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Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Kansas City, Kansas, Lubricating Oil Manufacturer Enter into Consent Agreement

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The United States Environmental Protection Agency (“EPA”) and Fuchs Lubricants Co. (“Fuchs”) entered into an April 28th Consent Agreement and Final Order (“CAFO”) addressing alleged violations of the Resource Conservation Recovery Act (“RCRA”) hazardous waste regulations. See Docket No. RCRA-07-2021-0050.

The CAFO provides that Fuchs owns and operates a facility in Kansas City, Kansas, (“Facility”) that manufactures lubricating oils and greases.

The Facility is also described as including warehouses and shipping operations with 53 employees and approximately 10 contractors.

The Facility is stated to have notified EPA pursuant to Section 3010 of RCRA as a Large Quantity Generator (“LQG”) of hazardous waste.

EPA conducted a RCRA Compliance Evaluation Inspection (“CEI”) on or about January 6-7, 2020, addressing hazardous waste management practices at the Facility.

The Facility is stated to have been determined at the time of the inspection to be a:

- LQG of hazardous waste
- Used oil generator
- Small quantity handler or universal waste

Solid and hazardous waste stated to have been identified at the time of the inspection include:

- Various spent solvents, carrying the hazardous waste codes D001, F003 and F005.
- Spent Karl-Fisher reagent, carrying the hazardous waste code D002.
- Spent auto-viscometer, carrying the hazardous waste code D002.
- Spent tetrachloroethylene, carrying the hazardous waste code F001.
- Spent isopropyl alcohol-IPA (IPA), carrying the hazardous waste code D001, with an organic concentration of more than 10% according to facility process knowledge (based upon ignitability).

The Fuchs Facility is stated to accumulate spent isopropyl alcohol-IPA in two 330-gallon totes near the process area for the manufacture of aluminum complex grease. Further, two containers were stated to be filled through an opening in each container's closure device. It is further stated that the inspector:

. . . observed one container had a visible gap around the fill pipe, smelled the odor of isopropyl alcohol, and observed vapor emissions with the use of an EPA IR camera.

The Facility is stated to include one pump, seven valves in light liquid service, and seven connectors in light liquid service. Further, at the time of the inspection, a sniffer instrument was stated to be used to monitor leaks at the Facility. The CAFO provides that the sniffer was not calibrated consistent with Reference Method 21.

The Facility is stated to not have a RCRA permit or interim status.

Alleged violations identified in the CAFO include:

- Count 1: Operating as a Treatment, Storage or Disposal Facility without a RCRA permit or RCRA Interim Status
- Failure to date hazardous waste accumulation containers
- Failure to label hazardous waste accumulation containers
- Failure to maintain adequate aisle space
- Failure to conduct monthly monitoring on pumps in light service for leaks per Reference Method 21
- Failure to conduct weekly visual inspections on pumps in light service for liquids dripping from pump seals
- Failure to conduct monthly monitoring on valves in light service for leaks per Reference Method 21
- Failure to conduct leak detection monitoring per Reference Method 21
- Failure to record required information in the facility operating record for each piece of equipment to which Subpart BB of Part 265 applies
- Failure to Minimize Hazardous Waste Air Emissions
- Failure to list emergency coordinator information in contingency plan
- Count 2: Failure to Comply with Universal Waste Management Requirements
- Failure to label universal waste containers
- Failure to close universal waste containers
- The length of time of universal accumulation not demonstrated

Fuchs is stated to neither admit nor deny the factual allegations.

The CAFO assesses a civil penalty of \$255,344.

A copy of the CAFO can be downloaded [here](#).