

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

**LOPAREX LLC
2000 Industrial Avenue
Iowa City, IA 52240
(319) 341-5000**

EPA ID Number: IAD050691617

On

October 26, 2021

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 LOPAREX LLC (LOPAREX) located in Iowa City, Iowa, on October 26, 2021. The CEI was conducted under the authority of Section 3007(a) of RCRA, as amended. The facility was previously inspected for RCRA compliance July 14-15, 2014. During the CEI, I collected the information and data necessary to determine compliance with the applicable regulatory and statutory requirements. LOPAREX is currently operating as a large quantity generator (LQG) of hazardous waste (HW), a small quantity handler (SQH) of universal waste (UW), and a generator of used oil. The inspection report and attachments present the results of the CEI.

2.0 PARTICIPANTS

LOPAREX:

David Behr, Site Director, approximately two years in this position.

Bill Fahey, Technical Manager, approximately 13 years with the company.

Chad Stonebraker, Environmental, Health and Safety (EHS) Manager, approximately 10 weeks with the company.

Mark Hayes, Inventory Control Coordinator, approximately seven years with the company.

Brandon Poe, Maintenance Supervisor, approximately one year in this position and approximately four and one-half years with the company.

Crystal Dyer, Human Resources (HR) Manager, approximately one year with the company.

Lance Plagge, Engineering and Maintenance Manager, approximately two months with the company at this location and approximately 12 years with the company at a facility located in North Carolina.

Doug Trentz, Quality Engineer, approximately 25 years with the company.

U.S. Environmental Protection Agency (EPA):

H. D. “Doug” Bryant, CPP, PCI, Civil Investigator, NOWCC/SEE, ECAD/Chemical Branch/RCRA Section (Lead Inspector)

Trevor Urban, Environmental Scientist, ECAD/Chemical Branch/RCRA Section (Credentialed Observer).

3.0 INSPECTION PROCEDURES

Due to the COVID-19 pandemic, I contacted the facility via telephone October 15, 2021, prior to the intended onsite inspection. The purpose of the initial contact was to identify the appropriate facility representative, ensure the representative would be available during the CEI, and to discuss protocols, procedures, and other requirements adopted by the facility to mitigate the spread of COVID-19.

Prior to beginning the inspection, I conducted a visual reconnaissance of LOPAREX on October 25, 2021, searching for areas of concern observable from the adjacent roadway. I identified no obvious environmental issues or concerns during this preliminary examination.

Mr. Urban and I arrived at LOPAREX at approximately 0900 hours, October 26, 2021. We were met at the entrance by a receptionist. We signed a visitor log and were met at the entrance area by Mr. Mark Hayes, identified as the site contact. Trevor Urban presented his EPA credentials, and I explained the purpose and procedures of the inspection. We proceeded to a conference room that was used throughout the CEI. 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.

The entry briefing commenced in the conference room with Messrs. Behr, Fahey, Stonebraker, and Hayes. We provided the attendees our business cards; some of the LOPAREX personnel did not have business cards to exchange (Attachment 1). Mr. Behr participated in introductions during the entry briefing. Messrs. Fahey, Stonebraker, and Hayes participated in the entry and exit briefings; Messrs. Hayes and Stonebraker participated throughout the CEI. Ms. Dyer and Messrs. Poe, Plagge, and Trentz participated in portions of the CEI. Mr. Fahey represented LOPAREX during the exit briefing.

Following introductions, I presented Messrs. Behr, Fahey, Stonebraker and Hayes with a copy of RCRA section 3007(a), which provides 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. 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. Fahey acted as the official facility representative during the inspection.

I obtained a layout diagram of the facility during the entry briefing (Attachment 2). I annotated this diagram while conducting a visual inspection of the facility.

Document photocopies and 17 photographs were collected as inspection documentation (Attachments 1-37). Information collected during the CEI was recorded on a checklist and in field notes which are referenced in the report. 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. Fahey, Stonebraker, and Hayes. I provided Mr. Fahey a *Confidentiality Notice*, which he signed, indicating no confidentiality claims were made by the facility (see Attachment 3). I provided Mr. Fahey a *Receipt of Documents and Samples* and a *Notice of Preliminary Findings* (NOPF), which he signed acknowledging receipt (see Attachments 4 and 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 (NOPF) (EPA Handout)
Instructions for Responding to a Notice of Preliminary Findings (NOPF) (EPA Handout, Reverse of NOPF)
U.S. EPA Small Business Resource Information Sheet (EPA Handout)
Solvent-Contaminated Wipes Final Rule Chart (EPA Handout)
Recycling Electronics (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)
Security Awareness (EPA Handout)
Chemical Facility Anti-Terrorism Standards (Homeland Security Handout)
Instructions for Responding to a Notice of Preliminary Finding (NOPF) (EPA Handout)
Managing Your Hazardous Waste: A Guide for Small Business (EPA Handout)

4.0 FINDINGS AND OBSERVATIONS

4.1 Facility Information and Operations

LOPAREX coats paper with polyethylene and silicone to manufacture release paper. Polyethylene coatings are applied to the paper stock for stability and heat resistance. Silicone coatings can be applied over the polyethylene coating or directly onto the paper stock. After the coatings are applied to the paper stock, they are heat cured. The release paper stock is then trimmed to the customer specifications and rolled for delivery. LOPAREX markets its release paper to manufacturers of pressure sensitive items (e.g., laser labels, peel-off decals, etc.). Mr. Hayes explained that the customers apply the adhesive and label stock to the release paper. Some of the products have printing applied to the release paper. The facility has been operating at its current location since 1969, originally under the name H.P. Smith Paper Company. Subsequent facility operators included Release International and Rexam Release, until LOPAREX assumed operational control in 2000.

Several production lines are located throughout the facility (Attachment 2), some of which were inactive at the time of this inspection. The production lines identified by Mr. Fahey were: #3 (Inactive-Decommissioned); #'s 14 and 16 (solvent-based applications); #'s 15 and 8 (water-based applications); and #'s 17, 18, and 22 (solvent-based applications) which were not running at the time of this inspection. The solvent-based production lines apply a mixture of heptane, toluene, xylene, and silicone in a variety of customer specified concentrations. According to Mr. Fahey, the facility uses a variety of solvent/silicone mixture formulae. The major HW stream generated by LOPAREX is a liquid mixed solvent waste, which is collected in 55-gallon satellite accumulation area (SAA) containers located at each of the solvent-based production lines, when in operation. The other major HW stream is solid mixed solvent waste, which includes materials that have come into contact with the liquid mixed solvent waste. The solid mixed solvent waste is also accumulated in 55-gallon SAA containers located at each of the solvent-based production lines, when in operation. Each of the solvent-based production lines has a mix room where the heptane, toluene, xylene, and silicone are combined into a useable product. The production lines also have coating rooms where the solvent/silicone mixture is applied to rolled paper. The water-based production lines use a different product that is applied to the paper. The waste from these production lines has been determined to be non-RCRA hazardous by virtue of product and process knowledge.

LOPAREX occupies a rectangular shaped building with approximately 285,000 under roof, located in an industrial area on the southwest end of Iowa City, Iowa. The North American Industry Classification System (NAICS) code for this facility is 322220 (Paper Bag and Coated and Treated Paper Manufacturing).

4.2 RCRA Status

LOPAREX was previously inspected for RCRA compliance July 14-15, 2014. Findings documented during that inspection are described in section 5.0 Summary section of this report. The facility notified the EPA on March 3, 2020, that it is a large quantity generator (LQG) of D001, D003, D035 characteristic and F003 and F005 listed HW (Attachment 6). The facility routinely generates between 30-40 55-gallon drums of liquid ignitable waste managed as D001 characteristic and F003 and 005 listed HW and between four to six 55-gallon drums of solid absorbent wipes managed as D001 characteristic and F003 and F005 listed HW weekly. The facility has converted lighting to light emitting diode (LED) fixtures throughout the administrative office and plant operations areas. The facility still uses fluorescent lighting fixtures for spot lighting and generates spent fluorescent lamps, managed as universal waste (UW). LOPAREX also manages spent batteries as UW, therefore I inspected LOPAREX as a LQG of HW, a SQHUW and a generator of used oil.

4.3 Facility Waste Streams and Management

LOPAREX has contracted Tradebe Environmental Services (Tradebe), 1433 E. 83rd Avenue, Merrillville, Indiana to manage the disposition of HW generated by the facility. The designated facilities receiving HW are Tradebe Treatment and Recycling (Tradebe-Indiana) (IND000646943), 4343 Kennedy Avenue, East Chicago, Indiana and Tradebe Treatment and Recycling of Wisconsin (Tradebe-Wisconsin) (WID988580056), 5611 W. Hemlock Street, Milwaukee, Wisconsin.

The following waste streams are managed by LOPAREX:

Ignitable Solvents: Shipping Description UN1993, Waste Flammable Liquids (toluene, xylene), generated from coating paper and film, Profile #1000271058 (Attachment 7). LOPAREX manages this waste stream as D001 Characteristic and F003, and F005 listed HW, based upon product and process knowledge. Mr. Hayes stated that LOPAREX generates between 80-100 pounds of this waste stream weekly. This waste stream is combined with the ignitable solvents and silicone coating waste stream described below. The combined waste stream is manifested off-site by Tradebe and transported to Tradebe-Indiana or Tradebe-Wisconsin for fuel blending. The primary constituent of this waste stream is WS 9100 (Attachment 8). Mr. Hayes added that small amounts of methyl ethyl ketone (MEK) (Attachment 9) are added to the coating formula used for Production line #22 and are included in this waste stream.

Ignitable Solvents and Silicone Coating: Shipping Description UN1993, Waste Flammable Liquids (toluene, xylene), generated from coating paper and film, Profile #1000271059 (Attachment 10). LOPAREX manages this waste stream as D001 Characteristic and F003, and F005 listed HW, based upon product and process knowledge. Mr. Hayes stated that LOPAREX generates approximately 9,600 pounds of this waste stream weekly. This waste stream is combined with the ignitable solvents

waste stream described above. These HW streams are collected in 55-gallon satellite accumulation area (SAA) drums located at each of the operating production lines. The combined waste stream is manifested off-site as D001 characteristic and F003 and F005 listed HW by Tradebe and transported to Tradebe-Indiana or Tradebe-Wisconsin for fuel blending. The primary constituent of this waste stream mixture is WS 9100 (Attachment 8).

Solid Absorbent and Rags with Xylene: Shipping Description UN3175 Waste Solids Containing Flammable Liquids (xylene, toluene), generated as waste absorbents of the liquid HW streams described above, Profile #1000271278 (Attachment 11). LOPAREX manages this waste stream as D001 Characteristic and F003, and F005 listed HW, based upon product and process knowledge. Mr. Hayes stated that LOPAREX generates between 900-1,050 pounds of this waste stream weekly. This waste stream is collected in 55-gallon SAA container at each of the operating production lines. This waste stream is manifested off-site as D001 characteristic and F003 and F005 listed HW by Tradebe and transported to Tradebe-Indiana or Tradebe-Wisconsin for fuel blending. The primary constituent of this waste stream mixture is WS 9100 (Attachment 8).

Water Based Acrylic Ink Loose pack: Shipping Description Non-DOT/Non-RCRA Regulated Material, generated as old/expired acrylic ink product, Profile #LOPIA901 (Attachment 12). This waste stream is collected in five-gallon containers and transferred to one 55-gallon drum that is picked up and manifested off-site by Tradebe, managed as non-regulated, non-RCRA waste. Mr. Hayes stated that LOPAREX generates one 55-gallon drum of old/expired water based acrylic ink product annually.

MICA A-131-X Water Based Resin Compound: Shipping Description Non-DOT/ Non-Regulated Material, generated by disposing expired/old product, Profile #LOPAR902 (Attachment 13). This waste stream is consolidated into one 55-gallon drum that is picked up and manifested off-site by Tradebe, managed as non-regulated, non-RCRA waste. Mr. Hayes stated that LOPAREX generates one 55-gallon drum of old/expired product annually.

Waste Sonic Cleaner Solution: LOPAREX removes silicone from the surface of the application rollers used during production. The application rollers are placed in a large cleaning vat described in section 4.4 Visual Inspection of Facility Waste Stream Management below. The solution used in the sonic cleaner is water-diluted DURL-STRIP 606, a powdered alkaline cleaning product (Attachment 14). Mr. Fahey explained that a special operating procedure (SOP) has been developed to ensure that the waste sonic cleaner solution is neutralized inside the cleaning unit prior to discharge to the sewer leading to the publicly owned treatment works (POTW). A copy of the LOPAREX SOP entitled “Changing Sonic Solution” is attached (Attachment 15). It is estimated that approximately 130 gallons of neutralized waste sonic cleaning solution is discharged to the sanitary sewer to the Iowa City Wastewater Treatment facility every

two months. Mr. Stonebraker provided correspondence documenting process wastewater discharge POTW provisions at Attachment 15.

Aqueous Product Production Waste: Production lines #15 and #8 use an aqueous solvent/silicone mixture to coat paper instead of the HW solvent mixture previously discussed. The product used at these production lines is Lupasol® PS, described in Attachment 16. Mr. Hayes stated that waste generated at these production lines is non-RCRA hazardous, based upon product and process knowledge. Mr. Hayes added that generation rates vary, based upon episodic production runs. The waste generated is disposed in the general trash, discussed below. During preparation of this report, I was able to review Attachment 16 in greater detail. The product specification states that the composition of this product is a Trade Secret. I reached out to Mr. Hayes, asking how LOPAREX was able to make a HW determination that the waste stream containing this product is non-RCRA hazardous (Attachment 37). Mr. Hayes responded to my e-mail and provided the following additional documentation (Attachments 40, 41, and 42).

General Trash: LOPAREX generates approximately 20 cubic yards of general trash weekly. The general trash includes office waste, lunchroom waste, and paper waste from the production areas. The general trash has been determined to be non-RCRA hazardous by virtue of product and process knowledge. The general trash is picked up and transported off-site weekly by ABC Disposal Systems, Inc. (ABC), of Hiawatha, Iowa. The general trash is transported by ABC to the Iowa City Landfill and Recycling Center (ICLRC), 3900 Hebl Avenue SW, Iowa City, Iowa, for disposal.

Spent Fluorescent Lamps: Mr. Hayes stated that LOPAREX converted conventional fluorescent lighting in the administrative offices and production area approximately five years ago. He added that fluorescent lamps were still used for spot lighting in the production area. He stated that LOPAREX generates fewer than five spent eight- and four-foot fluorescent lamps annually and manages the spent lamps as UW. The UW is picked up and transported off-site by ATEC Recycling (ATEC) of Pleasant Hill, Iowa, for recycling. Documentation of the most recent pick-up of UW is attached (Attachment 17).

Waste Alkaline, NiCad, and Lithium Batteries: Mr. Hayes stated that LOPAREX generates less than one five-gallon container each of waste alkaline, NiCad, and lithium batteries annually. He added that the waste batteries are managed as UW and are picked up and transported off-site by ATEC for recycling.

Waste Cardboard: Mr. Hayes stated that LOPAREX generates between three to six cubic yards of non-RCRA hazardous waste cardboard weekly. The waste cardboard is collected in a roll-off container designated for cardboard recycling. The waste cardboard is picked up by Quincy Recycle of Cedar Rapids, Iowa, for recycling.

Waste Plastic: Mr. Hayes stated that LOPAREX generates approximately three

cubic yards of non-RCRA hazardous waste plastic sheeting every two weeks. The waste plastic sheeting is collected in a roll-off container designated for plastic recycling. The waste plastic is picked up by Quincy Recycle of Cedar Rapids, Iowa, for recycling.

Waste Plastic Pellets: Mr. Hayes stated that LOPAREX generates approximately three cubic yards of non-RCRA hazardous waste plastic pellets every two weeks. The waste plastic pellets are generated at Production Runs #8 and 15 and involve aqueous product production waste. The waste plastic pellets are collected in a roll-off container designated for plastic pellet recycling. The waste plastic pellets are picked up by Convergent Energy, 600 Liberty Street, Green Bay, Wisconsin, for recycling.

Miscellaneous Recycling: Mr. Hayes explained that LOPAREX collects light plastic and aluminum cans for recycling. The recycled materials are collected in containers throughout the facility. The recycled materials are transported to the recycling roll-off container located outside the facility, where they are picked up by ABC and transported off-site to the ICLRC for recycling. Mr. Hayes stated that the light plastic and aluminum cans has been determined to be non-RCRA hazardous by virtue of product and process knowledge.

Waste White Office Paper: Mr. Hayes stated that LOPAREX uses the services of Green America of Buffalo, Iowa, to recycle white business paper. He did not know the rate of generation of waste white office paper, but estimated that one cardboard container, approximately three feet squared, was generated by LOPAREX every three months. He added that the waste white office paper has been determined to be non-RCRA hazardous by virtue of product and process knowledge.

Used Oil: Mr. Hayes stated that LOPAREX generates approximately 550 gallons of used oil annually, primarily generated during fork truck preventive maintenance activities. The used oil is collected in one of two 320-gallon totes. The used oil is picked up and transported off-site by Ottsen Oil (Ottsen), 1041 10th Street SW, Cedar Rapids, Iowa, for recycling.

Used Oil Filters: Mr. Hayes stated that LOPAREX generates between five to ten used oil filters annually. The used oil filters are generated during fork truck maintenance activities and are collected in a 55-gallon drum. The use oil filters are picked up and transported off-site by Ottsen for recycling.

Used Oil Absorbents: Mr. Hayes stated that LOPAREX generates approximately one 55-gallon drum of used oil absorbents annually. The used oil absorbents are picked up and transported off-site by Ottsen for recycling.

Waste Aerosol Cans: Mr. Stonebraker stated that LOPAREX generates approximately 40 waste aerosol cans monthly. The waste aerosol cans contain various products that are potentially HW, e.g., spray paint and brake cleaner. The RCRA-empty waste aerosol cans are punctured using an aerosol can puncture unit affixed to the top of a 55-gallon drum. The waste aerosol cans are managed as scrap metal and the fluid drained

from the waste aerosol cans is managed as D001 characteristic HW.

4.4 Visual Inspection of Facility Waste Stream Management

A visual inspection of the facility was conducted to observe waste stream management practices and document regulatory compliance. Photographs and field notes were used to document observations made during the visual inspection. A Photo Log was created describing photos taken during the visual inspection of the facility (Attachment 18). The facility layout diagram (Attachment 2) was annotated to identify the location of photos taken during the visual inspection.

LOPAREX generates liquid and solid HW at each of the production lines using a solvent mixture to coat paper, as described in Section 4.1 Facility Information and Operations above. Production lines #14 and #16 were in operation at the time of this CEI. Each of these production lines had an active mix room, coating room, and two 55-gallon drums identified as HW SAA containers for liquid HW and solid HW respectively. According to Mr. Hayes, HW generation rates vary, depending upon production; however, each HW SAA is filled within two days. He added that the solid and liquid HW containers could be filled daily and sometimes twice a day during particularly active production cycles. Once a HW SAA container is filled, production line operators move the 55-gallon drum containing HW to the hazardous waste central accumulation area (HWCAA). Full containers are typically moved within one day of being filled. Mr. Hayes added that the facility frequently considers a 2/3 or 3/4 full SAA container to be full, since it is easier to use a new SAA than to add a small volume of HW to a 55-gallon drum during a waste transfer. Based upon the number of 55-gallon drums observed in the HWCAA, it appears that 55-gallon drums of HW are moved from the production lines to the HWCAA at the end of every shift.

According to Mr. Hayes, it is the facility's practice to mark the date the SAA container began accumulating waste. For the liquid mixed solvent waste, the date and solvent name is added to the SAA container label by the Primary Operator or Production Associate the first-time waste is placed into the container. When the SAA container is transferred to the HWCAA, the facility considers the earliest date marked on the HW SAA to be the waste container accumulation start date (i.e., the accumulation start date is NOT changed when the HW SAA container is moved to the HWCAA). After moving the HW SAA container to the HWCAA, the Primary Operator or Production Associate labels a new, empty 55-gallon drum and moves the new empty 55-gallon drum back to the production line, where it is dated and designated as a HW SAA. Employees involved in managing HW containers include the Inventory Control Coordinator, Shipper/Receiver personnel, Production Associate personnel, and Primary Operators.

During my visual inspection of the facility, I observed a total of four open 55-gallon drums designated as HW SAA containers; one open HW SAA of liquid mixed solvent and one open HW SAA of HW solids were located at both Production Line #'s 14 and 16 respectively.

I observed an open 55-gallon drum containing liquid HW as shown in Photos 1 and 2 and Attachment 2, at both production lines. In each instance, the drum was approximately one-third full, the bung portal to the drum was open and the plastic stopper designed to close the container and prevent volatilization of the drum's contents was located on the top of the drum (Photo 1 and Attachment 2). I noted this finding and facility personnel closed each of the 55-gallon drums during this inspection, as shown in Photo 3 and Attachment 2.

I observed an unlatched (open) 55-gallon drum, approximately one-half full, containing solid HW as shown in Photo 4 and Attachment 2 at both production lines. In each instance, the latch designed to close the lids affixed to the 55-gallon drums was unlatched. I noted this finding and facility personnel closed each of the 55-gallon drums during this inspection as shown in Photo 5 and Attachment 2.

Based upon my observation of the two open HW SAA containers located at Production Lines #14 and #16, the following preliminary finding was documented: **Failure to keep SAA HW containers closed except when adding HW at production lines #14 and #16 (two HW SAA containers at each run consisting of one open liquid HW 55-gallon drum and one unlatched solid HW 55-gallon drum), a total of four open SAA containers) is inconsistent with the provisions of 40 CFR § 262.15(a)(4) (NOPF #4).** All of the HW SAA containers were closed by LOPAREX personnel during this CEI, as documented in Photos 3 and 5 and previously discussed.

I observed a roll-away bin used to collect waste plastic-coated paper for recycling as shown in Photo 6 and Attachment 2. Mr. Hayes explained that the waste plastic-coated paper is compacted (Photo 7 and Attachment 2) and staged for pick up and recycling.

I observed UW batteries stored in the Maintenance area. The UW containers of batteries were closed, labeled, and dated (Photo 8 and Attachment 2). I observed an aerosol can puncture unit located in the Maintenance Area (Photo 9 and Attachment 2). The 55-gallon drum containing HW generated by puncturing the aerosol cans was closed, labeled Hazardous Waste, bore a pictogram identifying the nature of the HW, and dated appropriately. I observed one aerosol product can in the Maintenance Area that was typically punctured using the unit (Photo 10 and Attachment 2). I observed cardboard containers intended to store UW lamps, staged inside the Maintenance Area (Photo 11 and Attachment 2). Mr. Hayes stated that the cardboard containers were empty, since no spent fluorescent lamps had been generated since the last pick-up of UW lamps by ATEC.

I observed the sonic cleaner used to clean application rollers (Photo 12 and Attachment 2). Mr. Fahey explained that the cleaning solution used in the sonic cleaner was neutralized to a pH 9 in the wash tank. The neutralized solution was discharged from the sonic cleaner to a floor sump (Photo 13 and Attachment 2) and the sewer leading to

the POTW as pictured in Photo 14 and Attachment 2. Mr. Stonebreaker stated that this process wastewater was coordinated with the Iowa City publicly owned water treatment facility and referred to Attachment 15.

I observed the HWCAA, which the facility refers to as the Solvent Chemical Storage Room (Attachment 2). Both HW accumulation containers and containers of new product are stored in this room, product on one end of the room, HW on the other. I observed 41 55-gallon drums containing HW liquid and HW solid waste (Photo 15, Attachment 2). Mr. Hayes explained that many of the drums contained less than 55 gallons of HW, as partial drums of HW are routinely moved from the production lines to the HWCAA at the end of production shifts. All of the drums were marked with the words “HAZARDOUS WASTE” and bore Department of Transportation (DOT) pictogram labels identifying the nature of the HW contained inside the drum. Each drum was dated. The earliest dated drum was dated “10/18/21” and was placed into the HWCAA on 10/22/21. Mr. Hayes provided an inventory control log that documents the contents of the drums, their origin, and generation date (Attachment 19). The earliest HWCAA generation date was 10/22/21. This was consistent with Mr. Hayes’ statement that HW is shipped out of the facility weekly on Fridays.

Review and analysis of the HW inventory control log conducted after the CEI revealed that “acid” was being added to some of the HW containers in the HWCAA. An email thread was created, asking the facility for clarification, since acid was not previously identified as a waste stream generated by LOPAREX. Mr. Hayes responded (Attachment 38) that acetic acid (Attachment 39) was added to specific HW containers, based upon the formulation used for specific production runs. He provided additional information regarding this practice provided in Attachment 43. **Further follow-up by EPA regarding this additional information is required.**

Mr. Hayes stated that the HWCAA is inspected weekly and provided copies of weekly inspections for the three previous years. The most recent inspection log is attached (Attachment 20).

I observed 39 of the 41 55-gallon containers of HW were RCRA-OPEN. 39 containers had a plastic insert placed in the drum bung portal as shown in Photo 16 and Attachment 2. Mr. Hayes explained that this practice was used to prevent damage to the drums caused by expansion of the contents of the drum. He added that this practice has been followed since he began working at LOPAREX about seven years ago and was in effect during the previous RCRA CEI. I explained that using a plastic plug, inserted into the bung portal of the 55-gallon drums, instead of the screw plug did not prevent the possibility of release of HW in the event of an accident, spill, tipping, natural disaster, etc. and the containers were technically OPEN. Therefore, I documented the following preliminary finding: **Failure to keep HW accumulation containers closed (39 of 41 55-gallon drums located inside the HWCAA) is inconsistent with the provisions required by 40 CFR § 262.17(a)(1)(iv)(A) (NOPF #5).**

All of the 55-gallon drums containing HW within the HWCAA were closed by LOPAREX personnel during this CEI, as documented in Photo 17 and Attachment 2.

4.5 Documentation

Electronic manifests were reviewed prior to and during the CEI. The 2019 Comprehensive Biennial Report was reviewed prior to the inspection. No discrepancies were observed. Mr. Stonebraker provided correspondence with the Iowa Department of Natural Resources (IDNR) describing the provisions of the facility's air permit (Attachment 21).

4.6 Preparedness and Preparation

LOPAREX has designated the EHS Manager, the Inventory Control Coordinator, the Production Manager, and the Engineering and Maintenance Managers as emergency coordinators. Mr. Hayes stated that the Production and Engineering and Maintenance Managers had not received site-specific training for HW contingencies and emergencies. **Emergency coordinators must be thoroughly familiar with all aspects of generator operations in accordance with the provisions of 40 CFR § 262.17(a)(6) → § 262.264 (NOPF #3).**

Mr. Stonebraker stated that LOPAREX has made arrangements with local emergency agencies, provided copies of a quick reference guide, and provided proof of notification as shown in Attachment 22. Mr. Stonebraker stated that a copy of the contingency plan and quick reference guide were sent to the following emergency agencies: Iowa City Fire Department, Iowa City Police Department, Johnson County Local Emergency Planning Committee (LEPC), University of Iowa Hospitals and Clinics, and Mercy Hospital Iowa City (Attachment 23). Mr. Stonebraker stated that emergency agencies are familiar with the layout of the facility and provided a copy of a recent Iowa City Fire Department inspection to document the most recent inspection (Attachment 24). Mr. Stonebraker stated that he maintains records documenting arrangements with response agencies, to include police, fire, and emergency medical agencies.

4.7 Contingency Planning

Mr. Stonebraker provided a copy of the LOPAREX RCRA Contingency Plan (Attachment 25). Mr. Stonebraker stated that the contingency plan is updated regularly and has been provided to emergency response agencies. He added that the plan includes a quick reference guide. A review of the material described as a quick reference guide did not identify the location(s) HW is generated on site and HW management areas and did not include a street map showing businesses, surrounding areas, residential areas, etc. **Failure to provide a quick reference guide that identifies types, names, locations, and estimated amounts of HW generated and managed on site-to include a map showing point of HW generation on-site, a map of waste management areas, and a street map**

showing businesses, surrounding areas, residential areas, etc. is inconsistent with the requirements mandated by 40 CFR § 262.17(a)(6) → § 262.262(b) (1) through (6) (NOPF #2).

Prior to completing this CEI, Mr. Stonebreaker provided a street map showing businesses, surrounding areas, residential areas, etc. (Attachment 26) that he stated will be incorporated within the LOPAREX quick reference guide. He added that future revisions to the quick reference guide will be provided to emergency response agencies.

4.8 Personnel Training

Mr. Hayes stated that he has received training from the Kirkwood Community College and other institutions that ensures that he can train hazardous waste personnel to perform their duties in a way that ensures compliance. He added that the training provided newly assigned personnel and refresher training provided hazardous waste personnel is described in the presentation attached (Attachment 27).

Job descriptions of various personnel involved with hazardous waste management duties were reviewed with Ms. Dyer (Attachments 28-35). The job descriptions of the EHS Manager, the Inventory Control Coordinator, the Production Manager, and the Engineering and Maintenance Manager did not state that these individuals were HW Emergency Coordinators. The Job Descriptions of the Production Manager, Engineering and Maintenance Manager, and the Maintenance Supervisor did not reflect any involvement with RCRA and HW and UW management. The job descriptions of the Primary Operators and Production Associate did not reveal their HW management duties and responsibilities carried out daily with respect to HW container management, movement, labeling, and dating. A random training record request was made for the training received by Mr. Marv Mast, identified as a key hazardous waste management operator. The training record provided by Ms. Dyer describes DOT Hazardous Materials Training given to Mr. Mast by Kirkwood Community College (Attachment 36). Based upon discussions and my review of available documentation, I have documented the following preliminary finding: **Failure to describe the skills, education and duties associated with all personnel performing HW management/contingency response is inconsistent with the mandates of 40 CFR § 262.17(a)(7)(iv)(A-D) (NOPF #1).**

5.0 SUMMARY

The following findings were documented during the previous RCRA CEI conducted July 14-15, 2014:

NOPF #1: Failure to label a used oil storage container with the words “used oil” [40 CFR § 279.22(c)(1)].

NOPF #2: Failure to keep a satellite accumulation container closed [40 CFR § 262.34(c)(1)(i) → §265.173(a)].

NOPF #3: Failure to perform weekly inspections at a hazardous waste container accumulation area [40 CFR § 262.34(a)(i) → § 265.174].

NOPF #4: Failure to mark an accumulation start date on a hazardous waste accumulation container [40 CFR § 262.34(a)(2)].

NOPF #5: Failure to maintain adequate aisle space to allow unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment in the hazardous waste container accumulation area [40 CFR § 262.34(a)(4) → § 265.35].

NOPF #6: Failure to mark accumulation start dates on hazardous waste accumulation containers that are visible for inspection [40 CFR § 262.34(a)(2)].

NOPF #7: Failure to make a hazardous waste determination on waste batteries [40 CFR § 262.11].

The following preliminary findings were documented during this CEI:

NOPF #1 – 40 CFR § 262.17(a)(7)(iv)(A-D): Failure to describe the skills, education and duties associated with all personnel performing HW management/contingency response.

NOPF#2 – 40 CFR § 262.17(a)(6) → § 262.262(b) (1) through (6): Failure to provide a quick reference guide that identifies types, names, locations, and estimated amounts of HW generated and managed on site-to include a map showing point of HW generation on-site, a map of waste management areas, and a street map showing businesses, surrounding areas, residential areas, etc.

NOPF#3 – 40 CFR § 262.17(a)(6) → § 262.264: Failure to ensure emergency coordinators are thoroughly familiar with all aspects of generator operations.

NOPF#4: 40 CFR § 262.15(a)(4): Failure to keep SAA HW containers closed except when adding HW at production lines #14 and #16 (two HW SAA containers at each run consisting of one open liquid HW 55-gallon drum and one unlatched solid HW 55-gallon drum), a total of four open SAA containers).

NOPF#5: 40 CFR § 262.17(a)(1)(iv)(A): Failure to keep HW accumulation containers closed (39 of 41 55-gallon drums located inside the HWCAA).

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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BRYANT (Affiliate)
Date: 2021.12.13 09:35:40 -06'00'

Date: 11/22/2021

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

AMBER WHISNANT

Digitally signed by AMBER
WHISNANT
Date: 2021.12.30 16:01:21 -06'00'

Date: _____

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

Attachments:

- 1) Facility Representatives' Business Cards (1 page)
- 2) Facility Layout Diagram (1 page)
- 3) Confidentiality Notice (1 page)
- 4) Receipt of Document and Samples (2 pages)
- 5) Notice of Preliminary Findings (NOPF) (3 pages)
- 6) Hazardous Waste Site Info Verification Report for Inspector (1 page)
- 7) Ignitable Solvents Profile, #1000271058, Tradebe (4 pages)
- 8) Safety Data Sheet (SDS), WS 9100 (40 pages)
- 9) SDS, Methyl Ethyl Ketone (12 pages)
- 10) Ignitable Solvents and Silicone Coating Profile, #1000271059, Tradebe (4 pages)
- 11) Solid Absorbent and Rags with Xylene Profile, #1000271278, Tradebe (4 pages)
- 12) Water Based Acrylic Ink Loose Pack Profile, #LOPAR901, Tradebe (4 pages)
- 13) MICA A-131-Water Based Resin Compound Profile, #LOPAR902, Tradebe (4 pages)
- 14) SDS, DURL-STRIP 606 (6 pages)
- 15) Letter, Schebel Environmental PLC, Re: Water Discharge, dated September 17, 2013 (2 pages)
- 16) SDS, Lupasol® PS, (11 pages)
- 17) ATEC Recycling Bill of Lading, dated 03/11/2020 (1 page).
- 18) Photo Log (2 pages) and Visual Inspection Photos (17 pages)
- 19) Waste Drum Log (3 pages)
- 20) RCRA Hazardous Waste Weekly Drum Check (1 page)
- 21) IDNR letter, Re: Plant Number 52-01-037; Project Number 21-112; Issuance of Construction Permits, dated October 25, 2021 (5 pages)
- 22) US Postal Service Certified Mail Receipts documenting contingency planning with emergency agencies (per Mr. Stonebreaker) (1 page)
- 23) E-mail, December 6, 2021, RE: Mail Receipts-Emergency Agencies (2 pages)
- 24) Iowa City Fire Department Inspection, dated 9/27/2021 (2 pages)

- 25) LOPAREX RCRA Contingency Plan (16 pages)
- 26) Quick Reference Guide map of surrounding areas (1 page)
- 27) LOPAREX PowerPoint Presentation, Hazardous Materials, RCRA, Drum Handling & Waste Management (17 pages)
- 28) LOPAREX Job Description, EHS Manager (1 page)
- 29) LOPAREX Job Description, Inventory Control Coordinator (1 page)
- 30) LOPAREX Job Description, Shipper/Receiver (1 page)
- 31) LOPAREX Job Description, Primary Operator (1 page)
- 32) LOPAREX Job Description, Production Associate (1 page)
- 33) LOPAREX Job Description, Production Manager (1 page)
- 34) LOPAREX Job Description, Maintenance Engineering Manager (1 page)
- 35) LOPAREX Job Description, Maintenance Supervisor (1 page)
- 36) LOPAREX Sponsorship Billing Authorization Form-Kirkwood Community College Continuing Education, Marv Mast, dated 1/2/20 (1 page)
- 37) E-mail, December 3, 2021, Bryant, Doug, Subject: HW Determination-Lupasol Waste Stream (1 page)
- 38) E-mail, December 6, 2021, Mark Hayes, RE: Waste Drum Log-ACID? (1 page)
- 39) SDS, Acetic Acid (14 pages)
- 40) E-mail, December 10, 2021, Mark Hayes, RE: Waste Drum Log-ACID? (2 pages)
- 41) Lupasol PS Tech Bulletin-2005 (1 page)
- 42) Lupasol VOC Statement (1 page)
- 43) Article, Bioresources and Bioprocesses, 2017, *Acetic acid mediated leaching of metals from lead free solders* (10 pages)

Notice of Preliminary Findings

(For Contractor Use Only)

Facility Name: Loparex, LLC
 Facility Address: 2000 Industrial Park Road
Iowa City, IA 52240
 EPA ID#: IAD 050691617 Date: 10/26/2021

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 <u>262.17(a)(7)(iv) (A-D)</u>	<u>Failure to include job titles and names of personnel filling positions that perform HW operations; describe skills and education and duties associated w/ HW operations; and describe initial and continuous training; and maintain documentation of training for emergency coordinators, operators, dockworkers and all personnel performing HW management/emergency response.</u>
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If you have any questions about this Notice or wish to discuss your response, you may call me at (913)-551-7120, or Kevin Snowden (Compliance Officer) at (913)-551-7022

This Notice prepared by H.D. [Signature] Date: 10/26/2021

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

Printed Name: WILLIAM FAHEY Date: 10/26/2021
 Signature: [Signature]
 Title: Technical Manager

Notice of Preliminary Findings (Continued)

Media: _____

Facility Name: Laporex, LLC
 Facility Address: 2000 Industrial Park Road
Iowa City, IA
 EPA ID#: FID 050691617 Date: 10/26/2021

Citation

Description of Finding

- ② 262.17(a)(6) → 262.262(b)(1) through (6) — Failure to provide a quick reference guide that identifies types and names and location and estimated amounts of HW generated & managed on site — to include a map showing point of HW generation on site, provide a map showing waste management areas, and a street map showing businesses, surrounding areas, residential areas, etc.
- ③ 262.17(a)(6) → 262.264 — Failure to ensure emergency coordinators are thoroughly familiar with all aspects of generator operations.
- ④ 262.15(a)(4) — Failure to keep SAA HW containers closed except when adding HW in Prod Run 14 and Prod Run 16 (2 SAA containers each)
- ⑤ 262.16(b)(2)(iii)(A) — Failure to keep HW accumulation containers closed (39 out of 41 drums)

Initials of Recipient: WF Date: 10/26/2021

Initials of Preparer: Heg Date: 10/26/2021

Instructions for Responding to a Notice of Preliminary Findings (NOPF)

Note: The instructions below are being provided to assist you if you choose to submit a written response to the preliminary findings identified in the EPA's NOPF. This is an opportunity for you to provide to the EPA any and all information that you believe is relevant to these preliminary findings and your efforts to return to compliance with the regulatory requirements. The EPA will consider information submitted by you in determining our enforcement response to the preliminary findings identified at your facility, but please be advised that any information you submit may be used in a subsequent enforcement action.

1. Identify the person(s) responding to the NOPF authorized to make statements for the facility, including the person's name, title, and telephone numbers, if different from the facility's telephone number. For each numbered preliminary finding, identify all persons consulted in the preparation of the answer.
2. Your answers should address and reference each numbered preliminary finding separately.
3. Each of your answers should identify all documents consulted, examined, or referred to in the preparation of the response, or that contain information responsive to the preliminary finding. Please provide legible copies of all such documents. For each document provided, indicate on the document (or in some similar manner) the number of the preliminary finding to which it responds.
4. Describe all actions taken by you to correct the preliminary findings identified in the NOPF and/or a schedule for completing the necessary corrective actions for each numbered preliminary finding. If the preliminary finding has been corrected, please provide the date the preliminary finding was corrected.
5. Your responses should include documentation, photographs, drawings, etc. of corrected preliminary findings where applicable (for example, photographs of properly labeled containers). The information submitted should indicate the number of the preliminary finding to which it corresponds.
6. If information responsive to a preliminary finding is not in your possession, identify the person(s) from whom the information may be obtained.
7. If different or new procedures are put in place to prevent the same or similar preliminary findings, provide a description of those procedures.
8. If you want to make a confidentiality claim pursuant to 40 C.F.R. Part 2, Subpart B covering part or all of the information submitted, identify the material with words such as "trade secret," "proprietary," or "company confidential." Refer to the Confidentiality Notice provided to you at the time of the inspection.
9. If you choose to respond, and plan to submit your response after 14 calendar days, please discuss your plans with the compliance officer noted on the NOPF.

RCRA Inspected Facilities:

If your facility was cited for hazardous waste determination preliminary findings, provide the following information for each waste stream and/or each waste unit listed:

- a. specify the waste name;
- b. indicate whether the waste is hazardous, non-hazardous, used oil, universal waste, or exempt from regulation (if you claim the waste is exempt from regulation, include the regulatory reference that you believe is applicable to the exemption for the waste);
- c. state whether process knowledge or analytical testing was used to make the determination (attach all supporting documentation, i.e., the specific documents (e.g., Safety Data Sheets) used as process knowledge);
- d. if the waste is a hazardous waste, list all applicable RCRA waste code(s) and the hazardous properties (Ignitable, Reactive, Corrosive, Toxic);
- e. if the waste is a hazardous waste, used oil, or universal waste,
 - i. indicate the quantity or monthly generation rate of this waste at your facility;
 - ii. indicate the length of time the waste has been generated at your facility, and how long the waste has been stored at your facility;
 - iii. state how you plan to handle or manage the waste at your facility;
 - iv. if applicable, describe your facility's plans for disposing the waste (attach all supporting documentation, e.g., any shipping documents or arrangements made for shipping documents); and,
- f. if the waste is non-hazardous or if you believe it is exempt from regulation, provide information on how it will be disposed, recycled, or used, and where these activities will occur.