REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

Riley Industrial Painting
15310 HWY 34 W
West Burlington, IA 52655
(319) 753-1667

EPA ID Number: IAD981717804

On

November 4, 2021

By

Eastern Research Group, Inc.

For

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

1.0 INTRODUCTION

At the request of the Enforcement and Compliance Assurance Division/Chemical Branch/RCRA Section (ECAD/CB/RCRA) of the U.S. Environmental Protection Agency (EPA) Region 7, Eastern Research Group, Inc. (ERG) conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) at Riley Industrial Painting (Riley) in West Burlington, Iowa on November 4, 2021. The CEI was conducted under the authority of Section 3007(a) of RCRA, as amended. Throughout the CEI, data and information were collected to determine compliance with the applicable regulatory and statutory requirements. The inspection report and attachments present the results of the CEI.

2.0 PARTICIPANTS

Riley Industrial Painting:
John Jennison, Vice President

EPA Representative, ERG:
Janosh Wolters, Energy Engineer

3.0 INSPECTION PRECEDURES

Due to the COVID-19 pandemic, I attempted to contact the facility via telephone on October 10, 2021 and was unable to speak with a representative of Riley. After arriving unannounced at Riley at approximately 09:10, I performed a drive-by visual inspection of the facility and took a photograph before beginning the inspection. I did not note any areas of concern. I entered the main entrance and was greeted by Mr. Jennison. I introduced myself and Mr. Jennison led us to a break room to begin the opening conference at approximately 09:15. I initiated the opening conference with Mr. Jennison present as the Riley representative. I presented him with my inspector credentials and business card, as well as the business card of the EPA Task Order Contracting Officer Representative, Mr. Trevor Urban. I then presented a copy of RCRA Section 3007(a), which contains EPA's inspection authority. I explained my need to collect accurate information and presented them with a copy of Title 18 U.S. Code, Sections 1001 and 1002. I then presented Mr. Jennison with a copy of the *Notice Regarding Proprietary/Confidential Business Information Submitted to or Collected by EPA in Connection with Inspections* and reviewed Mr. Jennison confidentiality rights. I informed Mr. Jennison that I would provide a *Confidentiality Notice* at the end of this inspection.

The inspection consisted of a discussion of facility operations, waste generation and waste management, a review of waste management records, and a visual inspection of the waste generation and management areas. Mr. Jennison provided a facility layout (see Attachment 1) and explained facility operations and locations of hazardous waste generation and management.

During the visual inspection of the facility, Mr. Jennison guided me throughout the facility in order to conduct thorough evaluations of the facility's satellite accumulation areas (SAAs) and central accumulation areas (CAAs). At the time of the inspection, the facility was operating two SAAs and one CAA. The facility also handles universal waste in designated areas on site as shown on the facility layout. All universal waste storage areas were visually inspected. I conducted an in-depth visual inspection of the SAAs, the CAA, the universal waste storage areas, used oil storage area, and all manufacturing areas.

Six photographs were collected as inspection documentation and are shown in Attachments 2 and 3. Information collected during the inspection is documented on the *EPA Inspection Checklist* (see Attachment 4). I followed the inspection procedures discussed in the RCRA CEI Standard Operating Procedure (No. 2321.01D), unless noted differently. At the conclusion of the inspection, I provided Mr. Jennison with a *Confidentiality Notice, Receipt for Documents and Samples,* and a *Notice of Preliminary Findings* which he signed as acknowledgement of receipt (see Attachments 5, 6, and 7 respectively). No confidentiality claims were made by Riley.

The following inspection documents and compliance assistance handouts were left with Riley:

RCRA Section 3007(a)
Title 18 U.S. Code, Sections 1001 and 1002
Notice Regarding Proprietary/Confidential Business Information Submitted to or Collected by EPA in Connection with Inspections
Confidentiality Notice (Top page of the completed carbonless transfer set)
Receipt of Documents and Samples (Top page of the completed carbonless transfer set)

NOPF (Top page of the completed carbonless transfer set)
Instructions for Responding to a NOPF
Security Awareness
Commercial Motor Vehicle Transportation
Security Planning
EPA E-Manifest Fact Sheet U.S.
EPA Small Business Resources
U.S. EPA Publication, Managing Your Hazardous Waste
U.S. EPA Publication, Managing Used Oil-Advice for Small Businesses
PowerPoint Presentation, 2013 Solvent Wipes Final Rule
Pollution Engineering Article, 10 Common Questions for Waste Generators
Iowa Department of Natural Resources (IDNR) Waste Exchange Folder and P2 Brochures
IDNR Management of Fluorescent Lamps for Businesses Information Sheets
IDNR Aerosol Can Disposal for Businesses Information Sheet
University of Northern Iowa Waste Reduction Center Information Card
Solvent-Contaminated Wipes Final Rule Summary Chart

4.0 FINDINGS AND OBSERVATIONS

4.1 Facility Information and Operations

Riley began operating in 1987 and currently employs approximately 15 people. The facility operates on five days for two weeks per month and two four-day weeks per month. Each shift is an 8-hour shift. The facility has a footprint of approximately 39,000 square feet. Riley's operations consist of painting, powder coating, and staining of large metal components. The major raw materials used are metal components, paint, solvents, and powder coat. The major manufacturing or processing operations that generate waste streams include painting, powder coating, and staining of large metal parts for heavy duty equipment. The following waste streams are produced: paint gun flush, paint filters, aerosol cans, disposal solvent shop rags, powder coat, sand blasting media, used oil, used oil filters, scrap metal, universal wastes, and general trash.

4.2 RCRA Status

According to the *Hazardous Waste Site Info Verification Report for Inspector* (see Attachment 8), Riley notified as a federal Small Quantity Generator (SQG) of D001, D007, F003, and F005 hazardous wastes. I asked Mr. Jennison to review the *Hazardous Waste Site Info Verification Report for Inspector*, which I provided prior to records review and visual inspection of the waste generation areas. Mr. Jennison confirmed the information on the form was accurate to the best of his knowledge. After reviewing the records and walking through the facility, I determined that the facility is operating as a SQG of D001, D007, F003, and F005 hazardous wastes, a generator of used oil, and a small quantity handler (SQH) of universal waste. Riley generated approximately 381 pounds of hazardous waste per month over the past 12 months.

Riley was previously inspected by an EPA contractor on June 9, 2015. The inspection did not lead to a notice of preliminary findings (NOPFs).

4.3 Facility Waste Streams and Management

A Waste Stream and Waste Handling Table for Riley is presented below. The table describes waste streams generated, generation process/rates, hazardous waste determinations, and on-site/off-site management.

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#	WASTE STREAM	GENERATION PROCESS	HAZARDOUS WASTE DETERMINATION	ESTIMATED GENERATION RATE	ON-SITE MANAGEMENT	OFF-SITE MANAGEMENT
1	Paint Gun Flush (Waste Profile included in Attachment 9)	Flushing manual paint gun lines	D001, F003, F005 (based on process knowledge and knowledge of the product)	220 pounds per month	55-gallon container in SAA #2	Barton Solvents Inc. in Bettendorf, IA (IAD087125936) to WRR Environmental Services in Eau Claire, WI (WID990829475) for recycling
2	Paint Booth Filters (Waste Profile included in Attachment 10)	Painting operations	D001, D007, F003, F005 (based on process knowledge and knowledge of the product)	100 pounds per month	55-gallon container in SAA #1	Barton Solvents Inc. in Bettendorf, IA (IAD087125936) to WRR Environmental Services in Eau Claire, WI (WID990829475) for incineration
3	Aerosol Cans (Safety Data Sheet included in Attachment 11)	Facility maintenance and paint touch up on drums	Nonhazardous (based on process knowledge and knowledge of the product)	Less than 24 aerosol cans per year	Two 20-yard container	Recycled by Fishers Metal and Recycling in Burlington, IA
4	Disposable Solvent Shop Rags (Safety Data Sheets included in Attachment 11)	Painting operations	D001, D007, F003, F005 (based on process knowledge and knowledge of the product)	Approximately one 55-gallon container every two months	55-gallon container in SAA #1	Barton Solvents Inc. (IAD087125936) to WRR Environmental Services in Eau Claire, WI (WID990829475) for incineration
5	Powder Coat	Powder coating operations	Nonhazardous (based on process knowledge and knowledge of the product)	100 pounds per month	Two 20-yard container	Floyd's E-Z Way for landfill disposal Des Moines County Regional Sanitary Landfill in West Burlington, IA

#	WASTE STREAM	GENERATION PROCESS	HAZARDOUS WASTE DETERMINATION	ESTIMATED GENERATION RATE	ON-SITE MANAGEMENT	OFF-SITE MANAGEMENT
7	Sand Blasting Media	Sand blasting operations	Nonhazardous (based on process knowledge and knowledge of the product)	50 tons per year	Collects on shop floor and added to an 8,000-pound capacity trailer before disposal	Transported to Des Moines County Regional Sanitary Landfill in West Burlington, IA by Riley vehicle and landfilled
8	Used Oil	Facility maintenance	Nonhazardous/Excluded (managed as used oil per 40 CFR 279)	Four 55-gallon containers per year	55-gallon container	Valley Environmental Services (IAR000002667) in North Liberty, IA for recycling (Invoice Provided in Attachment 13)
9	Used Oil Filters	Facility maintenance	Nonhazardous (based on process knowledge and knowledge of the product)	Less than one 55-gallon container	55-gallon container	Valley Environmental Services (IAR000002667) in North Liberty, IA for recycling
12	Universal Waste Lamps	Facility maintenance	Nonhazardous/Excluded (managed as universal waste)	One 4-foot-tall and one 8-foot-tall container per year	4-foot and 8-foot containers	A-TEC Recycling (IA0000109827) in Des Moines, IA for recycling
13	Universal Waste Batteries	Facility maintenance	Nonhazardous/Excluded (managed as universal waste)	One 3-gallon container per year	3-gallon container	A-TEC Recycling (IA0000109827) in Des Moines, IA for recycling

#	WASTE STREAM	GENERATION PROCESS	HAZARDOUS WASTE DETERMINATION	ESTIMATED GENERATION RATE	ON-SITE MANAGEMENT	OFF-SITE MANAGEMENT
14	Scrap Metal	Facility operations	Nonhazardous (based on process knowledge and knowledge of the product)	40-cubic yards per month	40-yard container	Recycled by Fishers Metal and Recycling in Burlington, IA
15	General Trash	Facility operations	Nonhazardous (based on process knowledge and knowledge of the product)	Two 20-cubic yar containers picked up per week	Two 20-yard containers	Floyd's E-Z Way for landfill disposal Des Moines County Regional Sanitary Landfill in West Burlington, IA

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4.4 Less-Than-180-Day Hazardous Waste Accumulation Area

Riley has one Less-Than-180-Day CAA on site, which is located inside a used tractor trailer near the loading docks outside of the production building as labeled on the facility layout (see Attachment 1). I visually inspected the CAA and did not observe any waste. Mr. Jennison stated the facility had a shipment of hazardous waste last Thursday, October 28, 2021.

The CAA contains a steel secondary containment area for waste containers (see Attachment 3, Photo 3). There was a small opening at the rear wall and roof of the CAA. At the time of the inspection, there was no waste being accumulated in the CAA. I observed adequate aisle space to allow for container inspections and access in the event of a spill. The steel secondary containment would contain the spill. In addition, I observed a fire extinguisher, spill control equipment, and related safety equipment directly outside of the CAA affixed onto the 18-foot trailer. Operators handling hazardous waste are trained to use a radio in case of emergencies. I asked Mr. Jennison if the facility inspected the CAA. Mr. Jennison stated the facility inspected the CAA if not daily, at least once per week and had inspection logs. During records review, Mr. Jennison provided inspection logs for the CAA. I reviewed the logs and determined the facility was adequately performing weekly inspections of the CAA. An example of CAA logs are provided in Attachment 14. I did not note any issues or findings at the CAA during the inspection.

4.5 Satellite Accumulation Areas

I observed two SAAs during the visual inspection. The table below shows the SAA name or location, waste type, volume of waste observed, and container type.

SAA #	SAA Name or Location	Waste Type	Volume of Waste	Container Type
1	Solids SAA	Disposable Solvent Wipes and Paint Booth Filters	25 gallons	55-gallon container
2	Liquids SAA	Paint Gun Flush	30 gallons	55-gallon container

The hazardous waste accumulation containers observed in the SAAs were in good condition, closed, labeled with the indication of the nature of the hazard, and labeled with the words "Hazardous Waste". SAA #1 is located directly across from the facility's paint booths as shown on the facility layout (see Attachment 1). SAA #1 contains one 55-gallon container that accumulates disposable solvent wipes and paint booth filters. This waste stream is discussed in detail in Section 4.6 of this report. Mr. Jennison explained the facility has a total of six paint booths and one curing oven. All painting is completed manually with spray paint guns. Mr. Jennison explained the facility only completes small individual jobs for clients and the facility is not built to take on large or continuous orders. SAA #2 is located outside of the paint booth area, across an open courtyard and into the hazardous materials storage area. SAA #2 contains the

facility's paint gun flush. I asked Mr. Jennison how paint guns are flushed on-site. Mr. Jennison stated once a batch of product is painted, paint operators flush paint guns with acetone, xylene, and/or toluene and the residuals are collected in a 5-gallon container. Mr. Jennison stated it is then immediately brought to the 55-gallon container in SAA #2 (see Attachment 3, Photo 6). During the visual inspection, I did not observe any 5-gallon containers in paint booths that were accumulating solvent waste. I asked why Mr. Jennison did not have SAA #2 directly next to the paint booths. Mr. Jennison stated he believed due to OSHA regulations; he was required to store all flammable materials in a flammable storage container (see Attachment 3, Photo 5). I explained to Mr. Jennison that SAA must be at or near the point of generation per 40 CFR 262.15(a). Mr. Jennison stated he understood which is why operators are required to immediately take spent gun flush waste to the 55-gallon container in SAA #2. Therefore, based on the facility's management practices and observing that all 5-gallon containers in the paint booth were empty, I did not leave a finding. Upon further review, EPA may determine to add an additional finding for failing to have the SAA at or near the point of generation per 40 CFR 262.15(a).

I reviewed the management of both SAAs, and no additional issues or findings were noted.

4.6 Manufacturing Process

During the visual inspection, I observed all manufacturing processes. Jason Lampe, Paint Supervisor was present during the visual inspection of the manufacturing process areas. This included six paint booths, one powder coating area, a curing oven, and sand blasting room. Mr. Jennison stated products are received and either need sand blasting, powder coating, or painting. For powder coating and painting preparation, the metal products are wiped down with disposable solvent rags. Mr. Jennison stated this is to ensure products are clean before being painted or coated. I asked Mr. Jennison how these rags were managed. Mr. Jennison stated the facility's management practice is to manage all solvent rags as hazardous waste. During records review, Mr. Jennison provided the SDS's for the facility's disposable hazardous waste rags as shown in Attachment 12. I explained to Mr. Jennison if the facility met the requirements in 40 CFR 261.4, the facility could manage solvent contaminated wipes under the exclusions therein. Mr. Jennison stated he was aware of the solvent contaminated wipes exclusion and based on facility management practices, Riley determined it would manage their solvent rags as a hazardous waste. In addition, Mr. Jennison stated the facility used to manage the spent paint filters under a special waste authorization and landfill the dried paint booth filters but now manage spent paint booth filters as a hazardous waste. Previous analytical testing required for the special waste authorization showed that the paint booth filters were sometimes hazardous for chromium (D007). Mr. Jennison explained this required the facility to conduct analytical testing, abide by certain procedures, and it was determined to be more convenient to manage the spent booth filters as a hazardous waste. The solvent contaminated rags and spent booth filters are managed as one waste stream. The waste profile is provided in Attachment 10. The waste is accumulated in the 55-gallon container located in SAA#1 (see Attachment 3, Photo 2). During records review, I observed the F003 and F005 waste code was also present on this waste profile. Mr. Jennison stated the facility left the F003 waste code on this waste stream to allow the facility to use

acetone, xylene, and/or toluene on waste rags if needed. Mr. Jennison stated this is not common practice but could potentially happen and therefore, they leave the F-listed waste codes on the waste profile.

I asked Mr. Jennison if the facility generates any aerosol can waste on site. Mr. Jennison explained aerosol cans are primarily used for paint touch ups and are rarely used. I asked how the facility manages aerosol cans. Mr. Jennison stated the facility uses aerosol cans until RCRA empty and recycles them as scrap metal. Mr. Jennison then stated if an aerosol can were to break or become damaged, the facility would manage this aerosol can as a hazardous waste. Mr. Jennison stated the facility generates less than 24 aerosol cans as waste per year.

Mr. Jennison explained the facility also has powder coating operations which only generate a nonhazardous waste stream. Excess powder coat is accumulated on the floor and swept up. The powder coat is then added to one of the facility's 20-yard general trash containers. In addition, the facility conducts sand blasting operations that generates approximately 50 tons of nonhazardous waste per year. The sand blasted material is accumulated on the floor and added to an 8,000-pound capacity trailers and hauled to Des Moines County Regional Sanitary Landfill in West Burlington, IA. I did not note any issues or findings in the manufacturing areas.

4.7 Universal Waste Accumulation Area

Riley manages universal waste in two designated areas. Universal waste batteries are stored directly outside of the office and maintenance area as shown on the facility layout (see Attachment 1). At the time of the inspection, one 3-gallon container of used batteries was observed. The accumulation start date observed on the container was 1/1/2021. I also observed two 4-foot containers of universal waste lamps and one 8-foot container of universal waste lamps on the second floor of the maintenance area. The accumulation start date observed on all containers was 1/1/2021. All universal waste containers were labeled "Universal Waste Lamps" or "Universal Batteries" and had an accumulation start date. The containers were closed and in good condition. Mr. Jennison stated Riley generated one additional container of lamps this year because the facility is in process to switching to all light emitting diode (LED) lighting. Mr. Jennison stated the facility has A-TEC Recycling pick up both universal waste batteries and universal waste lamps together.

I reviewed the management of all universal waste storage areas throughout the facility and no issues or findings were noted.

4.8 Used Oil

I visually observed the facility's used oil storage area located in the maintenance area as shown on the facility layout (see Attachment 1). There were five 55-gallon containers of used oil and one 55-gallon container of used oil filters. Four of the five 55-gallon containers were full and the one 55-gallon container of used oil filters was approximately ¼ filled. The most recent invoice associated with a used oil shipment is provided in Attachment 13. The containers were closed,

labeled "Used Oil", and in good condition. I did not note any issues or findings at the used oil storage area.

4.9 Other Regulatory Requirements

Re-Notification of Hazardous Waste Activity – During records review, I asked Mr. Jennison if the facility renotifies EPA of their hazardous waste activity. Mr. Jennison stated he was not aware of this requirement. I explained as of September 1, 2021, SQG's are required to notify EPA of hazardous waste actively every 4 years by September 1st per 40 CFR 262.18(d)(1). I explained this requirement became effective in 2021. Therefore, Riley was required to submit a re-notification of hazardous waste activity to EPA using *EPA Form 8700-12* by September 1, 2021. Riley did not re-notify EPA of their hazardous waste activity. Therefore, the following finding was noted:

NOPF 1 – Failure to renotify EPA starting in 2021 and every four years thereafter using EPA Form 8700-12 by September 1st of each year in which re-notifications are required. [40 CFR 262.18(d)(1)]

Preparedness, Prevention, and Emergency Requirements - Safety and emergency equipment were present and in satisfactory condition in areas throughout the facility, including the hazardous waste container CAA (as noted in Section 4.4 of this report). Appropriate arrangements and coordination were made with necessary State and local emergency agencies.

I reviewed the preparedness, prevention, and emergency requirements and no issues or findings were noted.

Contingency Plan – Although a SQG is not required to have a contingency plan, Mr. Jennison explained the facility had created their own contingency plan as a best management practice. The contingency plan (see Attachment 15) was on file electronically and in a binder and was reviewed while on site. The contingency plan had been revised on December 28, 2020 and included emergency evacuation routes, emergency response procedures, emergency coordinators and contact information, and a list of emergency some response equipment.

Personnel Training Requirements – Personnel are to be trained to perform hazardous waste duties, and new employees are to be trained within 6 months of start. The training, at a minimum, must be designed to ensure personnel at Riley are able to manage hazardous waste relevant to the positions in which they are employed and respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including:

1. Procedures for using, inspecting, repairing, and replacing facility emergency equipment
2. Communications and alarm systems
3. Response to fires or explosions

Upon reviewing the hazardous waste training employees of Riley receive, I determined the training to be sufficient. Mr. Jennison explained the facility has an email tracking system for who

attends training initially and who attends an annual hazardous waste refresher. During records review, Mr. Jennison showed me this tracking system and I observed that emergency coordinators, John Jennison, and Jeff Jennison, both attended the training. Additionally, I observed that Jason Lampe, Paint Supervisor attended training. Mr. Jennison explained all new hires, regardless of job description initially attend the annual hazardous waste training course.

I reviewed the personnel training requirements, and no other findings were noted.

Manifest and Land Disposal Restriction (LDR) Requirements – Riley maintained records of manifests on site at the time of inspection dating back five years. Riley generated approximately 17 manifests over the last three years. I reviewed all manifests from the last three years. Manifests for both types of hazardous waste generated on-site and the corresponding LDR form are provided in Attachment 16 as an example.

I reviewed all other manifest and LDR requirements and no issues or findings were noted.

5.0 SUMMARY OF FINDINGS

Riley did not re-notify EPA of their hazardous waste activity by September 1st of a year in which a re-notification was required.

NOPF 1 – Failure to renotify EPA starting in 2021 and every four years thereafter using EPA Form 8700-12 by September 1st of each year in which re-notifications are required. [40 CFR 262.18(d)(1)]

I observed no issues or findings during this inspection. However, further EPA review may add findings.

Janosh Wolters

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Janosh Wolters
Energy Engineer
Date: December 27, 2021

AMBER WHISNANT

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Date: 2021.12.30 16:42:24 -06'00'

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

Attachments:

1. Facility Layout (1 page)
2. Riley Industrial Painting Photolog (1 page)
3. Riley Industrial Painting Photos (6 photos/7 pages)
4. EPA Inspection Checklist (23 pages)
5. Confidentiality Notice (1 page)
6. Receipt for Documents and Samples (1 page)
7. Notice of Preliminary Findings (1 pages)
8. Hazardous Waste Site Info Verification Report for Inspector (1 page)
9. Paint Gun Flush Waste Profile (1 page)
10. Paint Booth Filters and Disposable Solvent Rags Waste Profile (1 page)
11. Aerosol Can SDS (3 pages)
12. Solvent Rags SDSs (7 pages)
13. Used Oil Invoice (1 page)
14. CAA Log (2 pages)
15. Contingency Plan (24 pages)
16. Manifest and LDR Form (3 pages)

Notice of Preliminary Findings

(For Contractor Use Only)

Facility Name: Riley Industrial Painting

Facility Address: 15310 HWY 34 W West Burlington, IA 52655

EPA ID#: IAD981717804 **Date:** 11/4/2021

Notice: I am not an employee of the Environmental Protection Agency ("EPA"). I am a contractor for the 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 the 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 will make determinations as to what violations may have occurred at your facility.

Citation	Description of Finding
1.) 40 CFR 262.18(d)(1)	1.) Failure to renotify EPA of hazardous waste activity every 4 years by September 1.

If you have any questions about this Notice or wish to discuss your response, you may call me at 484-678-8675, or Trevor Urban (Compliance Officer) at 913-551-7133.

This Notice prepared by Janosh Wolters Date: 11/4/2021

The undersigned person hereby acknowledges receipt of this Notice and has read the same.

Printed Name: JOHN JENNISON Date: 11/4/21

Signature: John Jennison

Title: VICE PRESIDENT

(Rev. 2/28/2020) White Original/ EPA - Yellow/ Facility