

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

SHERWIN-WILLIAMS 703275

1000 W 8th Street
Sioux City, Iowa 51103
(712) 255-3565

EPA ID Number IAR000500579

On

September 21, 2022

By

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 (ECAD), I conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) at Sherwin-Williams 703275, located in Sioux City, Iowa, on September 21, 2022. The CEI was conducted under the authority of Section 3007(a) of RCRA, as amended. During the inspection, I collected the information and data necessary to determine compliance with the applicable regulatory and statutory requirements. This report and attachments present the results of the CEI.

2.0 PARTICIPANTS

Sherwin-Williams 703275:

Rick Konz, Store Manager, (3 years with company)

EPA:

Mark Holcomb, Civil Investigator/Inspector (SEE)

3.0 INSPECTION PROCEDURES

On September 21, 2022, I arrived unannounced at the store's main entrance at about 1000 hours. Initially I conducted a visual reconnaissance of the facility searching for areas of concern observable from the adjacent public roadways and parking lots. I identified no environmental issues or concerns during this preliminary examination. I introduced myself and asked to meet with store manager (the environmental manager listed as the site contact on the EPA Site Verification Form had an address listed in Cleveland Ohio). I was put in contact with the store manager, Mr. Rick Konz. After initial introductions he escorted me to his office. Mr. Konz stated that he had been with Sherwin-William 703275 for three years and functions as the site contact for hazardous waste. Mr. Konz told me there were currently no specific COVID-19 visitor requirements and no specific safety personal protective equipment (PPE) requirements at this facility.

At the opening conference, I again introduced myself and presented my EPA ID and credentials. I explained the purpose and procedures of the inspection. I presented Mr. Konz with a copy of RCRA Section 3007(a), which provides inspection authority. I explained my need to collect accurate information and presented him with a copy of Title 18 U.S. Code, Sections 1001 and 1002. I made him aware of his confidentiality rights and informed him that a Confidentiality Notice would be provided at the end of the inspection to make a confidentiality claim if he so desired. Mr. Konz acted as the official facility representative during the course of the inspection.

The inspection CEI consisted of a discussion of facility operations, waste generation, and waste management; a visual inspection of active waste generation and management areas; and a review of waste management records.

I conducted a visual inspection of the following areas:

- Warehouse
- Safety Information Station
- Parking Lot – Trash and Recyclable Containers

See Attachment #1 for the aerial and map views of the facility and facility diagrams.

Document photocopies and photographs were collected as inspection documentation (see Attachments #1-10 and Photos 1-4). The photo log is included in Attachment #2. Information collected during the inspection is documented on an Entry/Exit checklist, the hazardous waste compliance checklists, and in a notebook. I reviewed documents including the following: Safety Data Sheets (SDS); bills of lading; manifests; contingency plan; and staff training records. I followed the inspection procedures detailed in the RCRA CEI Standard Operating Procedure (SOP) 2321.01D, unless noted otherwise.

At the conclusion of the inspection, I summarized my findings and recommendations with Mr. Konz. I provided Mr. Konz with a Receipt for Documents (see Attachment #3), a Confidentiality Notice (see Attachment #4), and a Notice of Preliminary Findings (NOPF) (see Attachment #5), which he signed as acknowledgement of receipt. No claim of confidential business information was made by Mr. Konz.

I provided inspection and compliance assistance documents to Mr. Konz during the inspection, some as paper versions and some in electronic PDF via email, that included the following:

- *RCRA Section 3007(a)*
- *Title 18 U.S. Code, Sections 1001 and 1002*
- *Confidentiality Notice (Top page of the completed carbonless transfer set)*
- *Notice Regarding Proprietary/Confidential Business Information Submitted to or Collected by EPA In Connection with Inspections (EPA Handout)*
- *Receipt for Documents and Samples (Top page of the completed carbonless transfer set)*
- *Notice of Preliminary Findings (NOPF) with Instructions for Responding on back of form (top page of the completed carbonless transfer set)*
- *Instructions for Responding to a NOPF (EPA Handout)*
- *U.S. EPA Small Business Resource Information Sheet (EPA Handout)*
- *Solvent-Contaminated Wipes Final Rule Chart (EPA Handout)*
- *Recycling Electronics (Iowa Department of Natural Resources - IDNR Handout)*
- *Lead-Based Paint Activities (IDNR Handout)*
- *Excluded Solvent-Contaminated Wipe Rule (IDNR Handout)*
- *Battery Recycling/Disposal (IDNR Handout)*
- *Management of Fluorescent Lamps for Businesses (IDNR Handout)*
- *Incompatible Chemicals (IDNR Handout)*
- *Universal Wastes Including Aerosol Cans (IDNR Handout)*
- *TCLP Waste Determination Testing (IDNR Handout)*
- *Industry Sector Notebooks (EPA Handout)*
- *Environmental Compliance Assistance Centers (EPA Handout)*
- *eManifest Fact Sheet (EPA Handout)*
- *RCRA Online A Quick Reference Guide (EPA Handout)*
- *Requirements for Used Oil Management Standards (EPA Handout)*
- *Emergency Response Program (EPA Handout)*
- *Commercial Motor Vehicle Transportation System Security & Safety*
- *Security Awareness (EPA Handout)*
- *Chemical Facility Anti-Terrorism Standards (Homeland Security Handout)*
- *Iowa Life/Changing Iowa Department of Economic Development – Iowa Environmental Guide for Business*

4.0 FINDINGS AND OBSERVATIONS

4.1 Facility Information and Operations

Sherwin-Williams 703275 is a paint and wallpaper retail store. Sherwin-Williams 703275 is privately owned by NS Retail Holdings, LLC and is operated by Sherwin-Williams. Mr. Konz stated that the facility began operations in January 2001 and is about 6400 square feet. The facility has three full-time and three part-time employees, operating daytime shifts, seven days per week. See Attachment #1 for the facility aerial map views and facility diagrams.

4.2 RCRA Status

Sherwin-William 703275 has not been inspected for RCRA compliance prior to this inspection. According to the RCRAInfo Notification Acknowledgement/Verification Report, Sherwin-William 703275 last notified as a Very Small Quantity Generator (VSQG) on December 7, 2020. At the time of this notification, Sherwin-Williams 703275 had also requested an unplanned episodic period of December 6, 2020, through January 30, 2021, to dispose of damaged products after a vehicle accident at the store on December 6, 2020 (“a vehicle crashed into the outside of warehouse wall of store”). I verified the Notification Acknowledgement/Verification form with Mr. Konz and no changes were made (see Attachment #6). At the time of the inspection, I determined Sherwin-William 703275 to be a VSQG of D001 characteristic hazardous waste (less than 100 kg or 220 lbs of non-acute hazardous waste generated per month).

4.3 Facility Waste Streams and Management

Mr. Konz stated that production of product and the generation of the waste streams below are generally consistent from month to month except for the cleanup after the vehicle crash on December 6, 2020. During the visual inspection I did not observe any solvent contaminated rags, spent fluorescent lamps, spent batteries, spent aerosol cans, or scrap metal. The following waste streams are managed by Sherwin-William 703275:

Waste Paint - Sherwin-William 703275 generates one-gallon and five-gallon cans of waste paint from mismatched (from custom color matching), expired, or damaged product. Sherwin-Williams has determined their non-latex-based waste paints to be D001 characteristic hazardous waste. See Attachment #9 for a sample SDS for a commonly used paint - Industrial Enamel White. The SDS indicates a flash point of 102 degrees F. Their most recent shipment of this waste stream was on September 2, 2022, just two weeks prior to the inspection. See Attachment #7 for the Manifests for their last three shipments, which appear to be annually. The September 2, 2022, shipment for UN1263 Waste Paint, which included seven 55-gallon drums (loosepacks of the one-gallon and five-gallon cans) for 1,606 pounds, which was for a roughly one year (11-month period), which averages out to about 146 pounds per month. On September 29, 2021, they shipped 993 pounds, and on September 28, 2020, they shipped 1,839 pounds. As noted earlier, on December 7, 2020, they submitted an episodic requested due to the car crash into their warehouse and they estimated 600 pounds of damaged product (see Attachment #8). Onsite management includes storing the one-gallon and five-gallon cans of mismatched or expired waste paint on the shelves in the designated waste paint area (see Photo 1). Off-site transportation is conducted by Clean Earth Specialty Waste Solutions out of Minnesota and the waste is transported to Solvent Recovery LLC in Kansas City, Missouri, for H061 processing (fuel blending prior to energy recovery). During the visual inspection I did not observe any waste paint stored onsite.

Cardboard - Sherwin-William 703275 generates recyclable cardboard from packaging. Mr. Konz estimated that the facility generates about ½ to ¾ of a two-cubic-yard dumpster of cardboard weekly, which is collected once a week by Waste Management in Sioux City, Iowa, for recycling.

General Trash - General trash is generated by routine business operations. Mr. Konz stated the trash consists of paper and plastic shipping wastes and general office wastes and that it is nonhazardous. He estimated that they generate about two-cubic-yards weekly. Their general trash is placed into a two-cubic-yard dumpster (see Photo 4), which is collected weekly by Waste Management in Sioux City, Iowa, and transported to the local landfill.

4.4 Other Regulatory Requirements

Outside Facility Perimeter - I did a limited inspection of the outside perimeter of the facility and observed no hazardous waste storage tanks and containers except as noted above. The Sherwin-William 703275 facility is one retail building with an adjacent parking lot. I did not observe security fencing around the facility. See the aerial and map views in Attachment #1.

Preparedness and Prevention - Mr. Konz stated they do have a detailed emergency and incident investigations plan (see Attachment #10 for the Emergency Plan Outline). There was a safety station with PPE, spill kit, first aid kit, eye-wash station, and emergency contact information in the Warehouse (see Photos 2 and 3). There were multiple fire extinguishers throughout facility with current inspection tags.

5.0 SUMMARY OF FINDINGS

I observed no issues or preliminary findings. However, further EPA review could result in potential preliminary findings.

MARK HOLCOMB
(Affiliate)

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Mark Holcomb
Civil Investigator, SEE

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Amber Whisnant
RCRA Section Chief, ECAD/Chemical Branch

Attachments:

- 1) Facility Aerial & Map View (4 pages)
- 2) Photo Log (4 photos/2 pages)
- 3) Receipt for Documents (1 page)
- 4) Confidentiality Notice (1 page)
- 5) NOPF (1 page)
- 6) EPA RCRA Notification Acknowledgement/Verification Report (1 page)
- 7) Uniform Hazardous Waste Manifests (5 pages)
- 8) EPA RCRA Episodic Form (7 pages)
- 9) SDS White Paint (19 pages)
- 10) Emergency Plan Outline (4 pages)