

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

VETTER EQUIPMENT

1308 Ferguson Road
Shenandoah, Iowa 51601
(712) 246-1187

EPA ID Number: IAR000524884

On

April 11, 2022

By

TOEROEK ASSOCIATES, INC.

For

U.S. ENVIRONMENTAL PROTECTION AGENCY

Region 7

Enforcement and Compliance Assurance Division

INTRODUCTION

At the request of the Enforcement and Compliance Assurance Division/Chemical Branch/RCRA Section of the U.S. Environmental Protection Agency (EPA) Region 7, Toeroek Associates, Inc. and its subcontractor CLAENE Group (Toeroek team) conducted a hazardous waste compliance evaluation inspection (CEI) at Vetter Equipment (Vetter), at 1308 Ferguson Road, Shenandoah, Iowa. The CEI was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended. The CEI covered hazardous waste generator, used oil, and universal waste requirements as applicable. This report and its attachments present the findings of the CEI.

PARTICIPANTS

Vetter:

Mindy Johnson, Office Manager
Stan Smith, Service Manager

Toeroek Team:

William F, Starks, Environmental Consultant, (816) 286-6951

INSPECTION PROCEDURES

Prior to the CEI at Vetter on April 11, 2022, I conducted a drive-by visual inspection. I did not observe any areas of concern during the drive-by. Upon my arrival, I entered the main entrance, explained the purpose of the CEI to the sales counter employee, and asked to speak with the facility's environmental contact. The employee directed me to Ms. Johnson's office, where I met Ms. Johnson and Mr. Smith. After a brief introduction, I conducted an entry briefing with Ms. Johnson and Mr. Smith.

During the entry briefing, I presented my business card and EPA credentials to Ms. Johnson and Mr. Smith. I explained the scope and procedures for the CEI. I explained the facility's right to make confidentiality claims and provided a Notice Regarding Proprietary/ Confidential Business Information. I stated that at the conclusion of the CEI, they would be presented with a Confidentiality Notice (Notice) with which they could make or not make a claim of confidentiality for the facility. I also provided Ms. Johnson and Mr. Smith a copy of U.S. Federal Codes 1001 and 1002, concerning communication of false statements and documents to federal inspectors, and RCRA Section 3007, explaining EPA's inspection authority. Ms. Johnson and Mr. Smith read both of these documents.

A copy of each of the following documents was left with the facility during the inspection:

- RCRA Facility Access Information Sheet
- Mr. Trevor Urban's business card
- RCRA Section 3007
- U.S. Federal Codes 1001 and 1002
- Instructions for Responding to a Notice of Preliminary Findings
- Notice Regarding Proprietary/Confidential Business Information
- Managing your Hazardous Waste: A Guide for Small Businesses
- U.S. EPA Small Business Resources Information Sheet
- Environmental Compliance Assistance Centers
- Recycling Electronics: A Guide for Businesses
- Battery Recycling/Disposal
- Universal Wastes – Including Aerosol Cans
- RCRA Online: A Quick Reference Guide
- Part 279 Requirements: Used Oil Management Standards
- EPA Region 7 Emergency Response Program
- Commercial Motor Vehicle Transportation System Security and Safety

I reviewed the Hazardous Waste Site Info Verification Report (Verification Report) with Mr. Smith (Attachment 1). Based on this review, as well as observations during the CEI, I updated the mailing address for the facility, changed the generator status listed in the Type(s) of Regulated Activity section to very small quantity generator (VSQG) of hazardous waste, and added used oil generator.

I conducted the visual inspection of the facility on April 11, 2022, accompanied by Mr. Smith. I also reviewed available facility records including Safety Data Sheets (SDS), summary reports, and shipping manifests. These records were provided by Ms. Johnson and Mr. Smith for my

review. Facility information gathered during the CEI is documented on the Data Gathering Worksheets and Checklists (Attachment 2).

At the conclusion of the CEI on April 11, 2022, I conducted an exit briefing with Ms. Johnson and Mr. Smith. During the exit briefing, I provided a Receipt for Documents and Samples, which Mr. Smith signed, acknowledging receipt (Attachment 3). I provided Mr. Smith the Notice, which he signed indicating no confidential business information had been provided (Attachment 4). I also provided Mr. Smith a Notice of Preliminary Findings (NOPF), which he signed to acknowledge receipt (Attachment 5).

A diagram of the facility was obtained during the CEI and is in Attachment 6. An aerial photograph of the facility was downloaded after the CEI and is in Attachment 7. The 24 photographs taken during the CEI are included in Attachment 8.

FINDINGS AND OBSERVATIONS

1. Facility Description and General Information

Vetter sells agricultural equipment and parts, and performs maintenance of agricultural equipment. Vetter purchased the facility in December 2014 from Madsen International and started operations in spring/summer of 2015. The facility consists of showroom/parts store with an attached maintenance shop, and a detached building for equipment storage with a total footprint of approximately 21,670 square feet under roof. Vetter currently employs approximately 11 sales, maintenance, and administrative personnel, who work one shift, Monday through Friday (7:30 a.m. to 5:00 p.m.), and Saturday (8:00 a.m. to 12:00 p.m.).

During the entry briefing and visual inspection, Mr. Smith described facility operations and waste generation processes. The majority of waste generated at the facility is from maintenance of customer equipment. Customers primarily bring equipment to the facility for maintenance. However, if the customer is unable to transport equipment to the facility, Vetter provides transport of the equipment to the facility for maintenance. Vetter does not perform maintenance activities in the field.

Mr. Smith explained that the primary wastes generated at the facility are scrap metal, used oil, and used hydraulic fluid. The facility also generates used oil filters, used lead acid batteries, used antifreeze, used aerosol cans, wood pallets, and general trash. Universal waste lamps are not generated at the facility, as the facility converted lighting from fluorescent and high intensity discharge (HID) lamps to light emitting diode (LED) fixtures in January 2015.

Scrap metal consists of facility maintenance scrap, equipment scrap, and drained/crushed used oil filters. Scrap metal is considered to be excluded from the definition of hazardous waste when recycled, per Title 40 *Code of Federal Regulations* (40 CFR) 261.6(a)(3)(ii). Scrap metal is collected by Shenandoah Sanitation and transported to a metal recycler for recycling.

Used oil and used hydraulic fluid generated during agricultural equipment maintenance are managed as used oil according to 40 CFR Part 279. The used oil is collected and transferred to one of three used oil aboveground storage tanks (AST). Used oil and used hydraulic fluid are

burned in a Reznor RA-350 space heater. Used oil filters are drained and crushed. Used oil from draining and crushing is managed as used oil, and the drained/crushed used oil filters are consolidated with scrap metal.

Spent lead-acid vehicle batteries are generated during agricultural equipment service work. The facility manages spent lead-acid vehicle batteries according to requirements of 40 CFR Part 266 Subpart G. They are exchanged on a one-for-one basis with Interstate Battery. Batteries replaced due to warranty issues are exchanged with Case Equipment on a one-for-one basis. The facility generates approximately eight to ten spent lead acid vehicle batteries per month. Spent lead-acid vehicle batteries were not observed at the facility during the CEI and are not discussed further in this report.

Used antifreeze generated during agricultural equipment maintenance is transferred to a 55-gallon container. The used antifreeze is self-transported to Vetter Equipment in Denison, Iowa for recycling. Waste aerosol cans (empty and non-empty) are consolidated with scrap metal for recycling. The facility has one aqueous parts washer that utilizes soap and hot water for cleaning oil, dirt and debris from equipment parts. Spent parts washer wastewater is considered nonhazardous by product and process knowledge, and is discharged to a containment sump. The containment sump is pumped out by Kreifels Plumbing and Fiberglass Repair (Nebraska City, Nebraska) for disposal. Waste wood pallets and general trash are collected by Shenandoah Sanitation for recycling and landfill disposal.

No previous RCRA inspections had occurred at Vetter.

2. RCRA Status

Vetter was identified as a small quantity generator (SQG) of hazardous waste (generating more than 100 kilograms [kg] and less than 1,000 kg of hazardous waste per calendar month) on the Verification Report provided by EPA (Attachment 1). During the CEI, I determined that waste from non-empty aerosol cans is regularly generated at Vetter and appears to count toward the facility's hazardous waste generator status. Based on interviews with Mr. Smith, I estimated that the facility generates approximately one pound of D001 characteristic hazardous waste from the non-empty aerosol cans every two months. Therefore, I determined that Vetter's hazardous waste generation rate is well below the SQG threshold and inspected the facility as a VSQG of hazardous waste (generating less than 100 kg of hazardous waste per calendar month). Vetter is also a used oil generator.

3. Waste Streams

This section of the CEI report describes waste streams generated by the facility, including the facility's waste determination and waste codes, generation process and rate, management at the facility, and ultimate disposition. The following discussion of waste streams is based on my interviews with Mr. Smith, the visual inspection, and my review of available documentation.

Used motor oil and used hydraulic fluid are generated during maintenance of agricultural equipment. Used motor oil and used hydraulic fluid are collected in used oil storage containers and transferred to one of three double-walled used oil ASTs inside and outside of the facility.

The facility manages used motor oil and used hydraulic fluid as used oil per requirements of 40 CFR Part 279. According to Mr. Smith, the facility generates approximately 20 gallons of used motor oil and 30 gallons of used hydraulic fluid per month. Used motor oil and used hydraulic fluid are burned in a Reznor RA-350 space heater.

Mr. Smith provided a copy of the specification sheet for the Reznor RA-350 space heater (Attachment 9). I noted that the space heater has a rated capacity of 350,000 British thermal units (Btu) per hour; less than the 0.5 million Btu per hour limit specified in 40 CFR 279.23(b). I asked Mr. Smith if the facility buys used oil or accepts used oil from other facilities for the space heater. Mr. Smith stated that used oil is not purchased or accepted from other facilities. He explained that when the facility runs out of used oil, they switch to one of two natural gas heaters for maintenance shop heating.

During the visual inspection, I observed a 300-gallon used oil AST inside of the maintenance shop (Attachment 8, Photographs 1, 2, and 7). The used oil AST appeared to be in good condition with no visible leaks, and contained approximately 150 gallons of used oil. However, the 300-gallon used oil AST was not labeled with the words “used oil,” as required by 40 CFR 279.22(c)(1) (**NOPF No. 1**).

I explained this preliminary finding to Mr. Smith during the CEI and provided compliance assistance regarding labeling of used oil ASTs. Prior to the conclusion of the CEI, I returned to the area and noted that facility personnel had labeled the 300-gallon AST with the words “used oil” (Attachment 8, Photograph 20).

I also observed floor dry underneath the used oil AST in Photograph 1 to absorb used oil spills. I asked Mr. Smith how long the floor dry had been on the floor. Mr. Smith stated that the area is cleaned routinely, but the floor dry had been in place for two weeks.

I observed a 300-gallon used oil AST outside of the maintenance shop (Attachment 8, Photographs 8 and 10). The used oil AST appeared to be in good condition with no visible leaks, and contained approximately 300 gallons of used oil. However, the 300-gallon used oil AST was not labeled with the words “used oil,” as required by 40 CFR 279.22(c)(1) (**NOPF No. 1**).

I explained this preliminary finding to Mr. Smith during the CEI and provided compliance assistance regarding labeling of used oil ASTs. Prior to the conclusion of the CEI, I returned to the area and noted that facility personnel had labeled the 300-gallon AST with the words “used oil” (Attachment 8, Photograph 19).

I again observed oily floor dry and oily residue beneath the 300-gallon used oil AST outside the maintenance shop (Attachment 8, Photograph 9). I asked Mr. Smith how long the floor dry and oily residue had been on the ground. Mr. Smith stated the floor dry had been in place for two to three months. It appears that Vetter has failed to clean up and properly manage released used oil and other materials, as required by 40 CFR 279.22(d)(3) (**NOPF No. 2**). I explained this preliminary finding to Mr. Smith during the CEI and provided compliance assistance regarding cleanup of used oil releases.

I observed a 500-gallon AST outside of the maintenance shop (Attachment 8, Photographs 11 and 12). The AST appeared to be in good condition with no visible leaks, and was empty. The used oil AST was not labeled with the words “used oil.” However, because the 500-gallon AST was empty, NOPF No. 1 did not apply. Prior to the conclusion of the CEI, I returned to the area and noted that facility personnel had labeled the 500-gallon AST with the words “used oil” (Attachment 8, Photograph 18).

I again observed oily debris and residue beneath the 500-gallon used oil AST outside of the maintenance shop (Attachment 8, Photographs 12, 13, and 14). I asked Mr. Smith how long the oily debris and residue had been on the ground. Mr. Smith stated the oily debris and residue had been in place for two to three months. It appears that Vetter has failed to clean up and properly manage released used oil and other materials, as required by 40 CFR 279.22(d)(3) (**NOPF No. 2**). I explained this preliminary finding to Mr. Smith during the CEI and provided compliance assistance regarding cleanup of used oil releases.

Used oil filters are generated during agricultural equipment oil changes. Used oil filters are drained and crushed prior to transfer to a scrap metal container. Used oil drained from the filters is managed as used oil per requirements of 40 CFR 279, and drained/crushed used oil filters are managed as scrap metal for recycling. The facility considers crushed used oil filters to be nonhazardous based on product/process knowledge. I also concluded that used oil filters would be excluded from the definition of a solid waste due to being hot-drained and crushed per 40 CFR 261.4(b)(13). The facility does not track the used oil filter generation rate.

During the visual inspection, I observed a used oil filter crusher located in the maintenance shop (Attachment 8, Photograph 6). The used oil filter crusher drained to an adjacent 55-gallon used oil storage container. The used oil storage container appeared to be in good condition with no visible leaks, and contained approximately 25 gallons of used oil. However, the used oil storage container was not labeled with the words “used oil,” as required by 40 CFR 279.22(c)(1) (Attachment 8, Photographs 4 and 5) (**NOPF No. 1**).

I explained this preliminary finding to Mr. Smith during the CEI and provided compliance assistance regarding labeling of used oil storage containers. Prior to the conclusion of the CEI, I returned to the area and noted that facility personnel had labeled the 55-gallon used oil storage container with the words “used oil” (Attachment 8, Photograph 21).

Scrap metal is generated during agricultural equipment maintenance and from crushing used oil filters. Scrap metal is transferred to a 20-cubic-yard scrap metal container southeast of the maintenance shop. Scrap metal is considered to be excluded from the definition of solid waste when recycled per 40 CFR 261.6(a)(3)(ii). The facility generates approximately 20 cubic yards of scrap metal quarterly. Scrap metal is transported by Shenandoah Sanitation to a metal recycler for recycling.

During the CEI, I observed a 20-cubic-yard container of scrap metal southeast of the maintenance shop (Attachment 8, Photographs 15 and 16). I did not observe any deficiencies related to scrap metal.

Used antifreeze is generated during agricultural equipment maintenance. The facility considers the waste to be nonhazardous based on product and process knowledge. The facility generates approximately 55 gallons of used antifreeze annually, which is transferred to a 55-gallon container upon generation. The waste is transported to Vetter's main store in Denison, Iowa, for recycling.

During the visual inspection, I observed a 55-gallon container of used antifreeze in the maintenance shop (Attachment 8, Photograph 3). The container held approximately 30 gallons of used antifreeze. I noted filters draining into the 55-gallon container, and asked Mr. Smith what type of filters were draining into the container. Mr. Smith stated that the filters were water filters. I did not observe any deficiencies related to used antifreeze.

RCRA-empty aerosol cans are generated from facility maintenance and maintenance of agricultural equipment. The facility considers the aerosol cans to be empty when no more material can be sprayed and the pressure in the can approaches ambient pressure per 40 CFR 261.7(b)(2). RCRA-empty aerosol cans are accumulated in the scrap metal container. The facility considers the RCRA-empty aerosol cans to be nonhazardous based on product knowledge. The facility generates approximately 15-20 RCRA-empty aerosol cans per month. Scrap metal is collected by Shenandoah Sanitation approximately four times per year, and transferred to a metal recycler for recycling. I did not observe any deficiencies related to RCRA-empty aerosol cans.

Non-empty aerosol cans are generated when aerosol can nozzles become nonfunctional due to being lost or broken and material remains in the can. The facility generates approximately one non-empty aerosol can every two months. Non-empty aerosol cans are disposed as scrap metal.

I observed a non-empty aerosol can of brake cleaner with a broken nozzle during the CEI. The labeling on the can indicated the contents were extremely flammable. The waste may be characteristic ignitable waste (D001); other waste codes may also apply for characteristically toxic constituents. I asked Mr. Smith how Vetter disposes of non-empty aerosol cans. Mr. Smith stated that non-empty aerosol cans are disposed into the scrap metal container. It appears that Vetter failed to make an adequate hazardous waste determination on non-empty aerosol cans as required by 40 CFR 262.14(a)(2) referencing 262.11 (a) (**NOPF No. 3**).

NOPF No. 3 was not on the NOPF form left at the facility. NOPF No. 3 was added to the form on April 15, 2022. I telephoned and emailed Mr. Smith on April 15, 2022 to advise him of the addition. A copy of the email is included in Attachment 10.

If non-empty aerosol cans are determined to be hazardous waste, a scrap metal recycling facility is not an allowed destination facility for hazardous waste per 40 CFR 262.14(a)(5). During the CEI, I provided compliance assistance to Mr. Smith regarding making a hazardous waste determination on non-empty aerosol cans, as well as the types of destination facilities to which a VSQG may send hazardous waste.

Spent parts washer wastewater is generated while servicing the parts washer in the Maintenance Shop (Attachment 9, Photograph 10). Spent parts washer wastewater is discharged to a containment sump in the facility flooring. The facility considers spent parts washer

wastewater to be nonhazardous based on product and process knowledge. The facility generates approximately five gallons of spent parts washer wastewater monthly.

The parts washer utilizes Hotsy Tubmate Torque and is self-serviced. I photographed the label on a container of Hotsy Tubmate Torque (Attachment 8, Photographs 23 and 24). Upon review of the product label, it did not appear that spent parts washer wastewater would be a characteristic or listed hazardous waste. I noted no deficiencies related to spent parts washer wastewater.

Waste wooden pallets are generated during unpacking of agricultural equipment and parts. Waste wooden pallets are transferred to a 30-cubic-yard container upon generation. The facility considers waste wooden pallets to be nonhazardous waste based on product/process knowledge. The facility generates approximately 30 cubic yards of waste wooden pallets per month. Waste wooden pallets are transported to Page County Landfill Association (Clarinda, Iowa) for recycling.

During the CEI, I observed a 30-cubic-yard container of waste wooden pallets (Attachment 8, Photograph 17). I did not observe any deficiencies related to waste wooden pallets.

General trash consists of all other non-recyclable-type waste generated at the facility. The facility determined that general trash is nonhazardous waste based on product knowledge. General trash is accumulated in several small containers throughout the facility and transferred to one of two 2-cubic-yard outdoor general trash containers. The facility generates approximately 4 cubic yards of general trash per week. General trash is collected by Shenandoah Sanitation and transported to Page County Landfill Association for landfill disposal. During the CEI, I observed one of the 2-cubic yard general trash containers (Attachment 8, Photograph 22). I did not observe any deficiencies related to general trash.

4. Summary of Preliminary Findings

In summary, as part of the CEI, I made the following preliminary findings:

- (1) Failure to label two used oil ASTs and one used oil storage container with the words “used oil” as required by 40 CFR 279.22(c)(1) (**NOPF No. 1**).
- (2) Failure to clean up and properly manage released used oil and other materials as required by 40 CFR 279.22(d)(3) (**NOPF No. 2**).
- (3) Failure to make an adequate hazardous waste determination on non-empty aerosol cans as required by 40 CFR 262.14(a)(2) referencing 262.11 (a) (**NOPF No. 3**).

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

William F Starks

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Starks
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Date: _____

William F. Starks
Environmental Consultant
CLAENE Group, LLC.

AMBER WHISNANT

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Date: 2022.06.03 19:23:59 -05'00'

Date: _____

Amber Whisnant
Section Chief
ECAD/CB/RCRA, EPA Region 7

Attachments:

1. Hazardous Waste Site Info Verification Report (1 Page)
2. Data Gathering Worksheets and Checklists (13 Pages)
3. Receipt for Documents and Samples (1 Page)
4. Confidentiality Notice (1 Page)
5. Notice of Preliminary Findings (1 Page)
6. Facility Diagram (1 Page)
7. Google Earth Aerial Image of the Facility (1 Page)
8. Photographic Documentation (24 Photos and Photolog) (15 Pages)
9. Specification Sheet for the Reznor RA-350 Space Heater (2 Pages)
10. E-mail from William Starks to Stan Smith, re: Notice of Preliminary Finding (NOPF) # 3, Dated April 15, 2022 (1 page)

NOTICE OF PRELIMINARY FINDINGS

FACILITY NAME: VETTER EQUIPMENT
ADDRESS: 1308 FERGUSON RD.
SHENANDOAH, IOWA 51601
EPA ID NUMBER: IAR000524884 DATE: 04/11/2022

NOTICE: I am not an employee of the Environmental Protection Agency ("EPA"). I am a contractor for EPA retained to conduct compliance evaluation inspections. The following is a list of observations/recommendations found during this inspection which will be reported back to EPA. This is not to be construed as a complete list of observations/recommendations. The EPA will be evaluating the report prepared as a result of this inspection and making the determinations as to what violations may have occurred at your facility.

1. FAILURE TO LABEL 3ASTs and 1 used oil storage container with the words "USED OIL," 40 CFR 279.22(C)(1).
2. FAILURE TO CLEAN UP AND PROPERLY MANAGE RELEASED USED OIL AND OTHER MATERIALS, 40 CFR 279.22(d)(3).
3. ① Failure to make an adequate hazardous waste determination on spent aerosol cans, 40 CFR 262.14(a)(2) Referencing 262.11(a).
4. _____
5. _____
6. _____
7. ① NOFF No. 3 was added to this Form on 04/15/2022. Mr. Smith was notified of the addition on 04/15/2022 by telephone and email.

If you have any questions regarding these findings please contact TREVOR URBAN, US EPA

The undersigned person hereby acknowledges receipt of a copy of this document and has read the same.

PRINTED NAME: Stan Smith TITLE: Shop Manager
SIGNATURE: Stan Smith

This document was prepared by William F. Starks