

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

RILCO ENV LLC DBA ENVIROMARK

2611 State Street
Bettendorf, Iowa 55722
563-388-9100

EPA ID Number IA0000464248

On

August 31, 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 Enviromark, Bettendorf, Iowa. The inspection was conducted on August 31, 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 Enviromark as a non-generator of known hazardous waste (HW), a small quantity handler of universal waste (spent lamps), and a generator of used oil. According to the U.S. Environmental Protection Agency (EPA) RCRAInfo database, the facility had been previously inspected by the EPA.

2.0 PARTICIPANTS

Enviromark:

Terry Daniels, VP of Services (13 years with company)
309-314-5160, terry@rilcoinc.com
Dan Carstens, Sales Manager (12 years with company)

EPA:

Mark Holcomb, Civil Investigator/Inspector (SEE)

3.0 INSPECTION PROCEDURES

On August 31, 2022, I arrived unannounced at the facility at about 1000 hours. Initially I had gone to their previous location listed on the EPA Site Notification Verification Report (last updated 3/15/2018) at 7301 Vine St Court, Davenport, Iowa. The current tenants at that location

told me that Enviromark had moved about a year ago to another location (a suburb of Davenport) about 5 miles away. I researched their new address and drove to that location on 2611 State Street, Bettendorf, Iowa, 52722. Initially I conducted a visual reconnaissance of the facility searching for areas of concern observable from the adjacent public roadways and parking lots. I identified no environmental issues or concerns during this preliminary examination. The property is approximately 82,000 square feet and backs up to the railroad tracks and is only about 1000 feet from the Mississippi River. On arrival to their office, I asked for Mr. Terry Daniels, who was listed as the site contact on the EPA Site Verification Form. I was told that Mr. Daniels was currently out of the office but was expected to return soon. I was introduced to Mr. Dan Carstens who told me he was the company's sales manager and that he also worked closely with hazardous waste operations. Mr. Carstens escorted me to a conference room. Mr. Carstens stated that he had been with Enviromark for about 12 years. After Mr. Daniels arrived, he stated that he had been with the company for about 13 years and functions as the site contact for hazardous waste. Mr. Daniels 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, and safety vest and eye protection, only in limited 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. Daniels 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 management areas; and a review of waste management records. Both Mr. Daniels and Mr. Carstens were present throughout the entire inspection including the opening, document review, visual inspection, and closing conference.

I conducted a visual inspection of the following:

- Warehouse Building 1 (Photos 1-6)
- Safety Data Sheets (SDS) employee information center (Photo 5)
- Storage Room (Photos 7-9)
- Warehouse Building 1 Dock (Photos 10-11)
- Truck Storage Area (Photos 12-16)

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

Document Photocopies and Photographs were collected as inspection documentation (see Attachments #1-13 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: bills of lading; sample agreement; manifests; contingency plan; and staff training records.

On the afternoon of August 31, 2022, I held a closing conference. Participants included Mr. Daniels and Mr. Carstens. I provided Mr. Daniels 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. Daniels 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. Daniels 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. Daniels stated that Enviromark is an environmental cleaning and transport company. They have 11 staff, including office employees, and generally work regular Monday–Friday business hour, but also provide after-hours emergency service as requested. Their current facility has been in operation since February 1, 2022, after moving from their previously mentioned location in Davenport, Iowa, and is co-located with a sister Roto-Rooter company (same owner). Enviromark was established in 1989. Enviromark is their DBA name. The full legal name as listed on the Site Verification form is Rilco Env LLC DBA Enviromark.

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

4.2 Facility RCRA Status

RCRAInfo listed one previous RCRA compliance inspections for Enviromark on December 15, 1998, and the only finding listed was a used oil storage tank not marked with a used oil label. According to the RCRAInfo Notification Acknowledgement/Verification Report, Enviromark last notified as a used oil transporter and a non-generator of hazardous waste on March 5, 2018. I verified the Notification Acknowledgement/Verification form with Mr. Daniels with update changes made to the address (see Attachment #6). The RCRAInfo Notification Acknowledgement/ Verification form report listed no waste codes. Enviromark appears to be a non-generator of hazardous waste at the time of the inspection. In addition, Enviromark appears to be a transporter of used oil.

4.3 Facility Waste Streams and Management

Enviromark is a non-generator of hazardous waste. Mr. Daniels described their company as an “industrial cleaning company” that collects used oil and industrial wastewater contaminated with used oil from industrial generators. I have attached a sample company agreement that outlines their company’s typical functions and responsibilities (see Attachment #7).

Other waste streams and notes include:

Waste Paint – a review of Enviromark’s eManifest report showed no hazardous waste transports in the last two years (2022 or 2021), but it did list two shipments, one on January 27, 2020, for 320 pounds and one on August 23, 2019, for 1376 pounds (see Attachment #8 for this manifest). Both were listed as “UN1263 Waste Paint”, with waste codes of D001, D005, D006, D011, D035, and was transported by Clean Harbors Environmental Services to Smithfield, Kentucky for H061 processing. Mr. Daniels stated that this waste was not generated by Enviromark but was waste paint dropped off at their facility and they took responsibility for properly disposing of it. Mr. Daniels showed me several cans of used paint that they had temporally stored (pending transport) on their dock, next to the front dock doors that faces the street (see Photo 11). Mr. Daniels stated that the public keeps dropping off waste paint after hours, even though they are not an official collection site. I observed ten partially full

waste paint cans that were reported to not have been generated by this facility. Enviromark takes responsibility for this waste and transports it to their local public Household Hazardous Materials (HHM) facility in Davenport, Iowa. See Attachment #9 for shipping papers for their local Waste Commission of Scott County Household Hazardous Material Facility for a local shipment on July 15, 2022.

Fluorescent Lamps – Mr. Daniels stated that they have completely switched over to LED lighting in their facility and have not disposed of any spent fluorescent lamps recently or have any spent lamps onsite.

Used Oil and Batteries – Mr. Daniels stated that all preventive maintenance on their fleet of vehicles is outsourced, and they do not generate any used oil, used oil filters, or batteries onsite.

Possible Oil Spill – During the visual inspection of the Truck Storage Area, I observed a large oil like stained area (see Photo 12). This was an eight-foot-deep hole with a stained dirt floor. Mr. Daniels stated that the previous clients moved out a year earlier and had a large “mechanical brake press machine” located in this location that had apparently leaked an unknown amount of oil and/or unknown substances. The spill stain is approximately 24 foot by 20 foot. Mr. Daniels stated that they suspected the spill was used oil but had not done a hazardous waste determination. They are planning to clean up the spill.

- **NOPF 1: Make a hazardous waste determination on the apparent oil spill in the Truck Storage Area as required by 40 CFR 262.11(a)**

General Trash – General trash is generated by routine business operations. Mr. Daniels estimates that they generate about a 12 cubic yard roll-off twice a month and it is sent to the Scott County Landfill.

General Visual Inspection Notes - They do have a large warehouse in which they temporarily store numerous drums of used oil, used oil filters, and wastewater with used oil (see Photos 1-4) generated by other businesses. All of the drums and tanks appeared to be in good condition, free of any obvious leaks, and labeled with “used oil” labels. Safety Datasheets (SDS) and an employee emergency information center was centrally located in the warehouse (see Photo 5).

In the warehouse dock area, I observed a 20-cubic yard roll-off, which was about 1/3 full of spent oil absorbents, that had been collected from generator/client sites (see Photo 6). I also observed three flammable cabinet of product supplies (see Photo 10), as well as the ten cans of used paint mentioned earlier (see Photo 11).

Attached to the warehouse, I observed a large storage room equipped with extra supplies, emergency equipment, clean 240-gallon totes, and spill kit absorbent supplies (see Photos 7-9).

In the Truck Storage Area, I observed three large poly used oil storage tanks. The 300-gallon tote was 1/3 full, the 3000-gallon tank was 2/3 full, and the 1550-gallon tank was ½ full of “bulk tank” oily water. The tanks were all in good condition with no obvious leaks. All three were labeled with “Used Oil” (see Photos 13 and 14). See Attachment #10 for a sample analytics

report of the used oil. Also in the Truck Storage Area, I observed seven industrial trucks of various types, each equipped with spill kits (see Photos 13 and 15). Also in the Truck Storage Area, I observed five pallets of spent tractor lead acid batteries from a client pending transport to Alter Recycling on Schmidt Rd, Davenport, Iowa, for recycling. The batteries were stored on wooden pallets and appeared to be in good condition with no obvious leaks (see Photo 16). They were plastic wrapped with cardboard padding. See Attachment #11 for a sample bill of lading for shipping of spent batteries.

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 CAA. They do have a large warehouse in which they temporarily store numerous drums of used oil, used oil filters, and wastewater with used oil (see Photos 1-6).

Preparedness and Prevention – Enviromark has numerous fire extinguishers and spill kits throughout the facility. They had a detailed health and safety contingency plan (see Attachment #12).

Personnel Training –Mr. Daniels stated that they do require initial and annual recurrent training for all staff having hazardous waste handling responsibilities. They require the initial 40-hour HAZWOPER course, annual 8-hour HAZWOPER refresher course, and the 10-hour OSHA safety course every three years (see Attachment #13 for staff training certificates).

5.0 SUMMARY OF FINDINGS

NOPF 1: Make a hazardous waste determination on the apparent oil spill in the Truck Storage Area as required by 40 CFR 262.11(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)



Digitally signed by MARK
HOLCOMB (Affiliate)
Date: 2022.10.25 15:53:14
-05'00'

Mark Holcomb
Civil Investigator

Mike Martin -
signing for Amber
Whisnant



Digitally signed by Mike Martin
- signing for Amber Whisnant
Date: 2022.10.31 12:26:08
-05'00'

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. Sample Agreement (10 pages)
8. Manifest Paint (1 page)
9. Shipping Papers – Paint (1 page)
10. Analytical Report (16 pages)
11. Bill of Lading for Batteries (1 page)
12. Health & Safety Program (6 pages)
13. Staff Training Certificates (13 pages)