REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

EAST PENN MANUFACTURING COMPANY INC.
2185 Highway 2
Corydon, Iowa 50060
(641) 872-2044

EPA RCRA ID No. IAD022079164

ON

November 16 and 17, 2023

By

TOEROEK ASSOCIATES, INC.

For

U.S. ENVIRONMENTAL PROTECTION AGENCY
Region 7
Enforcement and Compliance Assurance Division

INTRODUCTION

At the request of the Enforcement and Compliance Assurance Division/Chemical Branch/RCRA Section of the U.S. Environmental Protection Agency (EPA) Region 7, Toeroek Associates, Inc. and its subcontractor CLAENE Group (Toeroek team) conducted a hazardous waste compliance evaluation inspection (CEI) at East Penn Manufacturing Company Inc. (East Penn), at 2185 Highway 2, Corydon, Iowa. The CEI was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended. The CEI covered hazardous waste generator, used oil, and universal waste requirements as applicable. This report and its attachments present the findings of the CEI.

PARTICIPANTS

East Penn:
- Michael Swarthout, Plant Manager
- Mark Stewart, Environmental, Health, and Safety Coordinator
- Darrell Curl, Health and Safety Coordinator
- Daniel Keller, Material Handler
- Shara Head, Plant Secretary
- Linda Koch, Corporate Environmental, Health, and Safety Coordinator (via tele-conference)
- Bill Byrns, Wayne County Emergency Management Coordinator

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

INSPECTION PROCEDURES

Prior to the CEI at East Penn on November 16, 2023, I conducted a drive-by visual inspection. I did not observe any areas of concern during the drive-by. Upon my arrival, I entered the main entrance, and explained the purpose of the CEI to the receptionist. I asked to speak with Mr. Swarthout, identified as the site contact on the Notification Acknowledgement/Verification Report (Verification Report) (Attachment 1). The receptionist asked me to sign the visitor's log while she contacted Mr. Swarthout. Mr. Swarthout arrived at the lobby area and escorted me to a conference room where we were joined by Messrs. Stewart and Curl. I then conducted an entry briefing with Messrs. Swarthout, Stewart, and Curl.

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

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

- RCRA Facility Access Information Sheet
- Mr. Trevor Urban's contact information
- RCRA Section 3007
- U.S. Federal Codes 1001 and 1002
- Instructions for Responding to a Notice of Preliminary Findings
- Notice Regarding Proprietary/Confidential Business Information
- E-Manifest Fact Sheet: Generators
- Small Quantity Generator Reminder to Re-notify
- Managing your Hazardous Waste: A Guide for Small Businesses
- Part 279 Requirements: Used Oil Management Standards
- EPA Region 7 Emergency Response Program
- Recycling Electronics: A Guide for Businesses
- Battery Recycling/Disposal
- Management of Fluorescent Lamps for Businesses
- Universal Wastes – Including Aerosol Cans
- TCLP – Toxicity Characteristic Leaching Procedure
- Iowa Environmental Guide for Businesses

I reviewed the Verification Report with Messrs. Swarthout and Stewart (Attachment 1). Based on this review, as well as observations during the CEI, I made no updates or changes to the Verification Report.

I conducted the visual inspection and a majority of the records review on November 16, 2023, accompanied by Messrs. Stewart and Curl. Mr. Stewart had to leave during the visual inspection,

and Mr. Curl accompanied me the rest of the visual inspection. During the records review, I reviewed facility documentation such as inventory reports, inspection logs, RCRA Contingency Plan, training records, shipping records, and hazardous waste determination records. I returned to East Penn on November 17, 2023 at 0850 hours to complete the records review. I prepared and completed a site-specific inspection checklist to document my observations.

At the conclusion of the CEI on November 17, 2023, I conducted an exit briefing with Messrs. Swarthout, Stewart, and Curl, and Ms. Koch via teleconference. During the exit briefing, I provided a Receipt for Documents and Samples, which Mr. Swarthout signed, acknowledging receipt (Attachment 2). I provided Mr. Swarthout the Notice, which he signed indicating no confidential business information had been provided (Attachment 3). I then provided Mr. Swarthout a Notice of Preliminary Findings (NOPF), which he signed to acknowledge receipt (Attachment 4).

A diagram of the facility was obtained during the CEI and is in Attachment 5. An aerial photograph of the facility was downloaded after the CEI and is in Attachment 6. The 32 photographs taken during the CEI are included in Attachment 7.

FINDINGS AND OBSERVATIONS

1. Facility Description and General Information

The East Penn facility at Corydon manufactures lead acid batteries for vehicles, boats, and tractors. East Penn's primary North American Industrial Classification System (NAICS) code is 335910 (Battery Manufacturing). The assembly process includes casting lead plates, pasting the lead together, assembling the pasted plate groups in a plastic battery envelope, welding groups of plates together, melting a plastic lid onto the envelope, and adding battery posts using molten lead. After production, the batteries are shipped without acid or charging, which is performed at another location.

Wastes from the assembly processes includes waste pasting belts, contaminated personal protective equipment (PPE), waste rags, and waste glass beads. These wastes are managed collectively as waste debris, a D008 characteristic hazardous waste. The waste is containerized in 55-gallon satellite accumulation containers (SACs) and transferred to the hazardous waste container accumulation area (CAA).

Wastes from facility maintenance include used batteries, used lamps, waste aerosol cans, aerosol can waste, used oil, baghouse dust, scrap metal, and contaminated scrap metal. Used batteries, used lamps, and waste aerosol cans are managed as universal waste according to provisions of Title 40 *Code of Federal Regulations* (40 CFR) Part 273.

East Penn has an aerosol can puncture device that generates aerosol can waste. Aerosol can waste is managed as D001 characteristic hazardous waste and collected in a 55-gallon SAC beneath the puncture device. Punctured aerosol cans are managed a scrap metal.

Used oil is managed as used oil according to provisions of 40 CFR 279. It is transferred upon generation to a 240-gallon used oil storage container and is collected for recycling.

Baghouse dust is accumulated in 55-gallon containers beneath the baghouses. Baghouse dust is excluded from the definition of solid waste as it is a characteristic hazardous waste air pollution control sludge sent for reclamation. Scrap metal is considered to be excluded from the definition of solid waste when recycled. Scrap metal contaminated with lead is managed as D008 characteristic hazardous waste.

East Penn operates a wastewater treatment plant (WWTP) that generates filter press sludge. Filter press sludge is accumulated in 55-gallon containers beneath the filter press. Filter press sludge is excluded from the definition of solid waste as it is sent for reclamation.

General trash is generated during production and facility maintenance, and includes office-type refuse and other nonhazardous wastes. General trash is accumulated and transported to Upper Rock Island County Landfill (Moline, Illinois) for landfill disposal.

East Penn began operations at this location in the 1940's. Mr. Swarthout estimated that there are approximately 325,000 square feet of floor space under roof, on approximately 900 acres of contiguous property. He estimated the facility employs approximately 350 full-time personnel, covering three, eight hour shifts for continuous operation 24 hours per day, five days per week.

On July 16, 2019, East Penn was inspected by an EPA contractor. During the CEI, the inspector left the following preliminary findings:

- Failure to store universal waste lamps in closed, labeled boxes with the accumulation start date, as required by 40 CFR 273.14(e).
- Failure to label hazardous waste containers with the words "hazardous waste," as required by 40 CFR 262.15(a)(5)(i).
- Failure to close hazardous waste satellite accumulation containers when waste is not being added or removed, as required by 40 CFR 262.15(a)(4).
- Failure to maintain hazardous waste manifests for three years, as required by 40 CFR 262.40(a).
- Failure to include a quick reference guide in contingency plans written or revised after May 30, 2017, as required by 40 CFR 262.262(b).

Of these preliminary findings, failure to close a hazardous waste satellite accumulation container was repeated during this inspection.

2. RCRA Status

East Penn was identified as a large quantity generator (LQG) of hazardous waste (generating more than 1,000 kilograms [kg] of hazardous waste per month) on the Verification Report provided by EPA (Attachment 1). During the CEI, I confirmed East Penn's LQG status through a review of current operations, interviews with Messrs. Stewart and Curl, and a review of waste disposal records (manifests) and summary reports.

During the CEI, I reviewed all uniform hazardous waste manifests for shipments from October 20, 2020, through October 5, 2023. The uniform hazardous waste manifests for shipments in 2023 are included in Attachment 8. I also reviewed the 2021 Hazardous Waste

Biennial Report summary, provided by the EPA prior to the CEI (Attachment 9). Based on uniform hazardous waste manifests generated in 2023, the facility generated approximately 2,500 pounds [1,134 kilograms (kg)] of waste debris (D008 characteristic hazardous waste) per month. The generation rate for waste debris alone exceeds the 1,000 kg per month LQG threshold. Therefore, I determined that East Penn is currently operating as a LQG of hazardous waste (D001 and D008 characteristic hazardous waste) and inspected the facility as such.

I also reviewed manifests for universal waste shipments in 2021, 2022 and 2023 (Attachment 10). I determined that East Penn generates up to 121 pounds (55 kg) of universal waste lamps and up to 32 pounds (15 kg) of universal waste batteries per year. Based on the universal waste generation rates and on-site accumulation observed during the CEI, I inspected East Penn as a small quantity handler (SQH) of universal waste (accumulating less than 5,000 kg of universal waste at any time). I also inspected East Penn as a generator of used oil.

3. Waste Streams

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

During the CEI, I spoke with Ms. Head, and Messrs. Keller, and Byrns. I provided them with a copy of U.S. Federal Codes 1001 and 1002, both of which they read.

Waste Debris consists of waste pasting belts, waste PPE, waste rags, and waste glass beads. The waste is accumulated in 5- and 55-gallon SACs, with full containers transferred to the CAA. The facility considers the waste to be hazardous (D008 characteristic) based on product and process knowledge and testing. The Waste Material Profile Sheet for Gravel/Soil and Debris, which includes waste PPE, is included as Attachment 11. Based on the profile sheet, it appears that the hazardous waste determination is adequate.

Based on the 2023 uniform hazardous waste manifests, the facility generates approximately 2,500 pounds of waste debris per month. Waste debris is collected by Metro Transport Services LLC and transported to Gopher Resource Corporation in Burnsville, Minnesota, for metals recovery. The waste was last collected on October 5, 2023 (Attachment 8, Page 10).

During the visual inspection, I observed six 55-gallon SACs of waste debris in six satellite accumulation areas (SAAs). All six SACs were closed, at the point of generation, under the control of an operator, labeled with the words "hazardous waste," labeled with an indication of the nature of the hazard, and held less than 55 gallons of waste debris per SAA. Representative photographs waste debris SACs are in Attachment 7, Photographs 1, 2, 13, 16, 17, 20, 30, and 31.

I observed a 55-gallon SAC of waste debris in the Pasting Area (Attachment 7, Photograph 22). The SAC was at the point of generation, under the control of an operator, labeled with the words "hazardous waste," labeled with an indication of the nature of the hazard, and held one waste

debris item (pasting belt). However, the SAC was not closed, as required by 40 CFR 262.15(a)(4) (Attachment 7, Photograph 23) **(NOPF No. 1)**.

Preliminary finding NOPF No. 1 was not cited during the CEI for the above SAC. Upon further review of Attachment 7, Photographs 22 and 23, I noted the container was not closed. I contacted Mr. Curl by telephone and email on January 19, 2024, and advised him this report would reflect that the SAC was not closed. I asked Mr. Curl to supply the EPA with an addendum to their NOPF response to this open SAC.

HWACs of waste debris are described in Section 4 of this report.

Waste aerosol cans are generated during facility maintenance. The waste is collected in a 55-gallon universal waste accumulation container located in a flammable cabinet at the Shipping Dock. Waste aerosol cans are managed as universal waste according to provisions of 40 CFR Part 273. The facility does not track waste aerosol cans, and the generation rate is unknown. Waste aerosol cans are punctured into a 55-gallon aerosol can waste SAC. Punctured aerosol cans are transferred to scrap metal container. Punctured aerosol cans are transported to Buckingham Kim Auto Crushing in Leon, Iowa, for recycling.

During the CEI, I observed a 55-gallon universal waste accumulation container of waste aerosol cans in a flammable cabinet at the Shipping Dock (Attachment 7, Photograph 5). The universal waste accumulation container was closed, labeled with the words "waste aerosol cans," a September 3, 2023, accumulation start date, and held approximately 25 gallons of waste aerosol cans (Attachment 7, Photograph 7). I noted no deficiencies with management of waste aerosol cans during the CEI.

Aerosol can waste is generated when waste aerosol cans are punctured into a 55-gallon SAC in a flammable cabinet at the Shipping Dock. The facility considers the waste to be hazardous (D001 characteristic) by product knowledge. The facility generates 62 to 70 pounds of aerosol can waste per year. The waste is collected by Clean Earth Specialty Waste Solutions and transported to Petro Chem Processing Group in Detroit, Michigan, for fuel blending. The waste was last collected on May 26, 2023 (Attachment 8, Page 6).

I asked Messrs. Stewart and Curl if the facility maintained operating instructions for the puncture device, as required by 40 CFR 273.13(e)(4)(ii). Mr. Curl provided the manufacturer's instructions for Aerosolv Can Recycling System #28202 (Attachment 12).

I noted during the manifest review that East Penn ships one 55-gallon container of aerosol can waste each year; with a weight of approximately 70 pounds per container. I asked Messrs. Stewart and Curl why the facility shipped the waste annually. Mr. Stewart stated that annual shipments of the aerosol can waste was a corporate directive.

During the CEI, I observed a 55-gallon SAC of aerosol can waste in a flammable cabinet at the Shipping Dock (Attachment 7, Photograph 5). The SAC was closed, at the point of generation, under the control of an operator, labeled with the words "hazardous waste," labeled with an indication of the nature of the hazard, and held less than one gallon of aerosol can waste

(Attachment 7, Photograph 6). I noted no deficiencies with management of aerosol can waste during the CEI.

Used batteries are generated during facility maintenance. They are collected in universal waste battery accumulation containers in the Maintenance Mezzanine Area. Used batteries are managed as universal waste according to provisions of 40 CFR Part 273. The facility generates up to 32 pounds of universal waste batteries per year. The waste is transported to Petro Chem Processing Group in Detroit, Michigan, or Solvent Recovery LLC in Kansas City, Missouri, for recycling. The waste was last collected on May 26, 2023 (Attachment 10, Pages 6 and 7).

During the CEI, I observed three universal waste battery accumulation containers in the Maintenance Mezzanine Area (Attachment 7, Photograph 19). The universal waste battery accumulation containers were labeled with the words "universal waste batteries." Two containers were labeled with an April 20, 2023, accumulation start date, and one container was labeled with a June 26, 2023, accumulation start date. The three contains held approximately 66 used batteries, cumulatively. I noted no deficiencies with management of used batteries during the CEI.

Used lamps are generated during facility maintenance. They are transferred to a universal waste lamp accumulation container upon generation in Room L. The facility manages used lamps as universal waste according to provisions of 40 CFR Part 273. The facility generates up to 121 pounds of universal waste lamps per year. The waste is transported to Petro Chem Processing Group in Detroit, Michigan, or Clean Earth Specialty Solutions in Blaine, Minnesota, for recycling. The last shipment of universal waste lamps was on August 4, 2023 (Attachment 10. Page 8).

During the CEI, I observed one universal waste lamp accumulation container in Room L (Attachment 7, Photograph 3). The universal waste lamp accumulation container was closed, labeled with the words "used lamps" and an April 20, 2023, accumulation start date, and held approximately five used lamps (Attachment 7, Photograph 4).

I noted that the facility had a shipment of universal waste lamps on August 20, 2023, but the container above had an April 20, 2023, accumulation start date. Mr. Curl stated that the facility did not include the April 20, 2023, container in the August 20, 2023 shipment as it was not full. I noted no deficiencies with management of used lamps during the CEI.

Used oil is generated during facility maintenance. Used oil is collected and transferred to a 240-gallon used oil storage container in the in the used oil room. Used oil is managed according to provisions of 40 CFR Part 279. The facility generates approximately 650 gallons of used oil per year. Used oil is transported to Jebro Inc. in Sioux City, Iowa, for recycling. Used oil was last collected on October 27, 2023 (Attachment 13).

During the CEI, I observed three 240-gallon used oil storage containers in the used oil room (Attachment 7, Photographs 8 and 9). The used oil storage containers appeared to be structurally sound with no apparent leaks, were marked with the words "used oil," and held approximately nine gallons of used oil, cumulatively (Attachment 7, Photographs 10, 11, and 12). I noted no deficiencies with management of used oil during the CEI.

Reclaimable lead is generated during production, maintenance of the baghouses (baghouse dust), and the WWTP (filter press sludge). The facility considers the waste to be excluded from the definition of solid waste when recycled. The facility generates approximately 270.5 tons of reclaimable lead per month. The waste is transported to Gopher Resource in Eagen, Minnesota, for reclamation. Mr. Swarthout provided a copy the 2022 summary report for reclaimable lead (Attachment 14). The report includes the total sent, net lead bearing, and no value material weights in pounds.

During the CEI, I observed a 55-gallon container of reclaimable lead on the Seal COS production line (Attachment 7, Photograph 20). The container held approximately 20 gallons of reclaimable lead. On the west side of the facility, I observed a 55-gallon container of reclaimable lead (baghouse dust) under Baghouse 150 (Attachment 7, Photographs 25 and 26). In the WWTP, I observed three, 55-gallon containers of reclaimable lead (filter press sludge) (Attachment 7, Photograph 27). I noted no deficiencies with management of reclaimable lead during the CEI.

Scrap metal is generated during facility maintenance. It is accumulated in scrap metal containers and transferred to a roll-off container. Scrap metal is considered to be excluded from the definition of solid waste when recycled. The facility generates between 2,000 and 2,500 pounds of scrap metal per month. Scrap metal is transported to Buckingham Kim Auto Crushing in Leon, Iowa, for recycling. I observed scrap metal accumulation during the CEI and noted no deficiencies with management of scrap metal.

Contaminated scrap metal is generated during facility maintenance and transferred to a 55-gallon SAC in the Maintenance Shop. Full containers are transferred to CAA. The facility manages the waste as hazardous (D008 characteristic) during onsite accumulation. The facility generates approximately 55 gallons of contaminated scrap metal per month. Contaminated scrap metal is transported to East Penn Manufacturing in Lyon Station, Pennsylvania, for evaluation.

Ms. Koch stated that after evaluation and sorting process at the Lyon Station facility, the waste is sent for metals recovery. However, if the waste cannot be sent for metals recovery, the waste is transferred to an onsite smelter.

I observed a 55-gallon SAC of contaminated scrap metal in the Maintenance Shop (Attachment 7, Photograph 28). The SAC was at the point of generation, under the control of an operator, labeled with the words “hazardous waste,” labeled with an indication of the nature of the hazard, and held approximately 50 gallons of waste debris (Attachment 7, Photograph 29). However, the SAC was not closed, as required by 40 CFR 262.15(a)(4) **(NOPF No. 1)**.

I explained this preliminary finding to Mr. Curl during the CEI. Prior to the conclusion of the CEI, I returned to the Maintenance Shop and observed that facility personnel closed the SAC of contaminates scrap metal (Attachment 7, Photograph 32).

General trash is generated during production and facility maintenance. It is accumulated in various containers throughout the facility and transferred to a 20-cubic-yard roll-off container. General trash is considered nonhazardous based on product/process knowledge. The facility generates approximately 20 cubic yards of general trash per week. General trash is transported to

Wayne-Ringgold Decatur County Landfill in Grand River, Iowa, for landfill disposal. I observed accumulation of general trash during the CEI and noted no deficiencies with management of general trash.

4. Container Accumulation Area

East Penn maintains a CAA by the shipping dock on the west side of the facility. In the CAA, I observed twenty-seven, 55-gallon HWACs and two, 5-gallon HWACs of waste debris (Attachment 7, Photograph 21). However, the accumulation start dates on 12 of the 29 HWACs were not visible for inspection, as required by 40 CFR 262.17(a)(5)(i)(C) **(NOPF No. 2)**.

I explained this preliminary finding to Messrs. Stewart and Curl during the visual inspection. I returned to the CAA prior to the conclusion of the CEI and observed that facility personnel moved the HWACs to allow inspection of all of the accumulation start dates (Attachment 7, Photograph 24). All HWACs were closed, labeled with the words "hazardous waste," and labeled with an indication of the nature of the hazard. The oldest accumulation start date was September 29, 2023.

I asked Messrs. Stewart and Curl if the facility maintained a CAA log of the waste in the area. Mr. Curl introduced me to the employee who had moved the HWACs, Mr. Keller. I provided a copy of U.S. Federal Codes 1001 and 1002 to Mr. Keller, both of which he read. Mr. Keller provided a copy of the Regulated Scrap Load Report for the current inventory of the CAA (Attachment 15). I noted the report listed the HWACs by pallet number, and had the weight and waste description for each HWAC. There was approximately 3,549 pounds of waste debris (waste pasting belts, waste PPE, waste rags, and glass beads) in accumulation.

I asked Mr. Keller if he inspected the CAA. Mr. Keller stated that he inspects the area daily to ensure the integrity of all containers, and that all containers are labeled and logged onto the Regulated Scrap Load Report. I asked Mr. Keller if he documents the inspections. Mr. Keller stated that he does not document the inspections.

I observed a telephone, fire extinguishers, pull alarms, and adequate spill control equipment in the CAA.

During the visual inspection, I observed two, 55-gallon HWACs of waste debris, and one 55-gallon SAC of waste debris at the QA Work Station (Attachment 7, Photograph 13). The two HWACs were closed, labeled with the words "hazardous waste," labeled with an indication of the nature of the hazard, labeled with November 6, 2023, accumulation start dates, and held approximately 85 gallons of waste debris, cumulatively (Attachment 7, Photographs 14, 15, and 18).

I asked Messrs. Stewart and Curl if this was a CAA. Mr. Stewart stated that the HWAC with a Date Started October 14, 2023, and Date Removed November 6, 2023, was the SAC for the area prior to being filled. He explained that the container was supposed to be moved to the CAA within three days of being filled. I noted the current SAC in the area had a Date Started of November 6, 2023 (Attachment 7, Photograph 17).

Mr. Curl discussed the other HWAC in the area with personnel. Mr. Curl stated that the HWAC had been moved to the area by contractors, and was not supposed to be in the area. I advised Messrs. Stewart and Curl that I would need to inspect the area as an ad-hoc CAA due to the amount of time the HWACs had been in the area (10 days).

I observed a telephone, fire extinguishers, pull alarms, and spill control equipment in the area. I asked Messrs. Stewart and Curl if the area is inspected. Mr. Stewart stated that the area is not inspected. It appears that the facility has failed to perform weekly inspection of a CAA, as required by 40 CFR 262.17(a)(1)(v) **(NOPF No. 3)**.

I explained this preliminary finding to Messrs. Stewart and Curl during the CEI. Prior to the conclusion of the CEI, I returned to the area and observed personnel had removed the two HWACs; making the area a satellite accumulation area (Attachment 7, Photographs 30 and 31).

5. Manifests, Bills of Lading, Biennial Report

The facility generated 23 uniform hazardous waste manifests from October 6, 2020, through October 5, 2023. I reviewed all 23 manifests and associated land disposal restriction (LDR) notifications during the CEI (two from 2020, and all from 2021, 2022, and 2023 to date). Copies of the 2023 uniform hazardous waste manifests are in Attachment 8.

East Penn submitted the 2021 Hazardous Waste Biennial Report in February 2022 (Attachment 9). I noted no deficiencies during my review of manifests, LDR notifications, or the Biennial Report during the CEI.

6. Preparedness and Prevention and Contingency Plan

Mr. Stewart provided a copy of the RCRA Contingency Plan and Quick Reference Guide, dated August 21, 2023, for my review. I noted the RCRA Contingency Plan included the telephone numbers of the primary Emergency Coordinator (EC), Mr. Swarthout, and alternate ECs (Messrs. Bryon Wolfe and J.J. Welch), as required by 40 CFR 262.17(a)(6) Referencing 262.261(d).

I noted it also included a description of arrangements with the local emergency agencies, a list of emergency response equipment (including capabilities and location), and a complete evacuation plan with a description of the signals used, as required by 40 CFR 262.17(a)(6) Referencing 262.261(c, e, and f). The RCRA Contingency Plan provided included a description of actions needed to respond to spills, did not include a description of actions needed to respond to fires and explosions, as required by 40 CFR 262.17(a)(6) Referencing 262.261(a) **(NOPF No. 4)**.

I explained this preliminary finding to Mr. Stewart during the CEI. I noted the Quick Reference Guide provided was a single page document with references to different documents (i.e. drawings, appendices, and procedures). I asked Mr. Stewart to provide the reference material, which he did. With the reference material, the Quick Reference Guide met all of the requirements of 40 CFR 262.17(a)(6) Referencing 262.262(b)(1) through (b)(8).

I asked Mr. Stewart if emergency agencies had received a copy of the facilities RCRA Contingency Plan and Quick Reference Guide, complete with reference material. Mr. Stewart stated that East Penn supplies copies of the RCRA Contingency Plan and Quick Reference Guide to Mr. Byrns, the Wayne County Emergency Management Coordinator. He added that Mr. Byrns then distributes the documents to the area police department, fire departments, and hospitals.

Mr. Byrns joined the CEI on November 17, 2023, after the review of the RCRA Contingency Plan and Quick Reference Guide. I asked Mr. Byrns if East Penn had supplied a copy of the RCRA Contingency Plan and Quick Reference Guide, complete with reference material. Mr. Byrns stated that he brought East Penn's folder with the documents. I requested a copy of the RCRA Contingency Plan and Quick Reference Guide that Mr. Byrns brought to the CEI (Attachments 16 and 17, respectively).

The documents provided by Mr. Byrns looked similar in nature to the RCRA Contingency Plan and Quick Reference Guide I reviewed previously. Following the CEI, I noted that the documents were different from the RCRA Contingency Plan and Quick Reference Guide I reviewed during the CEI. The RCRA Contingency Plan was dated June 26, 2023 (15 pages), and the Quick Reference Guide was dated October 8, 2019 (12 pages). Following the CEI, I contacted the facility for an explanation for the differences. The facility responded that everything in the 36-page attachment has been provided to Bill Byrns, made available during investigation, and submitted as part of response to Trevor Urban.

During the CEI, Mr. Byrns confirmed that he disseminates the RCRA Contingency Plan and Quick Reference Guide to the emergency agencies. Mr. Byrns added that he has visited East Penn multiple times with fire departments to review the facility. Mr. Byrns provided a copy of a letter dated August 5, 2019, stating that he has visited East Penn multiple times with fire departments to review the facility (Attachment 18).

7. Personnel Training Requirements

Personnel training is required by LQG regulations specified in 40 CFR 262.17(a)(7) to ensure that employees are thoroughly familiar with proper waste handling procedures relevant to their responsibilities. I did not request copies of all documents reviewed.

East Penn utilizes a training database (East Penn Learning) to document all training records. Ms. Head pulled up training information on her laptop where I reviewed the training records. I asked Ms. Head what training is provided to East Penn employees who manage or transfer hazardous waste. Ms. Head brought up the environmental training for all employees who manage or transfer hazardous waste. I reviewed the training materials and noted the training included RCRA Contingency Plan emergency response procedures as well as management of hazardous waste, as required by 40 CFR 262.17(a)(7)(i)(C).

I asked Ms. Head to pull up the job descriptions for employees who transfer hazardous waste to the CAA, and who manage hazardous waste in the CAA. Ms. Head pulled up the job descriptions for CS Janitorial Foreperson 1st and A5 Material Handler 1st (Attachments 19 and 20, respectively. I noted both the job descriptions included the skills, education, and duties associated with each job, as required by 40 CFR 262.17(a)(7)(iv)(B).

I reviewed the training records for Mr. Dhabolt (who transfers hazardous waste to CAA) and Mr. Keller (who manages hazardous waste in CAA) in East Penn's training database. I noted it included their names and job titles, as well as the introductory and annual training refresher courses needed, as required by 40 CFR 262.17(a)(7)(iv)(A and C). I also noted that Messrs. Dhabolt and Keller had completed environmental training annually. I noted no deficiencies with RCRA personnel training during the CEI.

8. Summary of Preliminary Findings

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

(1) Failure to close hazardous waste satellite accumulation container, as required by 40 CFR 262.15(a)(4) **(NOPF No. 1)**.

(2) Failure to mark accumulation start date visible for inspection on hazardous waste accumulation containers, as required by 40 CFR 262.17(a)(5)(i)(C) **(NOPF No. 2)**.

(3) Failure to perform weekly hazardous waste container accumulation area inspections, as required by 40 CFR 262.17(a)(1)(v) **(NOPF No. 3)**.

(4) Failure to include a description of actions needed to respond to fires and explosions in the RCRA Contingency Plan, as required by 40 CFR 262.17(a)(6) Referencing 262.261(a) **(NOPF No. 4)**.

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

William F Starks
Digitally signed by William F Starks
Date: 2024.01.22 10:43:50 -06'00'

_____ Date: _____

William F. Starks
Environmental Consultant
CLAENE Group, LLC.

Mike Martin - signing for Amber Whisnant
Digitally signed by Mike Martin - signing for Amber Whisnant
Date: 2024.01.31 11:32:34 -06'00'

_____ Date: _____

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

Attachments:

1. Notification Acknowledgement/Verification Report (2 Pages)
2. Receipt for Documents and Samples (1 Page)
3. Confidentiality Notice (1 Page)
4. Notice of Preliminary Findings (NOPF) (1 Page)
5. Facility Diagram (1 Page)
6. Google Maps Aerial Image of the Facility (1 Page)
7. Photographic Documentation (32 Photos and Photolog) (21 Pages)
8. Uniform Hazardous Waste Manifests 2023 (10 Pages)
9. 2021 Hazardous Waste Biennial Report Summary (8 Pages)
10. 2021, 2022, 2023 Universal Waste Manifests (8 Pages)
11. Contaminated Debris Waste Material Profile Sheet (3 Pages)
12. Aerosolv Can Recycling System #28202 Instructions (2 Pages)
13. Used Oil Bill of Lading, Dated October 27, 2023 (1 Page)
14. 2022 Reclaimable Lead Summary Report (1 Page)
15. Regulated Scrap Load Report, Dated October 6, 2023 (1 Page)
16. RCRA Contingency Plan, Dated June 26, 2023 (15 Pages)
17. RCRA Quick Reference Guide, Dated October 8, 2019 (12 Pages)
18. Wayne County Emergency Management Letter, Dated August 5, 2023 (1 Page)
19. A5 Material Handler 1st Job Description (5 Pages)
20. CS Janitorial Foreperson 1st Job Description (4 Pages)