

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
61 Forsyth Street, S.W.
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2) Facility Information

Dupont Specialty Product USA LLC
4250 Campground Road
Louisville, KY 40216
Richmond County

EPA ID# KYR000065805
NAICS# 325120 - Industrial Gas Manufacturing

3) Responsible Officials

Brian Thompson
Louisville EHS Manager
brian.thompson-1@dupont.com
(502) 912-6570

4) Inspection Participants

Brian Thompson	DuPont Louisville EHS Manager
Callie Hite	KDEP
Scott Gerstner	KDEP
Raj Aiyar	US EPA

5) Date of Inspections

March 07, 2024, 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 through 38, 43 and 44 (2006)

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.

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 accumulation area 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 DuPont Specialty Products USA LLC’s compliance with the applicable requirements of RCRA and the corresponding Kentucky regulations. This was an EPA lead inspection.

8) Facility Description

DuPont Specialty Product USA LLC (DuPont)) is located at 4250 Campground Road, Louisville, Kentucky. The DuPont facility has been operating since 1941 and comprises of approximately eight acres. However, since 2015, DuPont has been leasing the property from Chemours. DuPont manufactures Polyvinyl Fluoride (PVF) at the Louisville facility. The chemical name for PVF is Tedlar. Tedlar due to its chemical resistant and weather resistant properties has wide application in chemical, automotive, electrical, and electronic industries. DuPont currently has 35 employees and approximately 20 resident contractors.

Facility Process and Hazardous Waste Generation

Hazardous waste routinely generated by the process includes chromium contaminated rags, chromium contaminated absorbent, used oil and universal waste lamps. Other waste generated including hazardous waste are waste paint, aerosol cans, universal waste lamps and batteries. The waste codes for the waste generated at DuPont are D001, D002 and D007. Records indicate that the quantity of hazardous waste shipped in Calendar year 2023 and calendar year 2022 was 13,517 and 1,179 kilograms. DuPont uses Safety-Kleen Systems Inc. (TXR000081205) and Clean Harbors (MAD039322250) as transporters and Clean Harbors, (OKD065438376) and (ARD069748192) to dispose of their hazardous waste.

9) Previous Inspection History

DuPont was last inspected by KDEP on May 2, 2022, and by EPA on October 18, 2017. There were no deficiencies observed during both the inspections.

10) Opening Conference

On March 7, 2024, EPA Inspector, Raj Aiyar accompanied by KDEP Inspectors, Callie Hite and Scott Gerstner arrived at the DuPont facility at approximately 9:00 a.m. Facility Representative Brian Thompson, Louisville's EHS Manager immediately received and escorted the inspectors to a conference room. The inspectors introduced themselves, showed their credentials, stated the purpose of the visit. The inspectors discussed the scope of the inspection and described the anticipated use of equipment, a digital camera during the inspection. The inspectors later requested 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.

Brian Thompson 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 Brian Thompson led the inspectors on a tour of the facility's operations.

11) Inspection Observations

Satellite Accumulation Areas (SAAs)

Maintenance Shop

The SAA comprised of several drums and poly container on spill pallets. The SAA was used to store hazardous waste comprising of solvent contaminated waste rags and waste paint solvents. In the same area, universal waste was also stored (Photo-1). Both the SAA containers were observed to be closed and labeled with the words "Hazardous Waste". One SAA container with a latched funnel labeled as containing "waste paint and solvents" had a hazard indication label as "Flammable Liquid" (Photo-2). The other SAA container with a hinged lid labeled as "Rags with Acetone and Paint Waste" was not marked with a hazard indication label (Photo-3).

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 an indication of the hazards of the contents.

The containers holding the waste were observed to be in good condition. There were no leaks or spills observed near the SAA containers. The SAA container was later marked with appropriate hazard indication label during the inspection (Photo-3).

In the same area, the inspectors observed universal waste also being stored (Photo-1). The universal waste comprised of spent aerosol cans and spent batteries. All the containers were observed to be closed and labeled as "Universal Waste". The oldest accumulation start date was observed to be 04/06/2023. The containers were observed to be intact and nonleaking.

The maintenance shop also had one 80-gallon parts washer. According to Brian Thompson, the parts washer is serviced by Safety-Kleen. The parts washer unit was not in service during the inspection.

Outside the maintenance shop, the inspectors observed one SAA container containing spent blast media located near the Bead Blaster equipment. The container was observed to be closed, labeled with the words "Hazardous Waste". The container was not marked with a hazard indication label to reflect the specific hazard associated with the waste .

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 is required to mark or label its containers with an indication of the hazards of the contents.

The SAA container was later marked with appropriate hazard indication label during the inspection.

C and D Refrigeration Building

The inspectors observed two 55-gallon containers on the spill pallets (Photo-4). One 55-gallon SAA container with a latched funnel contained waste paint. The container was observed to be closed, labeled with the words “Hazardous Waste” and had a hazard indication label as “Flammable Liquid”. The other 55-gallon container with a latch was also closed, labeled with the words “Universal Waste” contained spent aerosol cans. The container was dated 01/17/2024. Both the containers were observed to be intact and nonleaking. Adjacent to the SAA containing waste paint, there was another SAA on a spill pallet comprising of one 55-gallon container and a spill kit (Photo-5). The SAA container was observed to be closed, labeled with the words “Hazardous Waste” and had a hazard indication label.

Central Accumulation Area

There were three 55-gallon plastic containers on the spill pallets (Photo-6) in the CAA. All the containers were observed to be closed, labeled with the words “Hazardous Waste” and with accumulation start dates. The oldest accumulation start date was observed to be 12/13/2023. There were no hazard indication labels on the containers to reflect the specific hazard associated with the waste.

Pursuant to 401 KAR 39:080 Section 1(1) [40 C.F.R. § 262.17(a)(5)(i)(B)], which is a condition of the LQG Permit Exemption, a generator must mark or label its containers with an indication of the hazards of the contents.

The containers were later marked with appropriate hazard indication labels during the inspection. There was universal waste and used oil container in the storage area. There was one container containing 4-foot used lamps. The container was closed, labeled, and dated; one 55-gallon used oil container was also closed and labeled as “Used Oil”.

There were no leaks or spills in the accumulation area. The containers were observed to be in good condition. The storage area was equipped with a “No Smoking” sign and a spill kit.

Record 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:

- Contingency Plan and Quick Reference Guide
- Personnel Training
- Weekly Hazardous Waste Inspection Log
- Hazardous Waste Manifests
- Waste Profiles
- Annual Report
- Hazardous Waste Reduction Plan

- Documents showing emergency arrangement with local authorities.

There were no deficiencies observed during the records review.

12) Closing Conference

An exit briefing was conducted at the conclusion of the inspection. Brian Thompson, DuPont, Callie Hattie, KDEP, Scott Gerstner, KDEP and Raj Aiyar, US EPA participated during the exit briefing. The observations made during the inspection were discussed and the inspection was concluded. Based on the inspection, the facility appeared to be operating as a large quantity generator of hazardous waste.

13) Signed

RAJAGOPAL AIYAR

Digitally signed by RAJAGOPAL
AIYAR

Date: 2024.05.02 09:54:24 -04'00'

Raj Aiyar
Environmental Engineer

Date

Concurrence

ALAN NEWMAN

Digitally signed by ALAN NEWMAN
Date: 2024.05.06 04:44:16 -04'00'

Alan R. Newman, Acting Chief
RCRA Enforcement Section

Date

Attachment A
Photographs of DuPont Specialty Products USA LLC
EPA ID# KYR000065805
By: Callie Hite, KDEP



Photo-1 SAA and Universal Waste (Maintenance Shop)



Photo-2 SAA Container (Maintenance Shop)



Photo-3 SAA Container (Maintenance Shop)



Photo-4 SAA (C&D Refrigeration Building)



Photo-5 SAA (C&D Refrigeration Building)



Photo-6 Central Accumulation Area