

US Filter/Westates Carbon
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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Purpose: Focused RCRA Subtitle C Compliance Evaluation

Date of Evaluation: February 12, 2004

Facility: US Filter/Westates Carbon
AZD982441263

Location: 2523 Mutahar Street
Parker, Arizona

Mailing Address: P.O. Box 3308
Parker, AZ 85344
Telephone: (928) 669-5758
Email: Westates@redrivernet.com

Facility Representatives: Monte McCue Willard Bolyard
Director, Plant Operations Plant Manager
(928) 669-5758 x17 (928) 669-5758 x19

Douglas Eisner
Manager, EH&S
US Filter
6611 San Leandro Street
Oakland, CA 94621
(510) 639-7274 ext 12

EPA Representatives: Kandice Bellamy (415) 972-3304 /
bellamy.kandice@epa.gov
Kaoru Morimoto (415) 972-3306 / morimoto.kaoru@epa.gov

Report Written by: Kandice Bellamy

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Purpose of Inspection

On February 12, 2004, representatives of the United States Environmental Protection Agency (USEPA) performed a focused compliance evaluation inspection (CEI) at Westates Carbon. During the inspections of June 2001, January 2002, August 2002 and March 2003, cracks and gaps in the pad in the secondary containment area were noted. Subsequent to the March 2003 inspection (the cracks and gaps in the secondary containment area as delineated at that time were mapped in detail), information concerning repairs to the pad and revision to the areal extent of the secondary containment area was transmitted to EPA. The purpose of the inspection was to further evaluate any changes in the condition of the secondary containment pad in the hazardous waste storage tank/furnace, loading/unloading and hopper areas.

A. Condition of Secondary Containment Areas

1. Observations of the Containment Pads in the Hazardous Waste Storage Tank/Furnace and Hopper Areas

Containment, Hazardous Waste Storage Tank/Furnace Area and Hopper Area

As mentioned previously, EPA representatives observed that cracks and gaps in the pad in the secondary containment area were patched and filled using a variety of media and techniques. Photo #s 1 - 4 document the condition of the pad in several portions of the secondary containment area. The white portion of the repair using Sikaflex in Photo #1 will cure to have the appearance of the darker section previously repaired with Sikaflex. Repair media includes Polyurea (yellow area in Photo #4), Sikaflex (Photo #1), Sikador (used for older repairs) and sand. Some areas were ground down and/or chiseled out before applying the media.

Containment, Hazardous Waste Storage Tank/Furnace Area

EPA inspectors observed the cracks identified on the chart made during the March 2003 inspection had been filled using a variety of techniques and materials. Facility representatives utilized the March 2003 diagram and systematically and incrementally addressed cracks and gaps that appeared to be newly forming at the time of the previous inspection as well as older cracks and gaps that showed signs of attempted yet not completely successful repair work.

The current extent of the secondary containment includes the areas under RF-2 [Photo #5]; RF-1 (no longer in use) [Photo #6 shows RF-1 and Tank T-8, the RF-1 furnace feed tank]; Tank T-18 (RF-2 furnace feed tank); hazardous waste storage tanks T-1,2,5,6 [Photo #8]; Tank T-19 (scrubber water equalization tank containing water recirculated through the air pollution

control devices); Tank T-9 (tank holding water after contact with spent carbon slurry)[Photo #11]; Tank T-11 (waste water tank that is part of the facility's wastewater treatment system)[Photo #7 with RF-1 in the background]; and the hopper area [Photo #14].

Photos #9 and #10 show multiple repairs using different types of repair media to fill the crack in the area near T-11 and RF-2. Photo #11 shows Tank T-9 and Photo #12 shows a large section of interconnected repairs near Tank T-9. Photo #13 shows a repair to a section of the pad near RF-1. Although the repair was less than one year old, the repair was showing signs of cracking.

Hopper Area Repair Damaged

In the area of the Hopper [Photo # 14], the pad had been repaired. Photo # 15 shows the use of Sikaflex in an expansion joint. In Photo #17, a repair to an area of the pad near the hopper had been damaged due to equipment movement.

Conclusion

EPA inspectors observed that the moving of equipment caused damage to repaired cracks [Photo #16 and #17]. Photo #13 shows the cracking of a recent repair. The number of repairs, the use of various media to address cracks and gaps as well as the extensive nature and history of multiple attempts to repair many areas of the pad suggest that a more permanent and structural strategy be implemented to address the condition of the pad in the secondary containment area. During the inspection, facility representatives discussed with the EPA inspectors some of the more long-range, comprehensive and structural approaches under consideration to address the condition of the pad in the secondary containment area.

Finding of Potential Violation - Condition of Berm in Secondary Containment Hazardous Waste Storage Tank/Furnace Area - 40 CFR §265.193(e)(1)(iii)

EPA inspectors observed a break in the berm in two locations in the secondary containment in the hazardous waste storage tank/furnace area. 40 CFR §265.193(e)(1)(iii) states: "(e) In addition to the requirements of paragraphs (b),(c) and (d) of this section, secondary containment systems must satisfy the following requirements: (1) External liner systems must be:(iii) Free of cracks and gaps." EPA inspectors observed breaks in the berm portion of the secondary containment system in two locations.

The breaks in the berm were located in the portion of the berm separating the hazardous waste storage tank/furnace area from the container storage warehouse wall and the control room area. Photo # 18 shows the break in the berm outside of the control room. Inside the control room area, the paneling on the interior wall did not allow a visual observation that could have determined whether the break went all the way through the berm in that section. Photo #19 and #20 show the break and the subsequent repair in the exterior portion of the berm separating the

hazardous waste storage tank/furnace area from the container storage warehouse wall. This break in the berm went through into the inside of the container storage warehouse. Photo #21 and #22 show the break inside the warehouse before and after repair. At the direction of the Plant Manager, workers promptly repaired both breaks in the berm by filling them with Sikaflex.

B. Condition of Pad in Loading/Unloading Area

1. Observations of the Pad in Loading/Unloading Area

The pad in the loading/unloading area was observed by EPA inspectors to be a patchwork of previous attempts to fill and cover an extensive network of cracks [Photo #24]. The patches themselves were weathered, peeling and showed signs of cracking. No recent attempts to systematically repair the patches in this area were observed at the time of the inspection. The pad in the loading/unloading area showed signs of deterioration into segments joined by the material used for patching. In order to reach the condition observed during the four previous EPA inspections, deterioration of the pad in this area occurred over a period of time.

The pad in the loading/unloading area is subject to spills. The deterioration of the pad has not been successfully remedied in order to ensure that any spill during the movement of containers would not cause an environmental or health hazard. Maintaining the loading/unloading area in a manner that ensures that a release does not have the potential to pose an adverse environmental or health impact is a requirement applicable to Westates.

Finding of Potential Violation - Condition of Pad in Loading/Unloading Area - 40 CFR §265.31 Maintenance and Operation of Facility

While there is no federal requirement under interim status requirements for hazardous waste management facilities to have a concrete pad in the loading/unloading area, facilities typically have concrete pads with berms to contain any possible releases. EPA representatives explained that maintenance of the loading/unloading area is subject to the requirements of 40 CFR §265.31 Maintenance and operation of facility.

40 CFR §265.31 Maintenance and operation of facility. Facilities must be maintained and operated to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous constituents to air, soil, or surface water which could threaten human health or the environment.

A concrete pad with berms serves to contain releases and prevents migration of hazardous waste and constituents into the environment. In addition, loading/unloading areas at hazardous waste management facilities can be subject to the corrective action requirements of 40 CFR §264.101 and RCRA 3008(h).

Background

On July 29, 2003, Westates informed EPA that the capacity calculations for the secondary containment had been revised. The calculations had been revised to reflect isolation of Area 3 as designated in drawings dated September 5, 2002 from the facility's secondary containment system. At that time, Area 3 referred to the loading/unloading area located in front of the structure where hazardous and non-hazardous waste containers are stored. [See Photo #23 and #24 taken during a previous inspection] A large bin [Photo # 23] shown to the left of the warehouse structure containing the hazardous waste generated by Westates, was also located in this portion of the facility that was previously part of the secondary containment system. Photo #16 shows the extent of the repair in this area underneath the area where the roll off bin would be located. The hazardous waste storage bin, when on site, is now located on the other side of the berm in the area where Tank T-12 had been located. At the time of the inspection, the bin had been shipped off-site for disposal.

In a subsequent communication with EPA, a Westates representative referenced previous discussions with EPA representatives concerning tentative plans to replace the pad in the area outside the container storage warehouse. In this communication, the Westates representative wrote that they did not anticipate replacing the pad in that area because it was no longer part of the secondary containment system.

Discussion between EPA and Facility Representatives Regarding the Loading/Unloading Area

During the February 12, 2004 inspection, Westates representatives explained their belief that by isolating the pad in the loading/unloading and roll-off bin area from the rest of the areal extent of the facility's secondary containment system, the RCRA regulatory requirements related to secondary containment for tanks would no longer apply to that area. The relevant RCRA requirements pertaining to the secondary containment are found in 40 CFR § 265.193(e)(1)(iii). "External liner systems must be free of cracks and gaps." This regulatory requirement was cited in EPA reports based upon the observations during EPA inspections of June 2001, January 2002, August 2002 and March 2003. At the time of those inspections, the loading/unloading area was included in the areal extent of the secondary containment system.

Although the interim status RCRA requirements for secondary containment for tanks, in particular the requirement of 40 CFR §265.193(e)(1)(iii) that the system be free of cracks and gaps, no longer apply to an area that does not provide secondary containment for hazardous waste tanks (Area 3 in the September 5, 2002 facility drawings), the EPA representatives discussed with Westates representatives the regulatory requirements pertaining to loading/unloading areas. Requirements pertaining to the loading/unloading area at Westates include:

40 CFR 265.15 (a) The owner or operator must inspect his facility for malfunctions and deterioration, operator errors and discharges which may be causing - or may lead to:

- (1) Release of hazardous waste constituents to the environment or
- (2) A threat to human health. The owner or operator must conduct these

inspections often enough to identify problems in time to correct them before they harm human health or the environment.

40 CFR 265.15(b)(4) Areas subject to spills, such as loading and unloading areas, must be inspected daily when in use.

40 CFR 265.15(c) The owner or operator must remedy any deterioration or malfunction of equipment or structures which the inspection reveals on a schedule which ensures that the problem does not lead to an environmental or human health hazard.

Westates inspection logs routinely do not contain any recorded observations of the visible deterioration in the condition of the pad in the loading/unloading area.