RCRA Inspection Report

1) Inspector and Author of Report

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2) Facility Information

Bona US
4275 Corporate Center
Monroe, North Carolina 28110
EPA ID# NCR000010215

3) Responsible Officials

Lisa King, SHE Specialist
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4) Inspection Participants

Peter Schmitt, Bona US
Rose Pruitt, NCDEQ
Laurie Benton DiGaetano, EPA

5) Date of Inspection

February 15, 2022

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], 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 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").

Pursuant to 15A NCAC 13A .0107(a) [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 any 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 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], and without complying with 15A NCAC 13A .0107(a) [40 C.F.R. § 262.16(b) or § 262.17(a)], except as required in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area (SAA) conditions listed in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.15(a)] (hereinafter referred to as the "SAA Permit Exemption").

Pursuant to 15A NCAC 13A .0119(b) [40 C.F.R. § 273.9], a small quantity handler of universal waste (SQHUW) is a universal waste handler who does not accumulate 5,000 kilograms or more of universal waste (batteries, pesticides, mercury-containing equipment, lamps, or aerosol cans, calculated collectively) at any time.

7) Purpose of Inspection

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection to determine Bona US compliance with the applicable requirements of RCRA and the corresponding NCDEQ regulations. This was an EPA lead inspection.

8) Previous Inspection History

On August 10, 2020, NCDEQ conducted the most recent RCRA CEI at the subject facility and found apparent violations of RCRA's requirements for making an accurate hazardous waste determination, managing containers of hazardous waste and managing universal waste. As a result, NCDEQ issued a long form notice of violation to the facility on September 23, 2020, and later verified that the facility had returned to compliance during a follow-up inspection on December 10, 2020.

9) Facility Description

Bona, a family-owned company established in 1919, is headquartered in Sweden and has over 600 employees. The company manufactures floor care and home cleaning products which are sold through international subsidiaries and distributors in 90 countries. Bona US, the North American subsidiary of Bona AB, was incorporated in 1987 and began operations at the subject facility in 2006. BonaKemi USA, Inc. (dba Bona US) manufactures and fills waterborne coatings, adhesives, and floor care products under the NAICS Code 32551 for Paint and Coating Manufacturing at this location. Some product concentrates and super-concentrates manufactured here are packaged in totes and sent to contract distributors. Those distributors create the final product using the concentrate and fill consumer packages for final distribution.

The subject facility, which includes two buildings on an approximately 25-acre site in Monroe, North Carolina, is one of five Bona manufacturing facilities across the globe. The primary building encompasses approximately 55,000-square feet and a second utility building encompasses an additional 30,000 square feet. In addition to the manufacturing operations, the subject facility also houses two quality control laboratories, one research and development laboratory, and one primary hazardous waste central accumulation area (CAA). Bona US has

approximately 50 employees at this location, and operations run on one 8-hour shift, Monday through Friday.

Bona distributors, transportation companies, and customers send any damaged, out of specification or obsolete Bona products in the United States to the subject facility. Bona US personnel evaluate the returned products to determine if they can be prepared for redistribution with new labels or boxes; if they can be reworked in the manufacturing process at this facility (which manufactures water-based products) or at the Bona facility in Pueblo, Colorado (which manufactures solvent-based products); or if they must be sent offsite for disposal. Due to the volume of damaged, out of specification, and obsolete products that are identified at the facility as hazardous waste, Bona US is a large quantity generator (LQG) of hazardous waste at this location. The facility has identified the following main hazardous waste streams in its contingency plan:

- D001 / D035 / F003 / F005 waste paint (oil modified products containing mineral spirits)
- D001 / D005 / D035 waste aerosol cans (various paint and spray adhesives)
- D002 waste titration (from titration of hydrogen peroxide, potassium permanganate, and sulfuric acid)
- D001 adhesive solvent titrant waste (containing methanol / ethanol)
- D001 lab debris (containers, gloves and rags containing small amounts of oil-modified paint)
- D001 / D005 / D035 waste aerosol cans (primarily empty)

Bona US initially notified as a small quantity generator (SQG) of hazardous waste at this facility when operations began in 2006. The company later re-notified as an LQG in 2014 and has been operating as an LQG since that notification. Bona US most recently notified as an LQG as part of the biennial report, which was submitted on February 28, 2020. This report indicated that the following hazardous waste streams were generated at the facility during calendar year 2019:

- D001 hazardous paint waste (flammables) off-spec finish products that could not be reworked
- D001 hazardous waste flammable (ethanol, methanol) adhesive solvent - titrant waste
- D001 hazardous waste flammable solids – lab debris from everyday R&D and QC activities – can contain flammable solvent-based product residuals
- D001 hazardous waste paint in 5-gallon metal cans off-spec finish products that could not be sold or reworked
- D001 hazardous waste lab pack aerosols
- D002 hazardous waste lab pack corrosive liquid acidic
- D002 hazardous waste lab pack corrosive liquid basic
- D001 hazardous waste lab pack flammable liquid
- D001 / D035 hazardous waste lab pack flammable liquids

10) Opening Conference

On February 15, 2022, EPA inspector Laurie Benton DiGaetano, accompanied by NCDEQ

inspector Rose Pruitt, arrived at the subject Bona US facility at approximately 9:20 a.m. Ms. Lisa King, SHE Specialist, was not on-site the day of the inspection, so Mr. Peter Schmitt, Production Engineering Manager, received the inspectors. The inspectors introduced themselves, showed their credentials to Mr. Schmitt, 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. Schmitt led the inspectors on a tour of the facility operations.

Facility representative provided an overview of the facility's history and current operations during the opening conference. The company does not 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

Filling Area CAA: The inspection tour began in the Filling Area, where the participants observed a number of containers staged next to a metal handrail outside of the Laboratory (Photo 1). Mr. Schmitt explained that personnel test products for potential use in the manufacturing process in the R & D Laboratory, and this area is used to stage incoming R & D samples and outgoing laboratory wastes such as expired chemicals or R & D products that have failed testing for potential use on-site. Mr. Schmitt explained that the SHE Specialist evaluates materials that are staged in this area when the staging pallet is filled. The SHE Specialist identifies waste containers with a color-coded dot to indicate the designated waste profile. After the containers are marked by the color-coded dot, they are transferred to the hazardous waste primary CAA in the 30,000 square foot outbuilding. Some containers observed in this area included:

- One gaylord box labeled nonhazardous waste and containing 5-gallon pails and a black trash bag of laboratory generated wastes (Photos 2-4);
- Two 55-gallon poly drums labeled nonhazardous liquid products (profile: LEE #WTE0564);
- One 55-gallon steel drum labeled nonhazardous concrete silane adhesive (profile: WTE0560);
- One 55-gallon steel drum labeled nonhazardous spill cleanup (profile: 23754);
- One 55-gallon steel drum with no label, no date, and no indication of hazards;
- Three ½-gallon buckets labeled Bona Pigmented control 617121 (Photo 5);
- One ½-gallon bucket labeled Bona Pigmented textured 170 grit (Photo 5);
- Three boxes of Bona Natural finish (414-100A, WE417946000), with each box containing three 2-liter bottles;
- Two 1-gallon blue containers of corrosive material (Photos 6 and 7);
- One glass jar of Ancarez 2364 curing agent (Photo 8);

- Two 5-gallon buckets labeled with a batch number but no indication of hazards;
- One 5-gallon bucket with no label or indication of hazards;
- One box of R & D samples (Photos 9-10); and
- Five small containers of R & D samples (Photo 11).

This area did not appear to be near the point where wastes initially accumulate or under the control of the laboratory personnel generating the waste. Bona does not ensure that the wastes are properly managed according to applicable RCRA regulations between the time the material becomes a waste and the time that the hazardous waste determination is performed. None of the containers observed in this area were labeled as hazardous waste or marked with an accumulation start date, and many were not identified with an indication of the hazards of their contents.

> **Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in 15A NCAC 13A .0106 [40 C.F.R. § 261.2], must use the steps articulated in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11] to make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.**
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> **Pursuant to 15A NCAC 13A .0107 [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator is required to mark or label containers with the words "hazardous waste"; with an indication of the hazards of the contents; and with the date upon which each period of accumulation begins.**

Laboratory SAAs: Bona US manages one SAA in the Laboratory for managing hazardous waste lab debris. The inspectors observed one 55-gallon drum in this SAA (Photo 12). The drum was located in the laboratory, and it was equipped with a latched, red flip-top lid. The drum was marked as U80-11585 lab debris, labeled D001 hazardous waste flammable solid (polyurethane Stoddard solvent), and identified with a flammable solid DOT hazard placard.

Bona US manages a second SAA in the Laboratory for managing hazardous waste flammable liquid that is generated in the Laboratory. The inspectors observed one ½-gallon red flammable can (Photo 13), one 1-gallon paint can (Photo 14), and one 1-gallon plastic jug in this SAA. The ½-gallon and 1-gallon cans were each labeled D001 hazardous waste ignitable liquid. The 1-gallon plastic jug, which was located next to the density meter, was empty. Personnel stated that the jug will be used to accumulate acetone waste, so a hazardous waste label and flammable liquid DOT hazard placard were added to the container during the inspection.

Bona US manages a third SAA for managing adhesive solvent titrant hazardous waste and excess cleaning solvents just outside of the Laboratory door in the Adhesives Area of the facility. The inspectors observed one 55-gallon drum on a secondary containment pallet in this SAA (Photo 15). The drum was equipped with a funnel lid. It was labeled D001 hazardous waste adhesive solvent titrant (ethanol / methanol), and it was identified with a flammable liquid DOT hazard placard.

Bona US manages one SAA for managing hazardous waste paint and another for managing

laboratory waste on the same secondary containment pallet located outside the Laboratory far door in the Adhesives Area. The inspectors observed one 55-gallon steel drum in the hazardous waste paint SAA (Photo 16). This drum was labeled D001 hazardous waste paint waste (polyurethane / Stoddard solvent) and identified with a flammable liquid DOT hazard placard. The inspectors observed another 55-gallon poly drum in the laboratory waste SAA (Photo 16). This drum was labeled D002 hazardous waste titration waste (sulfuric acid / hydrogen peroxide) and identified with a corrosive DOT hazard placard.

Mixing Area: Bona US operates five large vessels and one small vessels for conducting batch manufacturing processes in the Mixing Area. Each large vessel is dedicated to a specific product type: cleaner, polish, finish, catch-all (polish, remover, etc.), or pigment product base. According to Mr. Schmitt, the vessels are cleaned using water and no hazardous waste is generated during vessel cleaning activities.

Adhesive Area: Bona US operates two adhesive mixers and one wood filler mixer in the Adhesive Area. According to Mr. Schmitt, the units are cleaned between batches, but no waste is discharged to the drain.

Return Area SAA: Bona distributors, transportation companies, and customers send any damaged, out of specification or obsolete Bona products in the United States to the subject facility. Returned materials are staged in the Return Area SAA, where facility personnel evaluate the materials and either prepare them with new labels or boxes before sending them out for redistribution, prepare them for reuse in the on-site manufacturing process, prepare them for transport to the Bona facility in Pueblo, Colorado for reuse in the manufacturing process there, or prepare them for transfer to the on-site designated hazardous waste CAA in the 30,000-square foot outbuilding.

The inspectors observed a variety of materials in this area, but the only material that had been apparently tagged for disposal was one wooden pallet of Bona Hardener. This pallet was marked with a sign which read “aged out, scrap February 10, 2022” (Photo 17). It appears that hazardous wastes identified in this area are not properly managed according to applicable RCRA regulations between the time that employees determine that the material is a waste and the time that containers of hazardous waste are prepared for transport in the main CAA. Before wastes are transferred to the CAA, those materials are identified in the Return SAA with a color-coded dot, but containers of hazardous wastes are not labeled as hazardous waste, marked with an accumulation start date, or identified with an indication of the hazards of their contents.

> **Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in 15A NCAC 13A .0106 [40 C.F.R. § 261.2], must use the steps articulated in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11] to make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.**
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> **Pursuant to 15A NCAC 13A .0107 [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator is required to mark or label containers with the words “hazardous waste”; with an indication of the hazards of the**

contents; and with the date upon which each period of accumulation begins.

Shipping and Receiving SAA: Bona US manages one SAA in the Shipping and Receiving Area for managing hazardous waste aerosol cans. The inspectors observed one 55-gallon drum in this SAA (Photo 18). The drum was equipped with a red, flip-top lid. The drum was labeled D001 / D005 / D035 hazardous waste aerosols and identified with a flammable liquid DOT hazard placard, but it was not marked with an indication that the contents are toxic.

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.

Chemical Storage Area: The facility tour included an inspection of the Chemical Storage Area, where the inspectors observed containers holding a variety of raw materials.

Facility Yard: The inspectors also observed four totes on portable secondary containment just outside of the back of the production building. Mr. Schmitt explained that floor drains in the Mixing Area flow through a drainage system to a manhole in this area. Liquid is pumped from the manhole into the totes for on-site accumulation and storage. As the tote reaches capacity, an alarm will sound to alert personnel to change the discharge line from the full tote to an empty one. Full totes are moved to a staging area in the facility yard, and the contents are periodically pumped into a tanker truck for transport to an off-site disposal facility. In an email on March 23, 2022, Ms. King provided the inspectors with a waste profile record that indicated wastewater generated from the cleanout of vats and sumps in the Assembly Area is not a hazardous waste.

The inspectors observed eleven totes of waste generated from the clean-out of a wood filler production vessel. Mr. Schmitt explained that the solids content of this waste was too high to manage in the on-site floor drain system, so the material was pumped directly from the production vessel into the totes. Each tote was labeled as "LEE #WTE0564" nonregulated material or "U80-LEE WTE0563" nonregulated spill cleanup. In an email on March 23, 2022, Ms. King provided the inspectors with the SDS for Bona Pacific Filler and a waste profile indicating that the off-spec material is not a hazardous waste.

Back Building CAA: Bona US manages a designated hazardous waste CAA in the 30,000-square foot outbuilding. The hazardous waste managed in this area include ignitable / reactive waste, and the inspectors observed signs in the area which read "hazardous waste storage" and "no smoking."

The area is equipped with a device capable of summoning emergency assistance from the local fire departments; it is equipped with portable fire extinguishers, spill control equipment, and emergency eyewash station; and it is equipped with automatic sprinklers. Facility personnel working in this area carry portable hand-held radios for internal emergency communications.

One portion of the CAA is divided into designated areas for consolidating wastes according to their profiles (Photos 19-22). The same color-coding system used to mark waste containers with dots was used to paint sections of the floor to identify each consolidation area. Smaller

containers that are marked with a given color-coded identification dot are packaged together into totes or cubic yard boxes in the designated area with the corresponding color-coded identification floor. The larger tote or cubic yard box used to consolidate the waste is also marked with the same color-coded identification dot. When the container is full, it is closed and prepared for transport. The inspectors observed open, unlabeled containers of hazardous waste in this area.

> **Pursuant to 15A NCAC 13A .0107 [40 C.F.R. § 262.17(a)(1)(iv)(A)], which is a condition of the LQG Permit Exemption, a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.**
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> **Pursuant to 15A NCAC 13A .0107 [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator is required to mark or label containers with the words "hazardous waste"; with an indication of the hazards of the contents; and with the date upon which each period of accumulation begins.**

The inspectors also observed two rows of full containers that appeared to be staged for pick-up by a waste hauler. The rows included five cubic yard boxes, which were identified with a green dot, and one cubic yard box, which was identified with a red dot. According to the color-coded waste profile instructions, a green dot is used for oil modified hazardous waste that exhibits the characteristic of ignitability. None of the cubic yard boxes were labeled as hazardous waste, marked with an accumulation start date, or identified with an indication of the hazards of their contents.

> **Pursuant to 15A NCAC 13A .0107 [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator is required to mark or label containers with the words "hazardous waste"; with an indication of the hazards of the contents; and with the date upon which each period of accumulation begins.**

The inspectors also observed approximately twenty 55-gallon drums staged in this area (Photo 23). Bona was not ensuring that the wastes in this area are properly managed according to applicable RCRA regulations. None of the containers observed in this area were labeled as hazardous waste, and many were not marked with an accumulation start date or identified with an indication of the hazards of their contents. The observed drums included:

- One 55-gallon drum, which was identified with a green dot;
- Seven 55-gallon drums, which were not labeled;
- One 55-gallon drum, which was labeled as nonhazardous UV waste;
- One 55-gallon drum, which did not have a visible label but was dated March 13, 2000;
- One 55-gallon drum, which did not have a visible label but was dated August 12, 2020;
- One 55-gallon drum of Lutensol XO 50, which was marked with an expiration date of September 26, 2027;
- One 55-gallon drum of Acticide, which was marked with an expiration date of October 06, 2020;
- One 55-gallon drum of Desmoseal XP 2458, which was marked with an expiration date

of July 22, 2019; and
- One empty 55-gallon drum.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in 15A NCAC 13A .0106 [40 C.F.R. § 261.2], must use the steps articulated in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11] to make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.

Pursuant to 15A NCAC 13A .0107 [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator is required to mark or label containers with the words "hazardous waste"; with an indication of the hazards of the contents; and with the date upon which each period of accumulation begins.

The inspectors also observed a row of pallets along the wall just to the left when entering this outbuilding (Photo 24). Bona was not ensuring that the wastes in this area are properly managed according to applicable RCRA regulations. None of the containers observed in this area were labeled as hazardous waste, and many were not marked with an accumulation start date or identified with an indication of the hazards of their contents. Some containers observed on these pallets include:

- One 55-gallon drum of used oil, which was not labeled, with a funnel resting on the lid;
- One dented 55-gallon poly drum with no visible label, which was dated August 06, 2018 and covered with white crystals;
- One 55-gallon drum with no visible label, which was dated October 8, 2020;
- One 55-gallon drum, which was identified with a corrosive DOT hazard placard, but not labeled as hazardous waste or marked with an accumulation start date;
- One 55-gallon drum, which was labeled as Foamstar ST 2436;
- One 55-gallon drum with no legible label, which was dated November 8, 2019;
- One 55-gallon drum with no legible label, which was dated February 20, 2018;
- One 55-gallon drum with no legible label, which was dated March 12, 2020;
- One 55-gallon drum labeled Bona 5562A and dated April 29, 2018;
- One 5-gallon container dated November 7, 2011;
- One 30-gallon drum dated May 11, 2020; and
- One 30-gallon drum dated June 25, 2021.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in 15A NCAC 13A .0106 [40 C.F.R. § 261.2], must use the steps articulated in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11] to make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.

Pursuant to 15A NCAC 13A .0107 [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator is required to mark or label containers with the words "hazardous waste"; with an indication of the hazards of the

contents; and with the date upon which each period of accumulation begins.

Wastes that are transferred to this area from on-site SAAs may be staged in an area just to the right when entering the outbuilding (Photos 25-31). The inspectors observed containers of waste on two portable secondary containment pallets in this area. Some of those observed containers included:

- One 55-gallon drum, which was labeled hazardous waste lab debris (polyurethane, Stoddard solvent), identified with a flammable solid DOT hazard placard, and dated November 23, 2021 (84 days);
- One 55-gallon drum, which was labeled hazardous waste lab debris (polyurethane, Stoddard solvent), identified with a flammable solid DOT hazard placard, and dated October 6, 2021 (132 days);
- One 55-gallon drum (Photo 28), which was labeled profile pending and dated August 12, 2021 (187 days);
- One salvage drum (Photos 29-30), which was labeled profile pending and dated January 18, 2022 (28 days); and
- One 55-gallon drum (Photo 31), which was labeled hazardous waste flammable liquid cups / rags (ethanol / methanol), identified with a flammable solid DOT hazard placard, but not marked with an accumulation start date.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in 15A NCAC 13A .0106 [40 C.F.R. § 261.2], must use the steps articulated in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11] to make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.

Pursuant to 15A NCAC 13A .0107 [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator is required to mark or label containers with the words "hazardous waste"; with an indication of the hazards of the contents; and with the date upon which each period of accumulation begins.

Pursuant to 15A NCAC 13A .0107 [40 C.F.R. § 262.17(b)], which is a condition of the LQG Permit Exemption, an LQG who accumulates hazardous waste for more than 90 days is subject to the requirements of 15A NCAC 13A .0101 to .0119 [40 C.F.R. Parts 124, 264 through 268, and 270].

UV Area: The inspectors observed four 55-gallon drums in the UV Area (Photo 32), and three of the drums were equipped with a funnel. Mr. Schmitt explained that UV products are manufactured in Sweden, but the products may be tested here for specific application requests from customer. The four 55-gallon drums are used to manage wastes generated during the testing process. Although none of these containers were labeled as hazardous waste (Photos 33-34), the inspectors observed corrosive DOT hazard placards on some of the containers of UV products stored in this area for testing. The SHE Specialist was not on-site the day of the inspection, and the inspectors did not review records of the hazardous waste determination for waste generated in the UV Area.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11(f)], an LQG must maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste. These records must comprise the generator's knowledge of the waste and support the generator's determination. The records must include, but are not limited to, the following types of information: the results of any tests, sampling, waste analyses, or other determinations made in accordance with this section; records documenting the tests, sampling, and analytical methods used to demonstrate the validity and relevance of such tests; records consulted in order to determine the process by which the waste was generated, the composition of the waste, and the properties of the waste; and records which explain the knowledge basis for the generator's determination.

Universal Waste Area: Bona US manages universal waste on shelves near the UV Area (Photo 35). The inspectors observed one 5-gallon bucket of used batteries, which was closed, labeled universal waste batteries and dated June 3, 2021; one 4-foot box of used lamps, which was closed, labeled universal waste lamps and dated February 14, 2022; and two cubic-foot boxes of used lamps, which were labeled universal waste lamps and dated September 8, 2021. One of the cubic-foot boxes was not closed.

Pursuant to 15A NCAC 13A .0119(b) [40 C.F.R. § 273.13(d)], a small quantity handler of universal waste (SQHUW) must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

Adhesives Area SAA: Bona US manages a SAA in the Adhesives Area for managing hazardous waste flammable solids. The inspectors observed one 55-gallon drum in this SAA (Photo 36). The drum was labeled hazardous waste flammable liquid cups / rags (ethanol / methanol), and it was identified with a flammable solid DOT hazard placard.

New QC Laboratory SAA: Bona US manages one SAA in the New QC Laboratory for managing hazardous waste flammable liquid. The inspectors observed one 1-gallon container in this SAA. The container was marked as D001 hazardous waste. Mr. Schmitt explained that when this container is full, it is emptied into the 55-gallon drum located in the laboratory SAA. This process, known as "satellite-to-satellite" transfer, is not listed as one of the conditions in the SAA Permit Exemption.

Pursuant to 15A NCAC 13A .0107(a) [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 any 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 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], and without complying with 15A NCAC 13A .0107(a) [40 C.F.R. § 262.16(b) or § 262.17(a)], except as required in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.15(a)(7)

and (8)], provided that the generator complies with the conditions of the SAA Permit Exemption.

Contingency Plan: The actions that facility personnel should take in response to an emergency are described in the facility's Contingency Plan, which was last updated on April 1, 2021. The plan describes actions facility personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility. The plan lists the names and emergency telephone numbers for the persons identified as the primary and the alternate emergency coordinators and it includes a list of emergency equipment at the facility. The list includes fire extinguishing systems, spill control equipment, and communications and alarm systems. The plan includes the location of each item on the list, and a brief outline of its capabilities. The plan includes an evacuation plan for personnel. This plan identifies communication devices to be used to begin evacuation, and it includes a map of evacuation routes.

The quick reference guide, which was last updated on April 1, 2021, includes the types/names of hazardous waste in layman's terms and the associated hazard associated with each hazardous waste present at any one time; the estimated maximum amount of each hazardous waste that may be present at any one time; the identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff; a map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes; a street map of the facility in relation to surrounding businesses, schools and residential areas; the locations of water supply; the identification of on-site notification systems; and the name of the emergency coordinator(s) and emergency telephone number(s).

Copies of the contingency plan and quick reference guide have been provided to the Monroe Fire Department, the Monroe Police Department, Hazmat Environmental, the Local Emergency Planning Committee, and the National Response Center through E-Plan.

Training Records: In an email on March 23, 2022, Ms. King provided the inspectors with the facility's environmental training matrix and records of training. The training matrix indicated that one or more modules of hazardous waste training is required for the following personnel: SHE Specialist, Production Engineering Manager, Maintenance Supervisor, Maintenance Personnel, Material Handler, Shipping Supervisor, R & D / QC Personnel and General Plant Worker. The matrix did not include job descriptions for each position.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(7)(iv)(B)], which is a condition of the LQG Permit Exemption, the LQG must maintain a written job description for each position at the facility related to hazardous waste management.

The most recent hazardous waste training was provided on 08/14/2020. The log included the names of employees filling each job related to hazardous waste management. No hazardous waste training was provided to facility personnel during calendar year 2021.

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.

Waste Manifest Records: According to the e-manifest system, the facility has initiated six shipments of hazardous waste since June 2021. Shipments were sent in June 2021, August 2021, and November 2021. The manifests included records of the following shipments: two drums of D001 waste flammable solids (polyurethane, stoddard solvent) sent to Tradebe (TND000772186) on June 29, 2021; seven drums of D001 waste flammable solids (polyurethane, stoddard solvent) sent to Tradebe (TND000772186) on August 27, 2021; one drum D001 waste wipes / rags containing flammable liquid (ethanol / methanol), four cubic yard boxes of D001 waste paint in metal cans, and thirteen drums of waste paint (polyurethane / stoddard solvent) sent to GRR (SCD036275626) on August 27, 2021; one drum of D001 waste wipes / rags containing flammable liquid (ethanol / methanol) sent to GRR (SCD036275626) on November 10, 2021; and seventeen totes of D002 waste cleaning liquid sent to Envirite (PAD010154045) on November 10, 2021 and November 19, 2021.

Inspection Records: In an email on March 23, 2022, Ms. King provided the inspectors with the facility's records of inspections of the hazardous waste central accumulation area (CAA) since November 2, 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 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. Schmitt. During this meeting, the inspectors stated their preliminary conclusions of the inspection.

13) Inspection Findings

Based on the observations made during the inspection, Bona US was apparently deficient with the following RCRA requirements:

- **Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in 15A NCAC 13A .0106 [40 C.F.R. § 261.2], must use the steps articulated in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11] to make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.**

- **Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11(f)], an LQG must maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste. These records must comprise the generator's knowledge of the waste and support the generator's determination. The records must include, but are not limited to, the following types of information: the results of any tests, sampling, waste analyses, or other determinations made in accordance with this section; records documenting the tests, sampling, and**

analytical methods used to demonstrate the validity and relevance of such tests; records consulted in order to determine the process by which the waste was generated, the composition of the waste, and the properties of the waste; and records which explain the knowledge basis for the generator's determination.

- **Pursuant to 15A NCAC 13A .0107(a) [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 any 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 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], and without complying with 15A NCAC 13A .0107(a) [40 C.F.R. § 262.16(b) or § 262.17(a)], except as required in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the conditions of the SAA Permit Exemption.**

- **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 [40 C.F.R. § 262.17(a)(1)(iv)(A)], which is a condition of the LQG Permit Exemption, a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste.**

- **Pursuant to 15A NCAC 13A .0107 [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator is required to mark or label containers with the words "hazardous waste"; with an indication of the hazards of the contents; and with the date upon which each period of accumulation begins.**

- **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.**

- **Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.17(a)(7)(iv)(B)], which is a condition of the LQG Permit Exemption, the LQG must maintain a written job description for each position at the facility related to hazardous waste management.**

- **Pursuant to 15A NCAC 13A .0107 [40 C.F.R. § 262.17(b)], which is a condition of the LQG Permit Exemption, an LQG who accumulates hazardous waste for more than 90 days is subject to the requirements of 15A NCAC 13A .0101 to .0119 [40 C.F.R. Parts 124, 264 through 268, and 270].**

- **Pursuant to 15A NCAC 13A .0119(b) [40 C.F.R. § 273.13(d)], a small quantity**

handler of universal waste (SQHUW) must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

14) List of Appendices

Appendix 1 – Photo Log:
36 Photos taken on: 02/15/2022
Photos taken by: Laurie Benton DiGaetano
Photos taken with: Panasonic DMC TS-5 Digital Camera
EPA Property Tag: S09533

15) Signed

Digaetano, Laurie Digitally signed by Digaetano, Laurie
Date: 2022.04.11 10:21:47 -04'00'

Laurie Benton DiGaetano
Senior Enforcement and Compliance Specialist

Concurrence

ARACELI CHAVEZ Digitally signed by ARACELI CHAVEZ
Date: 2022.04.11 13:14:33 -04'00'

Araceli B. Chavez
Chief
RCRA Enforcement Section

Photo 1: Miscellaneous materials located along a metal handrail outside of the Laboratory in the Filling Area. This area is used to stage incoming R & D samples and outgoing laboratory wastes such as expired chemicals or R & D products that have failed testing for potential use on-site.

Photo 2: Cubic yard box containing 5-gallon pails and a black trash bag of laboratory generated wastes. The box, which is located next to a metal handrail outside of the Laboratory in the Filling Area, is labeled nonhazardous waste.

Photo 3: 5-gallon pails and a black trash bag of laboratory generated wastes observed in a cubic yard box, which was labeled nonhazardous waste and staged in an area next to a metal handrail outside of the Laboratory in the Filling Area.

Photo 4: Nonhazardous waste label observed on the cubic yard box, which was staged in an area next to a metal handrail outside of the Laboratory in the Filling Area.

Photo 5: Three ½-gallon buckets labeled Bona Pigmented control and one ½-gallon bucket labeled Bona Pigmented textured, which were among the miscellaneous materials observed in an area next to a metal handrail outside of the Laboratory in the Filling Area.

Photo 6: One of two 1-gallon blue containers of corrosive material which were among the miscellaneous materials observed in an area next to a metal handrail outside of the Laboratory in the Filling Area.

Photo 7: One of two 1-gallon blue containers of corrosive material which were among the miscellaneous materials observed in an area next to a metal handrail outside of the Laboratory in the Filling Area.

Photo 8: One glass jar of Ancarez 2364 curing agent, which was among the miscellaneous materials observed in an area next to a metal handrail outside of the Laboratory in the Filling Area.

Photo 9: One box of R & D samples, which was among the miscellaneous materials observed in an area next to a metal handrail outside of the Laboratory in the Filling Area.

Photo 10: One box of R & D samples, which was among the miscellaneous materials observed in an area next to a metal handrail outside of the Laboratory in the Filling Area.

Photo 11: Five small containers of R & D samples, which were among the miscellaneous materials observed in an area next to a metal handrail outside of the Laboratory in the Filling Area.

Photo 12: One 55-gallon drum observed in the Laboratory SAA for managing hazardous waste lab debris. The drum was identified as U80-11585 lab debris, labeled D001 hazardous waste flammable solid (polyurethane Stoddard solvent), and marked with a flammable solid DOT hazard placard.

Photo 13: One ½-gallon flammable can, which was observed in the Laboratory SAA for managing hazardous waste flammable liquids. The container was labeled D001 hazardous waste flammable liquid and marked with a flammable pictogram.

Photo 14: One 1-gallon paint can, which was observed in the Laboratory SAA for managing hazardous waste flammable liquids. The container was labeled D001 hazardous waste flammable liquid and marked with a flammable pictogram.

Photo 15: One 55-gallon drum, which was observed in the Laboratory SAA for managing hazardous waste excess cleaning solvents. The container was labeled D001 hazardous waste adhesive solvent titrant (ethanol / methanol) and marked with a flammable liquid DOT hazard placard.

Photo 16: One 55-gallon steel drum, which was observed in the Laboratory SAA for managing hazardous waste paint waste. The container was labeled D001 hazardous waste paint waste (polyurethane / Stoddard solvent) and marked with a flammable liquid DOT hazard placard. One 55-gallon poly drum, which was observed in the Laboratory SAA for managing hazardous waste titration waste. The container was labeled D002 hazardous waste titration waste (sulfuric acid / hydrogen peroxide) and identified with a corrosive DOT hazard placard.

Photo 17: One pallet of Bona Hardener, which was marked with a sign reading “aged out, scrap 02/10/2022,” observed in the Returns SAA.

Photo 18: One 55-gallon drum, which was observed in the Shipping and Receiving SAA for managing hazardous waste aerosol cans. The container was labeled D001 / D005 / D035 hazardous waste aerosols and marked with a flammable liquid DOT hazard placard. The container was not marked with an indication that the contents are toxic.

Photo 19: Area within Main CAA where wastes are consolidated according to color-coding system. The cubic yard box and some smaller containers are open. None of the containers are labeled as hazardous waste, marked with an accumulation start date, or identified with an indication of the hazards of their contents.

Photo 20: Smaller containers ready for consolidation in the cubic yard box in the Main CAA. Containers are identified with the color-coding dot, but they are not labeled as hazardous waste, marked with an accumulation start date, or identified with an indication of the hazards of their contents. Some smaller containers are also open or in poor condition.

Photo 21: Smaller containers that have been consolidated into a cubic yard box in the Main CAA. The cubic yard box is open, not labeled as hazardous waste, not marked with an accumulation start date, and not identified with an indication of the hazards of its contents.

Photo 22: Area within Main CAA where wastes are consolidated according to color-coding system. The cubic yard box and some smaller containers are open. None of the containers are labeled as hazardous waste, marked with an accumulation start date, or identified with an indication of the hazards of their contents.

Photo 23: Approximately twenty 55-gallon drums staged in the area designated for waste-pickup. None of the containers were labeled as hazardous waste, and many were not marked with an accumulation start date or identified with an indication of the hazards of their contents.

Photo 24: Row of containers along the wall just to the left when entering the Main CAA. None of the containers were labeled as hazardous waste, and many were not marked with an accumulation start date or identified with an indication of the hazards of their contents.

Photo 25: Area for staging wastes that are transferred to the Main CAA from SAAs or staging unknown materials that are included with customer returns.

Photo 26: Unknown materials that are included with customer returns that are staged in the Main CAA to be characterized.

Photo 27: Unknown materials that are included with customer returns that are staged in the Main CAA to be characterized.

Photo 28: One 55-gallon drum, which was observed in the area used to stage unknown materials that are included with customer returns. The drum was labeled profile pending and dated 08/12/2021.

Photo 29: One overpack drum, which was observed in the area used to stage unknown materials that are included with customer returns. The drum was labeled profile pending and dated 01/18/2022.

Photo 30: Close-up of the profile pending label, dated 01/18/2022, which was observed on an overpack drum in the area used to stage unknown materials that are included with customer returns.

Photo 31: One 55-gallon drum labeled hazardous waste flammable liquid cups / rags (ethanol / methanol) and identified with a flammable solid DOT hazard placard. The drum was not marked with an accumulation start date.

Photo 32: Four 55-gallon drums used to accumulate wastes generated in the UV Area.

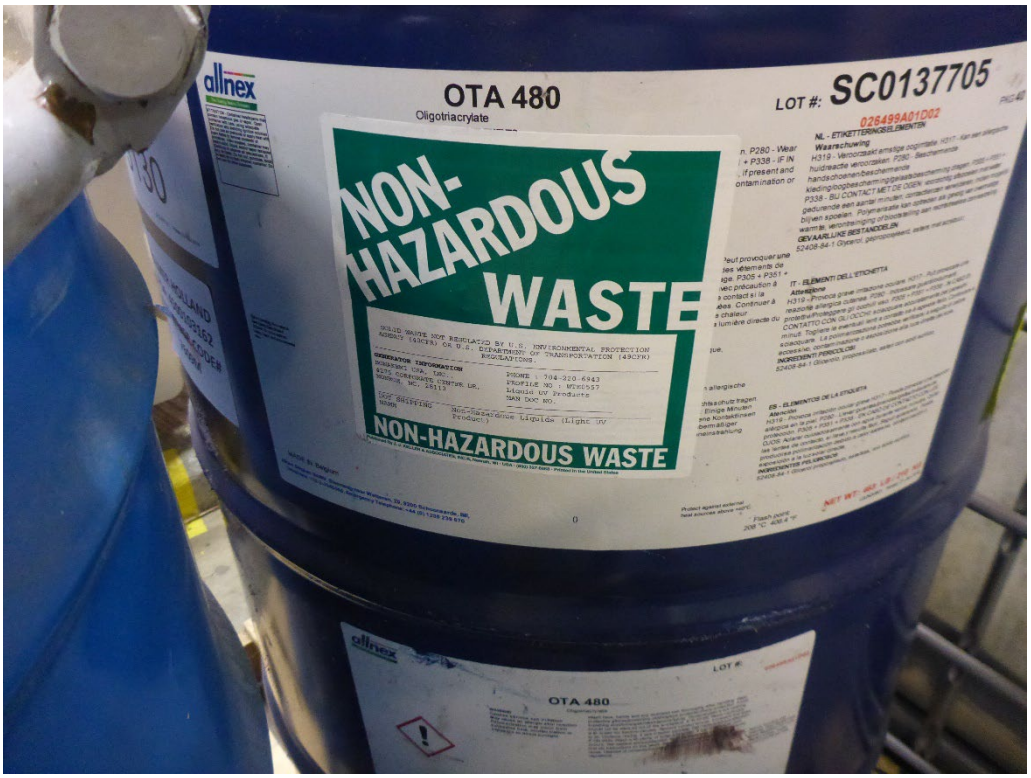

Photo 33: Close-up of a label observed on one of four 55-gallon drums used to accumulate wastes generated in the UV Area.

Photo 34: Close-up of a label observed on another of four 55-gallon drums used to accumulate wastes generated in the UV Area.

Photo 35: Shelving unit used to manage universal waste near the UV Area.

Photo 36: One 55-gallon drum observed in the Adhesives Area SAA for managing hazardous waste flammable solids. The drum was labeled D001 hazardous waste flammable liquid cups / rags (ethanol / methanol) and marked with a flammable solid DOT hazard placard.