

RCRA Compliance Evaluation Inspection Report

1) **Inspector and Author of Report**

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2) **Facility Information**

Boston Whaler Inc.
100 Whaler Way
Edgewater, Florida 32141-7213
County: Volusia
State District: Central District (Orlando)
Latitude: 28.922814
Longitude: -80.868248
EPA ID Number: FLD982120024
Primary NAICS: 336612–Boat Building

3) **Responsible Official**

Mr. Dan Walsh, Environmental Coordinator
Phone: (386) 428-0057
Email: dwalsh@whaler.com

4) **Inspection Participants**

Mr. Dan Walsh, Boston Whaler Environmental Coordinator
Mr. Chris Carver, Boston Whaler Environmental Health and Safety
Ms. Miranda Rothenberger, Inspector, Florida Department of Environmental Protection (FDEP)
Ms. Mackenzie Black, Inspector, FDEP
Mr. David A. Champagne, Inspector, U.S. EPA

5) **Date of Inspection**

April 6, 2022 10:00 a.m.

6) Applicable Regulations

Resource Conservation and Recovery Act (RCRA) Sections 3002, 3005 and 3007 (42 U.S.C. §§ 6922, 6925 and 6927), and the regulations promulgated pursuant thereto at 40 Code of Federal Regulations (C.F.R.) Parts 260-270, 273 and 279.

Florida Statutes (F.S.) Chapter 403.702 et seq., and the regulations promulgated pursuant thereto and set forth at the Florida Administrative Code (Fla. Admin. Code Ann. r.), Chapters 62-710, 62-730 and 62-750.

As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.

Pursuant to Fla. Admin. Code Ann. r. 62-730.185(1) [40 C.F.R. § 273.9], a "Small Quantity Handler of Universal Waste" (SQHUW) is a universal waste handler who does not accumulate 5,000 kilograms or more total of universal waste (batteries, pesticides, mercury-containing equipment, lamps, or aerosol cans, calculated collectively) at any time.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)], a generator may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near the point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status, as required by Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.16(b) or §262.17(a)], except as required in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)] (hereinafter referred to as the "SAA Permit Exemption").

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17], a large quantity generator (LQG) may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Section 403.722 of the Florida Statutes, Fla. Stat. § 403.722 [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17] (hereinafter referred to as the "LQG Permit Exemption").

7) Purpose of Compliance Evaluation Inspection

On April 6, 2022, Ms. Rothenberger and Ms. Black of the FDEP, and Mr. Champagne, of the EPA, conducted a routine compliance evaluation inspection of Boston Whaler Inc. (BW or facility) to determine the facility's compliance with state and federal hazardous waste regulations. This was an EPA lead inspection. BW was represented by Mr. Dan Walsh, Environmental Coordinator. Upon entering the facility, the inspectors checked in at the security gate. Introductions were made with Mr. Walsh, the inspectors showed their credentials, and explained the purpose of the visit. The facility representatives provided a description of the facility, and the inspectors discussed the company's ability, pursuant to 40 C.F.R. § 2.203, to assert a business confidentiality claim for information submitted prior to conducting a process-based inspection. BW claimed that some of the processing areas may contain confidential business information. At the time of the inspection, the EPA did not take any videos or photos of CBI.

8) Compliance History

Boston Whaler was last inspected on September 22, 2017, as a large quantity generator of hazardous waste where two violations were identified.

- 40 C.F.R. § 265.52(e) Contingency Plan; List of Emergency Equipment at the Facility
- 40 C.F.R. § 265.16(a)(1) Training; Personnel to Complete Training

9) Facility Description

Boston Whaler (BW) is an American boat manufacturer ranging in size from 11-42 feet in length. BW is a subsidiary of the Brunswick Boat Group, a division of the Brunswick Corporation. BW boats were originally produced in Massachusetts, but today are manufactured in Edgewater, Florida. The most recent Hazardous Waste Generator Notification (EPA Form 8700-12) dated February 9, 2022, characterized the facility as a LQG of hazardous waste. The facility operates Monday through Friday from 08:00 until 17:00 hours and is closed on Saturday and Sunday. Environmental staff hours differ with an earlier start time and end time. The site is split into multiple buildings for lamination and foam injection, trim and grind, finishing, assembly, maintenance, and a main central accumulation area (CAA) for hazardous waste.

10) Inspection Findings

Lamination and Foam Injection Building

Operations in the Lamination and Foam Injection Building consist of what is referred to as “Chop and Spray”. This refers to a process of the boat construction where fiberglass molds are created. Open molding occurs with a sealing spray where finishing occurs on one side of a set of molds, before the molds are cold pressed together. At the time of the inspection, a non-hazardous glycol-based cleaner was being used for various tools. Hazardous waste can be generated in this area from expired unusable resin and gelcoat that is used for spraying the boats before the cold press occurs. Resin, methyl ethyl ketone (MEK), and MEK peroxide or “MEK-P”, is individually sent through a piping system to a spray gun and upon spraying is mixed into a catalyst when sprayed on a boat.

At the time of the inspection, there was a 55-gallon container labeled with the indication of the hazardous contents and labeled hazardous waste solvent wipes with EPA waste codes D001, D035, F005, and F007. This container was closed.

At the time of the inspection, there was a 55-gallon container labeled hazardous waste empty MEK-P jugs with EPA waste code D035. This container managing empty MEK-P jugs was fitted with a compactor used to crush and condense spent MEK-P jugs. The inspection team informed the facility that this is considered treatment of hazardous waste which can only occur in a central accumulation area (CAA). The container was closed but was missing the indication of the hazardous contents and an accumulation start date (Photograph 1). The facility submitted a photo on May 3, 2022, of the container labeled with the indication of the hazardous contents and an accumulation start date of May 6, 2022.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(5)(i)(B) and (C)], which is a condition of the LQG Permit Exemption, a generator must mark or label its containers with an indication of the hazards of the contents; and the date upon which each period of accumulation

begins clearly visible for inspection on each container.

Additionally, there were two (2) 55-gallon containers labeled with the indication of the hazardous contents and labeled hazardous waste Acrastrip and B-39 putty with EPA waste code D001. One container was full, open, and missing the accumulation date, and the other container was open. The inspection team discussed dating containers in a SAA once they reach 55-gallons and to move the container to the CAA within 3 days (Photographs 2-4).

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(6)(iii)], during the three-consecutive-calendar-day period, the generator must mark or label the container(s) holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(4)], which is a condition of the LQG Permit Exemption, (A) a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

The inspection team observed a 55-gallon container labeled with the indication of the hazardous contents and labeled hazardous waste resin with EPA waste code D001. This container was affixed with a yellow funnel that did not latch and was considered open (Photographs 5-6).

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(4)], which is a condition of the LQG Permit Exemption, (A) a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

The inspection team observed a 55-gallon container labeled with the indication of the hazardous contents and hazardous Gelcoat Waste with EPA waste code D001. This container was affixed with a red funnel that was not latched and was considered open (Photograph 7).

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(4)], which is a condition of the LQG Permit Exemption, (A) a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

Hauls and Decks

The operations in this area consist of the inner liner of boats being combined with the haul and foam and molded together. Boat sizes range from 13-42 feet in size. No hazardous waste is generated in this area.

Resin Alley

Resin Alley is the starting point where the resin, methyl ethyl ketone (MEK), and MEK-P is individually sent through a piping system to a spray-guns at various work-station bays. At the time of the inspection, there appeared to be signs of this mixture spilled on the ground (Photograph 8).

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.251], a generator must maintain and operate its facility 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.

Foaming Area

Operations in the Foaming area consist of bringing the haul and inner liner together. The foam is stored in a cooled day tank. Boats are wiped with a non-hazardous cleaner called Dynasolve CU-6. No hazardous waste was being generated in this area at the time of the inspection.

Finishing

Finishing touches are made on the boat parts in this area and go through a quality control process. At the time of the inspection, a 55-gallon SAA container was labeled with the indication of the hazardous contents, labeled hazardous waste isopropyl acetate and open (Photograph 9).

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(4)], which is a condition of the LQG Permit Exemption, (A) a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

An additional closed 55-gallon SAA container was labeled with the indication of the hazardous contents, labeled hazardous waste gel coat and open (Photograph 10).

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.15(a)(4)], which is a condition of the LQG Permit Exemption, (A) a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.

Solvent-contaminated wipes in this area were found in the municipal trash (Photograph 11).

Pursuant to Fla. Admin. Code Ann. r. 62-730.030(1) [40 C.F.R. 261.4(a)(26)], generators accumulating, storing, and transporting solvent-contaminated wipes, must manage the wipes in non-leaking containers that are labeled “Excluded Solvent-Contaminated Wipes”.

Assembly

Boat parts are assembled in this area using a two-part reactive glue. IPS glue (Part A) in a lined 55-gallon drum is mixed with an activator (Part B) through a piped system that feeds from both drums into a single stream deposit into a plastic piping bag. Once hardened, the bags and tips used for application are managed as trash. In separate forms, Part A is managed as a reactive hazardous waste. Near a bay door of the assembly building, a dumpster contained two (2) Part A bag liners. Behind the dumpster was an additional bag liner on the ground. At the time of the inspection, the facility stated that they were aware of personnel throwing these bags in the trash and the maintenance team typically removes these bags from the dumpsters and transfers them to the CAA. On May 3, 2022, the facility submitted a photograph of the dumpster free of the bags, and a photograph of a container in the CAA labeled hazardous waste flammable adhesive waste dated April 11, 2022 (Photographs 12-15).

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.20(a)(1)], a generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, must prepare a Manifest according to the instructions included in the appendix to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. Part 262].

Universal waste aerosol cans and spent batteries for recycling are stored in this location. Containers were labeled.

Maintenance

The maintenance department is a storage location for universal waste lamps and used oil. At the time of the inspection, the inspection team observed two (2) used oil container managing used oil and used oil filters. The inspection team also observed two (2) open containers of universal waste lamps that were not labeled (Photographs 16 and 17).

Pursuant Fla. Admin. Code Ann. r. 62-730.185(1) [40 C.F.R. § 273.13(d)], a SQHUW must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment.

Pursuant to Fla. Admin. Code Ann. r. 62-730.185(1) [40 C.F.R. § 273.14(e)], a SQHUW must label or mark each lamp or container of lamps clearly with one of the following phrases: “Universal Waste-Lamp(s),” or “Waste Lamp(s),” or “Used Lamps.”

Central Accumulation Area

At the time of the inspection there were approximately 17 hazardous waste containers in a locked central accumulation area. The oldest date on all containers was from March 14, 2022. There was a container dated March 14, 2022 labeled hazardous waste MEK-P Jugs with EPA waste code D035. This container did not have the indication of the hazardous contents.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.17(a)(5)(i)(B)], which is a condition of the LQG Permit Exemption, a generator must mark or label its containers with an indication of the hazards of the contents.

Records

Upon completion of the facility walk-through, the inspection team reviewed record-keeping documentation provided by the facility. This consisted of a Contingency Plan (Doc# UWCP-009-A14), notification to local authorities, and 10-day manifest logs. The Contingency Plan was up to date. The facility map on the quick reference guide did not include the CAA; Acrastrip and putty waste were not included on the list of waste streams in layman’s terms; and the estimated maximum amount of each hazardous waste that may be present at any one time.

Pursuant to Fla. Admin. Code Ann. r. 62-730.160(1) [40 C.F.R. § 262.262(b)(1), (2), and (4)], generators must list the types of hazardous wastes in layman’s terms, estimated maximum amount of each hazardous waste that may be present at any one time, and a map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes.

11) Summary

The inspectors conducted the exit meeting with facility team presenting the preliminary results of the inspection. Boston Whaler was inspected as a large quantity generator of hazardous waste. At the time of the inspection, the facility did not appear to be in compliance with some requirements of RCRA. The inspection concluded at approximately 13:30 hours.

12) Signed

DAVID
CHAMPAGNE



Digitally signed by DAVID
CHAMPAGNE
Date: 2022.05.26 11:21:45
-04'00'

David Champagne
Inspector and Author of Report

Date

13) Concurrence and Approval

ARACELI
CHAVEZ



Digitally signed by
ARACELI CHAVEZ
Date: 2022.05.26 13:09:23
-04'00'

Araceli B. Chavez
Chief
RCRA Enforcement Section

Date

RCRA CEI Photographs for
Boston Whaler Inc.
100 Whaler Way
Edgewater, FL. 32141-7213
Taken by: David Champagne, U.S. EPA
April 6, 2022
Camera Model: Google Pixel XL



Photograph 1 of 17: Compacted MEK Jugs



Photograph 2 of 17: AcraStrip and B-39 putty



Photograph 3 of 17: AcraStrip and B-39 putty



Photograph 4 of 17: AcraStrip and B-39 putty



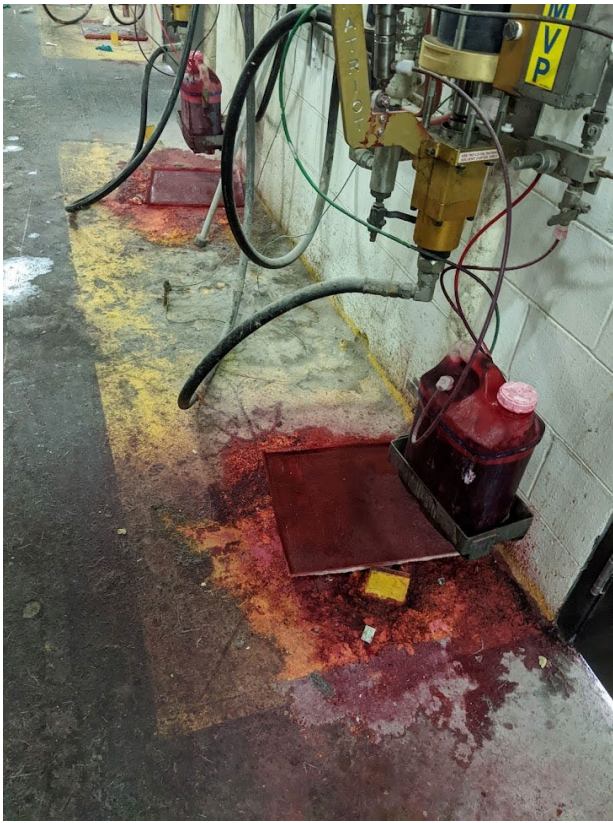
Photograph 5 of 17: Waste Resin



Photograph 6 of 17: Waste Resin



Photograph 7 of 17: Gelcoat Waste



Photograph 8 of 17: Resin Alley MEK-P



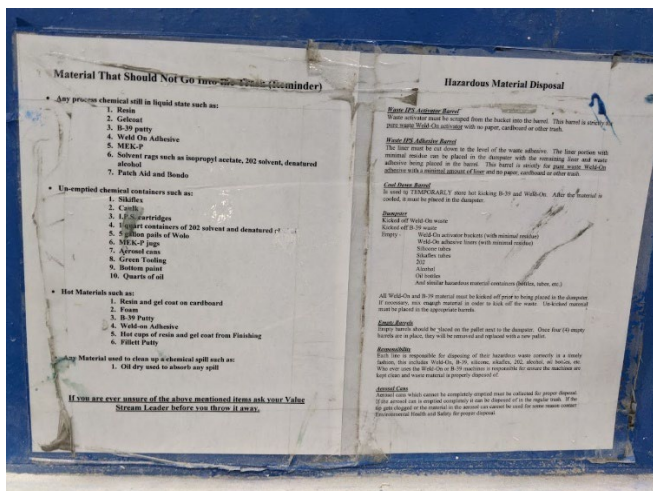
Photograph 9 of 17: Finishing Isopropyl Acetate



Photograph 10 of 17: Finishing Gelcoat Waste



Photograph 11 of 17: Finishing Wipes



Photograph 12 of 17: Assembly Area Wastes



Photograph 13 of 17: Assembly Area Dumpster



Photograph 14 of 17: Assembly Area Dumpster



Photograph 15 of 17: Behind Assembly Area Dumpster



Photograph 16 of 17: Maintenance Area Lamps



Photograph 17 of 17: Maintenance Area Lamps