

INSPECTION REPORT

Inspection Entry Date/Time	07/30/2024 08:40 AM (CT)	Announced: No	
Inspection Exit Date/Time	07/30/2024 02:30 PM (CT)	Access: Granted	
Regulatory Program	RCRA		
Type of Inspection	Compliance Evaluation Inspection (CEI)		
Facility or Site Name	Wilko Paint Inc		
Facility/Site Identifier	KSD980687958		
Facility/Site Physical Address	2727 Ohio St		
City, State, Zip Code	Wichita, KS 67219		
County/Borough	Sedgewick		
Generator Status	LQG		
NAICS	32551		
Type of Operation	Industrial Paint Manufacturing		
Geographic Coordinates	37.73172, -97.3244		
Permit Number (If Applicable)	Not Applicable		
Lead Inspector:	AMY		
Amy Thompson	THOMPSON	Digitally signed by AMY THOMPSON Date: 2024.09.03 10:50:40 -05'00'	[Date]
	EPA REGION 7	Thompson.Amy@epa.gov	(913) 551-7384
Supervisor Review:			
Amber Whisnant	AMBER WHISNANT [Signature]	Digitally signed by AMBER WHISNANT Date: 2025.02.04 22:27:38 -06'00'	[Date]
	EPA REGION 7	whisnant.amber@epa.gov	

SECTION I – INTRODUCTION

Site Entry and Purpose of the Inspection

Type of inspection: Compliance Evaluation Inspection (CEI)

At the request of the Enforcement Compliance and Assurance Division, I conducted a Resource Conservation and Recovery Act (RCRA) unannounced compliance evaluation inspection (CEI) at Wilko Paint Inc. (the “Site” or “Facility”), located at 2727 Ohio Street, at 8:40 AM (CT) on July 30, 2024. I was accompanied by Donald Melton, EPA Region 7. I presented credentials to and informed Jeff Mills, president, that this was an EPA Region 7 inspection to determine compliance with the RCRA.

The CEI was conducted under the authority of Section 3007(a) of RCRA, as amended. I collected the information and data necessary to determine compliance with the applicable regulatory and statutory requirements. The inspection report and attachments present the results of the CEI. In addition, information gathered prior or subsequent to the Inspection from a review of USEPA, State, and public records may be included in this report. The CEI consisted of a discussion of facility operations, waste generation, and waste management; a review of waste management records; and a visual inspection of waste generation and management areas. Document

photocopies and photographs were collected as inspection documentation (Appendix 1). A total of 12 photographs were collected and a photolog was prepared a (Appendix 1). I followed the inspection procedures discussed in the RCRA CEI Standard Operating Procedure (No. 2321.1D), unless noted differently. A drive-by of the facility was conducted prior to entering the building. No areas of concern were noted.

I entered the building's main entrance at the office area and introduced myself as an EPA inspector to conduct a RCRA compliance inspection and requested to see Jeff Mills who is listed as the site contact. Jeff Mills introduced himself and I provided my credentials to him and discussed the reason and general procedures of the inspection. The facility was last inspected for RCRA compliance on September 10, 2019, by the Kansas Department of Health and Environment (KDHE). The following violations were cited at that inspection:

1. K.A.R. 28-31-262(c)(7) Failure to mark hazardous waste satellite container with the words "hazardous waste." and,
 2. 40 CFR 265.173(a) Failure to close container of hazardous waste except when adding or removing waste.
- Both findings were repeated on this inspection.

Attendees

Title/Organization	Name	Phone	Email	Opening Conf.	Closing
Lead Inspector/EPA REGION 7	Amy Thompson	(913) 551-7384	Thompson.Amy@epa.gov	Yes	Yes
Compliance Officer/Environmental Protection Agency	Donald Melton	(913) 551-5021	melton.donald@epa.gov	Yes	Yes
President/Wilko Paint Inc	Jeff Mills	(316) 838-4288	JMILLS@WILKOPAINTINC.COM	Yes	Yes

Opening Conference

I explained the purpose and procedures of the inspection and presented Jeff Mills with a copy of RCRA Section 3007(a), which provides inspection authority. I explained my need to collect accurate information and presented a copy of Title 18 U.S. Code, Sections 1001 and 1002 regarding false statements and documents. I discussed Wilko Paint's confidentiality rights and informed Mr. Mills that a Confidentiality Notice would be provided at the end of the inspection to make a confidentiality claim, if desired.

I asked Mr. Mills to review the EPA RCRA Handler Information Report (Appendix 2- Attachment 6). According to the EPA RCRA Handler Information Report, Wilko Paint Inc. operates as a Large Quantity Generator (LQG) of characteristic (D001, D035) and listed hazardous wastes (F003, F005). He indicated that there were no changes to be made to the verification report. Based on my review of their monthly hazardous waste generation rate and manifest data, Wilko Paint Inc. generates greater than 2,200 pounds of hazardous waste per month and is therefore operating as an LQG. See waste stream table (Appendix 2- Attachment 2) for discussion of their monthly hazardous waste generation.

During the opening conference Mr. Mills and I discussed changes since the previous inspection. Mr. Mills explained that the ownership had changed. Previously, the facility had been owned by a trust, but in March of 2024 the facility became individually owned by Mr. Mills. Mr. Mills indicated that the hazardous waste streams and rates of generation had not changed much since the previous inspection.

Facility/Site Information

Number of employees	26
Length of Facility at	42 years, at location since 1982

Location	
Operating Hours	7:00 AM- 4:00 PM Monday- Friday
Safety Training Provided to Inspector(s)?	No
Size of Facility	32,000 square feet
What type of generator facility notified?	Large Quantity Generator
What type of generator facility verified as?	Large Quantity Generator
Weather Conditions	Day 1 – Overcast, 85 degrees

Process Description

Wilko Paint, Inc is an industrial paint manufacturer in north central Wichita, Kansas. The paint is made to match the specifications of their customers by blending raw materials, such as tinting agents, pigments, and solvents. The paints are blended in large mixing kettles. The products manufactured at Wilko Paint Inc. include solvent-based paint, aerosolized solvent-based paint, and water-based paint. The facility measures 33,000 square feet in a single building which contains an office area, production area, color matching and canning area, a finished goods warehouse, north warehouse, and laboratory. The facility operates an 85-gallon distillation unit in their production department that recycles spent solvent, referred to as R200 solvent, into a usable solvent, referred to as R99 solvent, for facility operations. Satellite images of the facility is included in Appendix 2- Attachment 1.

The facility manages laundered rags under the excluded solvent-contaminated wipes rule, which the state of Kansas has adopted by policy. I did not observe any concerns related to how the facility managed solvent contaminated wipes. Solvent-contaminated wipes (laundered rags) are discussed further in the waste stream table (Appendix 2- Attachment 2).

Building(s)

Building/Area/Sub-area	Process Description	Area of Concern
Main Building		Yes
Color Matching/Canning	Paints are color corrected/ matched in this area. Finished products are canned here. The solvent distillation unit is located here. The majority of the hazardous waste at the facility is generated here.	Yes
Finished Goods Warehouse	Finished goods are kept in the finished goods warehouse.	No
Laboratory	Quality control and quality assurance testing is conducted in the laboratory. The laboratory also conducts research and development activities on small batches of paint.	No
North Warehouse	Raw materials, such as pigments, and empty containers are stored in the north warehouse.	No
Offices	No waste activities or production processes occur in	No

	the office area.	
Production	Batches are started in the production area. There is a hazardous waste accumulation area, aerosol can puncturing device, and distillation unit in the production area.	Yes
Outside		No
Lean-to Shed	Hazardous Waste is accumulated and inspected in the lean-to shed. Empty containers are stored in the lean-to shed.	No
Tank Farm	There are four types of new solvents that are kept in the tank farm.	No

SECTION II – OBSERVATIONS**Building:** Main Building

Observation #: AT4-OB-001 **Date:** 07/30/2024 **Contains AOC:** No **Contains CBI:** No

The facility uses solvent to mop the floors. The spent solvent is managed with the hazardous waste paint related liquids when deemed to be a waste. The mop heads are managed with the hazardous waste solids when deemed to be a waste. The mop bucket and mop were in use, see photo 1. No areas of concern were noted.

Photo(s)

1. [IMG-202407300931003102074634.jpg](#)

Building: Main Building/Color Matching/Canning

Observation #: AT4-OB-002 **Date:** 07/30/2024 **Contains AOC:** Yes **Contains CBI:** No

In the color matching/canning area I observed one 55-gallon satellite accumulation container (SAC) of hazardous waste R200 solvent with an open funnel. I verified that there was waste in the container and told Mr. Mills that an open funnel was considered an open container. Mr. Mills latched the funnel, closing the container, during the inspection. See photos 2 and 5.

NOPF 3: 40 CFR 265.173(a) - Failure to close containers of hazardous waste. a) 55-gallon hazardous waste satellite container color match area

Photo(s)

1. [IMG-2024073009325132512619802.jpg](#)
2. [IMG-202407300942014212417843.jpg](#)

Building: Main Building/Color Matching/Canning

Observation #: AT4-OB-003 **Date:** 07/30/2024 **Contains AOC:** No **Contains CBI:** No

In the Canning/Color Matching Area I observed one closed 5-gallon container approximately 1/5 full of hazardous liquid paint waste adjacent to one closed 55-gallon satellite container of liquid paint waste. Mr. Mills explained that the 5-gallon container was a day accumulation container that should be emptied into the satellite container daily. I noticed that the waste inside the 5-gallon day accumulation container appeared to be

solidified, which I noted to Mr. Mills. Mr. Mills tipped the container, and a thin top layer of liquid paint waste was still able to be poured, however all the layers below appeared to be solid or semi-solid. Mr. Mills confirmed that the waste in the container should be emptied at the end of every shift and was not intentionally being left to dry. Since the container was closed and the waste was not being intentionally left to dry, I did not note any findings pertaining to this 5-gallon day can container of hazardous waste. Mr. Mills asked an employee in the area how long it had been since waste had been left in the 5-gallon day accumulation container. The employee told Mr. Mills that the waste had been left in the 5-gallon day accumulation container overnight. The employee declined when I asked to speak with them further. I told Mr. Mills that a day accumulation container must be emptied at the end of each day and that this container no longer could be managed as a day accumulation container and must be considered a satellite container. In the state of Kansas, there must be only one hazardous waste SAC per waste stream, per satellite accumulation area (SAA); there were two satellite containers of the same hazardous waste stream in the same SAA which meant that the 55-gallon container no longer met the definition of a satellite container. Hazardous waste SAA containers must be transferred to the hazardous waste central accumulation area (HWCAA) within 3-days of an additional SAC being added to an SAA. Since it had been less than three days since the satellite container no longer met the definition of a satellite container, I did not note any findings pertaining to this. I verbally noted my concerns about the management of these containers to Mr. Mills.

Photo(s)

1. [IMG-2024073009413441342017754.jpg](#)
2. [IMG-2024073009414841482271631.jpg](#)

Building: Main Building/Color Matching/Canning

Observation #: AT4-OB-004 **Date:** 07/30/2024 **Contains AOC:** Yes **Contains CBI:** No

In the color match area, there was one open 5-gallon day accumulation container full of hazardous waste solids that was not marked with the words "hazardous waste." Mr. Mills confirmed that the waste was managed as hazardous waste. See photo 5.

NOPF 2: K.A.R. 28-31-262(c)(7) - Failure to mark satellite accumulation container with the words "hazardous waste."

NOPF 3: 40 CFR 265.173(a) - Failure to close containers of hazardous waste. b) 5-gallon container solids

Photo(s)

1. [IMG-2024073009452345232159249.jpg](#)

Building: Main Building/Color Matching/Canning

Observation #: AT4-OB-005 **Date:** 07/30/2024 **Contains AOC:** Yes **Contains CBI:** No

In the color match area, I observed a color match workstation where there were paint stains on the walls, floor, equipment, and workstation table from small spills and drips of paint during the color match process. Solidified paint had built up in thick layers on the workstation table. I asked Mr. Mills how often the area was cleaned, enough to remove the buildup of solidified paint. Mr. Mills stated that this area had been cleaned towards the beginning of the year. I first walked through the area in the late morning, approximately 10:00AM. I attempted to take a picture of a small pool of wet paint underneath a cup used in the color matching process, however, the camera malfunctioned. I returned to the area later in the afternoon, approximately 1:00PM, after fixing the camera and the wet paint drippage from the cup was still present. I estimate that there was approximately one gallon total of paint spills and drips on the walls, floor, equipment, and table in the color match

workstation. See photos 8-10. During the exit briefing Mr. Mills expressed concern and disagreement regarding NOPF 1. He explained that workers in the area would inevitably spill some paint and that they used cardboard to capture any spills and drips. The cardboard would be discarded with the hazardous waste solids when they were finished color matching. Similarly, there was cardboard on the floor to capture spills and drips. I told Mr. Mills that due to the extent of how much paint had built up and that I had observed the same wet paint left without being cleaned up over the course of several hours that the finding would remain. I informed Mr. Mills that if he disagreed with the finding he may contend this in facility's response to the NOPF. Mr. Mills stated that he understood. See photos 7-10.

NOPF 1: 40 CFR 262.34(a)(1)(i) - Failure to containerize hazardous waste.

Photo(s)

1. [IMG-2024073009494249425627.jpg](#)
2. [IMG-202407301304404402417049.jpg](#)
3. [IMG-202407301304484482525171.jpg](#)
4. [IMG-20240730130500502535660.jpg](#)

Building: Main Building/Production

Observation #: AT4-OB-006 **Date:** 07/30/2024 **Contains AOC:** Yes **Contains CBI:** No

In the production area was a solvent distillation unit. When 55-gallon satellite containers of R200 solvent are full they are staged next to the distillation unit, usually one at a time. Spent R200 solvent is pumped from the satellite container into a dirty solvent feed tank, which is connected to the still. The feed tank remains in place and is never disconnected. The solvent is pumped through a pipe from the feed tank to the still. As the solvent cooks the evaporated solvent is piped to a clean solvent tank. Still bottoms are removed from the still and discarded as hazardous waste. I asked Mr. Mills if they have evaluated the solvent still set up for RCRA air emissions 40 CFR Subpart BB applicability/compliance or if they were complying with any Clean Air Act (CAA) requirements. Mr. Mills stated that he had never heard of Subpart BB and therefore was not following any of the requirements. Mr. Mills stated that he had been through many RCRA inspections, and no inspector had ever mentioned this requirement to him. I told Mr. Mills that I believed that this equipment was subject to Subpart BB requirements and briefly outlined the requirements to him. Mr. Mills asked for more information regarding Subpart BB requirements. I told Mr. Mills that the requirements were extensive and that I would consult the regulations. I told Mr. Mills that he may contact Small Business Environmental Assistance Program (SBEAP) for free confidential compliance assistance regarding this matter. After the visual inspection concluded, I consulted the regulations and cited multiple Subpart BB notification referenced therein. See photos 11-12.

NOPF 5: 40 CFR 265.1050(c) - Failure to mark each piece of equipment to which 265 subpart BB applies.

NOPF 6: 40 CFR 265.1052(a)(1) - Failure to monitor each pump in liquid light service.

NOPF 7: 40 CFR 265.1052(a)(2) - Failure to visually inspect each pump in liquid light service.

NOPF 8: 40 CFR 265.1057(a) - Failure to monitor each valve in liquid light service.

NOPF 9: 40 CFR 265.1064(b) - Failure to maintain subpart BB records.

Photo(s)

1. [IMG-202407301305365362299063.jpg](#)
2. [IMG-20240730130601612426740.jpg](#)

SECTION III – RECORDS REVIEW

Record: Personnel Training		AOC: Yes
Ref #: AT4-RR-001	Reviewed By: Amy Thompson	Reviewed Date: 07/30/2024
Mr. Mills stated that all employees, except for employees who exclusively work in the office receive annual hazardous waste training. Employees are supervised until they receive training and are trained within six months of hire. I reviewed training records for the facility for 2022 and 2024. Mr. Mills stated that no training was conducted in 2023 for the facility. Mr. Mills explained that the contractor who normally conducts the training for the facility had experienced serious health problems in 2023 and did not contact the facility to conduct the training as would normally occur. Mr. Mills stated that the facility had received annual waste training every single year, with this one exception. NOPF 4: 40 CFR 265.16 (c) - Failure to conduct hazardous waste personnel training in 2023.		
Record: Contingency plan		AOC: No
Ref #: AT4-RR-002	Reviewed By: Amy Thompson	Reviewed Date: 07/30/2024
I reviewed the contingency plan. Mr. Mills provided me with documentation that the required emergency authorities had been supplied a copy of the contingency plan. I did not observe any findings related to the contingency plan.		
Record: Inspections		AOC: No
Ref #: AT4-RR-003	Reviewed By: Amy Thompson	Reviewed Date: 07/30/2024
I reviewed all the weekly inspection records of the hazardous waste accumulation areas for three years prior to the date of the inspection for both hazardous waste accumulation areas at the facility. I did not observe any findings related to the inspection records.		
Record: Manifests		AOC: No
Ref #: AT4-RR-004	Reviewed By: Amy Thompson	Reviewed Date: 07/30/2024
I reviewed uniform hazardous waste manifests for three years prior to the date of the inspection. I did not observe any findings related to the uniform hazardous waste manifests.		

SECTION IV – AREA OF CONCERN

The presentation of Area(s) of Concern does not constitute a formal compliance determination or violation.

Building: Main Building
NOPF 1: 40 CFR 262.34(a)(1)(i) - Failure to containerize hazardous waste.
Building: Main Building
NOPF 2: K.A.R. 28-31-262(c)(7) - Failure to mark satellite container with the words “hazardous

waste.”

Building: Main Building

NOPF 3: 40 CFR 265.173(a) Failure to close containers of hazardous waste. a) 55-gallon satellite container color match area

Building: Main Building

NOPF 3: 40 CFR 265.173(a) Failure to close containers of hazardous waste. b) 5-gallon satellite container solids

Building: Main Building

NOPF 5: 40 CFR 265.1050(c) - Failure to mark each piece of equipment to which 265 subpart BB applies.

Building: Main Building

NOPF 6: 40 CFR 265.1052(a)(1) - Failure to monitor each pump in liquid light service.

Building: Main Building

NOPF 7: 40 CFR 265.1052(a)(2) - Failure to visually inspect each pump in liquid light service.

Building: Main Building

NOPF 8: 40 CFR 265.1057(a) - Failure to monitor each valve in liquid light service.

Building: Main Building

NOPF 9: 40 CFR 265.1064(b) - Failure to maintain subpart BB records.

Records: Training

NOPF 4: 40 CFR 265.16(c) - Failure to conduct hazardous waste personnel training in 2023.

SECTION V – CLOSING CONFERENCE AND FOLLOW UP

Closing Conference

I summarized the findings and recommendations with Jeff Mills. I provided Mr. Mills with a *Confidentiality Notice* which he signed as acknowledgement of receipt (Appendix 2 Attachment 5); Mr. Mills made no confidentiality claims. I also provided Mr. Mills with a *Receipt for Documents and Samples* (Appendix 2 Attachment 4) and *Notice of Preliminary Findings* (NOPF), which Mr. Mills signed as acknowledgement of receipt (Appendix 2 Attachment 3.) No compliance assistance documents were provided to the facility at the conclusion of the CEI.

SECTION VI – SAMPLING ACTIVITIES AND ANALYTICAL RESULTS

No sampling was conducted.

SECTION VII – LIST OF APPENDICES

1. Photo Log
2. Document Log