

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At
CONAGRA Foods Packaged Foods, LLC
2467 Henry Ladyn Drive
Fort Madison, Iowa 52627-1427
(319) 463-6226

EPA ID Number: IAD984566539

On

June 15, 2022

By

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

1.0 INTRODUCTION

At the request of the Enforcement and Compliance Assurance Division, I conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) at CONAGRA Foods Packaged Foods, LLC (CONAGRA), located in Fort Madison, Iowa, on June 15, 2022. The CEI was conducted under the authority of Section 3007(a) of RCRA, as amended. The facility was previously inspected for RCRA compliance on January 30, 1992. Findings documented during that inspection are found in Section 5.0 Summary of this report. During this inspection, I collected the information and data necessary to determine compliance with the applicable regulatory and statutory requirements. The inspection report and attachments present the results of the CEI.

2.0 PARTICIPANTS

CONAGRA:

Carl Swanson, Senior EHS Specialist, approximately six months in current position.
Rob Hicke, EHS Manager, approximately five years in current position.
Clint Huebner, Facilities Specialist, approximately 20 years in current position.
Lucas Simpkins, Environmental Engineer, approximately one year in current position.
Andrea Adams, Senior Quality Specialist, approximately four years in current position.

U.S. Environmental Protection Agency (EPA):

H. D. "Doug" Bryant, CPP, PCI, Civil Investigator, SEE, ECAD/Chemical Branch/RCRA Section.

3.0 INSPECTION PROCEDURES

Prior to beginning the inspection, I conducted a visual reconnaissance of CONAGRA on June 15,

2022, searching for areas of concern observable from the adjacent roadway. No environmental issues or areas of concern were observed during this preliminary examination.

I arrived unannounced at CONAGRA at approximately 08:45 hours, June 15, 2022. I parked outside the facility in a posted visitor parking space. I approached an access control building that was staffed with contract security personnel performing access control on behalf of CONAGRA. I asked to meet with Mr. Scott Fehseke, identified as the client contact. The security officer stated that Mr. Fehseke was no longer with the company, and contacted his replacement, Mr. Carl Swanson. Mr. Swanson directed the security officer to allow me access to the facility through the truck gate and directed me to the Boiler Room located on the northwest quadrant of the facility. I drove through the loading area of the facility to the Boiler Room, where I was met by Messrs. Swanson, Huebner, and Simpkins. I was directed into the Boiler Room area to a break room that was used throughout this inspection.

I started my entrance briefing in the entry lobby area. Mr. Hicke arrived shortly thereafter, and we exchanged business cards (Attachment 1). I presented my EPA credentials to Messrs. Swanson, Huebner, and Simpkins and Hicke. I next presented Messrs. Swanson, Huebner, Simpkins, and Hicke a copy of RCRA section 3007(a), which provides inspection authority. I explained my need to collect accurate information and presented them a copy of Title 18 U.S. Code, Sections 1001 and 1002. They were made aware of their confidentiality rights and were informed that a Confidentiality Notice would be provided at the end of the inspection to make or not to make any claims. Mr. Swanson acted as the official CONAGRA representative throughout this inspection. Mr. Hicke represented CONAGRA during the entry and exit briefings and acknowledged receipt of preliminary findings during the exit briefing.

The inspection consisted of an entry briefing, 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. Swanson provided a site map/diagram of the facility (Attachment 2).

Document photocopies and 16 photographs were collected as inspection documentation (Attachments 1-15). Information collected during the CEI was recorded on a checklist and in field notes. I followed the inspection procedures discussed in the RCRA Compliance Evaluation Inspection Standard Operating Procedure (No. 2321.1C), unless noted differently.

At the conclusion of the inspection, I conducted an exit briefing, during which I summarized my findings and recommendations with Messrs. Swanson, Huebner, Simpkins, and Hicke. I provided Mr. Swanson a *Confidentiality Notice*, which he signed, indicating no confidentiality claims were made by the facility (see Attachment 3). I provided Mr. Swanson a *Receipt of Documents and Samples* which he signed acknowledging receipt (Attachments 4). I provided Mr. Hicke a *Notice of Preliminary Findings* which he signed acknowledging receipt (Attachment 5).

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

Section 3007 Inspections Sheet (EPA Handout)
RCRA Facility Access Information Sheet (EPA Handout)
United States Code Annotated (EPA Handout)

Notice Regarding Proprietary/Confidential Business Information Submitted to or Collected by EPA in Connection with Inspections (EPA Handout)
Notice of Preliminary Findings (EPA Handout)
Instructions for Responding to a Notice of Preliminary Findings (NOPF) (Reverse of NOPF)
U.S. EPA Small Business Resource Information Sheet (EPA Handout)
Solvent-Contaminated Wipes Final Rule Chart (EPA Handout)
Excluded Solvent-Contaminated Wipe Rule (IDNR Handout)
Battery Recycling/Disposal (IDNR Handout)
Universal Wastes Including Aerosol Cans (IDNR Handout)
Environmental Compliance Assistance Centers (EPA Handout)
e-Manifest Fact Sheet (EPA Handout)
RCRA Online A Quick Reference Guide (EPA Handout)
Emergency Response Program (EPA Handout)
Security Awareness (EPA Handout)
Managing Your Hazardous Waste: A Guide for Small Business (EPA Handout)

4.0 FINDINGS AND OBSERVATIONS

4.1 Facility Information and Operations

This facility is located on 120 acres a half mile west of South Highway 61 inside the city limits of Fort Madison, Iowa. The plant structure houses approximately 10 acres under roof. The facility operates its own water and wastewater treatment plants on site. Fire protection is provided by an internal sprinkler system which is fed by on-site water tanks. The facility began operations in 1972 and has approximately 550 employees working various shifts, 24 hours-day, seven days per week. The facility produces and cans food products. The North American Industry Classification System (NAICS) code for this facility is 311422 – Specialty Canning.

4.2 RCRA Status

The facility Hazardous Waste Site Info Verification Report for Inspector identifies the facility as Pinnacle Foods LLC. Pinnacle foods was purchased by Conagra Group, LLC, and the name change is documented by Attachment 7. The report identifies the facility as a very small quantity generator (VSQG) of D001, D007, D011, and D035 characteristic and F005 listed HW. Mr. Swanson stated that CONAGRA generates spent fluorescent lamps that are managed as universal waste (UW). Mr. Swanson stated that CONAGRA generates used oil and used oil filters. I determined that the facility generates less than 100 kg of HW monthly and therefore inspected CONAGRA as a very small quantity generator (VSQG) of HW, a small quantity handler (SQH) of universal waste (UW), and a generator of used oil.

4.3 Facility Waste Streams and Management

CONAGRA receives HW management support from Heritage Crystal Clean, LLC (Crystal Clean), (EPA ID# ILR000130062), 2175 Point Boulevard, Elgin, Illinois. HW shipments are picked up and transported off-site by Crystal Clean (EPA ID# ILR000130062). Documented HW shipments were transported to Crystal Clean (EPA ID# ILR000130062) and Petro-Chem Processing Group of NORTU, LLC (Petro-Chem), (EPA ID# MID980615298), 421 Lycaste Street, Detroit, Michigan,

where the HW was stored/bulked and transferred with no reclamation, recovery, destruction, treatment, or disposal at that site.

Mr. Swanson stated that CONAGRA generates HW in two locations: (1) the Quality Assurance Laboratory from testing foods for sodium content; and (2) waste ink/solvent from printers in the “Coder Room.”

The following waste streams are managed by CONAGRA:

General Trash: Mr. Swanson stated that CONAGRA generates approximately two 20-cubic yard containers of compacted trash, twice daily. The general trash consists of waste office paper, lunch wastes, and miscellaneous cardboard and packing materials. Mr. Swanson stated that the general trash has been determined to be non-RCRA hazardous, by virtue of product and process knowledge. The general trash is compacted and picked up by Republic Services of Iowa (Republic), 301 N. Harvey Place, Mt. Pleasant, Iowa. The general trash is transported off-site to the Great River Regional Waste Authority (GRRWA), 2092 303rd Avenue, Fort Madison, Iowa, for sanitary landfill disposal.

Meat Screenings: Mr. Swanson stated that CONAGRA generates approximately one 20-cubic yard container or meat screenings that are picked up and transported off site three times a week by Republic to the GRRWA sanitary landfill. Mr. Swanson stated that the meat screenings have been determined to be non-RCRA hazardous, by virtue of product and process knowledge.

Waste Cardboard (compacted): Mr. Swanson stated that CONAGRA operates two compactors that generate two 30-cubic yard containers of compacted cardboard, two times a month. The waste cardboard that has been compacted has been determined to be non-RCRA hazardous, by virtue of product and process knowledge. The compacted waste cardboard is picked up and transported off-site by Republic for recycling.

Waste Cardboard (loose): Mr. Swanson stated that CONAGRA generates one truck trailer of loose cardboard monthly. The loose waste cardboard has been determined to be non-RCRA hazardous by virtue of product and process knowledge. The waste loose cardboard trailer is transported off-site by Republic for recycling.

Waste Parts Washer Solvent: Mr. Swanson stated that CONAGRA uses two 30-gallon and one 15-gallon parts washers for equipment maintenance activities, generating approximately 60-75 gallons of waste parts washer solvent quarterly. The parts washers contain Crystal Clean 142 Mineral Spirits described in CONAGRA’s waste characterization for parts washer fluid (Attachment 8) that are serviced by Crystal Clean every 16 weeks. He stated that the parts washer solvent used in the parts washers has been determined to be non-RCRA hazardous, by virtue of product and process knowledge and discussed below. The waste parts washer solvent is picked up and transported off-site by Crystal Clean.

Waste Aerosol Cans: Mr. Swanson stated that CONAGRA generates between five to ten RCRA-empty waste aerosol cans monthly. The waste aerosol cans include glass cleaner and similar cleaning products, brake cleaner, penetrating oil, and spray paint. In the past, waste aerosol cans

were managed as D001 characteristic HW that was picked up and manifested off-site by Crystal Clean. However, the empty waste aerosol cans are now managed as universal waste (UW). The UW waste aerosol cans are picked up and manifested off-site annually by Crystal Clean for recycling.

Scrap Metal: Mr. Swanson stated that scrap metal is generated waste and damaged cans and miscellaneous parts during maintenance and service activities. The scrap metal is separated in different containers for aluminum, steel, and mixed. The scrap metal is collected in 10-cubic yard roll-off containers for each type of scrap metal that are picked up monthly. The scrap metal is picked up and transported off-site by Alter Metal Recycling-Quincy, 2834 Gardner Expressway, Quincy, Iowa, for recycling

Spent Lead-Acid Batteries: Mr. Swanson stated that CONAGRA generates approximately three spent lead-acid batteries annually. He stated that waste lead-acid batteries are episodically generated on-site and are exchanged for new batteries with M&H Equipment, 632 Galeway Drive, Ottumwa, Iowa. Based upon Mr. Swanson's description of these transactions, the lead-acid batteries generated within the facility are being exchanged in accordance with the provisions of the 40 CFR §266, Subpart G exemption

Used Oil: Mr. Swanson stated that CONAGRA generates approximately four 180-gallon totes of used oil annually from routine machinery preventive maintenance activities. The used oil is collected in 180-gallon totes that are located inside the facility. When full, the totes are transported to the Sand Shed. According to Mr. Swanson, the used oil is picked up and transported off-site by Crystal Clean for recycling.

Used Oil Filters: Mr. Swanson stated that CONAGRA generates approximately one 55-gallon container of used oil filters annually. The used oil filters are gravity hot-drained and are managed as non-RCRA hazardous in accordance with 40 CFR §261.4(b)(13). The used oil filters are drained and placed into a 55-gallon container. The used oil filters are picked up and transported off-site by Crystal Clean for recycling.

Used Oil Absorbents: Mr. Swanson stated that CONAGRA generates between two to three 55-gallon containers of used oil absorbents annually. The used oil absorbents are managed as used oil. The used oil absorbents are stored in a 55-gallon container located inside the Sand Shed. The used oil absorbents are picked up and transported off-site by Crystal Clean for recycling.

Waste Paper Disposable Wipes: Mr. Swanson stated that CONAGRA generates approximately 100 waste disposable wipes weekly. The waste paper disposable wipes are used to clean machinery, work surfaces, and operator hands. I asked Mr. Swanson if the waste paper disposable wipes could have been contaminated with commercial products, e.g., brake cleaner and penetrating oil, to which he responded negatively. Mr. Swanson stated that the waste paper disposable wipes have been determined to be non-RCRA hazardous, by virtue of product and process knowledge. Mr. Swanson stated that the waste paper disposable wipes generated on the plant floor are disposed in the general trash. Mr. Swanson stated that the waste paper disposable wipes generated in the maintenance area are collected in a 55-gallon container used to collect used oil absorbents. The used oil absorbents are picked up and transported off-site by Crystal Clean for

recycling.

Spent Fluorescent Lamps: Mr. Huebner stated that CONAGRA converted approximately 90 percent of the facility's lighting to light emitting diode (LED) lighting approximately five years ago. However, CONAGRA continues to generate between 12-24 spent four-foot fluorescent lamps annually from the remaining fluorescent lighting fixtures located within the facility. The spent fluorescent lamps are managed as UW, stored in the Sand Shed, and are picked up and transported off-site by Crystal Clean for recycling.

Mercury Containing Devices: Mr. Swanson stated that CONAGRA generates approximately 3-5 mercury containing devices annually. The mercury containing devices include switch components and thermometer instrument components. The mercury containing devices are managed as UW and are stored in a container located inside the Sand Shed. The devices are picked up and transported off-site by Crystal Clean for recycling.

Waste Alkaline Batteries: Mr. Swanson stated that CONAGRA generates approximately 100 waste alkaline batteries annually. The waste alkaline batteries are collected in a container located on the plant floor. Mr. Swanson stated that the waste alkaline batteries are non-RCRA hazardous, by virtue of product knowledge. He stated that the waste alkaline batteries are disposed in the general trash.

Process Wastewater: Mr. Simpkins stated that CONAGRA operates a NPDES permitted wastewater treatment facility on site. A copy of the cover page and amendment to the permit are attached (Attachments 9 and 10). Mr. Swanson stated that the process wastewater generated by CONAGRA is non-RCRA hazardous, by virtue of product and process knowledge. Skimmings from the wastewater treatment process have been determined to be non-RCRA hazardous by virtue of product and process knowledge. Skimmings are collected in a 30-cubic yard roll off container that is picked up and transported off-site by Republic daily to the GRRWA sanitary landfill.

Waste from Mohr Method Testing: Mr. Swanson stated that CONAGRA generates between 18 to 67 pounds of waste monthly from Mohr testing performed in the Quality Laboratory to determine sodium content of food products manufactured by the facility. This waste stream is characterized and managed as D007 and D011 characteristic HW (Attachment 11). This waste stream is profiled as UN3082, Environmentally Hazardous Substance, Liquid, (silver, chromium). Five-gallon containers of this waste stream are picked up from the Quality Assurance Laboratory and transported off-site by Crystal Clean for incineration.

Used and Unused or Off-Spec Coder Ink and Solvent: Mr. Swanson stated that CONAGRA generates less than 15 pounds of used and unused or off-specification Coder ink and solvent monthly from printing dates stamps on product containers. This waste stream is characterized and managed as D001, D007, D035 characteristic HW (Attachment 12). This waste stream is profiled as UN1210, Printing Ink Related Material. Day-cans of this waste stream are transported daily from the Coder Room to a Flammable Cabinet holding a 55-gallon container located between the Boiler House and the Main Building (Attachment 2). This waste stream is picked up and transported off-site by Crystal Clean for incineration.

Waste Glassware: Mr. Swanson stated that CONAGRA generates approximately one cardboard container of broken glassware annually in the Quality Assurance Laboratory. The broken glassware is collected in two cardboard containers. One container collects broken glassware that has been contaminated with HW; the other container collects broken glassware that has not been contaminated with HW. The contaminated broken glassware is managed as D007 and D011 characteristic HW and is picked up and manifested off-site by Crystal Clean. The container of broken glassware that has not been contaminated by HW has been determined to be non-RCRA hazardous, by virtue of product and process knowledge. The non-RCRA hazardous glassware is disposed in the general trash.

4.4 Visual Inspection of Facility Waste Stream Management

I conducted a visual inspection of the facility with Messrs. Swanson, Huebner, and Simpkins. The visual inspection was conducted to observe waste stream management practices and document regulatory compliance. Photographs, checklists, and field notes were used to document observations made during the visual inspection. A Photo Log was created, and photos taken during the inspection appear in Attachment 13.

I observed one full 180-gallon tote of used oil stored inside the Sand Shed Bay (Photo 1, Attachment 2). The tote was not labeled with the words “Used Oil” as prescribed by 40 CFR §279.22(c)(1). Therefore, I documented the following preliminary finding: **CONAGRA must label containers of used oil with the words “USED OIL” in accordance with 40 CFR §279.22(c)(1) (NOPF No. 1, Attachment 5).** Mr. Swanson printed the words “Used Oil” on the container during this inspection, as shown in Photo 2.

I observed one empty 55-gallon container designated for Used Oil Absorbents and one 55-gallon container containing approximately 10-12 used oil filters stored inside the Sand Shed (Photo 3, Attachment 2).

I observed one closed cardboard container containing approximately 24 spent fluorescent lamps that was labeled as “UW-Lamps” and dated “1/10/22” stored inside the Sand Shed (Photo 4, Attachment 2). A closeup photo of the label affixed to the cardboard container of UW-Lamps pictured in Photo 4 is shown in Photo 5, Attachment 2.

I observed one closed, labeled container of mercury containing devices managed as UW, dated “9/29/21” weighing less than one pound stored inside the Sand Shed (Photo 6, Attachment 2).

I observed one closed 55-gallon container containing fewer than 20 RCRA-empty aerosol cans and one empty 55-gallon container inside the Sand Shed (Photo 7, Attachment 2). A closeup photo of the label affixed to the 55-gallon container of empty aerosol cans is shown in Photo 8, Attachment 2.

I observed one approximate 180-gallon tote containing approximately eight inches of used oil, located in “Area D” on the plant floor. The tote was labeled with the words “Used Oil” as shown in Photo 9, Attachment 2.

I observed a container on the plant floor used to collect spent alkaline batteries, as shown in Photo 10, Attachment 2. I did not count the alkaline batteries contained in the container.

I observed the Mohr testing process being conducted inside the Quality Assurance Laboratory (Photo 11, Attachment2). A closeup photo of the label affixed to the one-gallon container of HW pictured in Photo 11 is shown in Photo 12, Attachment 2.

I observed a HW storage cabinet inside the Quality Assurance Laboratory, shown in Photo 13, Attachment 2. I observed an unidentified substance contained in a glass funnel that was inserted into a 250 ml glass beaker stored inside the HW storage cabinet pictured in Photo 13. The funnel/beaker was open and unlabeled. The unidentified substance filled approximately one-third of the glass funnel. A closeup photo of the unidentified substance contained in laboratory glassware is shown in Photo 14, Attachment 2. I asked Mr. Swanson what was in the container, to which he responded he did not know. I asked Ms. Adams, a laboratory technician working in the Quality Assurance Laboratory, what was contained in the laboratory glassware, to which she responded she “did not know.” Mr. Swanson added that someone normally working in the laboratory was on vacation and likely knew what the unknown substance was. I asked Mr. Swanson and Ms. Adams how long the substance had been in the cabinet, to which they replied that they “did not know.” Therefore, the following NOPF was documented: **CONAGRA must conduct a HW determination on the unknown substance contained in laboratory glassware located inside the HW storage cabinet located inside the Quality Assurance Laboratory in accordance with 40 CFR §262.11 (NOPF No. 2, Attachment 5).**

I observed two containers for broken glassware inside the Quality Assurance Laboratory (Photo15, Attachment 2). Both containers contained less than one pound of waste glassware. Mr. Swanson stated that the glassware identified as “hazardous” would be managed as D007 and D011 characteristic HW and manifested off site for management by Crystal Clean.

I observed one closed, labeled container of waste ink/solvent located inside the Coder Room (Photo 16, Attachment 2). Mr. Swanson stated that the waste ink/solvent was managed as D001 and D035 characteristic HW and F005 listed HW that was picked up and manifested off-site by Crystal Clean.

No other environmental issues or areas of concern were observed during this visual examination.

4.5 Documentation

Prior to this CEI, I reviewed two electronic uniform hazardous waste manifests (UHWM) for HW generated by this facility, spanning the period of June 3, 2021, to present.

While on site, I verified the two most recent shipment UHWMs, Attachments 14 and 15. I did not observe any discrepancies with the shipping documentation/manifests maintained by the facility.

5.0 SUMMARY

The facility was previously inspected as a large quantity generator (LQG) of HW during the CEI

conducted January 30, 1992. The following findings were documented at that time:

40 CFR §262.20(a): Failure to prepare manifests for shipments of hazardous waste.

40 CFR §268.7(a)(1): Failure to include LDR notices with shipments of hazardous waste.

40 CFR §268.7(a)(1)(ii): Failure to include treatment standards on LDR notice.

40 CFR §265.15: Failure to conduct personnel training.

40 CFR §265.52(d): Contingency plan does not include names, addresses, or phone numbers of emergency coordinators.

40 CFR §265.52(e): Contingency plan does not describe the emergency equipment, its locations, or its capabilities.

I documented the following preliminary findings during this CEI:

NOPF No. 1: 40 CFR §279.22(c)(1): Failure to label containers of used oil with the words “USED OIL” (Attachment 5).

NOPF No. 2: 40 CFR §262.11: Conduct a HW determination on substance contained in lab ware left in a hood inside the Quality Laboratory (Attachment 5).

Other than the items specifically noted in this narrative, I observed no additional issues or potential findings. However, further EPA review may change or add to my findings.

HURLEY BRYANT
(Affiliate)

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Date: 7/7/2022

H. D. "Doug" Bryant, CPP, PCI
Civil Investigator, SEE

AMBER WHISNANT

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Amber Whisnant
Chief, RCRA Section, Chemical Branch
Enforcement and Compliance Assurance Division

Attachments:

- 1) Business Cards (1 page)
- 2) Site Map/Diagram (1 page)
- 3) Confidentiality Notice (1 page)
- 4) Receipt of Document and Samples (1 page)
- 5) Notice of Preliminary Findings (1 page)
- 6) Hazardous Waste Site Info Verification Report for Inspector (1 page)
- 7) CONAGRA letter, Subject: Name Change from Pinnacle Foods LLC to ConAgra Foods Packaged Foods, LLC (1 page)
- 8) CONAGRA Waste Determination Form (to include safety data sheet (SDS) for Parts Washer Fluid (9 pages)
- 9) Iowa Department of Natural Resources (IDNR) letter, emailed on February 4, 2022, RE: Final NPDES Permit Amendment for Facility #5600105 (1 page)
- 10) IDNR letter, emailed June 14, 2022, RE: NPDES Final Amended Permit #5600105 (1 page)
- 11) CONAGRA Waste Determination Form (to include SDS's) for Waste From Mohr Method Testing (27 pages)
- 12) CONAGRA Waste Determination Form (to include SDS) for Used & Unused or Off-Spec Coder Ink and Solvent (22 pages)
- 13) Photo log (2 pages) and Photos (16 pages)
- 14) UHWM 006798887GBF, dated 5/19/21 (4 pages)
- 15) UHWM 003492736GBF, dated 10/20/21 (2 pages)