

RCRA COMPLIANCE EVALUATION INSPECTION REPORT

1) Inspector and Author of Report

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Environmental Engineer
RCRA Enforcement Section
Enforcement Compliance and Assurance Division
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Atlanta, Georgia 30303
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2) Facility Information

W. M. Barr & Company (W M Barr)
2609 Fite Road
Memphis, Tennessee 38017
EPA ID: TND007017288

NAICS Code: 325510–Plastics Material and Resin Manufacturing

3) Primary Contact

Mr. Barry Henson
EHS Manager

4) Inspection Participants

Barry Henson,	W M Barr
Jason Simpson	Tennessee Department of Environment and Conservation (TDEC)
Daryl Himes	EPA, Region 4

5) Date and Time of Inspection

October 27, 2022 9:00 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 (THWMA), 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.

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.

Note: At the time of the inspection, Tennessee had updated its hazardous waste regulations to include the amendments made by the federal Generator Improvements Rule, 81 Fed. Reg. 85,732 (Nov. 28, 2016). However, because Tennessee has not yet been authorized by the EPA for these amendments, the citations included below are to the previously authorized State generator regulations, effective as of January 2018. In addition, at the time of the inspection, Tennessee had updated its universal waste regulations to include aerosol cans pursuant to the federal Universal Waste Aerosol Cans Rule, 84 Fed. Reg. 67,202 (Dec. 9, 2019). However, because Tennessee has not yet been authorized by the EPA for these amendments, the citations included below are to the previously authorized State universal waste regulations, effective as of February 2015).

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)5.(i) [40 C.F.R. § 262.34(c)(1)], 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. [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)] (hereinafter referred to as the "SAA Permit Exemption").

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)2. [40 C.F.R. § 262.34(a) (2016)], a large quantity generator (LQG) may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status in a central accumulation area (CAA), 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").

7) Purpose of Inspection

This unannounced 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

W M Barr is a chemical mixing/blending facility that containerizes various mixtures of solvents, removers and cleaners into containers for sale at various hardware type stores. Small amounts of fertilizers are also blended at this location. Non-solvent products such as parts of the Goof Off® line are also containerized at this facility. Solvents which make up components of the facility's organic solvent product line include toluene, methyl ethyl ketone, acetone, isopropyl alcohol, methanol and ethanol. No chlorinated solvents currently make up any part of the facility's product line.

Solvents and solvent mixtures containerized as products at the facility are done so in batch type production operations. Bulk shipments of chemicals coming into the plant for use as ingredients

are brought in by tanker truck, rail car and barge. Non-bulk shipments include 55-gallon drums and cubic yard bags brought to the facility by truck.

All products produced by the facility leave the facility initially by truck.

The facility's operations are performed in one 200,000 square foot building. The facility employs approximately 200 people that work two ten hour shifts four days per week.

9) Previous Inspection History and Contiguous Property Discussion

On September 28, 2017, TDEC conducted a RCRA Compliance Evaluation Inspection (CEI) at W M Barr. No violations were observed during that inspection.

10) Findings

On October 27, 2022, EPA inspector Daryl Himes, accompanied by Jason Simpson of the Tennessee Department of Environmental Conservation, arrived at W M Barr at approximately 9:00 a.m. Barry Henson, EHS Supervisor, immediately received the inspectors and was shown their credentials. The inspectors were taken by Mr. Henson to a room for an opening conference. The inspectors introduced themselves and explained the purpose of the visit. The inspectors described the anticipated use of cameras during the inspection and informed the facility personnel that a request for records would be made at the conclusion of the walkthrough inspection.

Prior to performing the walkthrough inspection, the facility representative provided the inspection team an overview of the facility's history and current operations during the opening conference as described above in the facility overview. No information which be considered confidential business information was discussed or requested from the company during this discussion. The company was notified that the use of cameras to photograph areas where hazardous waste was being managed may take place.

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. 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/compliance/small-business-resources-information-sheet>.

Please note that during the walk-through inspection, containers of hazardous waste were observed within satellite accumulation areas (SAAs) and central accumulation areas (CAAs). Unless otherwise noted, each container observed within any SAA was observed to be closed and labeled with the words "Hazardous Waste" and an indication of the hazard contents of the container. Containers in any CAA were observed to be closed, marked with an accumulation start date of less than 90-days and labeled with the words "Hazardous Waste" and an indication of the hazard contents of the container.

In addition, containers of Universal Waste were observed to be properly labeled, dated, and closed at the time of the inspection, unless noted otherwise. Also, containers of used oil were observed to be labeled as "Used Oil."

Following are the areas and findings of a walk-through inspection performed at the facility.

Quality Control Laboratory

This area is located on the second floor of the building. One 55-gallon container (Photos 1-2) was observed within a SAA of the laboratory for the management of contaminated rags, beakers, lab wastes and spent personal protective equipment. The container was closed but not labeled at the time of the inspection. A label was placed on the container at the time of the inspection.

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(4)(e)5(i)(II) [40 C.F.R. § 262.34(c)(1)(ii)], which is a condition of the SAA Permit Exemption, a generator is required to mark satellite accumulation containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

Green Room

Twenty-two tanks with volumes between 1500-2500 gallons are used in this area for the batch processes of mixing various solvents to make-up the facility's various products. One 55-gallon container of spent hazardous waste rags was observed within a SAA in this area.

Filling Area

Product containers are filled on roller-type assembly lines in this area.

One 55-gallon container of spent hazardous waste rags used for minor cleanup activities was observed within a SAA in the area of Line 16.

One 55-gallon container of nonhazardous linseed oil from cleanup activities was observed within a SAA in the area of Line 6.

Red Label Room

This area is used for the storage of non-bulk materials including products to be inspected and material returns.

The facility's CAA was also located in this area. One hundred fifty-two 55-gallon waste containers were observed in this area (Photos 3 – 5). One hundred nine of the containers managed hazardous waste. Forty-three of the containers managed nonhazardous wastes. Weekly inspection logs for the past year were observed in this area at the time of the inspection. No discrepancies were observed.

Research and Development Lab

One 55-gallon container of spent hazardous waste rags (Photo 6) used for minor cleanup activities and lab wastes were observed within a SAA.

Record Review

The inspection team reviewed records at the facility including their contingency plan, hazardous waste manifests for shipments made during the last three years, weekly inspection records for their container accumulation area for the past three years and hazardous waste training records for the past three years. No discrepancies were noted during the review.

Closing Conference

The inspection team conducted an exit meeting at the end of the walk-through inspection and review of the facility's hazardous waste records with Barry Henson, Environmental Health and Safety Manager. During this meeting, the inspectors discussed their preliminary findings made during the inspection.

11) Signed

DARYL HIMES Digitally signed by DARYL HIMES
Date: 2022.12.02 17:41:47 -05'00'

Daryl R. Himes
Environmental Engineer

Date

12) Concurrence

ARACELI CHAVEZ Digitally signed by ARACELI CHAVEZ
Date: 2022.12.05 15:32:43 -05'00'

Araceli B. Chavez
Chief
RCRA Enforcement Section

Date

ATTACHMENT A

W. M. Barr and Company

Memphis, Tennessee

COMPLIANCE EVALUATION INSPECTION

TND007017288

October 27, 2022

Photos taken by Daryl R. Himes

Photos taken with Canon Power Shot Elph 360 HS



Photo 1 – 55-gallon hazardous waste drum in Quality Control Lab without labels



Photo 2 – 55-gallon hazardous waste drum in Quality Control Lab with labels added



Photo 3 – Drums of Hazardous Waste in Central Accumulation Area



Photo 4 – Drums of Hazardous Waste in Central Accumulation Area



Photo 5 – Drums of Hazardous Waste in Central Accumulation Area



Photo 6 – 55-gallon hazardous waste drum in Research and Development Lab