

RCRA Inspection Report

1) Inspector and Author of Report

Laurie Benton DiGaetano
Environmental Engineer
RCRA Enforcement Section
Phone: 404-562-8948
benton-digaetano.laurie@epa.gov

U.S. Environmental Protection Agency, Region 4
Enforcement and Compliance Assurance Division
Chemical Safety and Land Enforcement Branch
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

2) Facility Information

American Tank Wash Solutions, LLC EPA ID# ALD155638570
9561 Old Highway 43
Creola, Alabama 36525

3) Responsible Officials

Cody Denmark
Facility Manager
cdenmark@americanenvinc.com

4) Inspection Participants

Sean Montiel, American Tank Wash Lanny Sasser, ADEM
Cody Denmark, American Tank Wash Laurie Benton DiGaetano, USEPA

5) Date of Inspection

March 30, 2023

6) Applicable Regulations¹

Alabama Hazardous Waste Management and Minimization Act of 1978 (AHWMMA), Ala. Code § 22-30-1 *et seq.*, [Resource Conservation and Recovery Act (RCRA) Sections 3002 - 3005, (42 U.S. Code - Annotated U.S.C.A. 6925 and 6927)] and rules 335-14-1 to 335-14-17 (2016 and 2018) of the Alabama Department of Environmental Management (ADEM) Administrative Code (ADEM Admin. Code) [40 Code of Federal Regulation (C.F.R.) Parts 260-270, 273 and 279].

Pursuant to ADEM Admin. Code r. 335 14-1-.02-(1)(a)111. [40 C.F.R. § 260.10], a large quantity generator (LQG) of hazardous waste is a generator who generates greater than or equal to 1,000 kilograms (2,200 pounds) of non-acute hazardous waste in a calendar month.

¹ As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations of those authorized provisions will be to the authorized State program. However, for ease of reference, the federal citations will follow in brackets.

Pursuant to ADEM Admin. Code r. 335-14-1-.02-(1)(a)111. [40 C.F.R. § 260.10], a small quantity generator of hazardous waste (SQG) is a generator who generates greater than 100 kilograms (220 pounds) but less than 1,000 kilograms (2,200 pounds) of non-acute hazardous waste in a calendar month.

Pursuant to ADEM Admin. Code r. 335-14-11-.02(a)(a)244. [40 C.F.R. § 273.9], a small quantity handler of universal waste (SQHUW) is a universal waste handler who does not accumulate 5,000 kilograms or more of universal waste (batteries, pesticides, mercury-containing equipment, lamps, or aerosol cans, calculated collectively) at any time.

Pursuant to ADEM Admin. Code r.335-14-17-.03(1)(a), a used oil generator is any person, by individual generation site, whose act or process produces used oil or whose act first causes used oil to become subject to regulation.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a) [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 22-30-12(b) of the Alabama Hazardous Wastes Management and Minimization Act (AHWMMA), Ala. Code § 22-30-12(b) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with ADEM Admin. Code r. 335-14-3-.01(6)(b) or 335-14-3-.01(7)(a) [40 C.F.R. § 262.16(b) or § 262.17(a)], except as required in ADEM Admin. Code r. 335-14-3-.01(5)(a)7. and 8. [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in ADEM Admin. Code r. 335-14-3-.01(5)(a) [40 C.F.R. § 262.15(a)] (hereinafter referred to as the “SAA Permit Exemption”).

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7) [40 C.F.R. § 262.17], a large quantity generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Section 22-30-12(b) of the AHWMMA, Ala. Code § 22-30-12(b) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in ADEM Admin. Code r. 335-14-3-.01(7) [40 C.F.R. § 262.17] (hereinafter referred to as the “LQG Permit Exemption”).

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7) [40 C.F.R. § 262.16], a small quantity generator (SQG) may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status, as required by Section 22-30-12(b) of the AHWMMA, Ala. Code § 22-30-12(b) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in ADEM Admin. Code r. 335-14-3-.01(7) [40 C.F.R. § 262.16] (hereinafter referred to as the “SQG Permit Exemption”).

7) Purpose of Inspection

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection to determine American Tank Wash Solutions, LLC’s compliance with the applicable requirements of RCRA and the corresponding Alabama regulations. This was an EPA lead inspection.

8) **Facility Description**

American Tank Wash Solutions, LLC:

According to facility personnel, American Tank Wash Solutions, LLC (ATW) has operated the subject tank wash facility in Creola, Alabama for approximately eleven years. The facility includes two wash bays where empty bulk trailer tanks and roll-off containers are cleaned and prepared for subsequent load hauling. The facility operates under the NAICS Code 811192 for Car Washes and has approximately eighteen employees. Operations run Monday through Friday from 7:00 a.m. until 5:30 p.m. each day.

According to facility personnel, ATW generally services between eight and eleven tanks each day. These tanks include 5,000 to 7,000-gallon bulk trailer tanks and 25-yard roll-off containers. Customers typically request cleaning so that the trailer tank or roll-off container can be used to haul a new type of load, but they may also occasionally request rinsing the vessel so that it can be used to haul the same material again.

Although most tankers and roll-off containers are empty when they arrive at the facility, ATW may need to remove a heel from the tanker or load material from the roll-off before the vessel can be washed. If a bulk trailer tank contains material in excess of what ATW considers a typical heel, the tanker is rejected, and will not be unloaded or cleaned on-site. Next, the vessel is cleaned using a cold-water rinse followed by one or more caustic or acidic washes and then the final wash using a mixture of detergent and water. The tanker or roll-off is then inspected and ATW may perform necessary repairs before the transport vessel is returned to the customer. In some instances, ATW personnel may also need to perform a confined space entry to pressure-wash load residue from the interior of a transport vessel as part of the cleaning process.

Hazardous Waste Management:

Each ATW customer is under contract with the tank wash company and must provide information to identify the most recent load that was hauled in the trailer tank or roll-off container. Bulk trailer tanks can be used to haul a variety of materials, including hazardous and nonhazardous loads, but the roll-off containers are only used to haul nonhazardous loads. When a tanker heel must be drained before cleaning, ATW personnel perform a hazardous waste determination on the material using the customer provided information about the most recent load. Hazardous waste tanker heels are accumulated in containers and moved to the onsite hazardous waste central accumulation area (CAA). Personnel estimated that the facility might generate hazardous waste from tanker heels about twice each month, and that hazardous waste from multiple tankers would not be placed into the same container.

ATW operated as a small quantity generator (SQG) of hazardous waste at this location until February 25, 2021, when the company notified as a large quantity generator of hazardous waste. On December 5, 2022, ATW notified again to resume its status as an SQG. Hazardous wastes that are generated on-site are primarily tanker heels, and ATW reported the following hazardous wastes on the 2021 Biennial Report, which was submitted on February 24, 2022:

Waste Description	EPA Waste Code(s)	Volume
Chloral rinse water	U034	2,676 pounds
Irgafos	D001	1,044 pounds
Sodium hydrosulfide rinse	D003	4,950 pounds
Styrene resin	D001, F003	700 pounds
Creosote sludge	K001	800 pounds
Asphaltic tar sludge	D018	2,200 pounds
Crude oil	D018	2,400 pounds
Naugard rinse water	D001, D002, D018	355,168 pounds

It appears that ATW's LQG status was largely due to the generation of Naugard rinse water. Although rinse waters generated during the cleaning process are typically accumulated as nonhazardous rinse waters and sent to Old Recovery water treatment, ATW personnel explained that the hazardous waste contractor profiled rinse waters generated from cleaning tankers used to haul Naugard product as D001, D002, D018 hazardous waste. As a result, those rinse waters were pumped directly from the tanker being cleaned into another tanker, which would then transport the rinse waters to a designated hazardous waste treatment, storage, and disposal facility (TSDF). According to the data found in the eManifest system, ATW last shipped hazardous waste Naugard rinse waters offsite on December 16, 2022. It appears that ATW has not generated greater than 1,000 kilograms of hazardous waste during any calendar month since that shipment.

9) Previous Inspection History

The most recent RCRA CEI at this location was conducted by ADEM on June 4, 2008. Following that inspection, the facility notified as a very small quantity generator (VSQG) on December 8, 2008, and later notified as a SQG of hazardous waste on May 11, 2012. ATW notified as a LQG of hazardous waste on February 25, 2021, but resumed SQG status with the most recent notification, which was submitted on December 5, 2022.

10) Opening Conference

On March 30, 2023, EPA inspector Laurie Benton DiGaetano, accompanied by ADEM inspector Lanny Sasser, arrived at American Tank Wash Solutions, LLC at approximately 10:15 a.m. Cody Denmark, Manager, received the inspectors. Cody Denmark, and the inspectors were joined by Sean Montiel, Supervisor, 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 equipment (digital camera) during the inspection and provided a request for records. The EPA inspector explained that the Small Business Regulatory Enforcement Fairness Act's classification of a "small business" is generally set by the Small Business Administration using the business' SIC/NAICS code and annual receipts or number of employees. A copy of the EPA's information sheet for small businesses can be found at <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>. The EPA inspector also discussed the company's ability, pursuant to 40 C.F.R. §2.203, to assert a

business confidentiality claim for information submitted to EPA. The company did not assert a business confidentiality claim.

Cody Denmark and Sean Montiel provided an overview of the facility's history and current operations during the opening conference. The inspection participants also discussed health and safety protocols and required personal protective equipment before Facility representative led the inspectors on a tour of the Facility operations.

11) **Inspection Observations**

Waste Profile Records:

As described in the Facility Description above, ATW personnel perform a hazardous waste determination on tanker heels that must be drained before the tank can be cleaned. The inspectors reviewed the facilities available hazardous waste profile records, which indicated that the following hazardous waste tanker heels may be generated onsite:

EPA Waste Code	Tanker Heel Waste
U220	Toluene
U002	Acetone
U051	Creosote
U122	Formaldehyde
U239	Xylene
U188	Phenol
U007	Acrylamide
U034	Chloral anhydrous
D001, U003	Acetonitrile
D001	Paraformaldehyde

Truck Repair Area SAA:

ATW manages one SAA near the truck repair area for managing hazardous waste that is generated by puncturing aerosol cans (Photo 1). The inspectors observed one 55-gallon drum in this SAA. The drum was equipped with a can puncturing device, which was open. The drum was not labeled with the words hazardous waste, and it was not identified with an indication of the hazards of its contents.

Pursuant to ADEM Admin. Code r.335-14-3-.01(5)(a)5. [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 with the words “Hazardous Waste” and with an indication of the hazards of the contents.

Pursuant to ADEM Admin. Code r.335-14-3-.01(5)(a)4. [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, a container holding hazardous waste must be 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.

Personnel immediately closed the 55-gallon drum by rotating the lid on the can puncturing device into the closed position. In an email to Lanny Sasser on April 18, 2023, Dana Hester provided a photograph documenting that a hazardous waste label had been placed onto the 55-gallon drum in the SAA.

The inspectors also observed one 275-gallon tote of used oil near the truck repair area (Photo 2). The tote was not labeled with the words used oil. It was labeled nonhazardous waste.

Pursuant to ADEM Admin. Code r.335-14-17-.03(4)(c) containers and used oil tanks, except underground tanks, used to store used oil at used oil generator locations must be labeled or marked clearly with the words “Used Oil”.

In an email to Lanny Sasser on April 18, 2023, Dana Hester provided a photograph documenting that the used oil tote had been labeled with the words used oil.

Hazardous Waste Central Accumulation Area (CAA):

ATW manages a hazardous waste CAA in a trailer box car (Photo 3) near the truck wash bays (Photo 4). The area was secured by a padlock and identified with sign which read “Notice: Restricted Area, Authorized Personnel Only,” and “No Smoking. The inspectors observed a fire extinguisher near the box car, and an emergency shower and eyewash station near the truck wash bays.

The inspectors observed four 55-gallon drums of hazardous waste on a wooden pallet inside the box car CAA. Each of the four drums was labeled as hazardous waste and marked with an accumulation start date. Two drums were labeled as D003 hazardous waste sodium hydrosulfide and dated January 18, 2023, although one of those drums had to be turned to reveal the hazardous waste label. One drum was labeled hazardous waste and dated January 6, 2023, and the last was labeled hazardous waste and dated March 25, 2023. Neither of these two drums were labeled with the EPA Waste Code, and none of the four drums were marked with an indication of the hazards of their contents.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(6)(b)6.(i)(b) and (d) [40 C.F.R. § 262.16(b)(6)(i)], which is a condition of the SQG Permit Exemption, a generator is required to mark or label containers with an indication of the hazards of the contents, and all appropriate EPA hazardous waste numbers associated with the hazardous waste as specified in 335-14-2-.03 and 335-14-2-.04.

In an email to Lanny Sasser on April 18, 2023, Dana Hester provided photographs documenting that each drum had been labeled with the EPA Waste Code and marked with an indication of the hazards of its contents.

Emergency Procedures:

The actions that facility personnel should take in response to an emergency are described in the facility’s contingency plan, which had been created while the facility was operating as an LQG. The plan lists the name and emergency telephone number for the emergency coordinator, and references arrangements with local emergency response entities. The plan includes a list of

emergency equipment at the facility, such as the emergency alarm, spill containment equipment, and fire extinguishers, and an evacuation plan for personnel.

Training:

The inspectors reviewed records of hazardous waste training that was provided to facility personnel on February 25, 2021, and on November 19, 2022.

Waste Manifest Records:

The inspectors reviewed available hazardous waste manifest records and land disposal restriction forms for shipments of hazardous waste sent since 2021. Hazardous waste manifest records show that eight shipments of D001, D002, D018 waste flammable liquid (sulfuric acid, benzene) were sent to Texas Molecular Deer Park (TXD000719513) between March and May, 2021; three shipments of D018 hazardous waste liquid (benzene) and/or D001, F003 hazardous waste flammable liquid (acetone, styrene) were sent to PSC Allworth (ALD094476793) in 2021; two shipments of D001 waste flammable liquid (xylene, butylamine) were sent to Ecoflo (NCD980842132) in 2023; three shipments of D001, D002, D018 waste flammable liquid were sent to Ecoflo (NCD980842132) in 2022; and one shipment of D001 waste flammable solids (toluene) were sent to US Ecology (TXD069432340) in 2022.

At the time of the inspection, the facility's records did not include a signed return copy of the following hazardous waste manifests:

- March 31, 2021, shipment to PSC Allworth (ALD094476793) using manifest number 023938671JJK;
- September 13, 2022, May 13, 2022, and January 23, 2022, shipments to Ecoflo (NCD980842132) using manifest numbers 024094382JJK, 023938728JJK and 023938541JJK, respectively; and
- June 6, 2022, shipment to US Ecology (TXD069432340) using manifest number 024094463JJK.

Each of these hazardous waste shipments was initiated while the facility was operating as a LQG. No records were provided to show that ATW contacted the transporter or the owner or operator of the designated facility to determine the status of this waste, and ATW did not submit exception reports for these missing manifests. However, Dana Hester provided copies of the signed returned hazardous waste manifests in an email to Lanny Sasser on April 18, 2023. The signed copies indicated that each shipment had been received within 35 days of the date the waste was accepted by the initial transporter.

Inspection Records:

The inspectors reviewed available records of inspections of the hazardous waste central accumulation area since October 25, 2022. The records include the date of each inspection, the name of the employee conducting the inspection, and a checklist to record observations about spills, exposed hazardous materials, open containers, labels, and container age. The records also include space for the employee to identify the type of each container, the contents of the container, and the date that the waste was generated. The inspectors recommended updating the checklist to specifically include a space to record observations about corrosion or deterioration of the waste containers.

12) **Closing Conference**

The inspectors conducted the exit meeting at 12:45 p.m. with Cody Denmark and Sean Montiel. During this meeting, the inspectors stated their preliminary conclusions of the inspection.

13) **List of Attachments**

Attachment 1 – Photo Log:

4 Photos taken on: March 30, 2023

Photos taken by: Laurie Benton DiGaetano

Photos taken with: Panasonic DMC TS-5 Digital Camera

EPA Property Tag: S09533

14) **Signed**

LAURIE DIGAETANO Digitally signed by LAURIE
DIGAETANO
Date: 2023.05.03 08:19:06 -04'00'

Laurie Benton DiGaetano
Environmental Engineer

Concurrence

**ARACELI
CHAVEZ** Digitally signed by ARACELI
CHAVEZ
Date: 2023.05.03 13:34:17 -04'00'

Araceli B. Chavez
RCRA Enforcement Section

Attachment 1
RCRA CEI Photographs

Laurie Benton DiGaetano, USEPA

Panasonic DMC TS-5 #S09533



Photo 1: SAA for managing the contents from punctured aerosol cans. The drum was not labeled with the words hazardous waste or marked with an indication of the hazards of its contents. The bung on the drum was equipped with a can puncture device, which was open.



Photo 2: 275-gallon used oil tote (on the left) labeled nonhazardous waste, but not labeled with the words used oil.



Photo 3: Four 55-gallon drums inside a trailer box car, which is the designated hazardous waste central accumulation area (CAA).

Attachment 1
RCRA CEI Photographs

Laurie Benton DiGaetano, USEPA

Panasonic DMC TS-5 #S09533



Photo 4: Two truck wash bays.