

INSPECTION REPORT

|                                                        |                                                                                                                                                                                                                                 |                        |                       |                |
|--------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|-----------------------|----------------|
| Inspection Entry Date/Time                             | 09/12/2023 08:39 AM (CT)                                                                                                                                                                                                        | Announced: No          |                       |                |
| Inspection Exit Date/Time                              | 09/12/2023 02:03 PM (CT)                                                                                                                                                                                                        | Access: Granted        |                       |                |
| Regulatory Program                                     | RCRA                                                                                                                                                                                                                            |                        |                       |                |
| Type of Inspection                                     | Compliance Evaluation Inspection (CEI)                                                                                                                                                                                          |                        |                       |                |
|                                                        |                                                                                                                                                                                                                                 |                        |                       |                |
| Facility or Site Name                                  | Klinger Paint Company, Inc.                                                                                                                                                                                                     |                        |                       |                |
| Facility/Site Identifier                               | IAD000651265                                                                                                                                                                                                                    |                        |                       |                |
| Facility/Site Physical Address                         | 5555 Willow Creek Drive SW                                                                                                                                                                                                      |                        |                       |                |
| City, State, Zip Code                                  | Cedar Rapids, IA 52404                                                                                                                                                                                                          |                        |                       |                |
| County/Borough                                         | Linn County                                                                                                                                                                                                                     |                        |                       |                |
| Generator Status                                       | LQG                                                                                                                                                                                                                             |                        |                       |                |
| NAICS                                                  | 42495 32551                                                                                                                                                                                                                     |                        |                       |                |
| Type of Operation                                      | Produces industrial paints and coatings for various large manufacturers to smaller businesses. Typical coatings produced are urethane, water-based, or oil-based but coatings can be customized based on client specifications. |                        |                       |                |
| Geographic Coordinates                                 | 41.92429, -91.69043                                                                                                                                                                                                             |                        |                       |                |
|                                                        |                                                                                                                                                                                                                                 |                        |                       |                |
| Permit Number (If Applicable)                          | Not Applicable                                                                                                                                                                                                                  |                        |                       |                |
|                                                        |                                                                                                                                                                                                                                 |                        |                       |                |
| <b>Additional Persons Participating in Inspection:</b> |                                                                                                                                                                                                                                 |                        |                       |                |
| Name                                                   | Title                                                                                                                                                                                                                           | Organization           | Email                 | Phone          |
| Edwin Buckner                                          | Inspector                                                                                                                                                                                                                       | EPA REGION 7           | buckner.edwin@epa.gov | (913) 551-7621 |
|                                                        |                                                                                                                                                                                                                                 |                        |                       |                |
| Lead Inspector:                                        | <div> <div>TIFFANY DELONG</div> <div> <small>Digitally signed by<br/>TIFFANY DELONG<br/>Date: 2023.10.16<br/>08:35:21 -05'00'</small> </div> </div>                                                                             |                        |                       |                |
| Tiffany DeLong                                         | [Signature]                                                                                                                                                                                                                     |                        | [Date]                |                |
|                                                        | EPA REGION 7                                                                                                                                                                                                                    | delong.tiffany@epa.gov | (913) 551-7729        |                |
|                                                        |                                                                                                                                                                                                                                 |                        |                       |                |
| Supervisor Review:                                     | <div> <div>Whisnant, Amber</div> <div> <small>Digitally signed by<br/>Whisnant, Amber<br/>Date: 2023.12.18<br/>17:19:56 -06'00'</small> </div> </div>                                                                           |                        |                       |                |
| Amber Whisnant                                         | [Signature]                                                                                                                                                                                                                     |                        | [Date]                |                |
|                                                        | EPA REGION 7                                                                                                                                                                                                                    | whisnant.amber@epa.gov |                       |                |

SECTION I – INTRODUCTION

Site Entry and Purpose of the Inspection

Type of inspection: Compliance Evaluation Inspection (CEI)

At the request of the Enforcement Compliance and Assurance Division, I conducted a Resource Conservation and Recovery Act (RCRA) unannounced compliance evaluation inspection (CEI) at the Klinger Paint Company Inc. facility (the “Site” or “Facility”), located at 5555 Willow Creek Dr. SW, Cedar Rapids, IA 52404, at 08:39 AM (CT) on 09/12/2023. I presented credentials to and informed Luke Christen that this was an EPA Region 7 inspection to determine compliance with the RCRA. The CEI was conducted under the authority of Section 3007(a) of RCRA, as

amended. I collected the information and data necessary to determine compliance with the applicable regulatory and statutory requirements. The inspection report and attachments present the results of the CEI. In addition, information gathered prior or subsequent to the Inspection from a review of USEPA, State, and public records may be included in this report.

The CEI consisted of a discussion of facility operations, waste generation, and waste management; a review of waste management records; and a visual inspection of waste generation and management areas. Document photocopies and photographs were collected as inspection documentation (Appendix 1-2). A total of 32 photographs were collected and a photolog was prepared a (Appendix 1). I followed the inspection procedures discussed in the RCRA CEI Standard Operating Procedure (No. 2321.1E), unless noted differently. A drive-by of the facility was conducted prior to entering the building. No areas of concern were noted. I entered the building's office and introduced myself as an EPA inspector to conduct a RCRA compliance inspection and requested to see Mr. Brian Klinger who is listed as the site contact. The individual in the front of the office replied that Mr. Klinger is not available, but that Mr. Luke Christen could assist us. Mr. Christen introduced himself and I provided my credentials to him and discussed the reason and general procedures of the inspection. Klinger Paint was last inspected for RCRA compliance on June 6, 2018, by Booz Allen Hamilton. The following violations were cited at that inspection:

1. 40 CFR 262.17(a)(5)(i)(A) - Failure to mark hazardous waste accumulation container with the words "Hazardous Waste",
2. 40 CFR 262.17(a)(5)(i)(B) - Failure to label hazardous waste accumulation container with an indication of the hazard of the contents,
3. 40 CFR 262.17(a)(5)(i)(C) - Failure to provide an accumulation start date on a hazardous waste accumulation container,
4. 40 CFR 273.15(a) - Storing Universal Waste over one year accumulation time limit,
5. 40 CFR 271.15(c) - Failure to demonstrate length of time universal waste stored on site,
6. 40 CFR 273.16 - Failure to train employees of proper handling of Universal Waste,
7. 40 CFR 273.14(e) - Failure to label Universal Waste lamps with the words "Universal Waste Lamps" and,
8. 40 CFR 262.11 - Failure to make a hazardous waste determination.

Findings 1, 2, 3, and 8 were all repeated on this inspection.

#### Attendees

| Title/Organization                     | Name           | Phone              | Email                      | Opening Conf. | Closing Conf. |
|----------------------------------------|----------------|--------------------|----------------------------|---------------|---------------|
| Lead Inspector/EPA REGION 7            | Tiffany DeLong | (913) 551-7729     | delong.tiffany@epa.gov     | Yes           | Yes           |
| Inspector/EPA REGION 7                 | Edwin Buckner  | (913) 551-7729     | buckner.edwin@epa.gov      | Yes           | Yes           |
| Plant Operations Manager/Klinger Paint | Luke Christen  | (319) 366-7735-112 | lchristen@klingerpaint.com | Yes           | Yes           |

#### Opening Conference

I explained the purpose and procedures of the inspection and presented Mr. Christen with a copy of RCRA Section 3007(a), which provides inspection authority. I explained my need to collect accurate information and presented a copy of Title 18 U.S. Code, Sections 1001 and 1002 regarding false statements and documents. I discussed their confidentiality rights and informed Mr. Christen that a Confidentiality Notice would be provided at the end of the inspection to make a confidentiality claim, if desired.

I asked Mr. Christen to review the EPA RCRA Handler Information Report (Appendix 2), which I provided to him during the inspection. According to the EPA RCRA Handler Information Report, Klinger operates as a Large

Quantity Generator (LQG) of characteristic (D001, D018, and D035) and listed hazardous wastes (F003 and F005). He indicated that there were no changes to be made to the verification report. Based on my review of their monthly hazardous waste generation rate and manifest data, Klinger Paint generates greater than 2,200 pounds of hazardous waste per month and is therefore operating as an LQG. See Process Description Section for discussion of their monthly hazardous waste generation.

#### Facility/Site Information

|                                                     |                                               |
|-----------------------------------------------------|-----------------------------------------------|
| <b>Number of employees</b>                          | Approximately 20 employees                    |
| <b>Length of Facility at Location</b>               | From approximately 1971                       |
| <b>Operating Hours</b>                              | 7:00 a.m. to 3:30 p.m., Monday through Friday |
| <b>Safety Training Provided to Inspector(s)?</b>    | No                                            |
| <b>Size of Facility</b>                             | Approximately 23,000 square feet under roof   |
| <b>What type of generator facility notified?</b>    | Large Quantity Generator                      |
| <b>What type of generator facility verified as?</b> | Large Quantity Generator                      |

#### Process Description

Klinger Paint produces off-the-shelf and custom paint and coating products based on customer specifications. Klinger has over 1,800 raw materials that they use to develop coatings and paints. Some of these raw materials include various dyes, pigments, and solvents. The primary solvent that is used is xylene, along with mineral spirits, and long and short oil.

I asked Mr. Christen how waste is generated. He stated that Klinger Paint typically cleans paint product tubs and vats multiple times a day with solvent which results in approximately 50 gallons of waste in one day. This waste is primarily solvent with some waste paint residues. Klinger has determined this solvent waste to be a listed (F003 and F005) and characteristic (D001, D018, and D035) hazardous waste at the point of generation based on product and process knowledge. Klinger colloquially names this waste their "125" waste which corresponds to the waste profile number "2011090125" on their waste manifests (RCRAInfo). This solvent waste is typically sent to WRR Services in Eau Clair, Wisconsin for solvent recovery and sold back to Klinger and/or other customers.

Sometimes, after a batch of product paint is filled, leftover product paint remains, approximately three gallons, and Klinger Paint discards this as a waste. Klinger has determined this waste paint related material to be a listed (F003 and F005) and characteristic (D001, D018, and D035) hazardous waste at the point of generation based on product and process knowledge. Klinger colloquially names this waste their "135" waste which corresponds to the waste profile number "2005030135" on their waste manifests (RCRAInfo). This paint waste is typically sent to WRR Services in Eau Clair, Wisconsin for either fuel blending or solvent recovery.

Mr. Christen also described milling of product paint. Certain pigments, dyes, or other materials are put into a mill. Once the milling process concludes, solvent comes out of the mill (mill ends) and is discarded as a waste. Klinger has determined the mill ends to be a listed (F003 and F005) and characteristic (D001, D018, and D035) hazardous waste at the point of generation based on product and process knowledge. Klinger colloquially names this waste their "125" waste which corresponds to the waste profile number "2011090125" on their waste

manifests (RCRAInfo). This solvent waste is typically sent to WRR Services in Eau Clair, Wisconsin for solvent recovery and sold back to Klinger and/or other customers. When the milling process occurs, which is usually a couple of times a week, it typically creates about 12 gallons a day of mill ends.

Mr. Christen estimated that Klinger generates approximately a total of 15, 55-gallon drums of listed (F003 and F005) and characteristic (D001, D018, and D035) hazardous wastes a month on the high end.

Mr. Christen also stated that they produce water-based paint waste and have determined it to be non-hazardous at the point of generation based on product and process knowledge. This waste is also sent to WRR Services in Eau Claire, Wisconsin for fuel blending.

I asked if solvent contaminated wipes are generated at the facility. Mr. Christen stated that many solvent contaminated wipes are generated that are typically contaminated with methyl ethyl ketone (MEK), xylene, or toluene. I asked Mr. Christen what the facility does when solvent contaminated wipes are no longer usable. Mr. Christen stated that solvent contaminated wipes are set out to dry and once dry, are disposed of in the general trash. See observations [TD2-OB-002](#), [005](#), [007](#), and [011](#) for more information.

I asked Mr. Christen if any used oil was generated onsite. He stated that maintenance occurs a couple of times a year on hydraulic equipment, which generates hydraulic oil/used oil. See observation [TD2-OB-011](#) for more information.

I asked Mr. Christen if other maintenance activities occur onsite. He stated that all maintenance activities on their forklifts and other equipment are contracted out and any waste that is produced from those activities are disposed of by the contractor.

Mr. Christen and I also discussed the generation of aerosol cans, universal waste lamps, and batteries. Mr. Christen stated that Klinger receives pre-charged aerosol cans that they then fill with product paint. Sometimes, aerosol cans become damaged or unusable during business operations. When that happens, facility personnel take the waste aerosol cans to a drum puncturing unit where the cans are punctured and then drained into a hazardous waste container. The leftover punctured cans are then discarded as either trash or scrap metal. See observation [TD2-OB-010](#) for more information.

Mr. Christen stated that most of their lights have been converted to LEDs. He stated that an electrician comes to the facility and changes old fluorescent bulbs and replaces them with new LEDs. The electrician takes the fluorescent tubes with them to discard offsite. There were no universal waste lamps on site during the inspection.

Klinger uses lead-acid batteries for various equipment on site. When lead-acid batteries are depleted, facility personnel take the batteries to the local Marion Dump for recycling. At the time of inspection, two lead-acid batteries were in the office awaiting to be taken to the Marion Dump for recycling. See observation [TD2-OB-001](#) for more information.

Klinger also generates cardboard for recycling, steel and scrap metal, and general trash which is hauled off by ABC Disposal and disposed of in the Marion Dump. Outside of the facility are multiple aboveground tanks which contain product solvents used in day-to-day operations.

#### Building(s)

| Building→Area→Sub-area | Process Description       | Area of Concern |
|------------------------|---------------------------|-----------------|
| <b>Main Building</b>   |                           |                 |
| →1000 Gallon Room      | Mixing of product paints. | Yes             |
| →5 Gallon Room         | Mixing of product paints. | No              |

|                      |                                                                         |     |
|----------------------|-------------------------------------------------------------------------|-----|
| →500 Gallon Room     | Mixing of product paints as well as less-than-90-day accumulation area. | Yes |
| →→The Deck           | Milling of paints and pigments which produce mill ends.                 | Yes |
| →Lab area            | Testing of product paints.                                              | Yes |
| →Office              |                                                                         | No  |
| →Pigment/Mixing Room | Pigments are mixed into product.                                        | Yes |
| →Shipping/Receiving  |                                                                         | Yes |
| →Small Production    |                                                                         | No  |
| <b>Outside</b>       |                                                                         |     |
| →Hazardous Waste CAA | Less-than-90-day accumulation area.                                     | Yes |

**SECTION II – OBSERVATIONS**

|                                                                                                                                                                                                                                                                                                                                                                                        |                         |                                        |                         |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|----------------------------------------|-------------------------|
| <b>Building:</b> Main Building→Office                                                                                                                                                                                                                                                                                                                                                  |                         |                                        |                         |
| <b>Observation #:</b> TD2-OB-001                                                                                                                                                                                                                                                                                                                                                       | <b>Date:</b> 09/12/2023 | <b>Contains AOC:</b> No                | <b>Contains CBI:</b> No |
| <b>Person Interviewed:</b> Luke Christen                                                                                                                                                                                                                                                                                                                                               |                         | <b>Title:</b> Plant Operations Manager |                         |
| <p>In the office were two lead-acid batteries, unlabeled and awaiting to be recycled at the Marion Dump. Klinger generates spent lead-acid batteries at varying intervals, according to Mr. Christen. Based on Mr. Christen's description of how lead-acid batteries are handled after being spent, the batteries are exempt in accordance with the provisions of §266, Subpart G.</p> |                         |                                        |                         |
| <b>Photo(s)</b><br>1. <a href="#">IMG-2023091209305230522682599.jpg</a>                                                                                                                                                                                                                                                                                                                |                         |                                        |                         |

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|----------------------------------------|-------------------------|
| <b>Building:</b> Main Building/500 Gallon Room                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                         |                                        |                         |
| <b>Observation #:</b> TD2-OB-002                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | <b>Date:</b> 09/12/2023 | <b>Contains AOC:</b> Yes               | <b>Contains CBI:</b> No |
| <b>Person Interviewed:</b> Luke Christen                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                         | <b>Title:</b> Plant Operations Manager |                         |
| <p>In the middle of the 500-gallon room was a Central Accumulation Area (CAA) with one 55-gallon hazardous waste accumulation container of solvents from cleaning tubs. A funnel was attached to the accumulation drum, but not latched when observed. <b><u>NOPF 4: 40 CFR 262.17(a)(1)(iv)(A) - Failure to keep hazardous waste central accumulation container closed.</u></b> Mr. Christen noticed the funnel lid was not properly closed and immediately latched the funnel lid closed. The hazardous waste accumulation container was properly labeled and dated. On the table adjacent to the container were multiple rags. I asked Mr. Christen what the rags are used for. He stated that the rags are used during business and contain various solvents such and MEK and toluene. I asked Mr. Christen if the rags were currently being used, to which he responded negatively. He stated that the rags are being left out to dry before being discarded in the general trash. When rags are spent and set out to dry before discarding, they are no longer in use and considered a waste. Because the rags are contaminated with MEK and toluene, they are considered hazardous waste at the point of generation. <b><u>NOPF 2: RCRA Section 3005 - Treating hazardous waste without a permit.</u></b></p> <p>Within the 500-gallon room was a fire extinguisher that was easily accessible to employees. The fire extinguisher was in good condition with the last inspection date in December 2022, meeting the requirements of 40 CFR 262.252(c) and 40 CFR 262.253. There was also fire suppression sprinklers in this area. In addition,</p> |                         |                                        |                         |

there was emergency contact information next to the fire extinguisher. No areas of concern were noted.

I asked Mr. Christen if any inspections are done by staff in the central accumulation area. He stated that weekly inspections are conducted, and he usually performed the inspections. I asked Mr. Christen what he looked for when conducting inspections. He stated that he looks for the general condition of containers, ensures that they are closed, and that they are in good condition. According to 40 CFR 262.17(a)(1)(v), Klinger Paint meets the requirements of weekly inspections for the central accumulation area within the 500-gallon room.

Directly across from the hazardous waste accumulation drum were multiple product containers. I noticed dry staining near the drums. I asked Mr. Christen about the stains on the ground. Mr. Christen stated that facility personnel try their best to capture all product into the containers that the product is poured into, but that it is nearly impossible to prevent drips. I discussed best management practices related to housekeeping such as putting product and/or hazardous waste accumulation drums on top of drip pads or pallets, utilizing pig mats, and utilizing cardboard paper underneath the containers that can be removed at the close of business each day. A finding related to the staining on the concrete was not issued at the time of inspection, but further EPA review may add to my findings.

#### Photo(s)

1. [IMG-2023091209324632462559348.jpg](#)
2. [IMG-202309120937003702280775.jpg](#)

#### Building: Main Building→Pigment→Mixing Room

**Observation #:** TD2-OB-003      **Date:** 09/12/2023      **Contains AOC:** Yes      **Contains CBI:** No

**Person Interviewed:** Luke Christen      **Title:** Plant Operations Manager

In the Pigment/Mixing room was a 55-gallon hazardous waste satellite accumulation container with approximately 45 gallons of waste solvent. The container was closed, labeled, and in good condition. I asked Mr. Christen what the empty containers were on top and around the satellite accumulation container. He responded that the various paint cans were used to put different pigments in when mixing paint, so not to contaminate different colors together. I asked if the containers were currently being used, he said "yes." No areas of concern were noted.

Near the 55-gallon hazardous waste satellite accumulation container was a 55-gallon trash can that had empty aerosol cans, personal protective equipment (PPE) such as rubber gloves, and various other waste. I asked Mr. Christen what the rubber gloves were used for. He stated that personnel use gloves when mixing paint and using solvents. I asked Mr. Christen what was on the gloves, to which he stated that various solvents would be on them. I asked Mr. Christen if he had conducted a hazardous waste determination on the PPE to which he responded in the negative. I stated that Klinger Paint must make a hazardous waste determination prior to discarding waste, such as contaminated PPE, into the general trash. **NOPF 1: 40 CFR 262.11 - Failure to make a hazardous waste determination.**

#### Photo(s)

1. [IMG-2023091209395039502644464.jpg](#)
2. [IMG-2023091209453045302485511.jpg](#)

#### Building: Main Building→500 Gallon Room

**Observation #:** TD2-OB-004      **Date:** 09/12/2023      **Contains AOC:** No      **Contains CBI:** No

**Person Interviewed:** Luke Christen      **Title:** Plant Operations Manager

We again entered the 500-gallon room where two more 55-gallon CAA hazardous waste accumulation containers were on pallets near the middle of the room. Both containers were closed, labeled, and in good condition. No areas of concern were noted.

#### Photo(s)

1. [IMG-2023091209481348132072868.jpg](#)
2. [IMG-2023091209482748272420085.jpg](#)
3. [IMG-2023091209483448342217347.jpg](#)

**Building:** Main Building→Lab area

**Observation #:** TD2-OB-005

**Date:** 09/12/2023

**Contains AOC:** Yes

**Contains CBI:** No

**Person Interviewed:** Luke Christen

**Title:** Plant Operations Manager

Klinger has a lab on site that they use to test products developed for customers. The primary waste generated within the lab is solvent contaminated wipes, personal protective equipment (PPE), and waste paint related materials. I observed a 55-gallon trash can drum that had PPE, disposable cups with waste paint inside, and various other trash. Wet, yellow paint was seen on the inside wall of the 55-gallon trash container as well as inside the disposable cups. I asked Mr. Christen what the rubber gloves were used for. He stated that personnel use gloves when testing paint. I asked Mr. Christen what was on the gloves, to which he stated that various solvents and paint related material would be on them. I asked what was inside the disposable cups, to which he stated waste paint. I asked Mr. Christen if he had conducted a hazardous waste determination on the PPE and disposable cups with waste paint inside. Mr. Christen stated "No." I stated that Klinger Paint must make a hazardous waste determination prior to discarding waste. **NOPF 1: 40 CFR 262.11 - Failure to make a hazardous waste determination.**

Another 55-gallon trash can drum was observed in the lab. Inside the trash can drum was PPE, disposable cups with waste paint, and various other trash. The inside walls of the 55-gallon trash can drum were heavily coated in waste paint, both dry and wet. I again asked Mr. Christen what the rubber gloves were used for. He stated that personnel use gloves when testing paint. I asked Mr. Christen what was on the gloves, to which he stated that various solvents and paint related material would be on them. I asked what was inside the disposable cups, to which he stated waste paint. I asked Mr. Christen if he had conducted a hazardous waste determination on the PPE and disposable cups with waste paint inside. Mr. Christen stated "No." I stated that Klinger Paint must make a hazardous waste determination prior to discarding waste. **NOPF 1: 40 CFR 262.11 - Failure to make a hazardous waste determination.** In addition, there was a rag that was hanging off the side of the 55-gallon trash can drum. I asked Mr. Christen what the rag was used for and what was on it. He replied that personnel use it over the course of business and would be contaminated with various solvents such as MEK and toluene. I asked if the solvent contaminated wipe was currently being used or if it was ready to be discarded to which he replied that it is being dried out before discarding. When rags are spent and set out to dry before discarding, they are no longer in use and considered a waste. Because the rags are contaminated with MEK and toluene, they are considered hazardous waste at the point of generation. **NOPF 2: RCRA Section 3005 - Treating hazardous waste without a permit.**

Lastly, within the lab, was a five-gallon bucket with many disposable cups that had wet paint inside, as well as pipettes with wet paint inside. I asked Mr. Christen if he had conducted a hazardous waste determination on the pipettes and disposable cups with waste paint inside. Mr. Christen stated "No." I stated that Klinger Paint must make a hazardous waste determination prior to discarding waste. **NOPF 1: 40 CFR 262.11 – Failure to make a hazardous waste determination.**

None of the containers inside the lab had labels that indicated whether hazardous waste was inside. I provided

compliance assistance regarding these findings.

**Photo(s)**

1. [IMG-2023091209534253422302200.jpg](#)
2. [IMG-2023091209534653462433996.jpg](#)
3. [IMG-2023091209542654262734247.jpg](#)
4. [IMG-202309120955045542522775.jpg](#)

**Building:** Main Building→Small Production

**Observation #:** TD2-OB-006      **Date:** 09/12/2023      **Contains AOC:** No      **Contains CBI:** No

**Person Interviewed:** Luke Christen      **Title:** Plant Operations Manager

Within the Small Production area of the facility was a 55-gallon hazardous waste satellite accumulation container with approximately 45-gallons of hazardous waste inside. I asked Mr. Christen why there was an accumulation start date on the container, to which he responded that there should not be an accumulation start date as waste was continuing to be filled into the drum. The container was closed, labeled, and in good condition. No areas of concern were noted.

**Photo(s)**

1. [IMG-2023091209574357432140020.jpg](#)

**Building:** Main Building→500 Gallon Room→The Deck

**Observation #:** TD2-OB-007      **Date:** 09/12/2023      **Contains AOC:** Yes      **Contains CBI:** No

**Person Interviewed:** Luke Christen      **Title:** Plant Operations Manager

Within the 500-gallon room was an elevated area where milling occurs. A 55-gallon hazardous waste satellite accumulation container with approximately 50 gallons of mill end hazardous waste was closed, labeled, and in good condition. No areas of concern were noted.

There was also a 55-gallon drum with no lid that was acting as a general trash can. Inside was PPE, disposable cups with waste paint inside, multiple rags, and other various trash. I asked Mr. Christen what was on the gloves, to which he stated that various solvents and paint related material would be on them. I asked what was inside the disposable cups, to which he stated waste paint. I asked Mr. Christen if he had conducted a hazardous waste determination on the PPE and disposable cups with waste paint inside. Mr. Christen stated "No." I stated that Klinger Paint must make a hazardous waste determination prior to discarding waste. **NOPF 1: 40 CFR 262.11 - Failure to make a hazardous waste determination.** I asked Mr. Christen what the rags are used for. He stated that the rags are used during business and contain various solvents such and MEK and toluene. I asked Mr. Christen if the rags were currently being used, to which he responded negatively. Because the rags are contaminated with MEK and toluene, they are considered hazardous waste at the point of generation. Solvent contaminated wipes that are not contaminated with tetrachlorethylene, are considered non-hazardous solid waste so long as Generators meet certain conditions under 40 CFR 261.4(b)(18). Klinger paint was not meeting the conditions of the exclusion; therefore, the solvent contaminated wipes are hazardous waste that is being disposed of improperly. **NOPF 15: RCRA Section 3005 - Improperly disposing of hazardous waste.** I provided compliance assistance regarding handling solvent contaminated wipes.

There was another 55-gallon trash can drum with a rag on top of it. I asked Mr. Christen what was on the rag and why it was on the trash can drum. He stated that the rag was contaminated with various solvents such as MEK and toluene and was being dried prior to being disposed of in the general trash. When rags are spent and

set out to dry before discarding, they are no longer in use and considered a waste. Because the rags are contaminated with MEK and toluene, they are considered hazardous waste at the point of generation. **NOPF 2: RCRA Section 3005 - Treating hazardous waste without a permit.**

**Photo(s)**

1. [IMG-202309121001101102259228.jpg](#)
2. [IMG-20230912100204242532603.jpg](#)
3. [IMG-202309121002142142752946.jpg](#)

**Building:** Main Building→1000 Gallon Room

**Observation #:** TD2-OB-008

**Date:** 09/12/2023

**Contains AOC:** Yes

**Contains CBI:** No

**Person Interviewed:** Luke Christen

**Title:** Plant Operations Manager

Within the 1000-gallon room were multiple large vats that are used to mix paint to specifications. After mixing is finished, product paint is gravity drained and then pumped into product drums from the vats using a long hose and pump. After product paint is dispersed into product containers, solvent is poured into the large vat, gravity drained, and then pumped into a waste container. The solvent is used to clean the vat, the line, and the pump so it is ready for use for another product. Based on Klinger's process of cleaning the line and the pump after product is dispersed, I determined that the point of generation of the waste solvent is after it exits the end of the line into waste containers. Therefore, the pump and various ancillary equipment are not in hazardous waste service and not subject to RCRA Subpart BB.

I also observed 3, 55-gallon nonhazardous containers and 1, 55-gallon hazardous waste satellite accumulation container of waste paint with approximately 40 gallons of hazardous waste inside. The satellite container of hazardous waste was closed, labeled, and was in good condition. No areas of concern were noted.

I then observed a properly labeled 55-gallon satellite hazardous waste drum that had a funnel on top of it, detached, and the dispenser that pumps product paint and hazardous waste solvent sitting inside the satellite hazardous waste container bung. I asked Mr. Christen if pumping was actively occurring. He responded that pumping was not actively occurring and that facility personnel likely went on a break and set the dispenser inside the bung until they return to finish the process. **NOPF 3: 40 CFR 262.15(a)(4) - Failure to keep satellite accumulation container closed.** Additionally, there was a five-gallon container directly next to the labeled 55-gallon hazardous waste satellite accumulation drum that was approximately half-full of liquid with no labels and not closed. I asked Mr. Christen what was inside the 5-gallon container, and he responded that it was waste paint and solvent from the dispenser. **NOPF 3: 40 CFR 262.15(a)(4) - Failure to keep satellite accumulation container closed** and **NOPF 16: 40 CFR 262.15(a)(5) - Failure to label satellite accumulation container.**

There was also a 55-gallon trash can drum of PPE, disposable cups, and other trash within the 1000-gallon room. I asked Mr. Christen what the rubber gloves were used for. He stated that personnel use gloves when handling paints and solvents. I asked Mr. Christen what was on the gloves, to which he stated that various solvents and paint related material would be on them. I asked what was inside the disposable cups, to which he stated waste paint. I asked Mr. Christen if he had conducted a hazardous waste determination on the PPE and disposable cups with waste paint inside. Mr. Christen stated "No." I stated that Klinger Paint must make a hazardous waste determination prior to discarding waste. **NOPF 1: 40 CFR 262.11 - Failure to make a hazardous waste determination.**

**Photo(s)**

1. [IMG-202309121007347342498798.jpg](#)
2. [IMG-202309121008598593165170.jpg](#)
3. [IMG-2023091210103810382639352.jpg](#)
4. [IMG-2023091210121012102848553.jpg](#)
5. [IMG-2023091210122012202517638.jpg](#)
6. [IMG-2023091210123712372341153.jpg](#)
7. [IMG-2023091210173817382530343.jpg](#)

**Building:** Outside→Hazardous Waste CAA**Observation #:** TD2-OB-009**Date:** 09/12/2023**Contains AOC:** Yes**Contains CBI:** No**Person Interviewed:** Luke Christen**Title:** Plant Operations Manager

Another CAA was outside in a locked concrete pad. This area was surrounded by raised curbs that acted as secondary containment should any spills occur. Mr. Christen opened the CAA area for me to observe the less-than-90-day hazardous waste accumulation containers. There was a total of 12, 55-gallon central accumulation containers inside the CAA. I looked at each one for container condition, labeling, and accumulation start date. All containers were closed and in good condition. However, I did not observe adequate aisle space for the unobstructed movement of personnel or emergency equipment for the three back left containers. I asked Mr. Christen how Klinger would clean up a spill if one were to occur near the back left containers, towards the fencing. Mr. Christen stated that he would have to move the containers out of the way to clean the spill and that he knew aisle space was an issue. **NOPF 7: 40 CFR 262.17(a)(6) -> 262.255 - Failure to maintain adequate aisle space.** I tried to observe the accumulation start date on the two back left containers but was unable to do so because they were inaccessible due to aisle space and fencing, see photo [IMG-2023091210223622363445104.jpg](#). **NOPF 6: 40 CFR 262.17(a)(5)(i)(c) - Failure to have accumulation start date clearly visible.** In addition, of the twelve total containers, three of them did not have an accumulation start date, one of which appeared it did have an accumulation start but rain and moisture made the date illegible. **NOPF 6: 40 CFR 262.17(a)(5)(i)(c) - Failure to have accumulation start date clearly visible.** A total of five less-than-90-day containers in the outside CAA did not have an accumulation start date or was not visible. Additionally, I could not view the indication of the hazard for the two back left containers where aisle space prevented viewing of labels. **NOPF 5: 40 CFR 262.17(a)(5)(i)(B) - Failure to have an indication of the hazards of the contents.**

I asked Mr. Christen how often this area was inspected, to which he replied weekly. I asked Mr. Christen who conducts the inspection. He stated he often does the inspections. I noted there was not any spill control equipment near the CAA nor was there a hydrant or a device to supply water at or near the CAA should a fire or explosion occur within the CAA. **NOPF 9: 40 CFR 262.252(c) - Failure to have spill control equipment in CAA** and **NOPF 10: 40 CFR 262.252(d) - Failure to have adequate water supply at or near CAA.**

**Photo(s)**

1. [IMG-2023091210185918594704258.jpg](#)
2. [IMG-2023091210195219524354708.jpg](#)
3. [IMG-2023091210213621363295566.jpg](#)
4. [IMG-2023091210221222123356040.jpg](#)
5. [IMG-2023091210223622363445104.jpg](#)

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                         |                                        |                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|----------------------------------------|-------------------------|
| <b>Building:</b> Main Building→Shipping/Receiving                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                         |                                        |                         |
| <b>Observation #:</b> TD2-OB-010                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | <b>Date:</b> 09/12/2023 | <b>Contains AOC:</b> Yes               | <b>Contains CBI:</b> No |
| <b>Person Interviewed:</b> Luke Christen                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                         | <b>Title:</b> Plant Operations Manager |                         |
| <p>I asked Mr. Christen to show me where waste aerosol cans are stored. Mr. Christen showed me an area with approximately 8 closed boxes labeled with the words "aerosol cans" and words such as "puncture" or "no good" on the outside with multiple cans in each box awaiting to be punctured and drained. He also showed me a smaller box that had multiple aerosol cans inside awaiting to be punctured and drained as well as a larger box of cans above it also waiting to be punctured and drained, see picture <a href="#">IMG-2023091213203120311291329.jpg</a>. I asked Mr. Christen how long the aerosol cans have been here awaiting to be punctured and drained. He stated he was not exactly sure but estimated that they had been there since April 2023. Because the aerosol cans are considered a waste, Klinger must make a hazardous waste determination prior to discarding. If deemed hazardous, Klinger has the option to manage the aerosol cans as hazardous waste or universal waste. Klinger has not yet made a determination of whether they handle the waste aerosol cans as a hazardous or universal and thus failed to make an adequate waste determination on waste aerosol cans. <b><u>NOPF 1: 40 CFR 262.11 - Failure to make a hazardous waste determination.</u></b> Should Klinger determine to manage waste aerosol cans as universal waste, they must follow the provisions of 40 CFR 273.13(e) and 40 CFR 273.14.</p> |                         |                                        |                         |
| <b>Photo(s)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                         |                                        |                         |
| <ol style="list-style-type: none"> <li>1. <a href="#">IMG-2023091213201920191303028.jpg</a></li> <li>2. <a href="#">IMG-2023091213203120311291329.jpg</a></li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                         |                                        |                         |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                         |                                        |                         |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------|----------------------------------------|-------------------------|
| <b>Building:</b> Main Building→1000-Gallon Room                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                         |                                        |                         |
| <b>Observation #:</b> TD2-OB-011                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>Date:</b> 09/12/2023 | <b>Contains AOC:</b> Yes               | <b>Contains CBI:</b> No |
| <b>Person Interviewed:</b> Luke Christen                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                         | <b>Title:</b> Plant Operations Manager |                         |
| <p>We went back through the 1000-gallon room after observing the aerosol cans to view the Used Oil currently on site. There was a 55-gallon drum of used hydraulic fluid. Mr. Christen stated that used oil is not often generated so used oil may stay on site for multiple months until the container becomes full. I also observed multiple rags hanging in the room. I asked Mr. Christen what the rag was used for and what was on it. He replied that personnel use it over the course of business and would be contaminated with various solvents such as MEK and toluene. I asked if the solvent contaminated wipe was currently being used or if it was ready to be discarded to which he replied that it is being dried out before discarding. When rags are spent and set out to dry before discarding, they are no longer in use and considered a waste. Because the rags are contaminated with MEK and toluene, they are considered hazardous waste at the point of generation. <b><u>NOPF 2: RCRA Section 3005 - Treating hazardous waste without a permit.</u></b></p> |                         |                                        |                         |
| <b>Photo(s)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                         |                                        |                         |
| <ol style="list-style-type: none"> <li>1. <a href="#">IMG-2023091213252125212244263.jpg</a></li> <li>2. <a href="#">IMG-2023091213255425542739221.jpg</a></li> </ol>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                         |                                        |                         |

### SECTION III – RECORDS REVIEW

|                                 |                                    |                                  |
|---------------------------------|------------------------------------|----------------------------------|
| <b>Record:</b> Contingency Plan |                                    | <b>AOC:</b> Yes                  |
| <b>Ref #:</b> TD2-RR-001        | <b>Reviewed By:</b> Tiffany DeLong | <b>Reviewed Date:</b> 09/25/2023 |

I reviewed the contingency plan supplied by Mr. Christen. I noted a section of the document titled "Buddy System". It states that "in order to conform to 40 CFR 265.34 [sic]," Klinger has implemented the buddy system where two qualified people must be present when entering a hazardous waste central accumulation area; it goes on to say that this system will be used as a means for notification of an emergency, where one person will remain outside of the area and one would be inside performing various tasks. I asked Mr. Christen if any devices were used when going into a hazardous waste CAA area. He stated that Klinger utilizes the buddy system and personnel do not always carry a cellphone nor any other device when entering a hazardous waste CAA area. According to 40 CFR 262.252(b), Large Quantity Generators must have a device to summon emergency authorities within CAAs. **NOPF 8: 40 CFR 262.252(b) - Failure to have a device to summon emergency authorities within CAA.** I also asked Mr. Christen if Klinger had made arrangements with local emergency authorities. He stated he did not know but would reach out to Mr. Brian Klinger for that information. At the time of inspection, I listed the following finding NOPF 13: 40 CFR 262.17(a)(6) -> 262.256(a) - Failure to make arrangements with emergency authorities. However, after inspection I rescinded this finding after Mr. Christen provided me with documentation showing that arrangements related to Tier II reporting (Appendix 2) had been made with local emergency authorities. This Tier II reporting was provided to the local fire department and contained information about chemicals currently onsite, their hazards, and amount in storage (Appendix 2). These arrangements also included a site plan. Further EPA review may later determine that these arrangements are not adequate and may reverse my rescission of this finding. Subsequent to this information being provided after the inspection, I added **NOPF 17: 40 CFR 262.262(a) – Failure to submit a copy of the contingency plan to local emergency authorities** because Klinger Paint had not submitted their contingency plan to local emergency authorities.

I noted that the contingency plan was revised June 10, 2018. A large quantity generator that amends their contingency plan after May 30, 2017, must submit a quick reference guide to emergency authorities. I asked Mr. Christen if a quick reference guide had been submitted to emergency authorities. Mr. Christen stated he did not know what a quick reference guide was but that he would contact Mr. Klinger to check if they had submitted one. I listed the following finding at the time of inspection **NOPF 14: 40 CFR 262.17(a)(6) -> 262.262(b) - Failure to have a quick reference guide.** After inspection, Mr. Klinger emailed me to inquire about a quick reference guide and stated that their subcontractor that handles EPA requirements had never heard of this requirement. I provided an explanation of the requirements to Mr. Klinger through e-mail.

#### Document(s)

1. ContingencyPlan\_FY23\_IA\_KlingerPaint.pdf
2. EmergencyArrangementsDoc\_FY23\_IA\_KlingerPaint.pdf
3. TierIIReport\_FY23\_IA\_KlingerPaint.pdf

**Record:** Personnel Training

**AOC:** Yes

**Ref #:** TD2-RR-002

**Reviewed By:** Tiffany DeLong

**Reviewed Date:** 09/25/2023

I asked Mr. Christen about hazardous waste training that Klinger personnel attend annually. He stated that facility personnel undergo training but have not had training in a while. He provided me with documentation showing all the training that has occurred for staff onsite. I asked him what employees on the list handled hazardous waste. He put a red checkmark by each employee who handled hazardous waste which included Robert (Quinn) Bingham, Luke Christen, Travis Scheidecker, and Mike Taylor. All employees had either not had RCRA hazardous waste training or were multiple years overdue for RCRA hazardous waste training. It should also be noted that Mr. Brian Klinger is noted as an emergency coordinator and is required to have annual hazardous waste training. Mr. Christen stated that himself and Mr. Brian Klinger had attended HAZWOPER training in 2020. He provided his certificate from that training but did not provide Mr. Klinger's. **NOPF 11: 40 CFR 262.17(a)(7)(iii) - Failure to provide annual RCRA hazardous waste training.** I asked him if there was a list of employees and their associated positions, he stated he did not have a list like that but did have job

descriptions which he provided. **NOPF 12: 40 CFR 262.17(a)(7)(iv)(A) - Failure to document employees filling each hazardous waste position.**

**Document(s)**

1. TrainingRecords\_FY23\_IA\_KlingerPaint.pdf
2. TrainingRecordLuke\_FY23\_IA\_KlingerPaint.pdf
3. JobDescriptions\_FY23\_IA\_KlingerPaint.pdf

**SECTION IV – AREA OF CONCERN**

The presentation of Area(s) of Concern does not constitute a formal compliance determination or violation.

|                                                                                                          |                                  |                           |
|----------------------------------------------------------------------------------------------------------|----------------------------------|---------------------------|
| <b>Building:</b> Main Building                                                                           | <b>Area:</b> 500 Gallon Room     | <b>Sub-area:</b>          |
| <a href="#"><u>TD2-OB-002</u></a>                                                                        |                                  |                           |
| <b><u>NOPF 4:</u></b> 40 CFR 262.17(a)(1)(iv)(A) - Failure to keep hazardous waste CAA container closed. |                                  |                           |
| <b>Building:</b> Main Building                                                                           | <b>Area:</b> 500 Gallon Room     | <b>Sub-area:</b>          |
| <a href="#"><u>TD2-OB-002</u></a>                                                                        |                                  |                           |
| <b><u>NOPF 2:</u></b> RCRA Section 3005 - Treating hazardous waste without a permit.                     |                                  |                           |
| <b>Building:</b> Main Building                                                                           | <b>Area:</b> 500 Gallon Room     | <b>Sub-area:</b> The Deck |
| <a href="#"><u>TD2-OB-007</u></a>                                                                        |                                  |                           |
| <b><u>NOPF 1:</u></b> 40 CFR 262.11 - Failure to make a hazardous waste determination.                   |                                  |                           |
| <b>Building:</b> Main Building                                                                           | <b>Area:</b> 500 Gallon Room     | <b>Sub-area:</b> The Deck |
| <a href="#"><u>TD2-OB-007</u></a>                                                                        |                                  |                           |
| <b><u>NOPF 15:</u></b> RCRA Section 3005 - Improperly disposing of hazardous waste.                      |                                  |                           |
| <b>Building:</b> Main Building                                                                           | <b>Area:</b> 500 Gallon Room     | <b>Sub-area:</b> The Deck |
| <a href="#"><u>TD2-OB-007</u></a>                                                                        |                                  |                           |
| <b><u>NOPF 2:</u></b> RCRA Section 3005 - Treating hazardous waste without a permit.                     |                                  |                           |
| <b>Building:</b> Main Building                                                                           | <b>Area:</b> Pigment/Mixing Room | <b>Sub-area:</b>          |
| <a href="#"><u>TD2-OB-003</u></a>                                                                        |                                  |                           |
| <b><u>NOPF 1:</u></b> 40 CFR 262.11 - Failure to make a hazardous waste determination.                   |                                  |                           |
| <b>Building:</b> Main Building                                                                           | <b>Area:</b> Lab area            | <b>Sub-area:</b>          |
| <a href="#"><u>TD2-OB-005</u></a>                                                                        |                                  |                           |
| <b><u>NOPF 1:</u></b> 40 CFR 262.11 - Failure to make a hazardous waste determination.                   |                                  |                           |
| <b>Building:</b> Main Building                                                                           | <b>Area:</b> Lab area            | <b>Sub-area:</b>          |

[TD2-OB-005](#)**NOPF 2:** RCRA Section 3005 - Treating hazardous waste without a permit.**Building:** Main Building**Area:** Lab area**Sub-area:**[TD2-OB-005](#)**NOPF 1:** 40 CFR 262.11 - Failure to make a hazardous waste determination.**Building:** Main Building**Area:** Lab area**Sub-area:**[TD2-OB-005](#)**NOPF 1:** 40 CFR 262.11 - Failure to make a hazardous waste determination.**Building:** Main Building**Area:** 1000 Gallon Room**Sub-area:**[TD2-OB-008](#)**NOPF 1:** 40 CFR 262.11 - Failure to make a hazardous waste determination.**Building:** Main Building**Area:** 1000 Gallon Room**Sub-area:**[TD2-OB-008](#)**NOPF 3:** 40 CFR 262.15(a)(4) - Failure to keep satellite accumulation container closed.**Building:** Main Building**Area:** 1000 Gallon Room**Sub-area:**[TD2-OB-008](#)**NOPF 3:** 40 CFR 262.15(a)(4) - Failure to keep satellite accumulation container closed.**Building:** Main Building**Area:** 1000 Gallon Room**Sub-area:**[TD2-OB-008](#)**NOPF 16:** 40 CFR 262.15(a)(5) - Failure to label satellite accumulation container.**Building:** Outside**Area:** Hazardous Waste CAA**Sub-area:**[TD2-OB-009](#)**NOPF 7:** 40 CFR 262.17(a)(6) -> 262.255 - Failure to maintain adequate aisle space.**Building:** Outside**Area:** Hazardous Waste CAA**Sub-area:**[TD2-OB-009](#)**NOPF 6:** 40 CFR 262.17(a)(5)(i)(c) - Failure to have accumulation start date clearly visible.**Building:** Outside**Area:** Hazardous Waste CAA**Sub-area:**[TD2-OB-009](#)

**NOPF 6:** 40 CFR 262.17(a)(5)(i)(c) - Failure to have accumulation start date clearly visible.

**Building:** Outside

**Area:** Hazardous Waste CAA

**Sub-area:**

[TD2-OB-009](#)

**NOPF 5:** 40 CFR 262.17(a)(5)(i)(B) - Failure to have an indication of the hazards of the contents.

**Building:** Outside

**Area:** Hazardous Waste CAA

**Sub-area:**

[TD2-OB-009](#)

**NOPF 9:** 40 CFR 262.252(c) - Failure to have spill control equipment in CAA.

**Building:** Outside

**Area:** Hazardous Waste CAA

**Sub-area:**

[TD2-OB-009](#)

**NOPF 10:** 40 CFR 262.252(d) - Failure to have adequate water supply at or near CAA.

**Building:** Main Building

**Area:** Shipping/Receiving

**Sub-area:**

[TD2-OB-010](#)

**NOPF 1:** 40 CFR 262.11 - Failure to make a hazardous waste determination.

**Building:** Main Building

**Area:** 1000 Gallon Room

**Sub-area:**

[TD2-OB-011](#)

**NOPF 2:** RCRA Section 3005 - Treating hazardous waste without a permit.

**Record:** Contingency Plan

[TD2-RR-001](#)

**NOPF 17:** 40 CFR 262.262(a) – Failure to submit a copy of the contingency plan to local emergency authorities.

**Record:** Contingency Plan

[TD2-RR-001](#)

**NOPF 8:** 40 CFR 262.252(b) - Failure to have a device to summon emergency authorities within CAA.

**Record:** Contingency Plan

[TD2-RR-001](#)

**NOPF 14:** 40 CFR 262.17(a)(6) -> 262.262(b) - Failure to have a quick reference guide.

**Record:** Personnel Training

[TD2-RR-002](#)

**NOPF 11:** 40 CFR 262.17(a)(7)(iii) - Failure to provide annual RCRA hazardous waste training.

**Record:** Personnel Training

[TD2-RR-002](#)

**NOPF 12:** 40 CFR 262.17(a)(7)(iv)(A) - Failure to document employees filling each hazardous waste position.

## SECTION V – CLOSING CONFERENCE AND FOLLOW UP

### Closing Conference

I summarized the findings and recommendations with Mr. Christen. I provided Mr. Christen with a Confidentiality Notice which he signed as acknowledgement of receipt (Appendix 2); Mr. Christen made no confidentiality claims. I also provided Mr. Christen with a Receipt for Documents and Samples and Notice of Preliminary Findings (NOPF), which Mr. Christen signed as acknowledgement of receipt (Appendix 2) The following compliance assistance documents were provided to the facility at the conclusion of the CEI:

*Overview of the 2013 Solvent Contaminated Wipe Rule*

## SECTION VII – LIST OF APPENDICES

1. Photo Log
2. Document Log