

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

**Big E's Vapor Shop
946 South Rock Road
Wichita, Kansas 67207**

EPA ID Number: Non-Notifier

On

May 9, 2022

By

U.S. ENVIRONMENTAL PROTECTION AGENCY
Region 7
Enforcement and Compliance Assurance Division (ECAD)

1.0 INTRODUCTION

I performed a Resource Conservation and Recovery Act (RCRA) focused compliance evaluation inspection (CEI) at Big E's Vapor Shop, (Big E), located at 946 South Rock Road, Suites 200, 300 and 400, Wichita, Kansas, on May 9, 2022. I conducted the RCRA inspection under the authority of RCRA Section 3007(a), as amended. Big E was inspected at three locations for compliance with RCRA by the EPA from April 27 – May 3, 2021 (see report for preliminary findings). Subsequent to the 2021 inspection, the EPA received information that Big E had closed its business activities at 946 Rock Road. As a result, EPA conducted a Focused Compliance Inspection at the 946 Rock Road location on February 14, 2022, to determine if Big E had abandoned nicotine containing materials on site. The Focused Compliance Inspection identified multiple containers of nicotine containing materials remaining on site at the 946 South Rock Road, Suite 200 facility.

The commercial space located at 946 South Rock Road, Suite 200, on Thursday, May 5, 2022, is now leased and doing business as Vibes Vapes. Mr. Edwin Buckner and I contacted the owner of Vibes Vapes, Mr. Don Wanker, by telephone on Thursday, May 5, 2022. We established 14:00 on Monday, May 9, 2022, as a time to conduct an onsite visit to review materials remaining at Vibes Vapes from Big E.

2.0 PARTICIPANTS

Vibes Vapes

Don Wanker, Owner

Environmental Protection Agency Region 7

Kenneth Herstowski, Environmental Engineer, ECAD/Chemical Branch/RCRA Section

3.0 INSPECTION PROCEDURES

I followed the inspection procedures discussed in the RCRA CEI Standard Operating Procedure (No. 2321.1D), unless noted differently. The inspection was announced. I collected seven photographs at Vibes Vapes and two photographs of an area behind the building focused on the alcove rear entrances to Suites 300 and 400 with a digital camera and visually inspected the Big E materials left on site.

A Receipt for Documents and Samples was prepared and signed by Mr. Wanker (attachment 1). A Confidentiality Notice in which a claim of confidential business information was not asserted by Vibes Vapes was signed by Mr. Wanker (attachment 2). Nine photographs were taken during the inspection with a digital camera (attachment 3). I prepared a photographic log for the digital camera images (attachment 4). I obtained four aerial photographs of the facility using Google Earth Pro (attachment 5).

May 9, 2022

At about 13:55 on May 9, 2022, I arrived at 946 South Rock Road. A drive-by visual observation was completed from Rock Road (west side of the facility). No issues were identified from the drive-by visual inspection. Vibes Vapes was unlocked with a lighted "OPEN" sign visible from the building exterior. I entered Suite 200 and was met by Mr. Wanker. Mr. Wanker was the only Vibes Vapes staff on site. I introduced myself and stated that the purpose of my visit was to review the materials remaining on site from Big E.

I presented my EPA credentials to Mr. Wanker. I provided a copy of RCRA Section 3007 which provides inspection authority. Mr. Wanker provided verbal consent to proceed with the inspection. I described the importance of collecting accurate information and I presented Mr. Wanker with a copy of Title 18 United States Code, Sections 1001 and 1002, which provides for penalties if false and/or misleading information is provided to Federal representatives, and for the possession and use of fraudulent documents. Mr. Wanker was made aware of Vibes Vapes' confidentiality rights and was informed that a Confidentiality Notice would be provided at the end of the inspection to make a confidential business information (CBI) claim. I provided Mr. Wanker with EPA Region 7's "Notice Regarding Proprietary/Confidential Business Information Submitted to or Collected by EPA in Connection with Inspections" and reviewed the information with him. Mr. Wanker acted as the primary facility representative during the inspection activities on May 9, 2022.

After the entrance discussions, I conducted a visual inspection of the Big E materials remaining on site. Mr. Wanker accompanied me during the visual inspection. At the conclusion of the visual inspection, I provided Mr. Wanker with a Receipt for Documents and Samples for the photographs which he signed as acknowledgement of receipt. Mr. Wanker signed the Confidentiality Notice without claiming any information, documents, or photographs as CBI. I provided Mr. Wanker a copy of the Receipt of Documents and Samples and Confidentiality Notice (yellow copy of the completed carbonless transfer sets). I departed Vibes Vapes and conducted a perimeter review of the rear of 946 South Rock Road and collected two photographs of the observed containers. Following these activities, I departed.

4.0 FINDINGS AND OBSERVATIONS

Vibes Vapes is a retail store selling electronic cigarette (e-cigarette) products. Vibes Vapes does not mix the liquid for use inside an e-cigarette called e-liquid (also known as e-juice or vape juice). Vibes Vapes obtains the e-liquid prepacked for retail sale from offsite vendors. Mr. Wanker stated that Vibes Vapes had opened for business the week prior to my site visit on May 9, 2022.

4.1 Big E Materials Remaining at Vibes Vapes

The retail space of Vibes Vapes is accessed via the street entrance from the off-street parking lot. An enclosed office/storeroom is to the left as you enter Vibes Vapes. The retail space has display cabinets and counters for the e-cigarette products. On the floor of the office/storeroom were three plastic tote containers, two boxes and two reach in bins (attachment 3, photographs 6 and 7). Inside the totes, boxes and reach in bins were polyethylene containers of various sizes. The small squeeze containers approximately 50 ml in size contained flavorings. The larger containers 500 ml and 2 l contained propylene glycol, glycerine and nicotine solutions (e-liquid).

I observed the following e-liquid containers in Tote 1 (the lower left tote in attachment 3, photograph 6):

One 500 ml container of 12 mg (80/20) e-liquid approximately 15% full (center left container, attachment 3, photograph 1).

One 500 ml container of 6 mg (40/60) e-liquid approximately 40% full (center right container, attachment 3, photograph 1).

One 500 ml container of 24 mg (80/20) e-liquid approximately 5% full (visible in upper right, attachment 3, photograph 1).

One 2 l container of 6 mg (30/70) e-liquid approximately 40% full (attachment 3, photograph 4).

The remaining containers in Tote 1 were labeled propylene glycol or glycerine.

I observed the following e-liquid containers in Tote 2 (the lower right tote in attachment 3, photograph 6):

One 2 l container of 1.5 mg (20/80) e-liquid less than 5% full (center left container, attachment 3, photograph 2).

One 2 l container of 1.5 mg (10/90) e-liquid approximately 50% full (center right container, attachment 3, photograph 2).

One 500 ml container of 3 mg (20/80) e-liquid less than 1% full (center left container, attachment 3, photographs 3 and 5)

One 500 ml container of 18 mg (10/90) e-liquid approximately 75% full (center container, attachment 3, photographs 3 and 5)

One 500 ml container of 18 mg (20/80) e-liquid approximately 75% full (center right container, attachment 3, photographs 3 and 5)

The remaining containers in Tote 2 were labeled propylene glycol, glycerine or with flavor names.

4.2 Unknown Materials at Rear of 946 South Rock Road, Suites 300 and 400

I observed six 55-gallon blue polyethylene drums at former location of Big E at the rear of 946 South Rock Road, Suites 300 and 400, arranged in an alcove to the rear entrances to same (attachment 3, photographs 8 and 9).

Drum 1 (refer to following figure for drum numbers) was open and approximately 20% of the container volume contained a liquid of unknown origin.

Drum 2 was closed and approximately 100% of the container volume contained a liquid of unknown origin.

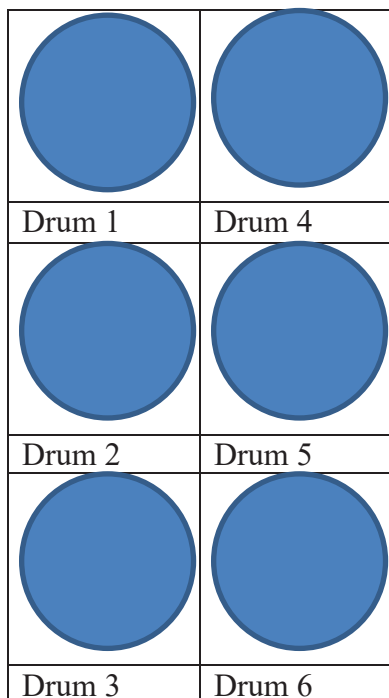
Drum 3 was open and approximately 20% of the container volume contained a liquid of unknown origin.

Drum 4 was closed and approximately 25% of the container volume contained a liquid of unknown origin.

Drum 5 was open and approximately 1% of the container volume contained a residue of unknown origin.

Drum 6 was open and approximately 1% of the container volume contained a residue of unknown origin.

The following depicts the arrangement of the drums with Drums 1 and 4 at the north end of the arrangement (furthest interior of the alcove) for the foregoing discussion.



5.0 COMPLIANCE ASSISTANCE

I provided and reviewed with Mr. Musser the following compliance assistance materials. I also discussed the availability of additional compliance assistance was available from the Kansas Department of Health and Environment website.

Section 3007 Inspections Sheet (EPA Handout)

RCRA Facility Access Information Sheet (EPA Handout)

United States Code 1001/1002 Annotated (EPA Handout)

Notice Regarding Proprietary/Confidential Business Information Submitted to or Collected by EPA in Connection with Inspections (EPA Handout)

U.S. EPA Small Business Resource Information Sheet (EPA Handout)

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SUMMARY

I conducted an inspection of the former location of Big E at 946 South Rock Road, Suite 200, Wichita, Kansas. Present in the current business at that location (Vibes), were ten containers of e-liquid containing nicotine as the sole active ingredient and multiple containers of propylene glycol, glycerine and flavorings. I observed six 55-gallon drums of unknown liquids and residues located at the rear of Big E's former space at 946 South Rock Road, Suites 300 and 400, Wichita, Kansas.

No preliminary findings were observed or cited. However, the EPA may review my findings further after the inspection, which may change or add to my findings.

**KENNETH
HERSTOWSKI**

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Kenneth Herstowski
Environmental Engineer
RCRA Section, Chemical Branch
Enforcement and Compliance Assistance Division

Date

AMBER WHISNANT

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Amber Whisnant
Chief, RCRA Section, Chemical Branch
Enforcement and Compliance Assistance Division

Date

Attachments

1. Receipt for Documents (1 page)
2. Confidentiality Notice (1 page)
3. Inspection [9] Photographs (10 pages)
4. Photographic Log (1 page)
5. Aerial Photographs (2 pages)