

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

ATOMIC CLOUD VAPOR
411 Railroad Pl
West Des Moines, Iowa 50265
(515) 619-9299

EPA ID Number: None

On

May 2, 2023

By

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

1.0 INTRODUCTION

At the request of the Enforcement and Compliance Assurance Division (ECAD), I conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) at Atomic Cloud Vapor, located in West Des Moines, Iowa, on May 2, 2023. The CEI was conducted under the authority of Section 3007(a) of RCRA, as amended. During the inspection, I collected the information and data necessary to determine compliance with the applicable regulatory and statutory requirements. This inspection report and attachments present the results of the CEI.

2.0 PARTICIPANTS

Atomic Cloud Vapor:

- Alexis Hebron, Sales Associate (eight years in position)

EPA:

- Mark Holcomb, Civil Investigator/Inspector (SEE)

3.0 INSPECTION PROCEDURES

On May 2, 2023, I arrived unannounced at the shop's main entrance at about 1100 hours. Initially, I conducted a visual reconnaissance of the facility searching for areas of concern observable from the adjacent public roadways and parking lots. I identified no environmental issues or concerns during this preliminary examination. I entered the facility through the main entrance. I introduced myself to the sales associate on duty, Alexis Hebron. Ms. Hebron stated the owner, Mr. Cory Berry was not available and that she was the only associate working at that

time. Ms. Hebron stated that she had been working at this store for about eight years and that the store had changed ownership about two and a half years ago. Ms. Hebron told me there were no specific items of safety personal protective equipment required for our visual inspection at this facility. Ms. Hebron stated that she was the primary contact for hazardous waste at this facility and the only employee on duty.

At the opening conference, I presented my EPA ID and credentials to Ms. Hebron. I next explained the purpose and procedures of the inspection. I then presented Ms. Hebron with a copy of RCRA Section 3007(a), which provides inspection authority. I explained my need to collect accurate information and presented her with a copy of Title 18 U.S. Code, Sections 1001 and 1002. I made her aware of her confidentiality rights and informed her that a Confidentiality Notice would be provided at the end of the inspection to make a confidentiality claim if she so desired. Ms. Hebron acted as the official facility representative during the inspection.

The inspection CEI 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.

I conducted a visual inspection of the following areas

- Front Lobby
- Inside Sales Floor
- Storage Room
- Work Room
- Outside Dumpsters

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

Document photocopies and photographs were collected as inspection documentation (see Attachments #1-6 and Photos 1-7). The photo log is included as Attachment #2. Information collected during the inspection is documented on an Entry/Exit checklist, the hazardous waste compliance checklists, and in a notebook. I followed the inspection procedures detailed in the RCRA CEI Standard Operating Procedure 2321.01E, unless noted otherwise.

At the conclusion of the inspection, I summarized my findings and recommendations with Ms. Hebron. I provided Ms. Hebron with a Receipt for Documents (see Attachment #3), a Confidentiality Notice (see Attachment #4), and a Notice of Preliminary Findings (NOPF) (see Attachment #5), which she signed as acknowledgement of receipt. No claim of confidential business information was made by Ms. Hebron.

I provided inspection and compliance assistance documents to Mr. Cory Berry post inspection in electronic PDF format via email, that included the following:

- *RCRA Section 3007(a) (EPA Handout)*
- *Title 18 U.S. Code, Sections 1001 and 1002 (EPA Handout)*
- *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 (EPA Handout)*
- *Receipt for Documents and Samples (Top page of the completed carbonless transfer set)*
- *NOPF with Instructions for Responding on back of form (top page of the completed carbonless transfer set)*
- *Instructions for Responding to a NOPF (EPA Handout)*
- *U.S. EPA Small Business Resource Information Sheet (EPA Handout)*
- *Solvent-Contaminated Wipes Final Rule Chart (EPA Handout)*
- *Recycling Electronics (Iowa Department of Natural Resources - 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*

4.0 FINDINGS AND OBSERVATIONS

4.1 Facility Information and Operations

Atomic Cloud Vapor is a retail vape shop. The facility is privately owned by Mr. Cory Berry after a change in ownership about two and a half years ago. The shop's previous name was GA2 Vapors. Ms. Hebron stated that this store is one of three owned by the same owner in the greater Des Moines area. The shops have a total of seven to eight employees that work between the three locations. The hours are 1100-1900 hours Monday-Friday, and 1100-1700 hours on Saturday and Sunday. This facility is about 950 square feet. Ms. Hebron estimated that they serve around 500 customers per month. According to Ms. Hebron, Atomic Cloud Vapor sells both disposable and rechargeable vape devices, as well as various flavored nicotine e-liquids, commonly referred to as "juice" or "e-juice", which generally comes pre-packaged in containers ranging from 30 ml to 120 ml (estimated at 30 g to 120 g each).

4.2 RCRA Status

Atomic Cloud Vapor has not been inspected previously for RCRA compliance and did not have an EPA ID number listed in RCRAInfo. I verified the facility address and the site contact information with Ms. Hebron and updated the EPA RCRA Notification Acknowledgement/Verification Report (see Attachment #6) to include the primary contact's information and the new facility name. At the time of this inspection, I determined Atomic Cloud Vapor to be a non-generator of hazardous waste.

4.3 Facility Waste Streams and Management

Atomic Cloud Vapor's primary business is retail sales of vape devices and nicotine e-juice. The primary "potential" hazardous waste stream would appear to be nicotine. Ms. Hebron stated that they only sell pre-packaged e-juice and do not purchase e-juice in bulk and do not make their own e-juice products. Since Nicotine is EPA P-listed (P075) as an "acute" hazardous waste, and a waste generation rate greater than 1.0 kg (2.2 pounds) per month would result in a large quantity generator (LQG) status and require compliance with LQG RCRA regulations, I asked several questions regarding e-juice waste generation. Ms. Hebron stated that she was not aware of any e-juice products needing to be returned or disposed of due to product expiration or damage in the last several years. Ms. Hebron stated that the e-juice products have at least a two-year shelf life and the staff watch pending expiration dates closely and move any slow selling products from this store to another store where that product may sell better to help avoid wastage due to expiration dates. Ms. Hebron stated there were no uniform hazardous waste manifests, safety data sheets, or invoices to review that she was aware of. Ms. Hebron stated that the facility's lighting is LED and there were no spent fluorescent lamps onsite. During the visual inspection (see Photos 1-5), I did not observe any waste nicotine e-juice products, bulk containers of nicotine e-juice, waste rechargeable batteries, or spent lamps being generated or accumulated onsite.

General Trash and Cardboard - Atomic Cloud Vapor generates a small amount of general trash such as office paper wastes and cardboard weekly. Atomic Cloud Vapor determined the general trash and cardboard to be nonhazardous based on process knowledge. Metro Waste (Des Moines, Iowa) disposes of the general trash weekly and recycles the cardboard every two weeks. Ms. Hebron stated that the general trash and cardboard recycle dumpster are shared with several other small businesses in their area. During the visual inspection, I observed two, eight-cubic yard dumpsters in an outside parking lot location just north of the shop (see Photos 6-7). The general trash dumpster was about 2/3 full and the recycle dumpster was about 1/4 full.

5.0 SUMMARY

During the course of the inspection, I observed no issues or potential findings. However, further EPA review may include findings.

MARK HOLCOMB
(Affiliate)

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Mark Holcomb
Civil Investigator, SEE

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Amber Whisnant
RCRA Section Chief, ECAD/Chemical Branch

Attachments:

- 1) Facility Aerial, and Map Views (3 pages)
- 2) Photo Log (6 photos and 3 pages)
- 3) Receipt for Documents (1 page)
- 4) Confidentiality Notice (1 page)
- 5) NOPF (1 page)
- 6) EPA RCRA Notification Acknowledgement/Verification Report (1 page)