

RCRA Inspection Report

1) Inspector and Author of Report

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U.S. Environmental Protection Agency, Region 4
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2) Facility Information

Physical Address

The KBH Corporation (KBH)
395 Anderson Boulevard
Clarksdale, Mississippi 38614

Mailing Address

P.O. Box 670
Clarksdale, Mississippi 38614-0670

3) Responsible Official

Brian C. Litton
Purchasing Manager

4) Inspection Participants

Daryl R. Himes, US EPA
William Ryder, MDEQ
Brian C. Litton, KBH

5) Date and Time of Inspection

October 27, 2021 9:00 a.m.

6) Applicable Regulations

Mississippi Code of 1972, Miss. Code Ann. § 17-17-1 *et seq.* [Resource Conservation and Recovery Act (RCRA) Sections 3002, 3004, 3005, 3007 and 3008, (42 U.S.C. §§ 6922, 6924, 6925, 6927 and 6928)] and the Mississippi Department of Environmental Quality, Office of Pollution Control, Mississippi Hazardous Waste Management Regulations (MHWMR), 11 Miss. Admin. Code Pt. 3, R. 1.1-1.24, which adopts and incorporates by reference 40 C.F.R. Parts 260-270, 273, and 279 [40 Code of Federal Regulations (C.F.R.) Parts 260-270, 273, and 279].

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**

The purpose of this inspection was to conduct an announced compliance evaluation inspection to determine KBH's compliance with the applicable requirements of RCRA and the corresponding MDEQ regulations. This was an EPA lead inspection.

8) **Previous Inspection History**

The last RCRA compliance evaluation inspection was performed at the facility on November 15, 2012 by MDEQ personnel. No violations were observed.

9) **Facility Description**

The KBH facility is located at 395 Anderson Boulevard in Clarksdale, Coahoma County, Mississippi. KBH has been at this location for approximately 50 years. The facility is located on an 18-acre site with several buildings including the following: main office building, assembly buildings, the manufacturing building, the fabrication building, the main shop building and the paint building which is comprised of a paint booth, and paint materials room. KBH manufactures farm equipment such as cotton harvest equipment, seed handling equipment, liquid and dry fertilizer equipment, one trip plows, and hopper bottom trailers. KBH currently has between 100 and 125 employees.

The facility receives raw materials such as iron in 20- or 40-foot-long pieces and sheet metal. The iron is fed into pre-programmed saws and cut to specific lengths. It is then sent to be machined prior to assembly. The sheet metal is sent to the sheet metal shop, where it is cut to required specifications. Depending on the final product, the parts are sent to one of the assembly shops where it is welded and is then assembled as extra-strength farm equipment. The final manufacturing is done in the manufacturing building prior to being prepared for painting. The painting is completed in the paint booth, and then sent to final assembly. After the final assembly, the product is tested and then sent to the customer.

The facility last notified as a small quantity generator of hazardous waste on February 23, 2021. Hazardous waste included on the notification was F003 listed hazardous waste.

10) **Opening Conference**

On October 27, 2021, EPA inspector Daryl Himes, accompanied by William Ryder of MDEQ, arrived at KBH at approximately 9:00 a.m. Brian Litton, the facility's Purchasing Manager, immediately received the inspectors. Mr. Litton and the inspectors were joined by Scotty Harrison, Plant Area Supervisor of KBH for the opening conference. The inspectors introduced themselves, showed their credentials and explained the purpose of the visit. The inspectors described the anticipated use of their digital camera.

Brian Litton provided an overview of the facility's current operations during the opening conference. A description of the facility's processes was given as described in the facility description section above. The company does not appear to meet the Small Business Regulatory Enforcement Fairness Act's classification of a "small business," which is generally set by the Small Business Administration using the business' SIC/NAICS code and annual receipts or number of employees. Therefore, the EPA inspector did not provide a copy of the agency's information sheet for small businesses, which can be found at <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>. A walk-through inspection of the facility was then performed, and the results of this walk-through are described in the findings below.

11) **Findings**

A walk-through inspection of the facility was then performed. As only metal fabrication and assembly operations are performed in all of the facility's buildings except the Paint Building, the inspection participants proceeded to that area.

The Paint Building was a metal building constructed on a concrete pad measuring approximately 70 feet by 60 feet. The building is separated into two parts by a metal wall.

One side of the building housed the facility's paint supply system for the paint booth located in the adjacent side of the building. In addition to observing numerous drums of product paint being used to supply the paint guns in the paint booth side of the building, four 55-gallon drums (Photo 1) were observed to be accumulating hazardous waste paint solvent within a satellite accumulation area (SAA). The solvent used by the facility to clean its guns and paint lines was acetone. At the time of the inspection, each of the 55-gallon drums were open by virtue of their bung holes being open (Photos 2-5). A view into the four containers with a flashlight indicated that three of the containers were at least one-half full, the other container was approximately one-quarter full. None of the containers were labeled with the words "Hazardous Waste" or an indication of the hazards related to the contents of the containers. In addition, none of the containers were marked with an accumulation start date as the amount of waste solvent being accumulated in the drums exceeded 55-gallons.

Pursuant to 11 Miss. Admin. Code Pt. 3, Ch. 1 Rule 1.3 [40 C.F.R. § 262.15(a)], a generator may accumulate as much as 55 gallons of non-acute 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 17-17-27(4) of the Mississippi Code of 1972, Miss. Code Ann. § 17-17-27(4) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with 11 Miss. Admin. Code Pt. 3, Ch. 1 Rule 1.3 [40 C.F.R. § 262.16(b) or §262.17(a)], except as required in 11 Miss. Admin. Code Pt. 3, Ch. 1 Rule 1.3 [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in 11 Miss. Admin. Code Pt. 3, Ch. 1 Rule 1.3 [40 C.F.R. § 262.15(a)] (hereinafter referred to as the "SAA Permit Exemption").

Pursuant to 11 Miss. Admin. Code Pt. 3, Ch. 1 Rule 1.3 [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

Pursuant to 11 Miss. Admin. Code Pt. 3, Ch. 1 Rule 1.3 [40 C.F.R. § 262.15(a)(6)(iii)], which is a condition of the SAA Permit Exemption, a generator is required to remove hazardous waste in excess of 55-gallons to either (A) A central accumulation area operated in accordance with the applicable regulations in § 262.16(b) or § 262.17(a); (B) An on-site interim status or permitted treatment, storage, or disposal facility, or (C) An off-site designated facility; and from the satellite accumulation area within three consecutive calendar days to either: during the three-consecutive-calendar-day period the generator must continue to comply with paragraphs (a)(1) through (5) of this section. The generator must mark or label the container(s) holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

Pursuant to 11 Miss. Admin. Code Pt. 3, Ch. 1 Rule 1.3 [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers (i) with the words “Hazardous Waste” and (ii) with an indication of the hazards of the contents.

The other side of the building housed the facility’s paint booth. The walls of the building were covered with air filters (Photos 6 & 7). A review of the facility’s safety data sheets for the high solids polyurethane enamel paints used by the facility did not indicate the presence of any hazardous metals in the make-up of the paint which would cause the filters to be managed as hazardous waste when disposed.

One Hundred Eighty Day Hazardous Waste Accumulation Area

Seven 55-gallon metal drums of hazardous waste paint solvents generated within the facility’s paint room were observed in a 180-day hazardous waste accumulation area outside of the Paint Building on a concrete base (Photo 8).

Each of the 55-gallon drums were observed to be closed at the time of the inspection. One of the drums had a flammable placard. The drums were otherwise unlabeled or marked with accumulation start dates.

Pursuant to 11 Miss. Admin. Code Pt. 3, Ch. 1 Rule 1.3 [40 C.F.R. § 260.10], a generator of greater than 100 kilograms (220 lbs) but less than 1,000 kilograms (2200 lbs) of hazardous waste in a calendar month is a Small Quantity Generator (SQG).

Pursuant to 11 Miss. Admin. Code Pt. 3, Ch. 1 Rule 1.3 [40 C.F.R. § 262.16)], SQG may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status, as required by Section 17-17-27(4) of the Mississippi Code of 1972, Miss. Code Ann. § 17-17-27(4) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in 11 Miss. Admin. Code Pt. 3, Ch. 1 Rule 1.3 [40 C.F.R. § 262.16] (hereinafter referred to as the “SQG Permit Exemption”).

Pursuant to 11 Miss. Admin. Code Pt. 3, Ch. 1 Rule 1.3 [40 C.F.R. § 262.16(b)(6)(i)(A)(B)(C)], which is a condition of the SQG Permit Exemption, a generator must mark or label its containers with the following: the words “Hazardous Waste”; an indication of the hazards of the contents; and the date upon which each period of accumulation begins clearly visible for inspection on each container, respectively.

At the time of the inspection, the closest fire extinguisher to the 180-day accumulation area was over 30 yards in a building nearby. The fire extinguisher was not tagged with any means to demonstrate that it was in working order.

No spill control equipment was located at the facility or in the area of the 180-day accumulation area.

Pursuant to 11 Miss. Admin. Code Pt. 3, Ch. 1 Rule 1.3 [40 C.F.R. § 262.16(b)(8)(ii)(C)], which is a condition of the SQG Permit Exemption, all areas where hazardous waste is either generated or accumulated must be equipped with portable fire extinguishers, fire control equipment (including special extinguishing equipment, such as that using foam, inert gas, or dry chemicals), spill control equipment, and decontamination equipment.

Record Review

A review of the facility’s records was performed following the walk-through inspection.

A manifest review indicated that the facility was generating hazardous waste within the 100-to-1000-kilogram quantities to be a small quantity generator. Four Shipments of D001/F003 hazardous waste occurred in 2019, 2020 and 2021 to Giant Resource in Attalla, Alabama. No discrepancies were observed during a review of the manifests.

Mr. Litton stated that personnel had not taken any type of hazardous waste training.

Pursuant to 11 Miss. Admin. Code Pt. 3, Ch. 1 Rule 1.3 [40 C.F.R. § 262.16(b)(9)(iii)], which is a condition of the SQG Permit Exemption, a generator is required to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

Closing Conference

At the conclusion of the walkthrough inspection and record review, a brief closing conference was conducted with each of the facility participants identified above. During the conference, the areas of concern identified during facility walkthrough and also during the record review were identified and discussed.

Facility representatives were informed that reports summarizing findings of the inspection would be forwarded to the facility representative by both the US EPA and MS DEQ.

12) Signed

Daryl R. Himes
Environmental Engineer

Date

13) Concurrence

Araceli B. Chavez
Chief
RCRA Enforcement Section

Date

ATTACHMENT A
The KBH Corporation
Clarksdale, Mississippi
COMPLIANCE EVALUATION Inspection
MSD007032444
October 27, 2021
Photos taken by Daryl R. Himes
Photos taken with Canon Powershot Elph 360HS



Photo 1 – Four drums accumulating spent acetone in SAA within Paint Room



Photo 2 – Top of one of four drums in SAA within Paint Room



Photo 3 – Top of one of four drums containing spent acetone in SAA



Photo 4 – Top of one of four drums containing spent acetone in SAA



Photo 5 – Top of one of four drums containing spent acetone in SAA



Photo 6 – Paint Booth



Photo 7 – Paint Booth



Photo 8 – 180-day hazardous waste accumulation area.