

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

TOYS DONE RIGHT BODY SHOP

1006 Central Ave.

Dubuque, Iowa 52001

563-552-1601 Installation Phone Number

563-552-1601 Site Contact Phone Number

EPA ID Number IAR000510040

On

May 18, 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 Toys Done Right Body Shop, Dubuque, Iowa. The inspection was conducted on May 18, 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 Toys Done Right Body Shop as a very small quantity generator (VSQG) of known hazardous waste (HW), a small quantity handler of universal waste (SQHUW) lamps, and a generator of used oil. According to the U.S. Environmental Protection Agency (EPA) RCRAInfo database, the facility had not been previously inspected by the EPA.

2.0 PARTICIPANTS

Toys Done Right Body Shop:

Dan Steffens, Owner (14 years with company)

Laurie Steffens, Bookkeeper (14 years with company)

EPA:

Mark Holcomb, Civil Investigator (SEE) (Lead Inspector)

Edwin Buckner, Environmental Engineer (Training Preceptor)

3.0 INSPECTION PROCEDURES

On May 18, 2022, Mr. Buckner and I arrived unannounced at the facility's main entrance at about 0830 hours. Initially I conducted a visual reconnaissance of the building/facility searching for areas of concern observable from the adjacent public roadway and parking lot. I identified no environmental issues or concerns during this preliminary examination. Inside the front door, we met the company owner and bookkeeper. I introduced myself and I asked to speak with Dan Steffens who was listed as the primary contact on the EPA Notification Verification Report. Mr. Steffens indicated he was the president/owner of the company as well as the EPA site contact. Mr. Steffens stated that he had been with Toys Done Right Body Shop for over 14 years. Mr. Steffens told us there were currently no specific COVID-19 staff or visitor requirements and the only safety personal protective equipment (PPE) requirements at this facility were safety shoes and protective glasses.

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

The RCRA inspection consisted of a discussion of facility operations, waste generation, and waste management; a visual inspection of active waste generation and management areas; and a review of waste management records. Mr. Steffens was present throughout the entire inspection including the visual inspection. Mr. Steffens was also present for the opening and exit conferences. Laurie Steffens, the company bookkeeper, was helping at the front desk and was present for some of the conversations, as well as assisting with locating and copying documents, but she was not present for the visual inspection.

I conducted a visual inspection of the following:

- Main Repair Area
- Vehicle Prep Area
- Paint Booth
- Paint Room
- Upper-level Air Compressor Room
- Upper-level Tire Area
- East Side of facility outside (dumpsters)

See Attachments #1 and #2 for the aerial view and facility diagram. Photos 1 and 2 show an overview of the main repair shop from both directions.

Document Photocopies and Photographs were collected as inspection documentation (see Attachments #1-15 and Photos 1-13). The photo log is included in Attachment #3. Information

collected during the inspection is documented on an Entry/Exit checklist, the hazardous waste compliance checklists and in a notebook. I reviewed documents including the following: Safety Data Sheets (SDS); bills of lading; certificates of recycling; waste profiles; and manifests.

On the afternoon of May 18, 2022, I held a closing conference. Participants included Mr. Steffens, and Mr. Buckner. I provided Mr. Steffens with a Receipt for Documents (see Attachment #4) and a Confidentiality Notice (CBI) (see Attachment #5), which he signed as acknowledgement of receipt. No confidential business information (CBI) claims were made. I summarized my findings and recommendations and provided Mr. Steffens with a Notice of Preliminary Findings (NOPF), which he signed to acknowledge receipt (see Attachment #6). I provided inspection and compliance assistance documents 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. Steffens stated that this facility location began operations in 2008. Toys Done Right Body Shop has three full-time and one part-time employees operating Monday – Friday day shift. The facility is approximately 5000 square feet. Mr. Steffens is the owner. See Attachment #1 for the facility aerial view and map location. See Attachment #2 for a facility diagram. Toys Done Right Body Shop is dedicated to collision repairs and autobody work. Raw materials used include auto parts, paint, and paint thinners.

4.2 Facility RCRA Status

RCRAInfo did not list any previous RCRA compliance inspections for Toys Done Right Body Shop.

According to the RCRAInfo Notification Acknowledgement/Verification Report, Toys Done Right Body Shop last notified as a Very Small Quantity Generator (VSQG) on July 9, 2008. I provided Mr. Steffens with the Notification Acknowledgement/Verification form, which he reviewed and returned without any changes (see Attachment #7). The RCRAInfo Notification Acknowledgement/ Verification form report did not indicate any generated waste codes. Toys Done Right Body Shop appeared to be a very small quantity generator (VSQG) of hazardous waste (less than 220 pounds, or 100 kg, of non-acute hazardous waste generated per month), based on the facility's hazardous waste generation rate at the time of the inspection. In addition, Toys Done Right Body Shop appeared to be a small quantity handler of universal waste lamps, as well as a generator of used oil. The eManifest report showed two hazardous waste shipments over the last three years for a total of 2556 lbs. Both shipments were for the same waste stream of UN1263 Waste Paint related materials with waste codes of D001, D035, F003, and F005.

4.3 Facility Waste Streams and Management

The following waste streams are managed by Toys Done Right Body Shop:

Waste Paint and Related Materials – Paint and paint related materials, such as the VTK Gun Flush below, is used in the auto repair process for vehicle painting. Mr. Steffens estimates they generate three 55-gallon drums every two years. Their use is fairly consistent month to month. Their hazardous waste determination is that the waste paint and related materials is hazardous waste based on product and process knowledge and has waste codes: D001, D035, F003, and F005. Additionally, Mr. Steffens provided me with a copy of an analytical report from TestAmerica in Cedar Falls Iowa, dated April 7, 2009, that lists TCLP (Toxicity Characteristic Leaching Procedure) metals and volatile organic compounds test results for “Paint Contaminated” (see Attachment #14). Onsite management includes waste paint, thinner, and waste gun flush (discussed below) going into the waste paint drum in the Paint Room. Photos 3 and 4 show the start of the painting process. Photo 3 shows the Prep Area and Photo 4 shows the Paint Booth. The eManifest and paper manifests show two shipments of hazardous waste over the last three years. As noted earlier, both shipments

were for the same waste stream of UN1263 Waste Paint related materials. The January 3, 2019, manifest indicates three 55-gallon drums were shipped for a total of 1226 lbs and the January 13, 2021, manifest indicates three 55-gallon drums at 1330 lbs (see Attachments #8 and #9). For the SDS, see Attachments #10, #11, #12, and #13. During the visual inspection I observed two 55-gallon steel waste paint drums in the Paint Room (see photos 5, 6, and 7). Booth drums were in good condition with their tops closed. The center drum was in use, with a secured funnel in place, and was about 2/3 full. This drum functions as the Satellite Accumulation Area (SAA) container. It had both a flammable and “Waste Paint” label, as well as a start date of “1/7/2021”. The right drum contained product thinner and was full. The left drum of waste paint was full. This full drum had no labels, but drum labels are not required for a VSQG. This drum functioned as the Central Accumulation Area (CAA) container. Mr. Steffens stated that it is their practice to continue to store the full drums in the Paint Room until they have three full, or near full, drums before calling their hazardous waste transport company. Also, there is not an accumulation time limit for VSQG, but there is a maximum onsite accumulation quantity for VSQG of 1000 kg (2200 lbs), which they are well below even assuming three full drums, since their last two shipments, of three drums each, were 1330 lbs and 1226 lbs. Off-site management is done by Stericycle Specialty Waste Solutions, which transports the waste to Systech Environmental Corp in Fredonia, Kansas where it is managed by H061 processing (fuel blending prior to energy recovery).

Gun Flush – VTK Gun Flush is used in the auto repair process to clean the paint guns. Mr. Steffens estimated they generate six 14 oz cans every six months. Their waste determination of the Gun Flush is hazardous waste based on product and process knowledge with waste codes of D001 and F003. See Attachment #13 for the SDS. Onsite management is that the spent Gun Flush goes into the Waste Paint drum described in the previous waste stream. The empty cans go into the trash. Off-site management is done by Stericycle Specialty Waste Solutions, which transports the waste to Systech Environmental Corp in Fredonia, Kansas where it is managed by H061 processing (fuel blending prior to energy recovery).

Spent Lamps – Toys Done Right Body Shop generates a small number of spent florescent lamps, which they are changing over to LEDs. During the visual inspection, in the upper-level air compressor room, I observed three original lamp boxes with a total of 19 intact spent 4-ft lamps (see Photo 8). Mr. Steffens stated that he had been collecting the used lamps since the facility opened in 2008, but was not sure what to do with them. Mr. Steffens stated that he wants to recycle the lamps as universal waste but was not clear on the process. The boxes were structurally sound and in good condition. There were no accumulation date or universal waste lamp labels on the boxes.

- **NOPF 5** – Do not accumulate universal waste lamps for longer than one year as required in 40 CFR 273.15(a)
- **NOPF 6** – Failure to label three universal waste lamps with “Universal Waste Lamps”, or “Waste Lamps”, or “Used Lamps” as required in 40 CFR 273.14(e)

Used Oil – Toys Done Right Body Shop generates an estimated 20 gallons of used oil per year from air compressor oil changes according to Mr. Steffens. During the visual inspection I observed two 15-gallon drums of used oil in the upstairs Air Compressor Room (see Photos 9 and 10). In the photos the left drum is a black 15-gallon drum full of used oil. The container is structurally sound, in good condition and closed. The drum had an old “Hazardous Waste” label with the word “Oil” handwritten on it. The right drum is a black 15-gallon drum $\frac{3}{4}$ full of used oil. The drum was in good condition and closed. This drum also had an old “Hazardous Waste” label with the word “Oil” handwritten on it. The buckets in the photo are used for transferring oil to the drums. Mr. Steffens stated that the used oil is periodically sent to a neighboring company for their use burning onsite, but he did not have any records of the shipments or records regarding the company the used oil was sent to.

- **NOPF 2** – Only ship off-spec oil to a burner with an EPA ID number as required in 40 CFR 279.71
- **NOPF 3** – Maintain a record of each off-spec oil shipment that includes name and address of the transporter, burner and EPA number as required in 40 CFR 279.74
- **NOPF 4**: Failure to label two used oil containers as “Used Oil” as required in 40 CFR 279.22(c)(1)

Paint Booth Filters – Toys Done Right Body Shop generates paint booth air filters. Exhaust filters are two-foot by 20-foot and are changed every two weeks. The intake and prefilters are changed every six months. Mr. Steffens stated that they consider them to be non-hazardous based on product and process knowledge. When removed, the spent filters are put in the general trash. During the visual inspection I observed one of the large gray filters in the trash (see Photo 13). The trash dumpster is serviced by Dittmer weekly and taken to the local landfill.

Oil Dry – Toys Done Right Body Shop utilizes oil dry to help clean up small fluid spills during the repair process such as brake fluid, antifreeze, or oil. Mr. Steffens estimates they generate about one bag (25 lbs) every four months. The oil dry is considered to be non-hazardous based on product and process knowledge as well as analytical testing. The oil dry is swept up and placed in the general trash. Mr. Steffens provided me with a copy of an analytical report from TestAmerica in Cedar Falls Iowa, dated April 7, 2009, that lists TCLP metals and volatile organic compounds test results for “Oil Dry (see Attachment #14). Those test results demonstrated no TCLP metals or volatile organic compounds above the regulatory limits.

PPE Gloves - Mr. Steffens stated that Toys Done Right Body Shop staff wear personal protective equipment (PPE) gloves during the painting process and are protective of the paint and solvents utilized. Mr. Steffens estimates that they generate about 50 gloves per week. After use the gloves are disposed of in the trash. Mr. Steffens stated that they handled them as non-hazardous, but they have not done an actual hazardous waste determination on them. During the visual inspection I did not observe any disposed of disposable gloves.

- **NOPF 1A**: Failure to make waste determinations on the PPE Gloves as required in 40 CFR 262.11

Spent Tires – Mr. Steffens stated that Toys Done Right Body Shop replaces damaged/spent tires during their collision repair process. Mr. Steffens estimated they generate about 40 damaged/spent tires per year. On site, the tires are stored in an upstairs holding area (see Photo 11). Periodically the spent tires are transported to Big A Automotive for recycling.

Wastewater – Mr. Steffens stated wastewater from cleaning vehicles is washed down the facility drains. The drains have two 500-gallon settlement tanks that contain the dirt and sludge. The remaining wastewater is discharged into the sanitary sewer system and is determined to be non-hazardous based on process knowledge. Toys Done Right Body Shop has an Authorization to Discharge wastewater discharge permit from the City of Dubuque (see Attachment #15) dated April 25, 2014. Mr. Steffens was not sure of the water volume generated.

Drain Pit Sludge – Mr. Steffens stated wastewater from cleaning vehicles is washed down the facility drains. As described in the previous paragraph, the drains have two 500-gallon settlement tanks that trap the dirt and sludge. These are the same tanks mentioned above under the Wastewater section. The drain pit sludge is determined to be hazardous based on TCLP analytical testing done in 2009, which showed a Tetrachloroethane level of 1.86 mg/L, with a regulatory limit of 0.7 mg/L. Mr. Steffens provided me with a copy of an analytical report from TestAmerica in Cedar Falls Iowa, dated April 7, 2009, that lists the TCLP test results for “Pit Sludge” (see Attachment #14). However, Mr. Steffens stated that he was unsure of the volume generated and stated that they have never had to pump out the pit sludge since the facility was opened in 2008. Therefore, a final hazardous waste determination will need to be made at the time of actual generation (e.g., when the pit sludge is actually pumped out).

Disposable Shop Rags – Mr. Steffens stated that they use disposable rags to wipe off oil and grease. They make sure the rags are not soaked and contain no free liquids. Mr. Steffens estimated Toys Done Right Body Shop only generates a small number of disposable rags per day. Mr. Steffens stated that the rags, when generated, are disposed of in the general trash. Mr. Steffens stated they handle them as non-hazardous, but they have not done an actual hazardous waste determination on them. During the visual inspection I did not observe any disposable shop rags.

- **NOPF 1B: Failure to make waste determinations on the disposable shop rags as required in 40 CFR 262.11**

Cardboard Recyclables – Cardboard and paper recyclables are generated by routine operations. Mr. Steffens stated that many of the replacement auto parts come in cardboard packaging. The dumpsters are located outside on the east side of the facility. Mr. Steffens estimated they generate about a dumpster load every week. The recyclable dumpster is a two-cubic yard dumpster and was full. See Photos 12 and 13. The dumpster is serviced by Dittmer Recycling weekly and transported to Dittmer for recycling.

General Trash – General trash is generated by routine operations. Mr. Steffens stated the trash consists of paper and plastic shipping wastes and food containers from employees and that it is non-hazardous. The dumpsters are located outside on the east side of the facility. General trash accumulates in a two-cubic yard dumpster. It was full of general waste, packaging materials, and a 2 ft X 20 ft spent paint booth air filter. See Photos 12 and 13. The trash dumpster is serviced by Dittmer Recycling weekly and transported to the local landfill.

4.4 Other Regulatory Requirements

Outside Facility Perimeter - I did an inspection of the outside perimeter of the facility and observed no hazardous waste storage tanks, containers, or other stored waste other than the trash/recyclable dumpsters. The Toys Done Right Body Shop building is a 5000 square foot facility. I did not observe security fencing. See the aerial photo in Attachment #1.

Central Accumulation Area (CAA) – The CAA is just one full 55-gallon drum setting next to the in use 55-gallon SAA waste paint drum in the Paint Room. I did not ask about weekly inspections since this is not required for VSQG. See Photos 5, 6, and 7.

Preparedness and Prevention – Toys Done Right Body Shop has numerous fire extinguishers throughout the facility including a fire suppression system in the Paint Booth. I did not ask additional questions about a contingency plan since this is not required for a VSQG.

Personnel Training – I did not ask specifically about staff hazardous waste training and training documentation since this is not required for a VSQG.

5.0 SUMMARY OF FINDINGS

NOPF 1: Failure to make waste determinations, as required in 40 CFR 262.11, on:

- A) PPE Gloves
- B) Disposable Shop Rags

NOPF 2 – Only ship off-spec oil to a burner with an EPA ID number as required in 40 CFR 297.71

NOPF 3 – Maintain a record of each off-spec oil shipment that includes name and address of the transporter, burner and EPA number as required in 40 CFR 279.74

NOPF 4: Failure to label used oil containers as “Used Oil” as required in 40 CFR 279.22(c)(1)

NOPF 5 – Do not accumulate universal waste lamps for longer than one year as required in 40 CFR 273.15(a)

NOPF 6 – Failure to label universal waste lamps with “Universal Waste Lamps”, or “Waste Lamps”, or “Used Lamps” as required in 40 CFR 273.14(e)

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

MARK HOLCOMB
(Affiliate)

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Date: 2022.07.06 16:45:35 -05'00'

Mark Holcomb
Civil Investigator

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Amber Whisnant
RCRA Section Chief, ECAD/CB

Attachments:

1. Facility Aerial Photo (2 pages)
2. Facility Diagram (1 page)
3. Photo Log (13 photos / 7 pages)
4. Receipt for Documents (1 page)
5. Confidentiality Notice CBI (1 page)
6. Notice of Preliminary Findings NOPF (2 pages)
7. EPA RCRA Notification Acknowledgement/Verification Report (1 page)
8. Manifest Waste Paint 1.3.2019 (3 pages)
9. Manifest Waste Paint 1.13.2021 (3 pages)
10. SDS Clearcoat (15 pages)
11. SDS UVA Primer (15 pages)
12. SDS White (12 pages)
13. SDS Gun Flush (9 pages)
14. Test Results (3 pages)
15. City Discharge Permit (1 page)