

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

DUBOIS CHEMICALS

330 N 16th Avenue
Eldridge, Iowa 52748
(563) 275-3452

EPA ID Number: IAR000008367

On

February 14, 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 Dubois Chemicals (Dubois), at 330 N 16th Avenue, Eldridge, 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

Dubois:

Josh Tobin, Plant Manager
Juli Zwart, Environmental, Health, Safety, and Quality Coordinator
Deonte Waller, Corporate Environmental, Health, and Safety Manager

Toeroek Team:

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

INSPECTION PROCEDURES

Prior to the CEI at Dubois on February 14, 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 Mr. Tobin. After a brief introduction, Mr. Tobin directed me to his office where I conducted an entry briefing with him.

During the entry briefing, I presented my business card and EPA credentials to Mr. Tobin. I explained the 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, he would be presented with a Confidentiality Notice (Notice) with which he could make or not make a claim of confidentiality for the facility. I also provided Mr. Tobin 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. Mr. Tobin 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 business card
- 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
- U.S. EPA Small Business Resources Information Sheet
- Chemical Facility Anti-Terrorism Standards
- 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
- Management of Fluorescent Lamps for Businesses
- Incompatible Chemicals

- TCLP – Toxicity Characteristic Leaching Procedure
- Iowa Environmental Guide for Businesses

I reviewed the Notification Acknowledgement/Verification Report (Verification Report) with Mr. Tobin (Attachment 1). Based on this review, as well as observations during the CEI, I updated the Site Contact Information on the Verification Report to include Mr. Tobin's information. I also changed the Hazardous Waste Generator Status to Non-Generator of Hazardous Waste and deleted the EPA hazardous waste code D007.

I conducted the visual inspection and the records review on February 14, 2023, accompanied by Mr. Tobin. During the records review, I reviewed facility documentation such as inventory reports, inspection logs, shipping records, and hazardous waste determination records. I prepared and completed a site-specific inspection checklist to document my observations.

At the conclusion of the CEI on February 14, 2023, I conducted an exit briefing with Mr. Tobin and Mses. Zwart and Waller (via teleconference). During the exit briefing, I provided a Receipt for Documents and Samples, which Mr. Tobin signed, acknowledging receipt (Attachment 2). I provided Mr. Tobin the Notice, which he signed indicating no confidential business information had been provided (Attachment 3). I then provided Mr. Tobin 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 19 photographs taken during the CEI are included in Attachment 7.

FINDINGS AND OBSERVATIONS

1. Facility Description and General Information

Dubois, formerly American Finishing Resources until 2020, provides paint removal services for off-site customers. Specifically, Dubois removes paint from painting equipment, such as hooks and racks, as well as component parts that require repainting. The hooks and racks have layers of hardened paint that need to be cleaned before reuse, and component parts need to be stripped before a paint correction can be made. Equipment and parts received from customers are subjected to high-heat baking for up to 10 to 12 hours in one of three ovens. The baking reduces the paint to ash which then needs to be cleaned from the parts. Cleaning is performed using a six-step chemical process. The parts are dipped in a sodium hydroxide bath, a rinse bath, a muriatic acid bath, two rinse baths, and an alkaline bath. Parts are then washed with fresh water and a rust inhibitor is applied. The parts are dried and packaged for offsite shipment to the customer for reuse or repainting.

During the baking process, some ash is accumulated in the oven. The ovens are cleaned daily. The ash is collected in 55-gallon containers and transferred to a 20-cubic-yard roll-off container. The 20-cubic-yard roll-off container is collected by Covanta Environmental Solutions (Covanta) and transported to the Covanta facility in Winneconne, Wisconsin.

After the chemical cleaning process, parts are transferred to another area and rinsed with water. Rinse water is collected in a pit and directed to an on-site wastewater treatment plant (WWTP). After treatment to remove solids, the wastewater is discharged to the City of Eldridge publically owned treatment works (POTW) via the sanitary sewer. The remaining solids from treatment are directed to a filter press which generates filter cake sludge. Filter cake sludge is collected in one of two 1-cubic-yard containers and transferred to the same 20-cubic-yard roll-off container used to accumulate oven ash. The 20-cubic-yard roll-off container is collected by Covanta Environmental Solutions (Covanta) and transported to the Covanta facility in Winneconne, Wisconsin.

Mr. Tobin stated that all facility forklifts and compressors are maintained by contractors that take any used oil or used oil filters with them for recycling.

Scrap metal generated at the facility is collected and transported to Midwest Recyclers in Davenport, Iowa, for recycling. Used lamps generated during facility maintenance are managed as universal waste according to provisions of Title 40 *Code of Federal Regulations* (40 CFR) Part 273. General trash generated at the facility is collected and transported to Scott Area Landfill in Davenport, Iowa, for disposal or recycling.

Mr. Tobin stated that Dubois currently employs six people, who work one shift from 7:00 a.m. to 3:00 p.m. Monday through Friday. The facility consists of a single structure with 14,000 square feet under roof (Attachment 7, Photograph 19). Dubois began operations at this location in 2000.

On August 15, 2018, Dubois was inspected by an EPA contractor. Following the CEI, the inspector left the following preliminary finding:

- Failure to make a hazardous waste determination on 14 containers of off-specification chemicals, burnoff ash, pit sludge, and filter cake waste streams before mingling, as required by 40 CFR 262.11.

This finding was not repeated during this inspection.

2. RCRA Status

The Verification Report provided by EPA (Attachment 1) indicates that Dubois is a large quantity generator (LQG) of hazardous waste (generating more than 1,000 kilograms [kg] of hazardous waste per month). Prior to August 2020, the facility operated as a non-generator of hazardous waste. The facility supplied a copy of an analytical report (Attachment 8), dated September 28, 2018, showing that oven ash and filter cake sludge were nonhazardous.

However, starting in August 2020, the facility had a new customer whose equipment coating contained chromium. This resulted in the wastes associated with the equipment cleaning (oven ash and filter cake sludge) being D007 characteristic hazardous wastes. Oven ash and filter cake sludge are transferred to the same 20-cubic-yard roll-off container. After obtaining the new customer, the facility updated the Waste/Material Profile Form for oven ash/filter cake sludge to identify the waste as D007 characteristic hazardous waste (Attachment 9). The facility had three

shipments of hazardous waste oven ash and filter cake sludge from September 10, 2020, to March 8, 2021 (Attachment 10). The facility also had a hazardous waste shipment of waste chemicals on December 10, 2020 (Attachment 11).

In November 2020, the facility stopped cleaning equipment from the new company, which resulted in a determination that oven ash and filter cake sludge generated after November 2020 would be nonhazardous waste. The last shipment of oven ash and filter cake sludge as hazardous waste occurred on March 8, 2021. The first shipment of nonhazardous oven ash and filter cake sludge occurred on November 17, 2021 (Attachment 12).

During the CEI, based on statements by the facility and hazardous waste determination records, I determined that Dubois is currently operating as a non-generator of hazardous waste. Dubois is operating as a small quantity handler (SQH) of universal waste (accumulating less than 5,000 kg of universal waste at any time) and a used oil generator.

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 Mr. Tobin and Ms. Zwart and Waller, the visual inspection, and my review of available documentation.

Oven ash is generated during oven cleaning. The waste is accumulated in containers and transferred to a 20-cubic-yard roll-off container at the northeast corner of the facility. The facility considers the waste to be nonhazardous by product/process knowledge and testing. The facility generates approximately 1 cubic yard of oven ash per week. The waste is collected by Covanta and transported to the Covanta facility in Winneconne, Wisconsin, for treatment/disposal. Oven ash was last collected on January 30, 2023 (Attachment 13). As much of the manifest copy was illegible, Mr. Tobin wrote the information on the copy.

Analytical reports for oven ash, dated November 2, 2022, and February 7, 2023, are included as Attachments 14 and 15.

During the CEI, I observed the large oven utilized to burn coatings off customer equipment and parts (Attachment 7, Photograph 1). I also observed the 20-cubic-yard roll-off container utilized to accumulate oven ash (Attachment 7, Photographs 4 and 6). I did not observe any deficiencies related to oven ash during the CEI.

Filter cake sludge is generated during wastewater treatment in the on-site WWTP. The waste is accumulated in 1-cubic-yard containers under the filter press and transferred to the 20-cubic-yard roll-off container at the northeast corner of the facility. The facility considers the waste to be nonhazardous by product/process knowledge and testing. The facility generates approximately 2 cubic yards of filter cake sludge per week. The waste is collected by Covanta and transported to the Covanta facility in Winneconne, Wisconsin, for treatment/disposal. Filter cake sludge was last collected on January 30, 2023 (Attachment 13).

During the CEI, I observed the WWTP treatment tank, filter press, and filter cake sludge containers (Attachment 7, Photographs 2 and 3). I also observed the 20-cubic-yard roll-off container utilized to collect filter cake sludge (Attachment 7, Photographs 4 and 5). I did not observe any deficiencies related to filter cake sludge during the CEI.

Process wastewater is generated during customer equipment rinsing. This waste is collected in a pit and then transferred, via piping, to the WWTP 1,800-gallon above-ground treatment tank (Attachment 7, Photograph 2). The facility has determined that the wastewater is exempt from the definition of solid waste per 40 CFR 261.4(a)(2). Wastewater is treated in the onsite WWTP, and the treated water is then discharged to the City of Eldridge POTW, under the terms of a city ordinance. According to Mr. Tobin, the facility discharges approximately 3,600 gallons of process wastewater per week. I observed the WWTP during the CEI and did not observe any deficiencies.

Pit waste is generated during cleanout of the process wastewater pit. The waste is transferred, via pumping, to a tanker truck during cleanout. The facility considers pit waste to be nonhazardous based on product/process knowledge. The facility generates approximately 3,000 gallons every 2 to 3 years, or as needed. The waste is collected by ERC Midwest (West Allis, Wisconsin) for treatment/disposal. Pit waste was last collected on August 2021.

During the CEI, I obtained a copy of the Non-Hazardous Waste Characterization Profile for pit waste (Attachment 16), dated June 23, 2021. The profile was based on analysis of pit waste collected in April 2021. This was after the date (November 2020) that Dubois dropped the customer that resulted in the paint waste being D007 characteristic hazardous waste. Based on the profile, the hazardous waste determination appears to be adequate.

Used lamps are generated during facility maintenance and are transferred to a universal waste accumulation container in an area south of the WWTP. The facility considers all used lamps (hazardous and nonhazardous) to be universal waste per 40 CFR Part 273. The facility generates approximately 30 used lamps every two years. Used lamps are shipped to Veolia Environmental Solutions for recycling using the RecyclePak[®] program. Used lamps were last collected on June 3, 2021.

During the CEI, I observed a 4-foot universal waste lamps accumulation container and an empty RecyclePak container adjacent to the WWTP (Attachment 7, Photographs 8 through 11). The universal waste lamps accumulation held 31 used lamps. The universal waste lamps accumulation container was not closed, as required per 40 CFR 273.13(d)(1) (**NOF No. 2**). The universal waste lamps accumulation container was not labeled with the words “universal waste lamps,” or waste lamps,” or “used lamps,” as required per 40 CFR 273.14(e) (**NOF No. 3**). Finally, universal waste lamps accumulation container was not marked with an accumulation start date or otherwise tracked to demonstrate accumulation time, as required by 40 CFR 273.15(c) (**NOF No. 4**).

I explained these preliminary findings to Mr. Tobin during the visual inspection. I asked Mr. Tobin how long the used lamps had been accumulating. Mr. Tobin looked at the empty RecyclePak[®] box, which was dated June 3, 2021, and stated the used lamps had not been in accumulation longer than that date. The June 3, 2021, date was 621 days from the date of the

CEI. Therefore, it appears that the facility accumulated universal waste lamps for longer than the 1-year accumulation time limit required by 40 CFR 273.15(a) (**NOPF No. 1**).

I asked Mr. Tobin if he had received any training in universal waste management. Mr. Tobin stated that he had received training in universal waste management, but it had been a couple of years since he received the training. Based on the number of preliminary findings related to universal waste, it appears that Dubois failed to adequately train employees responsible for the management of universal waste as required by 40 CFR 273.16 (**NOPF No. 5**).

Prior to leaving the area, facility personnel re-packaged the used lamps into two boxes, utilizing the empty RecyclePak® box (Attachment 7, Photograph 12). I observed that both universal waste lamps containers were closed, labeled with the words “used lamps,” and labeled with a June 3, 2021, accumulation date (Attachment 7, Photographs 13 through 16).

I provided compliance assistance Mr. Tobin and Ms. Zwart and Waller regarding universal waste accumulation, management, and training.

Used oil and used oil filters are generated during maintenance of facility fork trucks and compressors. The maintenance is performed by service contractors who transport used oil and used oil filters back to their facility for recycling. Used oil and used oil filters are managed as used oil per 40 CFR 279. The facility generates between one to two gallons of used oil, and one to two used oil filters per year. Mr. Tobin was unsure when the last service work was completed. Used oil and used oil filters are transported back to each of their facilities for recycling by A-L-L Equipment Services in Moline, Illinois (compressor maintenance) and Hodge Company in Bettendorf, Iowa (fork truck maintenance). I did not observe used oil or used oil filters in accumulation during the CEI.

Scrap metal is generated during equipment maintenance. Scrap metal is transferred to a 12-cubic-yard scrap metal container located outside of southeast corner of the facility. Scrap metal is considered to be excluded from the definition of solid waste when recycled. The facility generates approximately 12 cubic yards of scrap metal per year. Scrap metal is collected by Midwest Recyclers in Davenport, Iowa, for recycling.

During the CEI, I observed a 12-cubic-yard container of scrap metal outside of southeast corner of the facility (Attachment 7, Photograph 17). I did not observe any deficiencies related to scrap metal.

Waste chemicals are generated when products expire or are no longer needed. Waste chemicals are left in original containers until shipment. Dubois makes hazardous waste determinations based on product knowledge at time of generation. Waste chemicals are not generated on a regular basis. The last shipment of waste chemicals was on December 10, 2020 (Attachment 11).

I explained to Mr. Tobin, and Ms. Zwart and Waller that the facility could maintain its non-generator status in the future even if it generates hazardous waste chemicals. I provided compliance assistance regarding the episodic generation provisions of 40 CFR 262.232 in the case of a planned event (such as an annual cleaning event) or an unplanned event (such as spill response).

General trash consists of processing waste, food waste, and other office-type waste generated at during facility maintenance. General trash is accumulated in containers throughout the facility and transferred to a 4-cubic-yard container located outside of southeast corner of the facility (Attachment 7, Photograph 18). The facility considers general trash to be nonhazardous waste based on product knowledge. The facility generates approximately 4-cubic-yards of general trash per week. General trash is collected and transported to the Scott Area Landfill in Davenport, Iowa for disposal/recycling. I did not observe any deficiencies related to general trash during the CEI.

4. Hazardous Waste Determinations

I noted in the previous CEI, dated August 15, 2018, that the inspector had a preliminary finding for failure to make a hazardous waste determination on 14 containers of off-specification chemicals, burnoff ash, pit sludge, and filter cake waste streams before mingling, as required by 40 CFR 262.11.

The facility had an analytical test on oven ash and filter cake sludge on September 28, 2018. The facility also had follow-up analytical tests on oven ash on November 2, 2022 (Attachment 14) and February 7, 2023 (Attachment 15). I asked Ms. Zwart if analytical tests would be performed on any other waste streams. Ms. Zwart stated that the facility is due to have a Protocol A (testing of all waste streams) completed in 2023. She explained that Protocol A is scheduled for every 5 years. She e-mailed Mr. Tobin a copy of Dubois 2023 Master Grid (Attachment 17). I noted that Protocol A was completed in 2018 and is scheduled for every 5 years.

I noted the waste profile for pit waste (Attachment 16) indicated that the determination was based on an analysis of the waste. However, I did not obtain a copy of the analysis during the CEI. I noted no deficiencies related to the hazardous waste determinations during the CEI.

5. Summary of Preliminary Findings

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

- 1) Accumulation of universal waste longer than one year, as required by 40 CFR 273.15(a)
- 2) Failure to accumulate universal waste lamps in a closed container, as required by 40 CFR 273.13(d)(1)
- 3) Failure to label universal waste lamp container with the words “universal waste lamps,” or waste lamps,” or “used lamps,” as required by 40 CFR 273.14(e)
- 4) Failure to date or otherwise track to demonstrate the length of time of accumulation of universal waste lamps, as required by 40 CFR 273.15(c)
- 5) Failure to adequately train employees responsible for the management of universal waste, as required by 40 CFR 273.16

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

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William F. Starks
Environmental Consultant
CLAENE Group, LLC.

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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 (19 Photos and Photolog) (13 Pages)
8. TestAmerica Analytical Report, Dated September 28, 2018 (9 Pages)
9. Waste/Material Profile Form for Ash/Filter Cake, Dated August 26, 2020 (4 Pages)
10. Hazardous Waste Manifests and Associated Certificates of Disposal, Dated September 10, 2020; February 24, 2021; and March 8, 2021 (7 Pages)
11. Hazardous Waste Manifest 011559814FLE and Associated Certificate of Disposal, Dated December 10, 2020 (2 Pages)
12. Nonhazardous Waste Manifest CES177727, Dated November 17, 2021 (1 Page)
13. Nonhazardous Waste Manifest CES0185837, Dated January 30, 2023 (1 Page)
14. Environmental Monitoring Technologies Analytical Report for Oven Ash, Dated November 2, 2022 (11 Pages)
15. Environmental Monitoring Technologies Analytical Report for Oven Ash, Dated February 7, 2023 (12 Pages)
16. Waste Characterization Profile for Pit Waste (2 Pages)
17. 2023 Master Grid (1 Page)