

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

DIAMOND VOGEL
1020 Albany Place SE
Orange City, Iowa 51041
712-737-4993 ext. 11171

EPA ID Number: IAD007276728

On

March 27, 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 (ECAD/CB/RCRA) 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 Diamond Vogel (Vogel) at 1020 Albany Place SE in Orange City, 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 requirements, used oil management, and universal waste requirements, as applicable. This report and its attachments present the results of the CEI.

PARTICIPANTS

Vogel:

Riley Chartier, Environmental, Health and Safety Manager
Curtis Baker, Corporate Environmental, Health and Safety Manager

Toeroek Team:

Clifford Nelles, Inspector, 816-213-5192

INSPECTION PROCEDURES

Prior to the CEI at Vogel on March 27, 2023, I conducted a drive-by visual inspection. I did not observe any areas of concern during the drive-by. At approximately 0725 hours, I entered the office and was met by Mr. Baker. I introduced myself and explained that I was there to conduct a hazardous waste CEI. Mr. Baker contacted Mr. Chartier to inform him of my arrival and escorted me to a conference room where we were joined by Mr. Chartier. I then conducted an entry briefing with Messrs. Baker and Chartier.

During the entry briefing, I presented my business card and EPA credentials to Messrs. Baker and Chartier. I explained the scope and procedures for the CEI. I explained the facility's right to make confidentiality claims for any or all the information obtained and provided a Notice Regarding Proprietary/Confidential Business Information. I stated that at the conclusion of the CEI, Mr. Baker 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 Messrs. Baker and Chartier 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, both of which they read.

A copy of each of the following documents was left with Mr. Chartier 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
- E-Manifest Fact Sheet: Generators
- Managing your Hazardous Waste: A Guide for Small Businesses
- U.S. EPA Small Business Resources Information Sheet
- Recycling Electronics: A Guide for Businesses
- Lead-Based Paint Activities: Handling and Disposal
- Battery Recycling/Disposal
- Management of Fluorescent Lamps for Businesses
- Incompatible Chemicals
- Universal Wastes – Including Aerosol Cans
- TCLP – Toxicity Characteristic Leaching Procedure
- Part 279 Requirements: Used Oil Management Standards
- EPA Region 7 Emergency Response Program
- Chemical Facility Anti-Terrorism Standards
- Iowa Environmental Guide for Businesses

I reviewed the Notification Acknowledgement/Verification Report (Verification Report) with Mr. Baker (Attachment 1). Based on this review, I updated the name of the facility, owner, and operator to Diamond Vogel. I made no other updates to the Verification Report.

I conducted the visual inspection of the facility, accompanied by Messrs. Baker and Chartier. Following the visual inspection, I reviewed facility records including waste determination documentation, hazardous waste manifests with land disposal restriction (LDR) notifications, Safety Data Sheets (SDS), contingency plan, and training documentation. I prepared and completed a site-specific inspection checklist to document my observations.

At the conclusion of the CEI, I conducted an exit briefing with Messrs. Baker and Chartier. During the exit briefing, I provided a Receipt for Documents and Samples, which Mr. Baker signed, acknowledging receipt (Attachment 2). I provided Mr. Baker with the Notice, which he signed indicating no confidential business information had been provided (Attachment 3). I also provided Mr. Baker with a Notice of Preliminary Findings (NOPF), which he signed to acknowledge receipt (Attachment 4).

A map of the facility obtained during the CEI is included in Attachment 5, and a Google Earth aerial photograph of the facility is included as Attachment 6. The 15 photographs taken during the CEI are included in Attachment 7; 14 of which are discussed in this report.

FINDINGS AND OBSERVATIONS

1. Facility Description and General Information

Vogel manufactures solvent-based, water-based, and powder coat paints. Major raw materials used by the facility include pigments, solvents, water, and polyester/epoxy carriers for powder coat. Vogel began operations at the current location in 1965. The facility consists of seven separate buildings (primary manufacturing building, administration building, waste reclamation/aerosol packaging building, product recovery building, powder coat building, maintenance, and garage) with approximately 238,700 square feet under roof on approximately 25 acres. The facility also has a tank farm with aboveground storage tanks (ASTs) for raw material storage, including solvent reclaimed from onsite distillation units. Vogel currently employs approximately 225 full-time employees who work one of two shifts (5:30 a.m. to 3:30 p.m. and 4:00 p.m. to 12:00 a.m.) Monday through-Friday.

Water-based paints are mixed and manufactured on site. Pigments are mixed with water and packaged in non-pressurized containers. Vessels and equipment used to manufacture water-based paints are cleaned with hot water and detergent in an onsite wash rack. Wash water is discharged through a settling pit and then to the City of Orange City publicly owned works (POTW) via the sanitary sewer system. According to Mr. Baker, the City of Orange City is aware of the discharge and does not require a discharge permit. Solids removed from the settling pit are considered nonhazardous waste, allowed to dry, and transported to the Northwest Iowa Landfill in Sheldon, Iowa, for disposal.

Solvent-based paints are mixed and manufactured on site. Pigments are mixed with solvent carriers and packaged in non-pressurized and aerosol containers. Vessels and equipment used to manufacture solvent-based paints are initially cleaned and rinsed with reclaimed solvent from the onsite distillation units. A second rinse is performed with virgin solvent. Used solvent from cleaning is accumulated in various containers. Used solvent is considered to be a hazardous secondary material and is reclaimed in one of two onsite distillation units. Used solvent is

collected in 300-gallon totes and pumped into a 3,000-gallon AST. The used solvent is then piped into a 1,300-gallon distillation unit for reclamation. Reclaimed solvent is reused in the manufacturing process. Distillation bottoms from the reclamation process are considered to be waste paint related material (WPRM) and hazardous waste (D001, F003, F005) based on product and process knowledge. WPRM is accumulated in 55-gallon satellite accumulation containers beneath the distillation units, and full satellite accumulation containers are transferred to the facility's hazardous waste container accumulation area (HWCAA). WPRM is transported to Systech Environmental Corporation (Systech) in Fredonia, Kansas, for fuel blending.

Used solvent is also generated in the facility's research and development (R&D) and quality control (QC) laboratories. In the paint booth associated with the R&D laboratory, the facility generates used solvent when reclaimed solvent is flushed through the paint gun lines. Used solvent from both laboratories is consolidated in a five-gallon container in the upper production area. The used solvent from this container is taken to the product recovery area to be evaluated for possible use as a paint mixing product. If the used solvent cannot be reused as a product, it is considered to be hazardous secondary material for reclamation. Used solvent from maintenance of the parts washer used to clean paint dispensing equipment is also considered to be hazardous secondary material and is taken to the product recovery area upon generation to be evaluated for possible use as a paint mixing product or reclamation.

According to Mr. Baker, paint that is determined to be off specification for color, consistency, or other quality parameters is brought to the product recovery area and evaluated to determine if it can be returned to the production process or mixed into a low-grade primer. The same evaluation process is performed on paint retain samples after the QC retain hold time has lapsed. Solvent-based paint that cannot be reused is considered WPRM and is accumulated in a 300-gallon tote or in 55-gallon hazardous waste accumulation containers (HWAC) in the product recovery area HWCAA.

Equipment cleaning and maintenance activities generate used paint booth filters, used oil, used oil filters, used lamps, used batteries, excluded solvent-contaminated wipes, and general trash. Used paint booth filters are considered nonhazardous based on product and process knowledge and are transported to the Northwest Iowa Landfill in Sheldon, Iowa, for disposal. Used oil and used oil filters are managed according to provisions of Title 40 *Code of Federal Regulations* (40 CFR) Part 279 and are collected by Green for Life Environmental in Mokena, Illinois, for recycling. Used lamps and used batteries are managed as universal wastes according to provisions of 40 CFR Part 273 and are transported to Midwest Lamp Recycling in Madison, Wisconsin, for recycling. Excluded solvent-contaminated wipes are managed according to the exclusion in 40 CFR 261.4(a)(26). The wipes are collected by Aramark of Sioux City, Iowa, for laundering and are returned to the facility for reuse. General trash is considered nonhazardous and is transported to the Northwest Iowa Landfill in Sheldon, Iowa, for disposal.

The facility was last inspected on August 1, 2016, by an EPA contractor. The inspector left the following preliminary findings during the CEI:

- Failure to make a hazardous waste determination on paint booth filters.

- Failure to document home telephone numbers and addresses for emergency coordinators in the RCRA Contingency Plan

None of these preliminary findings was repeated during this CEI.

2. RCRA Status

Vogel is 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 reviewed hazardous waste manifests generated over the last three years as well as the facility's 2021 Biennial Report obtained from the EPA Region 7 Records Center prior to the inspection (Attachment 8). I also reviewed the facility's hazardous waste logs used to track quantities of wastes shipped in 2021, 2022, and 2023. Copies of the 2021 and 2023 logs are in Attachment 9; I did not collect a copy of the 2022 log as it was not used in my RCRA status calculations. Based on the 2023 hazardous waste log (Attachment 9, Page 3), the facility shipped a total of 229,076 pounds (104,125 kg) of WPRM in January and February 2023. I estimated the facility generates approximately 114,538 pounds (51,954 kg) of WPRM per month. Based on the generation rate of WPRM alone, I concluded that Vogel is currently operating as a LQG of hazardous waste. Vogel is also a small quantity handler (SQH) of universal waste (accumulating less than 5,000 kg of universal waste at any time) and a generator of used oil.

The facility operates one less-than-90-day HWCAA adjacent to the tote wash.

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 disposition. The following discussion of waste streams is based on conversations with Mr. Baker, the visual inspection, and my review of waste shipping documents.

Messrs. Baker and Chartier accompanied me throughout the CEI. The visual inspection included the primary manufacturing building, waste reclamation building, product recovery building, powder coat building, maintenance, and garage. All inspection participants were provided a copy of U.S. Federal Codes 1001 and 1002, which they read.

WPRM consists of distillation bottoms generated during solvent recovery and waste paint (off-specification paints or retain samples) that cannot be reused as products in the manufacturing process. The facility considers WPRM to be hazardous (D001, F003, F005) based on product and process knowledge. Based on the 2023 hazardous waste log (Attachment 9, the facility generates approximately 114,538 pounds (51,954 kg) of WPRM per month. Distillation bottoms are collected in 55-gallon satellite accumulation containers beneath the distillation unit, and full containers are emptied into a 300-gallon HWAC in the HWCAA. Waste paints that cannot be reused as products are accumulated in HWACs in the HWCAA. WPRM is transported to Systech in Fredonia, Kansas, for fuel blending.

Copies of the SDS for methyl isobutyl ketone, M-P-A 1078-X, and xylol (solvents used in production of solvent-based paints) are included as Attachments 10 through 12. A copy of the

SDS for Dalamar Yellow YT 805 D (a pigment used in production of solvent-based paints) is included as Attachment 13. During my review of SDSs, I noted no constituents or properties that would add other hazardous waste codes to the facility's hazardous waste determination for WPRM.

During the CEI, I observed a 55-gallon satellite accumulation container beneath each distillation unit. Each satellite accumulation container was at the point of generation, under control of the operator, structurally sound, labeled with the words "hazardous waste" and an indication of the nature of the hazard, and closed. The satellite accumulation container beneath distillation unit 04ST101 held approximately 15 gallons of WPRM, and the container beneath distillation unit 04ST102 held approximately 20 gallons of WPRM. Due to health and safety concerns regarding a potentially volatile atmosphere around the distillation units, I was unable to take photographs in the area. The 3,000 ASTs for the distillation units are in the distillation building and are directly piped to the distillation units approximately 15 feet away. All tanks and piping were properly labeled. I noted no deficiencies with management of WPRM at the distillation units.

Parts washer solvent is generated during maintenance of the parts washer used for cleaning paint dispensing equipment. The facility considers used parts washer solvent hazardous (D001, F003, F005) based on product and process knowledge, and manages the material as hazardous secondary material. Copies of the SDS for D-330 Rule 66 Mineral Spirits and No. 11 Synthetic Enamel Thinner are included as Attachments 14 and 15. Approximately 30 gallons of used parts washer solvent are generated every 6 weeks. The material is transferred to the product recovery area upon generation to be evaluated for possible use as a paint mixing product. If the material cannot be reused as a product, it is reclaimed in the facility's onsite distillation units.

During the CEI, I observed the parts washer unit in the vehicle maintenance building (Attachment 7, Photograph 9). I did not observe used parts washer solvent in accumulation during the CEI.

Paint booth filters are generated during replacement of paint booth filters in the R&D laboratory. Filters are dry when replaced, and spent solvent is not sprayed on the filters during use. The facility considers used paint booth filters nonhazardous based on process and product knowledge. Approximately 110 gallons of used paint filters are generated per month. The waste is collected by Orange City Sanitation and transported to the Northwest Iowa Landfill in Sheldon, Iowa, for disposal. I did not observe used paint booth filters in accumulation during the CEI.

Used oil is generated during the maintenance of machinery, trucks, and fork trucks. The facility manages used oil according to provisions of 40 CFR Part 279. The facility generates approximately 65 gallons of used oil per month. The waste is accumulated in various containers and transferred to a 250-gallon aboveground used oil storage tank in the vehicle maintenance building. Used oil is collected by Green for Life Environmental in Mokena, Illinois, for recycling.

During the CEI, I observed the 250-gallon used oil storage tank in the vehicle maintenance building (Attachment 7, Photograph 8). The used oil storage tank was labeled with the words

“used oil” and appeared to be structurally sound with no evidence of damage or leaks. I noted no deficiencies with management of used oil during the CEI.

Gun cleaning solvent is generated during maintenance of the gun cleaning unit in the Extruder room of the Powder Paint building. The facility considers used gun cleaning solvent hazardous (D001, D035, F003, F005) based on product and process knowledge, and manages the material as hazardous secondary material. A copy of the SDS for Gun Wash Blend OO is included as Attachment 16. The facility generates approximately 30 gallons of used gun cleaning solvent every 6 weeks. The material is transferred to the product recovery area upon generation to be evaluated for possible use as a paint mixing product. If the material cannot be reused as a product, it is reclaimed in the facility’s onsite distillation units.

During the CEI, I observed the gun cleaning unit in the Extruder room (Attachment 7, Photograph 6). I did not observe used gun cleaning solvent in accumulation during the CEI.

Excluded solvent-contaminated wipes are generated throughout the facility during wipe-down cleaning of equipment and machinery. The facility manages excluded solvent-contaminated wipes according to the exemption in 40 CFR 261.4(a)(26). The wipes are collected weekly by Aramark of Sioux City, Iowa, for laundering and are returned to the facility for reuse. I did not obtain a generation rate for excluded solvent-contaminated wipes.

During the CEI, I observed all 17 of the facility’s excluded solvent-contaminated wipes accumulation containers. A photograph of a representative container is in Attachment 7, Photograph 7. All containers of excluded solvent-contaminated wipes were structurally sound, closed, labeled with the words “excluded solvent-contaminated wipes,” and had no accumulation of free liquid. The facility’s written plan if free liquids were encountered was to contain the wipes and free liquids in a HWAC and transfer the HWAC to the HWCAA. I noted no deficiencies with management of excluded solvent-contaminated wipes during the CEI.

Research and QC laboratory wastes consists of used solvent wastes generated primarily during the cleaning of equipment. In the R&D laboratory paint booth, waste is generated when reclaimed solvent is flushed through the paint gun lines. Xylol and chloroform are used to clean equipment in the QC laboratory. Copies of the SDS for xylol and chloroform are included as Attachments 12 and 17. The facility considers research and QC laboratory wastes hazardous (D001, D035, F003, F005) based on product and process knowledge, and manages the material as hazardous secondary material. The facility generates approximately 5 gallons of research and QC laboratory wastes every week. Waste from both of laboratories is consolidated in a 5-gallon container in the upper production area, and transferred to the product recovery area upon generation to be evaluated for possible use as a paint mixing product. If the material cannot be reused as a product, it is reclaimed in the facility’s onsite distillation units. I did not observe research and QC laboratory wastes in accumulation during the CEI.

Used oil filters are generated during maintenance of facility equipment. The facility manages used oil filters as used oil under provisions of 40 CFR Part 279. According to Mr. Baker, the facility generates approximately 55 gallons of used oil filters every three months. The waste is accumulated in used oil storage containers and collected by Green for Life Environmental in

Mokena, Illinois, for recycling. A copy of an invoice for collection of used oil and used oil filters by Green for Life Environmental, dated August 2, 2022, is included as Attachment 18.

During the CEI, I observed a 20-gallon used oil container in the vehicle maintenance area that is used for draining used oil filters (Attachment 7, Photograph 10). Mr. Baker explained that used oil filters are drained prior to placement in a labeled used oil storage container. The used oil storage container beneath the used oil filter draining unit was structurally sound and labeled with the words “used oil.” I also observed a 55-gallon container of used oil filters (Attachment 7, Photograph 11). The used oil storage container was structurally sound with no evidence of leaks, and labeled with the words “used oil.” I noted no deficiencies with management of used oil filters during the CEI.

Used lamps are generated during facility maintenance. Although the facility is transitioning to lower mercury, nonhazardous lamps, the transition is not complete. The facility considers the older lamps hazardous, and manages all used lamps as universal waste according to provisions of 40 CFR Part 273. Mr. Baker estimated that the facility generates approximately 25 used lamps per month. Used lamps are accumulated in a universal waste accumulation area in the maintenance shop. Full containers are collected by Midwest Lamp Recycling in Madison, Wisconsin, for recycling.

During the CEI, I observed a 55-gallon universal waste lamps accumulation container in the maintenance shop (Attachment 7, Photographs 12 and 14). The universal waste lamps accumulation container was structurally sound, closed, labeled with the words “universal waste lamps” (on the container lid), and dated December 2, 2022. I noted no deficiencies with management of used lamps during the CEI.

Used batteries are generated during facility maintenance and include alkali, nickel-cadmium, and lead-acid batteries. The facility considers all used batteries hazardous waste and manages them as universal waste according to provisions of 40 CFR Part 273. Mr. Baker estimated the facility generates approximately 15 used batteries per month. Used batteries are accumulated in a universal waste accumulation area in the maintenance shop. The waste is collected by Midwest Lamp Recycling in Madison, Wisconsin, for recycling.

During the CEI, I observed a universal waste batteries accumulation container in the maintenance shop (Attachment 7, Photograph 15). The 5-gallon universal waste accumulation container was labeled with the words “used batteries,” held approximately 45 alkaline batteries, and was dated November 10, 2022. I noted no deficiencies with management of used batteries during the CEI.

General trash consists of nonhazardous production wastes, packaging wastes, and general office-type refuse. The facility considers general trash nonhazardous based on product and process knowledge. The waste is accumulated in various containers throughout the facility. General trash is collected by Orange City Sanitation for disposal at the Northwest Iowa Landfill in Sheldon, Iowa. 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 the possibility of a fire, explosion, or spill, and must maintain emergency response equipment. During the visual inspection, I observed spill response equipment comprised of mats, absorbent materials, shovels, and brooms, as well as the presence and availability of fire extinguishers. I determined that the spill and fire response equipment was adequate for the hazardous wastes generated and accumulated at the facility.

5. Container Accumulation Areas

Vogel maintains one HWCAA adjacent to the tote wash area. During the CEI, I observed six 300-gallon HWACs of WPRM or off-specification paint in the HWCAA (Attachment 7, Photographs 1 through 3). The HWACs were structurally sound, closed, labeled with the words “hazardous waste” and an indication of the nature of the hazard, and marked with accumulation start dates from March 16 to March 27, 2023. I also observed four 55-gallon HWACs of off-specification paint in the HWCAA (Attachment 7, Photographs 4 and 5). The HWACs were structurally sound, closed, labeled with the words “hazardous waste” and an indication of the nature of the hazard, and marked with accumulation start dates ranging from March 17 to March 27, 2023.

According to Mr. Baker, the HWCAA is inspected weekly and a log is maintained. I reviewed three years of inspection logs and noted no missed inspection weeks. A copy of the inspection log for 2023 to date is included as Attachment 19.

I asked Mr. Baker how a worker would summon emergency assistance to the HWCAA if needed. He stated that all workers who handle hazardous waste are required to carry a company-supplied two-way radio.

6. Manifests and Biennial Report

Vogel generated manifests for 75 hazardous waste shipments from March 27, 2020, to March 27, 2023. I reviewed all 75 manifests during the CEI. I noted that four of the manifests had hand-written entries for hazardous waste on the Generator’s Initial Copy. However, corresponding hazardous waste codes were not identified on these manifests as required by 40 CFR 262.20(a) (**NOF No. 1**). Copies of the manifests dated April 29, 2020 (manifest number 018095374 JJK), June 4, 2020 (manifest number 018095376 JJK), October 1, 2020 (manifest number 020394509 JJK), and January 12, 2023 (manifest number 022550008 JJK) are included as Attachments 20 through 23. Waste codes for the hand-written hazardous waste entries were also not provided on land disposal restrictions (LDR) notifications/certifications as required by 40 CFR 262.17(a)(9)—268.7(a)(2) (**NOF No. 2**). For manifests with hand-written entries and no waste codes on the Generator’s Initial Copy, the receiving facility entered hazardous waste codes on the Designated Facility to EPA’s E-Manifest System manifest copy. An example of this is in Attachment 24.

The facility’s Hazardous Waste Biennial Report for 2021 was submitted on January 26, 2022 (Attachment 8).

7. Preparedness and Prevention Plan

LQG facilities are required by 40 CFR 262.17(a) to meet the emergency preparedness, prevention, and procedures requirements including documented arrangements with response agencies. According to Mr. Baker, Vogel is the subject of a regular inspection by the Orange City Fire Department hazardous materials team. During those inspections, he said the fire department is shown the layout of the facility, the location of the HWCAA, and other facility features.

During the CEI, I reviewed the facility's Emergency Action Plan, which serves as the RCRA Contingency Plan. The contingency plan was last updated on May 25, 2022. Mr. Keith Harmelink is listed as the emergency coordinator for the solvent-based paint area and Mr. Scott Sigsbee is listed as the emergency coordinator for the Powder Paint Building (a separate building at the facility). Copies of the emergency coordinator contact information from the Emergency Action Plan for the solvent-based paint and the Powder Paint Building are included in Attachment 25.

I reviewed the contingency plan against content requirements of 40 CFR 262.261. The contingency plan included a description of actions to respond to fire, explosions, and releases; description of arrangements with local emergency response agencies; description of emergency equipment including location and capabilities; complete evacuation plan; and a quick reference guide. A copy of the quick reference guide is included as Attachment 26. I noted no deficiencies with the content of the facility's contingency plan.

8. 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 asked Mr. Baker if hazardous waste training is provided to employees. He stated that hazardous waste management training is provided to all employees who handle hazardous waste within six weeks of hiring or being assigned to a job that requires handling hazardous waste. He also stated that annual refresher training is conducted. I asked Mr. Baker who conducts the training. He stated that all training is online training. Copies of training records for Messrs. Bret Tiederman, Todd Bradwisch, and Steve Willey (Hazardous Waste Handlers/Satellite Accumulation Employees) are included in Attachment 27 as examples of the training documentation maintained at the facility.

I asked to review the written job descriptions for Messrs. Tiederman, Bradwisch, and Willey. Mr. Baker provided a document mapping job descriptions with Learning Path team names (Attachment 28). I noted the document did not include a description of skills, education, or qualifications as required by 40 CFR 262.17(a)(7)(iv)(B) (**NOPF No. 3**). I also noted the document also did not specify the amount of introductory and continuous training as required by 40 CFR 262.17(a)(7)(iv)(C) (**NOPF No. 4**). NOPF No. 4 was not initially left with the facility during the CEI but was added on April 4, 2023. Messrs. Baker and Chartier were notified of its addition by email and telephone on April 4, 2023.

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. Vogel is not subject to the Subpart AA regulations because the facility does not have any of the process vents listed above that are in contact with hazardous wastes. The used solvent reclaimed in the onsite distillation units at the facility is considered hazardous secondary material, therefore not solid or hazardous waste.

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. Vogel is not subject to the Subpart BB regulations because it does not have 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 Vogel meets the Subpart CC requirements for containers by using Container Level 2 controls (hazardous waste accumulation containers larger 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 provide hazardous waste codes on four hazardous waste manifests, as required by 40 CFR 262.20(a) (**NOPF No. 1**).
- (2) Failure to provide correct EPA waste codes on LDR notification/certifications, as required by 40 CFR 262.17(a)(9)—268.7(a)(2) (**NOPF No. 2**).
- (3) Failure to describe in writing skills, education, or qualifications with each job title, as required by 40 CFR 262.17(a)(7)(iv)(B) (**NOPF No. 3**).
- (4) Failure to list in the job descriptions the amount of introductory and continuous training, as required by 40 CFR 262.17(a)(7)(iv)(C) (**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.

Clifford A.
Nelles

Digitally signed by Clifford
A. Nelles
Date: 2023.05.25
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Date: _____

Clifford A. Nelles, Inspector
CLAENE Group

AMBER WHISNANT

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Date: 2023.06.07
16:19:26 -05'00'

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 (1 page)
5. Site Map (1 page)
6. Google Earth Aerial Photograph of Facility (1 page)
7. Photographic Documentation (Photolog and 15 Photographs) (11 pages)
8. Copy of 2021 Biennial Report (4 pages)
9. Copy of Hazardous Waste Tracking Spreadsheet (3 pages)
10. Copy of SDS for Methyl Isobutyl Ketone (10 pages)
11. Copy of SDS for M-P-A 1078-X (10 pages)
12. Copy of SDS for Xylol (15 pages)
13. Copy of SDS for Dalamar Yellow YT 805 D (21 pages)
14. Copy of SDS for D-330 Rule 66 Mineral Spirits (10 pages)
15. Copy of SDS for No. 11 Synthetic Enamel Thinner (11 pages)
16. Copy of SDS for GUN WASH BLEND OO (44 pages)
17. Copy of SDS for Chloroform Stabilized with Ethanol (9 pages)
18. Copy of Used Oil Invoice from Green for Life Environmental (1 page)
19. Copy of Inspection Log for the 2023 (2 pages)
20. Copy of Manifest Number 018095374 JJK (1 page)
21. Copy of Manifest Number 018095376 JJK (1 page)
22. Copy of Manifest Number 020394509 JJK (1 page)
23. Copy of Manifest Number 022550008 JJK (1 page)
24. Copy of a Manifest dated February 23, 2023 (1 page)
25. Copies of RCRA Contingency Plan Contact Information (2 pages)
26. Copy of RCRA Quick Reference Guide (14 pages)
27. Copies of Training Records for Bret Tiederman, Todd Bradwisch, and Steve Willey (4 pages)
28. Copy of Job Description of Hazardous Waste Handler/Satellite Accumulation Employee (1 page)