

RCRA Inspection Report

1) Inspector and Author of Report

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2) Facility Information

Apex Tool Group LLC
1150 Clipper RD.
Sumter, South Carolina 29154
EPA ID No: SCD067012070

3) Responsible Officials

Todd Phillips, Sr. Manager EHS
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4) Inspection Participants

Kayla Acosta, US EPA
Laurie Benton DiGaetano, US EPA
Earle Watson, SCDHEC
Tom Richmond, SCDHEC
Richard Jones, Apex Tool Group
Jim Follin, Apex Tool Group

5) Date of Inspection

June 29, 2021

6) Applicable Regulations

Resource Conservation and Recovery Act (RCRA) Sections 3002 (42 U.S. Code – Annotated U.S.C.A. 6925 and 6927), 40 Code of Federal Regulation (C.F.R.), Parts 260 - 270, 273, 278, & 279. South Carolina Hazardous Waste Management Regulations (SCHWMR), S.C. Code Ann. Regs. 61-79, as amended, promulgated pursuant to the South Carolina Hazardous Waste Management Act, S.C. Code Ann. Section 44-56-30, as amended.

Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a large quantity generator of hazardous waste (LQG) 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.

Pursuant to 25 S.C. Code Ann. Regs. 61-79.260.10 [40 C.F.R. § 260.10], a very small quantity generator of hazardous waste (VSQG) is a generator who generates less than or equal to 100 kilograms (220 pounds) of non-acute hazardous waste; and 1 kilogram (2.2 pounds) of acute hazardous waste; and 100 kilograms (220 pounds) of any residue or contaminated soil, water or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste in a calendar month.

Pursuant to 25 S.C. Code Ann. Regs. 61-79.262.14(a) [40 C.F.R. § 262.14(a)], hazardous waste generated by a VSQG is not subject to the requirements of parts 124, 262 (except 262.10 through 262.14) through 268, and 270 of this chapter, and the notification requirements of section 3010 of RCRA and the VSQG may accumulate hazardous waste onsite without complying with such requirements, provided that the VSQG meets all the conditions listed in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.14] (hereinafter referred to as the “VSQG Exemption”).

Pursuant to 25 S.C. Code Ann. Regs. 61-79.273.9 [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.

7) Purpose of Inspection

The purpose of this inspection was to conduct a compliance evaluation inspection to determine Apex Tool Group LL’s compliance with the applicable requirements of RCRA and the corresponding SCDHEC regulations. This was an EPA lead inspection.

8) Previous Inspection History

SCDHEC has conducted one RCRA CEI at the subject facility between 2014 and 2021 and found no violations during that inspection.

On December 16, 2014, SCDHEC conducted the most recent RCRA CEI at the subject facility and found no apparent violations of RCRA’s requirements.

9) Facility Description

Apex Tool Group LLC (Apex) occupies approximately 66 acres of land. The facility has been in operation since 1975. Currently, the facility operates two (2) eight hour shifts on weekdays and one shift on the weekends. The facility currently has 54 employees. Apex has controlled access for the main warehouse building. Visitors must call one of the employee numbers posted on a sign in front of the main entrance in order to gain access.

Apex first notified as a large quantity generator (LQG) of hazardous waste at this location in 1999. Although Apex has been operating as a large quantity generator at this location since 1999, it appears that the facility has been generating less than 100 kilograms of hazardous waste each calendar month since 2020. Apex most recently notified as an LQG of hazardous waste as part of

the biennial report on January 1, 2019. Hazardous wastes identified in the report include: D001.

On January 01, 2017 Apex notified as a LQG of hazardous waste as part of the biennial report and identified the following hazardous wastes: D-Codes: D001, D002, D006, D007, D009, D035, D039; F-Codes: F002, F003, F005, F006, F019. The facility also generates universal wastes such as spent batteries and spent fluorescent bulbs. Apex operates under the NAICS Code: 332215 for Metal Kitchen Cookware, Utensil, Cutlery, and Flatware (Except Precious) Manufacturing; and under 332216 for Saw Blade and Hand Tool Manufacturing.

Apex manufactures a variety of hand tools which include metal sheer clippers, wrenches, and a variety of standard and metric tools. Apex's operations include heat treatment, forging, stamping, sealing, and coating. The black oxide line was decommissioned in 2019. The facility also has a wastewater treatment plant (WWTP) which is used to house a 90-Day Central Accumulation area. Since some of the manufacturing operations have ceased such as the black oxide line, the facility has determined that the sludge from the WWTP is nonhazardous waste and is managing the waste as such.

10) **Opening Conference**

On June 29, 2021, EPA inspectors Kayla Acosta and Laurie Benton DiGaetano, accompanied by SCDHEC inspectors Earle Watson and Tom Richmond, arrived at Apex at approximately 9:00 a.m. Mr. James Follin, Production Manager received the inspectors. Mr. Follin and the inspectors were joined by Mr. Richard Jones who manages the WWTP for the opening conference. The inspectors introduced themselves, showed their credentials to Mr. Follin and Mr. Jones, and explained the purpose of the visit. The inspectors described the anticipated use of a digital camera during the inspection, and 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.

Facility representatives provided an overview of the facility's history and current operations during the opening conference. 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 inspectors 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>.

The inspection participants also discussed health and safety protocols and required personal protective equipment before Mr. Follin and Mr. Jones led the inspectors on a tour of the Facility operations.

11) **Findings**

Q/A Laboratory (Main Warehouse Building): The Q/A lab is where parts are checked for quality and specifications after receiving heat treatment. Some minor repairs may be conducted on tools after being manufactured. No hazardous waste was observed in this area.

Near the Q/A Lab and offices, two spent fluorescent lamps were observed without being in a closed, labeled, and dated container (Photo #1)

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.273.13(d)(1) [40 CFR 273.13(d)(1)], a small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows: A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.273.14(e) [40 CFR 273.14(e)], states that each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: “Universal Waste - Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s).”

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.273.15(c) [40 CFR 273.15(c)], a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

HK Porter Manufacturing (Main Warehouse Building): This is a manufacturing support area for the Lexington facility. Actual tool assembly is conducted at the Lexington facility. No hazardous waste was observed in this area.

HK Porter Straightening Press (Main Warehouse Building): This machine is used to manufacture cable covers. No hazardous waste was observed in this area.

Tool Room CNC (Main Warehouse Building): Dyes that are used in the Back Building are repaired in the Tool Room CNC area. No hazardous waste was observed in this area.

Maintenance Department (Main Warehouse Building): Welding operations take place in the Maintenance Department. No hazardous waste was observed in this area.

Heat Treatment (Main Warehouse Building): All metals go through a heat treatment process. According to Mr. Follin and Mr. Jones, the Salt Heat Treatment Line, which generates hazardous wastewater, was down for repairs at the time of the inspection. When this line is in operation, hazardous wastewater is collected through floor sumps. The wastewater is then pumped to the wastewater treatment plant. No hazardous waste was observed in this area.

Wastewater Treatment Plant (WWTP): The WWTP is primarily used to adjust pH levels in the hazardous waste. According to Richard Jones, the filter press has not been used since October 2020 and the facility is no longer generating filter cake from the filter press. Instead, a disposal company comes and pumps sludge material from the overflow tank associated with the WWTP. The material is managed as a non-hazardous waste material. A waste analysis of the sludge and filter cake were requested and provided electronically after the inspection.

The following hazardous waste was observed in satellite accumulation areas (SAAs) in the WWTP:

- One SAA for accumulating crushed fluorescent bulbs, which contained (1) 55-gallon drum with

a bulb crusher on top. The drum was closed and labeled “Hazardous Waste – Crushed Lamps”, but it was not marked to indicate the hazard of its contents (Photo #2).

- One SAA for accumulating the contents of aerosol cans, which contained (1) 55-gallon drum equipped with an aerosol can puncturing device on top. The drum was open and had no label (Photo #3).

- One (1) 55-gallon drum with what appeared to be floor sweepings, was observed open and not labeled. Facility personnel were unsure if the material was hazardous or non-hazardous waste when asked. (Photo #4 and Photo #5). A waste profile / analysis was requested for the floor sweeping material at the end of the inspection and in a follow up email dated 07/02/2021.

Pursuant to 25 S.C. Code Ann. Regs. 61-79.262.11 [40 CFR 262.11] A person who generates a solid waste, as defined in 40 CFR 261.2, must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.15(a)(4) [40 CFR 262.15(a)(4)], A container holding hazardous waste must be closed at all times during accumulation, except: (i) When adding, removing, or consolidating waste; or (ii) When temporary venting of a container is necessary (A) For the proper operation of equipment, or (B) To prevent dangerous situations, such as build-up of extreme pressure.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.15(a)(5)(i) [40 CFR 262.15(a)(5)(i)], a generator must mark or label its container with the following: The words “Hazardous Waste”.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.15 (a)(5)(ii) [40 CFR 262.15(a)(5)(ii)], a generator must mark or label its container with the following: An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704).

Laboratory (2nd Floor of WWTP): There is a Q/C laboratory on the second floor of the WWTP to evaluate the pH of the wastewater. After evaluation, wastewater samples are poured into the sink which drains into a sump in the WWTP. The inspectors observed:

- One (1) box of fluorescent lamps, open, and not labeled. Facility personnel were not able to identify if the fluorescent lamps were used or new (Photo #6).

- Two (2) boxes of fluorescent lamps were also observed on the first floor of the WWTP (Photo #7). The boxes were open, labeled “Bad Bulbs”, and not marked with a start accumulation date.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.273.13(d)(1) [40 CFR 273.13(d)(1)], a small quantity handler of universal waste must manage lamps in a way that prevents releases of

any universal waste or component of a universal waste to the environment, as follows: A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.273.14(e) [40 CFR 273.14(e)], each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste - Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.273.15(c) [40 CFR 273.15(c)], a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

Forklift Repair Building: Used to conduct maintenance on forklifts and store forklift batteries. The inspectors observed the following:

- One leaking forklift battery, not labeled or stored in a closed container (Photo #8).
- Three lead acid batteries in poor condition (not useable), not labeled or closed.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.273.13(a)(1) [40 CFR 273.13(a)(1)], a small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.273.14(a) [40 CFR 273.14(a)], a small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below: Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste -Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);"

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.273.15(c) [40 CFR 273.15(c)], a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

Used Oil Storage Area: Located outside behind the main warehouse building and underneath a roof. The inspectors observed:

- Two (2) 8,000-gallon above ground storage tanks used to store used oil, not labeled "Used Oil" (Photo #9).

- Two (2) large plastic totes with unknown liquid contents, not labeled. Facility personnel were not able to identify the material. A hazardous waste determination was requested.

- One (1) mobile used oil tank, not labeled “Used Oil” (Photo #10).

- One roll-off container with four (4) 55-gallon containers of unknown material, no labels. Facility personnel were not able to identify the material (Photo #11). A hazardous waste determination was requested at the end of the inspection and in a follow up email dated 07/02/2021.

Pursuant to 25 S.C. Code Ann. Regs. 61-79.262.11 [40 CFR 262.11] A person who generates a solid waste, as defined in 40 CFR 261.2, must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.279.22(c)(1) [40 CFR 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words “Used Oil.”

Adjacent to the Used Oil Storage Area were two baghouses. The inspectors observed:

- Two (2) 55-gallon containers attached to the baghouses. The containers were not labeled. A waste profile of the material inside the containers was requested. (Photo #12 and #13).

Chemical Storage Room (Main Warehouse Building): This room is the facility’s hazardous waste central accumulation area (CAA) and chemical products storage area. It is located inside the Main Warehouse Building. The inspectors observed the following:

- Two (2) 55-gallon drums in poor condition, no labels. Facility personnel were unsure of the containers’ contents. The facility should provide a waste profile for these containers.

- One (1) 55-gallon fiber drum of Isoprep 3, was closed but appeared to show evidence of leaking around the bottom of the drum. The drum had a corrosive placard to indicate its hazard contents and a product expiration date of 11-20-19. (Photos #14 and #15).

- One (1) roll-off container was observed with what appeared to be floor sweepings. No label was observed on the container. Facility personnel were unable to identify the contents in the roll-off container. (Photo #16) A waste determination was requested at the end of the inspection and in a follow up email dated 07/02/2021

Pursuant to 25 S.C. Code Ann. Regs. 61-79.262.11 [40 CFR 262.11] A person who generates a solid waste, as defined in 40 CFR 261.2, must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.

Back Building: Next to the back building is staging for steel that is brought in and sorted through a color-coding system. Steel is then cut to specifications, forged and stamped into tools. The inspectors observed the following:

- One (1) 55-gallon drum connected to a baghouse, managed as non-hazardous waste.
- One (1) 55-gallon drum connected to a baghouse just outside of the Back Building, managed as non-hazardous waste. (Photo #17)

A waste profile was requested for these two (2) 55-gallon drums at the end of the inspection and in a follow up email dated 07/02/2021.

Records Review

Disposal Records:

Hazardous waste manifests were available for review going back to 2018. Original generator signed copy and final signed copy of manifests along with Land Disposal Restriction notifications and quarterly reports were available for review. The fourth quarterly report for 2018 did not show manifest #010670090JJJ which was sent for disposal on 10-19-18.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.41(a)(6), Each generator of more than 1000 kg/mo of hazardous waste who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and, no later than thirty (30) days after the end of each calendar quarter, submit a written report to the Department including, but not limited to, the following information unless otherwise indicated: The types and quantities of such wastes shipped for offsite treatment and disposal.

Contingency Plan: The actions that facility personnel should take in response to an emergency are described in the facility's Hazardous Waste Contingency Plan, which was last updated on March 20, 2009. An updated Contingency Plan was provided via email from Todd Phillips Senior Manager EHS, after the inspection and was dated July 1, 2021. The updated version includes a list of emergency coordinators and contact information. Equipment list and capabilities addressed includes fire response, spill response, and communication. The location of fire control equipment was not included in the plan or identified on a map of the facility. An evacuation plan was also not included in the plan. The contingency plan also included a Quick Reference Guide (QRG) which listed hazardous wastes at the facility but not the estimated maximum amount of each hazardous waste that may be present at any one time. The QRG map included locations of hazardous waste storage areas but is missing areas where hazardous waste is generated and the location of water supplies (i.e., fire hydrants and the flow rate).

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.261(e) [40 CFR 262.261(e)], the contingency plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.261(f) [40 CFR 262.261(f)], the plan must include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.262(b) [40 CFR 262.262(b)], a large quantity generator that first becomes subject to these provisions after May 30, 2017 or a large quantity generator that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee. The quick reference guide must include the following elements: (1) The types/names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid); (2) The estimated maximum amount of each hazardous waste that may be present at any one time; (3) The identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff; (4) A map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes; (5) A street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers; (6) The locations of water supply (e.g., fire hydrant and its flow rate); (7) The identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms); and (8) The name of the emergency coordinator(s) and twenty-four (24) hour, seven (7)-days-a-week emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.263 [40 CFR 262.263], The contingency plan must be reviewed, and immediately amended, if necessary, whenever: (a) Applicable regulations are revised; (b) The plan fails in an emergency; (c) The generator facility changes—in its design, construction, operation, maintenance, or other circumstances—in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency; (d) The list of emergency coordinators changes; or (e) The list of emergency equipment changes.

Employee training / annual training and position descriptions: Training records and position descriptions were provided electronically by Mr. Phillips. The last hazardous waste training was conducted on 08-23-2018. Mr. Richard Jones who was assisting the inspectors on the inspection and who manages the WWTP, did not have facility specific hazardous waste training. The job descriptions did not include a written description of the type and amount of both introductory and continuing hazardous waste training required per position.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.17(a)(7)(i)(A) [40 CFR 262.17(a)(i)(A)], facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part. The large quantity generator must ensure that this program includes all the elements described in the document required under paragraph (a)(7)(iv) of this section.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.17(a)(7)(iii) [40 CFR 262.17(a)(7)(iii)], facility personnel must take part in an annual review of the initial training required in paragraph (a)(7)(i) of this section.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.17(a)(7)(iv)(C) [40 CFR 262.17(a)(7)(iv)(C)], a large quantity generator must maintain the following documents and records at the facility: written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (a)(7)(iv)(A) of this section.

Weekly Inspections: Weekly container inspections are kept on the 2nd floor of the WWTP in the Q/C Laboratory. Weekly container inspections were reviewed from 01-01-2019 through 06-21-2021.

The last notification SCDHEC has received from the facility was dated 12-7-12. Matthew Sommers was listed as the contact person. Mr. Sommers is no longer employed at the facility.

12) Closing Conference

An exit meeting was held at the end of the inspection with Apex staff to discuss preliminary conclusions and to go over any pending items such as records that were not available during the actual inspection. Apex staff agreed to provide missing records by email to the inspectors.

On July 07, 2021 Apex staff provided a copy of the revised and updated contingency plan, copies of the cover letters and the corresponding Certified Mail receipts to the local authorities, copies of the DOT Hazardous Material training conducted in 2018, a profile for the filter cake material in the WWTP, a file that details how all site wastes are managed (which details that the Baghouse Material is non-hazardous), job descriptions for employees who handle hazardous materials, a copy of the missing manifest located in the 2018 Quarter 4 report. Apex staff still have several pending records to submit to the inspectors including annual hazardous material awareness training records for 2018-2020 and the following waste determinations: the floor sweepings found in the 55-gallon drum in the WWTP area, the floor sweepings/ debris in the small roll-off container located inside the Chemical Storage room, and the large roll-off container which contained three 55-gallon drums and debris located in front of the Used Oil tanks.

13) Inspection Findings

Based on the observations made during the inspection, Apex was apparently deficient with the following RCRA requirements:

Pursuant to 25 S.C. Code Ann. Regs. 61-79.262.11 [40 CFR 262.11] A person who generates a solid waste, as defined in 40 CFR 261.2, must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.15(a)(4) [40 CFR 262.15(a)(4)], A container holding hazardous waste must be closed at all times during accumulation, except: (i) When adding, removing, or consolidating waste; or (ii) When temporary venting of a container is necessary (A) For the proper operation of equipment, or (B) To prevent dangerous situations, such as build-up of extreme pressure.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.15(a)(5)(i) [40 CFR 262.15(a)(5)(i)], a

generator must mark or label its container with the following: The words “Hazardous Waste”.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.15(a)(5)(ii) [40 CFR 262.15(a)(5)(ii)], a generator must mark or label its container with the following: An indication of the hazards of the contents (examples include, but are not limited to, the applicable hazardous waste characteristic(s) (i.e., ignitable, corrosive, reactive, toxic); hazard communication consistent with the Department of Transportation requirements at 49 CFR part 172 subpart E (labeling) or subpart F (placarding); a hazard statement or pictogram consistent with the Occupational Safety and Health Administration Hazard Communication Standard at 29 CFR 1910.1200; or a chemical hazard label consistent with the National Fire Protection Association code 704).

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.17(a)(7)(i)(A) [40 CFR 262.17(a)(i)(A)], facility personnel must successfully complete a program of classroom instruction, online training (e.g., computer based or electronic), or on-the-job training that teaches them to perform their duties in a way that ensures compliance with this part. The large quantity generator must ensure that this program includes all the elements described in the document required under paragraph (a)(7)(iv) of this section.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.17(a)(7)(iii) [40 CFR 262.17(a)(7)(iii)], facility personnel must take part in an annual review of the initial training required in paragraph (a)(7)(i) of this section.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.17(a)(7)(iv)(C) [40 CFR 262.17(a)(7)(iv)(C)], a large quantity generator must maintain the following documents and records at the facility: written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (a)(7)(iv)(A) of this section.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.41(a)(6), Each generator of more than 1000 kg/mo of hazardous waste who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and, no later than thirty (30) days after the end of each calendar quarter, submit a written report to the Department including, but not limited to, the following information unless otherwise indicated: The types and quantities of such wastes shipped for offsite treatment and disposal.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.261(e) [40 CFR 262.261(e)], the contingency plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.261(f) [40 CFR 262.261(f)], the plan must include an evacuation plan for generator personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires).

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.262(b) [40 CFR 262.262(b)], a large quantity generator that first becomes subject to these provisions after May 30, 2017 or a large quantity generator that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee. The quick reference guide must include the following elements: (1) The types/names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid); (2) The estimated maximum amount of each hazardous waste that may be present at any one time; (3) The identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff; (4) A map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes; (5) A street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers; (6) The locations of water supply (e.g., fire hydrant and its flow rate); (7) The identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms); and (8) The name of the emergency coordinator(s) and twenty-four (24) hour, seven (7)-days-a-week emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.262.263 [40 CFR 262.263], The contingency plan must be reviewed, and immediately amended, if necessary, whenever: (a) Applicable regulations are revised; (b) The plan fails in an emergency; (c) The generator facility changes—in its design, construction, operation, maintenance, or other circumstances—in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency; (d) The list of emergency coordinators changes; or (e) The list of emergency equipment changes.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.273.13(a)(1) [40 CFR 273.13(a)(1)], a small quantity handler of universal waste must contain any universal waste battery that shows evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions in a container. The container must be closed, structurally sound, compatible with the contents of the battery, and must lack evidence of leakage, spillage, or damage that could cause leakage under reasonably foreseeable conditions.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.273.13(d)(1) [40 CFR 273.13(d)(1)], a small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows: A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.273.14(a) [40 CFR 273.14(a)], a small

quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below: Universal waste batteries (i.e., each battery), or a container in which the batteries are contained, must be labeled or marked clearly with any one of the following phrases: "Universal Waste -Battery(ies)," or "Waste Battery(ies)," or "Used Battery(ies);"

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.273.14(e) [40 CFR 273.14(e)], states that each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste - Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.273.15(c) [40 CFR 273.15(c)], a small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

Pursuant to 25 S.C. Code Ann. Regs. R.61-79.279.22(c)(1) [40 CFR 279.22(c)(1)], containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil."

14) **List of Appendices**

Appendix 1 – Photo Log:
17 Photos taken on: 06/29/2021
Photos taken by: Kayla Acosta
Photos taken with: Olympus Tough Digital Camera
EPA Property Tag: S75903

15) **Signed**

KAYLA
ACOSTA

Digitally signed by KAYLA
ACOSTA
Date: 2021.09.07 11:20:07
-04'00'

Kayla Acosta
Enforcement and Compliance Specialist

Date

Concurrence

ARACELI
CHAVEZ

Digitally signed by ARACELI
CHAVEZ
Date: 2021.09.07 12:03:12
-04'00'

Araceli B. Chavez
Chief
RCRA Enforcement Section

Date



Photo 1: Two spent fluorescent lamps were observed without being in a closed, labeled, and dated container.



Photo 2: 55-gallon SAA drum with a bulb crusher on top, labeled “Hazardous Waste – Crushed Lamps”, closed, but did not indicate the hazard of the contents.



Photo 3: 55-gallon SAA drum equipped with an aerosol can puncturing device on top, open, and no label.



Photo 4: 55-gallon drum with what appeared to be floor sweepings, was observed open and not labeled. Facility personnel were unsure if the material was hazardous or non-hazardous waste when asked.



Photo 5: 55-gallon drum with what appeared to be floor sweepings, was observed open and not labeled. Facility personnel were unsure if the material was hazardous or non-hazardous waste when asked.



Photo 6: Box of fluorescent lamps, open, and not labeled. Facility personnel was not able to identify if the fluorescent lamps were used or new.



Photo 7: Two (2) boxes of fluorescent lamps labeled “Bad Bulbs” were also observed on the first floor of the WWTP.



Photo 8: Leaking forklift battery, not labeled or properly closed in a container.



Photo 9: 8,000-gallon above ground storage tanks used to store used oil, not labeled “Used Oil”.



Photo 10: One (1) mobile used oil tank, not labeled “Used Oil”.



Photo 11: One roll-off container with four (4) 55-gallon containers of unknown material, no labels. Facility personnel were not able to identify the material.



Photo 12: One of two 55-gallon containers attached to the baghouses. The container was not labeled.



Photo 13: Second 55-gallon container attached to a baghouse. The container was not labeled.



Photo 14: One (1) 55-gallon fiber drum of Isoprep 3, closed but appeared to show evidence of leaking around the bottom of the drum. The drum had a corrosive placard to indicate its hazard contents and a product expiration date of 11-20-19.



Photo 15: Close up of label for the One (1) 55-gallon fiber drum of Isoprep 3.



Photo 16: Roll-off container was observed with what appeared to be floor sweepings. No label was observed on the container.



Photo 17: 55-gallon drum connected to a baghouse just outside of the Back Building, managed as non-hazardous waste