

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

Sherwin-Williams Automotive Branch 9353

1937 Blairs Ferry Road NE
Cedar Rapids, Iowa 52402
(319) 395-0207

EPA ID Number: IAD984621946

On

July 12, 2023

By

U.S. ENVIRONMENTAL PROTECTION AGENCY

Region 7

Enforcement and Compliance Assurance Division (ECAD)

1.0 INTRODUCTION

At the request of the Enforcement and Compliance Assurance Division, I conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) at Sherwin-Williams Automotive Branch 9353, located in Cedar Rapids, Iowa, on July 12, 2023. The CEI was conducted under the authority of Section 3007(a) of RCRA, as amended. The facility had not been inspected previously for RCRA compliance. I collected the information and data necessary to determine compliance with the applicable regulatory and statutory requirements. The inspection report and attachments present the results of the CEI.

2.0 PARTICIPANTS

Sherwin-Williams Automotive Branch 9353:

Doug Hayden, Store Manager, approximately 17 years with the company, five years as store manager

U.S. Environmental Protection Agency (EPA):

H. D. "Doug" Bryant, CPP, PCI, Civil Investigator, SEE, ECAD/Chemical Branch/RCRA

3.0 INSPECTION PROCEDURES

Prior to beginning the inspection, I conducted a visual reconnaissance of Sherwin-Williams Automotive Branch 9353 on July 12, 2023, searching for areas of concern observable from the adjacent roadway. No environmental issues or areas of concern were observed during this preliminary examination. I arrived unannounced at Sherwin-Williams Automotive Branch 9353 at approximately 08:15 hours, July 12, 2023. I parked outside the facility in a public parking lot. I entered the facility through the store entrance and was greeted by an employee working behind a counter. The employee asked the nature of my business, to which I responded. She responded that he would summon the store manager, Mr. Hayden. Mr. Hayden met me near the entry counter and invited me into a conference room in an administrative office area that was used throughout this inspection.

After exchanging pleasantries, I started my entrance briefing. I presented my EPA credentials to Mr. Hayden, and I gave him my business card. I next presented Mr. Hayden a copy of RCRA section 3007(a), which provides inspection authority. I explained my need to collect accurate information and presented him a copy of Title 18 U.S. Code, Sections 1001 and 1002. He was made aware of his confidentiality rights and was informed that a Confidentiality Notice would be provided at the end of the inspection to make or not to make any claims. Mr. Hayden acted as the official Sherwin-Williams Automotive Branch 9353 representative throughout this inspection and participated in all facets of the inspection.

This inspection consisted of an entry briefing, a discussion of facility operations, waste generation and waste management, a visual inspection of the waste generation and management areas, and an exit briefing. Eight photographs were collected, all of which were used as inspection documentation recorded in a photo log with photos (Attachment 1). A site map of the facility is attached (Attachment 2). Attachment 2 was annotated to document the location of photos taken during the visual inspection of the facility in the photo log. Documentation photocopies and photos total 10 attachments to this report (Attachments 1-10). I followed the inspection procedures discussed in the RCRA Compliance Evaluation Inspection Standard Operating Procedure (No. 2321.01E), unless noted differently.

At the conclusion of the inspection, I conducted an exit briefing, during which I summarized my findings and recommendations with Mr. Hayden. I provided Mr. Hayden a *Confidentiality Notice*, which he signed, indicating no confidentiality claims were made by the facility (Attachment 3). I provided Mr. Hayden a *Receipt of Documents and Samples* which he signed acknowledging receipt (Attachment 4). I provided Mr. Hayden a *Notice of Preliminary Findings* which he signed acknowledging receipt (Attachment 5).

The following inspection documents and compliance assistance handouts were left with the facility:

Section 3007 Inspections Sheet (EPA Handout)
RCRA Facility Access Information Sheet (EPA Handout)
United States Code Annotated (EPA Handout)
Notice Regarding Proprietary/Confidential Business Information Submitted to or Collected by EPA in Connection with Inspections (EPA Handout)
Notice of Preliminary Findings (EPA Handout)
Instructions for Responding to a Notice of Preliminary Findings (NOPF) (Reverse of NOPF)
U.S. EPA Small Business Resource Information Sheet (EPA Handout)
Solvent-Contaminated Wipes Final Rule Chart (EPA Handout)
Battery Recycling/Disposal (Iowa of Department of Natural Resources - IDNR Handout)
Excluded Solvent-Contaminated Wipe Rule (IDNR Handout)
Universal Wastes Including Aerosol Cans (IDNR Handout)
Environmental Compliance Assistance Centers (EPA Handout)
e-Manifest Fact Sheet (EPA Handout)
Emergency Response Program (EPA Handout)
Managing Your Hazardous Waste: A Guide for Small Business (EPA Handout)

4.0 FINDINGS AND OBSERVATIONS

4.1 Facility Information and Operations

Sherwin-Williams Automotive Branch 9353 is an automotive coating and supplies wholesale/retail store. The Sherwin-Williams Automotive Branch 9353 facility is in a light-industrial area located in northeast Cedar Rapids, Iowa. Sherwin-Williams Automotive Branch 9353 employs approximately three personnel working from 08:00-17:00, Monday thru Friday. The facility occupies approximately 6,000 square feet under roof. The North American Industry Classification System codes for this facility are 44412-Paint and Wallpaper Retailers and 42495-Paint, Varnish, and Supplies Merchant Wholesalers.

4.2 RCRA Status

The Hazardous Waste Site Info Verification Report for Inspector (Attachment 6) identifies the facility as a very small quantity generator (VSQG) of known hazardous waste. I determined that Sherwin-Williams Automotive Branch 9353 generates approximately five gallons of known hazardous waste (HW) weighing approximately 38 pounds monthly. Therefore, I inspected Sherwin-Williams Automotive Branch 9353 as a VSQG of D001 and D035 characteristic and F003 and F005 listed HW. Mr. Hayden stated that the facility generates approximately 50 spent fluorescent lamps annually that are managed as universal waste (UW). Therefore, I inspected the facility as a small quantity handler of UW. The facility does not generate any used oil.

4.3 Facility Waste Streams and Management

Waste Paint/Waste Solvent: Mr. Hayden stated that Sherwin-Williams Automotive Branch 9353 generates approximately five gallons of a combined waste paint and waste solvent waste stream monthly that is managed as D001 and D035 characteristic and F003 and F005 listed HW. This waste stream is comprised of waste from the following products used by the facility:

- Economy Lacquer Thinner, Product Code R7K115, Attachment 7
- AIC Advanced Industrial Coatings Toner, Product Code AIC400 (Attachment 8)
- Sunfire Pro™ Basecoat Binder, Product Code ST171 (Attachment 9)
- ULTRASYSYSTEM® Mixing Color Deep Black, Product Code U7281 (Attachment 10)

The following HW waste stream generated by the facility has been characterized by Sherwin-Williams Automotive Branch 9353 below:

- UN 1263, Waste Paint, managed as D001 and D035 characteristic and F003 and F005 listed HW.

The HW is picked up by Clean Earth Specialty Hazardous Waste Solutions (MNS000110924) (Clean Earth) (formerly Stericycle Specialty Hazardous Waste Solutions) and transported off-site to Petro-Chem Processing Group, 421 Lyncaste, Detroit, Michigan (MID980615298) for fuel blending. I observed one 55-gallon container, approximately 2/3-full of the combined waste paint/waste solvent waste stream described above, located inside the Mixing Room (Photo 1, Attachment 1). A closed funnel was affixed to the top of the 55-gallon container, as shown in Photo 2, Attachment 1. The management of the container appeared to be satisfactory.

Waste Water-Based Paint: Mr. Hayden stated that the facility generates approximately two gallons of waste water-based latex paint monthly from expired paint batches, paint mismatches, and other miscellaneous episodes. This waste stream is managed as non-DOT, non-RCRA Regulated Material (Latex Paint) and is picked up and transported off-site by Clean Earth. I observed one 55-gallon container, approximately 1/2-full of waste water-based latex paint described above, located inside the Mixing Room (Photo 1, Attachment 1). A closed funnel was affixed to the top of the 55-gallon container, as shown in Photo 2, Attachment 1. The management of the container appeared to be satisfactory.

Waste Aerosol Cans: Mr. Hayden stated that Sherwin-Williams Automotive Branch 9353 generates approximately two waste aerosol cans monthly. The waste aerosol cans include cleaners and spray paint. Mr. Hayden stated that the waste aerosol cans have been determined to be RCRA-empty and are currently disposed in the general trash. I provided compliance assistance during my exit briefing explaining the option of managing waste aerosol cans as UW and scrap metal.

Waste Cloth Wipes: Mr. Hayden stated that Sherwin-Williams Automotive Branch 9353 generates approximately five pounds of waste cloth wipes annually. The cloth wipes are used to clean dirt and grime from employee hands and wipe up spilled paint and solvent. Mr. Hayden explained that the waste cloth wipes are contained in a metal step canister located inside the mixing room. I observed a closed five-gallon metal step canister located inside the Mixing Room, as shown in Photo 3, Attachment 1. I opened the metal step canister to observe the interior of the container. The container was nearly overflowing with waste cloth wipes. I smelled a strong, pungent, distinct odor that I have sensed before that is often associated with commercial paint and solvent products. I asked Mr. Hayden if Sherwin-Williams Automotive Branch 9353 had conducted a hazardous waste determination on the waste cloth wipes used with commercial paint and solvent products, to which he responded negatively. **Sherwin-Williams Automotive Branch 9353 must conduct a HW determination on the waste cloth wipes in accordance with 40 CFR § 261.11 (NOPF No. 1, Attachment 5).** I provided compliance assistance by explaining how to conduct a HW determination. I also discussed the Solvent Contaminated Wipes Rule and implementation procedures if deemed appropriate. Compliance assistance literature describing the rule was provided during the exit briefing.

UW-Lamps: Mr. Hayden stated that Sherwin-Williams Automotive Branch 9353 generates approximately 50 four-foot UW-lamps annually from re-lamping activities. Mr. Hayden stated that Sherwin-Williams Automotive Branch 9353 purchases a pre-paid cardboard recycling container from Veolia. I observed a closed cardboard container filled with approximately 48 UW-lamps as shown in Photo 5, Attachment 1. The cardboard container was not labeled nor was the accumulation start date noted on the cardboard container (Photo 6, Attachment 1). I asked Mr. Hayden how long the UW-lamps had been accumulated, to which he responded he “wasn’t sure.” Mr. Hayden wrote the words “UW-Lamps: on the outside of the cardboard container during this CEI, as shown in Photo 7, Attachment 1. **Sherwin-Williams Automotive Branch 9353 must label containers of UW-lamps as “Universal Waste-Lamps,” or “Waste Lamps,” or “Used Lamps” in accordance with 40 CFR § 273.14(e), NOPF No. 2, Attachment 5 and must demonstrate the length of time the UW has been accumulated in accordance with 40 CFR § 273.15(c), NOPF No. 3, Attachment 5.** I provided compliance assistance describing UW-Lamps best management practices during my exit briefing.

Scrap Metal: Mr. Hayden stated that Sherwin-Williams Automotive Branch 9353 generates approximately one three-cubic yard cardboard container quarterly of scrap metal consisting of RCRA-empty paint cans. The scrap metal has been determined to be non-RCRA hazardous, by virtue of product and process knowledge. The scrap metal is picked up transported off-site by Marion Iron Co., 4000 3rd Avenue, Marion, Iowa, for recycling.

Waste Electronics: Mr. Hayden stated that Sherwin-Williams Automotive Branch 9353 generates miscellaneous electronic equipment episodically that is transported to the Sherwin-Williams Corporate facility located in Cleveland, Ohio for recycling. I observed a variety of electronic equipment and components located inside the warehouse that were staged for pick up and transport to the corporate facility for recycling (Photo 8, Attachment 1).

Waste Cardboard: Mr. Hayden stated that Sherwin-Williams Automotive Branch 9353 generates approximately one three-cubic yard container of waste cardboard weekly. Mr. Hayden stated that the waste cardboard has been determined to be non-RCRA hazardous, by virtue of product and process knowledge. The waste cardboard is picked up by Republic and transported off-site for recycling.

Waste Business Office Paper: Mr. Hayden stated that Sherwin-Williams Automotive Branch 9353 generates approximately one 40-gallon plastic bin of waste office business paper quarterly that is picked up and shredded on-site by Shred-it. This waste stream has been determined to be non-RCRA hazardous, by virtue of product and process knowledge.

General Trash: Mr. Hayden stated that Sherwin-Williams Automotive Branch 9353 generates approximately one 3-cubic yard container of general trash weekly. The general trash consists of wastepaper (exclusive of office business paper), lunch wastes, and miscellaneous packing materials. Mr. Hayden stated that the general trash has been determined to be non-RCRA hazardous, by virtue of product and process knowledge. The general trash is picked up by Republic Services of Cedar Rapids (Republic), 921 Ingleside Drive SW, Cedar Rapids, Iowa and transported off-site to the Cedar Rapids/Linn County Solid Waste Agency, 1954 County Home Road, Marion, Iowa, for sanitary landfill disposal.

4.4 Documentation

I reviewed two uniform hazardous waste manifests documenting HW generated by Sherwin-Williams Automotive Branch 9353, spanning the period of September 12, 2019, through April 21, 2021, the most recent shipment of HW documented for the facility. Details of these two shipping manifests are as follows:

Manifest #	Date	Description	QTY	CONT	Lbs	EPA WC
002498275PSC	9/12/2019	UN1263 Waste Paint	1	DM	450	D001
003120512CLE	4/1/2021	UN1263 Waste Paint	1	DM	279	D001

5.0 SUMMARY

I documented the following preliminary findings during this CEI:

NOPF No. 1: 40 CFR § 262.11: Failure to conduct a HW determination of waste cloth wipes.

NOPF No. 2: 40 CFR § 273.14(e): Failure to label containers of UW-lamps as “Universal Waste-Lamps,” or “Waste Lamps,” or “Used Lamps” (corrected during this CEI).

NOPF No. 3: 40 CFR §273.15(c): Failure to demonstrate the length of time the UW has been accumulated.

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.

HURLEY BRYANT
(Affiliate)

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BRYANT (Affiliate)
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Date: 8/4/2023

H. D. "Doug" Bryant, CPP, PCI
Civil Investigator, SEE

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Date: _____

Amber Whisnant
Chief, RCRA Section, Chemical Branch
Enforcement and Compliance Assurance Division

Attachments:

- 1) Photo Log and Photos (9 pages)
- 2) Site Map/Diagram (1 page)
- 3) Confidentiality Notice (1 page)
- 4) Receipt of Document and Samples (1 page)
- 5) Notice of Preliminary Findings (2 pages)
- 6) Hazardous Waste Site Info Verification Report for Inspector (2 pages)
- 7) Safety Data Sheet (SDS) Economy Lacquer Thinner, Product Code R7K115 (16 pages)
- 8) SDS, Advanced Industrial Coatings Toner, Product Code AIC400 (21 pages)
- 9) SDS, Sunfire Pro™ Basecoat Binder, Product Code ST171 (14 pages)
- 10) SDS, ULTRASYSYSTEM® Mixing Color Deep Black, Product Code U7281 (17 pages)