

RCRA Inspection Report

1) Inspector and Author of Report

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2) Facility Information

Sherwin Williams EPA ID# NCR000162917
2920 Stewart Creek Boulevard
Charlotte, North Carolina 28216

3) Responsible Officials

Edward Squier, Facility Manager
ed.v.squier@sherwin.com

4) Inspection Participants

Edward Squier, Sherwin Williams Laurie Benton DiGaetano, USEPA
Andrew Martin, NCDEQ

5) Date of Inspection

December 8, 2021

6) Applicable Regulations

Resource Conservation and Recovery Act (RCRA) Sections 3002 (42 U.S. Code—Annotated U.S.C.A. 6925 and 6927), Title 15A of the North Carolina Administrative Code (NCAC), Chapter 13; and 40 Code of Federal Regulation (C.F.R.), Parts 260-270, 273, 278, & 279.

Pursuant to 15A NCAC 13A .0107(a) [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 130A-294(c) and (g) of the NCSWML, N.C.G.S. § 130A-294(c) and (g) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17] (hereinafter referred to as the “LQG Permit Exemption”).

7) Purpose of Inspection

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection

(CEI) to determine Sherwin Williams' compliance with the applicable requirements of RCRA and the corresponding NCDEQ regulations. This was an EPA lead inspection.

8) Previous Inspection History

NCDEQ has conducted four RCRA CEIs at the subject facility since calendar year 2014. The most recent inspection was conducted on 03/30/2021, and NCDEQ found five apparent violations of RCRA's requirements during that inspection. Following the inspection, Sherwin Williams retrained employees on the proper cleaning procedure for water-based mixing vessels to prevent the use of butyl acetate, which could contaminate the water-based paint washout; marked containers of hazardous waste in Satellite Accumulation Areas (SAAs) and the Central Accumulation Area (CAA) with the word "toxic" to indicate that the contents were not only flammable, but also toxic; developed written job descriptions and job titles for each position at the facility related to the management of hazardous waste; and moved containers of hazardous waste in the CAA to maintain adequate aisle space. NCDEQ verified that the facility had returned to compliance during a follow-up inspection on 07/27/2021. This is the first EPA RCRA CEI at the subject facility.

9) Facility Description

The Sherwin-Williams Company (Sherwin-Williams) is a world-wide supplier of paint and coating products that has been in business for over 150 years. The subject facility includes one 21,875 square-foot building which houses a sales and small-scale production facility. Sherwin-Williams began production at this location in January 2014, and currently operates here under the NAICS Code 424950 for Paint, Varnish and Supplies Merchant Wholesalers. Production activities at the subject facility include blending liquid and powder coatings for customer use on wood, metal and plastic, and quality assurance testing to verify custom color-matching. Sherwin-Williams has approximately sixteen employees at this location, and operations run Monday through Friday on a single shift. The subject facility does not have a wastewater pretreatment system or a solvent distillation system.

The facility has been operating as a large quantity generator (LQG) of hazardous waste since its first notification on 01/10/2014. Sherwin-Williams maintains two SAAs in the Product Service Room and one CAA in the warehouse. One SAA is used to manage D001/D035/F003/F005 hazardous waste spent solvents generated from equipment cleaning, and the other is used to manage D001/D035/F003/F005 hazardous waste solids contaminated with flammable liquids. The facility also generates nonhazardous wastes from mixing and cleaning water-based coating products in the Product Service Room.

10) Opening Conference

On 12/08/2021, EPA inspector Laurie Benton DiGaetano, accompanied by NCDEQ inspector Andrew Martin, arrived at the Sherwin-Williams Company facility at approximately 10:10 a.m. Mr. Edward Squier, Facility Manager, immediately received the inspectors. The inspectors introduced themselves, showed their credentials to Mr. Squier, and explained the purpose of the visit. The inspectors described the anticipated use of equipment (digital camera) during the inspection and provided a request for records. The inspectors discussed the company's ability,

pursuant to 40 C.F.R. §2.203, to assert a business confidentiality claim for information submitted to EPA. The company did not assert a business confidentiality claim. The inspection participants also discussed health and safety protocols and required personal protective equipment before Mr. Squier led the inspectors on a tour of the Facility operations.

Mr. Squier provided an overview of the facility's history and current operations during the opening conference. The company does appear to meet the Small Business Regulatory Enforcement Fairness Act's classification of a "small business," which is generally set by the Small Business Administration using the business' SIC/NAICS code and annual receipts or number of employees. Therefore, the EPA inspector did not provide a copy of the agency's information sheet for small businesses, which can be found at <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>.

11) **Findings**

Product Service Room: The Product Service Room houses one large batch station and five small batch stations where materials are dispensed and mixed together. Every station in this room may be used to blend either solvent-based or water-based paint products. Once blended, a sample of the paint product is sprayed onto a sample card in order to perform a color quality-control check in the adjacent laboratory. Excess paints and cleaning liquids are accumulated as liquid wastes in the Product Service Room, and contaminated rags, paper cups, and paint booth filters are accumulated as solid wastes.

Equipment used to blend solvent-based paints or to spray solvent-based paint samples is cleaned using a wash solvent. Excess solvent-based paint and spent solvents generated from these cleaning activities are accumulated as hazardous waste in one of two SAAs in the Product Service Room. The inspectors observed one 55-gallon drum in this SAA. The drum was located next to the wall, and it was equipped with a latched funnel lid. The drum was labeled hazardous waste solvent wash, identified with a flammable liquid DOT hazard placard, and marked to indicate it exhibits the RCRA characteristic of toxicity.

Equipment used to blend water-based coatings or to spray water-based samples is cleaned using a non-solvent wash. Excess liquids generated from these cleaning activities are accumulated as non-hazardous waste in a 55-gallon drum next to the 55-gallon drum of hazardous waste solvent wash.

Waste solids such as rags, paper cups and wooden sticks are generated at each workstation. Mr. Squier explained that the paint booth filters are changed in this room at least weekly but may be changed more often if the performance reading indicates a change is necessary. Waste solids that are generated from mixing solvent-based coatings are accumulated with spent paint booth filters as hazardous waste in a second SAA in the Product Service Room. Waste solids that are generated from mixing water-based coatings are accumulated in trash cans located near each workstation.

The inspectors observed one 55-gallon drum in the second SAA in the Product Service Room. The drum was located next to the wall, and it was equipped with a latched lid. The drum was labeled hazardous waste solids containing flammable liquid and identified with a flammable

liquid DOT hazard placard, but it was not marked to indicate that the contents exhibit the RCRA characteristic of toxicity. Mr. Squier explained that the facility ordered new preprinted hazardous waste stickers which indicate that the contents exhibit the characteristic of toxicity, and he showed the inspectors where those stickers were located near the drum.

Pursuant to 15A NCAC 13A .0107(a) [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.

Mr. Squier immediately added a new hazardous waste sticker, which included an indication of toxicity, to the container. He also removed the old hazardous waste stickers from the supply area and discarded them so that employees will use the new stickers on future waste containers.

Each station in the Product Services Room may be used to produce both solvent-based and water-based coatings. Wastes generated at each station are identified and managed as either hazardous or non-hazardous waste based on whether or not solvents are used in the current batch process. At the time of the inspection, stations were equipped with trash cans for accumulating nonhazardous waste solids, but all hazardous and nonhazardous waste liquids and hazardous waste solids had to be taken from each the station to one of three 55-gallon drums near the paint booth.

The inspection participants discussed potential modifications to the standard operating procedures in this room so that employees could accumulate liquids and hazardous waste solids in containers that are readily accessible at each station. One potential option that was discussed was to establish a separate SAA to accumulate hazardous waste generated at each station. Another option was to keep the SAAs already established in the Product Service Room, but to provide smaller daily accumulation containers at each station. The contents of the daily accumulation containers would then be transferred into a 55-gallon drum at the end of each day. The inspectors noted that the facility may manage more than one container in the same SAA, but that the SAA Permit Exemption the total volume of waste accumulated in each area at any given time to be no more than 55 gallons.

Pursuant to 15A NCAC 13A .0107 [40 C.F.R. § 262.15(a)(6)], a generator who accumulates hazardous waste in excess of 55 gallons must, with respect to that amount of excess waste, comply with 15A NCAC 13A .0107 [40 C.F.R. § 262.17(a)] or remove the excess waste from the SAA within three consecutive calendar days. Therefore, if Sherwin-Williams equips each station with a smaller daily accumulation container, the facility must be able to demonstrate that their standard operating procedures identify when the total volume of hazardous waste in any SAA reaches 55-gallons and that they maintain compliance with 15A NCAC 13A .0107 [40 C.F.R. § 262.15(a)(6)].

Laboratory: The facility performs quality control testing in the on-site laboratory to ensure that new batches of coatings match the established standard for that color. Quality control of paint colors is performed using small pieces of metal. A paint standard is created by spraying a metal piece with the coating the first time that the color is created. Subsequent batches are then evaluated by spraying another metal piece and then comparing that piece to the established standard. Quality control of stain colors is performed using small wooden pieces. A liquid

sample of the stain is kept as a retain sample in a glass jar. Subsequent batches are evaluated by applying both the stain retain standard and the new batch onto a piece of wood and comparing the two results. No solvent-based liquid retains are created or retained at the facility, and no hazardous wastes were observed in the laboratory.

Warehouse: Sherwin-Williams manages a hazardous waste CAA in the Warehouse. The inspectors observed three secondary containments pallets in the CAA, and four 55-gallon drums were stored on one of the pallets. Each drum was labeled hazardous waste solvent wash, marked to indicate that the contents exhibit the RCRA characteristic of toxicity, and identified with flammable liquid DOT hazard placard. Each drum was marked with an accumulation start date of 12/02/2021, 12/06/2021, 12/07/2021, or 12/08/2021. Mr. Squier estimated that the facility generates between 8 and twelve 55-gallon drums of hazardous waste each month. Ignitable hazardous wastes are managed in this CAA, and the inspectors observed a sign which read “caution, hazardous waste storage area,” and another which read “no smoking” on the wall.

Mr. Squier stated that the facility recently purchased two-way radios for employees to carry in the facility. The CAA is also equipped with a fire alarm pull station, and with a portable fire extinguisher, spill control equipment, and decontamination equipment.

Universal Waste Management: At the time of the inspection, Sherwin-Williams was not managing any universal waste at the facility. Mr. Squier stated that they recently hired a contractor to replace fluorescent bulbs in light fixtures throughout the facility, and that the contractor removed the used bulbs as part of that service.

The inspectors observed several aerosol paint cans in use at the facility, but no waste aerosol cans were observed. The inspectors advised Mr. Squier that used aerosol paint cans may exhibit one or more characteristics of hazardous waste, but that North Carolina recently adopted a new regulation which allows the used cans to be managed as universal waste.

Contingency Plan: The actions that facility personnel should take in response to an emergency are described in the facility’s Emergency Action and Contingency Plan, which was last updated on 03/13/2021. The plan describes actions facility personnel must take in response to fires, explosions, hazardous materials spills, medical emergencies, natural disasters, or physical/chemical emergencies. The plan describes how arrangements have been agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals or the Local Emergency Planning Committee. The plan includes a list of all emergency equipment at the facility. The plan includes the location and a physical description of each item on the list, and a brief outline of its capabilities. The plan includes an evacuation plan for personnel. This plan describes signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

The plan lists the names and emergency telephone numbers for persons identified as the primary and alternate emergency coordinators. However, this list was not current. The alternate emergency coordinator listed in the plan left the facility approximately six months before the inspection. Although the alternate emergency coordinator duties had been assigned to another employee, that individual was not identified in the plan.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(6)], which incorporates 15A NCAC 13A .0107(i) [40 C.F.R. § 262.261(d)], and is a condition of the LQG Permit Exemption, the contingency plan must list names and emergency telephone numbers of all persons qualified to act as emergency coordinator, and this list must be kept up to date.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(6)], which incorporates 15A NCAC 13A .0107(i) [40 C.F.R. § 262.263(d)], and is a condition of the LQG Permit Exemption, the contingency plan must be reviewed, and immediately amended whenever the list of emergency coordinators changes.

A copy of the Plan was most recently submitted to the police department and fire department on 03/31/2021. It was not submitted to the local hospital, State and local emergency response teams or the Local Emergency Planning Committee. Sherwin-Williams did not have a quick reference guide associated with the contingency plan.

Pursuant to 15A NCAC 13A .0107(i) [40 C.F.R. § 262.262(b)], an LQG that is amending its contingency plan must submit a quick reference guide of the contingency plan to the local emergency responders.

Training Records: The inspectors reviewed facility job descriptions and employee names that were provided for hazardous waste handlers, the hazardous waste coordinator, and the hazardous waste supervisor. Each description included the requisite skill, education, or other qualifications, and duties of facility personnel assigned to that position. Sherwin-Williams provided a written description of the type and amount of both introductory and continuing training to be given to each person filling the positions listed above. Hazardous waste refresher training is provided to employees every February as part of the monthly training topic, and the inspectors reviewed records of employee hazardous waste training completed in 2019, 2020, and 2021. One employee did not receive hazardous waste introductory or refresher training in 2021. Mr. Squier explained that this employee, who left the company in November 2020 and was rehired in February 2021, was not employed by the facility during the 2021 annual hazardous waste training event. In addition, the employee did not receive introductory or refresher training upon his return.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(7)], which is a condition of the LQG Permit Exemption, facility personnel (ii) must, within six months after the date of their employment, successfully complete a program that teaches them to perform their duties in a way that ensure compliance with this part and (iii) must take part in an annual review of the initial program.

Waste Manifest Records: The inspectors reviewed available hazardous waste manifest records and land disposal restriction forms for shipments of hazardous waste sent since NCDEQ's most recent inspection on 03/30/2021. Hazardous waste manifest records show that D001/D035/DF003/F005 hazardous waste flammable liquid (xylene / toluene) and D001/D035/DF003/F005 hazardous waste solids contaminated with flammable liquid are shipped to GRR Sumter (SCD036275626) every one-to-two months, and the most recent shipment was made on 12/02/2021. During 2021, each shipment contained between eight and

twenty-two 55-gallon drums of hazardous waste liquid and zero to 200 pounds of hazardous waste solids.

Inspection Records: The inspectors reviewed the facility's available records of inspections of the hazardous waste CAA since 12/08/2020. The inspection log includes a checklist to record observations about leaking containers and for deterioration of containers caused by corrosion or other factors. The inspection log includes a checklist to record observations about container condition, closed containers, proper labels, labels visible, adequate aisle space, spills/leaks, containment condition, and age of containers. The records include the date of the inspection and the initials of the employee conducting the inspection.

12) Closing Conference

The inspectors conducted the exit meeting with Mr. Squier. During this meeting, the inspectors stated their preliminary conclusions of the inspection.

13) Inspection Findings

Based on the observations made during the inspection, Sherwin-Williams was apparently deficient with the following RCRA requirements:

- Pursuant to 15A NCAC 13A .0107(a) [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.
- Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(6)], which incorporates 15A NCAC 13A .0107(i) [40 C.F.R. § 262.261(d)], and is a condition of the LQG Permit Exemption, the contingency plan must list names and emergency telephone numbers of all persons qualified to act as emergency coordinator, and this list must be kept up to date.
- Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(6)], which incorporates 15A NCAC 13A .0107(i) [40 C.F.R. § 262.263(d)], and is a condition of the LQG Permit Exemption, the contingency plan must be reviewed, and immediately amended whenever the list of emergency coordinators changes.
- Pursuant to 15A NCAC 13A .0107(i) [40 C.F.R. § 262.262(b)], an LQG that is amending its contingency plan must submit a quick reference guide of the contingency plan to the local emergency responders.
- Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(7)(iii)], which is a condition of the LQG Permit Exemption, facility personnel must take part in an annual review of the initial program of classroom instruction, online training, or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part.

14) **Signed**

Laurie Benton DiGaetano
Senior Enforcement and Compliance Specialist

Concurrence

Araceli B. Chavez
Chief
RCRA Enforcement Section