

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

PROGRESS RAIL

603 S 3rd Ave

Marshalltown, Iowa 50158

708-387-3994 Installation Phone Number

641-750-5005 Site Contact Mobile Number

EPA ID Number IAD000829879

On

August 10, 2022

By

U.S. ENVIRONMENTAL PROTECTION AGENCY

Region VII

Enforcement and Compliance Assurance Division

1.0 INTRODUCTION

At the request of the Enforcement and Compliance Assurance Division (ECAD), I performed a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) at Progress Rail, 603 S 3rd Ave, Marshalltown, Iowa. The inspection was conducted on August 10, 2022. The CEI was conducted under the authority of RCRA Section 3007(a), as amended. During the inspection, I collected the information and data necessary to determine compliance with the applicable regulatory and statutory requirements. This report and attachments present the results of the CEI. Based on the information obtained during the inspection, I inspected Progress Rail as a very small quantity generator (VSQG) of known hazardous waste (HW), a small quantity handler of universal waste (SQHUW) lamps and batteries, and a generator of used oil. According to the U.S. Environmental Protection Agency (EPA) RCRAInfo database, the facility had not been previously inspected by the EPA.

2.0 PARTICIPANTS

Progress Rail:

Gerald “Jerry” Tupper, Environmental Health & Safety Specialist, (3 years with company), gtupper@progressrail.com

EPA:

Mark Holcomb, Civil Investigator/Inspector (SEE)

3.0 INSPECTION PROCEDURES

On August 10, 2022, I arrived unannounced at the facility at about 0930 hours. Initially I conducted a visual reconnaissance of the facility searching for areas of concern observable from

the adjacent public roadways and parking lots. This facility is several buildings on or near the railroad tracks, with no perimeter security fencing. I identified no environmental issues or concerns during this preliminary examination. I located Gerald Tupper, the environmental manager listed as the site contact on the EPA Site Verification Form. Mr. Tupper met me at the entrance to their south building and after introductions he escorted me to his office. Mr. Tupper stated that he had been with Progress Rail in this role for about three years and functions as the site contact for hazardous waste. Mr. Tupper told me there were currently no specific COVID-19 visitor requirements and the safety personal protective equipment (PPE) requirements at this facility were safety shoes, helmet, safety vest, eye protection, and hearing protection in some areas.

At the opening conference, I again introduced myself and presented my EPA ID and credentials. I explained the purpose and procedures of the inspection. I presented Mr. Tupper with a copy of RCRA Section 3007(a), which provides inspection authority. I explained my need to collect accurate information and presented him with a copy of Title 18 U.S. Code, Sections 1001 and 1002. I made him aware of his confidentiality rights and informed him that a Confidentiality Notice would be provided at the end of the inspection to make a confidentiality claim if he so desired.

The RCRA inspection consisted of a discussion of facility operations, waste generation, and waste management; a visual inspection of active waste generation and management areas; and a review of waste management records. Mr. Tupper was present throughout the entire inspection including the opening, document review, visual inspection, and closing conference.

I conducted a visual inspection of the following:

- Exterior Main Shop (see Photo 1)
- Waste Room – Main Shop (see Photo 2 and 3)
- West End of Main Shop (see Photo 4-7)
- Tool Room (see Photos 8 and 9)
- Primary Tool Room (see Photo 10)
- Floor Shop (see Photos 11-14)
- Washroom (see Photos 15 and 16)
- Warehouse – shipping & receiving

See Attachment #1 for the aerial and map views of the facility.

Document Photocopies and Photographs were collected as inspection documentation (see Attachments #1-12 and Photos 1-16). The photo log is included in Attachment #2. Information collected during the inspection is documented on an Entry/Exit checklist, the hazardous waste compliance checklists and in a notebook. I reviewed documents including the following: Safety Data Sheets (SDS); bills of lading; certificates of recycling; waste profiles; manifests; contingency plan; and staff training records.

On the afternoon of August 10, 2022, I held a closing conference. Participants included just Mr. Tupper. I provided Mr. Tupper with a Receipt for Documents (see Attachment #3) and a Confidentiality Notice (CBI) (see Attachment #4), which he signed as acknowledgement of receipt. No claim of confidential business information was made. I summarized my findings and

recommendations and provided Mr. Tupper with a Notice of Preliminary Findings (NOPF), which he signed to acknowledge receipt (see Attachment #5). I provided inspection and compliance assistance documents to Mr. Tupper during the inspection, some as paper versions and some in electronic PDF via email, that included the following:

- *RCRA Section 3007(a)*
- *Title 18 U.S. Code, Sections 1001 and 1002*
- *Confidentiality Notice (Top page of the completed carbonless transfer set)*
- *Notice Regarding Proprietary/Confidential Business Information Submitted to or Collected by EPA In Connection with Inspections Receipt for Documents and Samples*
- *Notice of Preliminary Findings (NOPF) with Instructions for Responding on back of form (top page of the completed carbonless transfer set)*
- *Instructions for Responding to a Notice of Preliminary Finding (NOPF) (EPA Handout)*
- *U.S. EPA Small Business Resource Information Sheet (EPA Handout)*
- *Solvent-Contaminated Wipes Final Rule Chart (EPA Handout)*
- *Recycling Electronics (IDNR Handout)*
- *Lead-Based Paint Activities (IDNR Handout)*
- *Excluded Solvent-Contaminated Wipe Rule (IDNR Handout)*
- *Battery Recycling/Disposal (IDNR Handout)*
- *Management of Fluorescent Lamps for Businesses (IDNR Handout)*
- *Incompatible Chemicals (IDNR Handout)*
- *Universal Wastes Including Aerosol Cans (IDNR Handout)*
- *TCLP Waste Determination Testing (IDNR Handout)*
- *Industry Sector Notebooks (EPA Handout)*
- *Environmental Compliance Assistance Centers (EPA Handout)*
- *e-Manifest Fact Sheet (EPA Handout)*
- *RCRA Online A Quick Reference Guide (EPA Handout)*
- *Requirements for Used Oil Management Standards (EPA Handout)*
- *Emergency Response Program (EPA Handout)*
- *Commercial Motor Vehicle Transportation System Security & Safety*
- *Security Awareness (EPA Handout)*
- *Chemical Facility Anti-Terrorism Standards (Homeland Security Handout)*
- *Iowa Life/Changing Iowa Department of Economic Development – Iowa Environmental Guide for Business*

I followed the inspection procedures detailed in the RCRA CEI Standard Operating Procedure (SOP) 2321.01D, unless noted otherwise.

4.0 FINDINGS AND OBSERVATIONS

4.1 Facility Information and Operations

Mr. Tupper stated that Progress Rail is a fully owned subsidiary of Caterpillar since 2006 and is a supplier of railroad and transit system products and services headquartered in Albertville, Alabama. He stated that this facility was originally known as Electro-Motive Diesel (EMD) and was acquired by Progress Rail a “few years ago”. This facility employs a staff of 32 employees

working primarily day shifts Monday through Friday and operating in three buildings. Their primary service is providing maintenance for diesel locomotives that can be pulled directly into their main shop (see Photos 1 and 4).

See Attachment #1 for the facility aerial view and map location.

4.2 Facility RCRA Status

RCRAInfo listed no previous RCRA compliance inspections for Progress Rail. According to the RCRAInfo Notification Acknowledgement/Verification Report, Progress Rail last notified as a Very Small Quantity Generator (VSQG) on June 8, 2022. I verified the Notification Acknowledgement/Verification form with Mr. Tupper with no changes made (see Attachment #6). The RCRAInfo Notification Acknowledgement/Verification form report listed waste codes: D001, D035, F003, F005. Progress Rail appears to be a very small quantity generator (VSQG) of hazardous waste (less than 100 kg or 220 lbs of non-acute hazardous waste generated per month), based on the facility's hazardous waste generation rate at the time of the inspection. In addition, Progress Rail appears to be a small quantity handler of universal waste lamps and batteries, and a used oil generator.

4.3 Facility Waste Streams and Management

Mr. Tupper stated that the generation of the waste streams below are consistent from month to month. The following waste streams are managed by Progress Rail:

Waste Paint - Mr. Tupper stated that Progress Rail mechanics generate small amounts of waste paint during preventive maintenance on the diesel locomotives. Their waste determination is that this waste stream is hazardous based on product knowledge, and is given the D001, D035, F003, F005 waste codes. See Attachment #8 for a sample paint safety data sheet (SDS). Onsite management is collecting the waste paint in a 35-gallon drum, which is still in use as a satellite accumulation container since the last shipment nearly two years ago. The last two eManifest shipments recorded for waste paint are December 29, 2020, for 125 pounds and October 17, 2019, for 125 pounds, which averages to less than 10 pounds per month. When the drum is close to full, they contact Safety Kleen for transport. Safety Kleen transports to a Clean Harbors facility in Nebraska for H040 processing (incineration).

Paint Gun Cleaner - Mr. Tupper stated that Progress Rail mechanics generate small amounts of waste paint gun cleaning solvent during their painting maintenance processes. Their waste determination is that this waste stream is hazardous, and it is given the D001 waste code. See Photos 13 and 14. Mr. Tupper stated the onsite management is collecting the waste paint gun cleaner in a 6-gallon drum that is processed by Safety Kleen annually. Mr. Tupper estimates that they generate about 125 pounds per year, or about 11 pounds per month. See Attachment #7 for a bill of lading on May 28, 2021, for 5 gallons and March 11, 2021, for 5 gallons of UN 1263 paint gun cleaner being transported by Heritage-Crystal Clean to their facility in Indianapolis, Indiana for processing.

Used Oil – Mr. Tupper stated that Progress Rail mechanics generate used oil during preventive maintenance of the diesel locomotives. Each oil change generates about 150 gallons of used oil.

The used oil is collected in large 250-gallon plastic IBC totes. During the visual inspection, I observed two used oil totes, one $\frac{3}{4}$ full and another $\frac{1}{2}$ full 250-gallon tote, both hand labeled with the words: “oil and water mix”, instead of the required “Used Oil” marking/labeling (see Photos 4-6). Attachment #11 is a Heritage Crystal Clean invoice for 715 gallons of used oil on July 26, 2022. The next previous shipment was in March 2021 for 300 gallons. Heritage transports the used oil to Crystal clean in Des Moines, Iowa for recycling.

NOPF 1: Failure to mark used oil containers with the words “Used Oil” as required in 40 CFR 279.22(c)(1)

Used Oil Filters – Mr. Tupper stated that Progress Rail mechanics generate used oil filters during preventive maintenance of the diesel locomotives. Mr. Tupper estimates they generate about two 55-gallon drums per month. The oil filters are “opened” and drained. Mr. Tupper stated that the locomotive oil filters are larger than automotive oil filters and not as conducive to crushing or puncturing, plus they are already “full of holes”. He stated that the mechanics drain them and then wrap them in oil absorbent pig mats and place them in the Used Oil Filter drum. See Photo 7 for an example of a 55-gallon steel drum $\frac{3}{4}$ full, used to collect used oil filters. The container was in good condition with no signs of leaks. Labeled with “Used Oil”. Prior to shipping by Heritage-Crystal Clean, the oil absorbent pig mats are removed and placed in its own drum. Heritage then processes the spent oil filters for scrap metal recycling.

Oil Absorbents & Pig Mats – Mr. Tupper stated that Progress Rail mechanics generate granular and pig mat absorbents during their used oil maintenance processes. He estimates they generate one to two 55-gallon drums per month. Crystal Clean ships every three months. Their last shipment was nine drums on January 11, 2022. They were shipped to Crystal Clean in Des Moines, Iowa for recycling.

Spent Parts Washer Solvent – Mr. Tupper stated that they have a parts washer in their washroom area for cleaning smaller parts (see Photo 15). The part washer uses Safety Kleen 142 parts washer solvent (flash point >140 degrees F). See Attachment #9 for a SDS for the Safety Kleen 142 solvent. The parts washer solvent is replaced every few months by Safety Kleen and recycled.

Oily Cloth Shop Rags - Mr. Tupper stated that Progress Rail mechanics generate oily cloth rags during their maintenance processes. Mr. Tupper stated that the rags are typically only contaminated with oil but may occasionally contain small amounts of the only solvent they use, the Safety Clean 142, which according to its SDS (see Attachment #9) only contains a lightly hydrotreated petroleum distillate with a flash point of 142 degrees F. He estimates they generate about 600 rags per week. Onsite the rags are collected in 14-gallon red step cans. During the visual inspection I observed a red step can about $\frac{1}{2}$ full of dry cloth rags (see Photos 11 and 12). The rags are laundered weekly by Aramark and returned for reuse.

Cabinet Wash – The large parts washer (see Photo 16) uses a non-hazardous alkaline soap detergent for cleaning. See Attachment #10 for the SDS for the Mirachem Alkaline Cabinet Wash. Mr. Tupper estimates they generate about 300 gallons every three weeks, which is processed by Crystal Clean.

Spent Lamps – Mr. Tupper stated that Progress Rail is still in the process of switching over to LED lamps. He estimated that they generate about two boxes of 36 each, or 72 spent lamps per year. During the visual inspection of the universal waste storage area in the Tool Room (see Photos 8 and 9), I observed two 4-foot boxes of spent florescent lamps, both full of about 20 lamps each, and one 8-foot box in the rear, also full of about 20 lamps. The accumulation start date on the left 4-foot box was “6/2/21”, over one year ago. The rear 8-foot box was dated “7/3/2021”, also over one year ago. All three were labeled as “Universal Waste Lamps”, closed, and in good condition. Mr. Tupper stated that they typically ship the spent lamps annually to Safety Kleen for recycling but stated the most recent shipment had been on October 7, 2020, nearly two years ago.

NOPF 2a: Do not accumulate universal waste longer than one year as required in 40 CFR 273.15(a)

Spent Batteries - Mr. Tupper stated that Progress Rail generates about 20 pounds per year of small lithium and alkaline batteries during maintenance operations. The spent batteries are accumulated in a five-gallon plastic bucket in the Primary Tool Room. During the visual inspection I observed a black five-gallon plastic bucket which was about $\frac{3}{4}$ full of universal waste spent alkaline and lithium batteries (see Photo 10). It was closed, in good condition, and labeled as “Universal Waste Batteries”. The accumulation start date was handwritten and difficult to read but appears to be: “8/2/21” (one week over one year). Mr. Tupper stated it could not be 8/2/22 since that was only one week ago and the bucket is currently $\frac{3}{4}$ full. The spent batteries are collected by Safety Kleen and transported to Lighting Resources LLC in Ellwood City, Iowa for recycling. See Attachment #12 for a recycling certificate.

NOPF 2b: Do not accumulate universal waste longer than one year as required in 40 CFR 273.15(a)

Paint Booth Air Filters – Mr. Tupper stated that Progress Rail generates paint booth air filters during painting operations. Mr. Tupper stated that the filters are dry, and they have determined them to be non-hazardous due to process knowledge. He stated that they generate 20 two-foot square filters monthly after replacement with new filters. Onsite they are disposed of in the general trash, which is collected weekly by Stone Sanitation and transported to the Marshalltown landfill.

Aerosol Cans - Mr. Tupper stated that Progress Rail generates aerosol paint cans when painting small parts. He estimates that they generate about five pounds per month. The spent cans are punctured and drained (see Photos 2 and 3). During the visual inspection I observed a 30-gallon steel drum with an aerosol can puncturing adaptor that was used for collecting the waste paint. It was about $\frac{1}{4}$ full and was correctly labeled with Hazardous Waste and Flammable labels. It was located on top of a containment base. The empty cans are disposed of onsite in a red plastic drum that was next to the black aerosol can-puncturing/draining drum. The metal aerosol cans are empty and collected as scrap metal. The red plastic drum was less than 1/10th full.

Waste Cardboard – Waste cardboard is generated by routine business operations. Mr. Tupper estimates that they generate about 1080 pounds per month. Onsite it is collected in two six-cubic yard dumpsters and then collected weekly by Stone Sanitation for recycling.

General Trash – General trash is generated by routine business operations. Mr. Tupper stated the trash consists of paper and plastic shipping wastes and general office wastes and that it is nonhazardous. He estimates that they generate about 4000 pounds per month. It is collected weekly by Stone Sanitation and transported to the Marshalltown landfill.

4.4 Other Regulatory Requirements

Outside Facility Perimeter - I did a limited inspection of the outside perimeter of the facility and observed no hazardous waste storage tanks and containers except as noted above. I did not observe security fencing or security cameras around the facility. See the aerial and map views in Attachment #1.

Central Accumulation Area (CAA) – There was no true CAA. Waste paint, which is the primary hazardous waste, is collected in a 35-gallon drum which functions as a satellite accumulation container (SAA) until nearly full, at which time transport by their waste handler is arranged.

Preparedness and Prevention – Progress Rail has numerous fire extinguishers throughout the facility. I did not ask many questions about their contingency plan since this is not required for a VSQG. There was no emergency contact phone listed posted near the SAA, but this is not required for a VSQG.

Personnel Training – I did not ask detailed questions about their training since this is not required for a VSQG, but Mr. Tupper stated that they do require initial and annual recurrent training for all staff having hazardous waste handling responsibilities.

5.0 SUMMARY OF FINDINGS

NOPF 1: Failure to mark used oil containers with the words “Used Oil” as required in 40 CFR 279.22(c)(1)

NOPF 2a: Do not accumulate universal waste lamps longer than one year as required in 40 CFR 273.15(a)

NOPF 2b: Do not accumulate universal waste batteries longer than one year as required in 40 CFR 273.15(a)

Other than the items specifically noted in this narrative, I observed no additional issues or potential findings. However, further EPA review may change or add to my findings.

MARK HOLCOMB
(Affiliate)

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Mark Holcomb
Civil Investigator

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Amber Whisnant
RCRA Section Chief, ECAD/CB

Attachments:

1. Facility Aerial & Map View (2 pages)
2. Photo Log (16 photos / 8 pages)
3. Receipt for Documents (1 page)
4. Confidentiality Notice CBI (1 page)
5. Notice of Preliminary Findings NOPF (1 page)
6. EPA RCRA Notification Acknowledgement/Verification Report (1 page)
7. Bill of Lading – Waste Paint (2 pages)
8. SDS – Paint (8 pages)
9. SDS – 142 Mineral Spirits (8 pages)
10. SDS – Mirachem Alkaline Cabinet Wash (8 pages)
11. Invoice – Used Oil (1 page)
12. Cert of Recycling (2 pages)