

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

**MENARDS INCORPORATED
WARRANTY CENTER**

7410 East Street
Shelby, Iowa 51570
(712) 207-2626

EPA RCRA ID No. IAR000516351

On: October 23 and 24, 2024

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 Menards Incorporated Warranty Center (Menards), at 7410 East Street, Shelby, 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

Menards:

Daniel Gerovac, Non-Conveyable General Manager, (712) 207-2703
Justin Taylor, Assistant General Manager, (712) 207-2623
Tyson Thomas, Reverse Logistics On-Site Manager (712) 207-2625

Toeroek Team:

Steve Johnson, Field Inspector, (816) 520-7009

INSPECTION PROCEDURES

Prior to the CEI on October 23, 2024, I conducted a drive-by visual inspection of facility along the fence line. I did not observe any areas of concern during the drive-by inspection. After the drive-by inspection, I entered the visitor's entrance of the Main Office Building and approached the reception desk. I introduced myself to the receptionist and explained the purpose of the visit. She asked that I wait in the lobby area while she contacted the appropriate site representative. Mr. Gerovac met me in the reception lobby approximately 6 minutes later. I introduced myself to Mr. Gerovac and explained the purpose of the CEI. Mr. Gerovac escorted me to an adjacent conference room where I conducted an entry briefing with him.

During the entry briefing, I presented my EPA credentials to Mr. Gerovac and provided my contact information. I explained the scope and procedures for the CEI to Mr. Gerovac. 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, Mr. Gerovac 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. Gerovac 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. These documents were read and retained by Mr. Gerovac.

A copy of each of the following documents was provided in digital format to Mr. Gerovac during the inspection:

- RCRA Facility Access Information Sheet
- Mr. Trevor Urban's contact information (a business card was not available)
- 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
- E-Manifest Fact Sheet: Generators
- Managing Your Hazardous Waste: A Guide for Small Businesses
- Part 279 Requirements: Used Oil Management Standards
- EPA Region 7 Emergency Response Program
- IDNR-Recycling Electronics: A Guide for Businesses
- IDNR-Battery Recycling/Disposal
- IDNR -Management of Fluorescent Lamps for Businesses
- IDNR-Incompatible Chemicals guidance document
- SQG Re-Notification Requirement Update Sheet
- IDNR Lead-Based Paint Management Guide
- IDNR Guide- Universal Wastes – Including Aerosol Cans
- IDNR - TCLP – Toxicity Characteristic Leaching Procedure
- IDNR Solvent Wipes Rule Guidance
- Iowa Environmental Guide for Businesses

I reviewed the Notification Acknowledgement/Verification Report (Verification Report) with Mr. Gerovac (Attachment 1). Based on this review and my observations during the CEI, I made no changes to the Verification Report.

I conducted the visual inspection and records review on October 23, 2024, accompanied by Mr. Gerovac and Mr. Justin Taylor, Assistant General Manager. During the records review, I reviewed facility documentation such as waste shipping records, waste profiles, Safety Data Sheets (SDS), inspection logs, RCRA Contingency Plan and available training records. I completed a site-specific inspection checklist to document my observations along with handwritten field notes taken during the CEI.

An exit briefing was initiated at approximately 4:20 PM with Mr. Gerovac and Mr. Taylor. During that time, I discussed initial findings and accepted additional documents requested during the facility walkthrough. I ran short of time to complete the briefing due to commitments of plant officers participating in the interview. I collected the Confidentiality Acknowledgment form (Attachment 3) and Receipt for Documents form (Attachment 2) before exiting the facility with Mr. Gerovac and Mr. Taylor agreeing to complete the exit interview as the first order of business the following day.

I returned to the facility at 8:00 a.m. on October 24, 2024, to complete the exit briefing with Mr. Gerovac and Mr. Taylor. During the exit briefing, I repeated the purpose of the Receipt for Documents and Samples, which Mr. Gerovac had signed on October 23, 2024, acknowledging receipt (Attachment 2). I also provided Mr. Gerovac the Confidentiality Notice, which he had signed on October 23, 2024 indicating no confidential business information was being claimed (Attachment 3). I also provided Mr. Gerovac a Notice of Preliminary Findings (NOPF), which he signed acknowledging receipt on October 24, 2024 (Attachment 4). Mr. Gerovac collected the Receipt for Documents and Samples form and the Confidentiality Notice form for copies prior to conclusion of the exit interview.

Building maps and layout drawings were obtained during the CEI and are included in Attachment 5. A Google Earth aerial photograph of the facility was downloaded after the CEI and is included as Attachment 6. The 38 photographs taken during the CEI are in Attachment 7, all of which are described in this report.

FINDINGS AND OBSERVATIONS

1. Facility Description and General Information

Menards is an operating unit of Menard, Incorporated with headquarters in Eau Claire, Wisconsin. The Warranty Center is a sub-unit of the larger building complex located in Shelby, Iowa (Attachment 7, Photographs 1 and 2). The facility's function is to receive and sort retail items that are either returned to the original manufacturer, or are otherwise not returnable and require alternate disposition, including disposal. Mr. Gerovac stated that the Warranty facility handling volume is variable. Mr. Taylor estimated that the building receives sorts and packages more than 700 items per day. It has been operating at the current location since the distribution

complex opened in August 2007. The complex services eighty-nine (89) retail stores within a defined service region.

The Warranty Center includes administrative offices, multiple van trailer dock bays, and storage and sorting racks located central to the building. It was reported to be approximately 43,000 square feet under roof. The Warranty Center is located adjacent to and east of a building that houses a large-scale boiler unit that provides steam heat to the plant. Shredded wood chips and other wood dunnage waste are used to feed the boiler thereby reducing the need for off-site recycling or disposal of wood wastes generated at the campus. The boiler is operated under a permit issued by the Iowa Department of Natural Resources.

The entire complex employs approximately 500 full-time personnel. Production personnel work two 8-hour shifts (7:00 a.m. to 3:30 p.m. and 4:00 p.m. to 12:30 a.m.) Monday through Friday. Warranty Center operations are performed by eight to 10 employees who work the two primary shifts. According to Mr. Gerovac, one employee is assigned to management of a specific classification of waste (such as flammable, corrosive-acidic, or aerosol products) during each of the two shifts. Those employees possess specific training and experience for management of the waste and function as a single operator controlling the addition of materials to accumulation containers.

The wastes managed at the facility are received after a network store has exhausted opportunities for internal use or re-sale of products. Detailed orders are placed by the stores for collection of non-usable items and transfer by common carrier to the Warranty Center. Once received at the Warranty Center, products are cataloged as received in the digital tracking system. The items are then sorted to determine if they are to be assigned to reuse/salvage or disposal based on a written matrix reflective of company policy. Some items are segregated for return to the manufacturer under agreement with Menard, Inc. (Attachment 7, Photographs 3, 24, and 25). Some items are requested for reuse at a retail store (Attachment 7, Photograph 4). Other items are segregated for internal reuse at the facility or by employees (Attachment 7, Photograph 5). Some bulk or large equipment items, such as air conditioners, oil-filled equipment, and appliances, are set aside for salvage resale (Attachment 7, Photographs 31 and 32). Items designated for manufacturer return, reuse, or salvage resale are not considered by Menards to be waste.

Items assigned to disposal are identified with color-specific adhesive labels and placed in sorting areas adjacent to the accumulation aisle (Attachment 7, Photographs 9 and 10). Hazardous waste determinations are made by product ID listing and company policy interpretation made at the Eau Claire corporate office. Upon receipt in the sorting area, items are cross-referenced with product listings and product codes in a digital listing that defines the hazardous characteristic(s) and process for disposition. Signage is posted near the sorting area with instructions for management of different types of waste (Attachment 7, Photographs 6 through 8 and 26). Nonhazardous wastes are placed in open-head loose pack containers (55-gallon high density polyethylene [HDPE] drums) or other containers and labeled to identify the waste (Attachment 7, Photographs 11, 12, 20, and 22). Hazardous waste items are also placed in open-head loose pack containers, labeled to identify the waste and accumulation start date, and logged in inventory sheets that accompany each container (Attachment 7, Photographs 13 through 19 and 25). Full containers are transferred to a hazardous waste central accumulation area (CAA) in a double-row aisle near the center of the building.

Wastes generated from product returns include waste flammable liquids, hazardous waste liquids-toxic, waste corrosive liquids (acidic and basic), aerosol cans, waste paint (latex and oil-based), nonhazardous waste liquids, pesticide and herbicide formulations, waste oil, inert gas cylinders/bottles/capsules, used batteries, used lamps, scrap metal, electronic scrap, and cardboard and sheet plastic. Shipping waste includes scrap/damaged pallets, shipping buffers, and wood dunnage. Other returned products include soaps/surfactants, deodorizers (aerosol and non-aerosol), hand lotions, sanitizers, and a variety of products sold through retail establishments.

Wastes generated during equipment maintenance, facility maintenance, and support operations within the distribution campus include used batteries, used lamps, electronic scrap, spill absorbents and personal protective equipment (PPE), and general trash.

Waste flammable liquids, waste corrosive liquids, hazardous waste liquids-toxic, and aerosol cans are determined to be hazardous wastes based upon product knowledge. Nonhazardous waste liquids, waste oil, inert gas cylinders/bottles/capsules, electronic scrap, cardboard and sheet plastic, scrap/damaged pallets and wood dunnage, spill absorbents and PPE, and general trash are determined to be nonhazardous wastes based on product knowledge. Scrap metal is considered exempt from the definition of solid waste per 40 CFR 261.4(a)(13) or exempt from the definition of hazardous waste per 40 CFR 261.6(a)(3)(ii). Used batteries and used lamps are managed as universal wastes according to provisions of Title 40 *Code of Federal Regulations* (40 CFR) Part 273.

On December 2, 2020, Menards Warranty Center was inspected by an EPA contractor with the following preliminary findings:

- Accumulation of waste batteries for a period of more than one (1) year
- Storage of hazardous waste more than ninety (90) days
- Failure to mark hazardous waste containers with an indication of the nature of the hazards
- Failure to conduct weekly inspections of hazardous waste container storage areas

Of these preliminary findings, none were repeated during this CEI.

2. RCRA Status

Menards is identified as a large quantity generator (LQG) of hazardous waste (generating more than 1,000 kilograms [kg] or 2,200 pounds of hazardous waste per month) on the Verification Report provided by EPA (Attachment 1). During the CEI, I confirmed the Warranty Center's LQG status through a review of current operations, interviews with facility representatives, and a review of waste disposal records (uniform hazardous waste manifests).

Manifest records and generator reports indicate the facility generates approximately 1,296 pounds (586 kg) of non-acute hazardous waste per month at normal operations. At this calculated generation rate, the facility would be defined as a small quantity generator (SQG) of hazardous waste, generating between 100 and 1,000 kg (220 and 2,200 pounds) of hazardous waste per month. According to Mr. Gerovac, Menards generally operates as a SQG of hazardous waste but

will generate more than 1,000 kg of hazardous waste intermittently. The facility does not manage waste in excess of the SQG limits according to the episodic generation rules. Instead, the facility has elected to manage all hazardous waste according to LQG standards due to the inconsistent and often unpredictable generation of hazardous waste from returns.

Based on uniform hazardous waste manifest records, the facility may have crossed into LQG status two times in 2024. On June 3 and October 2-3, 2024, the facility shipped more than 2,500 pounds of hazardous waste approximately 3 weeks after the previous hazardous waste shipment. Because the facility ships hazardous waste approximately every month, the manifest indicates that the facility may have generated LQG volumes of hazardous waste in May and/or September 2024.

Based on manifest records and Mr. Gerovac's statements, I inspected Menards as a LQG of hazardous waste. I also inspected Menards as a small quantity handler (SQH) of universal waste (accumulating less than 5,000 kg of universal waste at any time). The facility manages returned oils as nonhazardous waste oil; therefore, I did not inspect the facility as a used oil generator.

3. Waste Streams

This section of the CEI report describes waste streams generated by Menards, including the facility's waste determination and waste codes, generation process and rate, management at the facility, and off-site disposition. Menards and their contracted environmental service provider(s) have performed hazardous waste determinations for all waste items generated at the facility. The following discussion of waste streams is based on my interview with Messrs. Gerovac and Taylor, the visual inspection, and my review of available documentation.

Waste corrosive liquids-acidic consist of corrosive products that include hydrochloric acid, acetic acid, sulfuric acid and phosphoric acid solutions (typically less than 20 percent by volume). These products include surface preparations and cleaning solutions. Some of the returned corrosive products are collected for return to the original manufacturer under agreement with Menard, Inc, and are not considered to be waste. The facility generates approximately 74 pounds (34 kg) of waste corrosive liquids-acidic per month. Menards considers the waste to be hazardous (D002) based on product knowledge obtained from the manufacturer. Waste corrosive liquids-acidic are placed in 55-gallon loose pack containers in the sorting aisle CAA. The waste is collected by Clean Earth Waste Solutions or Pioneer Tank Lines and transported to Petrochem in Detroit, Michigan, for consolidation and treatment.

During the CEI, I observed a 55-gallon container of waste corrosive liquids-acidic in the sorting area CAA (Attachment 7, Photograph 21). The container was structurally sound, closed, and held approximately 15 gallons of waste. The container was labeled with the words "hazardous waste," an indication of the nature of the hazard, and an accumulation start date within the last 90 days (I did not record the start date in my notes, but I did note no concerns with the date). I observed no deficiencies with accumulation of waste corrosive liquids-acidic during the CEI.

Waste corrosive liquids-basic consist of corrosive products that include sodium hydroxide, potassium hydroxide, hypochlorite solutions and small quantities of amine formulations with reported pH of greater than 12.5 (typically less than 18 percent by volume). These products

include commercial and residential bleach, sanitizing cleaners, surface cleaners and concrete cleaners. Dilutions of hypochlorite liquids preclude assignment of a D001 (oxidizer) waste code. Some of the returned corrosive products are collected for return to the original manufacturer under agreement with Menard, Inc. and are not considered to be waste. Menards generates approximately 700 pounds (316 kg) of waste corrosive liquids (caustic solutions) per month. The facility considers the waste to be hazardous (D002) based upon product knowledge obtained from the manufacturer. Waste corrosive liquids are placed in 55-gallon loose pack containers in the sorting aisle CAA. The waste is collected by Clean Earth Waste Solutions or Pioneer Tank Lines and transported to Petrochem in Detroit, Michigan, for consolidation and treatment.

During the CEI, I observed a sorting area for waste corrosive liquids-basic (Attachment 7, Photograph 23). I also observed a 55-gallon container of waste corrosive liquids-basic in the sorting area CAA (Attachment 7, Photograph 21). The container was structurally sound, closed, and held approximately 30 gallons of waste. The container was labeled with the words “hazardous waste,” an indication of the nature of the hazard, and an accumulation start date within the last 90 days (I did not record the start date in my notes, but I did note no concerns with the date). I observed no deficiencies with accumulation of waste corrosive liquids-basic during the CEI.

Waste flammable liquids are generated from returned products that contain flammable paints, adhesives, solvent cleaners, fuel mixtures and other similar materials. Menards generates approximately 452 pounds (205 kg) of waste flammable liquids per month. The facility considers waste flammable liquids to be hazardous (D001) based on product knowledge. Waste flammable liquids are placed in their original product containers into 55-gallon loose pack containers in the sorting aisle CAA. The waste is collected by Clean Earth Waste Solutions or Pioneer Tank Lines and transported to Petrochem in Detroit, Michigan, for consolidation and treatment or transfer to Solvent Recovery Corporation in Kansas City, Missouri.

During the CEI, I observed a 55-gallon container of waste flammable liquids in the sorting area CAA (Attachment 7, Photograph 21). The container was structurally sound, closed, and held approximately 7 gallons of waste. The container was labeled with the words “hazardous waste,” an indication of the nature of the hazard, and an accumulation start date of October 17, 2024 (Attachment 7, Photograph 15). I also observed a full 55-gallon container of waste flammable liquids in the CAA at the southeast corner of the building staged for transportation off site. The container was structurally sound, closed, labeled with the words “hazardous waste” and an indication of the nature of the hazard, and dated October 2, 2024. I observed no deficiencies with accumulation of waste flammable liquids during the CEI.

Hazardous waste liquids-toxic are generated from returned products that contain herbicides, pesticides, fungicides or other products. Menards generates approximately 300 pounds (136 kg) of hazardous waste liquids-toxic per month. The facility considers the waste to be hazardous (D016, U279) based on product knowledge. Hazardous waste liquids-toxic are placed in their original product containers into polymer 55-gallon loose pack drums in the sorting aisle CAA. The waste is collected by Clean Earth Waste Solutions or Pioneer Tank Lines and transported to Petrochem in Detroit, Michigan, for consolidation and treatment.

During the CEI, I observed a 55-gallon container of hazardous waste liquids-toxic in the sorting area CAA (Attachment 7, Photograph 21). The container was structurally sound, closed, and held approximately 20 gallons of waste. The container was labeled with the words “hazardous waste” and an indication of the nature of the hazard, and an accumulation start date of October 21, 2024 (Attachment 7, Photograph 13). I observed no deficiencies with accumulation of hazardous waste liquids-toxic during the CEI.

Waste oil consist of product returns of hydraulic oils, lubricant oils and oil-based mixtures. The facility generates approximately 180 pounds of oil products per month. Menards considers waste oil to be nonhazardous based on product knowledge; however, the waste is labeled as hazardous waste while in accumulation as a precaution. The waste is relabeled and shipped by the contracted environmental service provider as nonhazardous, used oil (although the returned product oil is not used). Waste oil is accumulated in original containers in 55-gallon loose pack in the sorting area CAA. The waste is collected by Clean Earth and transported to Solvent Recovery Corporation in Kansas City, Missouri, for fuel blending.

During the CEI, I observed a 55-gallon container of waste oil in the sorting area CAA (Attachment 7, Photograph 21). The container was structurally sound, closed, labeled with the words “hazardous waste” and “waste oil,” and an accumulation start date of October 21, 2024 (Attachment 7, Photograph 16).

Used batteries are generated from product returns and a small number of batteries collected from on-campus maintenance and IT activities. Battery types include sealed lead-acid, lithium-ion, and alkaline batteries. Menards manages all used batteries as universal waste according to provisions of 40 CFR Part 273. The facility manages approximately 1,330 pounds of used batteries per month based upon recent shipping records. Used batteries are sorted by type and placed in 6-gallon plastic totes that contain a sheet label. Used batteries are collected approximately every 2 months by Call 2 Recycle for off-site recycling. Copies of select invoices and bills of lading for used battery recycling are in Attachment 8.

During the CEI, I observed a large quantity of used batteries on designated accumulation shelves (Attachment 7, Photographs 35 through 37). The open plastic tote containers were structurally sound but not closed. Individual batteries were placed in sealed polymer bags to prevent release of any residual surface contaminants and minimize the risk of short-circuit. Each plastic tote container was labeled with the words “waste batteries” and an accumulation start date. The oldest accumulation start date was October 7, 2024.

I also observed several palletized lead-acid battery assemblies adjacent to the south maintenance area (Attachment 7, Photograph 38). Lead-acid batteries are managed according to 40 CFR Part 266 Subpart G. Lead-acid batteries removed from service are marked as a “Scrap Battery” and prepared for return to the contracted battery supplier (Equipment Assets in Troy, Michigan) for recharge, repair, or recycling. A copy of the most recent bill of lading for large lead-acid vehicle batteries, dated July 16, 2024, is included as Attachment 9. I observed no deficiencies regarding management of used batteries and lead-acid batteries during the CEI.

Used lamps consist of spent 4-foot, 8-foot and compact fluorescent lamps along with variable types of HID and incandescent lamps collected from the networked retail stores. The waste

stream also includes lamps generated on site; however, the facility uses newer light emitting diode (LED) commercial lighting fixtures throughout the building except for a few non-fixed lamps in administrative offices and storage cabinets. Menards manages all used lamps as universal waste according to provisions of 40 CFR Part 273. The facility receives approximately 1,800 pounds of used lamps per month based on shipping records. Used lamps are shipped to the facility in sealed fiberboard containers. Received containers are accumulated in marked shipping containers (crates, boxes, and drums) in a specific area adjacent to the waste sorting aisles. Used lamps are shipped to Cleanlites in Lakeville, Wisconsin, for recycling. Copies of select invoices and bills of lading for used lamp recycling are in Attachment 10.

During the CEI, I observed used lamps in a large open crate container covered by a plastic sheet (Attachment 7, Photograph 28). The outer crate container was labeled with the words “waste lamps” and an accumulation start date of October 21, 2024 (Attachment 7, Photograph 29). Individual fiberboard containers within the crate were structurally sound and closed (Attachment 7, Photograph 30). Two additional containers of used lamps were observed during the CEI. Both were structurally sound, closed, labeled with the words “waste lamps” and dated. The oldest accumulation start date was October 3, 2024 (Attachment 7, Photograph 27). I observed no deficiencies regarding management of used lamps during the CEI.

Aerosol cans consist of empty and unwanted aerosol cans from store returns, primarily due to nozzle clogging. Aerosol products include adhesives, paint, foam sealants, residential cleaners, deodorizers, herbicides and pesticides. The facility typically generates approximately 180 pounds of spent aerosol cans per month based on manifest records. However, Mr. Gerovac stated the facility periodically receives higher-than-normal volumes of waste aerosol cans. One event cited entailed 3 months of retail accumulation returns from one event involving product expiration and recall not supported by the manufacturer. Menards manages all returned aerosol cans as hazardous waste while on site. Spent aerosol cans are accumulated in 55-gallon containers in the sorting area CAA. The waste is collected by Clean Earth and transported to either Petrochem in Detroit, Michigan, or Solvent Recovery Corporation in Kansas City, Missouri, for final sorting, consolidation and storage prior to final disposition.

During the CEI, I observed a 55-gallon container of aerosol cans in the sorting area CAA (Attachment 7, Photograph 21). The container was structurally sound, closed, labeled with the words “hazardous waste” and an indication of the nature of the hazard, and an accumulation start date of October 21, 2024 (Attachment 7, Photograph 14). I noted no deficiencies regarding management of aerosol cans during the CEI.

Aerosol cans are managed as hazardous waste according to prescribed company policy as explained by Mr. Gerovac. I did discuss the fundamentals of aerosol waste management under the universal waste rule and the exemptions allowed under the rule. Mr. Gerovac stated that Menards chose to adopt a protective policy of hazardous waste management to eliminate the potential for individual operator error relative to sorting decisions.

Inert gas cylinders/bottles/capsules are generated from return products that contain compressed inert gases such as carbon dioxide and argon. These waste items are sporadically generated and are collected in a single plastic tote with a fixed cover. The rate of generation of this waste stream is variable. Shipping records indicate an annualized rate of approximately 44 pounds per

month. The items are defined as a DOT hazardous material but are not defined or managed as a hazardous waste. Menards considers the waste to be nonhazardous based on product knowledge. Inert gas cylinders/bottles/capsules are collected by Clean Earth and transported to Solvent Recovery Corporation in Kansas City, Missouri, for sorting and storage prior to shipment to a recovery facility. I did not observe inert gas cylinders/bottles/capsules in accumulation during the CEI.

Electronic scrap is generated from returns of products sold in retail outlets and from changeout of aged or damaged electronic equipment from within the distribution campus. Electronic scrap includes LED screens, computer workstations, printers, power supplies and other related electrical equipment. Menards Warranty Center considers electronic scrap to be nonhazardous based on product knowledge. Collected electronic scrap is palletized for transfer to the Eau Claire, Wisconsin, location for collection and recycling by a contract service. The estimated generation rate is approximately 200 pounds per month.

During the CEI, I observed a partial pallet of electronic scrap adjacent to the waste lamp accumulation area. I noted no deficiencies with management of scrap electronic equipment during the CEI.

Scrap metal generated from stamp and maintenance activities is primarily ferrous/steel with small amounts of aluminum from returned equipment and furnishings. Observed scrap metal includes appliances cleared of oils or coolants, conveyances, electrical motors, carts, empty metal cans and metal furnishings. I did not determine the scrap metal generation rate during the CEI. The facility considers scrap metal excluded from the definition of solid waste according to 40 CFR 261.4(a)(13) or excluded from the definition of hazardous waste according to 40 CFR 261.6(a)(3)(ii) when recycled. Scrap metal is accumulated in the sorting area in roll-off containers, and is collected Alter Metal Recycling in Council Bluffs, Iowa, for recycling.

During the CEI, I observed accumulation of scrap metal in two 30-cubic-yard roll-off containers inside the east wall of the facility in open bays (Attachment 7, Photographs 33 and 34. I noted no deficiencies with management of scrap metal during the CEI.

Spill absorbents and PPE consist of absorbent pads, booms, and shop rags used for general cleaning and spill cleanup of nonhazardous materials or wastes. Menards considers spill absorbents and PPE to be nonhazardous based on product and process knowledge. I did not determine the generation rate during the CEI. Collected spill absorbents and PPE are placed in general trash containers in the production areas when generated. General trash is collected for landfill disposal.

Absorbent media, PPE, and other articles contaminated during management of hazardous waste (such as wiping down containers) and spill clean-up are managed as hazardous waste within the 55-gallon containers holding the respective classification of the waste described above. Mr. Gerovac reported that hazardous waste spills are very infrequent and low-volume events. Neutralizing agents for corrosive liquids were available in the mobile spill kit but were used in small-volume (< 1 quart) spills. The collected solid waste is disposed as hazardous within the respective waste classifications described above.

During the CEI, I observed no containerized spill absorbents or PPE in accumulation, and no spill absorbents or PPE in general trash containers.

Cardboard and sheet plastic consists of packaging wastes that are segregated and baled for recycling. The facility considers cardboard and sheet plastic to be nonhazardous based on product and process knowledge. I did not determine a generation rate during the CEI. Since most of the materials that arrive at the facility are in wrapped polyethylene tubs, the volume of cardboard was estimated by Mr. Gerovac to be minimal. Cardboard and sheet plastic are collected in separate accumulation containers and processed through a baler near the manufacturing building. The baled waste is transferred to a semi-truck trailer and transported for recycling as a mill-direct commodity through contracts with National Fiber and International Paper. A full trailer of baled cardboard and plastic from all activities conducted within the distribution campus is shipped approximately 2 to 3 times per month. I noted no deficiencies with management of cardboard and sheet plastic during the CEI.

Scrap/damaged pallets and wood dunnage consists of broken pallets and other untreated wood dunnage scrap with no paint or other coating. I did not determine the generation rate during the CEI. Menards considers scrap/damaged pallets and wood dunnage to be nonhazardous based on product knowledge. Scrap/damaged pallets and wood dunnage are collected for transfer to an on-site shredder for processing. Shredded wood waste is either processed for use in bagged mulch products that are re-sold through retail outlets or directed to the industrial boiler for use as fuel. The boiler is owned and operated by Menard, Inc. and is located immediately west of the Warranty Center building. The facility accumulates undamaged wood pallets for re-use throughout the distribution campus.

General trash consists of non-liquid products, empty packaging, and general refuse exclusive of cardboard and plastic packaging film. I did not determine the generation rate during the CEI. Menards considers general trash to be nonhazardous based on product and process knowledge. General trash is accumulated in several types of containers throughout the building and is transferred to an onsite loading area at the southeast entrance to the campus. The waste is transported by R&S Waste Services in Defiance, Iowa, to a permitted regional landfill for disposal.

During the CEI, I observed general trash in accumulation at three locations, including a hopper container near the sorting area (Attachment 7, Photograph 22). I noted no deficiencies with management of general trash during the CEI.

4. Required Response Equipment and Hazard Management

Per 40 CFR 262.15(a)(8) and 262.17(a)(6), a LQG must operate to minimize possibility of a fire, explosion, or spill, and must maintain emergency response equipment. During the CEI, I observed adequate aisle space for emergency response in the CAA, and no evidence of spills or leaks. I observed spill kits with absorbent pads, booms, diatomaceous earth, PPE, and bags near the hazardous waste CAAs. I observed multi-class fire extinguishers readily available throughout the facility. The building does not incorporate a fire sprinkler system in all production areas. It does have a fire warning system and building-wide communications system. The extinguishers

and alarm annunciators are maintained by a third-party service. I noted no deficiencies with required response equipment and hazard management during the CEI.

5. CAA

At the time of the CEI, the sorting area CAA held several hazardous and nonhazardous waste accumulation containers and the CAA in the southeast corner of the building held one container of hazardous waste and one container of nonhazardous waste.

I asked Mr. Taylor if the CAAs are inspected. He stated that weekly inspections are conducted at all solid waste and hazardous waste accumulation areas and recorded on written logs that are uploaded to an electronic record. Copies of select inspection logs for the month of August 2024 are in Attachment 11. I reviewed inspection logs for 2023 and 2024 and noted no missed inspections or indication of significant findings. I noted no deficiencies with management of the CAAs during the CEI.

6. Manifests, Bills of Lading, Biennial Report

Menards generated approximately 57 uniform hazardous waste manifests over the past 3 years (81 documents total including non-hazardous wastes bills of lading). I reviewed 14 hazardous waste manifests/LDRs and 6 nonhazardous bills of lading for containerized waste. I reviewed 12 bills of lading for universal waste. Copies of representative invoices and bills of lading for recent shipments are in Attachments 8 through 10. Copies of representative manifests for shipments in 2024 are in Attachment 12.

Menards submitted a 2023 Hazardous Waste Biennial Report on January 24, 2024. I completed a cursory review of the facility's biennial report during the CEI. I noted no deficiencies during my review of manifests and the Biennial Report.

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. During the CEI, I discussed personnel training requirements with Messrs. Gerovac and Taylor. They provided a digital format training plan outline including job title, hire date, and training module numbers required. I asked if they had written documentation detailing names and job titles of personnel assigned to directly manage hazardous waste. Mr. Gerovac replied that those documents were likely maintained at the corporate office but were not available at the facility. I determined the facility failed to provide a written record of names and job titles of personnel that are assigned to hazardous waste duties, as required by 40 CFR 262.17(a)(7)(iv)(A) (**NOPF No. 3**).

I noted that the documentation provided did not include a written description of required skills, experience or knowledge required for employees working directly with hazardous waste, as required by 40 CFR 262.17(a)(7)(iv)(B) (**NOPF No. 4**). The documentation also failed to specify the type and amount of introductory and continuing training required for personnel assigned

hazardous waste duties, as required by 40 CFR 262.17(a)(7)(iv)(C) (**NOPF No. 5**). I provided compliance assistance regarding training documentation requirements during the CEI.

Mr. Taylor provided a copy of the corporate list of Learning Management System (LMS) training modules mandated for hazardous waste workers (Attachment 13). The list does not include trainer requirements since there are no live trainers utilized in the video media program. I did not review content of the RCRA Awareness training modules during the CEI, since the training is provided through on-line media and uses task-specific modules assigned to specific personnel. During the discussion of training requirements, Mr. Gerovac stated that the modules do include training for management of universal waste as well as hazardous waste. Universal waste refresher training is required at Menards every three (3) years and RCRA Awareness training is required annually. He further stated that all new employees are directly supervised until they demonstrate proficiency in assigned tasks.

8. Preparedness and Prevention and Contingency Plan

As an LQG, Menards is required to arrange for emergency response with local emergency agencies, to designate an emergency coordinator (EC) for the facility and maintain a RCRA Contingency Plan. Menards' Emergency Action Plan (EAP) is used to provide contingency plan requirements. The EAP includes current emergency coordinators assigned at the full distribution campus. It was last updated in February 2023. A copy of the Emergency Action Plan is included as Attachment 14.

I noted that the EAP included a description of actions needed to respond to fires, explosions, power outages and incipient spills. It includes emergency service names, locations and phone contacts. However, the plan contains no written description of arrangements with the designated local emergency agencies as required by 40 CFR 262.17(a)(6) referencing 262.256(b) (**NOPF No. 1**). Mr. Gerovac stated that the designed fire responders and Pottawatomie County Sheriff's office had engaged in on-site exercises, inspections and familiarization visits. He stated that the EAP had been provided to responders during those visits but there was no attendance log or other document that verified that exchange. The EAP includes a list of emergency response equipment (including capabilities and location); and a complete evacuation plan for both structures, as required by 40 CFR 262.17(a)(6) referencing 262.261(a, c, e, and f). The Contingency Plan also included names and telephone numbers of the primary and alternate emergency coordinators, as required by 40 CFR 262.17(a)(6) referencing 262.261(d).

The EAP did not include a Quick Reference Guide (QRG), as required by 40 CFR 262.17(a)(6) referencing 262.262(b) (**NOPF No. 2**). I provided compliance assistance regarding content of the contingency plan and QRP during the CEI. Mr. Gerovac stated that a QRG would be prepared as a priority and sent with the EAP to the designated emergency services.

9. Air Emissions: 40 CFR Part 265 Subparts AA, BB, CC

EPA regulations in 40 CFR Part 265, Subparts AA, BB, and CC apply to LQGs. If a LQG manages hazardous waste with an organic concentration greater than 10 parts per million by weight (ppmw), the standards specified in Subpart AA apply to hazardous waste air emissions from certain process vents. A process vent used in distillation, fractionation, solvent extraction,

thin-film evaporation, air stripping, or steam stripping is regulated by Subpart AA. Menards is not subject to the Subpart AA regulations because the facility does not have any of the process vents listed above.

If a LQG has equipment that contains or contacts hazardous waste composed of 10 percent or greater organics by weight, the facility is subject to Subpart BB standards for inspection and monitoring of the equipment. Menards is not subject to the Subpart BB regulations because it does not have waste handling equipment that contains, or comes in contact with, hazardous waste.

The standards found in Subpart CC apply to LQGs that manage hazardous waste in containers with organic compounds (VOC) concentration that exceeds 500 ppmw. The Subpart CC standards are applicable because the facility accumulates hazardous waste that contains VOCs in 55-gallon hazardous waste accumulation containers. During the CEI, I determined that Menards meets the Subpart CC requirements for containers by using Container Level 1 controls (hazardous waste accumulation containers smaller than 122 gallons that are Department of Transportation [DOT]-approved). I noted no concerns with management of hazardous waste per the Subpart CC air emissions requirements.

10. Summary of Preliminary Findings

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

1. Failure to maintain written documentation of arrangements with emergency response agencies, as required by 40 CFR 262.17(a)(6) referencing 262.256(b) (**NOPF No. 1**)
2. Failure to prepare a Quick Reference Guide and submit to emergency response agencies, as required by 40 CFR 262.17(a)(6) referencing 262.262(b) (**NOPF No. 2**)
3. Failure to provide a written record of names and job titles of personnel that are assigned hazardous waste duties, as required by 40 CFR 262.17(a)(7)(iv)(A) (**NOPF No. 3**)
4. Failure to provide written description of the skills, education, qualifications, and duties of hazardous waste workers, as required by 40 CFR 262.17(a)(7)(iv)(B) (**NOPF No. 4**)
5. Failure to provide written documentation of the type and amount of introductory and continuing training required for employees assigned to hazardous waste management duties, as required by 40 CFR 262.17(a)(7)(iv)(C) (**NOPF No. 5**)

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.

Steve A.
Johnson

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Field Inspector
CLAENE Group, LLC.

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

ATTACHMENTS

1. Notification Acknowledgement/Verification Report (1 Page)
2. Receipt for Documents and Samples (1 Page)
3. Confidentiality Notice (1 Page)
4. Notice of Preliminary Findings (1 Page)
5. Building Maps and Layout Drawings (3 Pages)
6. Google Earth Aerial Photograph (1 Page)
7. Photographic Documentation - Photolog and 38 Photos (23 Pages)
8. Used Batteries Invoices and Bills of Lading (8 Pages)
9. Lead-Acid Batteries Bill of Lading Dated July 16, 2024 (1 Page)
10. Used Lamps Invoices and Bills of Lading (24 Pages)
11. Select Hazardous Waste Inspection Logs for August 2024 (12 Pages)
12. Select Manifests for 2024 (42 Pages)
13. Training Module Subject List (1 Page)
14. Emergency Action Plan (20 Pages)