

RCRA Inspection Report

1) Inspector and Author of Report

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2) Facility Information

Clean Earth of Calvert City LLC
1689 Shar Cal Road
Calvert City, Kentucky 42029

EPA ID# KYD985073196

3) Responsible Officials

Robert Parker
Facility Manager
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4) Inspection Participants

Robert Parker, Clean Earth
Kurt Schmidt, Clean Earth
Jason Dietz, Clean Earth
Brad Fooshee, Clean Earth
Ed Dixon, Clean Earth
Mike Hardic, Clean Earth

Amber Stewart, KDEP
MaKalynn Green, KDEP
Scott Gerstner, KDEP
Alan Newman, USEPA

5) Date of Inspection

November 29, 2022, 9:35 a.m. C.S.T. - 4:15 pm through November 30, 2022, 8:30 am to 12:00 pm CST

6) Applicable Regulations¹

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; Kentucky Revised Statutes Title XVIII, Chapter 224, Subchapter 46-Hazardous Waste *et seq.* (2006), and Title 401 of the Kentucky Administrative Regulations (K.A.R.) Chapters 30 through 38, 43 and 44 (2006); and Hazardous Waste Permit KYD985073196.

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.

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; Kentucky Revised Statutes Title XVIII, Chapter 224, Subchapter 46-Hazardous Waste *et seq.* (2006), and Title 401 of the Kentucky Administrative Regulations (K.A.R.) Chapters 30 through 38, 43 and 44 (2006).

Pursuant to 401 KAR 39:005, Section 1 [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 401 KAR 39:080, Section 3(1) [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 401 KAR 39:080, Section 1(1) [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 any 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 KRS § 224.46-520 [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.16(b) or § 262.17(a)], except as required in 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.15(a)] (hereinafter referred to as the “SAA Permit Exemption”).

Pursuant to 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.17], an LQG may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by KRS § 224.46-520 [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.17] (hereinafter referred to as the “LQG Permit Exemption”).

Pursuant to 401 K.A.R. 39:060, Section 3(1) [40 C.F.R. § 261.4(a)(8)], secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process are not solid wastes provided that the conditions listed in 401 K.A.R. 39:060, Section 3(1) [261.4(a)(8)] (hereinafter referred to as the “Closed-Loop Recycling Exemption”) are met.

Pursuant to 401 K.A.R. 39:060, Section 3(1) [40 C.F.R. § 261.4(b)(18)], solvent-contaminated wipes, except for wipes that are hazardous waste due to the presence of trichloroethylene, that are sent for disposal are not hazardous wastes from the point of generation, provided that the conditions listed in 401 K.A.R. 39:060, Section 3(1) [40 C.F.R. § 261.4(b)(18)] are met (hereinafter referred to as the “Solvent-Contaminated Disposable Wipe Exclusion”).

Pursuant to 401 K.A.R. 39:060, Section 3(1) [40 C.F.R. § 261.4(a)(26)], solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes from the point of generation,

provided that the conditions listed in 401 K.A.R. 39:060, Section 3(1) [40 C.F.R. § 261.4(a)(26)] are met (hereinafter referred to as the “Solvent-Contaminated Reusable Wipe Exclusion”).

7) Purpose of Inspection

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection to determine AES Acquisition Corp d.b.a. Clean Earth of Calvert City LLC’s (Clean Earth’s) compliance with the conditions of its RCRA Hazardous Waste Facility Operating Permit (Permit Number KYD985073196, the applicable requirements of RCRA and the corresponding KDEP regulations. This was an EPA lead inspection.

8) Facility Description

Clean Earth of Calvert City LLC operates a RCRA permitted hazardous waste commercial facility, a large quantity generator of hazardous waste, a large quantity handler of universal waste, and a generator of used oil located at 1689 Shar-Cal Road in Calvert City Kentucky. Operations began at the site under the former owner LWD, Inc. The site was purchased by AES Asset Acquisition Corporation d/b/a AES Environmental, LLC in 2002. In December 2014, Clean Earth, Inc., acquired the facility and Harsco purchased Clean Earth in June of 2019. The facility is currently d/b/a Clean Earth of Calvert City LLC (Clean Earth or Facility). The Commonwealth of Kentucky (State) issued a RCRA hazardous waste permit on January 5, 2020, which expires on January 5, 2030. The State’s permit authorizes Clean Earth to receive, store and treat hazardous wastes from offsite facilities. Clean Earth also operates a transfer facility where hazardous waste transporters may store hazardous waste for up to 10-days.

Clean Earth is in a heavy industrial zone in the western section of Calvert City. It covers approximately 22 acres. The facility includes two 20,000 square foot steel buildings each with an 8” thick concrete bermed floor, and nine aboveground steel tanks (three 12,000-gallon capacity tanks and six 15,000-gallon capacity tanks). Clean Earth refers to the buildings as Building 2 and Building 3. Building 2 is used to receive, process (fingerprint analysis and classification), and store hazardous waste containers prior to treatment at the facility or shipment to offsite facilities. Building 2 has a storage capacity of 204,600 gallons or 3,720 55-gallon containers. The tanks are in a concrete contained area across from Building 2’s north wall. The three 12,000-gallon capacity tanks are designated for storage of non-hazardous wastes and the six 15,000-gallon capacity tanks are designated for storage of hazardous wastes. In Building 3, Clean Earth operates a hazardous waste container storage unit and a hazardous waste treatment unit. The container storage area has a storage capacity of 117,920 gallons, equivalent to 2,144 55-gallon containers. Hazardous wastes stored in this unit include wastes to be treated onsite and bulked up for offsite shipments. The treatment is conducted in three metal bins located in a 6,000 square feet enclosed section of the building. The units are regulated as “Subpart X-Miscellaneous Treatment Units.” The treatment processes conducted at the facility consist of stabilization, solidification, and neutralization. Treatment activities are conducted in batches. The wastes are loaded into the designated bin, reagents are added as needed, and mixed with a bucket loader. The stabilization units can process a total of 120,000 gallons per day (three units). In addition to the permitted units, Clean Earth operates two less than 90-day hazardous waste container storage areas: one inside Building 3 and the other in the gravel area behind Building 3.

Clean Earth employs approximately 43 employees. Even though the facility has security 24-hours per day, 7 days a week, it only receives shipments Monday through Friday between 6:00 a.m. and 3:00 p.m. Central Time. Personnel operate the facility working two shifts, eight hours per shift. Hazardous wastes are received in containers of different sizes, up to 550 gallons. Some waste transporters will drop the load inside the fence at the 10-day transfer facility, outside of the operating hours. Each building is surrounded by a fence with access through sliding gates.

The most recent hazardous waste activity notification was on February 28, 2022, and Clean Earth identified themselves as a large quantity generator of hazardous waste, a small quantity handler of universal waste, and a permitted treatment and storage facility. The facility can accept most hazardous waste codes except for F020, F021, F022, F023, F02, F027, and F028. The NAICS Code for the facility is 562112 and 562211 - Hazardous waste collection, storage, and treatment.

9) Previous Inspection History

KDEP has conducted eight RCRA CEIs at the subject facility between 2018 and 2022 and found no violations during those inspections. On June 24, 2022, KDEP conducted the most recent RCRA CEI at the subject facility and found no apparent violations of RCRA's requirements.

10) Opening Conference

On November 29, 2022, EPA inspector Alan Newman, accompanied by KDEP inspectors Amber Stewart, Scott Gerstner, MaKalynn Green, arrived at Clean Earth at approximately 9:30 a.m. Robert Parker, Facility Manager, Kurt Schmidt, Regional General Manager, and Jason Dietz, Outbound Disposal Manager immediately received the inspectors. Robert Parker, Kurt Schmidt, and Jason Dietz participated in the opening conference. The inspectors introduced themselves, showed their credentials to Robert Parker, Kurt Schmidt, and Jason Dietz, 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.

Jason Dietz 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

Tractor trailers arrive at Clean Earth transporting miscellaneous solid and hazardous waste. Clean Earth employees conduct container counts, check profiles, review manifests, and conduct fingerprint analyses prior to accepting or receiving wastes into storage at Clean Earth. Facility personnel stated that approximately half of the incoming loads are offloaded as soon as they arrive.

- 10-day Transfer Facility Area

Facility representatives stated that there was no designated area for the 10-day transfer facility and that all 10-day containers were stored inside the fenced area surrounding Building 2. Facility representatives stated that there are plans to either build a dedicated designated transfer facility across from Building 3 or potentially rent space nearby.

Pursuant to Permit Condition III.Q.2-Transfer Facility, the Permittee shall designate an area inside the facility's fence line to be a 10-day transfer facility.

On the day of the inspection, there were four roll-off containers outside of Building 2 (Photographs 1-7). The inspection team was told that these containers were being stored as part of the 10-day transfer facility area. Three of the roll-off containers were labeled with hazardous waste labels; one of the blue ones was empty. One of the two brown roll-off containers storing hazardous waste was labeled with indication of the hazards (roll-off was identified as trailer 1882); one was not. The roll-off container labeled as non-hazardous was covered with a ripped tarp. The brown roll-off containers labeled hazardous waste were generated by Westlake Vinyls, Inc (KYD985072008) both had the uniform hazardous waste manifest (UHWM) numbers on the labels (014043969JJK received November 4, 2022 and 014048998JJK received November 15, 2022). The UHWMs list Clean Earth of Calvert City as the designated facility.

Pursuant to Permit Condition III.Q.2.1, for incoming manifested shipment of hazardous waste that has reached the Permittee's facility: 1. If the Permittee is the final destination of the hazardous waste: 1. The Permittee must not store the hazardous waste at the transfer facility. And 2. The Permittee shall comply with the Permit Condition III.Q.1.1.

Pursuant to Permit Condition III.Q.1.1 incoming manifested shipment of hazardous waste that has reached the Permittee's facility: 1. The Permittee shall unload all the waste within 24 hours after the waste has reached the facility and store them in the permitted storage area(s).

Pursuant to Permit Condition III.A.2.1, the Permittee shall only store hazardous waste in two (2) container storage areas (Building 2 and Building 3) and six (6) 15,000 gallons aboveground storage tanks. (Table III.1)

- Permitted Container Storage Building 2

The inspection team inspected each row of waste in Permitted Container Storage Building 2

(Photographs 8-16). Although the majority of the containers were in good condition, labeled, and closed, there were a few issues noted by the inspection team. There was one container without a label shrink-wrapped in black plastic (Photograph 17) and one container with the label barely hanging on (Photographs 18-19). The inspection team noted multiple stacks of containers shrink-wrapped together. Labels were placed on the shrink wrap but not on individual containers (Photographs 20-23).

Permit Condition VI.A.1 40 CFR Part 268 identifies hazardous wastes that are restricted from land disposal and defined those limited circumstances under which an otherwise prohibited waste may continue to be placed on or in a land treatment, storage, or disposal unit. The Permittee shall maintain compliance with the requirements of 40 CFR Part 268. Where the Permittee has applied for an extension, waiver, or variance under 40 CFR Part 268, the Permittee shall comply with all restrictions on land disposal under this Part once the effective date for the waste has been reached pending final approval of such Application.

Pursuant to 40 C.F.R. § 268.50, an owner/operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and:

(i) Each container is clearly marked to identify its contents and with:

(A) The words “Hazardous Waste”;

(B) The applicable EPA hazardous waste number(s) (EPA hazardous waste codes) in subparts C and D of part 261 of this chapter; or use a nationally recognized electronic system, such as bar coding, to identify the EPA hazardous waste number(s);

(C) 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); and

(D) The date each period of accumulation begins.

The inspection team noted one container that was severely dented, one stack of containers that were leaning, and one container that had waste covering the exterior which had not been overpacked (Photographs 24-26).

Pursuant to Permit Condition III.K.5, Condition of Containers, the Permittee shall comply with all requirements set for the under 40 CFR Part 264.171, to ensure that all hazardous waste containers are in good condition. If a container holding hazardous waste is not in

good condition (e.g., severe rusting, apparent structural defects) or if it begins to leak, the Permittee shall transfer the hazardous waste from such container to a container that is in good condition or otherwise manage the waste in compliance with the conditions of this Permit. (40 CFR Part 264 – Subpart I)

Pursuant to Permit Condition III.C.1, the permittee shall construct, maintain, equip and operate the facility in a manner to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil, or surface water which could threaten human health, or the environment as required by 40 CFR Part 264.31.

Pursuant to the Permit Condition III.K.7, Management of Containers, the Permittee shall manage and inspect the containers in accordance with 40 CFR Part 264.173 and 264.174 as well as according to the container management system, and container layout and configuration delineated in Attachment D. Containers will not be stacked more than two (2) high. Only stable containers and containers with no physical damage maybe stacked. The Permittee shall keep all containers closed during storage, except when it is necessary to add or remove waste, and shall not open, handle, or store containers in a manner which may rupture the container or cause it to leak.

- Permitted Container Storage Building 3

Building 3 is divided into two distinct sections: one area for permitted container storage and the other is used for treatment of waste in three large metal bins. The containers in the permitted storage area were in good condition, labeled, and closed (Photographs 27-32). There was one gaylord box that did not have its label facing the aisle. The inspection team recommends that all containers' labels can be seen from the aisle for inspection. At the time of the inspection, the metal bins for treatment were partially full of trash and debris (Photographs 33-39). Clean Earth was also staging some waste in this area for treatment (Photographs 33 and 39).

- Permitted Container Storage Building Capacities

Clean Earth tracks their permitted capacities on a computer system; each container was labeled and tracked in the database. The table below shows the reported totals. The total permitted capacity for container storage at the facility is 322,520 gallons. Clean Earth was storing 401,520 gallons on the day of the inspection which exceeds their permitted capacity.

Location	Permitted Capacity (gallons)	Waste on hand on day of Inspection (gallons)	Cumulative Volume Total (gallons)
Building 2	204,600	192,870	192,870
Building 3	117,920	117,390	310,260
Gravel areas outside of Buildings 2 and 3	0	91,260	
TOTAL	322,520	401,520	

Pursuant to Permit Condition III.A.3, the Permittee shall not store or treat in the amount that is going to exceed the maximum allowable storage and treatment capacity listed in Table III.1.

- Gravel and Paved Areas Surrounding Buildings 2 and 3

The inspection team noted trailer numbers 1812, 53052, 814367, 81, TR 30, TR 37, TR 41, TR 49, TR 50, TR 51, TR 53, and TR 58 were loaded with accepted hazardous waste from Building 2 and were in transit to Building 3 for treatment in the containment building and were being stored in the gravel areas near Building 2 or behind Building 3 near the baghouse (Photographs 40-42). This area is not listed in the hazardous waste permit as an area for storage or treatment of hazardous waste.

Additionally, on the parking area outside and in front of Building 3, the inspection team noted that Clean Earth was consolidating containers of waste into larger containers by breaking glass containers of waste in a metal bin. The bin was elevated on one side such that the liquid waste would pool at one end. Clean Earth pumped the liquids from the low end into totes for storage. This area is not listed in the hazardous waste permit as an area for storage or treatment of hazardous waste.

Pursuant to Permit Condition III.A.2.1, the Permittee shall only store hazardous waste in two (2) container storage areas (Building 2 and Building 3) and six (6) 15,000 gallons aboveground storage tanks. (Table III.1)

- Permitted Tank Storage Area

On the day of the inspection, the inspection team noted three non-hazardous waste tanks and multiple containers staged beside the non-hazardous tanks near the permitted hazardous waste storage tanks (Photographs 43-44). The space beside the non-hazardous waste tanks was not listed on the RCRA permit as a container storage location.

Pursuant to Permit Condition III.A.2.1, the Permittee shall only store hazardous waste in two (2) container storage areas (Building 2 and Building 3) and six (6) 15,000 gallons aboveground storage tanks. (Table III.1)

At the time of the inspection, four of the six permitted hazardous waste tanks were in service (Tanks 1 through 4) and two tanks (Tanks 5 and 6) had not yet been used. Each tank was equipped with openings including conservation vents, thermometers, LEL meters, and level meters, and access manways. Tanks 1 and 2 were equipped with agitators. Below are volumes and capacities of the tanks from the day of the inspection.

Tank Number	Waste Volume (Gallons)	Permitted Capacity Waste Volume (Gallons)	Meter Reading on top of tank (distance to waste surface from top)
1	1,264	15,000	22' 8"
2	335	15,000	24' 3"

3	1,977	15,000	21' 7"
4	6,050	15,000	15'
5	0	15,000	No level meter, not in service
6	0	15,000	No level meter, not in service
Total	9,626	90,000	

The inspection team noted that the secondary containment had some cracks in the concrete and that it was not coated with an impervious coating (Photographs 45-47). The inspection team noted that the labeling on the tanks was in small print. The inspection team recommends Clean Earth to re-label each tank with the words Hazardous Waste and with the tank numbers in larger print.

Pursuant to Permit Condition III.L.7.4, the Permittee shall manage the secondary containment system for the tank systems in accordance with Attachment D of this Permit, and 40 CFR 264.193. The Permittee shall maintain an impervious coating which is free of cracks, gaps, or other deterioration on all containment system surfaces which may be exposed to hazardous waste or hazardous constituents (or releases of hazardous constituents).

- Central Accumulation Area (CAA) Building 3

Clean Earth manages a hazardous waste CAA to the southeast and adjacent to Building 3. This area is comprised of a fenced gravel parking lot. The area was identified with a sign which read "Danger, Hazardous Waste Storage." Clean Earth manages ignitable and corrosive solid waste in this CAA, and the inspectors observed "No Smoking" signs behind Building 3.

The CAA is equipped with an internal communications or alarm system capable of providing immediate emergency instruction to facility personnel; it is equipped with a device capable of summoning emergency assistance from local police departments, fire departments, or state or local emergency response teams; it is equipped with portable fire extinguishers, fire control equipment, spill control equipment, and decontamination equipment; and it is equipped with water to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray system.

Waste is bulked and treated inside of Building 3 and accumulated in roll off containers which are staged in this CAA awaiting shipment off site (Photographs 48-52). At the time of the inspection there were multiple roll-offs in storage. Clean Earth has been notifying KDEP that some of the roll-off containers had exceeded their storage limit of 90 days due to destination incineration facilities' capacity limits. KDEP had been approving additional storage time. The inspection team noted six roll-off containers (SB1893, ATS07, ATS02, ATS14, SB1564, and SB2420) that were not marked with accumulations start dates. The inspection team noted roll-off container ATS06 was not labeled and had waste on the outside of container (Photograph 48). The inspection team noted that there was insufficient aisle space between roll-off containers. The inspection team noted leaked material from roll-off containers onto gravel areas (Photographs 50-52). There was one roll off container with a ripped tarp and was considered an open

container. Clean Earth documented that each of these issues was corrected on the day of the inspection.

Pursuant to 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator must mark or label its containers with the following: the words “Hazardous Waste”; an indication of the hazards of the contents; and the date upon which each period of accumulation begins clearly visible for inspection on each container.

Pursuant to 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(6)], which incorporates 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.255], and is a condition of the LQG Permit Exemption, a generator is required to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.

Pursuant to 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(6)], which incorporates 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.251], and is a condition of the LQG Permit Exemption, a generator is required to maintain and operate its facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

Pursuant to 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(1)(iv)], which is a condition of the LQG Permit Exemption, (A) a container holding hazardous waste must always be closed during accumulation, except when it is necessary to add or remove waste and (B) a container holding hazardous waste must not be opened, handled, or stored in a manner that may rupture the container or cause it to leak.

- Satellite accumulation Area (SAA)

Clean Earth manages SAAs inside Building 2 and 3, underneath the Baghouse behind Building 3, and in the laboratory. Each of these SAAs for managing hazardous waste personal protective equipment (PPE), aerosol cans, and/or baghouse dust generated by container management and sampling and treatment activities. Each of the containers was closed and in good condition. Except for the SAA underneath the baghouse, each SAA container was labeled with the words hazardous waste and with an indication of the hazard. The SAA underneath the baghouse was not labeled with an indication of the hazard and the label on the container was faded such that it was barely legible. The inspection team recommends that faded labels be replaced.

Pursuant to 401 KAR 39:080, Section 1(1) [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 (i) with the words “Hazardous Waste” and (ii) with an indication of the hazards of the contents.

- Laboratory

The inspection team toured the laboratory and noted multiple SAA containers and one 50-gallon tank. The SAA containers were labeled, closed, and in good condition. The tank was storing wastewaters that were determined to be non-hazardous.

- Universal Waste and PCBs

As a large quantity handler of universal wastes, Clean Earth manages and transships universal waste lamps, pesticides, and Mercury containing equipment. According to the records provided during the inspection, the facility ships universal waste every three weeks with the most recent shipment on November 9, 2022. Multiple rows of waste in Building 2 were storing universal waste on the day of the inspection (Photographs 9-13). Some of these universal waste containers were wrapped in shrink wrap or duct tape. These universal waste batteries and aerosol cans containers were not labeled (Photographs 10 and 13). Clean Earth also transships PCB wastes. The most recent PCB shipment was on November 16, 2022.

Pursuant to 401 KAR 39:080, Section 3(1) [40 C.F.R. § 273.34(a)], a LQHUW 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 401 KAR 39:080, Section 3(1) [40 C.F.R. § 273.34(f)], a LQHUW must label or mark clearly each universal waste aerosol can or a container in which the aerosol cans are contained with any of the following phrases: “Universal Waste-Aerosol Can(s),” or “Waste Aerosol Can(s),” or “Used Aerosol Can(s).”

- Site Security

The inspection team walked the fence line surrounding both Building 2 and Building 3 and their associated parking and gravel areas. The inspection team determined that some of the warning signs were missing and most of the signs were faded. Clean Earth documented that new signs have been secured to the fence surrounding the permitted areas.

Pursuant to Permit Condition III.B.3.5, the Permittee shall maintain warning signs at each entrance to the permitted areas, on the perimeter fencing, and on each face of the hazardous waste structure. The warning signs are to be legible from a distance of at least twenty-five (25) feet and read “DANGER OFF LIMITS TO UNAUTHORIZED PERSONNEL” or its equivalent. Additional signs that prohibit smoking shall be posted. These signs shall be visible from each of the building entrances.

- Record Review

The inspection team reviewed records including inspections for permitted tanks, permitted container storage areas, and central accumulation areas, the contingency plan, the quick reference guide, training records, hazardous waste manifests, the RCRA Permit, the Part B Permit Application, among other records.

Contingency Plan:

The actions that facility personnel should take in response to an emergency are described in the facility's Contingency Plan, which was last updated in July 2021. The plan describes actions facility personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the facility. The plan describes arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals, or the Local Emergency Planning Committee.

The plan did not list the names and emergency telephone numbers for persons identified as emergency coordinators. In the revised Contingency Plan, Kurt Schmidt is listed as the primary emergency coordinator, and the other individuals are listed in the order in which they will assume responsibility as alternates. The plan does not include a list of all emergency equipment at the facility. The list includes fire extinguishing systems, spill control equipment, communications and alarm systems, and decontamination equipment. The list is not up to date. The plan does not include the location and a physical description of each item on the list, and a brief outline of its capabilities. Clean Earth recently purchased a new spill response vehicle that was not included in the Contingency Plan. Facility personnel emailed an updated contingency plan on January 18, 2023, that included all the required elements. The plan includes an evacuation plan for personnel. This plan describes signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

Pursuant to 401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.17(a)(6)], which incorporates [401 KAR 39:080, Section 1(1) [40 C.F.R. § 262.261 (d and e)], and is a condition of the LQG Permit Exemption, (d) the contingency plan must list names and emergency telephone numbers of all persons qualified to act as emergency coordinator, and this list must be kept up to date; (e) the contingency plan must include a list of all emergency equipment at the facility where this equipment is required, and this list must be kept up to date.

There was no documentation that a copy of the Contingency Plan and the Quick Reference Guide (QRG) were submitted to the local authorities including the police department, fire department, hospital, State and local emergency response teams and the Local Emergency Planning Committee. Clean Earth documented that the updated Contingency Plan and QRG were shared with local authorities in an email dated January 25, 2023.

Pursuant to Permit Condition III.D.3, Copies of the Contingency Plan, As set forth in 40 CFR Part 264.53, a copy of the contingency plan and all revisions to the plan must be maintained at the facility and submitted to all local police Divisions, fire Divisions, hospitals, as well as State and local emergency response teams that may be called upon to provide emergency services.

The inspection team reviewed the contingency plan and noted that the plan was not up to date. Clean Earth failed to amend the contingency plan to include changes to the emergency coordinators, additions to the emergency equipment list to include a fire truck and emergency

response truck, procedures for responding to tank spills and leakage, and revisions to the quick reference guide, among other amendments.

Pursuant to Permit Condition III.D.4, Amendment of Contingency Plan, the Permittee shall review at least annually and amend the plan immediately if necessary is required by 40 CFR Part 264.54, and whenever: III.D.4.2 The Permittee modifies the facility, in either its design, construction, operation, maintenance, or other circumstances, in a way that materially increases the potential for fires, explosions, or releases of hazardous waste constituents, and/or changes the response necessary in an emergency, III.D.4.3 the Permittee modifies the list of emergency coordinators, and/or III.D.4.5 the Permittee modifies the list of emergency equipment.

Training Records:

The inspectors reviewed facility job descriptions and employee names that were provided for Facility Tech and Facility Supervisor. Each description included the requisite skill, education, or other qualifications, and duties of facility personnel assigned to that position. Clean Earth provided a written description of the type and amount of both introductory and continuing training to be given to each person filling the positions listed above. The inspectors reviewed records of employee hazardous waste training completed in February 2022.

Waste Manifest Records:

The inspectors reviewed available hazardous waste manifest records and land disposal restriction forms for shipments of hazardous waste sent and received from January, April, July, and October 2022. Clean Earth manages thousands of manifests each year. These were no issues noted with the manifests reviewed at the time of the inspection.

Inspection Records:

The inspectors reviewed Clean Earth's available records of inspections of the hazardous waste central accumulation area (CAA), permitted since June 2022. The inspection log included a checklist to record observations about leaking containers and for deterioration of containers caused by corrosion or other factors.

The records generally include the date but not the time of the inspection and the name, signature and initials of the employee conducting the inspection; one inspection on October 2, 2022, did not have a date or time listed. Each week, the employee records notations of observations and necessary follow-up actions for the inspected areas. No separate inspection records were provided for the CAA behind Building 3. Clean Earth stated that these observations were included on the daily inspections conducted at inside Building 3. During the review of the inspections for the tank farm it was noted that inspections were not being conducted on the weekends or on holiday.

Pursuant to Permit Condition III.K.8, Inspection Schedules and Procedures, the Permittee shall inspect the container storage area(s), in accordance with 40 CFR 264.174 and the

Inspection Schedule, Attachment F. The Permittee shall also document these inspections and shall maintain the inspection forms in accordance with the requirement of 40 CFR Part 264.174 and inspection procedures in Attachment F of this Permit. The Permittee shall stage/store the containers so that their labels are fully visible and easy to inspect. The Permittee shall also inspect all container at the time of arrival at the facility are in good condition.

Pursuant to 401 KAR 39:080, Section 1(1) [40 C.F.R. § 264.15(d)], the owner or operator must record inspections in an inspection log or summary. He must keep these records for at least three years from the date of inspection. At a minimum, these records must include the date and time of the inspection, the name of the inspector, a notation of the observations made, and the date and nature of any repairs or other remedial actions.

Pursuant to Permit Condition III.L.9.4, the Permittee, at a minimum, shall inspect components of the tank system at least once each day.

Pursuant to Permit Condition III.Q.2.1.2, if the Permittee is not the final destination of the hazardous waste: 1 The Permittee is allowed to store the hazardous waste at the transfer facility up to 10 days. 2. The Permittee shall clearly record the number of days the hazardous waste is stored at the transfer facility. 3. The Permittee shall inspect on a daily basis the transportation vehicle and the surrounding media the vehicle is located on for any hazardous waste spill or release, 4. If there is a spill or release, the Permittee shall immediately remove or clean the contaminated media and shall dispose the contaminated media as well as the contaminated equipment used accordingly. 5. If the contaminated media is unable to be properly removed or cleaned, the Permittee shall comply with the applicable requirements in 40 CFR Part 264 Subpart F, Subpart G and Subpart H.

12) Closing Conference

The inspectors conducted the exit meeting at 2:20 p.m. with Jason Dietz, Robert Parker, Kurt Schmidt, and Brad Fooshee. During this meeting, the inspectors stated their preliminary conclusions of the inspection. Clean Earth agreed to updates on the issues noted during the inspection. On December 2 and 20, 2022, Robert Parker provided updates in an email to Alan Newman. As of December 20, 2022, Clean Earth had documented compliance with most issues noted during the inspection.

13) List of Appendices

Appendix 1 – Photo Log:

52 Photos taken on: November 29-30, 2022

Photographs taken by Alan Newman and Scott Gerstner

Photographs taken with Lumix Digital Camera and on Scott Gerstner's iPhone

EPA Property Tag: S75870

14) **Signed**

ALAN NEWMAN

Digitally signed by ALAN
NEWMAN

Date: 2023.02.09 16:39:23 -05'00'

Alan Newman
Environmental Engineer

Concurrence

**ARACELI
CHAVEZ**

Digitally signed by ARACELI
CHAVEZ

Date: 2023.02.09 16:55:13 -05'00'

Araceli B. Chavez
RCRA Enforcement Section

Appendix 1

Photograph Log:

Photographs taken by Alan Newman and
Scott Gerstner

Photographs taken with Lumix Digital
Camera and on Scott Gerstner's iPhone
EPA Property Tag: S75870



Photograph 1: Hazardous 10-day transfer containers.



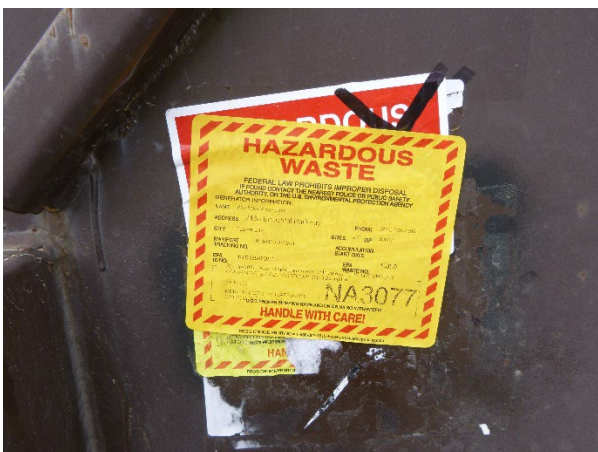
Photograph 4: Non-hazardous 10-day transfer container.



Photograph 2: Hazardous 10-day transfer container and trailer received and in transit to Building 3.



Photograph 5: Non-hazardous 10-day transfer container with ripped tarp.



Photograph 3: Hazardous 10-day transfer container.



Photograph 6: Hazardous 10-day transfer container.



Photograph 7: Empty 10-day transfer container.



Photograph 10: Building 2 permitted storage containers.



Photograph 8: Building 2.



Photograph 11: Building 2 permitted storage containers.



Photograph 9: Building 2 permitted storage containers.



Photograph 12: Building 2 permitted storage containers.



Photograph 13: Building 2 permitted storage containers.



Photograph 14: Building 2 permitted storage containers.



Photograph 15: Building 2 permitted storage containers.



Photograph 16: Building 2 permitted storage containers.



Photograph 17: Building 2 permitted storage containers.



Photograph 18: Building 2 permitted storage containers.



Photograph 19: Building 2 permitted storage containers.



Photograph 20: Building 2 pallet of containers.



Photograph 21: Building 2 pallet of containers.



Photograph 22: Building 2 pallet of containers.



Photograph 25: Building 2 leaning stack of containers.



Photograph 23: Building 2 pallet of containers.



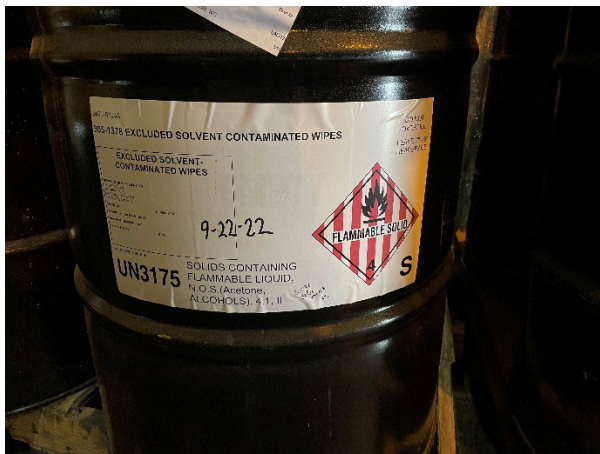
Photograph 26: Building 2 container with waste on outside.



Photograph 24: Building 2 dented container.



Photograph 27: Building 3.



Photograph 28: Container in Storage Building 3.



Photograph 31: Building 3.



Photograph 29: Building 3.



Photograph 32: Building 3.



Photograph 30: Building 3.



Photograph 33: Building 3 treatment pan.



Photograph 34: Building 3 treatment pan.



Photograph 37: Building 3 treatment pan.



Photograph 35: Building 3 treatment pan.



Photograph 38: Building 3 treatment pan.



Photograph 36: Building 3 treatment pan.



Photograph 39: Building 3 treatment pan.



Photograph 40: Trailers on site.



Photograph 43: Non-hazardous tank farm.



Photograph 41: Trailers on site.



Photograph 44: Containers stored for off-site disposal.



Photograph 42: Trailers on site.



Photograph 45: Tank Farm Secondary Containment.



Photograph 46: Tank Farm Secondary Containment.



Photograph 49: CAA behind Building 3 with waste on side of container.



Photograph 47: Tank Farm Secondary Containment.



Photograph 50: CAA behind Building 3.



Photograph 48: Building 3 waste staged for processing in Building 3.



Photograph 51: CAA behind Building 3.



Photograph 52: CAA behind Building 3.