

RCRA Inspection Report

1) Inspector and Author of Report

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

Topy America Inc.
980 Chenault Drive
Frankfort, Kentucky 40601

EPA ID#: KYD981471279

3) Responsible Officials

Michael Durham, Manager – Safety, Environmental & Health

4) Inspection Participants

Michael Durham, Topy America, Inc.

Heather Jordan, KDEP
Raj Aiyar, USEPA

5) Date of Inspection

August 1, 2024, 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.* (2006), and Title 401 of the Kentucky Administrative Regulations (K.A.R.) Chapters 30, 39 and 40.

Pursuant to 401 KAR 39:005, Section 1 [40 C.F.R. § 260.10], a large quantity generator (LQG) of hazardous waste 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 K.A.R. 32:080 Section 1(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 [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with 401 KAR 39:080, [40 C.F.R. § 262.16(b)], except as required in 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite

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.

accumulation area (SAA) conditions listed in 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.15(a)] (hereinafter referred to as the “SAA Permit Exemption”).

Pursuant to 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.17], an LQG 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 [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(1) [40 C.F.R. § 262.17] (hereinafter referred to as the “LQG 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 Topy America, Inc.’s compliance with the applicable requirements of RCRA and the corresponding Kentucky regulations. This was an EPA lead inspection.

8) Facility Description

Topy America, Inc. (“Topy” or “the facility”) is located at 980 Chenault Road, Frankfort (Franklin County), Kentucky. The facility has been in operation since 1986.

The facility comprises of a steel plant, the aluminum plant which is now used as a warehouse, the wastewater treatment building, and the central accumulation building. Topy operates six days a week and currently has approximately 230 employees.

Topy manufactures steel wheels for the automotive industry from the steel rolls received from the various offsite locations. The steel is stamped, bent, welded, cleaned and surface coated during the production process (Photo-1). The facility is registered with the Cabinet as a Large Quantity Generator (LQG) of hazardous waste, a small quantity handler of universal waste and a used oil generator. The facility is registered for seven waste streams including hazardous waste paint related material (D001, F003, F005), hazardous waste flammable liquids (D001, F003, F005), hazardous waste corrosive and caustic liquids (D002), hazardous waste used paint filters (D001, F003, F005), and hazardous waste obsolete corrosive and caustic liquids (D002).

The facility uses Ross Incineration Services (OHD04815665) for disposing their hazardous waste and Veolia Environmental Services (OHD93945293) and Benson Valley Landfill located in Frankfurt, Kentucky for disposing the nonhazardous waste. The volume of hazardous waste shipped in 2022 and 2023 was approximately 18,220 kilograms (kgs) and 26,631 kgs, respectively.

9) Previous Inspection History

Topy was last inspected by KDEP in 2022 and by EPA in 2007. No apparent violations of RCRA were observed during either of those inspections.

10) Opening Conference

On August 1, 2024, EPA inspector Raj Aiyar, accompanied by KYDEP inspector Heather Jordan arrived at approximately 9:00 a.m. at the facility. Michael Durham with Topy received the inspectors. The inspectors introduced themselves, showed their credentials and explained the purpose of the visit.

The inspectors were led into Michael Durham's office for an opening conference. The inspectors discussed the scope of the inspection, the anticipated use of equipment (digital camera) and requested for a list of records to be reviewed as part of the inspection.

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 can be found at <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>.

The EPA inspector also discussed the facility'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.

Michael Durham provided an overview of the facility's history and current operations during the opening conference. The inspection participants also discussed health and safety protocols and the required personal protective equipment before Michael Durham led the inspectors on a tour of the facility's operations.

11) Inspection Observations

Used Oil

Topy has four Rim Lines (Rim Lines 1-4) for wheel manufacturing. All the Rim Lines have similar operations. The facility generates large quantity of used oil as part of their wheel manufacturing process (Photo-2 and Photo-3). The used oil is filtered and recycled. The oil is primarily used for metal forming processes to reduce the friction between the metal and the equipment. Each Rim Line has a concrete pit of Forming Oil approximately 1,500 gallons in capacity. According to the facility personnel, Rim Line 1 is shut down for maintenance. The inspectors observed a used oil spill at the Rim Line 4 near the air blower unit.

Pursuant to 401 KAR 39:080, Section 4(1) [40 C.F.R. § 279.22(d)], upon detection of a release of used oil to the environment, the facility must clean up and manage properly the released used oil and other materials.

Paint Lines

The facility operates three paint lines: Paint Line 1, Paint Line 2, and Paint Line 2 Topcoat. There are two paint kitchens, one located close to Paint Line 2 Topcoat and another outside the main building near Paint Line 1. Paint Line 2 Topcoat is not currently in use; however, paint must be run through the system continuously to prevent the paint from hardening inside the lines.

Paint Lines 1 and 2 apply multiple coatings to the wheels. Both lines apply a zinc phosphate coating to prepare the metal for an electrodeposition (ED) coating. The water-based ED coat is applied and after a rinse cycle, a solvent based topcoat is applied. The paint booths generate waste toluene (F005) and xylene (F003) when purging the paint system, waste paint, paint debris, and used booth filters. Topy manages one hazardous waste SAA at each paint kitchen.

The inspectors observed one 55-gallon container of hazardous waste in the Paint Line 2 Topcoat paint kitchen SAA. This container was observed to be closed and marked with indication of the hazards of its contents, but it was not labeled with the words "Hazardous Waste" (Photo-4). The inspectors observed another 55-gallon container of hazardous waste in the outdoor paint kitchen SAA. This container was observed to be closed and labeled with the words "Hazardous Waste", but it was not marked with an indication of the hazards of its contents.

Pursuant to 401 KAR 39:080 Section 1(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 with the words "hazardous waste" and with an indication of the hazards of the contents.

Chemical Storage Area

Topy manages one SAA for accumulating hazardous waste used paint booth filters in the Chemical Storage Area. The inspectors observed one 55-gallon container used for paint booth filters. The container was not in use at the time of inspection. The container was observed to be closed and labeled with the words "Hazardous Waste" and with indication of the hazards of the contents.

Wastewater Treatment Plant

Topy operates a wastewater treatment plant to treat facility wastewater prior to discharge to the City of Frankfort under a wastewater discharge permit. The WWT treats wastewater from wash booths and rinse tanks. The water is pH adjusted to remove metals and is then run through a filter press. Non-hazardous filter press sludge, pre-degreaser sludge, Electro Disposition (ED) sludge, roll forming sludge, disc line sludge and soiled absorbents/rags are disposed of as special wastes by Republic Services. The inspector observed one roll-off container containing nonhazardous sludge outside near the WWT Building.

Waste oil, forming oil, cooling oil, and hydraulic oils run from underground concrete pits in the steel plant to oil water separators at the facility's wastewater treatment plant. According to the facility's Spill Prevention, Control and Countermeasure Plan (SPCC Plan), the wastewater treatment plant has two underground waste oil pits with a storage capacity of 2,500 gallons

each. In addition, the facility manages used oil in a 7,500-gallon tank outside of the wastewater treatment (WWT) building. The tank was not labeled as “Used Oil” (Photo-5). According to the facility personnel, Faust Oil collects the facility’s used oil and Safety-Kleen Systems (KYD053348108) collects the facility’s oily water.

Pursuant to 401 KAR 39:080, Section 4(1) [40 C.F.R. § 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.”

Topy manages metal scrap for recycling in multiple roll-off containers located outside the plant near the paint kitchen. Most of the metal has gone through the manufacturing process and therefore is coated with forming oil. At the time of the inspection there were three roll-offs in the area. The inspectors observed used oil leaking on the curb side behind one of the roll-off containers (Photo-6). The used oil was also observed to be leaking from other roll-off containers (Photo-7, Photo-8, and Photo-9). The inspectors observed oil-stained water puddles around the roll-off containers from a recent rain (Photo-10). The inspectors observed a pathway from the roll-off containers to a storm drain in the paved lot (Photo-11). Oil had stained a path from the lot into a drainage ditch that went under the next paved lot (Photo-12). Samples, which included water samples at puddles and sediment samples soil on the paved lot, were collected at each roll-off, and soil and water samples were collected from the drainage ditch. Five soil samples and three water samples were collected by the State inspector. The samples were sent to the State Lab for analysis. All samples collected were found to have high levels of oil and grease.

Pursuant to 401 KAR 39:080, Section 4(1) [40 C.F.R. § 279.22(d)], upon detection of a release of used oil to the environment, the facility must clean up and manage properly the released used oil and other materials.

Central Accumulation Area (CAA)

The facility manages a central accumulation area in a building next to the wastewater treatment plant. The inspectors observed a sign at the entrance indicating the storage area, and another sign which read “No Smoking”. All containers were closed, labeled, dated, and in good condition. A weekly inspection log is kept to document weekly inspection of the area. The inspectors observed two universal waste containers containing waste lamps labeled and dated during the inspection. However, the containers were observed to be open during the inspection. Facility personnel closed the containers of universal waste during the inspection.

Pursuant 401 KAR 39:080, Section 3(1) [40 C.F.R. § 273.33(d)], a SQHUW must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment.

12) Records Review

Once the inspectors completed the walkthrough of the facility, the inspectors were escorted to a conference room to conduct a review of the required documentation. The records reviewed for a three-year period included the following:

- Training Records;
- Contingency Plan and Quick Reference Guide;
- Weekly Inspection Logs;
- Waste Manifest-2023 till Present; and
- Documents showing emergency arrangement with local authorities.

Training Records

As a Large Quantity Generator of hazardous waste, employees must participate in an annual training review specific to the individual employee's hazardous waste duties. There were two employees that had not completed an annual review of the initial training. The training records did not include among others: a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position.

Pursuant to 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(7)(iii) and (iv)], which is a condition of the LQG Permit Exemption, Facility personnel must take part in an annual review of the initial training required by this section; and the generator must maintain training records that include, among others: the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; a written job description for each position; a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position; and records documenting that the training required has been given to and completed by Facility personnel.

Contingency Plan

The emergency contingency plan (The Plan) dated November 11, 2022, was reviewed for completeness. The Plan did not include a list of all emergency equipment (such as fire extinguisher systems, spill control equipment, communications, and alarm systems (internal and external) and decontamination equipment) at the facility where this equipment is required.

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. § 262.261 (e)], and is a condition of the LQG Permit Exemption, the contingency plan must include a list of all emergency equipment at the facility where this equipment is required, and this list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

Arrangements with local authorities

Topy failed to make arrangements with local authorities as required. The only arrangement made was with Pecco for spill response.

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. § 262.256], and is a condition of the LQG Permit Exemption, a generator must: (a) attempt to make arrangements with the local authorities identified, as appropriate for the type of waste handled at the Facility and the potential need for the services of these authorities, and (b) maintain records documenting the arrangements made.

Weekly Inspection Records and Manifest Records

There were no deficiencies noted for the weekly inspection logs and manifests for 2023-2024.

13) Closing Conference

An exit briefing was conducted at the conclusion of the inspection. Michael Durham (Topy), Heather Jordan (KDEP), and Raj Aiyar (USEPA) participated during the closing conference. The observations made during the inspection were discussed and the inspection was concluded.

14) List of Appendices

Appendix 1 – Photo Log:

15) Signed

BROOKE YORK Digitally signed by BROOKE YORK
Date: 2024.10.29 15:52:47 -04'00'

for Raj Aiyar
Environmental Engineer

16) Concurrence

BROOKE YORK Digitally signed by BROOKE YORK
Date: 2024.10.29 15:53:11 -04'00'

Brooke York
Acting Chief
RCRA Enforcement Section

Appendix 1 – Photo Log

Topy America Inc.

Photos taken on August 1, 2024

Photos provided by: KDEP



Photo-1 Wheel Press



Photo-2 Used Oil Trough





Photo-3 Sump Pit

Photo-4 Paint Line 2 Topcoat Kitchen (Unlabeled Container in SAA)



Photo-5 7,500-gallon Unlabeled Used Oil Tank



Photo-6 Roll-off Container holding metal scrap

Used Oil leaking and puddled on ground



Photo-7 Used Oil leaking and puddling on ground from the sides of a rusted and deteriorated roll-off container



Photo-8 Used Oil puddling at a curb of a paved lot



Photo-9 Used Oil puddling at a curb of a paved lot



Photo-10 Used Oil puddling on a paved lot



Photo-11 Pathway of Used Oil to a nearby storm drain



Photo-12 Used Oil draining into a drainage ditch