REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

Forest City Facility LLC
25102 Liberty Road
Forest City, Missouri 64451-4501

EPA ID Number: MOD030712822

On

September 26 - 27, 2023

By

U.S. ENVIRONMENTAL PROTECTION AGENCY
Region 7
Enforcement and Compliance Assistance Division (ECAD)

1.0 INTRODUCTION

At the request of the Enforcement and Compliance Assurance Division, I performed a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) at the Forest City Facility LLC (FCF), located at 25102 Liberty Road, Forest City, Missouri 64451-4501, on September 26 - 27, 2023. I conducted the RCRA inspection under the authority of RCRA Section 3007(a), as amended. During the inspection, I collected the information and data necessary to make preliminary findings regarding compliance with the applicable RCRA 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 and Disposal Facility (TSDF), Large Quantity Generator (LQG), and a Small Quantity Universal Waste Handler (SQUWH). The FCF was last inspected by the Missouri Department of Natural Resources (MoDNR) on November 7, 2019, and six (6) RCRA potential findings or violations were documented. The EPA Region 7 last inspected this facility on February 14, 2006.

2.0 PARTICIPANTS

FCF – (a.k.a., Element Resources)
Noah Jones, Plant Manager (3 years in the position/35 years at the facility)
Brandon Jones, Operations Manager (4 years in the position)
Nick Saveland, Facility Engineer/Continuous Improvement and Capital Projects Manager (1 year in the position/7 years at the facility)

Hannah Voltmer, Environmental Manager (22 months in the position (since December 2021)/9 years at the facility) – present during exit conference and conference held on end of first day of the inspection

Jim Cox, Environmental Specialist (1 year)/Environmental Supervisor (7 years) (approximately 39 years at the facility) – present during exit conference and conference held on end of first day of the inspection

Justin Wilson, Health and Safety Manager (three months in the position/1 year at the facility)

Jack Capp, Element Resources, Environmental Compliance Director, Atlanta, Georgia – participant via Microsoft Teams during entry conference, conference held on end of first day of the inspection, and exit conference

Chuck Giesige, Element Resources, General Manager, Alpharetta, Georgia – participant via Microsoft Teams during exit conference and conference held on end of first day of the inspection

Robin Toups, Element Resources, Outside Counsel – initially, a participant via Microsoft Teams conference held on end of first day of the inspection

MoDNR

Brandon Backus, Environmental Program Supervisor, Compliance and Enforcement Section, Waste Management Program (brandon.backus@dnr.mo.state, 573-751-5404) – present during the first day of the inspection, September 26, 2023

Environmental Protection Agency Region 7

Kevin D. Snowden, Lead Inspector/Environmental Scientist, ECAD/Chemical Branch/RCRA Section

Kelly Catlin, Attorney, Office of Regional Counsel, Chemical Branch (ORC/CB) – participant via Microsoft Teams during exit conference on September 27, 2023)

Chris Muehlberger, Attorney/Branch Chief, ORC/CB – participant via Microsoft Teams during exit conference on September 27, 2023)

3.0 INSPECTION PROCEDURES

I followed the inspection procedures discussed in the RCRA CEI Standard Operating Procedure (No. 2321.1E), unless noted differently. I completed checklists and other inspection related documents and collected photocopies that are included as attachments to this report. Mr. Backus and I collected photographs using the digital camera application on an iPad (as discussed below). I obtained electronic copies of records from the facility as detailed in the sections that follow.

During the inspection, discussions consisted of the facility operations, wastes generated, and waste management practices. The FCF's health and safety protocols require the use of a respirator in processing areas within the facility. Since I was not trained and approved for donning a respirator, Mr. Backus conducted a visual inspection of the process and hazardous waste management areas.

Documents and records were collected during the inspection. A Receipt for Documents and Samples was prepared and signed by Mr. Noah Jones (Attachment 1). A Confidentiality Notice in which a claim of confidential business information was not asserted by the FCF and was

signed by Mr. Noah Jones (Attachment 2). A Notice of Preliminary Findings (NOPF) was provided to Mr. Noah Jones which he signed as acknowledgement of receipt (Attachment 3). A total of 66 photographs were taken during the inspection including 61 photographs taken by Mr. Backus on September 26, 2023, and five (5) photographs by me on September 27, 2023, using an iPad digital camera application (Attachment 4). I obtained two facility maps of the facility during the inspection (Attachment 5).

September 26, 2023

At about 9:00 hours on September 26, 2023, I met Mr. Backus at a nearby location and we proceeded to the FCF arriving there at approximately 9:15 hours. Since the FCF was set back from Missouri Highway 111, I was unable to complete any drive-by visual observations from the public right-of-way. Upon our arrival, I observed that the facility was operational with onsite vehicle traffic and personnel movement. Mr. Backus and I parked our vehicles in the employee parking lot, and we proceeded to, and entered the facility offices. I asked the receptionist for Mr. Noah Jones who quickly met us at the reception area. I introduced myself and stated that the purpose of my visit was to conduct a hazardous waste compliance evaluation inspection. Noah Jones led Mr. Backus and me to a nearby conference room where we were soon joined by Brandon Jones, Mr. Saveland, and Mr. Wilson. Noah Jones indicated that two FCF employees were traveling to Overland Park, Kansas for an environmental conference. Noah Jones indicated that he had placed a cellular call to Ms. Voltmer and Mr. Cox and requested them to return to the facility for the inspection. Noah Jones also contacted Mr. Capps via Microsoft Teams so that he could participate in the entry conference.

I presented my EPA credentials and Mr. Backus presented his MoDNR credentials to Noah Jones. I referenced RCRA Section 3007 which provides inspection authority. Noah Jones provided verbal consent to proceed with the inspection. I described the importance of collecting accurate information and I presented Noah Jones with a copy of Title 18 United States Code, Sections 1001 and 1002, which provides for penalties if false and/or misleading information is provided to Federal representatives, and for the possession and use of fraudulent documents. Noah Jones was made aware of the FCF's confidentiality rights and informed that a Confidentiality Notice would be provided at the end of the inspection to make a confidential business information (CBI) claim. I provided Noah Jones a copy of EPA Region 7's "Notice Regarding Proprietary/Confidential Business Information Submitted to or Collected by EPA in Connection with Inspections" and reviewed the information with him. I explained the purpose, scope, and procedures for the RCRA CEI to Noah Jones.

Following the entrance discussions on September 26, 2023, Mr. Backus conducted a visual inspection of facility operations while I began a review of the facility operating and generator records. Mr. Backus was accompanied by Brandon Jones during the visual inspection.

At the end of the day on September 26, 2023, Noah Jones requested Mr. Backus and me to provide a summary of our inspection results to onsite and offsite Element Resources personnel. Therefore, onsite personnel set up a Microsoft Teams call so that offsite personnel could participate. At the initiation of the Microsoft Teams call, Ms. Robin Toups was introduced as outside counsel for Element Resources. I indicated that if Ms. Toups participated, I would need

to contact the EPA R7 Office of Regional Counsel so that an EPA attorney may also participate. I also indicated that due to the late hour of the day (approximately 1615 hours), it would be unlikely that I could locate an EPA R7 attorney who could participate in the Microsoft Teams call. After a few minutes of offline discussion, Element Resources indicated that Ms. Toups would not participate in the September 26, 2023, Microsoft Teams call. I told Element Resources personnel that I would contact the EPA R7 ORC to request an attorney to be available to participate during the exit conference that was anticipated to occur during the afternoon of September 27, 2023. Following our collective discussion regarding who may participate during the Microsoft Teams call, Mr. Backus and I provided a summary of the inspection to the remaining onsite and offsite Element Resources personnel.

September 27, 2023

On September 27, 2023, I arrived at the FCF at approximately 1000 hours and met with Messrs. Noah Jones, Brandon Jones, Saveland, and Wilson, and Ms. Voltmer to complete my review of the facility operating and generator records. I also conducted a visual inspection of the facility's Universal Waste Storage Area. During my visual inspection of the Universal Waste Storage Area, I was accompanied by Noah Jones, Mr. Saveland, and Ms. Voltmer.

I conducted an exit conference following the completion of my review of the facility operating and generator records and the visual inspection of the facility's Universal Waste Storage Area. As previously noted, the exit conference was attended by onsite and offsite Element Resources personnel and EPA R7 ORC personnel in person and/or via Microsoft Teams as previously indicated. I reviewed the notice "Regarding Proprietary/Confidential Business Information Submitted to or Collected by EPA in Connection with Inspections" and provided Noah Jones with a Receipt for Documents and Samples which he signed as acknowledgement of receipt. Noah Jones signed the Confidentiality Notice without claiming any information, documents, or photographs as CBI. I provided Noah Jones a copies of the Receipt of Documents and Samples (Attachment 1), Confidentiality Notice (Attachment 2), and Notice of Preliminary Findings (Attachment 3). Following the exit conference, I departed the facility.

4.0 FINDINGS AND OBSERVATIONS

4.1 General Information/Facility Description

The FCF is a secondary lead smelting plant. According to the company's website (https://elementrellc.com), Element Resources provides metal smelting and separation of polymers from metals services. Element Resources receives spent lead batteries from collection sites across the United States which are disassembled and separated into three primary materials including the plastic case material, sulfuric acid, and lead. The recycling process, or smelting, utilizes high heat to smelt the battery plates and other lead-bearing materials, which are formed into new metallic lead ingots. The final products from the smelting process, lead, plastic, and acid, are then used by manufacturers to produce new products, such as new lead batteries.

The MoDNR reissued the hazardous waste management permit which became effective on September 24, 2019. This permit allows the FCF to treat hazardous waste in a stabilization unit,

store hazardous wastes in containers and containment buildings, dispose of hazardous wastes generated by the FCF in an onsite landfill, and conduct post-closure of a closed landfill. The FCF utilizes an exempt blast furnace to recover lead from spent batteries, other lead bearing materials generated both on and offsite, and emission control generated dust generated by the secondary lead smelter. The FCF also utilizes a filter press to recover battery acid generated from battery breaking. During the September 26-27, 2023, RCRA inspection, facility representatives indicated that the blast furnace had been shut down for two weeks to perform regular maintenance.

As indicated in the Hazardous Waste Management Facility Part I Permit (Attachment 6), the facility is located on approximately 360 contiguous acres of which the active portion of the facility comprises 70 acres (Attachment 7). Element Resources employs approximately 99 workers at the FCF which includes 65 hourly employees. When the blast furnace is operational, the facility operates 24 hours per day, 365 days per year.

4.2 RCRA Status

The RCRA Site Verification Report (Attachment 8) indicates that the FCF is a TSDF and a LQG. I reviewed the site verification report with Noah Jones who did not identify any updates. I reviewed the information in EPA's e-Manifest system for shipments to and from the facility (Attachments 9 and 10). I also reviewed the facility's hazardous waste manifests during the inspection. Based on this information, I reviewed the FCF for compliance with the RCRA permit and LQG requirements during my inspection.

4.3 Previous Inspection and Related Findings

On November 7, 2019, the MoDNR conducted a hazardous waste inspection at the FCF. The MoDNR report for this inspection included six (6) potential findings or violations, as follows:

- Failure to record inspections in violation of Title 10 Code of State Regulations (10 C.S.R.) 25-7.264(1) incorporating Title 40 Code of Federal Regulations (40 C.F.R.) § 264.15(d);
- Failure to conduct facility inspections in violation of 10 CSR 25-7.264(1) incorporating 40 C.F.R. § 264.15(a);
- Documentation of hazardous waste tank inspection not maintained in violation of 10 C.S.R. 25-5.262(1) incorporating 40 C.F.R. § 262.34(a)(1)(ii) referencing 40 C.F.R. § 265.195(g);
- Hazardous waste tanks not clearly labeled "Hazardous Waste" in violation of 10 C.S.R. 25-5-262(1) incorporating 40 C.F.R. § 262.34(a)(3);
- Satellite accumulation containers not marked "Hazardous Waste" or with other words that identify the contents of the containers in violation of 10 C.S.R. 25-5.262(1) incorporating 40 C.F.R. § 262.34(c)(1)(ii); and
- Accepting hazardous waste from transporters that are not licensed in Missouri in violation of the Missouri Revised Statutes Section 260.390.1(3).

4.4 Waste Streams and Management

During the inspection, I reviewed the FCF's Generator Hazardous Waste Summary Reports that are required to be submitted to the MoDNR quarterly (Attachment 11). I reviewed the reports for the past three years which included quarterly reporting dates of September 30, 2020, through June 20, 2023. According to the information reviewed, the FCF routinely generates liquid and solid hazardous waste streams during the lead acid battery disassembly processes conducted at the facility. The following table summarizes the quarterly reporting for the two waste streams generated at the FCF for the past three years:

Quarterly Report Date	Manifest Waste Stream Descriptions	Volume of Hazardous Wastes Shipped[(1)]	Hazardous Waste Codes
9/30/2020	RQ, UN2796, Waste Battery Fluid, Acid, 8, PGII	1,896,040 lbs.	D002, D006, D010
12/31/2020	RQ, UN2796, Waste Battery Fluid, Acid, 8, PGII	6,665,540 lbs.	D002, D006, D010
12/31/2020	NA3007, Hazardous Waste Solid, NOS, Lead, 9, PG3	5,340 lbs.	D008
3/31/2021	RQ, UN2796, Waste Battery Fluid, Acid, 8, PGII	1,965,460 lbs.	D002, D008
6/30/2021	RQ, UN2796, Waste Battery Fluid, Acid, 8, PGII	509,620 lbs.	D002, d008
6/30/2021	NA3007, Hazardous Waste Solid, NOS, Lead, 9, PG3	7,120 lbs.	D008
9/30/2021[(2)]	Not applicable	Not applicable	Not Applicable
12/31/2021	RQ, UN2796, Waste Battery Fluid, Acid, 8, PGII	599,070 lbs.	D002, D008
12/31/2021	NA3007, Hazardous Waste Solid, NOS, Lead, 9, PG3	14,900 lbs.	D008
3/31/2022	RQ, UN2796, Waste Battery Fluid, Acid, 8, PGII	610,040 lbs.	D002, D008
6/30/2022	RQ, UN2796, Waste Battery Fluid, Acid, 8, PGII	345,500 lbs.	D002, D008
6/30/2022	NA3007, Hazardous Waste Solid, NOS, Lead, 9, PG3	4,800 lbs.	D008
9/30/2022	RQ, UN2796, Waste Battery Fluid, Acid, 8, PGII	40,240 lbs.	D002, D008
9/30/2022	NA3007, Hazardous Waste Solid, NOS, Lead, 9, PG3	6,400 lbs.	D008
12/31/2022	NA3007, Hazardous Waste Solid, NOS, Lead, 9, PG3	14,200 lbs.	D008
3/31/2023[(2)]	Not applicable	Not applicable	Not applicable
6/30/2023	NA3007, Hazardous Waste Solid, NOS, Lead, 9, PG3	4,250 lbs.	D008

(1) - The total number of quarterly shipments for all hazardous wastes, the various

transporters used for the hazardous waste shipments, and hazardous waste disposal facilities are shown in each FCF Generator Hazardous Waste Summary quarterly report submitted to the MoDNR.

(2) - According to the FCF Generator Hazardous Waste Summary quarterly report, a reportable quantity of hazardous waste was not generated during the quarter.

During the inspection, I reviewed the FCF's Facility Summary Reports that are required to be submitted to the MoDNR quarterly (Attachment 12). I reviewed the reports for the past three years which included quarterly reporting dates of September 30, 2020, through June 20, 2023. According to the information reviewed, the FCF routinely generates blast furnace slag and receives lead solids that are managed at the facility. The following table summarizes the quarterly Facility Summary Reports that were reviewed during the inspection:

Quarterly Report Date	Waste Stream Descriptions[1]	Volume of Hazardous Wastes [2]	Hazardous Waste Codes
9/30/2020	Blast Furnace Slag	1,341 lbs.	D008
	NA3007, Hazardous Waste Solid, NOS, Lead, 9, PG3	3,455,580 lbs.	D008
12/31/2020	Blast Furnace Slag	1,296 lbs.	D008
	NA3007, Hazardous Waste Solid, NOS, Lead, 9, PG3	43,040 lbs. 344,510 lbs. 2,610,070 lbs.	D008
3/31/2021	Blast Furnace Slag	2,740,346 lbs.	D008
	NA3007, Hazardous Waste Solid, NOS, Lead, 9, PG3	1,329,185 lbs. 3,405,220 lbs.	D008
6/30/2021	Blast Furnace Slag	2,067 lbs.	D008
	NA3007, Hazardous Waste Solid, NOS, Lead, 9, PG3	467,170 lbs. 2,291,540 lbs.	D008
9/30/2021	Blast Furnace Slag	2,665,361 lbs.	D008
	NA3007, Hazardous Waste Solid, NOS, Lead, 9, PG3	3,566,140 lbs.	D008
12/31/2021	Blast Furnace Slag	1,314 lbs.	D008
	NA3007, Hazardous Waste Solid, NOS, Lead, 9, PG3	3,254,180 lbs.	D008
3/31/2022	Blast Furnace Slag	1,663 lbs.	D008
	NA3007, Hazardous Waste Solid, NOS, Lead, 9, PG3	170,565 lbs. 3,165,380 lbs.	D008
6/30/2022	Blast Furnace Slag	1,571 lbs.	D008
	NA3007, Hazardous Waste Solid, NOS, Lead, 9, PG3	86,092 lbs. 4,039,420 lbs.	D008
9/30/2022	Blast Furnace Slag	1,506 lbs.	D008
	NA3007, Hazardous Waste Solid, NOS, Lead, 9, PG3	299,060 lbs. 1,122,769 lbs. 4,458,980 lbs.	D008

Quarterly Report Date	Waste Stream Descriptions[1]	Volume of Hazardous Wastes [2]	Hazardous Waste Codes
12/31/2022	Blast Furnace Slag	1,459 lbs	D008
	NA3007, Hazardous Waste Solid, NOS, Lead, 9, PG3	1,625,770 lbs. 597,653 lbs. 4,364,100 lbs.	D008
3/31/2023	Blast Furnace Slag	1,374 lbs.	D008
	NA3007, Hazardous Waste Solid, NOS, Lead, 9, PG3	1,330,310 lbs. 424,010 lbs. 4,411,690 lbs.	D008
6/30/2023	Blast Furnace Slag	1,313 lbs.	D008
	NA3007, Hazardous Waste Solid, NOS, Lead, 9, PG3	1,748,360 lbs. 214,147 lbs. 5,138,360 lbs.	D008

(1) - The blast furnace slag was generated from the FCF's onsite operations and disposed onsite. Other wastes shown were generated offsite and shipped to the FCF for disposal.

(2) - The total number of quarterly shipments for all hazardous wastes, the various transporters used for the hazardous waste shipments, and hazardous waste generators are shown in each quarterly report (where applicable).

According to the RCRAInfo v6 database, the FCF submitted a 2021 RCRA Biennial Report for the facility. This Biennial Report indicated that the facility managed an estimated 8,700 short tons (approximately 17,400,000 lbs.) of D008 hazardous secondary materials with a reported actual amount of 3,963 short tons (approximately 7,926,000 lbs.) of the D008 HSM disposed in the FCF's onsite RCRA-permitted landfill.

4.5 Visual Inspection

The following provides a summary of the visual inspection. As previously indicated, Mr. Backus conducted the visual inspection for most of the facility on September 26, 2023, Mr. Backus was accompanied by Brandon Jones of the facility during his visual inspection. Mr. Backus took photographs during his visual inspection and provided his handwritten notes to me. On September 27, 2023, I conducted a visual inspection of Universal Waste Storage Area and Facility Laboratory which were both within the Main Office Building. The FCF did not require the use of a respirator to access these areas. During my portion of the visual inspection, I was accompanied by Messrs. Noah Jones, and Saveland, and Ms. Voltmer. Photographs collected during the Visual Inspection portion of the RCRA CEI and are provided as Attachment 4.

4.5.1 Visual Inspection – September 26, 2023

Mr. Backus conducted a visual inspection of the following facility areas:

- 80 X 80 Building
- Dock Entry Building (DEB)

- De Minimis Liquids Storage Area Containment Building (including the Battery Breaker Area)
- South Containment Building
- De Minimis Liquids Storage Area Containment Building
- Mix Room
- Charge Room
- Miscellaneous Storage Area
- Battery Storage Area
- Blast Furnace and Refinery in the Smelting Casting Area
- Less than 90-day Battery Acid Storage Tank Area
- Wastewater Treatment Plant
- Used oil Storage Tank Area
- RCRA-Permitted Trailer Parking Lot west of the Wastewater Treatment Plant
- RCRA-Permitted Landfill
- Employee Parking Lot

During his visual inspection, the MoDNR inspector observed two open (federal option) satellite accumulation containers. One satellite accumulation container was in the baghouse area of the Wheelabrator Building (Attachments 4 (Photographs 35 and 36), 5, and 7). This satellite accumulation container was full and labelled as "Hazardous Waste," but was open as evidenced by black PPE peeking through the lid. An employee removed the container to add these wastes to mix pile. The second satellite accumulation container was observed within the kettle floor/smelting cast area of the Smelting Casting Building. The satellite accumulation container was labelled but appeared to not be closed as the top right of the opening was drooping a bit but there is a "lip" on that sprung flap (Attachments 4 (Photograph 37), 5, and 7). During the closing conference, I indicated that satellite accumulation containers holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste (**NOPF 6: 10 C.S.R. 25-5.262(1) incorporating 40 C.F.R. § 262.34(c)(1)(i) referencing 40 C.F.R. § 265.173(a) – Failure to close two satellite accumulation containers**). During the closing conference, Brandon Jones provided photographs showing that the satellite accumulation container located inside of the Smelting Casting Building had been repaired and was no longer open (Attachment 17). The MoDNR inspector also observed a third satellite accumulation container located within the Stabilization/Staging & Storage Area (Attachments 4 (Photographs 40 and 41), 5, and 7). As noted, this satellite accumulation container was observed within the Slag Dump Area that was labelled as "Hazardous Waste" and not full. The MoDNR inspector considered the container was full despite the small gap at the left vertical opening. The MoDNR inspector was unable to visibly see into the satellite accumulation container because of the overlap between the "lid" and opening. Therefore, I did not leave an NOPF for this potential issue.

During his visual inspection, the MoDNR inspector observed a federal option satellite accumulation container that was full, but it was not marked with an accumulation start date. This satellite accumulation container was in the Baghouse Area of the Wheelabrator Building (Attachments 4 (Photographs 35 and 36), 5, and 7). As previously mentioned, an employee removed the container to add these wastes to mix pile. During the closing conference, I indicated that full satellite accumulation containers storing more than 55-gallons of hazardous waste must

be marked with an accumulation start date or move to a storage area (**NOPF 5: 10 C.S.R. 25-5.262(2)(C)3. incorporating 40 C.F.R. § 262.34(c)(2) – Failure to date a satellite accumulation container storing > 55 gallons of hazardous waste or move the container to a storage area**).

Following his visual inspection, Mr. Backus reported that he observed free liquids in the De Minimis Liquids Storage Area Containment Building, Battery Breaker Area, Stabilization/Staging & Storage Area, the Clean Acid 1, 2, and Dirty Acid Tanks area, and the Employee Parking Area (Attachment 4, Photographs 12, 13, 14, 16, 27, 39, 43, 45, 46, 48, 50, and 52). The facility representative indicated that the free liquids observed had resulted from annual cleanout and/or washing activities. According to Permit Condition III.C.5., "All containment buildings, except the De Minimis Liquid Storage Area/Battery Breaking Area, shall be used to manage only wastes containing no free liquids (the presence of which is determined by the paint filter test, a visual examination, or other appropriate means)." In addition with regard to the Stabilization/Staging & Storage Area, Permit Condition III.B.7. (Attachment 6) states, "The Permittee shall not store materials that contain free liquids in this area, with the exception of spent whole batteries, as described in this Permit and the approved permit application." The RCRA Permit does not specify any requirements regarding the employee parking lot. It was unclear whether the observed presence of liquids that were observed in these areas from the annual cleanout and/or washing activities violated the facility's RCRA Permit.

4.5.2 Visual Inspection – September 27, 2023

I conducted a visual inspection of the following facility areas located within the FCF's Main Office:

- Facility Laboratory; and
- Universal Waste Storage Area.

During my visual inspection, I observed two open containers of unbroken Universal Waste – Lamps inside of the Universal Waste Storage Area (Attachment 4, Photographs 62, 63, 64, and 65). During my visual inspection, I indicated that a SQUWH must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps and that such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions (**NOPF 7: 10 C.S.R. 25-16.273(1) incorporating 40 C.F.R. § 273.13(d)(1) – Unbroken Universal Waste – Lamps must be stored in closed containers**). I observed Mr. Saveland, and Ms. Voltmer close each of the two open Universal Waste – Lamps containers (Attachment 4, Photograph 66).

4.6 Records Review

On September 26-27, 2024, I conducted a records review inside the main office conference room. The records that I reviewed with facility representatives included employee names/positions/job descriptions documentation (Attachment 13), employee training records for 2020 through 2023 (Attachment 14), Integrated Events Response Plan (i.e., contingency plan) (Attachment 15), inbound and outbound manifests, container storage and containment buildings

inspection logs, landfill inspection logs, and the facility's 2020 through 2022 Waste Minimization Certifications (Attachment 16). My records review resulted in the following findings.

I reviewed the FCF's training documentation for 2020 through 2023 and observed that several employees had not received the required training as specified by the employee names/positions/job descriptions documentation and training documentation (Attachments 13 and 14). I observed that Ms. Voltmer had assumed a new position at the FCF as the Environmental Manager during July 2021, but had not received the required training for this position. During the closing conference, I indicated that according to 10 C.S.R. 25-5.262(1) incorporating 40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.16(a), facility personnel must successfully complete the required training within six months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later and that employees must not work in unsupervised positions until they have completed the training requirements (**NOPF 1: 10 C.S.R. 25-16.262(1) incorporating 40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.16(b) – Employees do not work in unsupervised positions until they have completed the training**). I also observed that several individuals had not received annual training during 2020, 2021, and 2022. Noah Jones, Nick Saveland, and Brandon Jones were not trained during 2020; Noah Jones and Brandon Jones were not trained during 2021; and Noah Jones was not trained during 2022 (**NOPF 2: 10 C.S.R. 25-16.262(1) incorporating 40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.16(c) – Failure to provide employees an annual review of the initial training**). During the closing conference, I explained that according to the cited regulations, facility personnel must take part in an annual review of the initial training. Noah Jones indicated that there was difficulty in completing the required training due to COVID during several of the training events.

I reviewed the FCF Integrated Events Response Plan which was provided to me as the facility's RCRA contingency plan. I observed that the Integrated Events Response Plan did not provide the location and physical description of all emergency equipment including spill control equipment (location/capabilities), neutralization equipment, and the location of protective equipment, clothing, and alarms (**NOPF 3: 10 C.S.R. 25-16.262(1) incorporating 40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.52(e) – Failure to include in the contingency plan the location and physical description of all emergency equipment including spill control equipment (location/capabilities), neutralization equipment, and the location of protective equipment, clothing, and alarms**). During the closing conference, I indicated that the cited regulations require the facility's contingency plan to be kept up to date and include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communication and alarm systems (internal and external), and decontamination equipment), where this equipment is required. In addition, I explained that the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities. During my review, I also noted that the FCF's Integrated Events Response Plan did not include an evacuation plan, signals to be used to begin an evacuation, evacuation routes, and alternate evacuation routes (**NOPF 4: 10 C.S.R. 25-16.262(1) incorporating 40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.52(f) – Failure to include in the contingency plan an evacuation plan describing the signals to be used to begin an evacuation, evacuation routes, and alternate evacuation routes**). During the closing conference, I explained that the FCF's

Integrated Events Response Plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary and that the evacuation plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

I did not observe any other findings during my review of these and other documents during the inspection.

5.0 COMPLIANCE ASSISTANCE

As requested, I sent Noah Jones electronic copies of the following compliance assistance materials via email on October 3, 2023:

EPA Inspection Documents/Compliance Assistance Handouts

EPA Chemical Facility Anti-Terrorism Standards
EPA e-Manifest Fact Sheet 12/2020
EPA Environmental Compliance Assistance Centers
EPA Industry Sector Notebooks List 02/2005
EPA Instructions for Responding to an NOPF
EPA Managing Used Oil: Advice for Small Business 11/1996
EPA Managing Your Hazardous Waste: A Guide for Small Business 10/2019
EPA Method for Determining the Compatibility of Hazardous Wastes 04/1980
EPA Region 7 Emergency Response Program
EPA RCRA Compliance Evaluation Inspection (CEI) 10/1991
EPA RCRA Facility Access Information Sheet 03/2013
EPA RCRA Online Quick Reference 02/2008
EPA Security Awareness 12/2001
EPA Small Business Resources Information Sheet 01/2022

MoDNR Compliance Assistance Handouts

MoDNR Used Oil Generators and Burners PUB0134 9/17/2020
MoDNR Used Oil Contaminated Waste PUB0153 9/17/2020
MoDNR Aerosol Cans PUB1084 6/1/2020
MoDNR The Universal Waste Rule in Missouri PUB2058 12/28/2020
MoDNR Hazardous Waste Satellite Accumulation PUB 2215 5/1/2020

6.0 SUMMARY

I conducted an inspection of the FCF as a RCRA permitted TSDF, a LQG, a used oil generator, and a SQUWH.

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

1. 10 C.S.R. 25-16.262(1) incorporating 40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.16(b) – Employees do not work in unsupervised positions until they have completed the training.

2. 10 C.S.R. 25-16.262(1) incorporating 40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.16(c) – Failure to provide employees an annual review of the initial training.
3. 10 C.S.R. 25-16.262(1) incorporating 40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.52(e) – Failure to include in the contingency plan the location and physical description of all emergency equipment including spill control equipment (location/capabilities), neutralization equipment, and the location of protective equipment, clothing, and alarms.
4. 10 C.S.R. 25-16.262(1) incorporating 40 C.F.R. § 262.34(a)(4) referencing 40 C.F.R. § 265.52(f) – Failure to include in the contingency plan an evacuation plan describing the signals to be used to begin an evacuation, evacuation routes, and alternate evacuation routes.
5. 10 C.S.R. 25-5.262(2)(C)3. incorporating 40 C.F.R. § 262.34(c)(2) – Failure to date a satellite accumulation container storing > 55 gallons of hazardous waste or move the container to a storage area.
6. 10 C.S.R. 25-5.262(1) incorporating 40 C.F.R. § 262.34(c)(1)(i) referencing 40 C.F.R. § 265.173(a) – Failure to close two satellite accumulation containers.
7. 10 C.S.R. 25-16.273(1) incorporating 40 C.F.R. § 273.13(d)(1) – Unbroken Universal Waste – Lamps must be stored in closed containers.

The NOPF also required the FCF to determine whether the parking lot water and other water processed by the wastewater treatment unit was/was not hazardous. 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.

KEVIN SNOWDEN Digitally signed by KEVIN SNOWDEN
Date: 2024.04.26 08:44:44 -05'00'

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Kevin D. Snowden
Environmental Scientist

Whisnant, Amber Digitally signed by Whisnant, Amber
Date: 2024.04.29 18:10:59 -05'00'

_____ Date: _____

Amber Whisnant
Chief, RCRA Section, Chemical Branch
Enforcement and Compliance Assistance Division

Attachments

1. Receipt for Documents (1 page)
2. Confidentiality Notice (1 page)
3. Notice of Preliminary Findings (2 pages)
4. Digital Image Log (72 pages)
5. Site Maps (2 pages)
6. Missouri Hazardous Waste Management Facility Permit – Part 1 (114 pages)
7. Selected Figures from the Hazardous Waste Management Facility Permit (5 pages)
8. Forest City Facility LLC RCRA Notification Acknowledgement/Verification Report (2 pages)
9. e-Manifest Inspectors Report – Hazardous Waste Receiving Facility (331 pages)

10. e-Manifest Inspectors Report – Hazardous Waste Shipped Offsite (43 pages)
11. Quarterly Generator Hazardous Waste Summary Reports (27 pages)
12. Quarterly Facility Hazardous Waste Summary Reports (50 pages)
13. Employee Names/Positions/Job Descriptions (36 pages)
14. Employee Training Records (29 pages)
15. Integrated Events Response Plan (36 pages)
16. Waste Minimization Program Certifications 2020-2022 (3 pages)
17. Satellite Accumulation Area Container Documentation (1 page)