

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

Lincoln Industries, Inc.
600 West E Street
Lincoln, NE 68522
(402) 475-3671

EPA ID Number: NED007281728

On

November 28 and 29, 2023

By

U.S. ENVIRONMENTAL PROTECTION AGENCY
Region 7
Enforcement & Compliance Assurance Division

1.0 INTRODUCTION

At the request of the Enforcement and Compliance Assurance Division, I performed a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) at Lincoln Industries, Inc. (Lincoln Industries), located in Lincoln, Nebraska, on November 28 and 29, 2023. I conducted the inspection under the authority of RCRA Section 3007(a), as amended. During the inspection, I collected the information necessary to determine compliance with the applicable regulatory and statutory requirements. This report and attachments present the results of the inspection. Based on the information obtained during the inspection, I inspected the facility as a Large Quantity Generator of hazardous waste, small quantity handler of universal waste, and used oil generator. Lincoln Industries was last inspected by the Nebraska Department of Energy and Environment (NDEE) on February 19 and 20, 2020. Nine violations were observed or cited as a result of the NDEE February 2020 inspection. The last EPA inspection was conducted on June 24, 2015. Six violations were observed or cited as a result of the 2015 EPA inspection.

2.0 PARTICIPANTS

Lincoln Industries:

Lucius Rippeteau, Manager, Environmental Programs
Aaron Lemke, Environmental Services Operator
Randy Freye, Department Manager

NDEE:

Mark Henning, Environmental Specialist II

U.S. Environmental Protection Agency (EPA):

Timothy Evans, Life Scientist, ECAD Region 7 (Lead Inspector)

3.0 INSPECTION PROCEDURES

On November 28, 2023, at approximately 1:30 p.m., I arrived at Lincoln Industries. A drive-by, visual inspection was conducted on the north, south, and west perimeters of the facility; the east perimeter of the facility is not accessible from the public right-of way. No issues were observed as part of the drive-by, visual inspection. I used an intercom at the front door of the facility offices and spoke with Ms. Karen Peppmuller. I informed Ms. Peppmuller that I worked for EPA and that I was at Lincoln Industries to conduct a RCRA hazardous waste inspection. Ms. Peppmuller greeted me and allowed me into the facility front office area. I asked Ms. Peppmuller if I could speak with Rick Dickey, Director of Environmental Programs, who was listed as site contact on the Notification Acknowledgement/Verification Report form (Attachment 6). Ms. Peppmuller stated that Mr. Dickey was not at the facility, but she would contact Lucius Rippeteau and ask him to assist me. I was greeted by and met Mr. Rippeteau and was then escorted to his office for an in-briefing. I presented Mr. Rippeteau with my business card and credentials. I then explained the purpose and procedures of the inspection. As part of the in-briefing, I presented Mr. Rippeteau with a copy of the *RCRA Facility Access Information Sheet*, March 2013, which provides inspection authority. I explained my need to collect accurate information and presented Mr. Rippeteau with a copy of Title 18 U.S. Code, Sections 1001 and 1002. Mr. Rippeteau was made aware of Lincoln Industries' confidentiality rights and informed that a *Confidentiality Notice* would be provided at the end of the inspection to make, or not to make, any claims. Mr. Rippeteau was informed that Mark Henning, NDEE, would be accompanying me for the second day of the inspection.

During the inspection, discussions consisted of wastes generated and waste management practices. Document photocopies and photographs were collected as inspection documentation (see Attachments 1-16, including Photos 1-51).

November 28, 2023

Mr. Rippeteau acted as the primary facility representative. I conducted a visual inspection of the following area on November 28, 2023 (see Attachment 2 for a facility aerial view and facility diagram):

- Environmental Services, Less Than 90-Day Accumulation Area

November 29, 2023

On November 29, 2023, at approximately 8:20 a.m., I arrived at Lincoln Industries and met Mr. Henning. Messrs. Rippeteau and Lemke acted as the primary facility representatives. Mr. Henning and I conducted a visual inspection of the following areas on November 29, 2023:

- South End of Line 31
- Environmental Services, Less Than 90-Day Accumulation Area

- East Less Than 90-Day Accumulation Area
- Bender Cell Area, Including Cuda Washer
- Coating Lines – Lines 202, 14, 210, 203, and 24
- Distillation Unit, Adjacent to Line 210
- South End of Line 34
- North End of Line 35
- Facility Maintenance Area – Universal Waste Lamp Storage and Lamp Crushing Device
- West End of Line 55
- Quality Control (QC) Lab
- Materials Lab
- East End of Line 6

Information collected during the inspection was documented in a field note logbook. The records that were reviewed are as noted by Mr. Henning (Attachment 7), and as discussed below. I followed the inspection procedures established in the RCRA CEI Standard Operating Procedure (No. 2321.1E), unless noted differently. Any federal regulatory citations noted in this report are as adopted by reference in the authorized Nebraska regulations.

At the conclusion of the inspection, I summarized the findings and recommendations with Messrs. Rippeteau and Lemke. I provided Mr. Rippeteau with a Confidentiality Notice (Attachment 3), which he signed as acknowledgement of receipt. Mr. Rippeteau made no confidentiality claims. I also provided Mr. Rippeteau with a Receipt for Documents and Samples (Attachment 4) and Notice of Preliminary Findings (NOPF) (Attachment 5), which he signed as acknowledgement of receipt.

The following inspection documents were left with Lincoln Industries:

Confidentiality Notice

Receipt of Documents and Samples

Notice of Preliminary Findings

Instructions for Responding to a Notice of Preliminary Findings

EPA Compliance Assistance (Provided by e-mail on November 30, 2023)

Security Awareness

EPA Industry Sector Notebooks List

EPA Environmental Compliance Assistance Centers

U.S. EPA Small Business Resources Information Sheet

Chemical Facility Anti-Terrorism Standards

RCRA Organic Air Emission Standards for TSDFs and Large Quantity Generators, December 2022, EPA 530-F-22-007

Managing Used Oil – Advice for Small Businesses

4.0 FINDINGS AND OBSERVATIONS

4.1 General Information/Facility Description

Lincoln Industries is a metal finishing facility offering electroplating, plating, polishing, anodizing, and coloring services. Lincoln Industries operates multiple facilities in Lincoln, Nebraska and additional facilities in Minnesota and Wisconsin. See the 2020 NDEE Hazardous Waste Compliance Evaluation Inspection Report (Attachment 8) and facility website <https://lincolnindustries.com/> for additional information related to company locations, services, and history.

4.2 RCRA Status

According to the RCRAInfo database, Lincoln Industries has notified as a State of Nebraska and Federal Large Quantity Generator of D001, D006, D007, D008, D009, and D035 characteristic and F003, F005, and F006 listed hazardous waste. As part of the opening conference, I provided Mr. Rippeteau with a Notification Acknowledgement/Verification Report form (Attachment 6). Mr. Rippeteau reviewed the form and made no changes to the form. Based upon the amount and type of hazardous waste generated at Lincoln Industries, I inspected the facility as an LQG of hazardous waste, small quantity handler of universal waste, and used oil generator.

4.3 Previous Inspection and Related Findings

The report of the NDEE inspection on February 19 and 20, 2020, included the following potential findings or violations:

1. Title 128, Chapter 10, 005.01 B, 40 CFR 262.34(c)(1)(ii) - Failure to mark satellite accumulation area (SAA) containers with the words “Hazardous Waste” or with other words that identify the contents of the containers. *Addressed at the time of the inspection.*
2. Title 128, Chapter 10, 005.01 - Failure to maintain SAA containers at or near the point of generation.
3. Title 128, Chapter 10, 004.01G, 40 CFR 262.34(a)(3) - Failure to mark accumulation containers of hazardous waste with the words “Hazardous Waste.” *Addressed at the time of the inspection.*
4. Title 128, Chapter 10, 004.01F, 40 CFR 262.34(a)(2) - Failure to date containers with the date upon which each period of accumulation begins. *Addressed at the time of the inspection.*
5. Title 128, Chapter 7, 009.04A3, 40 CFR 279.22(c)(1) - Failure to ensure containers with a volume of 25 gallons or greater being used to accumulate used oil are labeled or marked with the words “Used Oil.” *Addressed at the time of the inspection.*
6. Title 128, Chapter 25, 014.03, 40 CFR 273.15(c) - Failure to demonstrate the length of time universal waste has been accumulated from the date it becomes a waste. *Addressed at the time of the inspection.*
7. Title 128, Ch. 17, 007.01A, 40 CFR 262.256(a)(2) - Failure to make arrangements to familiarize police with the properties of hazardous waste handled at the site and associated hazards.

8. Title 128, Chapter 17, 007.01 D, as referenced by Chapter 10, 004.01 H - Failure to make arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the type of injuries or illnesses which could result from fire, explosions, or releases at the site.
9. Title 128, Chapter 18, 003.01, 40 CFR 262.261(a) - Failure to ensure copies of the contingency plan distributed to the Department and police and fire departments, hospitals and local emergency response teams included a description of the emergency procedures personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water at the site.

The report of the EPA inspection on June 24, 2015, included the following potential findings or violations:

1. 40 CFR 262.34(c)(1)(i) - Non-compliance with Provisions for SAA containers of up to 55 gal. of hazardous waste or 1 qt. acutely hazardous waste at point of generation.
2. 40 CFR 262.34(c)(1)(ii) - Non-compliance with Provisions for SAA containers of up to 55 gal. of hazardous waste or 1 qt. acutely hazardous waste at point of generation.
3. Title 128, Ch 7, 009.04A3, 40 CFR 279.22(c)(1) - Containers Not Clearly Marked with words "Used Oil."
4. Title 128, Ch 4, 005.02B, 40 CFR 262.42(a)(2) - Manifests and Exception Reports Not Retained For 3 Years.
5. Title 128, Ch 25,013.06 - Each universal waste electronic item or a container in which universal waste electronic items are contained must be labeled or marked clearly with any one of the following phrases: "Universal Waste – Electronic Item(s)," or "Waste Electronic Item(s)," or "Used Electronic Item(s)." The name of the electronic item may be substituted for the words "Electronic Item(s)" (e.g., "Universal Waste – Monitor(s)" or "Waste Circuit Boards").
6. Title 128, Ch 25,014.03, 40 CFR 273.15(c) - Not Able to Clearly Demonstrate the Length of Time Universal Waste Has Been Accumulated.

4.4 Changes Since Previous Inspection

Changes at the facility included, but were not limited to, the following:

- According to Mr. Rippeteau, Rick Dickey, Director of Environmental Programs, was in the process of retiring by January 1, 2024.
- Tenneco Automotive Operating Company was renting a portion of Lincoln Industries but has moved their operations to Seward, Nebraska. The facility moved in approximately April 2020. Lincoln Industries is currently utilizing the space for parts assembly. See Attachment 2 for a facility diagram showing the former Tenneco area.
- Line 15 has not been utilized for approximately six months.
- Line 31 has not been utilized for approximately two years.

- Within the 2020 NDEE inspection report, on Page 5 (Attachment 8), the inspector documented that Mr. Dickey stated chrome and nickel sludge was disposed through Agmet Metals, Inc. in Oakwood Village, OH (OHD986976348) and zinc sludge was disposed through Enviroline in Canton, OH (OHD980568992). However, according to Mr. Rippeteau, chrome and zinc sludge is disposed through Enviroline and nickel is recycled through Agmet Metals, Inc.
- During inspection of the area adjacent to and west of the Line 202, Diesel Exhaust Fluid (DEF) Rod Coating Area, I observed an out of use parts washer.

4.5 Waste Streams and Waste Management

Aside from waste streams described within this report, refer to the February 19 and 20, 2020, NDEE Hazardous Waste Compliance Evaluation Inspection Report (Attachment 8) for additional information related to waste stream generation and management at the facility. During the inspection, Mr. Rippeteau did not describe any changes to waste streams generated at the facility, since the previous inspection.

4.6 Areas Visually Inspected Associated with Preliminary Findings

4.6.1 Facility-Wide, Coating Lines

Hazardous waste determination not conducted, Title 128 Ch. 4, 002, 40 CFR 262.11 (NOPF 1) – During inspection of Coating Line Areas, throughout the facility (See Attachment 2 for facility diagram), I observed the following containers:

- One open ~2/3-full black metal 55-gallon drum, located within the Line 202, DEF Rod Coating Area (Photo 11). The drum contained paper wipes, nitrile gloves, and was used to accumulate 2' x 2' spent DEF rod coating paint booth filters. I observed a green material on nitrile gloves and paper wipes in the drum. I asked Randy Freye, Department Manager, what the green material was. Mr. Freye stated that the material was Green Chemical Resistant Coating, used in association with the DEF Rod Coating Area. According to the Green Chemical Resistant Coating Safety Data Sheet (SDS), the flash point is -4°F (Attachment 9). Mr. Freye stated that prior to application onto DEF rods, Green Chemical Resistant Coating is thinned with Acetone. According to the Acetone SDS, the flash point is -1.4 - -4°F (Attachment 9). At the time of the inspection, Mr. Freye, stated that the 2' x 2' paint filters are change every day. During a phone conversation with Mr. Rippeteau on December 28, 2023, I asked if he knew whether the DEF rod coating paint booth filter would be wet when it is removed and disposed each day. Mr. Rippeteau stated that he wasn't sure whether the paint booth filter would be wet or not.
- One open ~1/4-full black polyethylene 45-gallon trash can, located on the south side of, and within, the Line 202, DEF Rod Coating Area (Photos 16 and 17). The trash can contained Green Chemical Resistant Coating-contaminated paper wipes and nitrile gloves. Multiple small paper cups contained what Mr. Freye described as Green Chemical Resistant Coating and Acetone mixture. See Attachment 9 for Green Chemical Resistant Coating and Acetone SDSs.

- One open nearly full black metal 55-gallon drum, located on the north side of, and within, the Line 14 Coating Area (Photo 22). The drum contained paper wipes and nitrile gloves. I observed a black material on nitrile gloves and paper wipes in the drum. I asked Mr. Freye what the black material was. Mr. Freye stated that there are four different coatings manually sprayed onto parts within Line 14. Mr. Freye also stated that Acetone is used to clean paint guns and the paint gun system within Line 14. SDSs provided to me for Acetone and coatings used in the Line 14 coating area can be found as Attachments 9 and 10, respectively. It should be noted that multiple Line 14 coating SDSs list flash points below 140°F.
- One open ~1/4-full black polyethylene 45-gallon trash can, located in the Mixing Area east of Line 14 (Photos 24 and 25). The trash can contained Green Chemical Resistant Coating-contaminated paper wipes and nitrile gloves. See Attachment 9 for Green Chemical Resistant Coating and Acetone SDSs.
- Two open ~1/4-full yellow metal 55-gallon drums, located outside of the Paint Booth, within the Line 210 Coating Area (Photos 29 and 30). The drums contained paper wipes and nitrile gloves. I observed gray, red, and green material on the nitrile gloves and paper wipes in the drums (Photo 33). I asked Mr. Rippeteau what the colored material on the paper wipes and gloves was. Mr. Rippeteau stated that there are four different coatings manually sprayed onto parts within Line 210 (Attachment 11). It should be noted that according to the XYLAN® 1840/D13741 RED SDS, the flash point is 131°F (Attachment 11).

Because of the observed cups containing small amounts of liquid (within the DEF rod coating trash can, Photos 16 and 17), the potential for material to be disposed with wet coating (DEF rod coating filters), and multiple coating SDSs listing flash points below 140°F, I asked Mr. Rippeteau if Lincoln Industries needed to make a hazardous waste determination for the material observed in drums and trash cans throughout the Coating Lines Area. Mr. Rippeteau stated that a hazardous waste determination would need to be made for the material observed in drums and trash cans throughout the Coating Lines Area.

I discussed with Messrs. Rippeteau, Lemke, and Freye that even though the material observed in the drums and trash cans may eventually be determined to be non-hazardous waste, the material was contaminated with volatile organic compound-containing acetone and coatings. Therefore, I recommended, as a best management practice, that the facility close all open drums, equipped with lids, for the safety of facility employees (Photos 12, 23, 31, and 32). See Attachments 9, 10 and 11 for Coatings SDSs and Acetone used on Lines 14, 202, and 210.

Hazardous Waste SAA Container Not Closed, Title 128 Ch. 10 005.01A, 40 CFR 262.34(c)(1)(i) (NOPF 2); Hazardous Waste SAA Container Not Marked with the Words “Hazardous Waste” or Other Words That Identify the Contents of the Container, Title 128 Ch. 10 005.01B, 40 CFR 262.34(c)(1)(ii) (NOPF 3) – During inspection of the Coating Line Areas, throughout the facility (See Attachment 2 for facility diagram), I observed the following containers being used to accumulate hazardous waste:

- One open ~1/4-full white metal 5-gallon SAA can, located on the west side of, and within, the Line 202, DEF Rod Coating Area (Photos 13-15).

The can was labeled with an Acetone product label and a flammable hazard placard sticker. However, the can was not accurately labeled to identify the contents. The can contained a mixture of Acetone and Green Chemical Resistant Coating hazardous waste. See Attachment 9 for Green Chemical Resistant Coating and Acetone SDSs.

- One open nearly full black metal 55-gallon SAA drum, located on the north side of, and within, the Line 14 Coating Area (Photos 18 and 19). The drum contained paper wipes, Tyvek personal protective material, nitrile gloves, and plastic cups. Tape on the floor in front of the drum was labeled with the words “Hazardous Waste.” The drum was labeled with the words “Contains Chromium.” Facility personnel closed the drum lid, addressing part of NOPF 2 at the time of the inspection (Photos 20 and 21).
- One full 5-gallon red metal SAA step can containing what was described as hazardous waste methyl ethyl ketone-contaminated paper wipes and nitrile gloves, located on the west side of, and within, the Line 24 Coating Area (Photo 49). The container was closed and had a yellow plastic liner labeled with the words “Hazardous Material.” However, the container was only labeled with the words “Oily Waste Can” and “Empty Every Night.” Facility personnel applied a sticker with the words “Hazardous Waste” to the container, addressing part of NOPF 3 at the time of the inspection (Photo 50).

4.6.2 QC Lab

Hazardous Waste SAA Containers Not Marked with the Words “Hazardous Waste” or Other Words That Identify the Contents of the Container, Title 128 Ch. 10 005.01B, 40 CFR 262.34(c)(1)(ii) (NOPF 3) – During inspection of the QC Lab, I observed the following containers being used to accumulate hazardous waste:

- One, closed ~3/4-full 5-gallon yellow metal SAA step can containing what was described as hazardous waste Chrome and Nickel-contaminated paper wipes and nitrile gloves (Photo 43). The container was labeled with the words “Contaminated Gloves, Paper Towels, Etc”, “Oily Waste Can”, and “Empty Every Night.” However, the container was not labeled with an accurate description of the Chrome and Nickel-contaminated hazardous waste. Facility personnel applied a sticker with the words “Hazardous Waste” to the container, addressing part of NOPF 3 at the time of the inspection (Photo 44).

Hazardous Waste SAA Containers Not Marked with the Words “Hazardous Waste” or Other Words That Identify the Contents of the Container, Title 128 Ch. 10 005.01B, 40 CFR 262.34(c)(1)(ii) (NOPF 3 Added After Inspection) – During inspection of the QC Lab, I observed the following containers being used to accumulate hazardous waste:

- One, 4-liter poly SAA jug containing approximately 3.5 liters of what was described as F006 hazardous Nickel Waste (Photo 42). The container was closed and labeled with the word “Base.”
- One, 4-liter poly SAA jug containing approximately .5 liter of what was described as Chrome Waste (Photo 42). The container was closed and labeled with the word “Acid.”

I asked QC Lab personnel if the liquid in the 4-liter SAA jug, labeled with the word “Base,” would have a pH reading greater than 12.5. QC Lab personnel stated that the liquid would not have a pH greater than 12.5.

I asked QC Lab personnel if the liquid in the 4-liter SAA jug, labeled with the word “Acid,” would have a pH lower than 2 pH. QC Lab personnel stated that the liquid would not have a pH lower than 2 pH. According to QC Lab personnel, the “Base” and “Acid” waste would be disposed through the facility wastewater treatment system and would be considered a D006 and D007 characteristic and F006 listed hazardous waste when accumulated in the 4-liter containers. Therefore, it appeared that containers were not labeled with words accurately identifying the contents.

According to Lincoln Industries QC Lab personnel, the hazardous waste in the two, 4-liter SAA containers is emptied daily into two respective 5-gallon capacity polyethylene hazardous waste SAA containers shown in Photos 39-41 – the two 5-gallon hazardous waste SAA containers are located approximately 15-20 feet away from the two 4-liter hazardous waste SAA containers. Subsequent to the inspection, in an e-mail dated November 30, 2023 (Attachment 13), I informed Mr. Rippeteau that, to my knowledge, the State of Nebraska does not allow use of unlabeled “day” hazardous waste SAA containers.

An e-mail was sent to the facility on December 28, 2023, informing the facility of the additional NOPF (Attachment 12).

Hazardous Waste SAA Container Not Closed, Title 128 Ch. 10 005.01A, 40 CFR

262.34(c)(1)(i) (NOPF 2) – During inspection of the QC Lab, I observed the following container being used to accumulate hazardous waste:

- One, orange 3-gallon SAA poly bucket containing approximately one gallon of what was described as RO rinse water and chrome (Photo 45 and 46). The container was open and labeled with a multi-hazard placarding sticker with the words “Chrome Rinse.” According to QC Lab personnel, chrome rinse would be disposed through the facility wastewater treatment system and would be considered a hazardous waste when accumulated in the orange bucket.

Facility personnel closed the orange bucket, addressing part of NOPF 2 at the time of the inspection (Photo 47).

4.6.3 Facility Maintenance Area

Not Able to Clearly Demonstrate the Length of Time Universal Waste Has Been Accumulated, Title 128 Ch. 25 014, 40 CFR 273.15(c) (NOPF 4); Universal Waste Lamp Container Not Closed, Title 128 Ch. 25 012.04A, 40 CFR 273.13(d)(1) (NOPF 5) – During inspection of the Facility Maintenance Area, I observed the following container being used to accumulate universal waste lamps:

- One 2’x2’x2’-cardboard box containing approximately six spent high pressure sodium lamps, six spent u-shaped fluorescent lamps, and two spent compact fluorescent lamps (Photos 34 and 35). The box was open and not labeled with an accumulation start date.

I asked Mr. Rippeteau if he knew when Lincoln Industries first began accumulating spent lamps in the box.

Mr. Rippeteau asked a Lincoln Industries maintenance employee when lamps had first been placed into the box; Lincoln Industries employees were not sure exactly when the lamps were first accumulated in the box. Lincoln Industries made a best guess when spent lamps had first been accumulated in the box but did not have any documentation or way to demonstrate an accurate length of time spent lamps had been accumulated. Facility personnel closed the box and marked the box with the accumulation start date, “7-20-23,” addressing NOPF 4 and NOPF 5 at the time of the inspection (Photos 36 and 38).

Container Not Clearly Marked with a Date of Accumulation, Title 128 Ch. 10, 004.01F, 40 CFR 262.34(a)(2) (NOPF 8 Added after Inspection); Container Not Clearly marked with the words “Hazardous Waste,” Title 128 Ch. 10, 004.01G, 40 CFR 262.34(a)(3), (NOPF 9 Added after Inspection) – During inspection of the Facility Maintenance Area, I observed a plastic bag containing a bulb crushing device spent filter (Photo 35). The plastic bag and filter were located within a cardboard box containing universal waste lamps (Photos 34, 36, and 38). Lincoln Industries utilizes a bulb crushing device adjacent to the universal waste lamp storage box (Photo 37). Although the State of Nebraska allows spent mercury containing lamps to be crushed in containers, generators must handle crushed lamps as hazardous waste. Because the material within the filter is generated and accumulated through use of the facility bulb crushing device, the plastic bag shown in Photo 35 should have been dated with an accumulation start date and labelled with the words “Hazardous Waste.”

An e-mail was sent to the facility on January 30, 2024, informing the facility of the additional NOPFs (Attachment 12).

4.6.4 Facility-Wide

Hazardous Waste Not Containerized, Title 128 Ch. 10 004.01A, 40 CFR 262.34(a)(1)(i) (NOPF 6 Added after Inspection) – During inspection of the facility, I observed the following plating and coating line waste streams on the floor and adjacent equipment:

- During inspection of the area adjacent to the Environmental Services, Less Than 90-Day Hazardous Waste Accumulation Area, I observed material on the floor under and on equipment associated with a chrome plating press and clarifier (Photos 1-4). I asked Mr. Rippeteau what the material on the floor and equipment was. Mr. Rippeteau stated that the material was chrome hydroxide. According to Mr. Rippeteau, hydraulic pressure had forced chrome hydroxide solution through the gaps, between the filter press plates, which led to a release of chrome hydroxide onto the floor and surrounding equipment. I asked Mr. Rippeteau if the chrome hydroxide observed on the floor and surrounding equipment would be considered hazardous waste. Mr. Rippeteau stated that the material would be considered hazardous waste due to the amount of chrome in the residual material. It should be noted that the facility manages wastewater treatment sludge as D006 and D007 characteristic and F006 listed hazardous waste. According to Aaron Lemke, Environmental Services Operator, approximately one-half gallon of chrome hydroxide was on the floor and surrounding equipment.
- During inspection of the south end of Plating Line 31, I observed green solid material on pipes, floor drains, and under equipment (Photos 5-7).

I asked Messrs. Rippeteau and Lemke what the material was. Messrs. Rippeteau and Lemke stated that the material was Nickel Chloride Salt. I asked Messrs. Rippeteau and Lemke if the Nickel Chloride Salt observed on the pipes, floor drains, and under equipment would be considered hazardous waste. Messrs. Rippeteau and Lemke stated that the material would be considered hazardous waste. As previously mentioned, the facility manages wastewater treatment sludge as D006 and D007 characteristic and F006 listed hazardous waste. According to Mr. Lemke, approximately five gallons of Nickel Chloride Salt was on the floor and surrounding equipment. It should be noted that during the in-briefing, Mr. Rippeteau stated that Line 31 had not been utilized for approximately two years. According to the NDEE 2020 Hazardous Waste Compliance Evaluation Inspection Report, Line 31 had been dedicated to Chrome electroplating.

- During inspection of the south end of Plating Line 34, I observed green solid material on the floor and under equipment (Photo 51). I asked Messrs. Rippeteau and Lemke what the material was. Messrs. Rippeteau and Lemke stated that it would be material generated within Line 34; According to the NDEE 2020 Hazardous Waste Compliance Evaluation Inspection Report, Line 34 is dedicated to Nickel/Chrome electroplating (Attachment 8). According to Messrs. Rippeteau and Lemke, approximately three to five gallons of the Nickel/Chrome electroplating hazardous waste was on the floor and under equipment. As previously mentioned, the facility manages wastewater treatment sludge as D006 and D007 characteristic and F006 listed hazardous waste.
- During inspection of Line 202, I observed approximately one pint of green material on drip cloth, the outside of a flammable storage cabinet, and on and around a 5-gallon hazardous waste SAA container (Photos 11 and 13-15). I asked Randy Freye, Department Manager, what the green material was. Mr. Freye stated that the material was Green Chemical Resistant Coating, used in association with the DEF Rod Coating Area. According to the Green Chemical Resistant Coating Safety Data Sheet, the flash point is -4 °F (Attachment 9). Mr. Freye stated that prior to application onto DEF rods, Green Chemical Resistant Coating is thinned with Acetone. According to the Acetone Safety Data Sheet, the flash point is -1.4 to -4 °F (Attachment 9). Therefore, at the point when the Green Chemical Resistant Coating, or Green Chemical Resistant Coating mixed with Acetone, is deposited on drip cloth, the outside of the flammable storage cabinet, or around the 5-gallon hazardous waste SAA container, it appears the Green Chemical Resistant Coating and Acetone to be, at least, a D001 ignitable hazardous waste.

An e-mail was sent to the facility on December 28, 2023, informing the facility of the additional NOPF (Attachment 12).

4.6.5 Distillation Unit

Hazardous Waste Container Not Closed, Title 128 Ch. 10, 004.01A2, 40 CFR 262.34 (c)(1)(i) per 265.173(a) (NOPF 7 Added after Inspection); Container Not Clearly Marked with a Date of Accumulation, Title 128 Ch. 10, 004.01F, 40 CFR 262.34(a)(2) (NOPF 8 Added after Inspection); Container Not Clearly marked with the words “Hazardous Waste,” Title 128 Ch. 10, 004.01G, 40 CFR 262.34(a)(3) (NOPF 9 Added after Inspection) – During inspection of the distillation unit, adjacent to coating line 210, I observed the following container:

- One open white metal 5-gallon can, located on the west side of the distillation unit (Photos 27-29 and 31). According to Mr. Rippeteau, the can contained an approximately one-half pound mixture of Acetone and Green Chemical Resistant Coating hazardous waste, generated within the Line 202, DEF Rod Coating Area. The can was also not labeled with the words “Hazardous Waste” or an accumulation start date. See Attachment 9 for Green Chemical Resistant Coating and Acetone SDSs. Mr. Rippeteau stated that only Acetone and Green Chemical Resistant Coating hazardous waste, generated within the Line 202, DEF Rod Coating Area is run through the distillation unit.

An e-mail was sent to the facility on January 30, 2024, informing the facility of the additional NOPFs (Attachment 12).

4.7 Records Review

Contingency Plan and Emergency Procedures

Copy of Revised Contingency Plan Not Submitted to All Local Police Departments, Fire Departments, Hospitals, and State and Local Emergency Response Teams, Title 128, Chapter 18, 004.02, 40 CFR 264.53(b) (NOPF 10 Added After Inspection) – Subsequent to the inspection, Mr. Rippeteau provided me with multiple electronic delivery confirmations for the Lincoln Industries contingency plan (Attachment 14). The plan had been submitted to local and regional authorities, including medical facilities, on June 22, 2020. However, according to the “Revision History” within the most recent contingency plan, entitled, “Emergency Procedures”, the document was last updated on September 15, 2023 (Attachment 15). The updated information was related to Section 4.1, List of Emergency Coordinators and Section 4.2, List of Emergency Code Leaders.

An e-mail was sent to the facility on January 30, 2024, informing the facility of the additional NOPF (Attachment 12).

The following information was noted as part of my review of the facility contingency plan:

- The facility has designated three Primary Emergency Coordinators for each shift:
 - Matthew Scranton, Safety Manager - First Shift Primary
 - Howard Tegtmeier, Second Shift Leader - Second Shift Primary
 - Jeremy Peckham, Team Leader - Third Shift Primary

Two people are designated as alternate Emergency Coordinators for First Shift; Second and Third Shift have one designated alternate Emergency Coordinator.

- A list of emergency equipment, and capabilities of the equipment, was listed within Section 8.1 of the contingency plan.
- A facility Emergency Evacuation Process is listed in Section 6.2 of the contingency plan and includes information related to facility entrance and exits, evacuation procedures, and re-entering the facility. The facility diagram on Page 13 of the contingency plan includes emergency exits and designated assembly areas.

The plan appeared to be complete with no apparent issues.

Uniform Hazardous Waste Manifests

Prior to arriving at the facility, I had conducted an on-line inspection of electronic manifests using RCRAInfo. All manifests appeared to be complete and signed by the designated facility.

No apparent issues were observed during review of manifests.

2021 Comprehensive Biennial Report

Prior to arriving at the facility, I was able to review the facility 2021 biennial report using RCRAInfo.

No apparent issues were observed during review of the 2021 comprehensive biennial report.

Personnel Training

According to Mr. Henning's notes, Nebraska Safety Council provides Hazardous Waste Operations & Emergency Response training to Lincoln Industries employees (Attachment 7). Hazard communication and other types of training modules have been developed inhouse by company personnel. Mr. Henning reviewed a two-page visual work instruction which was developed for universal waste training. However, it should be noted that no record of training employees for universal waste management practices was located at the time of the inspection.

Mr. Rippeteau provided me with a spreadsheet documenting hazardous waste training for Aaron Lemke and himself. Messrs. Lemke and Rippeteau had completed courses entitled "Hazardous Waste Management & Minimization" and "Hazwoper: 8 Hour Refresher" for 2021, 2022, and 2023.

Mr. Henning and I did not document any apparent issues during review of the employee training program or records.

Job Titles

Lincoln Industries job titles and number of employees associated with hazardous waste duties include, but may not be limited to:

1. Manager Environmental Programs – One employee
2. Manager Environmental Services – One employee
3. Environmental Services Operator I – One employee

4. Environmental Services Operator II – Four employees
5. Environmental Services Specialist – One employee
6. Chemical Warehouse Coordinator – One employee

Mr. Henning did not document any apparent issues during review of the employee job titles or hazardous waste duties related to position descriptions.

Emergency Equipment

I observed ABC, Halon, and D-rated fire extinguishers throughout the facility.

During the inspection, I observed a large mobile spill kit located in the Environmental Services Less Than 90-Day Accumulation area. According to Mr. Rippeteau, the spill kit is intended for use, if necessary, in both Less Than 90-Day Accumulation areas.

In the event of an emergency, the facility is equipped with a telephone/public announcement system.

Lincoln Industries employees use mobile phones for communication. I also observed a phone located in the office, adjacent to east Less Than 90-Day Accumulation area.

No apparent issues were observed with the facility emergency equipment.

5.0 SUMMARY

I inspected Lincoln Industries as an LQG of hazardous waste, a small quantity handler of universal waste, and a used oil generator. The following preliminary findings were noted as discussed above:

1. Title 128 Ch. 4, 002, 40 CFR 262.11 (NOPF 1) - Hazardous waste determination not conducted.
2. Title 128 Ch. 10 005.01A, 40 CFR 262.34(c)(1)(i) per 40 CFR 265.173(a) (NOPF 2) - Hazardous Waste SAA Container Not Closed. *Addressed at time of inspection.*
3. Title 128 Ch. 10 005.01B, 40 CFR 262.34(c)(1)(ii) (NOPF 3) - Hazardous Waste SAA Container Not Marked with the Words “Hazardous Waste” or other words that identifies the contents of the container. *Addressed at time of inspection.*
4. Title 128 Ch. 25 014, 40 CFR 273.15(c) (NOPF 4) - Not Able to Clearly Demonstrate the Length of Time Universal Waste Has Been Accumulated. *Addressed at time of inspection.*
5. Title 128 Ch. 25 012.04A, 40 CFR 273.13(d)(1) (NOPF 5) - Universal Waste Lamp Container Not Closed. *Addressed at time of inspection.*
6. Title 128 Ch. 10 004.01A, 40 CFR 262.34(a)(1)(i) (NOPF 6 Added after Inspection) - Hazardous Waste Not Containerized.
7. Title 128 Ch 10, 004.01A2, 40 CFR 265.173(a) (NOPF 7 Added after Inspection) - Hazardous Waste Container Not Closed.

8. Title 128 Ch 10, 004.01F, 262.34(a)(2) (NOPF 8 Added after Inspection) - Container Not Clearly Marked with a Date of Accumulation.
9. Title 128 Ch 10, 004.01G, 40 CFR 262.34(a)(3) (NOPF 9 Added after Inspection) - Container Not Clearly marked with the words "Hazardous Waste."
10. Title 128, Chapter 18, 004.02, CFR 264.53(b) (NOPF 10 Added After Inspection) - Copy of the Revised Contingency Plan Not Submitted to All Local Police Departments, Fire Departments, Hospitals, and State And Local Emergency Response Teams.

Other than the items noted above, no other apparent preliminary findings were observed or cited. However, EPA post-inspection review of this report may change or add to my findings.

**TIMOTHY
EVANS**

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Timothy R. Evans
Life Scientist
ECAD/CB/RCRA, EPA Region 7

Mike Martin -
signing for Amber
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Amber Whisnant
Section Chief
ECAD/CB/RCRA, EPA Region 7

Attachments

1. Digital Image Log (58 pages/51 photos)
2. Arial Photo and Facility Diagram (2 pages)
3. Confidentiality Notice (1 page)
4. Document of Receipt (1 page)
5. NOPF (3 pages)
6. Notification Acknowledgement/Verification Report Form (2 pages)
7. Mr. Henning's Inspection Notes (2 pages)
8. NDEE February 19 and 20, 2020, RCRA Inspection Report and Letter of Warning (180 pages)
9. Green Chemical Resistant Coating and Acetone SDSs (24 pages)
10. Line 14 Coating SDSs (51 pages)
11. Line 210 Coating SDSs (58 pages)
12. Additional Citations (5 pages)
13. E-mail Related to Use of Unlabeled "Day" Hazardous Waste Containers (2 pages)
14. Confirmation of Delivery for Contingency Plan (3 pages)
15. Facility Contingency Plan ("Emergency Procedures") (18 pages)