

# REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

## **3P Processing**

1702 South Knight Street  
Wichita, Kansas 67213  
316-529-0827 Ext.2223  
EPA ID Number: KSD073323081

On

September 12-13, 2023

By

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

## **1.0 INTRODUCTION**

I performed a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) at 3P Processing (3P), located in Wichita, Kansas, on September 12-13, 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 Large Quantity Generator (LQG) of hazardous waste, a small quantity handler of universal waste, and used oil generator. 3P was last inspected for RCRA compliance on January 26, 2016, by the State of Kansas. The 2016 inspection report noted five potential findings or violations. KDHE issued a letter to 3P noting the violations were corrected.

## **2.0 PARTICIPANTS**

### 3P:

Nick Hoppes, EHS Manager

### Kansas Department of Health and Environment (KDHE):

Amy Wooten, KDHE – Waste Supervisor-RCRA

Josh Webb, KDHE – Inspector-CAA

Mickey Haynes, KDHE – Inspector-CAA

U.S. Environmental Protection Agency (EPA):

Marc Matthews, Environmental Engineer, ECAD (Lead RCRA Inspector)

Charlotte Papp, Environmental Engineer, ECAD (Lead CAA Inspector)

### **3.0 INSPECTION PROCEDURES**

On September 12, 2023, Ms. Papp and I arrived at the facility at approximately 9:00 a.m. to conduct a RCRA and CAA multi-media inspection. A drive-by inspection was only possible on the west side of the facility. No apparent issues were observed. Ms. Papp and I met with Ms. Wooten, Mr. Webb, and Ms. Haynes from the KDHE in the parking lot. KDHE was notified prior to the inspection and the state had Ms. Wooten, Mr. Webb, and Ms. Haynes accompany Ms. Papp and me for the inspection.

From the parking lot we proceeded to the facility entry/lobby area and asked to speak with an environmental manager. Shortly thereafter Mr. Hoppes greeted us and escorted us to a conference room. We provided Mr. Hoppes with business cards and presented EPA credentials and state IDs. During the in-briefing, we notified Mr. Hoppes that this would be a multi-media inspection covering the Clean Air Act and the Resource Conservations and Recovery Act regulations. Once, Ms. Papp completed her facility access process, I presented Mr. Hoppes with the RCRA Facility Access Information Sheet, March 2013, which provides inspection authority. I also explained my need to collect accurate information and presented Mr. Hoppes with a copy of Title 18 U.S. Code, Sections 1001 and 1002. As part of the in-briefing, Mr. Hoppes was made aware of 3P'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. Mr. Hoppes acted as the facility representative during the on-site inspection activities.

During the inspection, discussions consisted of wastes generated and waste management practices. Document scans and photographs were collected as inspection documentation (Attachments 1-15). A total of 33 photographs were collected and a photolog was prepared (Attachment 1) and a total of 16 digital scans (Attachment 2).

While we toured the whole facility as an inspection team, Ms. Papp, Mr. Webb, and Ms. Haynes focused on the processes associated with CAA activities whereas Ms. Wooten and I conducted a visual inspection of the following areas which contained RCRA regulated hazardous wastes:

Shot Room

Passivate Line #6

Paint Room #1

Crib #1

Paint Room #2

Paint Room #3

Waste Treatment Area

Container Accumulation Area

Information collected during the inspection was documented on the KDHE checklists entitled, “Hazardous Waste Generator Compliance Inspection Checklist” (Attachment 9), “HW Compliance Inspection Checklist Cover Page – HW Checklists” (Attachment 10), and “Used Oil Generator Compliance Inspection Checklist” (Attachment 11). Additional information was documented in a bound field note logbook, on field sheets, and as discussed below.

At the conclusion of the inspection, I summarized the findings and recommendations with Mr. Hoppes. I provided Mr. Hoppes with a Confidentiality Notice (Attachment 4) which he signed as acknowledgement of receipt. Mr. Hoppes made no confidentiality claims. I provided Mr. Hoppes with a Receipt for Documents and Samples (Attachment 5) and Notice of Preliminary Findings (NOPF) (Attachment 6), which Mr. Hoppes signed as acknowledgement of receipt.

The following inspection documents were provided to 3P:

- RCRA Facility Access Information Sheet
- Confidentiality Notice
- Notice Regarding Proprietary/Confidential Business Information Submitted to or collected by EPA In Connection with Inspections
- Receipt of Documents and Samples
- NOPF

I followed the inspection procedures discussed 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 Kansas regulations.

## **4.0 FINDINGS AND OBSERVATIONS**

### **4.1 General Information/Facility Description and RCRA Status**

According to the company website, “for more than 30 years 3P Processing has provided high quality metal processing, inspection, and finish for aerospace and commercial manufacturers. The 130,000 square foot facility and highly skilled workforce of more than 170 provides a wide range of metal finishing services and world class customer service. With a focus on quality, the goal of constant product and process improvement, excellent customer service and concern for the environment, 3P is committed to its customers and strives for nothing less than 100% satisfaction. 3P Processing Services: Aluminum, Titanium and Steel Processing Shot Peen Prime and Painting Specialty Coatings (Sol-Gel / DriLube) Teflon Coatings Nondestructive Testing (NDT) Part Marking, including Dot Peen Abrasive and Chemical Cleaning Complex Masking Requirements Organic Stripping.”

3P currently employs approximately 160 people according to Mr. Hoppes. He added that they are having trouble keeping employees and that they only run the third shift for the paint crew. All other operations are conducted during the 1<sup>st</sup> and 2<sup>nd</sup> shifts, 7:00 a.m. to 3:30 p.m. and 3:30 p.m. to 11:30 p.m. respectively.

The facility consists of four buildings. Three of the buildings were located on the west side of S. Knight Street. The three buildings were used by maintenance and for general storage. No hazardous waste was observed or around these buildings and were not further inspected since no concerns were noted during the previous KDHE inspection. The building on the east side of South Knight Street is considered the main facility.

We inspected the following areas within the main facility: passivate Line #6, hard anodize/titanium etch line #1, pre-pen masking, hardness and conductivity, vapor degreaser #1, setup, pre-penetrant line#3/aluminum line #2, vapor degreaser #2, penetrant wash room, developer, mag particle room, paint room #1, paint mix crib, masking room, ship-out room #1, goop room, wet tape test room, paint storage #1, paint room #2, ovens, ship-out room #3, paint room #3, waste treatment area, customer packaging storage, shipping and receiving north, maintenance, tool crib, storage area, chemical storage, and blast/shot peen room.

Hazardous waste at the facility was stored in the chemical storage area and in the waste treatment area.

Metal scrap and shot at the facility was stored in drums and boxes in the blast/shot peen room.

Hazardous waste generated at the facility includes, but may not be limited to, paint and paint related material, distillation sludge, trichloroethylene, trichloroethylene and water, filter cake, paint filters/screens/chromium debris/rags/ debris, bead blast, aerosols, broken lamps, and parts washer solvent. The facility also generates used fluorescent lamps and used oil. See Attachment 8 for additional information related to waste streams generated at the facility.

General trash was placed in a compacter box on the north side of the main facility. A cardboard bin was also located on the north side of the main facility.

#### **4.2 RCRA Status**

According to the RCRAInfo database, 3P has notified as an LQG of D001, D002, D005, D006, D007, D008, D009, D010, D040 characteristic hazardous waste and, F001, F003, F005, F006, F019 listed hazardous waste, last notifying on February 22, 2023.

Mr. Hoppes and I went over the Notification Acknowledgement/Verification Report form (Attachment 7) and he noted that no changes needed to be made to the form. Based upon the amount and type of hazardous waste generated at 3P, I inspected the facility as an LQG of hazardous waste, small quantity handler of universal waste, and used oil generator.

#### **4.3 Previous Inspection and Related Findings**

3P Processing was last inspected for RCRA compliance on January 26, 2016, by the State of Kansas. The 2016 KDHE inspection report, included the following potential findings or violations:

1. 40 CFR 299.22 (c) - Failure to mark containers with the words "Used Oil."
2. 40 CFR 265.52(d) - Failure to list name, home address, and phone number of each of the designated Emergency Coordinators.
3. 40 CFR 262.34(a)(1)(i) - Failure to containerize hazardous waste.
4. 40 CFR 265.173(a) - Failure to close hazardous waste container except when adding or removing waste.

#### **4.4 Changes Since the Previous Inspection**

Changes that have occurred at 3P since the previous inspection include, but are not limited to:

Mr. Hoppes began his current position in January 2023.

#### **4.5 Waste Streams and Waste Management**

Information related to waste streams is listed in the Waste Stream Table (Attachment 8).

#### **4.6 Areas Visually Inspected and Related Preliminary Findings**

##### **4.6.1 Shot Room**

Upon entering the Shot Room, I observed an open one cubic yard hazardous waste blast bead media (D007) container that was being used as a satellite accumulation container. The container was properly labeled as hazardous waste however it was open, and it exceeded the 55 gallon capacity for a satellite accumulation container (Attachment 1, Photographs 1, 2, & 3). Note: NOPF #1 and NOPF #2 in this area were added after the inspection.

**NOPF #1** – Satellite accumulation container of hazardous waste blast bead media (D007) exceeds 55 gallons. K.A.R. 28-31-262(c)(6).

**NOPF #2** – Satellite accumulation container open. 40 C.F.R. 265.173(a).

Near the satellite accumulation container was the shot blast machine with hazardous waste blast bead media (D007) on ground (Attachment 1, Photograph 4). The release appeared to be approximately 10 feet by 10 feet in size consisting of pure shot blast media. It also appeared that a portion of the release had been swept, had containers removed due to the rings in the media, had a dolly or some other wheeled item moved through from the back of the blast bead machine, had scuff marks and signs of tracking toward the front of the photo. Mr. Hoppes wasn't aware of the release prior to our tour. He noted the material was the blast bead media and would be hazardous waste. Upon returning to the facility the following day, Mr. Hoppes stated that the spill had been cleaned up and escorted Ms. Wooten and me to the Shot Room where an employee was sweeping up a new release. The release appeared to be approximately six feet by six feet in size consisting of shot blast media with what appeared to be in most part

floor dry material spread over the top (Attachment 1, Photo 29). The employee explained to Mr. Hoppes that there was an issue with the door and that when the machine operated, bead blast media was escaping the lower seal of the door. The employee said that it was non-hazardous and was planning on returning it to the bead blast machine. At this point I informed Mr. Hoppes that they would need to make a hazardous waste determination on the media so it can be managed properly.

**NOPF #3** – Failure to containerize hazardous waste. Two occurrences observed once on September 12, 2023, and once on September 13, 2023. 40 C.F.R. 262.34(a)(1)(i).

**NOPF #4** – Failure to maintain or operate the facility to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste. Two occurrences observed once on September 12, 2023 (Attachment 1, photo 4), and once on September 13, 2023 (Attachment 1, photo 29). 40 C.F.R. 265.31.

During the inspection I cited **NOPF #5** – Failure to make a hazardous waste determination on the released blast bead media. 40 C.F.R. 262.11 due to the employee treating the release as non-hazardous. However, after reviewing the training records and statements made by Mr. Hoppes, I decided that the facility did make a proper hazardous waste determination on the bead blast media but failed to train the employee on proper handling of the material. This release was properly placed in the satellite accumulation container rather than being returned to the shot blast machine. Due to these findings, NOPF #5 is rescinded.

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, “bead blast was swept up and placed into the Bead Blast Media box and a lid was placed on top (D007). The hose where the leak occurred has been replaced, and an extra latch has been added to the cabinet. The seal around the door is also scheduled to be replaced.”

A table adjacent to the bead blast machine had a day can sitting on it. The day can was left open, and no operators were in the room. (Attachment 1, Photograph 5)

**NOPF #2** – Satellite accumulation container open. 40 C.F.R. 265.173(a).

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, “The Shot Peen day container was twisted closed (Fixed during inspection).” (The closing of the container was not observed by inspection team.)

#### **4.6.2 Passivate Line #6**

While air monitoring was being conducted, I observed an approximately a five foot by five foot, with a corner cutout, sized spill of a dry, yellowish, cakey material on the ground (Attachment 1, photograph 6). Mr. Hoppes informed me that it was a nitric or hydrochloric acid spill. The spill had occurred over the weekend and had not been cleaned up until after the first day of the inspection. Upon arrival the second day, Mr. Hoppes escorted Ms. Wooten and me to Passive

Line #6 to observe the cleaned-up area (Attachment 1, photograph 30). Note: NOPF#3 in this area was added after the inspection.

**NOPF #3** – Failure to containerize hazardous waste. 40 C.F.R. 262.34(a)(1)(i).

**NOPF #4** – Failure to maintain or operate the facility to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste. 40 C.F.R. 265.31.

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, "The dried Nitric Acid in front of Line 6-9 was reconstituted by adding RO water to the dried material, then pumped into a 55-gal poly drum for transfer to the Wastewater Treatment System where it eventually becomes Filter Cake (D007) at the end of being processed."

#### **4.6.3 Paint Room #1**

In this area I observed a labeled hazardous waste paint waste vacuum satellite accumulation container with an open pipe. (Attachment 1, photo 7). Mr. Hoppes thought the cap was left in the container accumulation area.

**NOPF #2** – Satellite accumulation container open. 40 C.F.R. 265.173(a).

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, "The Vacuum Drums in Paint Room #1 & #2 had their Banjo clamps returned to them and latched (Fixed during inspection)." Attachment 1, photo 31 was provided by 3P showing the cap on the previously open pipe. (The closing of the container was not observed by inspection team.)

On the floor in front of the paint booths were closed day cans. One of the cans had what appears to be two sets of latex gloves sitting on the top and one pair on the ground adjacent to the can. (Attachment 1, Photo 8). Mr. Hoppes contacted one of the painters who opened the day can and placed the gloves inside then sealed the container. Photo 9 depicts the conditions observed of the area depicted in photo 8 after the painter opened the day can and placed the gloves inside then sealed the container.

**NOPF #3** – Failure to containerize hazardous waste. 40 C.F.R. 262.34(a)(1)(i).

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, "Discarded gloves were placed into day container with inspectors present."

#### **4.6.4 Crib #1**

In Crib #1, I observed a satellite accumulation area (SAA) for solvents & paint related material (Attachment 1, photo 10), a SAA for paint (Attachment 1, photo 11), and a SAA for paint related solids (Attachment 1, photo 12). All were properly labeled and closed.

There was also a can crushing unit for RCRA empty metal cans. Under the unit was a container to collect the smashed cans. In this container, I observed an open mixing cup (Attachment 1, photo 13) which should have been placed in the satellite accumulation container directly behind the unit shown in photo 14. Photo 14 shows also paint spattered throughout the room including walls and the floor.

**NOPF #3** – Failure to containerize hazardous waste for the cup in the drum under the can crushing unit and for the spattered paint. 40 C.F.R. 262.34(a)(1)(i).

**NOPF #4** – Failure to maintain or operate the facility to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste for the spattered paint. 40 C.F.R. 265.31.

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, “Waste paint cups in Mix Crib #1 were picked up and placed into their respective Rag Drums (SAA).”

#### **4.6.5 Paint Room #2**

In this area, I observed a labeled hazardous waste paint waste vacuum satellite accumulation container with an open pipe. (Attachment 1, photo 15). Mr. Hoppes thought that this cap was also left in the container accumulation area.

**NOPF #2** – Satellite accumulation container open. 40 C.F.R. 265.173(a).

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, “The Vacuum Drums in Paint Room #1 & #2 had their Banjo clamps returned to them and latched (Fixed during inspection).” Attachment 1, photo 32 was provided by 3P showing the cap on the previously open pipe. The closing of the container was not observed by inspection team.

#### **4.6.6 Paint Room #3**

The satellite accumulation area in this room contained one open 55-gallon satellite accumulation drum with an unlatched funnel and four discarded paint cups, two sitting on SA containers and two laying on the ground (Attachment 1, photo 16). Photo 17 is included to show the proximity of the satellite accumulation container for the cups to the liquid paint related satellite accumulation containers.

**NOPF #2** – Satellite accumulation container open. 40 C.F.R. 265.173(a).

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, “The Paint Waste SAA (Rag Drum) in Paint Room #3 was closed and latched (Fixed during inspection).”

**NOPF #3** – Failure to containerize hazardous waste for the four discarded paint cups. 40 C.F.R. 262.34(a)(1)(i).

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, “Waste paint cups in Paint Room #3 were picked up and placed into their respective Rag Drums (SAA).”

#### **4.6.7 Waste Treatment Area**

In the northwest corner of the Waste Treatment Area, we discovered a filter press on the north wall with a large piston holding down approximately half a cubic yard of hazardous waste filters (D007). The box was open and no label was apparent (Attachment 1, photo 18). To the left of the filter press on the west wall we observed a stack of hazardous waste filters (D007) placed on the floor. These filters are not containerized (Attachment 1, photo 19). East of the filter press (right in the photo) on the north wall we observed a second stack of hazardous waste filters placed on the floor and a small platform on casters that contained an open shop vac used for hazardous waste and an open box of used rags, neither of which were labeled (Attachment 1, photo 20).

**NOPF #2** – Hazardous waste container open for the filter press box, shop vac, and box of rags. 40 C.F.R. 265.173(a).

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, “The Shop Vac is now labeled with the same label as the Paint Room vacuum drums and is closed. The box of rags was added to the Paint Waste box currently under the compactor, filled, then closed (Waste Paint Related Material – D001, D005, D006, D007, D008, and D010).”

**NOPF #3** – Failure to containerize hazardous waste for the two stacks of paint filters. 40 C.F.R. 262.34(a)(1)(i).

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, “Paint booth filters were placed into Paint Waste boxes.”

**NOPF #4** – Failure to maintain or operate the facility to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste for the two stacks of filters. 40 C.F.R. 265.31.

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, “The paint booth filters were placed into Paint Waste boxes and closed.”

**NOPF #6** – Satellite accumulation containers not marked as hazardous waste for the shop vac and box of rags. K.A.R. 28-31-262(c)(7) / 40 CFR 262.34(a)(3).

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, “The Shop Vac is now labeled with the same label as the Paint Room vacuum drums. The box of rags was added to the Paint Waste box currently under the compactor, filled, then closed (Waste Paint Related Material - D001, D005, D006, D007, D008, and D010).” Attachment 1, photo 33 was provided by 3P showing the cap on the previously open pipe and the label on the shop vac.

#### **4.6.8 Container Accumulation Area**

Mr. Hoppes informed us that they were going to have a pickup the next day so their inventory of hazardous waste was high. The quantity and waste types are listed in the hazardous waste inventory sheet (Attachment 7). There were three areas of concern identified in this area.

**Degreaser Water** – The label on three black plastic 55-gallon drums of degreaser water did not contain an accumulation start date (Attachment 1, photos 21, 22, & 23). When this was pointed out, Mr. Hoppes had one of his staff double check the appropriate date and write the date on the labels before we left the area (Attachment 1, photos 24 & 25).

**NOPF #8** – No accumulation start date on three 55-gallon drums of degreaser water. 40 CFR 262.34(a)(2).

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, “The EHS team was in the middle of prepping the drums for shipment during the inspection and the correct dates were added to the drums (noted as fixed during inspection).” The dating of the containers was observed by inspection team.

**Used Lamps** – Two containers of used lamps (universal waste) were observed during the inspection, both were closed but one was not labeled (Attachment 1, photo 26). When this was pointed out, Mr. Hoppes had one of his staff print and apply a label before we left the area (Attachment 1, Photo 27).

**NOPF #7** – One container of used 4-foot lamps was not labeled. 40 CFR 273.14(e).

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, “The EHS team added the correct label to the container while inspectors were present. Fixed during inspection.” The dating of the containers was observed by inspection team.

**Waste Paint** – Two 55-gallon drums of waste paint were observed inside overpack containers. The date on the label indicates an accumulation start dates of “2-2-23” and “2-23-23”. When this was pointed out to Mr. Hoppes, he questioned the date stating that he remembered purchasing the overpacks in July so the date should be July not February. Mr. Hoppes questioned an employee who said 2-2-23 and 2-23-23 were the correct dates. I informed Mr. Hoppes that I had to go off the 2-2-23 and 2-23-23 dates as the start of accumulation unless he

could open the overpack to determine what the date was on the 55-gallon drums. (Attachment 1, photo 28)

**NOPF #9** – Two 55-gallon drums of hazardous waste contained in overpack containers were stored for greater than 90 days. 40 CFR 262.34(a).

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, “The 2 overpack drums were dated incorrectly. Delivery date of the overpack drums of 7/5/23 was provided as proof of correct date during the inspection.”

#### **4.7 Records Review and Related Preliminary Findings**

##### **4.7.1 Weekly Inspections**

During review of weekly inspection records from January 2, 2023, to September 11, 2023, related to the less than 90-day accumulation areas. I noted that hazardous waste inspections had not been documented on June 12, 2023, and June 19, 2023. (Attachment 2, scans 7 and 8). The fully completed form for 9/11/23 is presented in Attachment 2, scan 9 for reference.

**NOPF #10** – Weekly Inspections of Less Than 90-Day Accumulation Areas not conducted, 40 CFR 265.174.

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated: “Weekly Inspection forms 6/12/23 & 6/19/23 amended.”

##### **4.7.2 Contingency Plan**

Prior to the inspection, I reviewed the 2016 KDHE Inspection report (Attachment 12) and noted that a potential finding was made concerning the 2016 Contingency Plan presented during the inspection. I also reviewed the March 16, 2016, Notice from KDHE (Attachment 13) where an updated Contingency Plan dated January 2016 was provided. KDHE indicated the updated Contingency Plan corrected the potential finding.

During the 2023 inspection, I requested a copy of the contingency plan prior to leaving on September 12, 2023. On September 13, 2023, Mr. Hoppes presented me with a copy of the January 2016 Contingency Plan included in Attachment 13.

The Contingency Plan was not updated when Mr. Hoppes became the Primary Emergency Coordinator in January 2023. Additionally, one Secondary Emergency Coordinator has changed since the 2016 Contingency Plan.

Throughout the morning Mr. Hoppes told me staff were working on an updated plan, but no plan was presented prior to the conclusion of the inspection.

**NOPF #11** – Failure to review and immediately amend the contingency plan upon change of the emergency coordinator, 40 CFR 265.54.

Note: At the time of the inspection, 40 CFR 265.51 – Failure to have an updated contingency plan was inadvertently cited rather than 40 CFR 265.54. The 2016 Contingency Plan presented during the inspection was out of date and was lacking elements of a complete contingency plan such as but not limited to: 265.53 – revised copies provided to agencies and 265.54 – Emergency Coordinator changes.

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, “Most recent Contingency Plan In progress as of June 2023, completed September 2023.”

During review of the 2016 Contingency Plan, I did not see arrangements with the local police department. During the inspection, Mr. Hoppes could not identify all parties that 3P had arrangements with.

**NOPF #12** – Failure to make arrangements with local authorities. The previous arrangements were outdated and missing the police notification. 40 CFR 265.53(b).

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, “Updated Contingency Plan addresses this issue.”

While reviewing the KDHE Hazardous Waste Generator Requirements checklist, I did not see any mention of a Quick Reference Guide which is required under current federal regulations. I asked Ms. Wooten if she was aware of this KDHE adopting this portion of the federal regulations. She was unsure. Since the facility did not have a Quick Reference Guide, I cited this as **NOPF #13** - 40 CFR 262.262(b) – Failure to have a quick reference guide. Upon return to the office, I contacted the Kansas RCRA Enforcement Coordinator who informed me facilities in Kansas do not have to complete the Quick Reference Guide. I contacted Mr. Hoppes and let him know this finding was rescinded.

During the walkthrough inspection, I noted several ABC-rated fire extinguishers throughout the facility and the fire extinguishers were also being inspected and serviced by an off-site contractor during the inspection. The facility is equipped with a water fire suppression system. The facility is equipped with multiple fire alarm pull boxes. The facility is also equipped with an internal paging system.

#### **4.7.3 Training**

From the training information presented during the inspection, it appeared that there was very limited training provided to hazardous waste handlers at the facility and that the training records were not well maintained. Additionally, the violations noted and the general hazardous waste handling procedures observed during the walkthrough would indicate a lack of adequate hazardous waste training.

I requested copies of 3P's training records and Mr. Hoppes provided the following listed documents. The EHS Manager Job Summary (Attachment 2, scan 2), which indicates compliance with 40 CFR 265.16(d)(2) - Written job description for the EHS Manager however no other job descriptions were provided.

3P Processing Training Roster for 11/17/22 (Attachment 2, scan 3) indicating only two people were trained and 3P Processing Training Roster for 11/15/21 (Attachment 2, scan 9), indicating only three people were trained, and Count of EE Employees Subject to Training (Attachment 2, scan 11) indicating that 42 individuals should be receiving annual training. Since training records were not available for all current employees it appears the facility is not in compliance with 40 CFR 265.16(e).

During discussion with Mr. Hoppes, it appears new personnel trained within six months after their employment and are supervised until training is completed.

When asked about the content of the training course, Mr. Hoppes provided copies of the Hazardous Waste Training: Initial/Annual Agenda (Attachment 2, scan 4), the Hazardous Waste Training Initial and Annual Agenda (Attachment 2, scan 10), and the EHS Training File List (Attachment 2, scan 5). It appears appropriate coverage for topics for annual training, but looking at the Training Rosters noted above, it appears all this training was completed in a 30 minute training session.

During the closing conference, I cited NOPF #14 and NOPF #15.

**NOPF #14** – Failure to have a training program. The facility may have had portions of a training program however due to observations on the ground and lack of documentation it was determined that the training program was inadequate by not providing annual training to the majority of the employees required to take the training. 40 CFR 265.16(a).

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, "Hazardous waste Training now being updated for annual training for the entire plant."

**NOPF #15** – Failure to maintain required documents and records at the facility for 40 employees due to the unavailability of training documents. 40 CFR 265.16(d).

Mr. Hoppes responded to the NOPF on September 21, 2023 (Attachment 15). A portion of the response stated, "Recent Hazardous Waste Training for Paint Dept uploaded to OneDrive folder for consideration. Annual Training being updated to include entire plant."

Following review of the training requirements upon return to the office, I determined that the following possible preliminary findings could be included:

Failure to train employees on an annual basis after initial training - 40 CFR 265.16(c);

Failure to document all job titles for each position related to hazardous waste management and the name of the employee filling each job - 40 CFR 265.16(d)(1);  
Failure to maintain written job description for each position - 40 CFR 265.16(d)(2);  
Failure to maintain the description of type and amount of both introductory and continuing training to be given to each person - 40 CFR 265.16(d)(3); and  
Failure to maintain records of training or job experience completed by facility personnel - 40 CFR 265.16(d)(4).

#### **4.7.4 Uniform Hazardous Waste Manifests and Land Disposal Restriction (LDR) Notification Forms**

Prior to arriving at the facility, I had conducted an inspection of electronic manifests from July 2020 through June 2023, using RCRAInfo (Attachment 14). During the inspection, I reviewed one year of manifests on site and the LDR notification forms associated with hazardous waste generated at, and shipped from, 3P.

No apparent issues were observed review of manifests and LDR notification forms.

#### **4.7.5. 2021 Comprehensive Biennial Report**

Prior to arriving at the facility, I was able to review the facility 2021 biennial report using RCRAInfo (Attachment 7). No apparent issues were observed during review of the 2021 comprehensive biennial report.

### **5.0 SUMMARY**

I inspected 3P as an LQG of hazardous waste, small quantity handler of universal waste, and used oil generator. The following preliminary findings were noted as discussed above:

- NOPF #1 – Satellite accumulation container of hazardous waste blast bead media (D007) exceeds 55 gallons in the Shot Room. K.A.R. 28-31-262(c)(6).
- NOPF #2 – Satellite accumulation container open in the Shot Room. 40 C.F.R. 265.173(a).
  - Satellite accumulation container (Day Can) open in the Shot Room. 40 C.F.R. 265.173(a).
  - Satellite accumulation container open in Paint Room #1. 40 C.F.R. 265.173(a).
  - Satellite accumulation container open in Paint Room #2. 40 C.F.R. 265.173(a).
  - Satellite accumulation container open in Paint Room #3. 40 C.F.R. 265.173(a).
  - Hazardous waste container open for the filter press box in the Waste Treatment Area. 40 C.F.R. 265.173(a).
  - Hazardous waste container open for the shop vac in the Waste Treatment Area. 40 C.F.R. 265.173(a).
  - Hazardous waste container open for the box of rags in the Waste Treatment Area. 40 C.F.R. 265.173(a).

- NOPF #3 – Failure to containerize hazardous waste. Two occurrences observed once on September 12, 2023, and once on September 13, 2023 in the Shot Room. 40 C.F.R. 262.34(a)(1)(i).
- Failure to containerize hazardous waste in front of Passivate Line #6. 40 C.F.R. 262.34(a)(1)(i).
  - Failure to containerize hazardous waste in Paint Room #1. 40 C.F.R. 262.34(a)(1)(i).
  - Failure to containerize hazardous waste for the cup in the drum under the can crushing unit in Crib #1. 40 C.F.R. 262.34(a)(1)(i).
  - Failure to containerize hazardous waste for the spattered paint in Crib #1. 40 C.F.R. 262.34(a)(1)(i).
  - Failure to containerize hazardous waste for the four discarded paint cups in Paint Room #3. 40 C.F.R. 262.34(a)(1)(i).
  - Failure to containerize hazardous waste for the two stacks of paint filters in the Waste Treatment Area. 40 C.F.R. 262.34(a)(1)(i).
- NOPF #4 – Failure to maintain or operate the facility to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste. Two occurrences observed once on September 12, 2023, and once on September 13, 2023 in the Shot Room. 40 C.F.R. 265.31.
- Failure to maintain or operate the facility to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste in front of Passivate Line #6. 40 C.F.R. 265.31.
  - Failure to maintain or operate the facility to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste for the spattered paint in Crib #1. 40 C.F.R. 265.31.
  - Failure to maintain or operate the facility to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste for the two stacks of filters in the Waste Treatment Area. 40 C.F.R. 265.31.
- NOPF #5 – **[RESCINDED]**
- NOPF #6 – Satellite accumulation container not marked as hazardous waste for the shop vac in the Waste Treatment Area. K.A.R. 28-31-262(c)(7) / 40 CFR 262.34(a)(3).
- Satellite accumulation container not marked as hazardous waste for the box of rags in the Waste Treatment Area. K.A.R. 28-31-262(c)(7) / 40 CFR 262.34(a)(3).
- NOPF #7 – One container of used 4-foot lamps was not labeled in the Container Accumulation Area. 40 CFR 273.14(e).
- NOPF #8 – No accumulation start date on three 55-gallon drums of degreaser water in the Container Accumulation Area. 40 CFR 262.34(a)(2).
- NOPF #9 – Two 55-gallon drums of hazardous waste contained in overpack containers were stored for greater than 90 days in the Container Accumulation Area. 40 CFR 262.34(a).
- NOPF #10 – Weekly Inspections of Less Than 90-Day Accumulation Areas Not Conducted, 40 CFR 265.174.
- NOPF #11 – Failure to review and immediately amend the contingency plan upon change of the emergency coordinator, 40 CFR 265.54.

NOPF #12 – Failure to make arrangements with local authorities. The previous arrangements were outdated and missing the police notification. 40 CFR 265.53(b).

NOPF #13 – **[RESCINDED]**

NOPF #14 – Failure to have a training program. The facility may have had portions of a training program however due to observations on the ground and lack of documentation it was determined that the training program was inadequate by not providing annual training to the majority of the employees required to take the training. 40 CFR 265.16(a).

NOPF #15 – Failure to maintain required documents and records at the facility for 40 employees due to the unavailability of training documents. 40 CFR 265.16(d).

Marc Matthews  MARC MATTHEWS  
Digitally signed by MARC MATTHEWS  
Date: 2024.02.09 10:47:19 -06'00'  
Environmental Engineer  
ECAD/CB/RCRA, EPA Region 7

Amber Whisnant  Mike Martin - signing  
for Amber Whisnant  
Digitally signed by Mike Martin -  
signing for Amber Whisnant  
Date: 2024.02.09 12:01:56 -06'00'  
Section Chief  
ECAD/CB/RCRA, EPA Region 7

### **Attachments**

- Attachment 1 – Digital Image Log (36 pages/33 photos)
- Attachment 2 – Scan Log (17 pages/16 scans)
- Attachment 3 – Aerial Photo and Facility Map (2 pages)
- Attachment 4 – Confidentiality Notice (1 page)
- Attachment 5 – Receipt for Documents and Samples (1 page)
- Attachment 6 – NOPF (3 pages)
- Attachment 7 – Notification and Biennial Report Forms (2 documents)
- Attachment 8 – Waste Stream Table (2 pages)
- Attachment 9 – 3P HW Compliance Inspection Cover Page Checklist (8 pages)
- Attachment 10 – 3P HW Generator Compliance Checklist (14 pages)
- Attachment 11 – 3P Used Oil Generator Inspection Checklist (2 pages)
- Attachment 12 – 2016 KDHE Inspection Report (49 pages)
- Attachment 13 – March 16, 2016, KDHE Notice to 3P Processing (54 pages)
- Attachment 14 – e-manifests (10 documents, 11 pages)
- Attachment 15 – NOPF Response (6 documents, 3 photos, 32 pages)