



Matt Blunt, Governor • Doyle Childers, Director

DEPARTMENT OF NATURAL RESOURCES

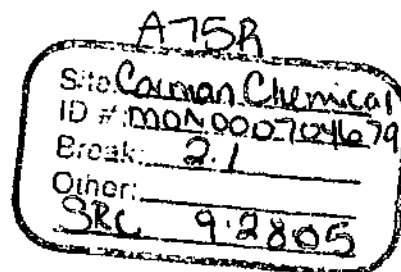
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2.000 Hazardous Waste
Monroe County
Notice of Violation #3297NE
Notice of Violation #3324NE

September 28, 2005

Mr. J. P. Carman
Carman Chemical Inc.
P. O. Box 176
Paris, MO 65275



NOTICE OF VIOLATION

Dear Mr. Carman:

On August 25, 2005, representatives of the Missouri Department of Natural Resources conducted an inspection of the hazardous waste management operations relative to waste agricultural chemicals stored at the Carman Chemical Inc. facility located at 25358 Business Highway 24 West in Paris, Missouri. The inspection was a follow-up to a previous inspection conducted in April of 2004. The inspection on August 25, 2005 determined serious violations continue at this location. Enclosed is a copy of the Compliance Evaluation Inspection Report outlining the areas of non-compliance and a Hazardous Waste Inspection Checklist.

Due to the continued non-compliance at this location and the violations detailed in the report, Notice of Violation #3324NE is being issued to Carman Chemical Inc.

By **October 15, 2005** a written response to each of the Required Actions listed in the report is to be submitted to the Hazardous Waste Program. The response is to be **very specific** and provide a detailed account of the actions to be taken or provide the documentation necessary to comply with the required action. The response should also outline what changes have been implemented to ensure that future operations are in compliance with environmental laws and regulations.

If you have questions or wish to discuss the ongoing enforcement case, please contact Ms. Kathy Flippin or Ms. Candace Bias, Compliance & Enforcement Section, Hazardous Waste Program, P. O. Box 176, Jefferson City, MO 65102. Ms. Flippin can be reached at (573) 751-3176. Any discussion concerning the enforcement case is to be with Ms. Flippin or Ms. Bias.



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SUPERFUND RECORDS

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If you have any questions concerning the information contained in the report, please contact Mr. Greg Robertson at (660) 385-8000 in the Northeast Regional Office, 1709 Prospect Drive, Macon, MO 63552.

Sincerely,

NORTHEAST REGIONAL OFFICE



G. Irene Crawford
Regional Director

GIC/grp

Enclosures: Compliance Evaluation Inspection Report
Hazardous Waste Inspection Checklist
Notice of Violation #3324NE
Notification of Regulated Waste Activity Form
Notification and Waste Stream Information Printout

c: Hazardous Waste Program, Enforcement Unit
Mr. Randy Schademann, OSC, EPA Region 7
Mr. David Ramsey, EPA Region 7
Mr. Jim Lea, Missouri Department of Agriculture, Bureau of Pesticide
Ms. Mary Jane Wingett, EPA Region 7
Mr. Steven Poplawski, Bryan Cave, LLP

**MISSOURI DEPARTMENT OF NATURAL RESOURCES
COMPLIANCE EVALUATION INSPECTION REPORT**

FACILITY:

Carman Chemical Inc.
25358 Business Highway 24 West
Paris, MO 65275
Office Phone (660) 327-5155
1-800-892-2222
Warehouse (660) 327-5101

EPA ID# MOR000012740
MO ID#039229
N39.47036°
W-092.01244°

PARTICIPANTS:

Carman Chemical Inc.

Mr. Dean Osborn, Sr.
Warehouse Manager

Department of Natural Resources

Mr. Greg Robertson
Environmental Specialist
Northeast Regional Office

Ms. Candace Bias
Environmental Specialist
Hazardous Waste Program

Ms. Cecilia Campbell
Environmental Specialist
Solid Waste Management Program

Ms. Laurie Bobbitt
Solid Waste Management Program

Mr. Larry Lehman
Environmental Service Program

Mr. Terry Ball
Environmental Investigator

Department of Agriculture

Mr. Mark Nachreiner
Pesticide Use Investigator

Environmental Protection Agency

Mr. Randy Schademann
Federal Onscene Coordinator
Region 7

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INTRODUCTION:

On August 25, 2005, representatives of the Missouri Department of Natural Resources (department) conducted an inspection of the hazardous waste management practices at the Carman Chemical Inc. (Carman) facility in Paris, Missouri. The inspection was performed in conjunction with EPA and Missouri Department of Agriculture (MDA) representatives. Ms. Candace Bias and I evaluated aspects of hazardous waste management relating to the waste pesticides, waste farm chemicals and used oil stored on site. Photographs were taken to document the conditions observed.

Serious violations of the hazardous waste management law and regulations were identified in a previous inspection conducted in April 2004 which resulted in the issuance of Notice of Violation #3297NE. Due to the imminent threat to human health and the environment identified by the April 2004 inspection, the case was referred to enforcement.

The initial investigation in April 2004, resulted in the MDA and EPA issuing over two hundred Stop Sale, Use or Removal Orders (SSUROs) at this location for chemicals that do not meet the regulatory requirements for sale or use. According to MDA & EPA these chemicals are unusable and are therefore waste products. In addition to these wastes, Mr. Carman admitted during the April 2004 investigation that a large volume of pesticides cannot be used and identified them as wastes. Additional SSUROs were issued in February of 2005 and July 2005 for pesticides brought onsite since the April 2004 inspection. Although Mr. Carman claims he intends to "return to commerce" other chemicals, documented legitimate uses have not been demonstrated for a large majority due to age, condition or pesticide registration status. The department considers the chemicals without documented legitimate uses to be wastes subject to a hazardous waste determination.

In response to the initial inspection in April of 2004, the department's Environmental Services Program issued a Hazardous Substance Emergency Declaration (HSED). Specific actions were required, including any open containers to be closed or covered and any compromised or leaking containers be containerized or repackaged and the corrective actions maintained. The facility has been directed by the department and EPA to properly characterize the wastes and arrange for proper transport and disposal.

In November of 2004, Environmental Operations, Inc. (EOI) on behalf of Carman, characterized, segregated and overpacked chemicals determined to be hazardous from inside and around Building #3. In a review of the inventory of the wastes overpacked and containerized by EOI, there were acutely hazardous P-listed wastes in excess of the regulatory threshold of 1 kg (or 2.2 pounds) for acute waste, constituting generation of large quantities of hazardous waste as defined by regulation.

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The site was registered with the department as a Small Quantity Generator on August 30, 2005. On September 12, 2005, the first shipment of hazardous waste was removed from the site. Copies of the manifests for the shipment are included as an enclosure. The inventory of the wastes shipped indicates the shipment included four different P-listed wastes (acutely hazardous) in excess of several hundred pounds. Shipment of P-listed hazardous waste in quantities of 1 kg (2.2 pounds) or more constitutes shipment of large quantity volumes of hazardous waste.

Based upon a partial inventory and waste review, the department is aware of significant quantities of P-listed, U-listed and Characteristic hazardous wastes remaining on site after the September 12, 2005 shipment. The quantities of the known wastes remaining on site constitute operation as a Large Quantity Generator. Wastes remaining after the September 12, 2005 shipment are located in Building #1, Building #2 and located throughout the property.

FACILITY DESCRIPTION:

Carman is an agricultural chemical dealership which handles mainly herbicides and pesticides. Mr. Carman reported he has been in operation at this location since 1991. The site is situated on approximately four acres inside the city limits of Paris, Missouri, at the western edge of the city. The site reportedly supplies currently available agricultural chemicals to farmers in bulk and smaller packages. Carman has five fulltime and three part-time employees. Mr. Carman has been in the agricultural chemical business since 1962. For many years Carman also bought, sold and traded old or surplus chemicals all over the United States, using both commercial transport companies as well as self-transporting with two company trucks.

Carman is located on the north side of Business Highway 24. There are three buildings on the property, various box trailers, hundreds of totes, numerous vehicles and associated equipment. The main building, designated as Building #1, houses the office and the main warehouse. A recreational area is located in the southern part of Building #1, adjacent to the highway, used for gatherings of family and friends. At the time of August 25, 2005 inspection, several pallets of SSUROs were located in Building #1. Additionally 8-10 pallets labeled as "JP Private Use" were located in the northeast corner of Building #1. Mr. Osborn, warehouse manager, stated that these pallets were removed from in or around Building #3 after the April 2004 inspection. Several containers on the pallets were leaking. One tote along the western wall and under a SSURO had an ignitable liquid insignia on it. Smoking is not prohibited as evident by an ashtray situated on top of a poly drum in close proximity to the ignitable tote and other chemicals including those identified as JP Private Use. Other ignition sources (cutting torch, battery charger, etc.) were identified in close proximity to the ignitable tote.

Another metal building is located along the eastern edge of the property, designated as Building #2. Building #2 is full of pesticides and farm chemicals, many identified as wastes. A determination has not been made on many of the others. Under the HSED, no materials were to be removed from Building #2 without prior approval from the department. In addition to the SSURO chemicals identified in April of 2004, additional SSUROs were issued on pesticides at the facility in February and July of 2005 and the wastes were shrink-wrapped and placed in Building #2. At the time of the August 25, 2005 inspection, the building was locked. Mr.

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Osborn stated that access to the building is restricted. Building #2 is considered a hazardous environment due to the condition and storage of the chemicals and the vapors and fumes. The area is restricted to departmental personnel and should only be accessed with proper Personal Protection Equipment (PPE), including a respirator.

At the northern edge of the property is an open front shed, designated as Building #3. Since the April 2004 inspection, the pesticides located in Building #3 have been overpacked or containerized and the roof of the building repaired to prevent the containers from being exposed to rainwater. The front of the shed had been tarped in response to the HSED, but had deteriorated since its installation. According to information provided to the Northeast Regional Office, all of the hazardous wastes have been removed from Building #3 as a result of the September 12, 2005 shipment.

At the time of the April 2004 inspection in excess of 100 mini-bulk totes and several hundred smaller containers were being stored outside. Many of these containers had liquids in them and were opened and/or leaking. The HSED required all containers exposed to the elements be closed or covered and the actions maintained. At the time of the August 25, 2005 inspection, significant portions of the tarps and plastic covers had deteriorated and were providing no protection.

During the August 25, 2005 inspection two significant areas of oil contamination existed. One area is located adjacent to the loading dock at the north end of Building #1, where two open containers of used oil had overflowed into the environment. The containers were estimated to be 15-gallon capacity each. The containers were not closed, or labeled. The area by Building #1 appeared to be the same area identified as being impacted with used oil in the April 2004 investigation. The other area of oil contamination was on the ground on the west side of Building #2.

DISCUSSION:

Upon being contacted prior to the initiation of the inspection, Mr. Carman's attorney, Mr. Steven Poplawski advised that Mr. Carman could not be present during the inspection because of being on vacation. Mr. Poplawski granted site access after a phone conference with EPA attorney Mr. David Hoefer. I introduced myself to Mr. Osborn and outlined that regulatory authority to conduct the inspection was granted in sections 266.375(9) and 266.377 of the Revised Statutes of Missouri (RSMo). Mr. Osborn granted full access to the site.

When asked during the August 25, 2005 inspection, Mr. Osborn stated no training or contingency plan has been developed for the hazardous waste present at the facility. Mr. Osborn stated that he does not know what materials if spilled would be a hazardous waste and he did not express knowledge in the proper methods to clean up spills. Mr. Osborn also stated that no inspections or maintenance on the coverings of the outdoor containers were being performed as required by the HSED. Mr. Osborn stated that no inspections of Building #2 were performed. Mr. Osborn stated that the environmental contractor had not taken any actions since November of 2004. According to Mr. Osborn the containers identified as hazardous waste in Building #3 have been onsite since the contractor packed them in November of 2004.

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One area of immediate concern is the inventory of pesticides and chemicals being stored in Building #1 that are identified for use by Mr. Carman. There were leaks occurring on at least two of the pallets of shrink-wrapped containers. Chemicals were leaking onto the floor and onto other pallets of chemicals. (Photographs Taken)

Another area of immediate concern is the lack of progress in Building #2. Looking into the front of the building from the outside it did not appear that any actions have been initiated to identify unknowns, segregate incompatibles, containerize leaking or compromised containers or characterize the waste pesticides and chemicals for hazardous waste constituents. Mr. Osborn stated no actions had been taken in Building #2. Per the latest negotiated timeframe, movement on these actions was to be initiated or a plan submitted for review by September 26, 2005.

VIOLATIONS:

The following violations were determined to be occurring at Carman during the August 25, 2005 inspection. Many if not all of these are continuous violations, previously identified during the April 2004 inspection.

1) Failure to register as a hazardous waste generator; Section 260.380.1(1) RSMo. and 10 CSR 25-5.262(2)(A). The Missouri Hazardous Waste Management Law and regulations require anyone who generates a regulated quantity of hazardous waste to submit the notification form and to update it when there are changes. Through staff observations of the wastes on site, contractor inventories of wastes containerized and manifests of waste shipments, Carman is a large quantity generator of hazardous waste.

A Notification of Regulated Waste Activity Form (NORWA) was submitted on August 30, 2005, indicating the site was a Small Quantity Generator. Although a significant volume (constituting large quantities) of hazardous waste was shipped off-site, waste still remain onsite. With the current knowledge of the volumes and types of wastes stored around the exterior of the site as well as wastes in Building #1 and Building #2, large quantities of hazardous waste remain onsite. A subsequent NORWA must be submitted for registration as a large quantity generator. A NORWA form is enclosed with this report.

2) Failure of a generator of a solid waste to determine if that waste is a hazardous waste; 10 CSR 25-5.262(1) incorporating 40 CFR 262.11. The facility must use either knowledge of the waste or analytical testing to determine if the waste is hazardous and the correct disposal methods of wastes generated. The following materials are wastes that have not undergone an accurate determination:

- A. During the April 2004 inspection, Mr. Carman stated he knew that he had stored pesticides at the facility that could not be used, particularly chemicals in Building #2. Materials that cannot be legally used or sold are considered a waste.
- B. Materials are being stored in a manner not protective of human health or the environment. Many of the containers being stored outside are not closed or covered.

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- C. Chemicals under a MDA or EPA SSURO that cannot legitimately be sold or used by Mr. Carman or for which use has been disallowed by MDA or EPA. Some of the chemicals in the February and July 2005 SSUROs have hazardous waste constituents based upon a review of the Material Safety Data Sheets (MSDS).
- D. Contaminated debris and media. Significant areas of contamination were observed, including around and in Building #3, in and around Building #2, and in and around Building #1.
- E. Unusable, damaged, leaking, or unidentified chemicals, including those identified as being for JP Private Use.
- F. Rinsate generated on pesticide containers with hazardous waste constituents.
- G. Containers that have not been triple rinsed that contain or have contained chemicals with hazardous waste constituents, especially P-listed pesticides.

3) Failure for a generator of hazardous waste to utilize a licensed hazardous waste transporter; Section 260.380.1(5) RSMo. Mr. Carman continues to allow his employees to transport wastes (chemicals that cannot be used or sold) in company vehicles or accept shipments of wastes from non-licensed hazardous waste transporters. This was evident by the SSUROs issued for chemicals in February and July of 2005. Some of the chemicals listed in the SSURO in July 2005 have hazardous waste constituents.

4) Failure of a generator of hazardous waste to utilize an authorized hazardous waste treatment/storage/disposal or resource recovery facility; Section 260.380.1(7) RSMo. Mr. Carman failed to utilize an authorized TSD facility and continues to store the wastes in lieu of disposal. The lack of proper storage has allowed some of them to leak and be disposed into the environment.

5) Operation as a treatment/storage or disposal facility without prior approval from the department; Section 260.390.1(1) RSMo. The following actions are considered treatment, storage and disposal of hazardous waste at the facility and operation as a TSD facility without a permit from the department.

- A. Large quantities of hazardous wastes were identified by departmental staff in April of 2004, and many of these remained onsite at the time of the August 25, 2005 inspection.
 - 1. SSUROs around the exterior of the site.
 - 2. SSUROs in Building #1 and Building #2.
 - 3. Large quantities of hazardous wastes were identified by EOI in November of 2004 which were onsite at the time of the inspection being stored in Building #3.
- B. Hazardous wastes continue to be disposed into the environment.
 - 1. Containers of 2,4-D partially covered by a tarp in front of Building #1 are leaking into the environment.
 - 2. A reddish liquid from pesticide residue was seeping out of the ground from a rain event in front of Building #3 during the August 25, 2005 inspection.

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During the April 2004 inspection reddish liquid pesticides were leaking on the ground in the same vicinity and were identified as a hazardous waste.

3. The interior floors (earth and/or concrete) as well as the buildings themselves are impacted with spills of U and P-listed waste and may carry the listing.
-

C. Treatment of hazardous wastes continued to occur during the August 25, 2005 inspection.

1. By leaving containers open and/or uncovered, treatment is being conducted through dilution from precipitation events and volatilization and evaporation of organics into the atmosphere.

6) Storage of hazardous wastes greater than 90 days if generating 1,000 kilograms/month of hazardous or one kilogram of acutely hazardous waste; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a). A generator of greater than 1,000 kilograms of hazardous waste or one kilogram of acutely hazardous waste per month must ensure that the waste is shipped off-site within 90 days of entering storage.

- A. Materials in Building #3 were characterized as hazardous by EOI in November of 2004; but remained on site at the time of the August 25, 2005 inspection, in excess of 90 days.
- B. Some of the wastes identified during the April 2004 inspection remained on site at the time of the August 25, 2005 inspection.
 1. 2-4, D located outside of Building #1.
 2. Corrosive wastes in blue containers outside of Building #1.
 3. Wastes in Building #2.
 4. SSURO on materials considered wastes throughout the facility.

7) Failure to store hazardous waste in containers in good condition; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.171. If a container is noted to be in poor condition or begins to leak, the contents must be transferred to a container that is in good condition. Numerous containers of hazardous waste were leaking as identified by photographs, specifically in front and inside Building #2 and inside Building #1. According to Mr. Osborn, no action has been taken in Building #2; the examples of this violation identified in the original videotape continue to occur.

8) Failure to store hazardous waste in containers compatible with that waste; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.172. Many chemicals were stored in leaking or damaged containers or not in original containers. The extended storage period, exposure to weather and the contact with the waste had resulted in the degradation of the containers as evident by the photographs. According to Mr. Osborn, no action has been taken in Building #2; the examples of this violation identified in the original videotape continue to occur.

9) Failure to keep containers of hazardous waste closed during storage; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.173(a). All waste containers must be closed in such a way as to prevent spillage, minimize volatilization and minimize employee

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contact with the waste. Numerous containers of hazardous waste were not closed. Throughout the facility, many of the containers under SSUROS and the HSED were uncovered or uncapped as evidenced by the photographs. According to Mr. Osborn, the conditions in Building #2 have not changed; therefore the open containers inside Building #2 remain.

10) Failure to separate or protect containers of incompatible waste from each other by a dike, berm or wall; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.177(c). Reactive and Ignitable wastes are being stored next to organics throughout the facility. At the time of the August 25, 2005 inspection, organics, corrosives, and reactives were stored in Building #3. Although overpacked by EOI, they were not segregated by a wall or a berm. The conditions in Building #2 have not changed; therefore the incompatibles inside remain without segregation.

11) Failure to maintain a containment system if storing greater than 1,000 kilograms of liquid hazardous waste or one kilogram of acutely hazardous waste; 10 CSR 25-5.262(2)(C)2.D.(I). The state hazardous waste regulations require liquid wastes in excess of 1,000 kilograms to be stored in a containment system that has an impervious base free of cracks and with adequate capacity and constructed so as to prevent run-on. No containment system was in place during the August 25, 2005 inspection for the wastes stored in the open, Building #1, Building #2 or Building #3.

12) Failure to protect containers from contact with accumulated liquids; 10 CSR 25-5.262(2)(C)2.D.(III)(b). During the August 25, 2005 inspection containers of waste were stored directly on the ground or concrete. Others were exposed to rainfall being stored outside as evident by the photographs. According to Mr. Osborn, the conditions in Building #2 have not changed; therefore the violations identified in the videotape taken during the April 2004 inspection remain.

13) Failure to store containers of ignitable or reactive waste >50 feet from the property line (or meet requirements); 10 CSR 25-5.262(2)(C)6 referencing 40 CFR 265.176 as amended by 10 CSR 25-7.265(2)(I)7 and 8. Containers having an ignitable liquid insignia were being stored in front of Building #2 and in Building #2 within 50 feet of the property line as identified by the photographs.

14) Failure to clearly mark containers as hazardous waste; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(3). None of the containers of wastes in Building #1, Building #2 or stored outside were labeled as hazardous wastes. SSUROS that are hazardous wastes were not labeled as such, as evident by photographs taken on August 25, 2005. According to Mr. Osborn, the conditions in Building #2 have not changed; therefore the violations identified in the videotape taken during the April 2004 inspection remain.

15) Failure to package/label/mark waste per DOT during the entire on-site storage period; 10 CSR 25-5.262(2)(C)1. Many of the wastes were not labeled per DOT during the entire onsite storage period as evidenced by photographs taken on August 25, 2005. According to Mr. Osborn, the conditions in Building #2 have not changed; therefore the violations identified in the videotape of Building #2, taken during the April 2004 inspection, remain.

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16) Failure to include the date of accumulation on containers of hazardous waste; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(2). The date of accumulation must be provided on all containers of hazardous waste during the entire on-site storage period. Except for those containerized by EOI in Building #3, none of the containers were identified with a date of when they came in to the facility or were determined to be wastes.

17) Failure to inspect and maintain the facility (weekly); 10 CSR 25-5.262(2)(C)2.C.(I) and (II) referencing 40 CFR 265.174. The regulations require that the inspection identify the types of problems that are to be looked for, the name of the person making the inspections rather than the initials, a notation of observations and the date of any repairs or remedial actions. During the August 25, 2005 inspection, Mr. Osborn stated that no weekly inspections for hazardous waste requirements were being performed. Additionally, the compromised condition of the coverings required by the HSED, coupled with general onsite conditions, was evidence the site is not being maintained per the regulatory requirements.

18) Failure to conduct a daily inspection of areas subject to spills, i.e. waste handling areas; 10 CSR 25-5.262(2)(C)2.C.(II). No daily inspections are being conducted according to Mr. Osborn for hazardous waste issues. Wastes continue to come into the facility as evident by the February and July 2005 SSUROS, yet no inspections are being performed. Containers identified in the HSED were neither inspected nor the requirements of the order maintained.

19) Failure to provide adequate aisle space; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.35. The hazardous waste must be stored so that there is adequate aisle space to allow the unobstructed movement of personnel and emergency equipment in and around the containers. The pallets and containers in Buildings #1, #2 and #3 as well as outside were stored in such a manner as to obstruct the movement of personnel and emergency equipment.

20) Failure to make placards available for the initial transporter; 10 CSR 25-5.262(1) incorporating 40 CFR 262.33. The regulations require generators of hazardous waste to make the appropriate placard(s) available to the initial transporter of the hazardous waste. In a subsequent telephone conversation on September 26, 2005, Mr. Osborn stated that general placards are available for shipments of product, but he could not identify the appropriate placards for some of the hazardous waste listings discussed.

21) Failure to place "No Smoking" signs by ignitable or reactive waste; 10 CSR 25-5.262(2)(C)2.F.(II). There were not any "No Smoking" signs observed in Building #1, Building #2 or Building #3. An ashtray was situated atop a drum in Building #1 in close proximity to wastes with an ignitable liquid insignia. Additional ignition sources were observed in Building #1 in close proximity to wastes including a cutting torch and battery charger. Cigarette butts were observed around the north end of Building #1 and throughout various locations on the premises.

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22) Failure to operate and maintain the facility to minimize the possibility of an emergency; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.31. The condition of the containers of waste, the observed leakage and spillage and open containers document the facility was not being maintained to prevent an emergency and lack of understanding of the hazardous waste regulations. Additionally the continuation of the HSED by the department since April 2004, documents the facility was not being maintained.

23) Failure to provide adequate and proper spill control, decontamination and safety equipment (fire blankets, respirator, SCBA, absorbents, etc.); 10 CSR 25-5.262(2)(C)2.E. The facility is lacking in spill control and decontamination equipment. Information on the location and capabilities of the equipment must be provided in the Contingency Plan. Adequate fire extinguishers were not available in all storage areas believed to contain hazardous waste. There did not appear to be adequate decontamination, spill or safety equipment in Buildings #2 & #3. The only source of spill containment was bagged absorbents.

24) Failure to provide adequate water supply and fire control equipment; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.32(c) and (d). Fire extinguishers were not observed in Building #3 nor in the front of Building #2. One freeze proof type hose hydrant was observed outside both structures. In the event of a fire in either building these would have not been sufficient. In a subsequent telephone conversation with Mr. Osborn on September 26, 2005, Mr. Osborn indicated that no supplemental water supply was being provided, such as a tank truck dedicated to supply water for fire protection.

25) Failure to provide a device in the hazardous waste operation area capable of summoning emergency assistance; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.34(a). There was not any device observed in Building #3 capable of summoning emergency assistance. No device was observed in the front of Building #2. The phone in Building #1 is located in the office located in the middle of the building and is not in a direct line of site with the storage area.

26) Failure of a generator of hazardous waste to utilize a manifest system; Section 260.380.1.(6) RSMo and 10 CSR 25-5.262(2)(B). Carman received pesticides in a condition in which they could not be sold or used after being instructed by the department not to receive these wastes at the facility. Some of the chemicals identified in the SSUROS in February and July 2005 contain hazardous waste constituents and were transported to the site without the use of a manifest.

27) Failure of a generator to test or use knowledge of a waste to determine if the waste is restricted from land disposal; 10 CSR 25-7.268(1) incorporating 40 CFR 268.7(a). By continuing to allow some of the hazardous waste to be disposed into the environment, Mr. Carman violated the land ban disposal restriction requirements. At the time of the August 25, 2005 inspection, many other wastes on-site have not been tested to determine if waste is restricted from land disposal.

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28) Failure to train personnel to respond to emergencies including the use of alarm systems, emergency equipment and contingency plan; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(a)(3). According to Mr. Osborn on August 25, 2005, ~~the facility has not provided information and training to the employees regarding hazardous~~ materials and had not provided site specific training to personnel to perform their duties in a way that ensures compliance with the hazardous waste regulations.

29) Failure to train employees prior to working in unsupervised positions within six months of employment; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(b). According to Mr. Osborn on August 25, 2005, the facility has not provided information and training to the employees regarding hazardous materials and had not provided site specific training to teach personnel to perform their duties in a way that ensures compliance with the hazardous waste regulations. During the April 2004 inspection, Mr. Carman reported that he utilizes summer part-time workers. Mr. Osborn was not aware of any Hazardous Waste Training Plan at the time of the August 25, 2005 inspection.

30) Facility failed to demonstrate adequate training is reviewed annually; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(c). All persons working in the hazardous waste area or with hazardous waste must participate in the training and take part in an annual review. According to Mr. Osborn on August 25, 2005, the facility has not provided information and training to the employees regarding hazardous materials. It has been over a year since this issue was identified in the April 2004 inspection.

31) Failure to ensure the program director is trained in hazardous waste management procedures; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(a)(2). Personnel training must be directed by a person trained in hazardous waste management procedures and must include instruction, which teaches facility personnel hazardous waste management procedures relevant to the positions in which they are employed.

32) Failure to maintain a contingency plan on-site; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.53(a). All generators of more than 1,000 kilograms of hazardous waste or one kilogram of acutely hazardous waste or generators who accumulate that amount of waste must maintain a contingency plan. The plan must be designed to minimize hazards to human health or to the environment due to emergency situations at the facility. The requirements of the plan are listed in 40 CFR 265 Subpart D. A contingency plan has still not been developed for this facility.

33) Failure to submit a copy of the contingency plan to local emergency response agencies; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.53(b). Documentation has not been provided to demonstrate that notification of the potential hazards associated with the operation of the facility were communicated to emergency response agencies.

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34) Failure to ensure the emergency coordinator is on-site or on call; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.55. The emergency coordinator must either be on-site or on call at all times. Mr. Carman stated that he can be contacted most of the time via his cell phone; however this does not suffice the intent of the regulation to have a qualified emergency coordinator on-site or on call at all times. ~~Mr. Carman is not available by telephone or on-site at all times.~~ During the August 25, 2005 inspection Mr. Osborn did not demonstrate that he has been assigned as the emergency coordinator.

35) Failure for the contingency plan to describe arrangements with emergency response agencies; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.52(c). No formal arrangements had been made with local emergency agencies indicating their responsibilities in event of emergency.

36) Failure to list emergency equipment including description, location and capabilities; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.52(e). According to Mr. Osborn on August 25, 2005, a listing of the emergency equipment has not been developed.

37) Failure to develop an evacuation plan, if applicable, and designate primary and secondary routes and evacuation signal; 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.52(f). No formal evacuation plan was developed for employees and customers.

38) Improper disposal into the environment or management of waste oil; 10 CSR 25-11.279(2)(B)4.B. During the April 2004 investigation, Mr. Carman stated used oil is generated during maintenance activities on business vehicles owned by Carman. During the April 2004 inspection spills of used oil were observed on the Carman property in and around the containers used to store the oil. During the August 25, 2005 inspection, oil was observed spilled into the environment on the north end of Building #1 and on the west side of Building #2. (Photographs Taken)

39) Failure to label or clearly mark containers used for storing oil with the words "Used Oil;" 10 CSR 25-11.279(1) incorporating 40 CFR 279.22(c)(1). During the April 2004 inspection, four drums that appeared to be used for storage of used oil were not labeled. At that time, Mr. Carman verified the drums contained used oil. During the August 25, 2005 inspection numerous drums of what appeared to be used oil were not labeled.

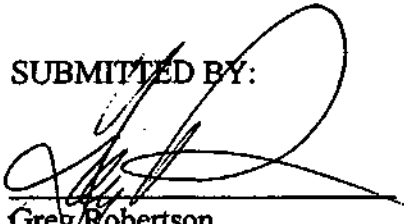
40) Failure to keep used oil containers exposed to rainfall closed; 10 CSR 25-11.279(2)(C)6. The containers of used oil located near the loading dock at the north end of Building #1 were open and had accumulated rainwater. (Photographs Taken)

41) Failure to clean up spills and leaks of used oil promptly; 10 CSR 25-11.279(1) incorporating 40 CFR 279.22(d). Some spillage of used oil had occurred from the containers of used oil located near the loading dock on the north side of Building #1 and on the west side of Building #2. (Photographs Taken)

REQUIRED ACTIONS

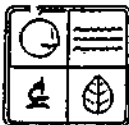
1. Immediately close and/or cover all containers of hazardous waste and used oil.
 2. Take actions to ensure leaking containers are addressed promptly and properly.
 3. Comply with the aspects of all negotiated agreements with the Missouri Department of Natural Resources, MDA and EPA.
 4. Coordinate with the Hazardous Waste Program Enforcement Section in the resolution of the outstanding issues relative to the regulatory requirements for a Large Quantity Generator.
-

SUBMITTED BY:



Greg Robertson
Environmental Specialist IV
Northeast Regional Office

GR/ps



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
HAZARDOUS WASTE PROGRAM
LARGE QUANTITY GENERATOR INSPECTION CHECKLIST

L

FOR FACILITIES THAT GENERATE/ACCUMULATE > 1000 Kg (2,200 lbs. or approximately 5 drums, or > 2.2 lbs. of acutely hazardous waste)

NAME CARMAN Chemical INC		DATE 8-25-05	EPA ID NUMBER MO8000012740
ADDRESS 29358 BUS Hwy 24 WEST		RR NUMBER NONE	MO ID NUMBER 039229
CITY PARIS	COUNTY MONROE	ZIP CODE 65275	YEARS AT SITE 15 yrs
DATE(S) OF LAST INSPECTION(S) APRIL 7/8 2004 - GREG ROBERTSON			TELEPHONE NUMBER (660) 327-5155
FACILITY REPRESENTATIVE(S), TITLE(S) MR. DEAN OSBORN, SR. WAREHOUSE MANAGER			NUMBER OF EMPLOYEES 6 Full Time

APPLICABILITY

USED OIL GENERATOR ATTACHMENT <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	RESOURCE RECOVERY ATTACHMENT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	SUBPART <input type="checkbox"/> AA <input type="checkbox"/> BB <input type="checkbox"/> CC
TANK ATTACHMENT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	UNIVERSAL WASTE ATTACHMENT <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	<input checked="" type="checkbox"/> NO
EXPLAIN EXEMPTION(S) BELOW		

DESCRIPTION OF THE FACILITY'S OPERATIONS AND PLANT

SEE DETAILED REPORT

WASTE STREAMS

DESCRIBE EACH WASTE STREAM GENERATED (INCLUDING THE PRODUCTION PROCESS)	GENERATION RATE	EPA WASTE CODES	DISPOSITION
1. SEE ATTACHED MANIFESTS			
2.			
3.			
4.			
5.			

NA = NOT APPLICABLE

A. GENERAL			COMMENTS
<input checked="" type="checkbox"/> 1. Registered as a hazardous waste generator - Section 260.380.1(1) RSMo and 10 CSR 25-5.262(2)(A).	1	GGR	
<input checked="" type="checkbox"/> 2. Facility determines if waste is hazardous - 10 CSR 25-5.262(1) incorporating 40 CFR 262.11.	1	GGR	
<input checked="" type="checkbox"/> 3. Uses a licensed hazardous waste transporter - Section 260.380.1(5) RSMo.	1	GGR	
<input checked="" type="checkbox"/> 4. Uses authorized hazardous waste TSD or RR facility - Section 260.380.1(7) RSMo.	1	GGR	
<input checked="" type="checkbox"/> 5. Does not operate as a TSD - Section 260.390.1(1) RSMo.	1	GGR	
<input type="checkbox"/> 6. Facility has updated notification as required - 10 CSR 25-5.262(2)3.B.	2	GGR	NA
<input checked="" type="checkbox"/> 7. Materials are not accumulated speculatively - 10 CSR 25-4.261 incorporating 40 CFR 261.1(c)(8).	2	GGR	NO RECYCLING -- NA
<input type="checkbox"/> 8. Facility can demonstrate legitimate recycling - 10 CSR 25-4.261 incorporating 40 CFR 261.2(f).	2	GGR	STUFF ON SITE FOR YEARS

PART 1: WALK-THROUGH INSPECTION

B. PRETRANSPORT CONTAINERIZATION & STORAGE			COMMENTS
<input checked="" type="checkbox"/> 1. Storage does not exceed 90 days or 180/270 days if facility accumulates > 1000 Kg - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a).	1	GPT	
<input checked="" type="checkbox"/> 2. Containers in good condition - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.171.	1	GPT	
<input checked="" type="checkbox"/> 3. Waste compatible with container - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.172.	1	GPT	
<input checked="" type="checkbox"/> 4. Containers closed in storage - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.173(a).	1	GPT	
<input checked="" type="checkbox"/> 5. Containers storing incompatible waste separated or protected from each other by a dike, berm or wall - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.177(c).	1	GPT	
<input checked="" type="checkbox"/> 6. Container storage areas have a containment system if holding more than 1000 Kg of liquid hazardous waste - 10 CSR 25-5.262(2)(C)2.D(I).	1	GOR	
<input checked="" type="checkbox"/> 7. Base of containment system is impervious and free of cracks or gaps - 10 CSR 25-5.262(2)(C)2.D(III)(a).	2	GOR	7. NO CONTAINMENT
<input checked="" type="checkbox"/> 8. Containers protected from contact with accumulated liquids - 10 CSR 25-5.262(2)(C)2.D(III)(b).	2	GOR	
<input checked="" type="checkbox"/> 9. Capacity of containment system = 10% of waste volume or volume of largest container, whichever is greater - 10 CSR 25-5.262(2)(C)2.D(III)(c).	2	GOR	9. NO CONTAINMENT
<input checked="" type="checkbox"/> 10. Run-on onto the containment system is prevented or excess capacity is provided - 10 CSR 25-5.262(2)(C)2.D(III)(d).	2	GOR	10. " "
<input checked="" type="checkbox"/> 11. Accumulated liquids removed to prevent overflow of containment - 10 CSR 25-5.262(2)(C)2.D(III)(e).	2	GOR	11. " "
<input checked="" type="checkbox"/> 12. Containers of ignitable or reactive waste stored 50 feet from property line (or meet requirements) - 10 CSR 25-5.262(2)(C)6 referencing 40 CFR 265.176 as amended by 10 CSR 25-7.265(2)(I)7 & 8.	2	GPT	
<input checked="" type="checkbox"/> 13. Containers clearly marked "Hazardous Waste" - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(3).	2	GPT	
<input checked="" type="checkbox"/> 14. Waste packaged/labeled/marked per DOT during entire on-site storage period - 10 CSR 25-5.262(2)(C)1.	2	GPT	
<input checked="" type="checkbox"/> 15. Date of accumulation marked on containers - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(2).	2	GPT	
<input checked="" type="checkbox"/> 16. Facility inspected and maintained (weekly) - 10 CSR 25-5.262(2)(C)2.C(I) and (II) referencing 40 CFR 265.174	2	GPT	
<input checked="" type="checkbox"/> 17. Daily inspection of areas subject to spills, i.e., waste handling areas - 10 CSR 25-5.262(2)(C)2.C(II).	2	GOR	
<input checked="" type="checkbox"/> 18. Adequate aisle space is available - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.35.	2	GPT	
<input checked="" type="checkbox"/> 19. Placards available for transporter - 10 CSR 25-5.262(1) incorporating 40 CFR 262.33.	2	GPT	

B. RETRANSPORT, CONTAINERIZATION & STORAGE (CONTINUED)**COMMENTS**

20. ☒ Precautions are taken to prevent accidental ignition or reaction of ignitable or reactive wastes, including confining smoking and open flame to specially designated locations and conspicuously placing "No Smoking" signs by ignitable or reactive wastes - 10 CSR 25-5.262(2)(C)2.F(II).

2

GOR

C. SATELLITE ACCUMULATION**COMMENTS**

1. ☐ Containers kept closed - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(c)(1)(i) referencing 40 CFR 265.173(a).
2. ☐ Containers in good condition - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(c)(1)(i) referencing 40 CFR 265.171.
3. ☐ Waste compatible with container - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(c)(1)(i) referencing 40 CFR 265.172.
4. ☐ Quantities accumulated not exceeding 55 gallons (1 quart of acutely-hazardous wastes) - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(c)(1).
5. ☐ Satellite containers go to storage within 3 days of filling - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(c)(2).
6. ☐ Container marked identifying contents and beginning date - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(c)(1)(ii) as modified by 10 CSR 25-5.262(2)(C)3.
7. ☐ Stored in satellite areas less than 1 year - 10 CSR 25-5.262(2)(C)3.
8. ☐ Satellite containers stored at or near the point of waste generation and under the control of the operator - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(c)(1).

1

GPT

1

GPT

1

GPT

1

GPT

1

GPT

2

GPT

2

GPT

2

GPT

NO
Satellite
Accum
Areas

D. PREPAREDNESS, PREVENTION AND EMERGENCY PROCEDURES**COMMENTS**

1. ☒ Facility operated and maintained to minimize the possibility of an emergency - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.31.
2. ☒ Adequate and proper spill control, decontamination and safety equipment available (fire blankets, respirators, SCBA, absorbents, etc.) 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.32 as amended by 10 CSR 25-5.262(2)(C)2.G.
3. ☒ Adequate water supply and fire control equipment - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.32(c) & (d).
4. ☒ Device in the hazardous waste operation area capable of summoning emergency assistance - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.34(a).
5. ☒ Telephone or two-way radio on-site and capable of summoning local fire or police department - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.32(b).
6. ☒ Communication and emergency equipment tested and maintained - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.33.

1

GPT

2

GPT

2

GPT

2

GPT

2

GPT

2

GPT

PART 2: RECORDS INSPECTION**E. MANIFESTS****COMMENTS**

1. ☒ Facility uses manifest system - Section 260.380.1(6) RSMo and 10 CSR 25-5.262(2)(B).
2. ☐ Manifests maintained for a 3-year period - 10 CSR 25-5.262(1) incorporating 40 CFR 262.40(a).
3. ☐ Generator's MO & EPA ID Numbers - 10 CSR 25-5.262(1) incorporating 40 CFR 262.20(a) as amended by 10 CSR 25-5.262(2)(B)1.
4. ☐ Manifest document ID and consecutive shipment numbers - 10 CSR 25-5.262(2)(B)2.A.
5. ☐ Generator's name, address and phone number - 10 CSR 25-5.262(2)(B)1.
6. ☐ All transporters' names, phone numbers, MO & EPA ID numbers, license plate numbers - 10 CSR 25-5.262(2)(B)1 & 2.

1

GMR

2

GMR

2

GMR

2

GMR

2

GMR

2

GMR

2 shipments of waste
chemical received
from off-site upo
manifest.

E. MANIFESTS (CONTINUED)			COMMENTS
7. <input checked="" type="checkbox"/> Designated facility name, address, phone, MO & EPA ID numbers, - 10 CSR 25-5.262(2)(B)1 & 2.	2	GMR	1 shipment on 9/12/05 did use manifest
8. <input checked="" type="checkbox"/> DOT shipping name, Hazard Class and waste ID number (RQ - if required) - 10 CSR 25-5.262(2)(B)1 & 2.	2	GMR	
9. <input checked="" type="checkbox"/> Containers, quantity and specific gravity designated - 10 CSR 25-5.262(2)(B)1 & 2.	2	GMR	
10. <input checked="" type="checkbox"/> Manifest signed and dated - 10 CSR 25-5.262(2)(B)1.	2	GMR	
11. <input checked="" type="checkbox"/> Out of state manifests have all required MO information - 10 CSR 25-5.262(2)(B)4.	2	GMR	
12. <input checked="" type="checkbox"/> Manifest returned within 35 days - or exception report submitted within 45 days - 10 CSR 25-5.262(2)(D)2.C.	2	GMR	
F. LAND DISPOSAL RESTRICTIONS			COMMENTS
1. <input type="checkbox"/> Tests waste or uses knowledge of waste to determine if the waste is restricted from land disposal - 10 CSR 25-7.268(1) incorporating 40 CFR 268.7(a).	1	GLB	#2 ? perhaps evap & RAINWATER is diluting #3. NOT EVALUATED (NE)
2. <input type="checkbox"/> Dilution of waste to meet LDR treatment standards is not occurring - 10 CSR 25-7.268(1) incorporating 40 CFR 268.3(a).	1	GLB	
3. <input type="checkbox"/> Notification/certification includes correct EPA hazardous waste number, corresponding treatment standards, manifest number, and waste analysis data - 10 CSR 25-7.268(1) incorporating 40 CFR 268.7(b).	2	GLB	
G. PERSONNEL TRAINING			COMMENTS
1. <input type="checkbox"/> Personnel are trained to respond to emergencies including the use of alarm systems, emergency equipment and contingency plan - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(a)(3).	2	GOR	#5 #6/#7/#8/#9 NO PLAN / NO TRAINING NO WAY TO EVALUATE
2. <input type="checkbox"/> Employees do not work in unsupervised positions until they have completed the training - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(b).	2	GOR	
3. <input type="checkbox"/> Training reviewed annually - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(c).	2	GOR	
4. <input type="checkbox"/> Program director trained in hazardous waste management procedure - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(a)(2).	2	GOR	
5. <input type="checkbox"/> Personnel training plan on-site - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(d).	2	GOR	
6. <input type="checkbox"/> Gives job title, job description and name of employee filling each position - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(d)(1) & (2).	2	GOR	
7. <input type="checkbox"/> Written description of introductory and continuing training that will be given to each position - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(d)(3).	2	GOR	
8. <input type="checkbox"/> Documentation of training completed by personnel - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(d)(4).	2	GOR	
9. <input type="checkbox"/> Records of current personnel maintained until facility closure, former employee records maintained for at least three years - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(e).	2	GOR	
H. CONTINGENCY PLAN			COMMENTS
1. <input type="checkbox"/> Contingency plan maintained on-site - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.53(a).	2	GOR	NO PLAN
2. <input type="checkbox"/> Plan submitted to local emergency response agencies - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.53(b).	2	GOR	
3. <input type="checkbox"/> Emergency coordinator on-site or on call - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.55.	2	GOR	
4. <input type="checkbox"/> Plan describes actions personnel must take in response to fires, explosions or other releases of hazardous waste - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.52(a).	2	GOR	

H. CONTINGENCY PLAN (CONTINUED)

COMMENTS

<input checked="" type="checkbox"/> 5. Describes arrangements with emergency response agencies - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.52(c).	2	GOR
<input checked="" type="checkbox"/> 6. Lists names, addresses and phone numbers (home and office) of emergency coordinator(s) - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.52(d).	2	GOR
<input checked="" type="checkbox"/> 7. Primary emergency coordinator designated - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.52(d).	2	GOR
<input checked="" type="checkbox"/> 8. List emergency equipment including description, location and capabilities - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.52(e).	2	GOR
<input checked="" type="checkbox"/> 9. Evacuation plan, if applicable, designates primary and secondary routes and evacuation signal - 10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.52(f).	2	GOR

#6 10 PLAN

CHECKLIST KEY

Check the box if in compliance.

Circle the box if not in compliance and provide comment.

N/A = Not Applicable.

An item emphasized by a black line on the left is a serious deviation from the requirements (Class I Violation).

An unemphasized item is a significant deviation from the requirements (Class II Violation unless conditions warrant Class I)

COMMENTS: INCLUDE DISCUSSION OF FACILITY'S WASTE MINIMIZATION PLAN

CHECK ALL POTENTIAL MULTI-MEDIA VIOLATIONS AND IMPACTS (SPECIFY AND COMMENT BELOW)

APC	PDW	SWM	HW	WPC
<input type="checkbox"/> Fugitive Dust <input type="checkbox"/> Particulate <input type="checkbox"/> Burning <input type="checkbox"/> Asbestos <input type="checkbox"/> Odors <input type="checkbox"/> Toxics <input type="checkbox"/> Other	<input type="checkbox"/> Taste & Odors <input type="checkbox"/> Bacteria <input type="checkbox"/> Pressure <input type="checkbox"/> Color <input type="checkbox"/> Flow <input type="checkbox"/> Toxics <input type="checkbox"/> Other	<input type="checkbox"/> Open Dumps <input type="checkbox"/> Littering <input type="checkbox"/> Waste Tire Dump <input type="checkbox"/> SLF <input type="checkbox"/> Other	<input type="checkbox"/> Transportation <input type="checkbox"/> PCBs <input type="checkbox"/> USTs/LUSTs <input type="checkbox"/> Other	<input type="checkbox"/> Animal Waste <input type="checkbox"/> Bypassing <input type="checkbox"/> Treatment Plant Opera <input type="checkbox"/> Sawdust <input type="checkbox"/> Sludge <input type="checkbox"/> Single Family <input type="checkbox"/> Ground Water <input type="checkbox"/> Storm Water <input type="checkbox"/> Toxics/UST <input type="checkbox"/> Other

COMMENTS

DATE

8-25-2005

INSPECTOR'S SIGNATURE



STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
HAZARDOUS WASTE PROGRAM

L-C

LARGE QUANTITY GENERATOR INSPECTION CHECKLIST - USED OIL ATTACHMENT

NAME <i>CARMAN Chemical</i>	EPA ID NUMBER <i>MOR000012740</i>
CITY <i>PARIS</i>	MO ID NUMBER <i>039229</i>

I. USED OIL STORAGE

COMMENTS

1. <input type="checkbox"/> Used oil is managed properly and not disposed of into the environment or cause a public nuisance - 10 CSR 25-11.279(2)(B)4.B.	1	GOR
2. <input checked="" type="checkbox"/> Containers in good condition - 10 CSR 25-11.279(1) incorporating 40 CFR 279.22(b)(1).	1	GOR
3. <input type="checkbox"/> Containers storing used oil are not leaking - 10 CSR 25-11.279(1) incorporating 40 CFR 279.22(b)(2).	1	GOR
4. <input checked="" type="checkbox"/> Containers/aboveground tanks are labeled or marked clearly "Used Oil" - 10 CSR 25-11.279(1) incorporating 40 CFR 279.22(c)(1).	2	GOR
5. <input type="checkbox"/> Fill pipes used to transfer used oil into underground storage tanks are labeled or marked clearly "Used Oil" - 10 CSR 25-11.279(1) incorporating 40 CFR 279.22(c)(2).	2	GOR
6. <input checked="" type="checkbox"/> Containers/tanks which are exposed to rainfall are closed - 10 CSR 25-11.279(2)(C)6.	2	GOR
7. <input type="checkbox"/> Clean up any spills or leaks of used oil - 10 CSR 25-11.279(1) incorporating 40 CFR 279.22(d).	2	GOR
8. <input type="checkbox"/> Mixtures of used oil and hazardous waste are properly managed according to state hazardous waste regulations - 10 CSR 25-11.279(2)(B)2.	2	GOR

*CURRENT
MANAGEMENT IS
UNKNOWN.*

*#8.
UNKNOWN*

J. ON-SITE BURNING

COMMENTS

1. <input type="checkbox"/> Burn only their own used oil or used oil from DIY'ers or exempt farmers - 10 CSR 25-11.279(1) incorporating 40 CFR 279.23(a) amended by 10 CSR 25-11.279(2)(A)1.	1	GOR
2. <input type="checkbox"/> Burn only in space heaters with design capacity < .5 million BTU/hr - 10 CSR 25-11.279(1) incorporating 40 CFR 279.23(b).	1	GOR
3. <input type="checkbox"/> Combustion gases from the heater are vented to the ambient air - 10 CSR 25-11.279(1) incorporating 40 CFR 279.23(c).	1	GOR

*NO on-site
Burning*

K. OFF-SITE SHIPMENTS TO APPROVED COLLECTION CENTERS

COMMENTS

1. <input type="checkbox"/> Used oil is transported by transporters who have obtained EPA identification numbers unless one of the following is met - 10 CSR 25-11.279(1) incorporating 40 CFR 279.24.	1	GOR
--	---	-----

NA

40 CFR 279.24(a)

2. <input type="checkbox"/> Transports used oil in a vehicle owned by the generator or owned by an employee of the generator - 10 CSR 25-11.279(1) incorporating 40 CFR 279.24(a)(1).	2	GOR
3. <input type="checkbox"/> Transports no more than 55 gallons of used oil at any time - 10 CSR 25-11.279(1) incorporating 40 CFR 279.24(a)(2).	2	GOR
4. <input type="checkbox"/> Transports the used oil to a used oil collection center that is registered, licensed, permitted, or recognized by a state/county/municipal government to manage used oil - 10 CSR 25-11.279(1) incorporating 40 CFR 279.24(a)(3).	2	GOR

NA

40 CFR 279.24(b)

5. <input type="checkbox"/> Transports the used oil to an aggregation point that is owned and/or operated by the same generator - 10 CSR 25-11.279(1) incorporating 40 CFR 279.24(b)(3).	2	GOR
--	---	-----

NA

40 CFR 279.24(c)

6. <input type="checkbox"/> Used oil is reclaimed under a contractual agreement (tolling arrangement) - 10 CSR 25-11.279(1) incorporating 40 CFR 279.24(c).	2	GOR
---	---	-----

NA



STATE OF MISSOURI
MISSOURI DEPARTMENT OF NATURAL RESOURCES
**NOTICE OF VIOLATION PURSUANT TO REQUIREMENTS OF THE MISSOURI
HAZARDOUS WASTE MANAGEMENT LAW, RULES AND REGULATIONS**

FACILITY NAME Carman Chemical Inc.		NOTICE OF VIOLATION NUMBER 3324NE Page 1 of 5	
ADDRESS 25358 Business Hwy 24 West	CITY Paris	STATE MO	ZIP CODE 65275
EPA ID NUMBER MOR000012740	MISSOURI ID NUMBER 039229	DATE OF INSPECTION 08-25-2005	

During an inspection and/or a review of information or documentation completed this date to determine compliance with the requirements of the Missouri Hazardous Waste Management Law, Sections 260.350-260.550, RSMo and/or the Rules and Regulations at 10 CSR 25, the following violations were identified. The 40/49 CFR regulations cited below have been adopted by reference in the Missouri Hazardous Waste Regulations.

CITATION	DESCRIPTION OF VIOLATION
10 CSR 25-5.262(1) incorporating 40 CFR 262.11	Failure of a generator of a solid waste to determine if that waste is a hazardous waste
Section 260.380.1(5) RSMo.	Failure for a generator of hazardous waste to utilize a licensed hazardous waste transporter
Section 260.380.1(7) RSMo	Failure of a generator of hazardous waste to utilize an authorized hazardous waste treatment/storage/disposal or resource recovery facility
Section 260.390.1(1) RSMo	Operation as a treatment/storage or disposal facility without prior approval from the department
Section 260.380.1(1) RSMo and 10 CSR 25-5.262(2)(A)	Failure to register as a hazardous waste generator
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a).	Storage of hazardous wastes greater than 90 days if generate 1000 kilograms/month (greater than 180/270) days by a large quantity generator
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.173(a).	Failure to keep containers of hazardous waste closed during storage
10 CSR 25-5.262(2)(C)2.D.(I)	Failure to maintain a containment system if storing greater than 1000 Kilograms of liquid hazardous waste

This information is provided to call your attention to those areas of noncompliance at the earliest possible time. This notice does not constitute a compliance order issued pursuant to Section 260.410, RSMo and may not be a complete listing of all violations which may be identified as a result of this inspection.

The owner/operator is hereby requested to submit in writing within 15 days of receipt of this notice a description of all corrective actions taken and/or a schedule for completion of necessary corrective actions to be taken to: Chief, Ms. Kathy Flippin

Hazardous Waste Program, Enforcement Section, Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102.

with a copy to the Northeast Regional Office, 1709 Prospect Drive, Macon, MO 63552.

If you have any questions about this notice or wish to discuss your response, you may call me at 660 385- 2129 or Ms. Flippin
at 573-751-3176.

Signature of Preparer: 

Date: 9-27-2005

Printed Name of Preparer: Greg Robertson

The undersigned person hereby acknowledges that he/she received a copy of this Notice and has read same.

SIGNATURE (PERSON RECEIVING NOTICE)	PRINTED NAME (PERSON RECEIVING NOTICE)
Sent via Certified Mail	
TITLE OR POSITION	DATE



STATE OF MISSOURI
MISSOURI DEPARTMENT OF NATURAL RESOURCES
**NOTICE OF VIOLATION PURSUANT TO REQUIREMENTS OF THE MISSOURI
HAZARDOUS WASTE MANAGEMENT LAW, RULES AND REGULATIONS**

FACILITY NAME Carman Chemical Inc.			NOTICE OF VIOLATION NUMBER 3324NE Page 2 of 5	
ADDRESS 25358 Business Hwy 24 West	CITY Paris	STATE MO	ZIP CODE 65275	
EPA ID NUMBER MOR000012740	MISSOURI ID NUMBER 039229	DATE OF INSPECTION 08-25-2005		

During an inspection and/or a review of information or documentation completed this date to determine compliance with the requirements of the Missouri Hazardous Waste Management Law, Sections 260.350-260.550, RSMo and/or the Rules and Regulations at 10 CSR 25, the following violations were identified. The 40/49 CFR regulations cited below have been adopted by reference in the Missouri Hazardous Waste Regulations.

CITATION	DESCRIPTION OF VIOLATION
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.171	Failure to store hazardous waste in containers in good condition
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.172.	Failure to store hazardous waste in containers compatible with that waste
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(1) referencing 40 CFR 265.177(c)	Failure to separate or protect containers of incompatible waste from each other by a dike, berm or wall
10 CSR 25-5.262(2)(C)2.D.(III)(b).	Failure to protect containers from contact with accumulated liquids
10 CSR 25-5.262(2)(C)6 referencing 40 CFR 265.176 as amended by 10 CSR 25-7.265(2)(I)7 and 8	Failure to store containers of ignitable or reactive waste >50 feet from the property line (or meet requirements)
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(3)	Failure to clearly mark containers as hazardous waste
10 CSR 25-5.262(2)(C)1	Failure to package/label/mark waste per DOT during the entire on-site storage period
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(2)	Failure to include the date of accumulation on containers of hazardous waste

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Signature of Preparer: [Signature] Date: 9-27-05

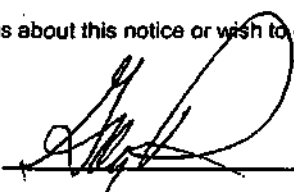
Printed Name of Preparer: Greg Robertson

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MISSOURI DEPARTMENT OF NATURAL RESOURCES
**NOTICE OF VIOLATION PURSUANT TO REQUIREMENTS OF THE MISSOURI
HAZARDOUS WASTE MANAGEMENT LAW, RULES AND REGULATIONS**

FACILITY NAME Carman Chemical Inc.			NOTICE OF VIOLATION NUMBER 3324NE Page 3 of 5	
ADDRESS 25358 Business Hwy 24 West		CITY Paris	STATE MO	ZIP CODE 65275
EPA ID NUMBER MOR000012740		MISSOURI ID NUMBER 039229		DATE OF INSPECTION 08-25-2005
During an inspection and/or a review of information or documentation completed this date to determine compliance with the requirements of the Missouri Hazardous Waste Management Law, Sections 260.350-260.550, RSMo and/or the Rules and Regulations at 10 CSR 25, the following violations were identified. The 40/49 CFR regulations cited below have been adopted by reference in the Missouri Hazardous Waste Regulations.				
CITATION		DESCRIPTION OF VIOLATION		
10 CSR 25-5.262(2)(C)2.C.(I) and (II) referencing 40 CFR 265.174		Failure to inspect and maintain the facility (weekly)		
10 CSR 25-5.262(2)(C)2.C.(II).		Failure to conduct a daily inspection of areas subject to spills		
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.35		Failure to provide adequate aisle space		
10 CSR 25-5.262(1) incorporating 40 CFR 262.33.		Failure to make placards available for the initial transporter		
10 CSR 25-5.262(2)(C)2.F.(II).		Failure to place "No Smoking" signs by ignitable or reactive waste		
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.31		Failure to operate and maintain the facility to minimize the possibility of an emergency		
10 CSR 25-5.262(2)(C)2.E.		Failure to provide adequate and proper spill control, decontamination and safety equipment (fire blankets, respirator, SCBA, absorbents, etc.)		
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.32(c) and (d)		Failure to provide adequate water supply and fire control equipment		
This information is provided to call your attention to those areas of noncompliance at the earliest possible time. This notice does not constitute a compliance order issued pursuant to Section 260.410, RSMo and may not be a complete listing of all violations Which may be identified as a result of this inspection.				
The owner/operator is hereby requested to submit in writing within 15 days of receipt of this notice a description of all corrective Actions taken and/or a schedule for completion of necessary corrective actions to be taken to: <u>Chief, Ms. Kathy Flippin</u>				
Hazardous Waste Program, Enforcement Section, Department of Natural Resources, P.O. Box 176, Jefferson City, MO 65102.				
With a copy to <u>the Northeast</u> Regional Office, <u>1709 Prospect Drive, Macon, MO 63552.</u>				
If you have any questions about this notice or wish to discuss your response, you may call me at <u>660 385- 2129</u> or Ms. Flippin at 573-751-3176.				
Signature of Preparer: <u></u>		Date: <u>9-27-05</u>		
Printed Name of Preparer: <u>Greg Robertson</u>				
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MISSOURI DEPARTMENT OF NATURAL RESOURCES
**NOTICE OF VIOLATION PURSUANT TO REQUIREMENTS OF THE MISSOURI
HAZARDOUS WASTE MANAGEMENT LAW, RULES AND REGULATIONS**

FACILITY NAME Carman Chemical Inc.		NOTICE OF VIOLATION NUMBER 3324NE Page 4 of 5	
ADDRESS 25358 Business Hwy 24 West	CITY Paris	STATE MO	ZIP CODE 65275
EPA ID NUMBER MOR000012740	MISSOURI ID NUMBER 039229	DATE OF INSPECTION 08-25-2005	

During an inspection and/or a review of information or documentation completed this date to determine compliance with the requirements the Missouri Hazardous Waste Management Law, Sections 260.350-260.550, RSMo and/or the Rules and Regulations at 10 CSR 25, the following violations were identified. The 40/49 CFR regulations cited below have been adopted by reference in the Missouri Hazardous Waste Regulations.

CITATION	DESCRIPTION OF VIOLATION
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(c).	Facility failed to demonstrate adequate training is reviewed annually
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.34(a).	Failure to provide a device in the hazardous waste operation area capable of summoning emergency assistance
Section 260.380.1.(6) RSMo and 10 CSR 25-5.262(2)(B).	Failure of a generator of hazardous waste to utilize a manifest system
10 CSR 25-7.268(1) incorporating 40 CFR 268.7(a).	Failure of a generator to test or use knowledge of a waste to determine if the waste is restricted from land disposal
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(b).	Failure to train employees prior to working in unsupervised positions within six (6) months of employment
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(a)(3)	Failure to train personnel to respond to emergencies including the use of alarm systems, emergency equipment and contingency plan
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.16(a)(2).	Failure to ensure the program director is trained in hazardous waste management procedures
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.53(a)	Failure to maintain a contingency plan on-site

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HAZARDOUS WASTE MANAGEMENT LAW, RULES AND REGULATIONS**

FACILITY NAME Carman Chemical Inc.		NOTICE OF VIOLATION NUMBER 33247NE Page 5 of 5	
ADDRESS 25358 Business Hwy 24 West	CITY Paris	STATE MO	ZIP CODE 65275
EPA ID NUMBER MOR000012740	MISSOURI ID NUMBER 039229	DATE OF INSPECTION 08-25-2005	

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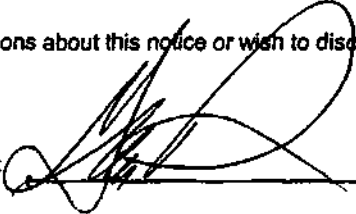
CITATION	DESCRIPTION OF VIOLATION
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.53(b).	Failure to submit a copy of the contingency plan to local emergency response agencies
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.55.	Failure to ensure the emergency coordinator is on-site or on call
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.52(c).	Failure for the contingency plan to describe arrangements with emergency response agencies
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.52(e).	Failure to list emergency equipment including description, location and capabilities
10 CSR 25-5.262(1) incorporating 40 CFR 262.34(a)(4) referencing 40 CFR 265.52(f).	Failure to develop an evacuation plan, if applicable, and designate primary and secondary routes and evacuation signal
10 CSR 25-11.279(2)(B)4.B.	Improper disposal into the environment or management of waste oil
10 CSR 25-11.279(1) incorporating 40 CFR 279.22(c)(1).	Failure to label or clearly mark used containers/aboveground tanks used for storing oil with the words "Used Oil"
10 CSR 25-11.279(2)(C)6	Failure to keep used oil containers exposed to rainfall closed
10 CSR 25-11.279(1) incorp 40 CFR 279.22(d)	Failure to cleanup use oil spills promptly

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Notification And Waste Stream Information

Epa ID MOR000012740 Missouri ID 039229 Facility Status Small Quantity

Date EPA Id Issued 04/17/1997 Notification Update Was Received: 08/29/2005 Record Add/Changed: 08/30/2005

Company Name CARMAN CHEMICAL

Facility Address 25358 BUS HWY 24 2

PARIS, MO 65275

County MONROE

Latitude Decimal Format 0.000000 Longitude Decimal Format 0.000000

Method Of Collection

Collection Site

Mailing Address PO BOX 176

PARIS, MO 65275

Contact Person/Position J P CARMAN PRES

Phone Number (660) 327-5155

Facility Owner JP CARMAN

Facility's Owner Address PO BOX 176

PARIS, MO 65275

Owner's Phone Number (660) 327-5155 Owner Type Private

Property Owner's Name JP CARMAN

Property Owner's Address PO BOX 176

PARIS, MO 65275

Property Owner's Phone Number (660) 327-5155 Property Owner Type Private

SIC Code 493130

☐ TSD Facility TSD Identification Number:

RCRA Identification Number:

☐ Generator/Facility Information is Confidential

☐ Large Quantity Handler Of Universal Waste

Registered EPA Hazardous Waste Numbers

D001	D004	D009	D012
D017	P010	P037	P044
P097	P108	U011	U044
U151	U279		