

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

Estes Express Des Moines Terminal (DMO) 137

2201 East Ovid Street
Des Moines, Iowa 50313
804-270-8084

EPA ID Number: IAR000005769

On

June 13, 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 Estes Express Des Moines Terminal (DMO) 137 (Estes Express), located in Des Moines, Iowa, on June 13, 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

Estes Express:

Ron Seifert, Terminal Manager, 10 years with the company, 2 years as Terminal Manager,
ron.seifert@estes-express.com

Megan Hopkins, Clerk III, approximately 7 years in position

Joshua Pletcher, Maintenance Shop Manager, 15 years with the company, 10 years at Des
Moines location, joshua.pletcher@estes-express.com

David Ondik, Corporate Office-Norristown, PA 19403, unknown employment history,
david.ondik@estes-express.com

U.S. Environmental Protection Agency (EPA):

Tiffany DeLong, Life Scientist, ECAD/CB/RCRA (Lead Inspector)

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

3.0 INSPECTION PROCEDURES

Prior to beginning the inspection, I conducted a visual reconnaissance of Estes Express on June 13, 2023, searching for areas of concern observable from the adjacent roadway. No environmental issues or areas of concern were observed during this preliminary examination. Mr. Bryant and I arrived unannounced at Estes Express at approximately 08:30 a.m., June 13, 2023.

I parked outside the facility in a public parking lot. We entered the main door and were greeted by an employee working near the entrance. I introduced myself and asked for Luis Gonzalez, the site contact listed on the verification report. The employee stated Mr. Gonzalez no longer worked at the company but would summon a manager who could provide assistance. Ron Seifert greeted Mr. Bryant and me, then escorted us into his office. Mr. Seifert's office would be used during the duration of the inspection. After exchanging pleasantries, I started my entrance briefing. I presented my Letter of Authorization and Mr. Bryant presented his EPA credentials to Mr. Seifert, and we exchanged business cards. I next presented Mr. Seifert 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.

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, a review of waste management records, and an exit briefing. During the inspection of the waste storage areas, Mr. Seifert was present and introduced me to Megan Hopkins, who was also present during inspection of the waste storage areas. During inspection of the maintenance shop, Mr. Seifert introduced me to Joshua Pletcher to answer my questions and escort me through the maintenance area. I collected forty-five photographs, all of which were used as inspection documentation recorded in a photo log with photos (Attachment 1). An aerial photograph of the facility is within Attachment 2. A copy of Mr. Lucas' and Mr. Pletcher's business cards are within Attachment 4. Documentation photocopies, various attachments, and photos total 14 attachments to this report (Attachments 1-14).

I reviewed documents including the following: safety data sheets (SDS), contingency plan, training documents, spill report log, waste inventory log, uniform hazardous waste manifests, facility layouts, land disposal restriction notices, and bills of lading. I followed the inspection procedures discussed in the RCRA CEI 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. Seifert. I provided Mr. Seifert a *Confidentiality Notice*, which he signed, indicating no confidentiality claims were made by the facility (Attachment 5). I provided Mr. Seifert a *Receipt of Documents and Samples* which he signed acknowledging receipt (Attachment 6). I provided Mr. Seifert a *Notice of Preliminary Findings* which he signed acknowledging receipt (Attachment 7).

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, 3 pages (EPA Handout)

Instructions for Responding to a Notice of Preliminary Findings (NOPF) (Reverse of NOPF)

Solvent-Contaminated Wipes Final Rule Chart (EPA Handout)

Environmental Compliance Assistance Centers (EPA Handout)

4.0 FINDINGS AND OBSERVATIONS

4.1 Facility Information and Operations

Estes Express is a freight shipping company that has been operating since the 1960s. The Estes Express facility is in a light-industrial area located in northeastern Des Moines, Iowa. Estes Express employs approximately eighty personnel working 24 hours, 7 days a week. The facility transports a wide variety of goods, except bulk liquids. The main facility occupies approximately 18,000 square feet under roof with 49 loading and receiving docks. The maintenance shop occupies approximately 5,600 square feet under roof. The North American Industry Classification System code for this facility is 484122-General freight trucking, long-distance, less than truckload.

4.2 RCRA Status

The Hazardous Waste Site Info Verification Report for Inspectors (Attachment 8) identifies the facility as a very small quantity generator of hazardous waste (VSQG). At the time of the inspection, I determined that the facility had generated more than 220 pounds of hazardous waste in the June 2023 calendar month. Therefore, I inspected the facility as a Small Quantity Generator. Mr. Seifert explained that the facility had converted all their conventional fluorescent industrial lighting to light emitting diode (LED) fixtures approximately four to five years ago and generates no spent fluorescent lamps. I did not observe any universal waste on site. Estes Express also operates as a used oil generator.

4.3 Facility Waste Streams and Management

Various Hazardous Wastes: A variety of hazardous wastes are generated in various quantities when freight product is damaged over the course of business. When a product is damaged, Estes Express employees immediately contact the safety department who determines how to dispose of the product based on what was damaged. If the waste is determined to be hazardous, the damaged product is cleaned up and put into a proper hazardous waste storage container by a contracted third-party and awaits to be shipped off as a hazardous waste. The safety department, and sometimes a contracted third-party that

assists in these determinations, utilize SDS and product or process knowledge to determine whether the damaged product is hazardous or non-hazardous.

I asked Mr. Seifert how much hazardous waste the facility generates per month, to which he responded he did not know. Mr. Seifert contacted David Ondik at their corporate office to get the facility's spill report log (Attachment 13) for the last three years that could assist in determining the facility's generation rate. I reviewed the spill log and determined that it did not provide the amounts of waste generated per generation event. Thus, Mr. Seifert was unable to provide the facility's monthly hazardous waste generate rate based on the spill log. I then inquired to Ms. Hopkins about how much hazardous waste the facility generates per month and Ms. Hopkins responded that on good months the facility generates no more than a 55-gallon container and on bad months the facility generates a couple of totes. Ms. Hopkins oversees logging all damaged products, including hazardous waste, and described their process for logging this information within the waste inventory log (Attachment 12). She also stated that she was many months behind in logging waste within the waste inventory log. She stated that there were spills that occurred the previous day and week that had not yet been logged into the waste inventory log, as well as many other hazardous materials that were onsite that had also not been logged into the waste inventory log. It should be noted that the last date a hazardous waste was logged into the waste inventory log was December 9, 2021, however, multiple hazardous waste containers with accumulation start dates after that date were present throughout the facility. It appears that wastes have not been logged for more than one and a half years within the waste inventory log. Because of these facts, the facility failed to determine their generator category by not counting the amount of hazardous waste being generated on a monthly basis, in violation of 40 CFR 262.13(a) (**NOPF 18**). Based on the accumulation dates that were labeled on some of the hazardous waste storage containers, Estes Express has likely, at the very least, exceeded the SQG accumulation threshold amounts in the months of January 2022, July 2022, March 2023, May 2023, and June 2023. The amount of hazardous waste generated per month within the previous 3 years is unknown, but waste generation rates could have exceeded SQG accumulation threshold amounts based on information within the spill report log.

Ms. Hopkins stated that hazardous materials were generally stored in the over, short, and damaged (OS&D) area within the loading dock area, as well as in a storage trailer. I considered both of these locations to be hazardous waste central accumulation areas.

Ms. Hopkins accompanied us to the hazardous waste and OS&D product area. This area was in the middle of the loading dock area and had co-mingled hazardous waste containers and non-hazardous damaged products and trash (Photo 3).

A 95-gallon storage container of flammable hazardous waste adhesive, that was spilled a week prior to the inspection, was on a pallet and surrounded by various other damaged products and trash (Photos 1-4, Attachment 1). Ms. Hopkins moved the damaged products out of the way so that the container and its labels could be observed (**NOPF 7: 40 CFR 262.16(b)(8)(v) - Failure to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency**).

The 95-gallon hazardous waste storage container was closed, in good condition, was properly labeled with the words “hazardous waste” and an indication of the nature of the hazard, and had an accumulation start date of June 8, 2023. The container did not have any EPA waste codes (**NOPF 2: 40 CFR 262.11(g) - Failure to identify all applicable EPA hazardous waste codes**). Ms. Hopkins inquired about what an EPA waste code was, and I provided compliance assistance on EPA waste codes. Ms. Hopkins marked the container with a “D001” waste code during the inspection.

In the same central area of the loading dock was a blue, 2/3 full, 30-gallon hazardous waste storage container of waste absorbant clean-up materials used to clean up the flammable hazardous waste adhesive spilled on the previous day. The container was closed, in good condition, was properly labeled with the words “hazardous waste” and an indication of the nature of the hazard, and had an accumulation start date of June 8, 2023. Ms. Hopkins immediately recognized the EPA waste code was missing and put a “D001” waste code on the storage container prior to me having the opportunity to take a photo (Photos 5-6) (**NOPF 2: 40 CFR 262.11(g) - Failure to identify all applicable EPA hazardous waste codes**).

In the northeast corner of the loading dock was a punctured 5-gallon container of flammable hazardous waste adhesive (Photos 7-10). When the container was punctured the previous day, employees immediately cleaned up the spill and puttied the damaged 5-gallon container shut. The contents that remained in the 5-gallon container, about 1 cup according to Ms. Hopkins, was to be transferred into an 8-gallon container (Photo 8) for storage as a hazardous waste until transferring off-site for disposal but had not yet been completed (**NOPF 12: 40 CFR 262.16(b)(2)(i) - Failure to immediately transfer hazardous waste to a container that is in good condition**).

The empty 8-gallon container awaiting the hazardous waste adhesive to be put inside did have an accumulation start date; however, the 5-gallon bucket containing the hazardous waste adhesive was not marked with an accumulation start date (**NOPF 13: 40 CFR 262.16(b)(6)(i)(C) - Failure to mark container with accumulation start date**). Ms. Hopkins immediately put the words “Hazardous Waste” and EPA waste code “D001” onto the 5-gallon container (Photo 9). The 5-gallon bucket had a flammable sticker that was only visible when crouching to view the underside of the container (Photo 10) (**NOPF 3: 40 CFR 262.16(b)(6)(i)(A) - Failure to label containers with the words hazardous waste**) (**NOPF 2: 40 CFR 262.11(g) - Failure to identify all applicable EPA hazardous waste codes**).

Within the same area of the loading dock was an 85-gallon storage container of five, 5-gallon buckets of flammable hazardous waste (Photo 11). The container was closed, in good condition, was properly labeled with the words “hazardous waste” and an indication of the nature of the hazard, and had an accumulation start date of May 8, 2023. The storage container did not have any EPA waste codes and was subsequently labeled with the “D001” EPA waste code by Ms. Hopkins during the inspection (Photo 12) (**NOPF 2: 40 CFR 262.11(g) - Failure to identify all applicable EPA hazardous waste codes**).

Estes Express also uses a semi-trailer as a hazardous waste storage area that also contains other non-hazardous waste (Photo 22). Mr. Seifert requested the trailer to be moved to a

receiving dock so that Mr. Bryant and I could inspect. A diagram of the hazardous waste that was stored in the trailer is within Attachment 3.

Within the storage trailer was a 95-gallon hazardous waste storage container, half filled with flammable hazardous waste n-propyl acetate (Photos 22-24 and Attachment 3). The container was closed, in good condition, was properly labeled with the words “hazardous waste” and an indication of the nature of the hazard, and had an accumulation start date of March 16, 2023. The container did not have any EPA waste codes (**NOPF 2: 40 CFR 262.11(g) – Failure to identify all applicable EPA hazardous waste codes**). During the inspection, Ms. Hopkins labeled the container with the “D001” EPA waste code (Photo 24).

Within the storage trailer was a 30-gallon hazardous waste storage container (Photos 25-26 and Attachment 3) of absorbant that was used to clean up the hazardous waste n-propyl acetate. The container was closed, in good condition, was properly labeled with the words “hazardous waste” and an indication of the nature of the hazard, and had an accumulation start date of March 16, 2023. It did not have any EPA waste codes (**NOPF 2: 40 CFR 262.11(g) - Failure to identify all applicable EPA hazardous waste codes**). Ms. Hopkins immediately labeled the container during the inspection with “D001”, prior to me taking a picture (Photo 25).

Within the storage trailer was a 95-gallon hazardous waste storage container, a quarter full of flammable hazardous waste (Photos 27-30 and Attachment 3). The storage container was closed, in good condition, labeled, but did not have any EPA waste codes (**NOPF 2: 40 CFR 262.11(g) - Failure to identify all applicable EPA hazardous waste codes**). I asked Ms. Hopkins what the accumulation start date was for this waste and she replied that the accumulation start date was July 22, 2022. The Spill Report (Attachment 13) also shows a spill of weed control product occurring July 22, 2022, which matches the description on the hazardous waste storage container label (Photo 30). Small quantity generators can store hazardous wastes up to 180-days or 270-days if transporting waste over 200 miles so long as the generator complies with conditions for exemption found in 40 CFR 262.16(b). Estes Express has not complied with all the conditions for exemption found in 40 CFR 262.16(b), therefore, it must store hazardous waste less than 180-days. In addition, small quantity generators can request an extension to the 180-day storage limit for hazardous waste (40 CFR 262.16(d)), but no request was received by EPA. Any accumulation start dates onsite prior to December 15, 2022, would exceed the 180-day storage threshold. Therefore, the facility accumulated hazardous waste onsite exceeding the 180-day threshold (**NOPF 14: 40 CFR 262.16(b) - Storing hazardous waste onsite for more than the 180-day accumulation time limit**).

Within the storage trailer was an 85-gallon container of unknown waste (Photo 31, 34 and Attachment 3) that was closed and in good condition. I asked Ms. Hopkins what was in the container who stated she was not sure. She asked Mr. Pletcher for assistance in opening the container, and inside was waste paint related material that smelled heavily of solvents (Photo 34). It should be noted that the contents inside the container had a flammable sticker on the packaging. I stated that a hazardous waste determination must be done, and if found to be hazardous, the 85-gallon container must be labeled with the appropriate words, codes,

and labels (**NOPF 1: 40 CFR 262.11 - Failure to conduct a hazardous waste determination**).

Within the storage trailer was a 30-gallon hazardous waste storage container of corrosive hazardous waste (Photos 32-33 and Attachment 3). The storage container was closed, in good condition, was properly labeled with the words “hazardous waste” and an indication of the nature of the hazard but did not have any EPA waste codes (**NOPF 2: 40 CFR 262.11(g) - Failure to identify all applicable EPA hazardous waste codes**). Additionally, the accumulation start date was January 9, 2022, which exceeded the 180-day storage threshold (**NOPF 14: 40 CFR 262.16(b) - Storing hazardous waste onsite for more than the 180-day accumulation time limit**).

Within the storage trailer was a pallet that had an 85-gallon hazardous waste storage container which had an 8-gallon container stacked on top of it, and the 8-gallon container had a 1-2 liter container stacked on top of it. The pallet also had another 8-gallon container on it and two small boxes that were sitting next to each other. A diagram of the placement of the containers are within Attachment 3.

The 8-gallon container (Photos 35-36 and Attachment 3) that was stacked on top of the 85-gallon container had a corrosive hazard sticker on it. I asked Ms. Hopkins what was in the container, to which she responded that she did not know. She informed me that any containers labeled with “LTD QTY” were limited quantities of hazardous waste that fell below a reporting threshold and that the containers did not need to be marked as hazardous waste. I provided compliance assistance and explained that all hazardous waste that is generated must be stored and labeled appropriately as hazardous waste when operating as a Small Quantity Generator of hazardous waste. Mr. Pletcher opened the container and Ms. Hopkins recognized the contents as corrosive spill clean-up material. I stated that the correct EPA waste codes must go on the container, along with all other applicable container management requirements (**NOPF 2: 40 CFR 262.11(g) – Failure to identify all applicable EPA hazardous waste codes**)(**NOPF 3: 40 CFR 262.16(b)(6)(i)(A) – Failure to label containers with the words hazardous waste**)(**NOPF 13: 40 CFR 262.16(b)(6)(i)(C) – Failure to mark container with accumulation start date**).

On the bottom of the pallet was another 8-gallon hazardous waste storage container that had a flammable hazard sticker on it (Photos 37, 44 and Attachment 3). The 8-gallon container had waste paint related material inside that smelled heavily of solvents. I stated that the correct EPA waste codes must go on the container, along with all other applicable container management requirements (**NOPF 2: 40 CFR 262.11(g) – Failure to identify all applicable EPA hazardous waste codes**)(**NOPF 3: 40 CFR 262.16(b)(6)(i)(A) – Failure to label containers with the words hazardous waste**)(**NOPF 13: 40 CFR 262.16(b)(6)(i)(C) – Failure to mark container with accumulation start date**).

On the pallet was an 85-gallon hazardous waste storage container (Photos 38-39, 44 and Attachment 3) that had a corrosive hazard label on it. It also had a “LTD QTY” label. This container also had an 8-gallon container of waste stacked on top of it and 1-2 liters of waste

citric acid stacked on top the 8-gallon container. I asked Ms. Hopkins what was inside the 85-gallon container, to which she replied she did not know. Mr. Pletcher opened the container and inside was miscellaneous waste material. One box of waste inside the 85-gallon container was visible and labeled “Esteam SANI-NS”; according to the SDS, it is a D002 waste. I stated that the correct EPA waste codes must go on the container, along with all other applicable container management requirements (**NOPF 2: 40 CFR 262.11(g) – Failure to identify all applicable EPA hazardous waste codes**)(**NOPF 3: 40 CFR 262.16(b)(6)(i)(A) – Failure to label containers with the words hazardous waste**)(**NOPF 13: 40 CFR 262.16(b)(6)(i)(C) – Failure to mark container with accumulation start date**).

On the pallet, adjacent to the 85-gallon container and the 8-gallon container were two boxes sitting closely together (Photo 40 and Attachment 3). The box to left had a label that stated it was ammonium hydroxide with a corrosive hazard label. The box was damp and appeared to be leaking onto the pallet and onto the box next to it. The pallet was heavily stained and appeared to be wet. The box directly to the right had a label that stated it was hydrogen peroxide and that it was an oxidizer and corrosive. The hydrogen peroxide box was also wet and stained. I stated that the two boxes must be separated because the oxidizer is incompatible with the ammonium hydroxide (**NOPF 17: 40 CFR 262.16(b)(2)(v)(C) - Failure to separate incompatible materials**). Ms. Hopkins immediately contained the ammonium hydroxide in a small metal container and segregated it from the pallet. The oxidizer waste was put inside a bag and awaited to be put into an adequate container. Because both of the boxes of hazardous waste only had an indication of the hazard, the facility failed to label the hazardous waste with the words “Hazardous Waste” on both containers (**NOPF 3: 40 CFR 262.16(b)(6)(i)(A) - Failure to label containers with the words hazardous waste**). The facility also failed to put an accumulation start date on the two boxes of hazardous waste (**NOPF 13: 40 CFR 262.16(b)(6)(i)(C) - Failure to mark container with accumulation start date**). Additionally, the facility failed to manage containers in a manner that prevents leaking of its contents (**NOPF 15: 40 CFR 262.16(b)(2)(iii)(B) - Handling or accumulating hazardous waste in a manner that causes the container to rupture or leak**). It should be noted that the Spill Report Log (Attachment 13) had recorded a leaking box of ammonium hydroxide and a leaking box of hydrogen peroxide on 11/15/2022 and could be the possible accumulation start date of these hazardous wastes. If this is the case, these wastes have exceeded the 180-day hazardous waste storage threshold.

On the 8-gallon hazardous waste storage container, that was on top of the 85-gallon container on the pallet, was 1-2 liters of waste citric acid surfactant that was contained within a plastic bag (Photos 43-44 and Attachment 3). The label on the container of the citric acid surfactant had a corrosive hazard label. The container was closed, in good condition but failed to have a hazardous waste label, accumulation start date, or EPA waste codes. (**NOPF 2: 40 CFR 262.11(g) – Failure to identify all applicable EPA hazardous waste codes**)(**NOPF 3: 40 CFR 262.16(b)(6)(i)(A) – Failure to label containers with the words hazardous waste**)(**NOPF 13: 40 CFR 262.16(b)(6)(i)(C) – Failure to mark container with accumulation start date**).

Photo 44 shows an overview of the containers on the pallet after the ammonium hydroxide

was removed and the oxidizer waste was contained within a plastic bag awaiting to be put into an appropriate container.

Within the trailer was a 5-gallon hazardous waste storage bucket of oxidizer waste (Photos 41-42 and Attachment 3). The container did not have an EPA waste code (**NOPF 2: 40 CFR 262.11(g) - Failure to identify all applicable EPA hazardous waste codes**).

Parts Washer Solvent Waste: Mr. Pletcher stated that Estes Express operates one 30-gallon parts washer. The parts washer is serviced by Safety-Kleen Systems, 4704 NE 22nd Street, Des Moines, IA 50313. The parts washer solvent product used by Estes Express is described in Attachment 9. The solvent provided by Safety-Kleen and used as a solvent in the parts washer is primarily petroleum distillates with a flash point of 148 degree fahrenheit and does not appear to be hazardous based on the SDS provided at the time of inspection. I did not observe any areas of environmental concern with parts washer solvent waste.

Used Oil: Estes Express' maintenance shop provides regional support for preventative maintenance on approximately 217 units that include tractors, fork-lifts, and various other equipment. Mr. Pletcher stated that Estes Express ships off approximately 500 gallons of used oil every six weeks by Safety-Kleen for recycling. The used oil is stored in a 500-gallon tank, next to a 500-gallon tank of new oil, located within the maintenance shop. The 500-gallon tank of used oil was in good condition and labeled with the words "Used Oil" (Photo 13). There was also a one-cubic-yard used oil container outside the maintenance shop that had used oil filters inside (Photo 18). The container had a deteriorated label that had the words "Used Oi" and was not easy to identify without unfolding the label (**NOPF 10: 40 CFR 279.22(c)(1) - Failure to label used oil container with the words "Used Oil"**). Within the maintenance shop was approximately 1-2 tablespoons of liquid on the concrete floor (Photo 15). I asked Mr. Pletcher what the substance was on the concrete floor, and he stated it was a small amount of oil recently spilled that had not yet been cleaned up. Mr. Pletcher immediately grabbed two pig matts from the adjacent container that had spill cleanup materials inside and put it on the spilled used oil (Photo 16) *After further review, the release of used oil was in a contained area and not to the environment. Therefore, NOPF 11 (40 CFR 279.22(d)(3) was rescinded after the inspection.*

General Trash: Mr. Seifert stated that Estes Express generated general trash within a 30-yard roll-off container and is picked up for disposal each Tuesday and Friday. The general trash consists of waste office paper, lunch wastes, cardboard, non-hazardous damaged products, and miscellaneous packing materials. 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 Ankeny Sanitation, 7002 SE Delaware Avenue, Ankeny, IA 50021, and transported off-site for sanitary landfill disposal.

Scrap Metal: Mr. Pletcher stated that Estes Express generates approximately one 30-yard roll-off bin every other month of scrap metal. The scrap metal has been determined to be non-RCRA hazardous, by virtue of product and process knowledge. The scrap metal is transported off-site by Estes Express to Scrap Processors, 601 SE 30th Street, Des Moines, IA, for recycling. During my visual inspection of the facility, I observed one roll-off bin of

scrap metal. I did not observe any areas of environmental concern with these containers of scrap metal.

Waste Cloth Wipes: Mr. Pletcher stated that Estes Express generates waste cloth wipes that are picked up by Safety-Kleen for incineration approximately once a month. The cloth wipes are used to clean various maintenance units such as brakes, tools, and equipment. Mr. Pletcher stated that the wipes were used with various solvents and brake cleaner (Attachment 10). During my visual inspection of the maintenance shop, I observed a 55-gallon container of solvent contaminated wipes (Photo 17) co-mingled with pig mats contaminated with used oil. I asked Mr. Pletcher if Estes Express had conducted a hazardous waste determination on the waste solvent contaminated wipes used with commercial chemical products and various solvents, to which he responded negatively (**NOPF 1: 40 CFR 262.11 - Failure to conduct a hazardous waste determination**). I provided compliance assistance by explaining how to conduct a HW determination. I also discussed the Solvent Contaminated Wipes Rule with Mr. Seifert during the exit briefing.

Waste Aerosol Cans: Mr. Pletcher stated that Estes Express generates one to three waste aerosol cans a month. The waste aerosol cans include cleaners, penetrating oil, and spray paint. Mr. Pletcher stated that the waste aerosol cans have been determined to be RCRA-empty and non-hazardous by virtue of process knowledge and are currently disposed as scrap metal. I did not observe any areas of environmental concern with waste aerosol cans.

Spent Lead-Acid Batteries: Mr. Pletcher stated that Estes Express generates spent batteries regularly, at varying intervals. The spent lead-acid batteries are exchanged for replacement batteries (Photo 21). Based upon Mr. Pletcher's description of these transactions, the lead-acid batteries generated within the facility are being exchanged in accordance with the provisions of the 40 CFR §266, Subpart G exemption.

4.4 Documentation

Ms. Hopkins provided me with manifests from the last three years. Within attachment 11 are a small selection of the most recent manifests. I did not observe any concerns with the manifests provided.

4.5 Preparedness and Prevention

Throughout the OS&D area were fire extinguishers that were recently inspected and in good condition. Mr. Bryant asked Ms. Hopkins and Mr. Seifert if there was ever only one employee onsite, to which they responded that there were always more than one employee working at a single time and he, the emergency coordinator, was always available and on-call. I inquired to Ms. Hopkins whether there was any water supply available for fire control available within the OS&D area or the storage trailer, to which she replied that there was not (**NOPF 16: 40 CFR 262.16(b)(8)(ii)(D) - Failure to have water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems in all areas where hazardous waste is generated or accumulated**). Because the boxes of ammonium hydroxide and hydrogen peroxide, which are incompatible with each other, were

stored next to each other and were leaking, the facility failed to operate the facility to minimize the possibility of explosion, fire, or release of hazardous waste (**NOPF 5: 40 CFR 262.16(b)(8)(i) - Failure to operate facility to minimize the possibility of explosion, fire, or release of hazardous waste or hazardous waste constituents**).

I asked Mr. Seifert if he has familiarized local emergency authorities with the potential services that may needed should an emergency occur at the facility. Mr. Seifert explained that he has spoken to the local fire department throughout the years, but not in relation to the waste generated on site. I asked Mr. Seifert if he had documentation showing arrangements that have been made with the local fire department or other emergency service providers, to which he responded he did not. I determined that the facility failed to make proper arrangements with local emergency authorities (**NOPF 8: 40 CFR 262.16(b)(8)(vi)(A) - Failure to make arrangements with local emergency authorities**). I provided compliance assistance regarding making arrangements with local emergency authorities and the need to document this information.

4.6 Emergency Procedures

I asked Mr. Seifert about the training employees receive that handle waste. He stated that all employees are trained to handle hazardous waste when hired and showed me the materials that the facility uses to train new employees. Most employees utilize their personal cellular phones when in the OS&D area, as well as the storage trailer. Mr. Seifert and Ms. Hopkins stated that Supervisors also have radios on them at all times. In the central part of the OS&D area is a telephone that can be used in case of emergencies. The telephone did not have any emergency contact information posted near it (Photo 45) (**NOPF 9: 40 CFR 262.16(b)(9)(ii) - Failure to post emergency contact information near phone**). At the end of the inspection, Ms. Hopkins printed out and posted emergency contact information near the phone.

4.7 Renotification as an SQG

Small Quantity Generators are required to renotify EPA of hazardous waste activities every 4 years starting in 2021. Based on manifests and RCRAInfo, Estes Express has operated as a VSQG and SQG at varying intervals since 2019. Estes Express renotified as an SQG in 2019, 2020, and 2022. Based on this information, Estes Express has met the requirements of renotification for SQGs in accordance with 40 CFR 262.18(d)(2).

5.0 SUMMARY

I documented the following preliminary findings during this CEI:

NOPF 1: 40 CFR 262.11 – Failure to conduct a hazardous waste determination:

- a. 55- gallon container of wipes contaminated with solvents within the maintenance shop (Photo 17); and
- b. 85-gallon container of waste paint related material within the storage semi-trailer (Photos 31, 34, and Attachment 3).

NOPF 2: 40 CFR 262.11(g) – Failure to identify all applicable EPA hazardous waste codes:

- a. 95-gallon storage container of waste adhesive within the OS&D area (Photos 1-4);
- b. 30-gallon storage container of waste absorbant clean-up materials, within OS&D area, from hazardous waste adhesive spill (Photos 5 and 6);
- c. Punctured 5-gallon container of hazardous waste adhesive in corner of the hazardous waste co-mingled area (Photos 7-10);
- d. 85-gallon storage container of flammable hazardous waste within OS&D area (Photos 11 and 12);
- e. 95-gallon storage container half-full of hazardous waste acetate within storage semi-trailer (Photos 22-24 and Attachment 3);
- f. 30-gallon storage container of hazardous waste absorbant in storage semi-trailer used to clean up waste acetate spill (Photos 25, 26, and Attachment 3);
- g. 95-gallon storage container, a quarter full of flammable hazardous waste within storage semi-trailer (Photo 27-30 and Attachment 3);
- h. 30-gallon storage container of corrosive hazardous waste within storage semi-trailer (Photos 32-33, and Attachment 3);
- i. 8-gallon container of corrosive spill clean-up materials within the storage semi-trailer (Photos 35-36 and Attachment 3);
- j. 8-gallon container of flammable waste paint related material within the storage semi-trailer (Photos 37, 44 and Attachment 3);
- k. 85-gallon container of corrosive materials within the storage semi-trailer (Photos 38-39, 44 and Attachment 3);
- l. Box of ammonium hydroxide within the storage trailer (Photo 40 and Attachment 3);
- m. Box of Oxidizer Waste within the storage trailer (Photos 40, 44 and Attachment 3);
- n. 5-gallon storage bucket of oxidizer waste within storage trailer (Photos 41, 42 and Attachment 3); and
- o. 1-2 liters of citric acid surfactant on top of the 85-gallon container of corrosive hazardous waste within the storage trailer (Photos 43-44, and Attachment 3).

NOPF 3: 40 CFR 262.16(b)(6)(i)(A) – Failure to label containers with the words hazardous waste:

- a. Punctured 5-gallon container of hazardous waste adhesive in corner of the hazardous waste co-mingled area (Photos 7-10);
- b. 8-gallon container of corrosive spill clean-up materials within the storage semi-trailer (Photos 35-36 and Attachment 3);
- c. 8-gallon container of flammable waste paint related material within the storage semi-trailer (Photos 37, 44 and Attachment 3);
- d. 85-gallon container of corrosive materials within the storage semi-trailer (Photos 38-39, 44 and Attachment 3);
- e. Box of ammonium hydroxide within the storage trailer (Photo 40 and Attachment 3);
- f. Box of Oxidizer Waste within the storage trailer (Photos 40, 44 and Attachment 3); and
- g. 1-2 liters of citric acid surfactant on top of the 85-gallon container of corrosive

hazardous waste within the storage trailer (Photos 43-44, and Attachment 3).

NOPF 4: RESCINDED after inspection.

NOPF 5: 40 CFR 262.16(b)(8)(i) – Failure to operate facility to minimize the possibility of explosion, fire, or release of hazardous waste or hazardous waste constituents.

NOPF 6: RESCINDED at time of inspection.

NOPF 7: 40 CFR 262.16(b)(8)(v) – Failure to maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency

NOPF 8: 40 CFR 262.16(b)(8)(vi)(A) – Failure to make arrangements with local emergency authorities.

NOPF 9: 40 CFR 262.16(b)(9)(ii) – Failure to post emergency contact information near phone.

NOPF 10: 40 CFR 279.22(c)(1) – Failure to label used oil container with the words “Used Oil.”

NOPF 11: RESCINDED after inspection.

The following findings were added after inspection. Facility was informed of these additions via email on July 5, 2023:

NOPF 12: 40 CFR 262.16(b)(2)(i) – Failure to immediately transfer hazardous waste to a container that is in good condition:

- a. Punctured 5-gallon container of hazardous waste adhesive in corner of the hazardous waste co-mingled area (Photos 7-10).

NOPF 13: 40 CFR 262.16(b)(6)(i)(C) – Failure to mark container with accumulation start date:

- a. Punctured 5-gallon container of hazardous waste adhesive in corner of the hazardous waste co-mingled area (Photos 7-10);
- b. 8-gallon container of corrosive spill clean-up materials within the storage semi-trailer (Photos 35-36 and Attachment 3);
- c. 8-gallon container of flammable waste paint related material within the storage semi-trailer (Photos 37, 44 and Attachment 3);
- d. 85-gallon container of corrosive materials within the storage semi-trailer (Photos 38-39, 44 and Attachment 3);
- e. Box of ammonium hydroxide within the storage trailer (Photo 40 and Attachment 3);
- f. Box of oxidizer waste within the storage trailer (Photos 40, 44 and Attachment 3); and
- g. 1-2 liters of citric acid surfactant on top of the 85-gallon container of corrosive hazardous waste within the storage trailer (Photos 43-44, and Attachment 3).

NOPF 14: 40 CFR 262.16(b) – Storing hazardous waste onsite for more than the 180-day accumulation time limit:

- a. 95-gallon storage container, a quarter full of flammable hazardous waste within storage semi-trailer (Photo 27-30 and Attachment 3); and
- b. 30-gallon storage container of corrosive hazardous waste within storage semi-trailer (Photos 32, 33, and Attachment 3).

NOPF 15: 40 CFR 262.16(b)(2)(iii)(B) – Handling or accumulating hazardous waste in a container that causes the container to rupture or leak.

NOPF 16: 40 CFR 262.16(b)(8)(ii)(D) – Failure to have water at adequate volume and pressure to supply water hose streams, or foam producing equipment, or automatic sprinklers, or water spray systems in all areas where hazardous waste is generated or accumulated.

NOPF 17: 40 CFR 262.16(b)(2)(v)(C) – Failure to separate incompatible materials.

NOPF 18: 40 CFR 262.13(a) – Failure to determine generator category by counting the total amount of hazardous waste generated in a calendar month.

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.

**TIFFANY
DELONG**

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Tiffany DeLong
Life Scientist, RCRA Section, Chemical Branch
Enforcement and Compliance Assurance Division

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

Attachments:

- 1) Photo Log and Photos (50 pages)
- 2) Site Map (1 page)
- 3) Trailer Diagram (1 page)
- 4) Business Cards (1 page)
- 5) Confidentiality Notice (1 page)
- 6) Receipt of Document and Samples (1 page)
- 7) Notice of Preliminary Findings (3 pages)

- 8) Hazardous Waste Site Info Verification Report for Inspector (1 page)
- 9) SDS – SK Solvent (8 pages)
- 10) SDS – Brake Cleaner (8 pages)
- 11) Manifests and Bill of Lading (13 pages)
- 12) Waste Inventory Log (1 page)
- 13) Spill Report Log (2 pages)
- 14) Contingency Plan (9 pages)