

RCRA COMPLIANCE EVALUATION INSPECTION REPORT

1) **Inspector and Author of Report**

Héctor M. Danois
Environmental Engineer
U.S. Environmental Protection Agency, Region 4
RCRA Enforcement Section
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
61 Forsyth Street, S.W.
Atlanta, Georgia 30303
(404) 562-8556

2) **Facility Information**

Vertrauen Chemie Solutions - Buoy Street
2170 Buoy Street
Memphis, Tennessee 38113

EPA ID No.: TND980600514

NAICS: 32551 - Paint and Coating Manufacturing

3) **Primary Contact**

Bracken Miller, EHS Manager
Vertrauen Chemie Solutions - Buoy Street
2170 Buoy Street
Memphis, Tennessee 38113

4) **Inspection Participants**

Bracken Miller	Vertrauen Chemie Solutions - Buoy Street
Jason Simpson	Memphis TDEC
Jim Holt	Memphis TDEC
Héctor M. Danois	EPA Region 4

5) **Date and Time of Inspection**

November 18, 2020 @ 8:30 a.m.

6) **Applicable Regulations**

RCRA Sections 3005 and 3007; 40 Code of Federal Regulations (C.F.R.) Parts 260 - 266, 268, 270, 273, and 279; Tennessee Hazardous Waste Management Act, Tennessee Code Annotated

(T.C.A.) 68-212 part 1 & 3 and the Used Oil Collection Act of 1993, T.C.A. 68-21; the Tennessee Hazardous Waste Management Regulations, Tennessee Rule Chapter 0400-12-01.

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2. [40 C.F.R. § 262.34(a) (2016)], a generator of 1,000 kilograms or greater of hazardous waste in a calendar month is a Large Quantity Generator (LQG) and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Section 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(i)-(v) [40 C.F.R. § 262.34(a)(1)-(4) (2016)] (hereinafter referred to as the “LQG Permit Exemption”).

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)5.(i) [40 C.F.R. § 262.34(c)(1) (2016)], a generator may accumulate as much as 55 gallons of 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 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(iv) [40 C.F.R. § 262.34(a) (2016)], provided that the generator complies with the satellite accumulation area conditions listed in Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)5(i)(I)-(II) [40 C.F.R. § 262.34(c)(1)(i)-(ii) (2016)] (hereinafter referred to as the “SAA Permit Exemption”).

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.12(1)(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, or lamps, calculated collectively) at any time.

Drums referred to in this report are containers as defined by 40 C.F.R. § 260.10.

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.

7) Purpose of Inspection

This announced compliance evaluation inspection (CEI) was conducted to evaluate the facility’s compliance with applicable requirements of RCRA and corresponding Tennessee Department of Environment and Conservation (TDEC) regulations.

8) Facility Description

Vertrauen Chemie Solutions - Buoy Street (hereinafter as “VCS” or the “facility”) is a toll chemical manufacturer providing equipment, manpower, and energy to manufacture products for specific clients. Toll blending is a specialty service whereby companies with complex chemical formulations can have their batches mixed and processed into a final product. VCS manufactures solvents and isocyanates for different customers.

In April 2016, VCS purchased the 165,000 square feet facility from W.M. Barr company. Currently, the property consists of approximately 8 acres and employing 80 employees, operating 4-days a week, 8 hours a day with some employees working Fridays, and on early morning shifts.

VCS's most recent Hazardous Waste Generator Notification (EPA Form 8700-12) dated February 27, 2020, characterized the facility as a large quantity generator (LQG) of hazardous waste. Currently, VCS can generate hazardous waste streams; waste solvent, spent aerosol cans, paint waste, and other wastes which include EPA Waste Codes D001, F003, U112, U159, U220, and U239.

9) Previous Inspection History

On June 26, 2013, the TDEC conducted a RCRA CEI at the facility and two RCRA deficiencies were discovered.

10) Opening Conference

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| ☒ Credentials Presented | ☒ CBI warning to facility provided |
| ☐ SBREFA fact sheet, if applicable | ☐ CBI was provided or discussed during the inspection |
| ☒ Health and Safety, Personal Protective Equipment discussion | ☐ Additional equipment that will be used, if applicable (FLIR camera, PID, FID) |

On November 18, 2020, the U.S. Environmental Protection Agency, Region 4 inspector, Héctor M. Danois, accompanied by Mr. Simpson, and Mr. Holt, the TDEC inspectors, arrived at VCS to inspect the facility to determine its compliance status with both RCRA and the State of Tennessee hazardous waste regulations. VCS was represented by Mr. Miller. Upon entering the facility, the inspectors introduced themselves, showed their credentials, and explained the purpose of the visit, and a description of the facility's process was discussed.

11) Findings

A brief explanation for the inspection was given, as well as an introduction of the TDEC and the EPA inspectors. The inspectors requested a description of the facility operations. The inspectors then performed a walk-through inspection of specific areas in the facility. Below is a description of the observations made during the inspection.

Solvent Packaging Area (SPA)

Technicians place empty cans or containers of different sizes in one of 12 conveyor lines used to fill them with solvents. Solvent mix tanks are located on the second floor. Containers are either automatically filled or by hand. Once full, the containers are sent to packaging. At the time of the inspection, the SAAs in the SPA were storing; three 55-gallon drums of solvent /washout waste (D001/D007/D035/F002/F003/F005), three 55-gallon drums of solids/absorbent pads waste (D001/F002/F003/F005), two 10-gallon containers of excluded solvent wipes (D001/D035), and

two 5-gallon containers of excluded solvent wipes (D001/D035). The containers were closed and labeled. Mr. Miller explained that the washout waste is a material that technicians use to clean up lines during production. Once this material is too dirty and can no longer be used is considered a waste.

Isocyanates Packaging Area

Technicians place empty cans or containers of different sizes in one of 2 conveyor lines used to fill them with solvents. Isocyanates mix tanks are located on the second floor. Containers are either automatically filled or filled by hand. Once full, the containers are sent to packaging. At the time of the inspection, the SAAs in the IPA were storing, three 55-gallon drums of mix solvent/washout waste (D001/F0035/F005), three 55-gallon drums of pullout waste (D001/D035/F003/F005), a 5-gallon container of mix solvent/washout waste (D001/D035/F003/F005), a 5-gallon container of pullout waste (D001/D035/F003/F005) and a 55-gallon drum of isocyanates debris (D001/D035/F003). The drums were closed and labeled. Mr. Miller explained that the pullout waste is extra material from each batch run.

Operational Excellence Management (OEM)

Technicians conduct isocyanates packaging operations performed in a cleanroom to meet quality standards specified by customers. At the time of the inspection, the SAA in the OEM area was storing a 55-gallon drum of pullout waste and a 55-gallon drum of isocyanates washout waste. The drums were closed and labeled.

Temporary Accumulation Area (TAA)

Full waste drums and containers generated in the production areas are placed at the TAA before are moved to the Central Accumulation Area (CAA). The TAA is located between the packaging area. At the time of the inspection, the TAA was storing three 55-gallon drums of mixed solvent waste (11/18/20), two 55-gallon drums of isocyanates debris waste (11/18/20), a 55-gallon drum of washout waste (11/18/20), a 55-gallon drum of washout waste (11/18/20), and a 55-gallon drum of isocyanate waste (11/18/20). All drums were closed, labeled, and dated. Please note that a facility may not transfer hazardous waste from a satellite accumulation area to another satellite accumulation area.

QC Storage/Room 3

VCS maintains product samples in this room or warehouse. The samples are stored for quality control and per customers request. Also, the facility stores raw product in this area. At the time of the inspection, the inspection team noticed ripped bags and boxes of raw material and some these materials had spilled on the floor of the warehouse room. Some of these materials when discarded are hazardous wastes (See Figures 1- 4).

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2(iv) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates Tenn. Comp. R. & Regs. 0400-12-01-.05(3)(b) [40 C.F.R. § 265.31], and is a condition of the LQG Permit Exemption, a generator is required to 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.

Central Accumulation Area (CAA - formerly Red Label Room)

The facility's main CAA is located next QC Storage/Room 3. The area is divided in two sections. In one section, the Pending Analysis Area, the facility stores waste drums that were sampled and are pending their results. In the other section, the Disposal Area, VCS stores drums and containers awaiting disposal.

Pending Analysis Area

VCS stores spent isocyanate drums in this area while pending analysis. The facility wants to know the percentage of solids in the material. If the isocyanate is below 30 percent, the material is then sent to Hydrite Chemical (WID0008824). Hydrite Chemical processes the hazardous waste isocyanate through a distillation process and sells the isocyanate back to VCS.

At the time of the inspection, the area was storing approximately 180 55-gallon drums of hazardous waste in two rows. The inspection team observed that 42 55-gallon drums of isocyanate waste were stored over 90-days (See Figure 5-6) and a 1-gallon container that was not labeled or dated (See Figure 7).

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2 [40 C.F.R. § 262.34(a) (2016)], a generator of 1,000 kilograms or greater of hazardous waste in a calendar month is a LQG and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Section 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2(i-iv) [40 C.F.R. § 262.34(a)(1)-(4) (2016)].

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2(iii) [40 C.F.R. § 262.34(a)(3) (2016)], which is a condition of the LQG Permit Exemption, a generator is required to label or clearly mark each container and tank accumulating hazardous waste on-site with the words: "Hazardous Waste."

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2(ii) [40 C.F.R. § 262.34(a)(2) (2016)], which is a condition of the LQG Permit Exemption, a generator is required to ensure that the date upon which each period of accumulation begins is clearly marked and visible on each container.

Disposal Area

This is the area where VCS stores the containers of hazardous waste waiting for disposal. At the time of the inspection, the Disposal Area was storing, approximately 119 55-gallon drums, a pallet of pipe clad epoxy (168 1-gallon containers), two pallets of PPG aerospace mixed solvent

waste (84 boxes), a pallet of mixed solvents waste (35 boxes) and a cubic yard of mixed solvent waste.

The inspection team made the following observations related to the hazardous waste stored in the Disposal Area, the pallet of approximately 168 1-gallon containers of pipe-clad were not individually labeled and dated (Figure 8), the 84 boxes of PPG aerospace mixed solvent waste were not individually dated and labeled (Figure 9), the 35 boxes of mixed solvent waste were not individually dated and labeled (Figure 10), a 55-gallon drum of absorbent pads waste was dated 1/2/2020 (over 90-days See Figure 11), a 55-gallon drum of mixed solvent waste was not dated (See Figure 12), a cubic yard container of mixed solvent waste was not dated with an accumulation start date and 104 55-gallon drums were missing hazardous waste labels (See Figures 13).

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2 [40 C.F.R. § 262.34(a) (2016)], a generator of 1,000 kilograms or greater of hazardous waste in a calendar month is a LQG and may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Section 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2(i-iv) [40 C.F.R. § 262.34(a)(1)-(4) (2016)].

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2(iii) [40 C.F.R. § 262.34(a)(3) (2016)], which is a condition of the LQG Permit Exemption, a generator is required to label or clearly mark each container and tank accumulating hazardous waste on-site with the words: “Hazardous Waste.”

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2(ii) [40 C.F.R. § 262.34(a)(2) (2016)], which is a condition of the LQG Permit Exemption, a generator is required to ensure that the date upon which each period of accumulation begins is clearly marked and visible on each container.

Isocyanates Tank Area (ITA)

The facility uses six mix tanks to combine products in the manufacturing of isocyanates. At the time of the inspection, the SAA in the ITA was storing, a 55-gallon drum of washout waste and a 55-gallon drum of isocyanates debris waste. The drums were closed and labeled.

Solvent Tank Area (STA)

The facility uses ten mix tanks to combine products in the manufacturing of solvents. There were two SAAs in this area. At the time of the inspection one SAA had a 55-gallon drum of washout /mixed solvent hazardous waste and the other SAA had a 55-gallon drum of the absorbent pad/solvent hazardous waste. The drums were closed and labeled.

QC Lab

The QC lab conducts quality control and testing of products and intermediates. At the time of the

inspection, the SAA in the QC Lab was storing, a 55-gallon drum of isocyanates debris waste, a 1-gallon container of isocyanates waste from a density meter instrument, a 1-gallon container of solvent waste from a density meter instrument, and a ½-gallon container of GC vials.

Also, the QC Lab has a CAA storing, a 55-gallon drum of the absorbent pad (dated 11/9/20), a 55-gallon drum of empty contaminated containers waste (dated 10/5/20), a 55-gallon drum of mixed solvent product waste (dated 9/29/20). All containers were closed, labeled, and dated.

Tank Farm

The tank farm stores some solvent products used at the facility. The SAA in the tank farm stores a 55-gallon drum of mixed solvent generated from the offloading/flush out of the materials. The drum was closed and labeled.

Recordkeeping

Due to the COVID-19 pandemic, paperwork was submitted digitally by the facility per request of the EPA and the TDEC. The following documents were reviewed off-site following the site inspection: weekly inspections (2019-2020), manifests (2019-2020), contingency plan (2019), hazardous waste annual reports (2019-2020), waste reduction plan (2017), waste determinations (2019-2020), solvent-contaminated wipes shipping documents (2020), solvent-contaminated wipes management procedure, and personnel hazardous waste management training documentation (2020).

Records showed that weekly inspection logs, missing inspection logs for the weeks of November 29, 2019, March 11, 2020, March 18, 2020, March 25, 2020, April 1, 2020, and April 8, 2020, for the QC Lab CAA.

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2.(i)(I) [40 C.F.R. § 262.34(a)(1)(i) (2016)], which incorporates Tenn. Comp. R. & Regs. 0400-12-01-.05(9)(e) [40 C.F.R. § 265.174], and is a condition of the LQG Permit Exemption, a generator is required to, at least weekly, inspect areas where containers are stored looking for leaking containers and for deterioration of containers caused by corrosion or other factors.

The review of the contingency plan revealed that it did not contain the home address of the facility's emergency coordinator.

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2(iv) [40 C.F.R. § 262.34(a)(4) (2016)], which incorporates Tenn. Comp. R. & Regs. 0400-12-01-.05(4)(c)4 [40 C.F.R. § 265.52(d)], and is a condition of the LQG Permit Exemption, a generator is required the plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator, and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates.

12) **Closing Conference**

The RCRA inspectors completed their inspection on November 18, 2020. VCS was inspected as an LQG. At the time of the inspection, the facility was operating as an LQG. On December 15, 2020, an out-briefing on the findings of the inspection was provided by Mr. Danois, Mr. Simpson and Mr. Holt to Mr. Bracken Miller and Mr. Paul Huzyak, VCS's President and COO.

13) **Signed**

Héctor M. Danois
Inspector and Author of Report

Date

14) **Concurrence and Approval**

Alan A. Annicella
Chief
RCRA Enforcement Section

Date

Photo Log Summary

Photos taken on November 18, 2020

Héctor M. Danois

Camera: Samsung WB250F

EPA Property Tag: S75914



Figure 1- Open box of Orasol Red 330 (flammable)



Figure 2- Spilled material (cellulose ether)



Figure 3 - Container of BYK 358 N with residue on lid (flammable/toxic)



Figure 4 - Spill calcium carbonate

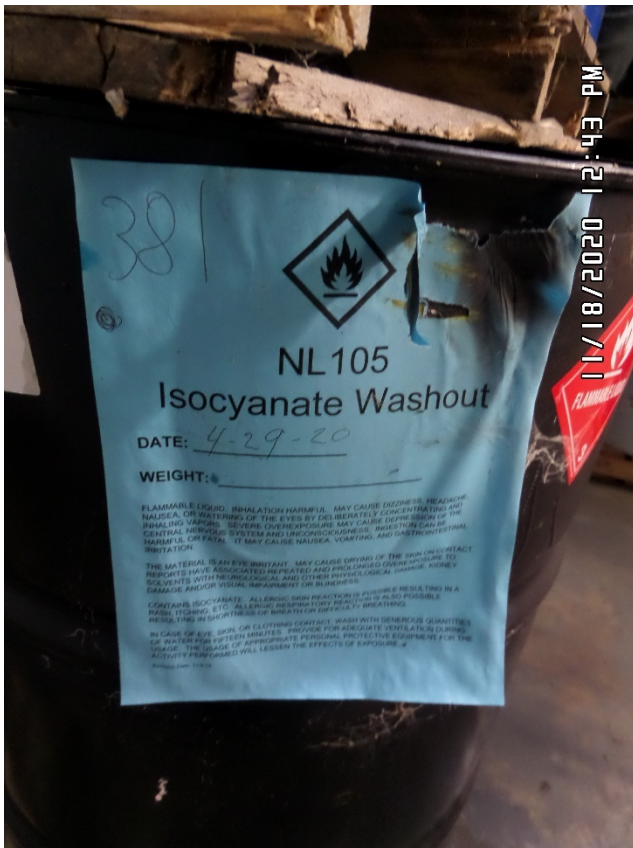


Figure 5 - 55-gallon drum of hazardous waste stored over 90-days

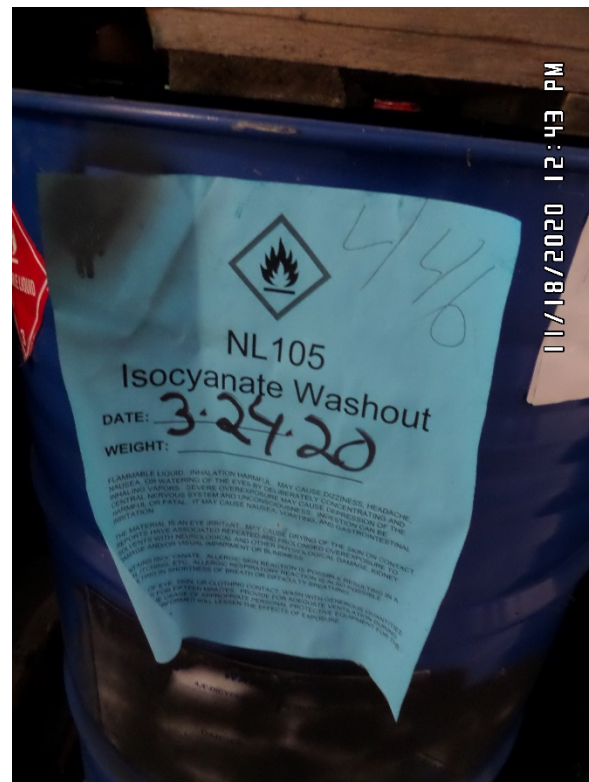


Figure 6 - 55-gallon container of hazardous waste stored over 90-days



Figure 7 - unlabeled 1-gallon container



Figure 8 - Pallet of 1-gallon container of pipe clad waste



Figure 9 - Boxes of isocyanate waste



Figure 10 - Boxes of mixed solvent waste

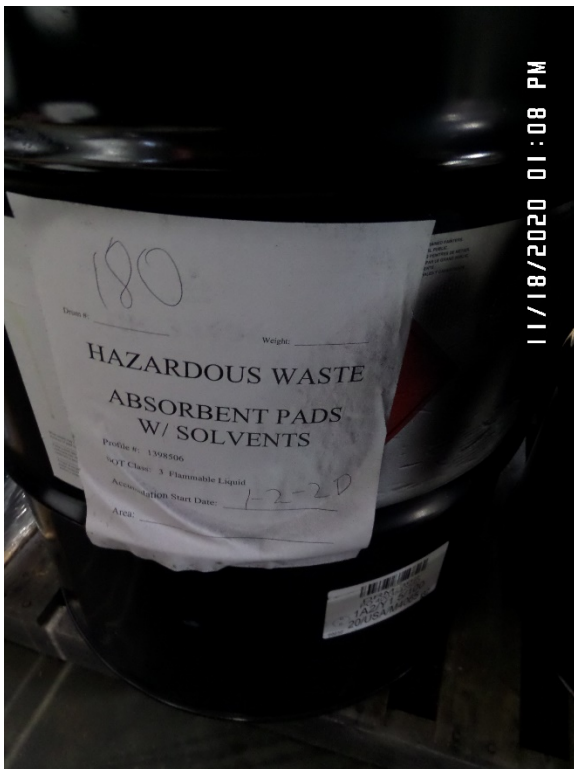


Figure 11 - 55-gallon drum of absorbent pads w/ solvents



Figure 12- 55-gallon container of mixed solvents (no date)



Figure 13 - Cubic yard box of mixed solvent waste