

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

SILGAN CONTAINERS MANUFACTURING CORPORATION

3725 Division Street
Burlington, Iowa 52601
319-208-0624

EPA ID Number: IAR000521237

On

January 11, 2022

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 Silgan Containers Manufacturing Corporation (Silgan), at 3725 Division Street in Burlington, 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. This report and its attachments present the results of the CEI.

PARTICIPANTS

Silgan:

Heidi A. Ruebush, Safety Manager
Tom Peterson, Plant Manager (Entry Briefing Only).
Mike Huff, Environmental Engineer (Entry Briefing Only).

Toeroek Team:

Clifford Nelles, Inspector, 816-213-5192

INSPECTION PROCEDURES

Due to the spread of coronavirus disease 2019 (COVID-19) at the time of the CEI, I contacted Mr. Peterson via telephone approximately two weeks prior to the scheduled inspection in October 2021. The purpose of the initial contact was to identify the appropriate facility representative, ensure the representative would be available during the CEI, and to discuss protocols, procedures, and other requirements adopted by the facility to mitigate the spread of COVID-19. Mr. Peterson contacted me approximately four days before the scheduled inspection in October to report that his facility had a Covid-19 outbreak with approximately 10% of his employees out with Covid-19. Therefore, the CEI was postponed.

The CEI at Silgan was rescheduled for January 11, 2022. The facility was not contacted before the inspection date. Prior to the CEI at Silgan on January 11, 2022, I conducted a drive-by visual inspection. I did not observe any areas of concern during the drive-by. At approximately 0800 hours, I entered the visitor's entrance and was met by a receptionist. I introduced myself to the receptionist and explained the purpose of the CEI to her. The receptionist contacted Mr. Peterson, who met me approximately five minutes later. Mr. Peterson then escorted me to a conference room where we were joined by Ms. Ruebush. I conducted an entry briefing with Ms. Ruebush and Mr. Peterson. Mr. Huff joined the entry briefing by telephone.

During the entry briefing, I presented my business card and EPA credential letter to Ms. Ruebush and Mr. Peterson. I explained the scope and procedures for the CEI. I explained the facility's right to make confidentiality claims for any or all of the information obtained and provided a Notice Regarding Proprietary/Confidential Business Information. I stated that at the conclusion of the CEI, they would be presented with a Confidentiality Notice (Notice) with which they could make or not make a claim of confidentiality for the facility. I also provided Ms. Ruebush and Mr. Peterson with 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 documents were read by Ms. Ruebush and Mr. Peterson

A copy of each of the following documents was left with Ms. Ruebush 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
- Industry Sector Notebooks
- Environmental Compliance Assistance Centers
- Solvent-Contaminated Wipes Final Rule Summary Chart
- IDNR Excluded Solvent-Contaminated Wipes Rule: Management Practices for Wipes, Rags, and Shop Towels
- 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
- RCRA Online: A Quick Reference Guide
- Part 279 Requirements: Used Oil Management Standards
- EPA Region 7 Emergency Response Program
- Commercial Motor Vehicle Transportation System Security and Safety
- Security Awareness
- Chemical Facility Anti-Terrorism Standards

I reviewed the Hazardous Waste Site Info Verification Report (Verification Report) with Ms. Ruebush (Attachment 1). Based on this review, I changed the site contact name and contact information to Mr. Peterson. I changed the facility's generator status from large quantity generator (LQG) to small quantity generator (SQG). I deleted the D035, F003, and F005 waste codes, and added small quantity handler (SQH) of universal waste and used oil generator to the types of regulated activities section of the Verification Report.

I conducted the visual inspection of the facility, accompanied by Ms. Ruebush. Following the visual inspection, I reviewed facility records including hazardous waste manifests with land disposal restriction (LDR) notifications, Safety Data Sheets (SDS), waste profile sheets, preparedness and prevention plan, and training documentation. Facility information gathered during the CEI is documented on the Data Gathering Worksheets and Checklists (Attachment 2).

At the conclusion of the CEI, I conducted an exit briefing with Ms. Ruebush. During the exit briefing, I provided a Receipt for Documents and Samples, which Ms. Ruebush signed, acknowledging receipt (Attachment 3). I provided Ms. Ruebush the Notice, which she signed indicating no confidential business information had been provided (Attachment 4). I also provided Ms. Ruebush a Notice of Preliminary Findings (NOPF), which she signed to acknowledge receipt (Attachment 5).

A map of the facility obtained during the CEI is included in Attachment 6, and a Google Earth aerial photograph of the facility is included as Attachment 7. The 15 photographs taken during the CEI are included in Attachment 8.

FINDINGS AND OBSERVATIONS

1. Facility Description and General Information

Silgan began operations at the current facility, in an industrial area on the west side of Burlington, Iowa, on March 1, 2006. The facility consists of one building with approximately 425,000 square feet under roof. Silgan employs approximately 120 full time employees who work one of four shifts (varying hours) on a seven-days-per-week, 24 hours-per-day rotation. Additional information about the facility can be found on the facility's webpage at www.silgancontainers.com. Silgan's primary North American Industrial Classification System (NAICS) code is 332431 (Metal Can Manufacturing).

Silgan manufactures steel cans for human and pet food products. Rolled steel is brought into the facility and fed through presses. One press produces can bottoms and a second press produces can tops. The can tops and bottoms are then welded together by machine. After welding, the cans are washed in a bath and sent to spray machines where the exteriors and interiors are painted. The finished cans are then packaged for shipment to the customers.

Wastes generated in the manufacturing areas include waste paint-related materials (WPRM), waste rags, Aquapurge 270 Concentrate (APC) Wash. The facility considers WPRM to be hazardous waste (D001) by product and process knowledge. WPRM is collected for fuel blending. Waste rags are considered nonhazardous waste by analytical testing, and APC wash is considered nonhazardous waste by product and process knowledge.

Wastes generated during equipment and facility maintenance include used batteries, used oil, spent parts washer solvent, spent aerosol cans, and general trash. Used batteries are managed as universal waste according to Title 40 *Code of Federal Regulations* (40 CFR) Part 273. Used oil, generated from maintenance of equipment such as compressors and conveyors, is managed according to 40 CFR Part 279. Spent parts washer solvent is considered to be nonhazardous waste by product and process knowledge and is collected for recycling. Spent aerosol cans are punctured and drained. Residues drained from the aerosol cans are considered hazardous waste by product and process knowledge, and the empty cans are recycled as scrap metal. General trash is considered to be nonhazardous waste and is collected by Waste Management for landfill disposal at the Des Moines County Landfill.

Silgan was previously inspected by an EPA contractor, Booz Allen Hamilton, on May 2, 2017, with the following findings:

- Failure to label a satellite accumulation container with the words hazardous waste.
- Failure to keep a satellite container closed except when adding or removing waste.
- Failure to mark a hazardous waste container with an accumulation start date.
- Failure to have adequate weekly inspections at a HWCAA.
- Failure to have adequate aisle space in the HWCAA.

The preliminary findings above were not repeated during this CEI.

2. RCRA Status

Silgan is identified as a 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. Based on the manifests generated in calendar year 2021 and information provided by Ms. Ruebush, I concluded that the facility generates an average of approximately 459 pounds (208 kg) per month of WPRM. Copies of the hazardous waste manifests for the 2021 waste shipments (dated March 29, July 27, and September 29, 2021) are in Attachment 9. Based on the 2021 manifests, I concluded that Silgan is currently operating as a SQG of hazardous waste (generating between 100 and 1,000 kg of hazardous waste per month).

Silgan is also a used oil generator and a SQH of universal waste (accumulating less than 5,000 kg of universal waste at a time). The facility operates one less-than-180-day hazardous waste container accumulation area (HWCAA) located in the Bulk Room.

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 conversations with Ms. Ruebush, the visual inspection, and my review of waste shipping documents. Ms. Ruebush accompanied me throughout the CEI.

WPRM is generated through the cleaning of the spray machines that paint the can interiors and exteriors of the cans after they are welded and washed. The exteriors are painted with PPG5200-812B coating. A copy of the SDS for PPG5200-812B is included as Attachment 10. After the exteriors have dried, the cans are sent to spray machines that coat the interiors with either a gold or a grey color depending upon whether the can is to contain food for human or pet consumption. Copies of the SDS for Nutrishield Solista Gold Interior Enamel and Valspar 36Q38AA/1 are included as Attachments 11 and 12, respectively. Mineral spirits are used as a solvent for application of the coatings and for cleaning the paint spray units.

The facility has determined that WPRM is hazardous waste (D001) based on product and process knowledge. Based on manifest review and information provided by Ms. Ruebush, I determined the facility generates an average of approximately 459 pounds (208 kg) of WPRM per month. WPRM is collected in satellite accumulation containers (SAC), and full SACs are transferred to the HWCAA in the Bulk Room. WPRM is collected by Heritage Transport and transported to Heritage Environmental Services in Kansas City, Missouri, for fuel blending.

During the CEI, I observed a SAC at facility location E6 (Attachment 8, Photographs 9 and 10). The SAC was labeled with the words hazardous waste, closed, at or near the point of generation, under the control of the operator, and marked with of the nature of the hazard. The SAC held approximately 50 gallons of WPRM. I observed a second SAC at facility location F6 that held

approximately 45 gallons of WPRM (Attachment 8, Photograph 11). The SAC was also labeled with the words hazardous waste, closed, at or near the point of generation, under the control of the operator, and marked with of the nature of the hazard.

Waste rags are generated by the wiping down of spray machines during cleaning. Silgan has determined that waste rags are nonhazardous based on analytical testing. A copy of an analytical report from Envision Laboratories for Toxic Characteristic Leaching Procedure (TCLP) and Closed Cup Flash Point analyses, dated May 15, 2017, is included as Attachment 13. During the CEI, I determined that Silgan generates approximately 110 gallons of waste rags per month. The waste is collected by Heritage Transport and transported to Heritage Environmental Services in Kansas City, Missouri, for disposal. During the CEI, I observed two 55-gallon containers of waste rags (Attachment 8, Photographs 12 and 13). The waste rags containers were structurally sound, closed, and labeled as nonhazardous waste. During the CEI, I looked inside the waste rags containers and noted that there was not any free liquids in the containers.

Used oil is generated during maintenance of facility equipment such as compressors and conveyors. The facility manages used oil according to 40 CFR Part 279. Based on my review of manifests and bills of lading, I estimated the facility generates approximately 20 gallons of used oil per month. Used oil is stored in a 55-gallon used oil storage container. The waste is collected by Heritage Transport and transported to Heritage Environmental Services in Kansas City, Missouri, for recycling. During the CEI, I observed a used oil container at facility location D3 (Attachment 8, Photograph 1). The 55-gallon used oil container was labeled with the words “used oil,” and was structurally sound with no apparent leaks or damage. The used oil storage container held approximately 45 gallons of used oil.

APC wash is generated by the cleaning of the spray wash machine used to clean cans after welding. The spray wash machine uses Aquapurge 270 Concentrate, and a copy of the SDS for Aquapurge 270 Concentrate is included as Attachment 14. The facility has determined that spent APC wash is nonhazardous waste by product and process knowledge. After cleaning, the APC Wash and wastewater is discharged to the sanitary sewer to the City of Burlington, Iowa, Publicly Owned Treatment Works under Permit Number 18-05R-2. I did not determine a generation rate for this waste during the CEI.

Used batteries are generated through maintenance of facility equipment. All used batteries are managed by the facility as universal waste according to 40 CFR Part 273. According to Ms. Ruebush, the facility generates approximately five used batteries per month. Used batteries are accumulated in universal waste accumulation containers, sorted by battery type (alkaline, lithium-ion, and lead-acid). Used batteries are collected by Heritage Transport and transported to Heritage Environmental Services in Kansas City, Missouri, for recycling.

During the CEI, I observed three 5-gallon universal waste batteries accumulation containers in the supply room (Attachment 8, Photograph 14). Each 5-gallon universal waste batteries accumulation container held approximately 5-10 universal waste batteries. The universal waste containers were marked with accumulation start dates of 12/21/2021. However, none of the containers were labeled with the words “Universal Waste Batteries,” “Waste Batteries,” or “Used Batteries,” as required by 40 CFR 273.14(a) (**NOF No. 1**). I provided compliance assistance

regarding labeling of universal waste accumulation containers. During the CEI, employees of Silgan marked the words “used batteries” on each of the universal waste batteries accumulation containers (Attachment 8, Photograph 15).

Spent parts washer solvent is generated during servicing of the parts washer in the Tool Room. A copy of the SDS for Crystal Clean 142 Mineral Spirits is included as Attachment 15. The facility has determined that spent parts washer solvent is nonhazardous based on product and process knowledge. Approximately 30 gallons of spent parts washer solvent are generated four times a year during servicing by Crystal Clean and are transported off site for recycling. During the visual inspection, I observed the parts washer in the Tool Room (Attachment 8, Photograph 8) and noted no concerns.

Spent aerosol cans are generated by use of aerosol paints for equipment and facility maintenance. Empty aerosol cans are taken to the Bulk Room where they are punctured and drained. Aerosol can residues are accumulated in a SAC beneath the puncturing unit. The facility has determined that aerosol can residue is hazardous waste (D001) based on product and process knowledge. Punctured and drained aerosol cans are managed as scrap metal for recycling. During the CEI, I observed the aerosol can puncturing SAC in the Bulk Room (Attachment 8, Photograph 5). The SAC was structurally sound, closed, at the point of generation, labeled hazardous waste, was labeled to indicate the nature of the hazard. The SAC held approximately one gallon of aerosol residue.

General trash consists of nonhazardous production wastes, packaging wastes, and general office-type refuse. General trash is considered nonhazardous and is accumulated in roll-off containers outside the facility. General trash is collected for disposal by Waste Management for landfilling at the Des Moines County landfill. I did not observe any deficiencies related to general trash.

4. Required Response Equipment and Hazard Management

Per 40 CFR 262.16(b)(8)(i), a SQG 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 consisting of mats and absorbent materials. I observed adequate placement of fire extinguishers throughout the facility, including the Bulk Room where the HWCAA is located. I determined that the spill response equipment was adequate for the hazardous waste generated at the facility.

5. Container Accumulation Areas

Silgan maintains one HWCAA located in the Bulk Room (Attachment 6). According to Ms. Ruebush, the HWCAA is inspected weekly, and a log is maintained. I reviewed the last three years of inspection logs during the CEI and noted no documented issues or missed inspections. A copy of the inspection log for May 16, 2019, is included as Attachment 16 as an example. During the CEI, I observed a telephone in the Bulk Room to summon emergency assistance (Attachment 8, Photograph 7).

During the CEI, I observed one Hazardous Waste Accumulation Container (HWAC) in the HWCAA (Attachment 8, Photographs 3 and 4). The HWAC was structurally sound, closed, labeled as hazardous waste, labeled with an indication of the nature of the hazard, and dated December 15, 2021.

6. Manifests

Heritage Transport currently transports hazardous wastes from Silgan to the Heritage Environmental Services facility in Kansas City, Missouri. Silgan generated manifests for 16 hazardous waste shipments from January 11, 2019, to January 11, 2022. During the CEI, I reviewed manifests and LDR notifications for all 16 shipments and noted no deficiencies. Copies of the last three shipments dated March 29, July 27, and September 29, 2021, are included in Attachment 9.

7. Preparedness and Prevention Plan

SQG facilities are required by 40 CFR 262.16(b) to meet the emergency preparedness, prevention, and procedures requirements including documented arrangements with response agencies. According to Ms. Ruebush, Silgan is the subject of a regular inspection by the Burlington Fire Department hazardous materials team. During those inspections, she said the fire department is shown the layout of the facility, the location of the hazardous waste HWCAA, and other facility features.

During the CEI, I reviewed the facility's Preparedness and Prevention Plan. I observed that Silgan had posted, at the phone in the HWCAA, information containing the emergency coordinator's name and phone number, fire department's phone number, and locations of fire extinguishers and spill control equipment. A copy of the posted information is in Attachment 17.

8. Personnel Training Requirements

Personnel training is required by SQG regulations specified in 40 CFR 262.16(b)(9)(iii) to ensure that employees are thoroughly familiar with proper waste handling procedures relevant to their responsibilities. During the CEI, I asked Ms. Ruebush if hazardous waste training is provided to employees. She said that hazardous waste management training is provided to all employees upon hiring and annually thereafter. A copy of the training record from 2021 is included as Attachment 18.

9. Summary of Preliminary Findings

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

- (1) Failure to label three universal waste batteries containers with the words "Universal Waste Batteries" or "Waste Batteries" or "Used Batteries" as required by 40 CFR 273.14(a)
(NOF No. 1)

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: 2022.02.08 11:29:51 -06'00'

Date: _____

Clifford A. Nelles, Inspector
CLAENE Group

AMBER WHISNANT

Digitally signed by AMBER
WHISNANT
Date: 2022.03.09 20:45:44 -06'00'

Date: _____

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

Attachments:

1. Hazardous Waste Site Info Verification Report for Inspector (1 page)
2. Worksheets and Checklist (21 pages)
3. Receipt for Documents and Samples (1 page)
4. Confidentiality Notice (1 page)
5. Notice of Preliminary Findings (1 page)
6. Site Map (1 page)
7. Google Earth Photograph of Facility (1 page)
8. Photographic Documentation (Photolog and 15 Photographs) (10 pages)
9. Manifests (3 pages)
10. SDS for PPG5200-812B (13 pages)
11. SDS for NUTRISHIELD SOLISTA GOLD INTERIOR ENAMEL (14 pages)
12. SDS for VALSPAR 36Q38AA/1 (10 pages)
13. Analytical Report from Envision Laboratories (13 pages)
14. SDS for AQUAPURGE 270 CONCENTRATE (8 pages)
15. SDS for Crystal Clean 142 Mineral Spirits (7 pages)
16. Inspection Log (2 pages)
17. Emergency Posting (4 pages)
18. Training Records (3 pages)

NOTICE OF PRELIMINARY FINDINGS

FACILITY NAME: SILGAN CONTAINERS MANUFACTURING CORPORATION
ADDRESS: 3725 DIVISION ST.
BURLINGTON, IOWA 52601
EPA ID NUMBER: IAR000521237 DATE: 01/11/2022

NOTICE: I am not an employee of the Environmental Protection Agency ("EPA"). I am a contractor for EPA retained to conduct compliance evaluation inspections. The following is a list of observations/recommendations found during this inspection which will be reported back to EPA. This is not to be construed as a complete list of observations/recommendations. The EPA will be evaluating the report prepared as a result of this inspection and making the determinations as to what violations may have occurred at your facility.

1. FAILURE TO LABEL A UNIVERSAL WASTE BATTERIES CONTAINER WITH THE
WORDS "UNIVERSAL WASTE BATTERIES" OR "WASTE BATTERIES" OR "USED BATTERIES"
2. 40 CFR 273.14(a)
3. _____
4. _____
5. _____
6. _____
7. _____

If you have any questions regarding these findings please contact TREVOR URBAN

The undersigned person hereby acknowledges receipt of a copy of this document and has read the same.

PRINTED NAME: Heidi Ruebush TITLE: C1/Safety Supervisor
SIGNATURE: Heidi Ruebush

This document was prepared by CLIFFORD ALAN NELLES