosol Can Puncturing Device and Satellite Accumulation Container.



Photograph 9: Collection Container for Punctured Aerosol Cans Inappropriately labeled as "Trash Only".



Photograph 10: Punctured aerosol cans in the Container.



Photograph 11: Corrected labeling on the punctured aerosol can collection container.



Photograph 12: Corrected container with new hazard indicator marking.



Photograph 13: 55-Gallon Hazardous Waste Containers in the Central Accumulation Area (CAA).



Photograph 14: One container has a very small opening due to a defective bung cap (could not fully close).



Photograph 15: A new bung hole cap has been inserted. Container is not closed.



Photograph 16: Labeling in Central Accumulation Area.



Photograph 17: Labeling in Central Accumulation Area.



Photograph 18: Wastewater treatment area neutralization tank #1.



Photograph 19: Wastewater treatment area Neutralization Tank #2.