

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

Clean Harbors Environmental Services, Inc.
2815 Old Greenbrier Pike
Greenbrier, Tennessee 37073
Robertson County
EPA ID: TND000645770

3) Responsible Officials

Marc Simon
Technical Services General Manager
(615) 643-3177
simon.marc@cleanharbors.com

4) Inspection Participants

Marc Simon	Clean Harbors Environmental Services, Inc.
Jim Childress	Clean Harbors Environmental Services, Inc.
Steve Crews	Clean Harbors Environmental Services, Inc.
Al Majors	TDEC – Nashville Field Office
James Dye	TDEC – Nashville Central Office
Mike Horsley	TDEC – Nashville Field Office
Alan Newman	EPA Region 4

5) Date and Time of Inspection

February 22, 2022, 12:30 p.m. – 5:00 p.m. C.S.T.

6) Applicable Regulations

Resource Conservation and Recovery Act (RCRA) Sections 3002 (42 U.S. Code – Annotated U.S.C.A. 6925 and 6927), and 40 Code of Federal Regulation (C.F.R.) Parts 260 - 270, 273, 278, & 279; Tennessee Hazardous Waste Management Act of 1977, Tennessee Code Annotated (Tenn. Code Ann.) § 68-212-101 *et seq.*, and Chapter 0400-12-01 of the Rules and Regulations of the State of Tennessee (Tenn. Comp. R. & Regs.); and Tennessee Hazardous Waste Permit

TNHW-144.

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.

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.01(2)(a) [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 Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h) [40 C.F.R. § 262.17], a LQG may accumulate hazardous waste on-site for 90 days or less 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], provided that the generator complies with the conditions listed in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h) [40 C.F.R. § 262.17] (hereinafter referred to as the "LQG Permit Exemption").

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1. [40 C.F.R. § 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 Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1. [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(g)2. or 0400-12-01-.03(1)(h)1. [40 C.F.R. § 262.16(b) or §262.17(a)], except as required in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1.(vii and viii) [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in Ten Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1. [40 C.F.R. § 262.15(a)] (hereinafter referred to as the "SAA Permit Exemption").

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.12(1)(i) [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 an unannounced compliance evaluation inspection to determine Clean Harbors compliance with the applicable requirements of RCRA and the corresponding Tennessee regulations. This was an EPA lead inspection.

8) Previous Inspection History

TDEC has conducted five RCRA CEIs at the subject facility between 2017 and 2021 and found three violations during those inspections. On September 29, 2021, TDEC conducted the most recent RCRA CEI at the subject facility and found one apparent violation of RCRA's requirements for exceedance of 10 days for a transporter. As a result, TDEC verified that the

facility had returned to compliance during a follow-up inspection on 12/16/2021.

9) Facility Description

Clean Harbors Environmental Services, Inc. (Clean Harbors) is located on 16 acres in Greenbrier, Tennessee and employs four waste transport workers and 18 office workers, salespeople, and administration. The facility is surrounded by a 6-foot-high chain link fence.

On March 1, 2021, Clean Harbors notified as a large quantity hazardous waste generator (LQG); a hazardous waste transfer facility; a used oil transporter; and a hazardous waste Treatment, Storage and Disposal (TSD) facility. The NAICS number for this facility is 562211 – hazardous waste treatment and disposal. Clean Harbors hazardous waste transfer facility is co-located and operates using some of the permitted TSDF storage units. Used oil is collected from generators and consolidated into a tanker truck. This truck is transported from Greenbrier to the Chattanooga, Tennessee Clean Harbors processing facility. Clean Harbors was issued their 10-year hazardous waste treatment and storage permit (TNHW-144) which became effective on September 15, 2010, and was in effect until September 15, 2020, and remains in effect as Clean Harbors submitted a timely and sufficient application for a new permit which is being negotiated between TDEC and Clean Harbors. The permit authorizes Clean Harbors to store hazardous waste in four container storage areas and to treat hazardous wastes through blending with a maximum treatment capacity of 20,000 gallons/day. The maximum permitted storage capacity for the facility is 200,000 gallons. The total storage capacity may be achieved through any combination of the following units:

Permitted Unit	Maximum Capacity (Gallons)
Warehouse	36,520
Trailer Containment Building I	100,320
Dock II	63,160
Trailer Storage Area	162,800

Clean Harbors generates two active hazardous waste streams which are listed in the Clean Harbors annual report for hazardous waste activities conducted in 2020:

- Waste stream #7 - F-Listed Waste (D001) from lab samples, generated at an estimated monthly maximum rate of 1,116 lbs. There was one 1,656-pound shipment of this waste in 2020.
- Waste Stream #34 - Corrosive Waste Flammable Liquids (D001/D002) from lab packs, generated at an estimated monthly maximum rate of 56 lbs. There was one 25,000-pound shipment of this waste in 2020.

10) Opening Conference

On February 22, 2022, EPA inspector Alan Newman, accompanied by TDEC inspectors Al Majors, James Dye, and Mike Horsley, arrived at Clean Harbors at approximately 12:00 pm C.S.T. Marc Simon, Technical Services General Manager, immediately received the inspectors. Marc Simon, and the inspectors were joined by Jim Childress and Steve Crews, for the opening conference. The inspectors introduced themselves, showed their credentials to Messrs Simon,

Childress and Crews, 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 inspectors discussed the company's ability, pursuant to 40 C.F.R. §2.203, to assert a business confidentiality claim for information submitted to the EPA. The company did not assert a business confidentiality claim. The inspection participants also discussed health and safety protocols and required personal protective equipment before Marc Simon led the inspectors on a tour of the Facility operations.

Clean Harbors 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 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>.

11) **Findings**

Facility representatives stated that previous non-compliance issues regarding the 10-day transfer exceedances were resolved. Additionally, facility personnel stated that no permitted waste storage was occurring on the day of the inspection.

Clean Harbors receives containers of waste from multiple sources and sorts and loads them into outbound trailers by common characteristics for management at other facilities based on a hub and spoke model. Most of the waste handled by Clean Harbors is RCRA hazardous waste. Non-hazardous wastewater received at the Greenbrier location is shipped via tanker truck to Clean Harbor's sister facility in Chattanooga, Tennessee.

- **Laboratory**

Clean Harbors formerly operated a laboratory on site that is co-located with the office/warehouse areas. The laboratory consists of a wall of fire-resistant storage cabinets, sinks, and other cabinetry. Facility personnel stated that this laboratory last operated in 2001. The inspection team noted some legacy laboratory chemicals were left behind and some empty mercury containers (Photo 1). Clean Harbors was storing two 5-gallon containers of universal waste lithium batteries and dated June 25, 2021, and August 20, 2021, respectively (Photos 2-4). There was one lithium battery on top of one of these containers that was not labeled. Facility personnel placed this battery inside one of the universal waste containers. The inspection team noted at least two containers of liquids in the laboratory cabinets. Facility personnel stated that the usage of these liquids was unknown. One 500 ml container was labeled as "sulfuric acid for unknown testing." On February 28, 2022, a Clean Harbor's email documented that all chemicals had been cleaned out of this laboratory.

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.12(2)(e)1. [40 C.F.R. § 273.14(a)], a SQHUW must label or mark each Universal Waste battery or container or tank in which the batteries are contained clearly with one of the following phrases: "Universal Waste -

Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies).”

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(b) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in Tenn. Comp. R. & Regs. 0400-12-01-.02(1)(b) [40 C.F.R. § 261.2], must determine if the at waste is a hazardous waste following methods articulated in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(b) [40 C.F.R. § 262.11].

- Warehouse

The Warehouse is adjacent to the main office and is permitted for storing 36,520 gallons of hazardous waste in containers. The floor of the Warehouse is configured with multiple sections that provide secondary containment. The warehouse has a main walkway down its length with storage sections on either side. The sections slope away from the walkway and have sumps at the lower ends (Photo 6).

There was no waste located in the warehouse on the day of the inspection. The warehouse was equipped with an alarm protected safe, inside an alarm protected cage. This unit is provided to accommodate storage of controlled medical substances. The safe and cage are monitored by a dedicated security camera. During the inspection no medical substances were being stored in the Warehouse.

- Trailer Storage Area

From the warehouse, the inspection team continued to inspect the permitted hazardous waste Trailer Storage Area. This Trailer Storage Area is permitted to store a maximum of 162,800 gallons of hazardous waste in containers which are loaded on trailers. The Trailer Storage Area is generally located on the northern section of the Clean Harbors campus. On the day of the inspection this area was used to park trailers from the transfer facility operation. Facility representatives opened each trailer. Each trailer appeared to be in good condition and no leaks were observed.

The facility grounds were surrounded by a security fence. Remote controlled gates are incorporated into the facility fence for ingress and egress. The gates are monitored and opened from inside the office area when an incoming truck arrives. Signs indicating “Danger – Unauthorized Personnel Keep Out” were posted along the security fence. The security fence was also observed when opening the trailers. The inspection team noted two locations with trees lying on the fence or growing up through the fence. Neither of these situations appeared to be new. The fence appeared to be compromised.

Pursuant to Permit Condition II.D, the permittee shall prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of the facility. The permittee shall maintain security for the facility in the manner described in Attachment 3.

- Trailer Containment Building (Big Dock)

The Trailer Containment Building I (TCB or Big Dock) is permitted to store a maximum of 100,320 gallons of hazardous waste in containers and to treat up to 20,000 gallons of hazardous waste per day. Clean Harbors is permitted to conduct hazardous waste treatment by blending which occurs through pumping containers of liquids into tankers. No treatment was occurring at the time of the inspection. The Big Dock has a central staging area which is bordered on the north and the south by a total of nineteen concrete containment bays where trailers are backed in for unloading and loading; currently, containers are not opened at this facility. On the west end of the building, six of these bays are separated from the remaining bays by a fire wall and may be used to store ignitable waste. The fire wall was open on the day of the inspection. Each of the trailer bays are sloped to contain any spillage. TCB is also used for receipt and shipment of containers of hazardous waste associated with the hazardous waste transfer operation at Clean Harbors and bulk liquid containment from oily wastewater collected by Safety-Kleen. There is a bay dedicated for parking the tanker that collects non-hazardous oily water from sump cleanings (Photo 5). This wastewater is transported to a Clean Harbors facility in Chattanooga, Tennessee. Each container in the Clean Harbors system is identified by a bar-code label. With this code, the disposition of the container can be determined at any time. There were multiple containers on the central staging area (Photo 7). Containers come in heterogeneous trailer loads on one side and homogeneous trailer loads go out to sister facilities from the other side sorted by hazard class. All containers in this area were closed, in good condition, and labeled.

Due to the rain and a broken gutter, a large amount of rainwater was accumulating in the secondary containment of one of the bays. The inspection team recommended that this gutter be added to the facility maintenance list.

- Dock II (Little Dock)

Dock II is a pre-engineered structure located to the southeast of the Warehouse. It can be used for staging, storage, and bulking of non-hazardous waste and staging and storage of lab pack and solid RCRA hazardous waste. The Dock is permitted to store up to 63,160 gallons of hazardous waste in containers on trailers. At the time of the inspection, Clean Harbors was storing lab packs and non-hazardous solid waste. Each container was labeled, in good condition, and closed.

Supply Building

There was no waste being stored and no other concerns noted in the supply building on the day of the inspection.

- Transfer Facility

Clean Harbors operates a transfer facility at this location. Clean Harbors was able to electronically confirm that all hazardous waste transfer facility containers on site on the day of the inspection were within the 10-day limit.

- Record Review

The inspection team reviewed the following records: the hazardous waste permit and permit application, hazardous waste manifest and other shipping documents, land disposal restriction forms, inspection records, the contingency plan, training records, job titles and job descriptions, waste reduction report, annual waste generation report, and

The inspection team noted that the facility submitted new emergency coordinator list in fall of 2021 with an update to the contingency plan on November 30, 2021, due to personnel changes. The inspection team noted that none of the current emergency coordinators are not up to date on annual RCRA training requirements including Steve Crews, Marc Simon, Vivian Barche, and Jim Childress. Each person had multiple years of past training but no training within last year.

The permit additionally requires the permittee to maintain the job title for each position at the facility related to hazardous waste management, and the name of the employee(s) filling each job. Along with that, the permit requires Clean Harbors to maintain a written description of each position that would be related to hazardous waste management. This information was not available for all related employees at the time of the inspection.

On February 22, 2022, after the inspection, Clean Harbors emailed job related information (title, description, etc.) for the required positions.

Pursuant to Permit Condition II.F.3, Annual Review of Personnel Training, facility personnel shall take part in an annual review of the initial training required by this permit.

Pursuant to Permit Condition II.F.4, Training Documents and Records, the permittee shall maintain the following documents and records at the facility:

- (a) The job title for each position at the facility related to hazardous waste management, and the name of the employee(s) filling each job;**
- (b) A written description for each position listed in Subparagraph II.F.4(a) above. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position;**
- (c) A 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 Subparagraph II.F.4(a) above; and**
- (d) Records that document that the training or job experience required under Paragraphs II.F.1, 2 and 3 above has been given to, and completed by, facility personnel.**

During the review of the daily inspection records, the inspection team noted that there was no mention of the trees on the fence or the tree growing up through the fence. The inspection team considered the integrity of the fence to be compromised by the trees.

Because the regular facility inspection logs did not reflect the condition of the security fence

where trees had impacted it, the inspection team requested that Clean Harbors provide copies of the daily inspection logs for the day after the inspection. This would document that the concerns with the fence had been noted and that the issue was scheduled to be addressed.

On February 25, 2022, Clean Harbors provided a copy of the inspection log noting the condition of the fence in the area where vegetation had impacted it. Also included was a work ticket for the repair of the fence. On February 28, 2022, Clean Harbors notified the inspectors that the tree was scheduled to be cut that day.

Pursuant to Permit Condition II.E.1, General Inspection Requirements, Inspections, the permittee shall inspect the facility for malfunctions and deterioration, operator errors, and discharges which may be causing or may lead to (1) a release of hazardous waste or hazardous constituents to the environment or (2) a threat to human health. The permittee shall inspect each listed item on the inspection form(s) in Attachment 4. The inspection type and frequency shall be in accordance with Attachment 4.

When reviewing the existing Clean Harbors Waste Minimization Statement, the inspection team noted that virtually no change was evident from 2013 through 2022. Clean Harbors was instructed to evaluate its Waste Minimization Statement and provide current details regarding waste minimization efforts. On February 24, 2022, Clean Harbors provided a revised waste minimization plan.

12) **Closing Conference**

The inspectors conducted the exit meeting at 4:00 P. M. with Marc Simon, Jim Childress, and Steve Crews. During this meeting, the inspectors stated their preliminary conclusions of the inspection. Clean Harbors agreed to provide training records, inspection records, and work order to repair the fence. By February 28, 2022, Clean Harbors provided all these records in an email to the inspection team.

13) **Inspection Findings**

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

- **Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(b) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in Tenn. Comp. R. & Regs. 0400-12-01-.02(1)(b) [40 C.F.R. § 261.2], must determine if the waste is a hazardous waste following methods articulated in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(b) [40 C.F.R. § 262.11].**
- **Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.12(2)(e)1. [40 C.F.R. § 273.14(a)], a SQHUW must label or mark each Universal Waste battery or container or tank in which the batteries are contained clearly with one of the following phrases: “Universal Waste - Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies).”**

- Pursuant to Permit Condition II.D, the permittee shall prevent the unknowing entry, and minimize the possibility for the unauthorized entry, of persons or livestock onto the active portion of the facility. The permittee shall maintain security for the facility in the manner described in Attachment 3.
- Pursuant to Permit Condition II.E.1, General Inspection Requirements, Inspections, the permittee shall inspect the facility for malfunctions and deterioration, operator errors, and discharges which may be causing or may lead to (1) a release of hazardous waste or hazardous constituents to the environment or (2) a threat to human health. The permittee shall inspect each listed item on the inspection form(s) in Attachment 4. The inspection type and frequency shall be in accordance with Attachment 4.
- Pursuant to Permit Condition II.F.3, Annual Review of Personnel Training, facility personnel shall take part in an annual review of the initial training required by this permit.
- Pursuant to Permit Condition II.F.4, Training Documents and Records, the permittee shall maintain the following documents and records at the facility:
 - (a) The job title for each position at the facility related to hazardous waste management, and the name of the employee(s) filling each job;
 - (b) A written description for each position listed in Subparagraph II.F.4(a) above. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position;
 - (c) A 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 Subparagraph II.F.4(a) above; and
 - (d) Records that document that the training or job experience required under Paragraphs II.F.1, 2 and 3 above has been given to, and completed by, facility personnel.

14) List of Appendices

Appendix 1 – Photo Log:

7 Photos taken on: February 22, 2022

Photos taken by: Alan Newman

Photos taken with: Panasonic Lumix

EPA Property Tag: S75870

15) **Signed**

ALAN NEWMAN Digitally signed by ALAN NEWMAN
Date: 2022.04.18 15:32:05 -04'00'

Alan Newman
Environmental Engineer

Date

Concurrence

ARACELI CHAVEZ Digitally signed by ARACELI CHAVEZ
Date: 2022.04.18 15:37:28 -04'00'

Araceli B. Chavez
Chief
RCRA Enforcement Section

Date

Photographs

Photos taken on February 22, 2022

Photos taken by Alan Newman

Camera: Panasonic Lumix

Serial Number: S75870



Photo 1: Empty Mercury containers.

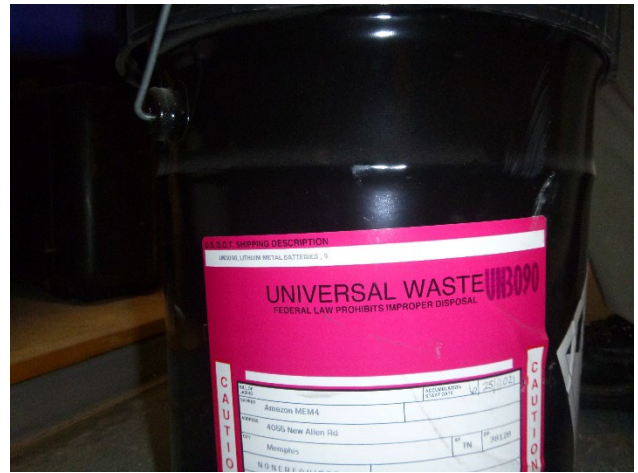


Photo 4: Laboratory universal waste container.



Photo 2: Laboratory universal waste container.



Photo 5: Accumulation trailer for non-hazardous oily waste waters.

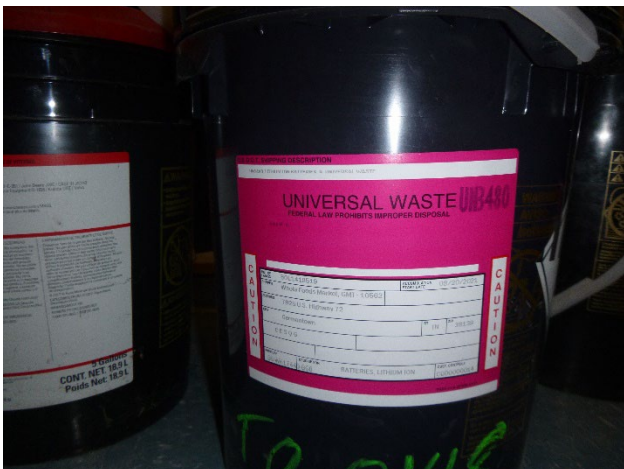


Photo 3: Laboratory universal waste container.



Photo 6: Warehouse.



Photo 7: TGE 1 Permitted Storage Area.