

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

TCC Materials

636 S. 66th Terrace
Kansas City, Kansas 66111
EPA ID Number: KSD985003987

On

March 25, 2025

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 TCC Materials (TCC), located in Kansas City, Kansas, on March 25, 2025. 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. TCC was last inspected for RCRA compliance on June 27, 2019, by the State of Kansas.

2.0 PARTICIPANTS

TCC Materials:

Jerry Winters, Plant Manager

Kansas Department of Health and Environment (KDHE):

Lillian Schroeder, Environmental Compliance/Regulatory Specialist

U.S. Environmental Protection Agency (EPA):

Marc Matthews, Environmental Engineer, ECAD (Lead Inspector)

Koba Butkovich, Compliance Officer / Inspector, ECAD

3.0 INSPECTION PROCEDURES

The KDHE was notified prior to the inspection and the state had Ms. Schroeder accompany Mr. Butkovich and me for the inspection.

Prior to the inspection, I reviewed aerial imagery of the site and determined that a drive around inspection would not be feasible, I was only able to conduct a drive-by inspection on the east side of the facility. No apparent issues were observed.

Mr. Butkovich and I met Ms. Schroeder at a nearby parking lot to have a brief discussion about the inspection and answer any questions. We then drove to the facility.

On March 25, 2025, Mr. Butkovich, Ms. Schroeder, and I arrived at the facility at approximately 8:30 a.m. At the facility entry/lobby area we were met by Mr. Winters who asked us to sign in. After I signed in, while Mr. Butkovich and Ms. Schroeder were signing in, I provided a brief introduction before we all moved to a conference room. I provided Mr. Winters with a business card and presented EPA credentials. During the in-briefing, I notified him that this inspection would be covering the RCRA regulations. I presented Mr. Winters 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. Winters with a copy of Title 18 U.S. Code, Sections 1001 and 1002. As part of the in-briefing, Mr. Winters was made aware of TCC'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. I presented Mr. Winters with a copy of the 2023 Biennial Report, Attachment 8 and discussed the name change (the facility was listed as Bluestone Products) and the hazardous waste codes (the report was indicating D001 & D002 wastes whereas the hazardous waste manifests indicated D001 & F003 wastes). Mr. Winters acted as the facility representative during the on-site inspection activities.

During the inspection, discussions consisted of wastes generated and waste management practices. Documents and photographs were collected as inspection documentation (see Attachments 1 through Attachment 17, including photos 1-18).

I conducted a visual inspection of the following areas which contained RCRA regulated hazardous wastes:

- Liquids Plant
- Rework/Hazardous Waste Main Accumulation
- Powders Warehouse including the maintenance and warehouse

Information collected during the inspection was documented on the KDHE checklist entitled, "Hazardous Waste Compliance Inspection," "Hazardous Waste Generator Requirements," and "Used Oil Generator Requirements." 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. Winters. I provided Mr. Winters with a Confidentiality Notice (Attachment 5) which he signed as acknowledgement of receipt. Mr. Winters made no confidentiality claims. I provided Mr. Winters with a Receipt for Documents and Samples (Attachment 6), and a Notice of Preliminary Findings (NOPF) (Attachment 7) which Mr. Winters signed as acknowledgement of receipt.

The following inspection documents were provided to TCC:

- RCRA Facility Access Information Sheet (EPA Handout)
- The Solid Waste Disposal Act (EPA Handout)
- United States Code Annotated 18 U.S. Code (EPA Handout)
- E-Manifest Fact Sheet (EPA Handout)
- U.S. EPA Small Business Resources (EPA Handout)
- Notice Regarding Proprietary/Confidential Business Information (EPA Handout)
- Confidentiality Notice (Top page of the completed carbonless transfer set)
- Receipt for Documents and Samples (Top page of the completed carbonless transfer set)
- NOPF (Top page of the completed carbonless transfer set)
- Instructions for Responding to an NOPF (EPA Handout)

Following the inspection an email was sent to Mr. Winters with links to inspection documents and compliance assistance handouts from the Kansas Department of Health and Environment including:

- Hazardous Waste Determinations and Documentation (KDHE Technical Guidance Document)
- Characteristic and Listed Hazardous Wastes (KDHE Technical Guidance Document)
- Container Management for Hazardous Waste Generators (KDHE Technical Guidance Document)
- Solvent-Contaminated Wipes (KDHE Technical Guidance Document)
- Recycling and Disposal of Aerosol Cans (KDHE Technical Guidance Document)
- Spent Fluorescent Lamps Containing Mercury (KDHE Technical Guidance Document)
- Used Oil Generators (KDHE Technical Guidance Document)
- Hazardous Waste Generator Handbook (KDHE Technical Guidance Document)
- Use of Day Accumulation Containers - (KDHE Technical Guidance Document)

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

TCC operates a manufacturing facility in the Muncie Business Park, a light industrial area in Kansas City, Kansas, the facility has been operating at this site prior to August 2020 as Dayton Superior. In August 2020, the facility was purchased and renamed Bluestone Materials then in July of 2023 TCC changed the name from Bluestone Products to TCC Materials. The facility employs 24 people, working 6:00 am to 4:00 pm Monday through Friday.

The facility is a manufacturer of specialty construction chemicals, curing compounds, form releases, solvent based, curing seals, and basic cement products. There were two buildings on site: 1) the Liquid Plant and 2) the Powder Production Building.

- 1) The Liquid Plant contained the offices, water-based curing seals, solvent based seals, oil form releases, and curing compounds. All of these processes sometimes generated off-specification or expired wastes. The only hazardous waste stream at the facility is produced from rinsing the solvent product lines when moving from a colored (red) product to a clear product. The waste is collected in totes and moved to the outside hazardous waste storage area when full.
- 2) The Powder Production Building manufactured only cement-based products and contained the lab, and maintenance area. The lab generated retain samples. The only satellite accumulation container was located outside the laboratory room in the bonding agents area.

The Hazardous Waste Storage Area is located outdoors on the west side of the Liquid Plant.

Empty drums are stored along the west property line.

Used oil and non-hazardous wastes are stored on the north property line.

For additional information related to waste streams generated at the facility see the Waste Streams and Waste management section and Attachment 10 – TCC Materials Waste Stream Table.

TCC is appropriately registered as a LQG.

4.2 RCRA Status

According to the RCRAInfo database, TCC has notified as an LQG of D001 & D002 characteristic hazardous waste and F003 & F005 listed hazardous waste, last notifying on June 20, 2024. See Attachment 8 - 2023 Biennial Report and Attachment 9 - RCRAInfo View Source Report.

Mr. Winters and I went over the Biennial Report form, and he noted that changes needed to be made to waste codes on the form. According to the hazardous waste manifests, TCC is disposing of D001 characteristic hazardous waste and F003 listed hazardous waste. Based upon the amount and type of hazardous waste generated at TCC, I inspected the facility as an LQG of hazardous waste and used oil generator.

4.3 Previous Inspection and Related Findings

TCC had been last inspected for RCRA compliance on June 27, 2019, by the KDHE . During the 2019 KDHE inspection, the following was cited:

1. 40 CFR 265.15(d) Failure to document weekly inspections of hazardous waste storage area from 7/26/2017 – 01/03/2018.
2. 40 CFR 265.174 Failure to conduct weekly inspections of hazardous waste storage area for 5 weeks.

Above item with an asterisk was repeated during the 2025 EPA inspection.

4.4 Waste Streams and Waste Management

Information related to waste streams is listed in the Waste Stream Table (Attachment 10).

4.5 Areas Visually Inspected and Related Preliminary Findings

The physical inspection consisted of a tour of the Liquid Plant, Hazardous Waste Storage Area, Used Oil Storage Area, and the Powder Production Building.

- 1) The Liquid Plant contained the offices, water-based curing seals, solvent based seals, oil form releases, and curing compounds. All of these processes sometimes generated off-specification or expired wastes.
- 2) The Hazardous Waste Storage Area is located outdoors on the west side of the liquid plant.
- 3) Used oil and non-hazardous wastes are stored on the north property line.
- 4) The Powder Production Building manufactured only cement-based products and contained the Lab, and Maintenance Area. The lab generated retain samples.

4.5.1 Liquid Plant

Photos 1 through 5 depicts a 1/8 full hazardous waste storage tote containing approximately 35-gallons of used xylene and mineral spirits (D001 and F003 hazardous waste) located between the solvent lines. The tote was properly labeled with the words “Hazardous Waste” but was not dated with the start date of accumulation and was open. Photo 1 depicts the label without a date, photos 2 and 4 depict the opening in the tote (the blue bucket was placed over the bung to contain spillage) with the lid near the corner of the top.

NOPF #1 – 40 CFR 262.34(a)(2) – Failure to mark the accumulation start date on a hazardous waste storage container.

NOPF #2 - 40 CFR 265.173(a) – Failure to close a hazardous waste storage container except when necessary to add or remove waste.

Immediately after Mr. Winters was made aware of these potential findings, he looked up the start date and wrote the date of 3/24/22025 on the label photo 3 and removed the blue bucket from the bung and screwed on the cap, photo 5.

4.5.2 Hazardous Waste Storage Area

After touring the Liquid Plant, we exited the building on the southside and proceeded to the rear of the building.

On the southern portion of the west wall outside the facility, south side of the Hazardous Waste Storage Area, we found a full tote of D001 and F003 hazardous waste in storage that was closed, labeled and dated. The date of 11/6/2024 exceeds 90-day storage by 49 days at the time of the inspection. Photo 6 depicts the label indicating the date.

NOPF #3 - 40 CFR 262.34(a) – Storing hazardous waste for greater than 90 days.

On the northern portion of the west wall outside the facility, in the designated Hazardous Waste Storage Area, we found two full hazardous waste storage of D001 and F003 hazardous waste (Photo 8). One was properly labeled and dated (photo 7) and the other was not labeled or dated (photos 9 & 10).

NOPF #1 – Failure to mark the accumulation start date on a hazardous waste storage container.

NOPF #4 - 40 CFR 262.34(a)(3) – Failure to label a hazardous waste storage container with the words "Hazardous Waste."

4.5.3 Used Oil

After inspecting the Hazardous Waste Storage Area, I looked north to see the Used oil Storage Area which contained seven totes. Three of the totes appeared to be full, one approximately 15/16 full, one approximately 7/8 full, one approximately 3/4 full, and one approximately 1/3 full (photos 12 & 13). None of the totes were labeled “Used Oil.” The only legible labels were “NON-RCRA REGULATED WASTE” labels, photo 11.

NOPF #5 - 40 CFR 279.22(c) – Failure to clearly label seven totes of used oil with the words “Used Oil.”

4.5.4 Powder Production Building

We toured the Powder Production Building which only contained one approximately 1/3 full open hazardous waste satellite accumulation drum (photo 16). The drum was labeled as “Hazardous waste” but was not closed (photo 17). The funnel was open to the contents of the drum.

NOPF #2 - 40 CFR 265.173(a) – Failure to close a hazardous waste satellite accumulation container except when necessary to add or remove waste.

Immediately after Mr. Winters was made aware of this potential finding, he removed the funnel from the bung and screwed on the cap (photo 18).

4.6 Records Review and Related Preliminary Findings

4.6.1 Contingency Plan

During the inspection, I requested a copy of the contingency plan. Mr. Winters was not able to find one on site and requested a copy be sent from Vanessa De La Vega Meza, Senior Environmental Specialist with Cemstone, TCC’s parent company. Prior to the end of the inspection, Mr. Winters provide me with a copy of the Dayton Superior Spill Prevention, Control and Countermeasures Plan (SPCC) dated June 23, 2020 (Attachment 11) and the Kansas City Emergency Action Plan (Attachment 12). Neither of which was a hazardous waste contingency plan.

NOPF #6 - 40 CFR 265.53(a) – A copy of the contingency plan and any revisions not maintained at the facility. Neither the 2020 plan nor the 2025 plan were available when requested during the inspection. The 2020 version was emailed to the facility and printed prior to the conclusion of the inspection.

NOPF #7 - 40 CFR 265.54 – Failure to immediately amend the contingency plan when there is an applicable change to the facility. The facility changed ownership groups and changed the name of the facility from Dayton Superior to Bluestone Products in August 2020 then to TCC Materials in July 2023. The June 23, 2020, contingency plan presented during the inspection was for the Dayton Superior facility.

Upon return to the office, Mr. Winters e-mailed me a copy of TCC's Materials RCRA Contingency Plan dated March 25, 2025 (Attachment 13). I reviewed the plan and it appeared to be adequate with the exception of the site map. I contacted Mr. Winters to inform him of my findings. He promptly had TCC provide an updated version of the plan with the correct site map (Attachment 17).

4.6.2. Training

Review of the hazardous waste training program indicated the training program was adequate. Mr. Winters and I reviewed the training file which included rosters and course descriptions for multiple training opportunities offered monthly covering various aspects of hazardous waste management.

4.6.3. 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 the last six months, using RCRAInfo (see Attachment 17). During the inspection, I reviewed the LDR notification forms associated with hazardous waste generated at, and shipped from, the facility, double checking the most recent manifests.

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

4.6.4. Weekly Inspections

I reviewed the weekly hazardous waste inspection reports for 2025 and discovered all the weekly inspections were documented in a notebook with the exception of 3/14/2025 and 3/21/2025. Mr. Winters provided other documentation to indicate inspections were conducted but admitted he forgot to note the results in the log book.

NOPF #8 - 40 CFR 265.15(d) – Failure to document weekly hazardous waste inspections. The facility was missing two weeks of documentation on 3/14/2025 and 3/21/2025 in the logbook evidence was presented to indicate an inspection did take place.

4.6.5. 2023 Comprehensive Biennial Report

Prior to arriving at the facility, I was able to review the facility's 2023 biennial report, last notifying on June 20, 2024, using RCRAInfo. As noted above according to the RCRAInfo database, TCC has notified as an LQG of D001 & D002 characteristic hazardous waste, however the facility is using D001 characteristic hazardous waste and F003 listed hazardous waste codes on their hazardous waste manifests. See Attachment 8 (2023 Biennial Report) and Attachment 9 (RCRAInfo View Source Report). KDHE provided a stamped receipt of the BWM – Form 8700-12 and 8700-23 Annual Report dated 3/11/2025, KEIMS – Submission Receipt (Attachment 16) indicating the facility's name as Bluestone Products.

NOPF #9 - K.A.R. 28-31-4 – Failing to keep the current notification up to date. The current notifications list Bluestone Products. The facility became TCC in July 2023 which exceeds the 60 days allotted following a change.

5.0 SUMMARY

I inspected TCC as an LQG of hazardous waste and as a used oil generator. The following preliminary findings were noted as discussed above:

NOPF #1 – 40 CFR 262.34(a)(2) – Failure to mark the accumulation start date on a hazardous waste storage container.

- a. One open and unlabeled 1/8 full hazardous waste storage tote of D001 and F003 hazardous waste at the Liquid Plant.**
- b. One unlabeled full hazardous waste storage tote of D001 and F003 hazardous waste at the Hazardous Waste Storage Area (located on the northern portion of the west wall outside the facility).**

NOPF #2 - 40 CFR 265.173(a) – Failure to close a hazardous waste storage container except when necessary to add or remove waste.

- a. One open and unlabeled 1/8 full hazardous waste storage tote of D001 and F003 hazardous waste at the Liquid Plant.**

NOPF #3 - 40 CFR 262.34(a) – Storing hazardous waste for greater than 90 days.

- a. One full hazardous waste storage tote of D001 and F003 hazardous marked with a 11/6/2024 accumulation start (located at the southern portion of the west wall outside the facility, south side of the Hazardous Waste Storage Area).**

NOPF #4 - 40 CFR 262.34(a)(3) – Failure to label a hazardous waste storage container with the words "Hazardous Waste."

- a. One unlabeled full hazardous waste storage tote of D001 and F003 hazardous waste at the Hazardous Waste Storage Area (located on the northern portion of the west wall outside the facility).

NOPF #5 - 40 CFR 279.22(c) – Failure to clearly label seven (7) totes of used oil with the words “Used Oil.”

NOPF #6 - 40 CFR 265.53(a) – A copy of the contingency plan and any revisions not maintained at the facility. Neither the 2020 plan nor the 2025 plan were available when requested during the inspection. The 2020 version was emailed to the facility and printed prior to the conclusion of the inspection.

NOPF #7 - 40 CFR 265.54 – Failure to immediately amended the contingency plan when there is an applicable change to the facility. The facility changed ownership groups and changed the name of the facility from Dayton Superior to Bluestone Products in August 2020 then to TCC Materials in July 2023. The June 23, 2020, contingency plan presented during the inspection was for the Dayton Superior facility.

NOPF #8 - 40 CFR 265.15(d) – Failure to document weekly hazardous waste inspections. The facility was missing two weeks of documentation on 3/14/2025 and 3/21/2025 in the logbook evidence was presented to indicate an inspection did take place.

NOPF #9 - K.A.R. 28-31-4 – Failing to keep the current notification up to date. The current notifications list Bluestone Products. The facility became TCC in July 2023 which exceeds the 60 days allotted following a change.

MARC
MATTHEWS
Marc Matthews
Environmental Engineer
ECAD/CB/RCRA, EPA Region 7

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Candace Bednar
Branch Chief
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ATTACHMENTS

1. Digital Image Log (21 pages/18 photos)
2. Aerial Photo (1 page)
3. Facility Diagram (1 page)
4. Facility Diagram w/ HW & UO Identified (1 page)
5. Confidentiality Notice (1 page)
6. Receipt for Documents and Samples (1 page)
7. NOPF (2 pages)
8. 2023 Biennial Report (3 pages)
9. RCRAInfo View Source Report (7 pages)
10. Materials Waste Stream Table (1 page)
11. Dayton Superior SPCC Plan (39 pages)
12. Kansas City Emergency Action Plan (14 pages)
13. Materials Hazardous Waste Contingency Plan (20 pages)
14. Materials Contingency Plan Review Check Sheet (1 page)
15. E-manifest Review (2 manifests)
16. KEIMS – Submission Receipt (9 pages)
17. Materials Hazardous Waste Contingency Plan (18 pages)