



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
Four Penn Center
1600 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103-2852

Via Electronic Mail

Jamie Hall-Shipe – Environmental, Health, and Safety Manager
Walmart Distribution Center #7034
100 Walton Way
Smyrna, Delaware 19977
Jamie.hall0@walmart.com

RE: Request for Information Pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, U.S.C. §6927(a), Regarding Generation and Management of Hazardous Waste by Walmart Distribution Center #7034
EPA ID No. DER000502120
Reference Number: C22-008

Dear Mr. Hall-Shipe:

The U.S. Environmental Protection Agency, Region III (“EPA”) is requesting to supplement information obtained during EPA Region 3’s Compliance Evaluation Inspection (“CEI”) of the Walmart Distribution Center #7034, located at 100 Walton Way, Smyrna, DE, (“Walmart DC” or “the Facility”) on May 26, 2022 (report sent on 7/12/2022 – referred to as “EPA Inspection Report”). EPA is requesting this information pursuant to Section 3007(a) of the Resource Conservation and Recovery Act, 42 U.S.C. § 6927(a), regarding generation and management of hazardous waste. EPA requires that you furnish to EPA, within **thirty (30) calendar days** of receipt of this letter, the information requested below, including documents responsive to such requests.

Section 3007(a) of the Resource Conservation and Recovery Act

For each and every request, if you have any reason to believe that there may be a person(s) who may be able to provide a more detailed or complete response to such request or provide additional responsive documents, then as a part of your response to such request, identify each such person and the additional information or documents which such person may be able to provide. Furthermore, for each and every response, if information or documents responsive to such request are not in your possession, custody or control, then as part of your response to such request, identify each person from whom such information or documents may be obtained.

Please provide a separate narrative response to each information request. Precede each answer with the number of the question or letter of the subpart of the request to which it corresponds. A request for documents shall be construed as a request for any and all documents maintained by you or in your custody, control, or possession or in the possession, custody or control of any employees or agents, relating to the matters described below. All copies of documents submitted to EPA in response to the following requests must be complete and legible.

As used herein, the term “document” means: writings (handwritten, typed or otherwise produced or reproduced) and includes, but is not limited to, any invoices, checks, receipts, bills of lading, weight

receipts, tolls receipts, correspondence, offers, contracts, agreements, deeds, leases, manifests, licenses, permits, bids, proposals, policies of insurance, logs, books of original entry, minutes of meetings, memoranda, notes, calendar or daily entries, agendas, bulletins, notices, announcements, charts, maps, photographs, drawings, manuals, brochures, reports of scientific study or investigation, schedules, price lists, telegrams, teletypes, phonograph records, magnetic voice or video records, tapes, summaries, magnetic tapes, punch cards, recordings, discs, computer print outs, or other data compilations from which information can be obtained and translated.

All other terms used in this request for information that are defined in RCRA, 42 U.S.C. §§ 6901 *et seq.*, 40 C.F.R. Parts 260-266, 268, and 273 (1998 ed.), and the authorized State of Delaware Hazardous Waste Program, set forth in the Delaware Regulations Governing Hazardous Waste (“DeRGHW”) Parts 260-279, and Parts 122 and 124., shall have the meanings set forth therein.

Please provide the information requested below:

Information Request

1. Please provide the NPDES stormwater permit number.
2. At the time of the inspection, the inspectors observed an unknown powder substance in a trash can located in the shipping area (see EPA Inspection Report photo 14). In regards to the unknown powder substance, answer the following:
 - a. What was the unknown powder substance? How was the unknown powder substance identified?
 - b. Please state whether or not a “waste determination” has been made for the unknown powder substance?
 - c. Was the unknown powder substance determined to be a “hazardous waste”? If so, please state the specific EPA Hazardous Waste Code(s) associated with such hazardous waste.
3. At the time of the inspection, the inspectors observed an unlabeled box with a battery located in the Universal Waste section of the waste cage (see EPA Inspection Report photo 29). The accompanying facility representative was unsure if the battery was a waste. Please state whether or not a “waste determination” has been made for the observed battery.
4. In regards to the discharged lead acid battery water, answer the following:
 - a. Please provide a waste profile of the discharged lead acid battery water.
 - b. Please state whether or not a “waste determination” has been made for the discharged lead acid battery water.
 - c. If a “waste determination” was made for the discharged lead acid battery water, state whether the waste determination was based on analytical results or on the generator’s

knowledge of the process that generated the discharged lead acid battery water. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator's knowledge, provide a narrative explanation of the scientific basis for such determination and provide any supporting documents.

- d. Was the discharged lead acid battery water determined to be a "hazardous waste"? If so, please state the specific EPA Hazardous Waste Codes(s) associated with such hazardous waste.
5. At the time of the inspection, the inspectors observed a pallet full of open drying paint cans located in the Mechanical Room of the Truck Maintenance Garage ("TMG") (see EPA Inspection Report photo 36). In regards to the paint cans, please answer the following:
- a. Please state whether or not a "waste determination" has been made for the paint cans.
 - b. If a "waste determination" was made for the paint cans, state whether the waste determination was based on analytical results or on the generator's knowledge of the process that generated the paint can waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator's knowledge, provide a narrative explanation of the scientific basis for such determination and provide any supporting documents.
 - c. Were the paint cans determined to be a "hazardous waste"? If so, please state the specific EPA Hazardous Waste Code(s) associated with such hazardous waste.
 - d. If the paint cans were shipped off-site after the inspection, please provide the name and address of the facility that received the paint cans and any associated manifests, bills of lading, or other relevant documents.
6. In regards to the TMG's wash bay debris/water separator, answer the following:
- a. Please describe how the debris waste from the debris/water separator is handled and/or disposed.
 - b. Please state whether or not a "waste determination" has been made for the debris waste.
 - c. If a "waste determination" was made for the debris waste, state whether the waste determination was based on analytical results or on the generator's knowledge of the process that generated the debris waste. If the determination was based on analytical results, provide any and all documentation of such results. If the determination was based upon the generator's knowledge, provide a narrative explanation of the scientific basis for such determination and provide any supporting documents.
 - d. Was the debris waste determined to be a "hazardous waste"? If so, please state the specific EPA Hazardous Waste Code(s) associated with such hazardous waste.

7. Does Walmart DC post, next to its telephones or areas directly involved in the generation and accumulation of hazardous waste, information containing: (a) name and emergency telephone number of the emergency coordinator, (b) telephone number of the fire department, and (c) the location of fire extinguishes and spill control material?
8. Please provide a weekly hazardous waste accumulation area inspection record for a weekly inspection conducted during the week of Jan. 31, 2021 (Jan 31 – Feb 6).

The provisions of Section 3008 of RCRA, 42 U.S.C. § 6928 authorize EPA to pursue penalties for failure to comply with Section 3007(a) of RCRA respectively. In addition, Section 3007(a) of RCRA, 42 U.S.C. § 6928 authorizes EPA to pursue penalties for failure to respond adequately to an information request under Section 3007(a) of RCRA. In addition, providing false, fictitious, or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil, or criminal proceedings. **Your response must include the following signed and dated certification:**

I certify under penalty of law that I have personally examined and am familiar with the informing submitted in this and all attached documents and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete.

Signature: _____
Date: _____
Name: _____
Title: _____

With regard to the Small Business Regulatory Enforcement and Fairness Act ("SBREFA"), please see the "Information for Small Businesses" memo, found at <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>, which might be applicable to your facility. This enclosure provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve your facility of its obligation to respond in a timely manner to an EPA request or other enforcement action, create any rights or defenses under law, and will not affect EPA's decision to pursue an enforcement action. To preserve your facility's legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement actions. EPA has not made a determination as to whether or not your facility is covered by SBREFA.

Your Facility is entitled to assert a claim of business confidentiality covering any part or all of the information submitted, in a manner described in 40 C.F.R. § 2.203(b). Information subject to a claim of business confidentiality will be made available to the public only in accordance with 40 C.F.R. Part 2, Subpart B. Unless a claim of business confidentiality is asserted at the time the requested

information is submitted, EPA may make this information available to the public without further notice to your facility.

This request for information is not subject to review by the Office of Management and Budget pursuant to the Paperwork Reduction Act, 44 U.S.C. §§ 3501-3520.

Please send your response electronically to:

Jeremy Dearden (3ED22)
Dearden.jeremy@epa.gov
U.S. Environmental Protection Agency
Region III
Four Penn Center
1600 John F. Kennedy Blvd.
Philadelphia, PA 19103-2029

If you have any questions concerning this matter, please contact Mr. Dearden, Enforcement Officer, at (215) 814-5351 or dearden.jeremy@epa.gov.

Sincerely,

Jeanna R. Henry, Chief
Air, RCRA, & Toxics Branch
Enforcement and Compliance Assurance Division

cc: Jeremy Dearden (3ED22)
Pauline Belgiovane (3ED20)
Jeffrey Meyers (Walmart), jeffrey.meyers@walmart.com
Karen J'Anthony (DNREC), karen.janthony@delaware.gov