

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

Clean Harbors Environmental Services, Inc.
2247 South Highway 71
Kimball, NE 69145
(308) 235-8260

EPA ID Number: NED981723513

On

April 25-27, 2023

By

U.S. ENVIRONMENTAL PROTECTION AGENCY
Region 7
Enforcement & Compliance Assurance Division

1.0 INTRODUCTION

At the request of the Enforcement and Compliance Assurance Division, I performed a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) at Clean Harbors Environmental Services, Inc. (CHESI – Kimball), located in Kimball, Nebraska, on April 25-27, 2023. I conducted the inspection under the authority of RCRA Section 3007(a), as amended. During the inspection, I collected the information necessary to determine compliance with the applicable regulatory and statutory requirements. This report and attachments present the results of the inspection. Based on the information obtained during the inspection, I inspected the facility as a permitted hazardous waste treater, storer, and disposer, a Large Quantity Generator, and a hazardous waste transfer facility. CHESI - Kimball was last inspected for RCRA compliance on August 23-25, 2022, by the EPA. Four potential findings or violations were observed or cited as a result of the 2022 EPA RCRA inspection.

2.0 PARTICIPANTS

Clean Harbors Environmental Services, Inc.:

Alyssa King, Compliance Manager (onsite inspection and exit briefing)
Lezah Saunders, Incineration Manager (onsite inspection and exit briefing)
Taryn Reader, Compliance Specialist (onsite inspection and exit briefing)
Jade Tucker, Compliance Technician (onsite inspection and exit briefing)
Mel Widener, Special Operations Manager (onsite inspection and exit briefing)
Mitchell Shields, CHESI (onsite inspection and exit briefing)

Rich Roylance, Laboratory Manager (onsite inspection and exit briefing)
Kelsey Brown, Laboratory Chemist (onsite inspection and exit briefing)
Kelly Dunegan, Operations Manager (onsite inspection and exit briefing)
Brad Reader, General Manager (exit briefing)
Kenneth Redding, Maintenance Manager (exit briefing)
Joe Kishiyama, Incineration Manager (exit briefing)
Kevin Sherman, Senior Health and Safety Manager (exit briefing)
James Shields, Facility Operations Manager II (onsite inspection and exit briefing)
Doug Moench, Facility Operations Manager (onsite inspection of Area 20 and exit briefing)
Eric Eller, Facility Engineering Manager (exit briefing)

U.S. Environmental Protection Agency (EPA):

Timothy Evans, Life Scientist, ECAD Region 7 (Lead Inspector)
Edwin Buckner, Environmental Engineer, ECAD Region 7

3.0 INSPECTION PROCEDURES

On April 25, 2023, at about 8:36 a.m., Mr. Buckner and I arrived at the CHESI – Kimball 10-day transfer area in Kimball, Nebraska, adjacent to the railroad tracks. Mr. Buckner and I did not observe any railcars or containers of waste. A drive-by, visual inspection was then conducted west of the facility, on Highway 71. The north, south, and east perimeters of the facility are not accessible from the public right-of way. I observed multiple semi-truck trailers north and south of the facility entrance, later described by Ms. King as 10-Day Yards. Mr. Buckner and I then proceeded to CHESI – Kimball’s main facility, arriving at approximately 9:57 a.m. Mr. Buckner and I entered the security office, and asked for Alyssa King, Compliance Manager. Mr. Buckner and I signed in, were issued identification tags, then escorted to a conference room where we met Mses. King, Reader, and Tucker. Mr. Buckner and I presented our business cards and made credentials available to Mses. King, Reader, and Tucker. I then explained the purpose and procedures of the inspection. As part of the in-briefing, I presented Ms. King with a copy of the *RCRA Facility Access Information Sheet*, March 2013, which provides inspection authority. I explained our need to collect accurate information and presented Ms. King with a copy of Title 18 U.S. Code, Sections 1001 and 1002. Mses. King, Reader, and Tucker were made aware of CHESI – Kimball’s confidentiality rights and informed that a *Confidentiality Notice* would be provided at the end of the inspection to make, or not to make, any claims. Mses. King, Saunders, Reader, and Tucker acted as the primary facility representatives.

During the inspection, discussions consisted of wastes generated and waste management practices.

Mr. Buckner and I conducted a visual inspection of the following areas on April 25, 2023 (see the August 23-25, 2022, EPA inspection for a detailed facility aerial view and facility diagram, Attachment 9):

- 10-Day Transfer area, Next to Railway in Kimball, Nebraska
- Fenced Trailer Storage Area, Southwest of Facility/ Less than 10-Day Transfer Area, including 10-Day Dock

- Outdoor Container Storage (Area 25)
- Less Than 90-Day Accumulation, Area A
- Thermal Oxidizer Unit
- Outside, “Robbe Roller” Area, Hazardous Waste (HW) Semi-Solid Tanker Storage (Area 50E)

Mr. Buckner conducted a visual inspection of the following areas on April 25, 2023:

- Less Than 90-Day Accumulation, Area C
- Tank Farm (Area 70)
- Hazardous Waste Roll-Off Storage (Area 70C)
- Ash Silos (Area 80)
- Ash Processing Building (Area 85)

I conducted a visual inspection of the following areas on April 25, 2023:

- Outside Southside Satellite Accumulation Area Container (Area 50)
- 40-Yard Roll-Off Located in Less Than 90-Day Area, West of Area 70
- Permitted Storage (Area 95)
- Permitted Storage (Area 40)
- North Tank Farm (Area 58)

Mr. Buckner and I conducted a visual inspection of the following areas on April 26, 2023:

- Container Storage (Area 27)
- Great 8 Conforming Lab
- Less Than 10-Day Storage Area, Container Processing and Storage Building (Area 57C)

Mr. Buckner conducted a visual inspection of the following areas on April 26, 2023:

- Oxidizer Building (Area 57D)
- Container Processing and Storage Building (Areas 57A-57C)
- Truck Sampling (Building 20)
 - Bays 1, 3, and 4
- Solid Waste Mixing and Screening (Area 50)
- Area 50 C Mezzanine
- Shredder and Control Room for Shredder (Area 55)

I conducted a visual inspection of the following areas on April 26, 2023:

- 10-Day Yard, Northside of Facility
- Maintenance
- Main Laboratory
 - Inorganics and Atomic Spectroscopy Lab/Metals Lab
 - Characterization Lab
 - Check-In Area for Samples
 - Instruments
 - Ash Lab
 - Volatiles Lab

- Outdoors, Less Than 90-Day Accumulation Area

Information collected during the inspection was documented in a field note logbook and on field sheets. The records that were reviewed are as noted in the field note logbook, on the field sheets, and as discussed below. I followed the inspection procedures established in the RCRA CEI Standard Operating Procedure (No. 2321.1E), unless noted differently. Any federal regulatory citations noted in this report are as adopted by reference in the authorized Nebraska regulations.

At the conclusion of the inspection, I summarized the findings and recommendations with Ms. King, Reader, Tucker, Saunders, and Brown and Messrs. Reader, Roylance, Redding, Sherman, Shields, Kishiyama, Widener, Dunegan, Moench, and Eller. I provided Ms. King with a Confidentiality Notice (Attachment 2), which she signed as acknowledgement of receipt. Ms. King claimed all photographs showing drum labels as confidential - 12 photos in total. Although only 12 of 37 photos were claimed as a confidential, the decision was made by the Region 7 RCRA Section management to manage report photos and the Digital Image Log (Attachment 1) as confidential business information. I also provided Ms. King with a Receipt for Documents and Samples (Attachment 3), which she signed as acknowledgement of receipt. I provided Mr. Reader with a Notice of Preliminary Findings (NOPF) (Attachment 4), which he signed as acknowledgement of receipt.

The following inspection documents were left with CHESI - Kimball:

Confidentiality Notice

*Notice Regarding Proprietary/Confidential Business Information Submitted to or Collected by
EPA In Connection with Inspections*

Receipt of Documents and Samples

Notice of Preliminary Findings

Instructions for Responding to a Notice of Preliminary Findings

EPA Compliance Assistance (Provided by e-mail on May 1, 2023)

LDAR Monitoring Equipment Diagram Photographs

4.0 FINDINGS AND OBSERVATIONS

4.1 General Information/Facility Description/RCRA Status

CHESI - Kimball is a commercial thermal oxidation facility permitted to store waste and treat waste in a fluidized bed incinerator. Hazardous and non-hazardous wastes arrive on site, in solid or liquid form, in drums, bulk liquid tankers, or in solid waste roll-off containers. Waste is received from other CHESI facilities or directly from generators. Railcar tankers of liquid wastes are off-loaded into tanker trucks at the CHESI facility located in Sterling, CO, then shipped to the Kimball, NE facility. Railcars of solid wastes are off-loaded via intermodal and roll-off containers at a Union Pacific Railroad rail siding, located in Kimball, Nebraska - the intermodal and roll-off containers are then trucked to CHESI - Kimball. There is no rail spur connected to the facility.

Once waste is received and sampled for fingerprint analysis, bulk dry and wet solids are either immediately processed or stored on-site for processing. Bulk liquids are directly fed to the incinerator or transferred from the trucks to a tank farm. Non-bulk wastes are stored until they are able to be processed or shipped off-site.

Drum processing consists of shredding drums containing waste, transferring liquids to one of two tank farms, and consolidating wet and dry solids into feed batches.

Incinerator ash is collected by an air pollution control system. The ash is transferred to a stabilization building where it is partially solidified with water. Ash meeting delisting criteria is disposed in an on-site Subtitle D monofill. If analysis indicates the presence of organics, in excess of delisting criteria, ash is reprocessed through the incinerator. If analysis indicates the presence of leachable metals, in excess of delisting criteria, an attempt to stabilize the ash can be performed. Ash would then be reanalyzed to determine if the delisting criteria is met for the ash. Ash generated at CHESI - Kimball must meet the delisting criteria, prior to being disposed in the facility monofill. Ash not able to meet delisting criteria is shipped off-site as HW.

A detailed description of HW management units, facility operations, waste streams received at the facility, and waste treatment practices can be found in the August 23-25, 2022, RCRA inspection, Attachment 9.

CHESI - Kimball is located five miles south of Kimball on Highway 71. CHESI owns the facility property, which includes the treatment and storage facility, ash monofill, and storm water pond areas (see the August 23-25, 2022, EPA inspection report for a detailed facility aerial view and facility diagram, Attachment 9). CHESI - Kimball is staffed by approximately 200 employees and operates 24 hours per day, seven days per week.

New construction of a hazardous waste storage warehouse, rotary kiln, and tank farm was ongoing northeast of the current facility operations. According to Mr. Reader, CHESI anticipates the new kiln to be operating by June of 2024.

See the CHESI - Kimball website for additional information related to facility locations, services, and history at [www. https://www.cleanharbors.com/](https://www.cleanharbors.com/).

4.2 RCRA Status

According to the RCRAInfo database, CHESI-Kimball has notified as a State of Nebraska and Federal Large Quantity Generator of hazardous waste. As part of the opening conference, I provided Ms. King with a Notification Acknowledgement/Verification Report form (Attachment 5). Ms. King reviewed the form and made no changes to the form. Based upon the amount and type of hazardous waste generated at CHESI-Kimball, – I inspected the facility as a permitted hazardous waste treater, storer, and disposer, a Large Quantity Generator, a hazardous waste transfer facility, and a used oil generator.

A written account of Mr. Buckner's inspection is included in this report as Attachment 6.

4.3 Previous Inspection and Related Findings

The report of the EPA inspection on August 23-25, 2022, included the following potential findings or violations:

1. Conservation vents with detectable emissions – Part 2 Permit Condition IV.C.2(a)(iii)(2) [located on three Area 58 tanks].
2. Part 1 Permit Condition IV.L.2 – Natural draft openings at overhead doors and damaged foundation not included in Procedure T [located at the Area 50C total enclosure].
3. Level 1 container cover not fully closed – 40 CFR 264.1086(c)(1)(ii) → Part 1 Permit Condition III.L.1) [located at Area C].
4. Transiting waste on site greater than 10 days in unpermitted areas – Title 128, Chapter 11, Section 005 [“10 Day Dates” from August 18, 2022, to August 22, 2022].

4.4 Changes Since Previous Inspection

Changes at the facility included, but were not limited to, the following:

- Walker Hayse, Compliance Specialist ended his employment with CHESI – Kimball in September of 2022.
- Taryn Reader was hired as the new Compliance Specialist in January of 2023. Jade Tucker was hired as a Compliance Technician in January of 2023. According to Ms. King, Ms. Tucker and Reader were hired in anticipation of beginning operation of the new rotary kiln.
- Amended Consent Order, Case No. 3553, which allowed CHESI-Kimball temporary storage of up to 100 transfer vans of containerized waste in the facility's 10-Day Yard, is no longer in effect.
- The facility permit was renewed on September 15, 2022, and shall remain in-effect for five years from the date of its issuance, until September 15, 2027.
- Construction of the new drum warehouse was completed in October or November of 2022.
- Foundational concrete for a facility train was completed at the end of 2022.
- The front end of the new rotary kiln feed, including steel erection, is currently being completed.

4.5 Waste Streams and Waste Management

CHESI - Kimball uses an electronic system (WinWeb) for tracking hazardous waste received and generated at the facility. CHESI - Kimball is permitted to accept hazardous wastes listed in Appendix I of their RCRA Part B permit application and according to waste codes on the Notification Acknowledgement/Verification Report form (Attachment 5). According to the 2021 Biennial Report, CHESI - Kimball incinerated 36,126.25 tons of hazardous waste and bulked or transferred 3,394.41 tons of hazardous waste off site.

As described within the August 2022 EPA RCRA inspection report, Attachment 9:

Clean Harbors is a commercial facility that treats and stores hazardous waste. Clean Harbors receives shipments of hazardous waste from off-site generators via cargo tankers, and both bulk and non-bulk containers.

Hazardous waste may consist of contained gases, liquids, sludges and solid or semi-solid states. Waste is treated in a fluidized bed incinerator, blended into hazardous waste fuel for offsite shipment or the original container received is shipped off site to another Clean Harbors TSDF.

Clean Harbors receives hazardous waste in containers of various types and sizes. Plastic and metal pails, cans, and drums range in size from 1-gallon to 95-gallons. Intermediate bulk containers range in size from 110- gallons to 550-gallons. Bulk boxes and bins range in size from 48 inches long by 40 inches wide by 24 to 48 inches tall. Bulk bags range in size from 30 to 70 cubic feet. Containers are typically transported to Clean Harbors in closed semi-truck cargo trailers referred to as vans. The vans are off loaded at Area 57A Container Storage. The containers are checked against a waste received report for piece count and shipping names, labeled with a Clean Harbors barcode tracking label, and sorted. Containers that are in transit to another Clean Harbors TSDF are loaded into a van or moved to the Area 57B Container Storage Area, or Area 57C Container Storage Area. Containers that are shipped with Clean Harbors as the destination facility are sampled. The samples are analyzed for water miscibility, pH, oxidizer, cyanides, sulfides, physical description, radiological screen, and heat content screen which are compared to the generator waste profile. Containers that will be processed at Clean Harbors are then loaded into vans and moved to Area 25 Container Storage Area or Area 27 Container Storage Area. Containers that will be shipped to another Clean Harbors TSDF are moved to the Area 57B Container Storage Area, 57C Container Storage Area, or into vans without sampling the contents.

Containers of hazardous waste that contain solids, semi-solids and higher heating value liquids are shredded in Area 55 generating metal shred, waste liquid, and FB4 shred. Metal shred is collected in a hopper which is transferred to a roll off box located north of Area 50. The metal shred is shipped off site to a Clean Harbors TSDF for disposal. Liquids separated from the shredded containers are transferred to one or more of the hazardous waste storage tanks in Area 58. The hazardous waste in the Area 58 tanks is shipped off site to TSDFs (cement kilns burning hazardous waste) as hazardous waste fuel. The FB4 shred is transferred into roll off containers which are moved to the Area C less than 90-day hazardous waste accumulation area or one of the permitted container storage areas, Area 27, Area 50A/B, Area 70, or Area 95. Each FB4 roll off container is sampled for the parameters required for treatment in the fluidized bed incinerator. The FB4 shred is transferred into one of the tanks in Area 50C for treatment in the fluidized bed incinerator.

Clean Harbors receives cargo tankers containing liquid hazardous waste. Each cargo tanker is sampled, and the samples analyzed for the parameters required for treatment in the fluidized bed incinerator. The cargo tankers are transferred into one or more of the hazardous waste storage tanks in Area 70. The waste in the Area 70 hazardous waste storage tanks is treated in a fluidized bed incinerator.

Clean Harbors receives bulk shipments of solid and semi-solid hazardous waste in roll of containers.

Each roll off container is sampled. Samples are analyzed for the parameters required for treatment in the fluidized bed incinerator. The solid and semi-solid containers are transferred into one of the tanks in Area 50C for treatment in the fluidized bed incinerator.

Clean Harbors generates hazardous waste from receiving, storage and treatment of hazardous wastes. These generated hazardous wastes include scrap metal and oversize materials from shredding of containers, personnel protective equipment, rags, spill cleanup debris, and laboratory waste. These materials are processed and incinerated on site or shipped off site for treatment or disposal. The major hazardous waste stream generated is scrap metal and oversize materials from shredding of containers. Approximately 100 – 150 roll-off boxes of scrap metal hazardous waste are shipped off site per month to another Clean Harbors TSDF.

Clean Harbors is listed on hazardous waste manifests as the generator for other hazardous wastes that are shipped to other Clean Harbors facilities. About 40 – 60 semi-truck tractor trailer vans per month of containers are received at Kimball but not processed on site (the original generator's manifest was completed when the drums were received at the Kimball facility). The containers are consolidated for shipment to other Clean Harbors TSDFs.

4.6 Areas Visually Inspected Associated with Preliminary Findings

4.6.1 10-Day Yard (South)

Hazardous waste determination not conducted for material on ground in less than 10-Day Yard, 40 CFR 262.11 (NOPF 1) – On April 25, 2023, during inspection of the south 10-Day Yard, Mr. Buckner and I observed the following material on the soil:

- Approximately three gallons of unknown, gray-colored powder material on soil located on the north side of trailer 6067 and on the west side of trailer 6898 (Photos 1, 2, and 5)
- Approximately eight ounces of unknown, blue material on soil (Photo 3).

I asked Ms. King if she knew what the material was on the soil. Ms. King said she didn't know for sure what the material was. I asked Ms. King multiple times if CHESI – Kimball needed to make a hazardous waste determination for the material on the soil. Ms. King would not say that CHESI – Kimball needed to make a waste determination for the material on the soil. However, Ms. King also could not tell me what the material was. Therefore, I cited CHESI – Kimball for not conducting a hazardous waste determination for the gray powder and blue material on the soil.

4.6.2 Outdoor Permitted Storage (Area 95)

Storage of hazardous waste greater than one year, Permit Condition H.8.b., 40 CFR 268.50(a)(2) (NOPF 2) – On April 25, 2023, during inspection of permitted storage Area 95, Aisle 4, I observed the following hazardous waste containers:

- One 55-gallon drum of ignitable, toxic hazardous waste. The drum was dated “4/5/22” and appeared to be in storage greater than one year (Photos 30 and 31).

- One 55-gallon drum of ignitable/toxic hazardous waste located in Aisle 4 of the Area 95 permitted container storage area. The drum was dated “4/13/22” and appeared to be in storage greater than one year (Photos 32 and 33).

4.6.3 Outdoor Container Storage (Area 25)

Containers Not Stored and Handled to Prevent Rupture or Leak in Area 25, Permit Conditions E.4. and E.6.a. (NOPF 3) – On April 25, 2023, during inspection of outdoor container storage, Area 25, Row 5, I observed an uneven pallet holding hazardous waste containers (Photo 6). The uneven pallet appeared to be smashing two 55-gallon, white polyethylene drums containing acetone and ethanol hazardous waste; the 55-gallon drums were exhibiting apparent structural defects (Photos 7, 8, 10, and 11). Containers on the top pallet were labeled as acetic acid, phosphoric acid, and nitric acid, posing potential compatibility issues with the acetone and ethanol hazardous waste in the 55-gallon drums (Photo 9). Area 25 personnel adjusted the pallet and containers and removed and processed containers, addressing NOPF 3 at the time of the inspection.

Condition of Containers – Leaking Containers, Permit Condition E.4. (NOPF 4) – On April 25, 2023, during inspection of outdoor container storage, Area 25, I observed the following leaking hazardous waste containers:

- One green and yellow metal 55-gallon drum of hazardous waste located in Row 14, fourth pallet from the north (Photos 12 and 13). This container was labeled as D001 characteristic ignitable hazardous waste, UN1993 (Heptane/Acetone), Waste Flammable Liquids.
- One green and yellow metal 55-gallon drum of hazardous waste located in Row 14, fifth pallet from the north (Photos 14 and 15). This container was labeled as D001 characteristic ignitable hazardous waste, UN1993 (Heptane/Acetone), Waste Flammable Liquids.

Area 25 personnel adjusted the pallet and containers and removed and processed containers, addressing part of NOPF 4 at the time of the inspection.

4.6.4 Outdoor Container Storage (Area 27)

Condition of Containers – Apparent Structural Defect, Permit Condition E.4. (NOPF 4) – On April 25, 2023, during inspection of outdoor container storage, Area 27, I observed the following hazardous waste container:

- One approximately 250-gallon white polyethylene tote, labeled “A006QSN5” and “Hazardous Waste,” located in Area 27, Row 9, third stack from the north. The drum contained approximately 200 gallons of hazardous waste and was observed under another tote. The drum was cracked on the top (Photo 34).

Facility personnel removed and processed the tote, addressing part of NOPF 4 at the time of the inspection.

4.6.5 Less Than 90-Day Area (Area A)

Two Unlabeled Hazardous Waste Containers, Title 128, Chapter 10, Sections 004.01F & 004.01G, 40 CFR 262.34(a)(2) and (3) (NOPF 5) – On April 25, 2023, during inspection of Less Than 90-Day Accumulation Area, Area A, I observed the following unlabeled hazardous waste containers:

- One 40-yard roll-off container labeled “KP” and “411150” in the Area A, Less Than 90-Day Accumulation Area.
The roll-off was not labeled with the words “Hazardous Waste” or an accumulation start date (Photo 16).
- One 40-yard roll-off container labeled “410157” in the Area A, Less Than 90-Day Accumulation Area. The roll-off was not labeled to indicate what type of waste was in the roll-off container or when the container was placed in Area A (Photo 23).

Facility personnel labeled the roll-off containers with the words “Hazardous Waste” and accumulation start dates, addressing NOPF 5 at the time of the inspection.

Fire extinguishers and Water Supply Not Present at Area A, Less Than 90-Day Accumulation Area, 40 CFR 262.34(a)(4) and 40 CFR 265.32(c) and (d) (NOPF 8) – On April 25, 2023, during inspection of Less Than 90-Day Accumulation Area, Area A, Mr. Buckner observed that Area A had no fire hydrants or other means of supplying fire-fighting water. There were no fire extinguishers in the area.

Failure to Maintain and Operate Generator Site to Minimize the Possibility of a Fire, Explosion, or Any Unplanned Sudden or Non-Sudden Release of Hazardous Waste or Hazardous Waste Constituents to Air, Soil, or Surface Water Which Could Threaten Human Health or the Environment, Title 128, Chapter 10, Sections 004.01A1 & 004.01H, Chapter 17, Section 002 (NOPF 9 Added After Inspection) – On April 25, 2023, during inspection of Less Than 90-Day Accumulation Area, Area A, I observed the following hazardous waste container:

- One 40-yard roll-off container labeled “410200.” According to an e-mail from Ms. King on June 9, 2023, the roll-off contained metal debris from the Area 55 shredding operation with 522 associated hazardous waste codes (Attachment 7). Heavy oxidation was observed on the sides of the container (Photos 19-21). Material had leaked out of the container on the north side of the roll-off (Photo 22).

According to Ms. King, approximately ¼ cup of material had been cleaned up on April 25, 2023. The material was subsequently managed as hazardous waste and was placed in the Area 55 hopper.

This additional finding was not communicated to the facility subsequent to the inspection.

4.6.6 “Robbe Roller” Area, HW Semi-Solid Tanker Storage (Area 50E)

Equipment Not Marked in a Manner to Distinguish Readily from Other Pieces of Equipment, Permit Condition G.1 40 CFR 264.1050(d) (NOV 6) – During inspection of the tanker truck RR813, located in the “Robbe Roller” Area, I observed five connections and one valve that appeared to be missing monitoring tags or an identifying mark, e.g., orange spray paint typically used on similar equipment (Photo 28). Tags observed near the connections indicated that pipes would be in contact with hazardous waste and require monitoring.

Also, during inspection of the Robbe Roller Area, I observed lines associated with the Area 50 Wet Solids System, located on east side of the Area 50 building and accessible from the Robbe Roller Area. According to facility personnel, the lines in the photo would be in contact with hazardous waste and would require monitoring. Four connections were not tagged or marked (Photo 29). It should be noted that equipment not marked in a manner to distinguish readily from other pieces of equipment was also cited during inspections in 2014, 2015, and 2018.

4.6.7 Thermal Oxidizer Unit (TOU)

Equipment Not Marked in a Manner to Distinguish Readily from Other Pieces of Equipment, Permit Condition G.1 40 CFR 264.1050(d) (NOV 6) – During inspection of the east side of TOU, on Level 2, I observed a valve that appeared to be missing a monitoring tag or an identifying mark, e.g., orange spray paint typically used on similar equipment (Photo 37). Tags observed near the connections indicated that the pipe would be in contact with hazardous waste and require monitoring. It should be noted that equipment not marked in a manner to distinguish readily from other pieces of equipment was also cited during inspections in 2014, 2015, and 2018.

4.6.8 Additional RCRA Issues

During inspection of the 10-Day Yard (South) and the area west of permitted container storage area 25, I observed multiple stains on the soil that appeared to be oil released from facility trailers and vehicles, respectively (Photos 4, 35, and 36). According to Nebraska Administrative Code, Title 126, Chapter 18, 001.01, [n]o person shall release, cause to be released or allow the release of an oil or hazardous substance or residuary products thereof, into, or upon the waters or land of the state, except in quantities, and at times and locations, or under circumstances and conditions as the Department approves. Furthermore, Nebraska Administrative Code, Title 126, Chapter 18, 003.01 states, whenever an oil or hazardous substance is released, it shall be the duty of the responsible person to take or cause to be taken, within 24 hours, all necessary steps to stop the release and contain all released material. Finally, Nebraska Administrative Code, Title 126, Chapter 18, 003.02 states that as soon as the release has been stopped and contained, the responsible person shall take action to preclude continued or future releases. After conferring with Brian Gorman, Nebraska Department of Energy and Environment, Waste Management Section, the EPA is following the state’s approach to inform CHESI – Kimball of the regulations related to the incidental releases of used oil observed at the facility.

This report serves to inform CHESI – Kimball of their responsibility to clean up incidental releases of used oil on soil, when discovered at the facility.

During inspection of the TOU, I observed liquid leaking from valves on the west side of the TOU, Level 2, near identification tag 2472 and on the east side of the TOU, Level 2, near identification tag 2505 (Photos 24-27). According to Ms. Saunders, at the time of the inspection, CHESI personnel determined the material leaking from valves to be water condensate. I pointed out to Ms. Saunders that where the condensate was accumulating, below the leaks, appeared as an oily substance. Ms. Saunders stated that if there was oil in those areas where condensate was accumulating, that it may have been there prior to the leaking condensate.

4.7 Records Review

Transiting waste on site greater than 10 days in unpermitted area, Title 128, Chapter 11, Section 005 (NOPF 7) - The State of Nebraska has promulgated regulations for the management of hazardous waste which are codified in the Nebraska Administrative Code, Title 128 – Department of Environmental Quality. The requirements for transporters of hazardous waste are found in Chapter 11 – Requirements for Transporters of Hazardous Waste. Section 005 of Chapter 11 states that storage of manifested shipments of hazardous waste in containers “... for more than ten days must comply with the permit requirements of Chapters 12 through 15.”

During the August 2022 EPA RCRA inspection, Mr. Herstowski asked Mr. Shields to describe container management where hazardous waste manifests designate another Clean Harbors TSDF as the designated facility. Mr. Shields described that containers are typically transported to Clean Harbors in closed semi-truck cargo trailers referred to as vans. The vans with containers that will continue with transport of waste to another Clean Harbors TSDF are off loaded at Area 57A Container Storage. The containers are checked against a waste received report, counted, identified using shipping name, labeled with a Clean Harbors barcode tracking label, and sorted. Containers that will transit to another Clean Harbors TSDF are moved to Area 57B or moved to Area 57C for loadings into an outbound transit van.

During the August 2022 EPA RCRA inspection, the EPA Inspector asked how manifests for wastes that are onsite for less than 10 days are managed. Mr. Shields showed the EPA Inspector a work area in Area 57C with wire trays containing Van Count Sheets and associated, attached hazardous waste manifests. The Van Count Sheets include a graphic box with the “10 Day Date” and a calendar date. The EPA Inspector asked Mr. Shields if the date in the graphic box was 10 days after the van with the containers arrived at the Kimball facility. Mr. Shields confirmed that the date in the graphic box was 10 days after the van with the containers arrived at the Kimball facility. The trays in the work area were organized by date.

On April 26, 2023, during inspection of Area 57C, I observed wire trays containing 13 Van Count Sheets with “10 Day Dates” prior to my visual inspection on April 26, 2023, with “10 Day Dates” from April 12, 2023, to April 25, 2023. I obtained copies of those Van Count Sheets where the “10 Day Date” was prior to my visual inspection on April 26, 2023 (Attachment 8).

This same finding was documented during the August 2022 EPA RCRA inspection.

Contingency Plan

Ms. King provided me with a copy of the most recent contingency plan, updated in October of 2022. Ms. King stated during the 2021 EPA inspection that the contingency plan is available electronically and in hard copy at the facility.

The following information was noted as part of my review of the facility contingency plan:

- Arrangements with local authorities were documented in Section 5.0 of the contingency plan. Local and regional authorities received a copy of the contingency the plan on November 18, 2022.
- An up-to-date list of emergency equipment, and capabilities of the equipment, was listed within Section 10 of the contingency plan.
- A facility evacuation plan is listed in Section 12 of the contingency plan and includes information related to facility entrance and exits, evacuation procedures, and re-entering the facility.

The plan appeared to be complete with no apparent issues.

Inspections Conducted by CHESI-Kimball Personnel

Ms. King stated during a previous inspection that the compliance application used for conducting inspections, WinWeb, was developed for use on phones as well as on laptops. According to Ms. King, the corporate dashboard, within the WinWeb system, generates an alert when an inspection has been completed. Similarly, when an inspector indicates that a problem exists as part of the inspection, the system automatically generates an electronic workorder to address the problem. The results of the work order are able to be recorded in the system. Ms. King stated that results of inspections are discussed within management team meetings on Mondays, Wednesdays, and Fridays, each week. According to facility personnel, during the 2021 EPA RCRA inspection, there are approximately 75 to 80 different daily inspections performed at the facility, most of which are required by permit.

On April 27, 2023, Mr. Buckner and I reviewed the following inspection records with Ms. King, Reader, and Tucker:

- Daily Inspection – Outdoor Container Storage (Area 27) March 25, 2023, through April 25, 2023. Open tasks related to labeling, including but not limited to, rows 16-18 and 20 identified on April 19, 2023.
- Daily Inspection – Outdoor Permitted Storage (Area 95) April 24, 2023. Comment: Box missing label C4VB0523

No apparent issues were observed during review of electronic inspection records.

Calibration Records

The following equipment calibration records were provided by Ms. King for review:

- Thermo Fischer Toxic Vapor Analyzer 2020, equipped with a Flame Ionization Detector conducted by Doug Moench – January 5, 2023, through January 24, 2023

No apparent issues were observed during review of calibration records.

Uniform Hazardous Waste Manifests

Prior to arriving at the facility, I had conducted an on-line inspection of electronic manifests using RCRAInfo. All manifests appeared to be complete and signed by the designated facility.

No apparent issues were observed during review of manifests.

2021 Comprehensive Biennial Report

Prior to arriving at the facility, I was able to review the facility 2019 biennial report using RCRAInfo.

No apparent issues were observed during review of the 2019 comprehensive biennial report.

Personnel Training

Every new employee goes through extensive hazardous waste management training, including 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training. All employees use the Learning Management System, on-line training system. According to Ms. King, the new hire, onboarding training would include both on-line training, and supervised, on the job training.

Ms. King provided me with a document entitled “Appendix G-1” “Required Introductory Training”. The document listed 37 position descriptions for CHESI – Kimball employees and the following list of required introductory training:

- 40 Hour OSHA – Required for 31 of the position descriptions
- 24 Hour OSHA – Required for 4 of the position descriptions
- RCRA – Required for all position descriptions
- Contingency Plan – Required for all position descriptions
- Process Safety – Required for 31 of the position descriptions
- Safety Standards – Required for 31 of the position descriptions
- Inspection Plan – Required for 21 of the position descriptions
- Standard Operating Procedures (SOPs) – Required for 25 of the position descriptions; and five positions must be familiar with the SOPs

I reviewed training for the following CHESI – Kimball employees:

- Taryn (Laschinger) Reader, Compliance Specialist – Training included, but wasn’t limited to, Site Specific RCRA Archived; Contingency Plan Refresher; External 40 Hour HAZWOPER; OSHA 40 Hour HAZWOPER; SS-304 Hand/Stor FlamLid SmQty
- Jade Tucker, Compliance Technician – Training included, but wasn’t limited to, HAZWOPER 16hr Upgrade to 40hr; KP Emergency Action Plan; SS-415 Handling Drum/Container; ET3050 RCRA Training EXAM; KP Site RCRA; SS-106 Personal Protective Equ; and ET3050 RCRA Curriculum

No apparent issues were observed during review of the employee training program or records.

Financial Assurance

Financial assurance for facility closure has been established with Great American Insurance Company, and is in effect from November 1, 2022, through November 1, 2023.

No apparent issues were observed during review of financial assurance.

Emergency Equipment Inspection

During the inspection, I noted that fire extinguishers throughout the facility had been inspected in October of 2022 by Nebraska Safety and Fire Equipment, Inc. According to dates I observed on fire extinguisher tags, CHESI – Kimball personnel also inspected or tested fire extinguishers on February 24, 2022, and April 12 and 19, 2023.

No apparent issues were observed during review of fire extinguisher inspections.

5.0 SUMMARY

I inspected CHESI–Kimball as a as a permitted hazardous waste treater, storer, and disposer, a Large Quantity Generator, and a hazardous waste transfer facility.

The following preliminary findings were noted as discussed above:

1. 40 CFR 262.11 – Hazardous waste determination not conducted for material on ground in less than 10-Day Yard. Two different types and colors of material.
2. 40 CFR 268.50(a)(2) – Storage of hazardous waste greater than one year – Area 95, one 55-gallon drum of ignitable, toxic Diphenylmethane-4, 4 Diisocyanate Methyl Ethyl Ketone (container identification A00262D0).
3. Permit Condition E.4. and E.6.a. – Containers not stored in manner to prevent rupture – Two 55-gallon drums of hazardous waste 1) Acetic Acid and Ammonium Thiosulfate 2) Acetone and Ethanol. *Addressed at time of inspection.*
4. Permit Condition E.4. – Condition of containers – leaking containers; two or three 55-gallon drums and one 40-yard roll-off containing hazardous waste. *Addressed at time of inspection.*
5. 40 CFR 262.34(a)(2) and (3) – Two 40-yard roll-offs containing hazardous waste not labeled. *Addressed at time of inspection.*
6. Permit Condition G.1. 40 CFR 264.1050(d) – Equipment not marked to distinguish readily from other pieces of equipment – Robbe Roller and TOU connectors and valve, respectively.
7. Title 128, Chapter 11, Section 005 – Transiting waste on-site greater than 10 days (repeat from August 2022 EPA RCRA CEI)
8. 40 CFR 262.34(a)(4), 40 CFR 265.32(c) and (d) – Fire extinguishers and water supply not present at Area A, less than 90-day area.

9. Title 128, Chapter 10, Sections 004.01A1 & 004.01H, Chapter 17, Section 002 – Failure to maintain and operate generator site to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment (NOPF Added After Inspection). *Addressed at time of inspection.*

Other than the items noted above, no other apparent preliminary findings were observed or cited. However, EPA post-inspection review of this report may change or add to my findings.

**TIMOTHY
EVANS**

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TIMOTHY EVANS
Date: 2023.06.23
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Timothy R. Evans
Life Scientist
ECAD/CB/RCRA, EPA Region 7

AMBER WHISNANT

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Amber Whisnant
Section Chief
ECAD/CB/RCRA, EPA Region 7

Attachments

1. Digital Image Log (40 pages/37 photos) (Confidential Business Information)
2. Confidentiality Notice (1 page)
3. Document of Receipt (1 page)
4. NOPF (3 pages)
5. Notification Acknowledgement/Verification Report Form (2 pages)
6. Written Account of Mr. Buckner's Inspection (8 pages)
7. Documents Associated with Release of Hazardous Waste (8 pages)
8. Van Count Sheets and Associated Manifests (53 pages)
9. EPA August 23-25, 2022, RCRA inspection (37 pages)