

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

POLARIS INDUSTRIES INC

1900 Highway 71
Spirit Lake, Iowa 51360
712-336-6172

EPA ID Number: IAD048019467

On

August 14, 2023

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 Polaris Industries Inc. (Polaris) at 1900 Highway 71, Spirit Lake, 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, as applicable. This report and its attachments present the results of the CEI.

PARTICIPANTS

Polaris:

Kevin Amesquita, Environmental Health and Safety Supervisor
Jake Larson, Environmental Health and Safety Specialist

Toeroek Team:

Clifford Nelles, Inspector, 816-213-5192
Steve Johnson, Trainee

INSPECTION PROCEDURES

Prior to the CEI at Polaris on August 14, 2023, I conducted a drive-by visual inspection. I did not observe any areas of concern during the drive-by. At approximately 7:50 a.m., I entered the facility, met with the receptionist, and explained the purpose of the CEI. I asked to speak with Mr. Benjamin Evans, who was listed as the RCRA site contact on the Notification Acknowledgment/Verification Report (Verification Report) provided by EPA prior to the inspection (Attachment 1). The receptionist explained that Mr. Evans was no longer the RCRA site contact and contacted Mr. Amesquita by telephone. Messrs. Amesquita and Larson arrived at the reception area approximately 10-20 minutes later. I introduced myself to Messrs. Amesquita and Larson and explained the purpose and scope of the CEI. I also introduced Mr. Johnson and explained he was participating in the CEI as an observer for training purposes. Messrs. Amesquita, Larson, Johnson, and I retired to a conference room in the mezzanine, where I proceeded to conduct an entry briefing with them.

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

A copy of each of the following documents was left with Mr. Amesquita 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
- 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

- Part 279 Requirements: Used Oil Management Standards
- EPA Region 7 Emergency Response Program
- Chemical Facility Anti-Terrorism Standards
- Iowa Environmental Guide for Businesses

I reviewed the Verification Report with Mr. Amesquita (Attachment 1). Based on this review, I changed the Site Contact Information to reflect Mr. Amesquita as the site contact. I made no other changes to the Verification Report.

I conducted a visual inspection of the facility. Messrs. Amesquita, Larson and Johnson accompanied me during the visual inspection. After the visual inspection, I reviewed facility records including hazardous waste manifests with land disposal restriction (LDR) notifications, safety data sheets (SDS), inspection records, and training documentation. I prepared and completed a site-specific inspection checklist to document my observations.

At the conclusion of the CEI, I conducted an exit briefing with Messrs. Amesquita and Larson. During the exit briefing, I provided a Receipt for Documents and Samples, which Mr. Amesquita signed, acknowledging receipt (Attachment 2). I provided Mr. Amesquita the Notice, which he signed indicating no confidential business information had been provided (Attachment 3). I also provided Mr. Amesquita a Notice of Preliminary Findings (NOPF) which he signed to acknowledge receipt (Attachment 4).

Maps of the facility obtained during the CEI are included in Attachment 5, and a Google Earth aerial photograph of the facility is included as Attachment 6. The 36 photographs taken during the CEI are included in Attachment 7, of which 30 are described in this report.

FINDINGS AND OBSERVATIONS

1. Facility Description and General Information

Polaris manufactures Indian motorcycles at the Spirit Lake facility. Polaris paints (powder coat and solvent-based paints) and assembles finished panels of aluminum, steel, and plastic pre-manufactured parts. Polaris has been operating at its current site since 1994. The facility currently employs approximately 500 full time personnel who work one shift (5:00 a.m. to 3:00 p.m.) Monday through Thursday for assembly personnel, and two shifts (6:00 a.m. to 3:00 p.m. and 4:00 p.m. to 12:00 a.m.) Monday through Friday for painting personnel. The Polaris facility consists of a single facility with approximately 470,000 square feet under roof, on approximately 30 acres on the north side of Spirit Lake, Iowa.

Metal and plastic parts are cleaned in a water and detergent bath before painting. Wastewater is piped directly to an on-site wastewater treatment plant (WWTP). The wastewater is considered nonhazardous by the facility based on product and process knowledge. Wastewater is adjusted for pH, flocculated, and settled. Treated wastewater is discharged directly to the sanitary sewer, which discharges to the Iowa Great Lakes Sanitary District publicly owned treatment works (POTW) under a pretreatment agreement. A copy of the cover letter for the National Pollutant

Discharge Elimination System (NPDES) permit for Iowa Great Lakes Sanitary District is included as Attachment 8.

After washing, metal and plastic parts are painted. The facility operates three paint booths—two are auto-spray booths and one is a hand-spray booth. When paint lines are cleaned, solvent is pumped through the line and gun, and the liquid spent solvent is discharged into two-gallon satellite accumulation containers (SAC) in the booth or hard piped to a 55-gallon hazardous waste accumulation container (HWAC) container adjacent to the paint line or in the Lower Level hazardous waste container accumulation area (HWCAA). The spent solvent is identified as line flush. Painting activities also generate paint sludge, debris and absorbents with paint (P&D), aerosol cans, and waste paint stripper. The facility considers painting wastes to be hazardous based on product and process knowledge. Other hazardous wastes generated at the facility include gasoline rags and absorbents, aluminum black ink, detack absorbents, and adhesive loose pack.

Polaris was last inspected by an EPA contractor on April 30, 2018, as a large quantity generator (LQG) of hazardous waste (generating more than 2,200 pounds [1,000 kg] of hazardous waste per month). The inspector made the following preliminary findings:

- Failure to demonstrate the length of time that universal waste has been accumulating
- Failure to keep universal waste lamps in a closed container
- Failure to adequately train personnel in the handling and management of universal waste
- Failure to label a universal waste lamps container with the words “Universal Waste Lamps” or “Waste Lamps” or “Used Lamps”

None of these preliminary findings were repeated during this CEI.

2. RCRA Status

The Verification Report (Attachment 1) indicates that Polaris is registered with EPA, under EPA ID IAD048019467, as a LQG of hazardous waste. I reviewed the 2021 Biennial Report summary provided by the EPA before the inspection (Attachment 9), as well as uniform hazardous waste manifests and a hazardous waste tracking spreadsheet for wastes shipped from 2022 to August 7, 2023. A copy of the hazardous waste tracking spreadsheet for calendar years 2022 and 2023 to date is included in Attachment 10.

The facility generates four primary hazardous waste streams that include debris and absorbents with paint (P&D), line flush, paint sludge and aerosol cans. According to the hazardous waste tracking spreadsheet (Attachment 10, page 3), the facility shipped a total of 219,198 pounds (102,591 kg) of line flush wastes in 2023 to date. Line flush is generated at a relatively consistent rate throughout the year; therefore, I estimated a monthly hazardous waste generation rate of 31,314 pounds (14,234 kg) per month. Based on the generation rate of line flush alone, I concluded that Polaris is currently operating as a LQG of hazardous waste and inspected the facility as such. Based on the quantities of universal waste batteries and lamps accumulated onsite between shipments, I inspected Polaris as a small quantity handler (SQH) of universal waste (accumulating less than 5,000 kg [11,000 pounds] of universal waste onsite at any time). I also inspected the facility as a generator of used oil.

3. Waste Streams

This section of the CEI report describes the 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 facility representatives, the visual inspection, and my review of waste shipping documents. Messrs. Amesquita and Larson accompanied me during the visual inspection.

Line flush is generated by the flushing and cleaning of paint lines and guns. The facility considers line flush to be hazardous waste (D001, D035, and F005) based on product and process knowledge. Copies of the SDS for paints P-266 Solid Black and Delfleet SPU9000 HS Clear, and the methyl ethyl ketone/acetone solvent are included as Attachments 11 through 13. The facility also applies powder coat paints to parts. A copy of the SDS for Jet Black Tex Polyester powder coat paint is in Attachment 14. Excess powder coat is considered nonhazardous waste based on product and process knowledge, and is captured in the booth for disposal.

Line flush is either captured in a two-gallon SAC in the booth and transferred to a 55-gallon HWAC adjacent to the booth, or is hard piped from the automated paint booths to 55-gallon HWACs adjacent to the paint booths or in the Lower Level HWCAA. Based on hazardous waste tracking records (Attachment 10), Polaris generates approximately 31,314 pounds (14,234 kg) of line flush per month. Line flush is shipped to Hydrite Chemical Company (Hydrite) in Cottage Grove, Wisconsin, for solvent recovery.

During the CEI, I observed a 55-gallon container of line flush near the Base 1, Robot 1 paint booth (Attachment 7, Photographs 12 and 13). The facility identified the container as a SAC. However, two-gallon SACs from the two automated paint booths Base 1, Robot 1 and Base 2, Robot 2 are emptied into the 55-gallon line flush container each day. Since the container receives SAC waste from two points of generation and was not at or near the Base 2, Robot 2 point of generation, I inspected the 55-gallon line flush container as a HWAC. The HWAC was structurally sound, labeled with the words "hazardous waste" and an indication of the nature of the hazard, and closed. However, the HWAC was not marked with an accumulation start date, as required by 40 CFR 262.17(a)(5)(i)(C) (**NOF No. 2**)

I asked Mr. Amesquita how long the HWAC had been accumulating waste. He stated that the last pickup from this area was on July 26, 2023. During the CEI, employees of Polaris marked an accumulation start date of July 27, 2023, on the HWAC (Attachment 7, Photograph 32).

During the CEI, I observed one 55-gallon container of line flush and one 55-gallon container of P&D near the Clear 3, Robot 2 booth (Attachment 7, Photograph 19). The facility identified the containers as SACs. However, the 55-gallon container of P&D was full and the adjacent 55-gallon container of line flush container held approximately 20 gallons of waste. Based on discussions with facility personnel, I determined the 55-gallon limit for satellite accumulation was exceeded on August 10, 2023. Since the excess waste was not removed within 3 days, I inspected the area as a HWCAA and the containers as HWACs. The HWACs were structurally sound, labeled with the words "hazardous waste" and an indication of the nature of the hazard, and closed. However, neither container was marked with an accumulation start date, as required

by 40 CFR 262.17(a)(5)(i)(C) (**NOFF No. 2**) (Attachment 7, Photographs 20 and 21). During the CEI, employees of Polaris moved the line flush container to a location away from the P&D container to separate the two satellite accumulation areas (Attachment 7, Photograph 33).

During the CEI, I observed one 55-gallon SAC of line flush in the paint kitchen. The SAC was under control of the operator, at or near the point of generation, labeled with the words “hazardous waste” and an indication of the nature of the hazard, closed, and held approximately 15 gallons of line flush. Due to safety concerns, I was unable to photograph the SAC. However, I noted no deficiencies with this SAC. I provided compliance assistance on the management of SACs and HWACs during the CEI.

I observed two 55-gallon HWACs of line flush at the JL3 Blow Off area HWCAA (Attachment 7, Photographs 25 and 26), and eleven 55-gallon HWACs of line flush at the Lower Level HWCAA (Attachment 7, Photographs 27 through 30). All HWACs of line flush were structurally sound, closed, labeled with the words “hazardous waste” and an indication of the nature of the hazard, and dated. The earliest accumulation start date for these HWACs was July 27, 2023.

Paint sludge is generated from the paint booth waterfalls. A waterfall is used to capture paint overspray in the booths. Wastewater from the waterfalls is fed into the wastewater treatment process. Paint sludge consists of thicker material collected by the waterfall units. The facility also considers waste paint from mixing to be paint sludge. The facility considers paint sludge to be hazardous waste (D001, F003, and F005) based on product and process knowledge, as well as testing. A copy of a Keystone Laboratories Analytical Report for paint sludge, dated August 2, 2023, is included as Attachment 15. Based on hazardous waste tracking records (Attachment 10), Polaris generates approximately 471 pounds (214 kg) of paint sludge per month. Paint sludge is shipped to WRR Environmental in Eau Claire, Wisconsin for solvent recovery.

During the CEI, I observed a 55-gallon SAC of paint sludge from paint mixing in the paint kitchen. The SAC was under control of the operator, at or near the point of generation, labeled with the words “hazardous waste” and an indication of the nature of the hazard, closed, and held approximately 20 gallons of paint sludge. Due to safety concerns, I was unable to photograph the SAC. However, I noted no deficiencies with this SAC.

Aerosol cans are generated by touch up painting and general maintenance. The facility considers waste aerosol cans to be hazardous waste (D001 and D035) based on product and process knowledge. Based on the Biennial Report summary (Attachment 9, page 6), Polaris generates approximately 33 pounds (15 kg) of aerosol cans per month. The waste is accumulated in SACs near the points of generation. Aerosol cans are sent to Tradebe Treatment and Recycling in East Chicago, Indiana, or Clean Earth in Culver City, Kentucky, for bulking and offsite transfer.

During the CEI, I observed one 55-gallon SAC for aerosol cans in the rework area (Attachment 7, Photographs 4 and 5). The SAC was structurally sound, under control of the operator, at or near the point of generation, labeled with the words “hazardous waste” and an indication of the nature of the hazard, closed, and held approximately 15 gallons of aerosol cans.

I also observed one 55-gallon SAC of aerosol cans in the paint kitchen. The SAC was under control of the operator, at or near the point of generation, labeled with the words “hazardous waste” and an indication of the nature of the hazard, closed and held approximately 20 gallons of aerosol cans. Due to safety concerns, I was unable to photograph the SAC. However, I noted no deficiencies with this SAC.

Debris and absorbents with paint (P&D) consists of paint-contaminated debris and absorbents generated during cleaning of paint guns and lines. The facility considers P&D to be hazardous waste (D001, D035, F003, and F005) based on product and process knowledge. Based on the Biennial Report summary (Attachment 9, page 4), Polaris generates approximately 646 pounds (294 kg) of P&D per month. The P&D waste is shipped to Tradebe Treatment and Recycling in East Chicago, Indiana, or Envirite of Illinois in Harvey, Illinois, for bulking and offsite transfer.

During the CEI, I observed a 55-gallon SAC of P&D adjacent to Base1, Robot 1 (Attachment 7, Photographs 14 and 15) and a 55-gallon SAC of P&D at the Clear 1, Robot 1 area (Attachment 7, Photographs 17 and 18). I also observed a 55-gallon SAC of P&D in the paint kitchen, though I was unable to photograph the paint kitchen SAC due to safety concerns. Each SAC held approximately 30 to 35 gallons of waste, and was structurally sound, near the point of generation, under control of the operator, closed, and labeled with the words “hazardous waste.” The SACs were also labeled with the words “flammable liquid.” Since the waste consists of solids, the P&D SACs were not labeled with the correct indication of the nature of the hazard, as required by 40 CFR 262.15(a)(5)(ii) (**NOPF No. 5**). I provided compliance assistance regarding management of SACs and HWACs during the CEI. NOPF No. 5 was not initially left with the facility during the CEI, but was added on August 23, 2023. Mr. Amesquita was notified of its addition by email on August 23, 2023.

I observed eight 55-gallon HWACs of P&D at the Lower Level HWCAA (Attachment 7, Photographs 27 through 30). All HWACs of line flush were structurally sound, closed, labeled with the words “hazardous waste” and an indication of the nature of the hazard, and marked with an accumulation start date. The earliest accumulation start date for these HWACs was June 22, 2023.

Gasoline rags and absorbents (GRA) are generated during the cleanup of gasoline spills. The facility considers GRA hazardous waste (D001 and D018) based on product and process knowledge. The waste is accumulated in a 55-gallon SAC. Based on the Biennial Report summary (Attachment 9, page 4), Polaris generates approximately 17 pounds of GRA per month. The waste is shipped to Tradebe Treatment and Recycling in East Chicago, Indiana, for solvent recovery.

During the CEI, I observed one 55-gallon SAC of GRA at Bay H29 (Attachment 7, Photographs 2 and 3). The SAC was structurally sound, under control of the operator, at or near the point of generation, labeled with the words “hazardous waste” and an indication of the nature of the hazard, closed, and held approximately 10 gallons of waste. I noted no deficiencies with management of GRA during the CEI.

Aluminum black ink is generated by touching up of small marks created during assembly of the front forks in the rework area. The facility considers aluminum black ink hazardous waste (D002) based on product and process knowledge. A copy of the SDS for Aluminum Black is included as Attachment 16. The waste is accumulated in a five gallon SAC. Polaris has not yet shipped aluminum black ink off site for treatment or disposal.

During the CEI, I observed one 5-gallon SAC of aluminum black ink in the rework area (Attachment 7, Photograph 6). The SAC was structurally sound, under control of the operator, at or near the point of generation, labeled with the words “hazardous waste” and an indication of the nature of the hazard, closed, and held approximately two gallons of waste aluminum black ink pens.

Detack absorbents are generated as the tech staff changes out the Cal Floc 3799 chemical tanks for the down draft pool. If any chemical drips out of the hoses, it is cleaned up with absorbent mats and placed in a 55-gallon SAC. The facility considers the detack absorbents to be hazardous waste (D002) by product and process knowledge. A copy of the SDS for Cal Floc 3799NF is included as Attachment 17. Based on the Biennial Report (Attachment 9, page 7), Polaris generates approximately 25 pounds (11 kg) of detack absorbents per month. Detack absorbents are shipped to Tradebe Treatment and Recycling in East Chicago, Indiana, for bulking and offsite transfer.

During the CEI, I observed one 55-gallon SAC of detack absorbents in the WWTP (Attachment 7, Photographs 22 and 23). The SAC was structurally sound, under control of the operator, at or near the point of generation, labeled with the words “hazardous waste” and an indication of the nature of the hazard, and closed. I noted no deficiencies with management of detack absorbents during the CEI.

Adhesive loose pack consists of obsolete material generated in the rework process. The facility considers adhesive loose pack to be hazardous waste (D001, F003, and F005) based on product and process knowledge. A copy of the SDS for 3M High Performance Rubber and Gasket Adhesive 1300 is included as Attachment 18. The waste is accumulated in a 55-gallon SAC in the rework area. Polaris has not shipped adhesive loose pack off site for treatment or disposal in the last 2 years.

During the CEI, I observed one 55-gallon SAC of ALP in the rework area (Attachment 7, Photographs 7 and 8). The SAC was structurally sound, under control of the operator, at or near the point of generation, labeled with the words “hazardous waste” and an indication of the nature of the hazard, closed, and held approximately 20 gallons of waste. I noted no deficiencies with management of adhesive loose pack during the CEI.

Used oil is generated during maintenance of facility equipment (primarily compressors and hydraulic equipment). The facility manages used oil according to requirements of 40 CFR Part 279. Mr. Amesquita said that used oil is collected approximately once a year, and estimated the facility generates between 55 to 110 gallons of used oil per year. Used oil is collected by Tradebe Treatment and Recycling in East Chicago, Indiana, for recycling.

During the CEI, I observed one 55-gallon used oil storage container in the compressor room (Attachment 7, Photograph 9). The container was in good condition with no apparent leaks or damage, held approximately 30 gallons of used oil, and was labeled with the words “used oil.”

Used oil filters are generated during the maintenance of equipment. The facility manages used oil filters as used oil according to requirements of 40 CFR Part 279. Mr. Amesquita estimated the facility generates five used oil filters per month. Used oil filters are collected by Tradebe Treatment and Recycling in East Chicago, Indiana, for recycling.

During the CEI I observed one 55-gallon used oil storage container holding used oil filters in the compressor room (Attachment 7, Photograph 10). The container was in good condition with no apparent leaks or damage, and held approximately 20 used oil filters. However, the container was not labeled with the words “used oil,” as required by 40 CFR 279.22(c)(1) (**NOPF No. 1**). I provided compliance assistance regarding management of used oil filters during the CEI.

Waste paint stripper (WPS) is generated during removal of cured powder paint from metal parts prior to repainting. The facility considers WPS to be hazardous waste (D002) based on product and process knowledge. A copy of the SDS for Corstrip SP 440-032 Paint Stripper included as Attachment 19. Based on the Biennial Report (Attachment 9, page 6), the facility generates approximately 895 pounds (407 kg) of WPS per month. The waste is shipped to Tradebe Treatment and Recycling in East Chicago, Indiana, for bulking and offsite shipment. I did not observe WPS in accumulation during the CEI.

Waste batteries are generated by maintenance replacing spent batteries. Waste batteries are primarily alkaline and lithium-ion batteries; however, other batteries such as nickel-cadmium batteries are occasionally generated. The facility manages all waste batteries as universal waste batteries according to requirements of 40 CFR Part 273. Waste batteries are accumulated in five gallon universal waste accumulation containers in the maintenance shop. Polaris generates less than one gallon of waste batteries per month. Waste batteries are collected by Retrofit Recycling in Owatonna, Minnesota, for recycling.

During the CEI, I observed one 5-gallon container of universal waste batteries in the maintenance shop (Attachment 7, Photograph 34). The container was labeled with the words “universal waste batteries,” dated June 23, 2023, and held approximately one gallon of waste batteries. I noted no deficiencies with management of waste batteries during the CEI.

Waste lamps are generated by maintenance replacing spent lamps. The facility manages waste lamps as universal waste lamps according to requirements of 40 CFR Part 273. Waste lamps are accumulated in fiberboard containers in the maintenance shop. Polaris generates approximately 20 waste lamps per month. Waste lamps are shipped to Veolia Environmental for recycling.

During the CEI, I observed two 4-foot waste fluorescent lamps containers and one container of waste high intensity discharge (HID) lamps in the maintenance shop (Attachment 7, Photograph 35). The 4-foot waste lamps accumulation containers were structurally sound, closed, labeled with the words “universal waste lamps,” and dated July 23, 2023, and August 4, 2023. The waste HID lamps container was structurally sound, closed, labeled with the words

“universal waste lamps,” and dated August 30, 2022. I noted no deficiencies with management of waste lamps.

General trash is generated during facility maintenance and manufacturing. The facility has determined that general trash is nonhazardous waste based on product and process knowledge. General trash includes, but is not limited to, floor sweepings, paper, and cardboard packaging. General trash is collected by Waste Management and transported to the Dickinson County landfill. During the CEI, I observed accumulation of general trash and noted no deficiencies.

4. Required Response Equipment and Hazard Management

Per 40 CFR 262.17(a)(6) referencing 262.251, a LQG 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 such as mats, absorbent materials, shovels, and brooms, as well as the presence and availability of fire extinguishers. I determined that the spill and fire response equipment was adequate for the hazardous wastes generated and accumulated at the facility.

5. Container Accumulation Areas

Polaris maintains four HWCAAs, (Base 1 Robot 1, Clear 3 Robot 1, JL3 Blow off, and Lower level). I asked Mr. Larson if the HWCAAs were inspected. He stated that he conducts a weekly inspection of all HWCAAs and SACs. I asked Mr. Larson if he maintains an inspection log. He stated that an inspection log is maintained. During the records review, I viewed the inspection log for the last three years and noted no missed inspections. A copy of the inspection log and example inspection form for 2023 is included in Attachment 20. I asked Mr. Larson how someone would summon emergency assistance. He stated that each person who handles hazardous waste carries a two-way radio. During the CEI, I observed adequate aisle space for inspection and emergency response at each HWCAA.

6. Manifests

Polaris generated 138 uniform hazardous waste manifests from August 14, 2020, to August 14, 2023. During the CEI, I reviewed six uniform hazardous waste manifests and LDR notifications from 2020, six from 2021, six from 2022, and six from 2023. I noted no deficiencies during my review of uniform hazardous waste manifests and LDR notifications. Copies of the uniform hazardous waste manifests for the last two off-site shipments of hazardous waste, dated July 3, 2023, and July 17, 2023, are included in Attachment 21.

7. Preparedness and Prevention

LQG facilities are required by 40 CFR 262.17(a)(6) to meet the emergency preparedness, prevention, and procedures requirements including documented arrangements with response agencies. According to Mr. Amesquita, Polaris is the subject of a regular inspection by the Spirit Lake Fire Department hazardous materials team. He explained the fire department is shown the layout of the facility, the location of the hazardous waste HWCAAs, and other facility features during inspections.

The RCRA contingency plan was last updated in April 2022. Mr. Amesquita is listed as the Emergency Coordinator. A copy of the list of Emergency Coordinators is included as Attachment 22. During the records review, I noted that Mr. Evans was listed as the alternate emergency coordinator. Upon initial entry at the facility, the receptionist stated that Mr. Evans was no longer employed at Polaris. I asked Mr. Amesquita when Mr. Evans left the facility. He stated that Mr. Evans left the facility on January 6, 2023. I determined the facility failed to amend the contingency plan when the list of emergency coordinators changed, as required by 40 CFR 262.17(a)(6) referencing 262.263(d) (**NOPF No. 4**).

I reviewed the contingency plan against the content requirements of 40 CFR 262.261. I noted the contingency plan included a description of actions needed to respond to fires, explosions, and spills, a description of arrangements with the local emergency agencies, a list of emergency response equipment (including capabilities and location), and a complete evacuation plan with a description of the signals used, as required by 40 CFR 262.17(a)(6) referencing 262.261(a, c, e, and f).

I asked Mr. Amesquita if Polaris prepared a Quick Reference Guide. He stated that the facility prepared a Quick Reference Guide. A copy of the Quick Reference Guide, which was last updated in April 2022, is included as Attachment 23. The Quick Reference Guide contains all of the required elements except the emergency coordinator list was not updated or resubmitted when Mr. Evans left the facility in January 2023, as required by 40 CFR 262.17(a)(6) referencing 262.262(c) (**NOPF No. 6**). NOPF No. 6 was not left with the facility but was added on August 24, 2023. Messrs. Amesquita and Larson were notified by email on August 24, 2023.

During the CEI, I provided compliance assistance regarding content of the contingency plan and Quick Reference Guide.

8. Personnel Training Requirements

Personnel training is required by LQG regulations specified in 40 CFR 262.17(a)(i)(A) to ensure that employees are thoroughly familiar with proper waste handling procedures relevant to their responsibilities. I reviewed the training records for Messrs. Amesquita, Larson, and Mr. Michael Key (who signs manifests) for the last three years and noted no deficiencies. Training records for these personnel are included in Attachment 24. Mr. Larson has only been on the job for three months. I reviewed the written job description and training requirements for the Environmental Specialist position. The written job description for the Environmental Specialist position is included as Attachment 25.

9. Air Emissions: 40 CFR Part 265 Subparts AA, BB, CC

EPA regulations in 40 CFR Part 265, Subparts AA, BB, and CC apply to LQGs. If a LQG manages hazardous waste with an organic concentration greater than 10 parts per million by weight (ppmw), the standards specified in Subpart AA apply to hazardous waste air emissions from certain process vents. A process vent used in distillation, fractionation, solvent extraction, thin-film evaporation, air stripping, or steam stripping is regulated by Subpart AA. Polaris is not subject to the Subpart AA regulations because the facility does not have any of the process vents listed above.

If a LQG has equipment that contains or contacts hazardous waste composed of 10 percent or greater organics by weight, the facility is subject to Subpart BB standards for inspection and monitoring of the equipment. Polaris is not subject to the Subpart BB regulations because it does not have equipment that contains or comes in contact with hazardous waste.

The standards found in Subpart CC apply to LQGs that manage hazardous waste in containers with organic compounds (VOC) concentration that exceeds 500 ppmw. The Subpart CC standards are applicable because the facility accumulates hazardous waste that contains VOCs in 55-gallon hazardous waste accumulation containers. During the CEI, I determined that Polaris meets the Subpart CC requirements for containers by using Container Level 1 controls (hazardous waste accumulation containers smaller than 122 gallons that are Department of Transportation [DOT]-approved). I noted no concerns with management of hazardous waste per the Subpart CC air emissions requirements.

10. Summary of Preliminary Findings

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

- Failure to label a used oil filters container with the words used oil, as required by 40 CFR 279.22(c)(1) (**NOPF No. 1**)
- Failure to mark an accumulation start date on a hazardous waste accumulation container, as required by 40 CFR 262.17(a)(5)(i)(C) (**NOPF No. 2**)
- Failure to label 11 flammable waste solid HWACs with an indication of the nature of the hazard, as required by 40 CFR 262.17((a)(5)(i)(B) (**NOPF No.3**)
- Failure to amend contingency plan when emergency coordinators changed, as required by 40 CFR 262.17(a)(6)—262.263(d) (**NOPF No.4**)
- Failure to label two satellite accumulation containers with an indication of the nature of the hazard, as required by 40 CFR262.15(a)(5)(ii) (**NOPF No.5**)
- Failure to update or resubmit the Quick Reference Guide to emergency agencies when needed, as required by 40 CFR 262.17(a)(6)—262.262(c) (**NOPF No. 6**)

NOPFs #5 and 6 were not initially left with the facility but were added on August 23, 2023 and August 24, 2023, respectively.

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: 2023.10.04
11:40:50 -05'00'

Date: _____

Clifford A. Nelles, Inspector
CLAENE Group

Whisnant,
Amber

Digitally signed by
Whisnant, Amber
Date: 2023.10.13
15:24:48 -05'00'

Date: _____

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

Attachments:

1. Notification/Acknowledgement Verification Report (2 pages)
2. Receipt for Documents and Samples (1 page)
3. Confidentiality Notice (1 page)
4. Notice of Preliminary Findings (1 page)
5. Site Map (1 page)
6. Google Earth Aerial Photograph (1 page)
7. Photographic Documentation (Photolog and 36 Photographs) (23 pages)
8. Copy of NPDES Permit Cover (1 page)
9. Copy of 2021 Biennial Report Summary (8 pages)
10. Copy of Hazardous Waste Spreadsheet (3 pages)
11. Copy of SDS for P-266 Solid Black (17 pages)
12. Copy of SDS for Delfleet SPU9000 HS Clear (15 pages)
13. Copy of SDS for MEK/Acetone (12 pages)
14. Copy of SDS for Jet Black Tex Polyester (14 pages)
15. Copy of Analytical Results for Paint Sludge (1 page)
16. Copy of SDS for Aluminum Black (6 pages)
17. Copy of SDS for Cal Flocc 3799NF (5 pages)
18. Copy of SDS for 3M High Performance Rubber and Gasket Adhesive 1300 (15 pages)
19. Copy of SDS for Corstrip SP 440-032 Paint Stripper (9 pages)
20. Copy of Inspection Log (3 pages)
21. Copy of Manifests for Shipments on July 3, 2023, and July 17, 2023 (5 pages)
22. Copy of Contingency Plan Emergency Coordinators (1 page)
23. Copy of Quick Reference Guide (7 pages)
24. Copy of Training Records for Kevin Amesquita, Jake Larson, and Michael Key (4 pages)
25. Copy of Job Description for Environmental Specialist (1 page)