

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

REICH PAINTING & DECORATING

2040 Hwy 75 N
Sioux City, Iowa 51105
(712) 255-9881

EPA ID Number: IAD984591370

On

November 7, 2023

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 Reich Painting, located in Boone, Iowa, on November 7, 2023. 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 inspection report and attachments present the results of the CEI.

2.0 PARTICIPANTS

Reich Painting:

- Ken Lindsay, Estimator & Safety Representative (18 years with company)
- Jana Nuzil, Office Manager (26 years with company)
- Jody Navrkal, Painter (10 years with company)

EPA:

- Mark Holcomb, Civil Investigator/Inspector (SEE)

3.0 INSPECTION PROCEDURES

On November 7, 2023, I arrived unannounced at the facility'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 entered the facility through the main entrance and stopped at the front office area. I introduced myself and asked for the facility manager.

I was introduced to Mr. Ken Lindsay (Estimator & Safety Rep). Mr. Lindsay escorted me to a conference room. Mr. Lindsay stated that the primary contact for hazardous waste at this facility was Mr. Jason Reich (Project Manager), but Mr. Reich was not available that day. Mr. Lindsay stated he would do his best to assist with my inspection. He stated that had been with the company for about 18 years, currently in sales, but had a basic understanding of the hazardous waste operations through his safety role. Mr. Lindsay stated that Ms. Jana Nuzil, the Office Manager, would be able to assist with locating copies of manifests and invoices. Mr. Lindsay told me the only items of personal protective equipment required for our visual inspection at this facility was eye protection in limited areas.

At the opening conference, I presented my EPA ID and credentials to Mr. Lindsay. I next explained the purpose and procedures of the inspection. I then presented Mr. Lindsay 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. He was made aware of his confidentiality rights, and I 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. Lindsay acted as the official facility representative during the inspection.

The 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 and documents.

I conducted a visual inspection of the following areas:

- Outside South Lot
- Warehouse
- Fire Room
- North Building
- Line Room

See Attachment #1 for the aerial/map views and facility diagram. Document photocopies and photographs were collected as inspection documentation (see Attachments #1-8 and Photos 1-9). The photo log is included as 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), manifests, bills of lading, and invoices. I followed the inspection procedures detailed in the RCRA CEI Standard Operating Procedure 2321.01E, unless noted otherwise.

At the conclusion of the inspection, I provided Mr. Lindsay with a Receipt for Documents (see Attachment #3) and a Confidentiality Notice (see Attachment #4), which he signed as acknowledgement of receipt. No claim of confidential business information was made by Mr. Lindsay. There were no preliminary findings observed at the time of the inspection, so a Notice of Preliminary Findings form was not generated. I provided inspection and compliance assistance documents to Mr. Lindsay during the inspection, some as paper versions and some in electronic PDF via email post-inspection, that included the following:

- *RCRA Section 3007(a) (EPA Handout)*
- *Title 18 U.S. Code, Sections 1001 and 1002 (EPA Handout)*

- *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)*
- *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)*
- *e-Manifest 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*
- *How to Register for RCRAInfo Industry Application for Iowa Facilities*

4.0 FINDINGS AND OBSERVATIONS

4.1 Facility Information and Operations

Reich Painting is a commercial painting company that provides painting services for commercial facilities such as hospitals, schools, and office buildings. The facility is privately owned by Jody Reich (President). Mr. Lindsay stated that this facility has been in operation for about 30 years at this location. The facility is about 17,000 square feet on about three acres. The facility operates during business day hours Monday–Friday, with 17 staff. Mr. Lindsay stated that on a typical day, there are three staff in the office, one to two painters in the shop, and 12-13 painters deployed to about a half dozen job sites. Mr. Lindsay stated that he was not aware of any previous RCRA inspections at the facility and there had been no spills or activation of their contingency plan that he was aware of. See Attachment #1 for the facility aerial map views and facility diagram.

4.2 RCRA Status

Reich Painting had not been previously inspected by the EPA for RCRA compliance. According to RCRAInfo, Reich Painting had most recently notified as a Very Small Quantity Generator (VSQG) on August 16, 1994. I verified the facility address and the site contact information with Mr. Lindsay and updated the EPA RCRA Notification Acknowledgement Verification Report to indicate the primary contact's name and phone number (see Attachment #5). At the time of this inspection, I determined Reich Painting to be a VSQG of hazardous waste with less than 100 kg, or 220 lbs, of non-acute hazardous waste generated per month.

4.3 Facility Waste Streams and Management

Mr. Lindsay stated that the following waste streams are managed by Moffitt's Inc:

Waste Paint and Related Materials - Reich Painting generates waste paint and solvents from painting operations. This waste has been determined to be D001, D018, D035, F003, F005 hazardous waste based on process and product knowledge. Mr. Lindsay stated that the paints used are typically latex water based, but they also use enamel (see Attachment #7 for an example paint SDS). The facility uses a paint thinner to clean paint guns that is purchased from Barton Solvents in 55-gallon drums. The different thinners used include Xylol, Mineral Spirits, and Lacquer Thinner (see Attachment #8 for the multiple SDS). Mr. Lindsay stated that the remote based paint crews bring their equipment back to the Fire Room for cleaning and dispose of the spent paint and paint thinner in a 55-gallon drum in the Fire Room. He stated he was not sure how much waste they generate, but he estimates about one annual pickup by Barton Solvents of generally two full or semi-full drums. Mr. Lindsay stated that Barton Solvents generally leaves extra empty drums and that they usually have a partially full drum that they continue to use until it is full. Ms. Nuzil (office manager) provided the facility's file folder for Barton Solvents and called Barton Solvents to confirm that they were not missing any manifests or bills of lading for the transport of the paint and paint solvent waste. A review of the manifest/bills of lading (see Attachment # 6) showed that the most recent shipment on October 24, 2023, was on a manifest with an attached Land Disposal Restriction (LDR) certificate. The manifest was for three 55-gallon drums (900 pounds) of UN1263 Paint Related Materials, shipped by Barton Solvents (Council Bluffs, Iowa) to WRR Environmental Services Co. Inc. (Eau Claire, Wisconsin) for solvent recovery H020 processing. The time frame between earliest bill of lading reviewed of January 21, 2021, and the most recent on October 24, 2023, was about 33.7 months, with 3,150 pounds shipped, for an average of about 95 pounds per month. Overall, their generation rate of this hazardous waste stream appeared to range between about 44 to 150 pounds per month.

During the visual inspection, I observed multiple paint products stored in their Warehouse organized for current and upcoming projects (see Photo 2). The Fire Room (see Photos 3-6) had a sprinkler fire suppression system. The Fire Room had storage shelves for paints needed for color blending as well as paint gun cleaning equipment (see Photo 3). There were several 55-gallon drums of new product paint thinners. The drums of new product thinner and waste paint and thinner were all located on spill containment bases and grounded with static suppression ground wires. Photo 5 shows a closeup view of the two waste drums. The left vertical drum is an empty and the right vertical drum is less than ¼ full. The hazardous waste drum appeared to be

in good condition with no obvious damage or leaks. The active use waste drum had a full drum size funnel lid with the bung hole open. There were no labels on the hazardous waste drum, but there was a Flammable Liquid label on the wall above the drum. Photos 7-9 shows area in the North Building where they paint, stain, and prep parts for different paint jobs. Photo 8 is their paint booth in the North Building and Photo 9 is in their Line Room where they can hang parts, such as doors, for assembly line like painting operations.

Paint Booth Air Filters - Jody Navrkal (Painter) stated that Reich Painting generates about 32 18-inch by 18-inch paint booth air filters about once every two to six months, based on usage, from a paint booth located in the North Building and a small paint booth in the Line Room (see Photos 8-9). The dry air filters are not considered to be hazardous waste based on product and process knowledge. The dry spent paint air filters are disposed of in the general trash.

General Trash - Reich Painting generates non-hazardous general trash from painting and business operations. The facility estimates it generates about one 6-cubic-yard dumpster once a week. The waste trash is picked up weekly by Western Disposal Inc. (Sioux City, Iowa) and transported to the local landfill. During the visual inspection I observed one (1/4 full) dumpster in the Outside South Lot (see Photo 1).

4.4 Other Areas Reviewed

Outside Facility Perimeter - I conducted a limited inspection of the outside perimeter of the facility and observed no hazardous waste storage tanks or containers except as noted above. See the aerial and map views in Attachment #1.

5.0 SUMMARY OF FINDINGS

No preliminary findings or compliance issues observed at the time of the inspection. However, further EPA review may include findings.

MARK HOLCOMB
(Affiliate)
Digitally signed by MARK
HOLCOMB (Affiliate)
Date: 2023.12.18
16:05:20 -06'00'

Mark Holcomb
Civil Investigator, SEE

Mike Martin - signing
for Amber Whisnant
Digitally signed by Mike Martin -
signing for Amber Whisnant
Date: 2024.02.15 13:50:12 -06'00'

Amber Whisnant
RCRA Section Chief, ECAD/Chemical Branch

Attachments:

- 1) Facility Aerial Map Views (4 pages)
- 2) Photo Log (9 photos and 9 pages)
- 3) Receipt for Documents (1 page)
- 4) Confidentiality Notice (1 page)

- 5) EPA RCRA Notification Acknowledgement/Verification Report (1 page)
- 6) Manifest and Bill of Ladings - Waste Paint and Related Materials (7 pages)
- 7) SDS – Interior Latex Paint (11 pages)
- 8) SDS – Solvents and Glues (64 pages)