REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

Hexagon Agility Cylinders, LLC

5117 NW 40th Street	5020 West 39th Street	5150 NW 40th Street
Lincoln, NE 68524	Lincoln, NE 68524	Lincoln, NE 68524
(402) 470-8450	(402) 470-8450	(402) 470-4987
EPA ID Number: NER000506261	EPA ID Number: None	EPA ID Number: NER000512582

On

July 25-26, 2023

By

Eastern Research Group, Inc.

For

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

1.0 INTRODUCTION

At the request of the Enforcement and Compliance Assurance Division/Chemical Branch/RCRA Section (ECAD/CB/RCRA) of the U.S. Environmental Protection Agency (EPA) Region 7, Eastern Research Group, Inc. (ERG) conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) at Hexagon Agility Cylinders, LLC (Agility Cylinders) in Lincoln, Nebraska on July 25-26, 2023. The CEI was conducted under the authority of Section 3007(a) of RCRA, as amended. Throughout the CEI, data and information were collected to determine compliance with the applicable regulatory and statutory requirements. The inspection report and attachments present the results of the CEI.

2.0 PARTICIPANTS

Hexagon Agility Cylinders, LLC
- Bryan Mewhort, Vice President of Operations
- Maria Schoen, Environmental Health & Safety Manager
- Brock Peterson, Quality Manager
- Jeff Cerny, Environmental Health & Safety Coordinator

NDEE Representative:
- Mark Henning, Program Specialist, NDEE

EPA Representatives:
Kimberly Chavez, Life Scientist, EPA HQ
Joseph Watson, Senior Chemical Engineer, Contractor
Janosh Wolters, Energy Engineer, Contractor

3.0 INSPECTION PRECEDURES

On July 25, 2023, Janosh Wolters and Joseph Watson arrived unannounced at Agility Cylinders (5117 NW 40th Street, Lincoln, NE 68524) at approximately 08:15 am. We conducted a visual reconnaissance of the facility searching for areas of concern observable from the adjacent roadway. We identified no environmental issues or concerns during this preliminary examination. We pulled into the facility parking lot and met Mark Henning, who was also part of the inspection team. The inspection team then entered the facility at 09:00 am. We introduced ourselves and signed into the facility's visitors log. We were greeted by the Environmental Health & Safety Manager, Maria Schoen, who escorted us to the conference room for formal introductions and an opening conference. We introduced ourselves to Ms. Schoen and explained our reason for being on site is to conduct a RCRA CEI and asked to meet with the facility personnel who manages hazardous waste on site. We also stated that Ms. Kimberly Chavez, the EPA team lead, would be arriving at the facility at approximately 10:00 am. Ms. Schoen stated that Bryan Mewhort, Brock Peterson, and Jeff Cerny would be present during the opening conference. Mr. Watson initiated the opening conference with Ms. Schoen, Mr. Mewhort, Mr. Peterson, and Mr. Cerny as Agility Cylinders' representatives. Ms. Chavez led the opening conference upon her arrival. We presented Agility Cylinders' representatives with our inspector credentials and business cards. Mr. Watson then presented a copy of RCRA Section 3007(a), which contains EPA's inspection authority. We explained my need to collect accurate information and presented them with a copy of Title 18 U.S. Code, Sections 1001 and 1002. Mr. Watson then presented Mr. Kruse with a copy of the *Notice Regarding Proprietary/Confidential Business Information Submitted to or Collected by EPA in Connection with Inspections* and reviewed Agility Cylinders' confidentiality rights. I informed Ms. Schoen that I would provide a *Confidentiality Notice* at the end of this inspection.

The inspection consisted of 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. Ms. Schoen provided a facility layout which was part of the contingency plan (see Attachment 1). Mr. Peterson and Mr. Cerny explained facility operations and locations of hazardous waste generation and management. The inspection team conducted a visual inspection of Agility Cylinders' three non-contiguous sites located within the same Lincoln, NE industrial park (5117 40th Street, 5020 West 39th Street, and 5150 NW 40th Street).

Mr. Cerny guided us throughout the facility in order to conduct thorough evaluations of the facility's satellite accumulation areas (SAAs) and central accumulation areas (CAAs). At the time of the inspection, the Agility Cylinders was operating seven SAAs and two CAAs. Agility Cylinders manages electronic waste and universal waste lamps and batteries. The universal waste storage areas were visually inspected. Agility Cylinders uses two acetone and one methylene chloride parts washers on site. We conducted an in-depth visual inspection of the SAAs, the CAAs, the universal waste storage area, used oil storage area, and all manufacturing areas.

Forty-two photographs were collected as inspection documentation and are shown in Attachment 2. Information collected during the inspection is documented on the *EPA Inspection Checklist* (see Attachment 3). I followed the inspection procedures discussed in the RCRA CEI Standard Operating Procedure (No. 2321.01E), unless noted differently. At the conclusion of the inspection, I provided Mr. Peterson with a *Confidentiality Notice* and *Receipt for Documents and Samples,* which he signed as acknowledgement of receipt (see Attachments 4 and 5, respectively). No confidentiality claims were made by Agility Cylinders. The inspection team conducted the closing conference at 10:00 am and then left the facility.

4.0 FINDINGS AND OBSERVATIONS

4.1 Facility Information and Operations

Agility Cylinders' main facility is located at 5117 40th Street Lincoln, NE in an industrial park, Air Park. The main facility building is approximately 115,000 square feet, one outdoor storage facility and one warehouse located at 3271 W Mathis Street Lincoln, NE. Agility Cylinders also operates a Research & Development Lab at 5020 West 39th Street and typically does not generate hazardous waste. As a result, the facility does not have a RCRA ID number. Agility Cylinders operates additional winding and painting operations at 5150 NW 40th Street and operates under RCRA ID NER000512582. The Agility Cylinders facilities are non-contiguous properties and no hazardous waste is transferred between them. The main facility operates 24 hours a day, four (4) shifts, seven (7) days a week. Agility Cylinders manufactures two types of TUFFSHELL® cylinders: a cylinder with a lightweight carbon fiber and glass wrap; and a lighter-weight all carbon fiber wrapped cylinder. The primary hazardous waste generated at Agility Cylinders consists of spent solvents, solids (rags), and minor liquid amounts from used aerosol cans from tank winding and painting operations. The following waste streams are produced: waste paint related material, waste solids, waste resin, paint filters, universal waste, used oil, scrap metal, and general trash. Agility Cylinders also reclaims spent acetone solvent on site and does not have hazardous waste storage tanks.

4.2 RCRA Status

According to the *2021 Biennial Report*, Hexagon Agility Cylinders notified as a federal Large Quantity Generator (LQG) of D001, D007, F002, F003, and F005 hazardous wastes. The inspection team asked Mr. Peterson and Mr. Cerny if these hazardous waste codes were representative of the hazardous wastes being generated on site. They responded that they also periodically ship out amine wastes which are corrosive with an associated D002 hazardous waste code and that they use the solvent methyl ethyl ketone (MEK) which results in the paint waste having an associated D035 hazardous waste code. These waste streams are shown and discussed in the table below. After reviewing the records and walking through the facility, the inspection team determined that the facility is operating as a federal LQG of D001, D002, D035, F002, F003, F005, and U159 hazardous wastes, a generator of used oil, and a small quantity handler (SQH) of universal waste. Agility Cylinders generates more than 1,000 kilograms of hazardous waste monthly based on a review of facility records, a visual inspection of process and waste management areas, and interviewing personnel.

Agility Cylinders' main facility had been last inspected for RCRA compliance on February 13-14, 2019 by the NDEE. The inspection led to a Letter of Warning and violations observed included:

1. Failure to develop and follow a written waste analysis plan when managing and treating prohibited waste in containers.
2. Failure to submit a one-time notification and certification to NDEE for wastes that exhibit a characteristic once the waste is no longer hazardous.
3. Failure to describe alternate evacuation routes in the contingency plan.
4. Failure to include instruction in the training program which teaches personnel implementation of the contingency plan.
5. Failure to maintain a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position related to hazardous waste management.
6. Failure to conduct weekly hazardous waste inspections.
7. Failure to maintain aisle space to allow the unobstructed movement of personnel and emergency equipment.
8. Failure to conspicuously place a "No Smoking" sign wherever there is a hazard from ignitable or reactive waste.
9. Failure to accumulate hazardous waste in containers at or near any point of generation.
10. Failure to keep a container holding hazardous waste closed except when it is necessary to add or remove waste.
11. Failure to label or mark clearly each universal waste lamp or a container in which lamps are contained with the words "Universal Waste-Lamps" or 'Waste Lamps" or "Used Lamps."
12. Failure to mark containers with the words "Hazardous Waste" or with other words that identify the contents of the container.
13. Failure to completely fill out all sections of a manifest.

4.3 Facility Waste Streams and Management

A Waste Stream and Waste Handling Table for Agility Cylinders is presented below. The table describes waste streams generated, generation process/rates, hazardous waste determinations, and on-site/off-site management.

The rest of this page left blank intentionally.

#	WASTE STREAM	GENERATION PROCESS	HAZARDOUS WASTE DETERMINATION	ESTIMATED GENERATION RATE	ON-SITE MANAGEMENT	OFF-SITE MANAGEMENT
1	Waste Paint Related Material	Production operations including painting operations and	D001, D035, F002, F003, F005 (based on process knowledge and knowledge of the product – see Attachments 6 and 7)	2,500 gallons per year	Dip tanks to 55-gallon containers in SAAs before transferred to CAA	Heritage-Crystal Clean LLC (ILR000130062) to Neier, Inc (IND984868406) Heritage-Crystal Clean LLC in Indianapolis, IN (IND984868406)
2	Solvent Contaminated Waste Solids	Wiping off tools and equipment parts, contaminated PPE	D001, F003 (based on process knowledge and knowledge of the product – see Attachment 6)	Approximately 6,000 pounds per year	10-gallon containers in SAAs then 55-gallon containers before transferred to CAA	Heritage-Crystal Clean LLC (ILR000130062) to Neier, Inc (IND984868406) Heritage-Crystal Clean LLC in Indianapolis, IN (IND984868406) Heritage-Crystal Clean LLC (ILR000130062) to Neier, Inc (IND984868406) Heritage-Crystal Clean LLC in Indianapolis, IN (IND984868406)
3	Waste Resin	Winding operation, excess resin from winding equipment and cleaning	Nonhazardous (based on process knowledge and knowledge of the product – see Attachments 8 and 9)	Included in General Trash	55-gallon containers	City of Lincoln Bluff Road Landfill - see Attachment 10 (NE0120995)

#	WASTE STREAM	GENERATION PROCESS	HAZARDOUS WASTE DETERMINATION	ESTIMATED GENERATION RATE	ON-SITE MANAGEMENT	OFF-SITE MANAGEMENT
4	Waste Paint Filters	Paint booth operations	Nonhazardous (based on process knowledge and analytical testing)	Included in General Trash	Disposed of with the regular trash	City of Lincoln Bluff Road Landfill – see Attachment 10 (NE0120995)
5	Waste Batteries (Universal Waste)	Equipment maintenance and lamp replacement	Exempted (managed as universal waste per 40 CFR 273)	One 55-gallon container per year	55-gallon container	Heritage-Crystal Clean LLC (ILR000130062) to Neier, Inc (IND984868406) Heritage-Crystal Clean LLC in Indianapolis, IN (IND984868406)
	Waste Lamps (Universal Waste)	Equipment maintenance and lamp replacement	Exempted (managed as universal waste per 40 CFR 273)	One container every year.	6-foot and 8foot cardboard containers	Heritage-Crystal Clean LLC (ILR000130062) to Neier, Inc (IND984868406) Heritage-Crystal Clean LLC in Indianapolis, IN (IND984868406)
	Electronic Waste	Equipment maintenance and computer replacement	Nonhazardous	Approximately 400 pounds per year	Various containers	Heritage-Crystal Clean LLC (ILR000130062) to Heritage-Crystal Clean LLC in Indianapolis, IN (IND984868406)

#	WASTE STREAM	GENERATION PROCESS	HAZARDOUS WASTE DETERMINATION	ESTIMATED GENERATION RATE	ON-SITE MANAGEMENT	OFF-SITE MANAGEMENT
6	Used Oil	Repair and maintenance of air compressors	Exempted (managed as used oil per 40 CFR 279)	One 25-gallon container collected as needed	325-gallon containers, 55-gallon containers	Jebro Incorporated, Sioux City, IA – see Attachment 11 (IAD020201604) and (NED135295723)
7	Scrap Metal	Productions operations and maintenance	Exempted (managed as universal waste per 40 CFR 273)	Not Specified	Various containers	Recycled at Sadoff Iron and Metal Company, Lincoln, NE.
8	Still Bottoms	Acetone recycling	Nonhazardous (based on analytical results – see Attachments 12 and 13)	Included in General Trash	Disposed of with the regular trash	City of Lincoln Bluff Road Landfill – see Attachment 10 (NE0120995)
9	General Trash	Facility operations	Nonhazardous (based on process knowledge and knowledge of the product)	One 6-yard container picked up weekly	6-yard container	City of Lincoln Bluff Road Landfill (NE0120995)

Remainder of Page Intentionally Left Blank

4.4 Less-Than-90-Day Hazardous Waste Accumulation Areas

Agility Cylinders has an outdoor storage building (Hazardous Waste Shed) located north of the main building (see Attachment 1, Photo 15) which accumulates flammable materials and hazardous waste and is used as the 90-day CAA. The inspection team observed the "Danger No smoking" sign posted on the doors to the storage shed. Upon entering the storage shed, the inspection team observed three 55-gallon containers, and fifteen 5-gallon containers along with a fire suppression system. Two of the 55-gallon containers were labeled as paint related material hazardous waste but were missing an accumulation start date (see Attachment 1, Photos 17 and 18). The third 55-gallon container (black) in the CAA was unlabeled (see Attachment 1, Photo 19). The remaining 5-gallon containers in the Hazardous Waste Shed appeared to be storing hazardous waste, but were unlabeled (see Attachment 1, Photos 20-24).

Agility Cylinders has another 90-day CAA located near their acetone still (see Attachment 1, Photo 11). This CAA is used for waste solids rather than the outdoor storage shed in order to closely monitor potential vapor build-up in the containers. A "Danger No Smoking" sign was posted at the entrance to the CAA. Inside the CAA, an unlabeled 15-gallon drum managed as a SAA container to the left of the acetone parts washers appeared to be accumulating hazardous waste solvent rags (see Attachment 1, Photo 12). A 55-gallon container accumulating used PPE managed as hazardous solvent contaminated waste solids was labeled with an accumulation start date of 3/1/2023, exceeding the LQG 90-day storage limit (see Attachment 1, Photos 5 through 7). There was also a 55-gallon container accumulating used PPE managed as hazardous solvent contaminated waste solids that did not have an accumulation start date (see Attachment 1, Photo 8). A 55-gallon container was open and unlabeled accumulating used PPE managed as hazardous solvent contaminated waste solids at the CAA (see Attachment 1, Photo 13).

During records review, Ms. Schoen provided inspection logs for the CAA. The inspection team reviewed the logs and determined that the Agility Cylinders only had CAA inspection logs through 2021. Ms. Schoen stated that no weekly CAA hazardous waste inspections appear to have been conducted from 2021 to present because facility personnel could not find the weekly CAA hazardous waste inspection records. The following areas of concern were identified:

NOPF 1 – Accumulating hazardous waste on site for longer than 90 days without a RCRA permit. [Title 128.10 (004.01)].

The acetone still area CAA had a 55-gallon container of used PPE managed as hazardous solvent contaminated waste solids labeled with an accumulation start date of 3/1/2023.

NOPF 2 – Failure to keep containers closed when not adding waste or for temporary venting. [Title 128.10 (004.01A2)].

The acetone still area CAA had a 55-gallon container was open and unlabeled accumulating used PPE managed as hazardous solvent contaminated waste solids at the CAA.

NOPF 3 – Failure to mark containers with an accumulation start date. [Title 128.10 (004.01F)].

The acetone still area CAA had a 55-gallon container was open and unlabeled accumulating used PPE managed as hazardous solvent contaminated waste solids at the CAA.

A 55-gallon container in the acetone still area CAA accumulating used PPE managed as hazardous solvent contaminated waste solids did not have an accumulation start date.

The Hazardous Waste Shed had two green 55-gallon containers, one black 55-gallon container, and fifteen 5-gallon containers that did not have an accumulation start date.

NOPF 4 – Failure to label containers as "Hazardous Waste". [Title 128.10 (004.01G)].

The acetone still area CAA had a 55-gallon container that was open and unlabeled containing used PPE managed as hazardous solvent contaminated waste solids at the CAA.

The Hazardous Waste Shed had one black 55-gallon container and 15 5-gallon containers that were unlabeled and contained hazardous waste.

NOPF 5 – Failure to label containers as "Hazardous Waste". [Title 128.10 (004.01G)].

The acetone still area CAA had a 55-gallon container was open and unlabeled accumulating used PPE managed as hazardous solvent contaminated waste solids at the CAA.

The Hazardous Waste Shed had one black 55-gallon container that were unlabeled and contained hazardous waste.

NOPF 6 – Failure to label SAA containers as "Hazardous Waste". [Title 128.10 (005.01B)].

The acetone still area CAA had a 15-gallon container accumulating hazardous waste solvent rags managed as a SAA container to the left of the acetone parts washers that was not labeled as "Hazardous Waste".

NOPF 7 – Failure to inspect CAAs weekly. [Title 128.10 (004.01A4)].

The facility did not inspect the CAAs from January 2022 through the date of the inspection.

4.5 Satellite Accumulation Areas

The inspection team observed seven satellite areas during the visual inspection. The table below shows the SAA name or location, waste type, volume of waste observed, and container type.

SAA #	SAA Name or Location	Waste Type	Volume of Waste	Container Type
Building 5117				
1	Building Acetone Reclaim	Waste Solvent Rags/ Solvent Contaminated Waste Solids	20 gallons	10 and 15-gallon metal containers
2	Boss Coat	Solvent Rags	10 gallons	20-gallon container
3	West Paint Booth Area, Bay B	Spent MEK Solvent Rags	30 gallons	55-gallon container, 10-gallon container
4	Bay A	Punctured Aerosol Can Residuals	5 gallons	55-gallon container
5	West Paint Kitchen, Bay B	Used Paint Solvent Rags	30 gallons	55-gallon container, 5-gallon container
Building 5150				
6	Paint Booth Area	Used Paint Solvent Rags	30 gallons	55-gallon container, 5-gallon container
7	VSC Winding Room and Paint Booth Area	Punctured Aerosol Can Residuals	5 gallons	55-gallon container

During the visual inspection, the inspection team observed seven SAAs. The first SAA near the acetone reclaim area consisted of one 10-gallon container for solvent contaminated waste solids and one 15-gallon container used for waste solvent rags which are discussed in the CAA section above. During the visual inspection, the hazardous waste accumulation containers observed in the facility SAAs were in good condition. Areas of concern identified in SAAs are discussed in the corresponding sections below.

4.6 Acetone Recovery and Winding Areas

Agility Cylinders uses raw products consisting of plastic, carbon, fiberglass, resins, hardeners, and foams to manufacture two types of cylinders previously mentioned in Section 4.1. A process flow diagram is included in Attachment 14. A plastic dome with a connection called a “boss” is welded to a high-density polycarbonate pipe. These are then sent to the winding area to be

wound in carbon fiberglass using resin to be sent to an oven for a curing process. The product is painted in the paint booths, inspected, and sent to the shipment area for shipping.

The winding process produces waste resin and used rags from wiping down the equipment (Attachment 2, Photos 1 through 3). There are small soaking containers throughout the winding area containing acetone. The containers are considered in use until the acetone is deemed dirty and poured into a container to be reclaimed in the still. The excess resin is collected in drip pans and transferred to a 55-gallon container located in each winding cell. Water is added to the 55-gallon container to aid in the curing process. When the 55-gallon container is filled with resin, the water is decanted to the next drum. Water is added to the drums as needed and is not disposed of. Agility Cylinders sends the cured resin and resin-contaminated rags off-site to be disposed in the City of Lincoln Bluff Road Landfill. The waste resin and materials contaminated by the special resin are covered by a Special Waste Disposal Permit that expires 7/1/2024 (see Attachment 10).

Solvents such as acetone, methylene chloride, and toluene are used in the manufacturing process for cleaning tools and equipment. These solvents can be found throughout the winding area in Bay B. Tools and parts covered with cured resin are soaked for cleaning in acetone parts washers (dip tanks). The spent acetone is collected and recycled in a solvent still in the acetone still area (see Attachment 2, Photo 5). The acetone solvent still holds 30 gallons of acetone that is pumped from drums or the parts washers using a wand and flexible hose. The solvent is reused on site, typically in the parts washers. Agility Cylinders generates nonhazardous still bottoms in the form of a puck that is disposed of in the general trash to the City of Lincoln Bluff Road Landfill using a Special Waste Disposal Permit that expires on 7/1/2024 (see Attachment 10). Agility Cylinders uses methylene chloride in a parts washer (dip tank) to clean parts and tools heavily coated with resin. Agility Cylinders maintains a water layer on top of the methylene chloride to minimize evaporation. Parts removed from the methylene chloride parts washer are allowed to dry before they may be put in the acetone parts washers for additional treatment. Spent methylene chloride is captured in 55-gallon containers and stored in the SAA before being sent to the 90-day CAA for flammable liquid accumulation. Spent methylene chloride solids captured from this process are mixed with absorbent material and placed in a hazardous solvent-contaminated waste solids container. Agility Cylinders uses MEK to flush out paint lines, and the spent MEK is collected in 5-gallon containers in the paint kitchen before being emptied into a 55-gallon container with an attached funnel before being sent to the 90-day CAA for flammable liquid accumulation (see Attachment 2, Photo 36).

4.7 West Paint Booth Area Bay B

During the visual inspection, the inspection team observed one paint booth in Bay B. Mr. Peterson explained the facility uses the paint booth to paint product cylinders. The paint booth is automated where the paint lines are automatically purged and flushed with MEK into a 5-gallon bucket. The open 5-gallon buckets accumulating excess paint/solvent can be seen in Attachment 2, Photo 28. A 55-gallon container with a metal funnel (see Attachment 2, Photo 36) was also

observed in the paint kitchen. The container is a SAA accumulating spent MEK hazardous waste and did not appear to be closed at the time of the inspection. Two 5-gallon containers of spent paint and solvent were observed in the paint kitchen (see Attachment 2, Photo 28). The containers were open and unlabeled. Material was not actively being added to the containers.

Agility Cylinders also maintains an aerosol can puncture unit (see Attachment 2, Photo 29) to accumulate remaining liquid from their aerosol cans. During the inspection, the 55-gallon drum collecting the liquid from the aerosol cans was unlabeled.

Mr. Peterson explained the facility periodically generates waste paint booth filters from painting operations. Mr. Mr. Peterson stated the waste paint booth filters have been analytically tested and are disposed of in the general trash as a nonhazardous waste. The disposal of the waste paint booth filters are covered by a Special Waste Disposal Permit that expires 7/1/2024 (see Attachment 10). The inspection team observed the following areas of concern:

NOPF 8 – Failure to keeps SAA containers closed when not adding waste or for temporary Venting. [Title 128.10 (005.01A)].

A 55-gallon container of spent MEK with a metal funnel that did not close was observed in the paint kitchen in Bay B.

Two open 5-gallon containers were observed in the paint kitchen containing spent paint and solvent.

NOPF 9 – Failure to label SAA containers as "Hazardous Waste". [Title 128.10 (005.01B)].

A 55-gallon container in Bay A accumulating residuals from punctured aerosol cans was not labeled as "Hazardous Waste". The container was closed and in good condition.

Two unlabeled 5-gallon containers were observed in the paint kitchen containing spent paint and solvent.

4.8 Building 5020 Research & Development Lab (RCRA ID - None)

The inspection team proceeded to Building 5020 to observe the Research & Development Lab. The inspection team met Mr. Allen, the R&D Lab Manager. Mr. Allen stated the lab typically studies the resin system used by Agility Cylinder. Mr. Allen also stated the lab also conducts component failure investigations and process improvement investigations. Mr. Allen also stated that the lab generates small amounts of waste, typically 500-mL quantities. The primary waste involves the acid digestion of the matrix. The acid waste is neutralized and poured down the drain.

The inspection team observed a 5-gallon container (see Attachment 2, Photo 35) used for collecting resin from the process, and water is added to the bucket to cure it. The inspection team also observed 55-gallon nonhazardous waste containers used to collect cured resin (see Attachment 2, Photos 38 and 41). No SAAs were observed in this building.

Mr. Allen stated that all wastes go to Building 5117 and all cardboard to be recycled goes to Building 5150.

4.9 Building 5150 (RCRA ID - NER000512582) VSC Winding Room and Paint Booth Area

The inspection team then proceeded to Building 5150 to observe two winding lines and painting operations (see Attachment 2, Photos 38 through 41). The inspection team met Mr. Joel Ludwig, the Value Stream Manager. Mr. Ludwig provided an overview of the operations in the building.

The inspection team observed the two winding lines where excess resin was being collected in open trays. The trays were then emptied into 55-gallon drums containing water to aid in the curing of the resin (see Attachment 2, Photo 38 and 41).

During the walkthrough of the paint booth and paint kitchen, the inspection team observed an unlabeled 5-gallon container (see Attachment 2, Photo 37) used to accumulate solvent contaminated rags and PPE in the paint kitchen.

The inspection team also observed an aerosol can puncture unit (see Attachment 2, Photo 42) on an unlabeled 55-gallon container to accumulate remaining liquid from their aerosol cans.

The inspection team observed the following areas of concern:

NOPF 10 – Failure to keeps SAA containers closed when not adding waste or for temporary venting. [Title 128.10 (005.01A)].

A 55-gallon container of spent MEK with a metal funnel that did not close was observed in the paint kitchen.

NOPF 11 – Failure to label SAA containers as “Hazardous Waste”. [Title 128.10 (005.0B)].

A 55-gallon container accumulating residuals from punctured aerosol cans was not labeled as “Hazardous Waste”. The container was closed and in good condition.

A 5-gallon container accumulating hazardous waste solvent rags and PPE was not labeled as “Hazardous Waste”.

4.10 Universal Waste Accumulation Area

Agility Cylinders manages universal waste in different areas, but the fluorescent lamps are managed primarily in the shipping area (see Attachment 1). The inspection team observed one 6-foot container and one 8-foot container of universal waste lamps (see Attachment 2, Photos 31through 33). The 6-foot container was labeled as "Universal Waste Lamps" but the type of universal waste was not specified on the 8-foot container label and the container was not closed. The earliest accumulation start date observed on the 6-foot container of universal waste lamps was "12/30/2021". The 8-foot container of universal waste lamps did not have an accumulation start date. A shipping manifest is included in Attachment 15 as an example of how Agility Cylinders ships universal wastes off site. In the Building 5150 VSC winding room, the inspection team observed one 55-gallon drum of universal waste lead-acid batteries. The container was labeled "Universal Waste Batteries" and had an accumulation start date of '2/1/2023". The inspection team observed the following areas of concern:

NOPF 12 – Failure to accumulate universal waste for less than one year. [Title 128.25 (014.01)].

The accumulation start date observed on the 6-foot container of universal waste lamps was "12/30/2021".

NOPF 13 – Failure to label containers of universal waste lamps "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)". [Title 128.25 (013.05)].

The type of universal waste was not specified on the 8-foot universal waste lamp container label.

NOPF 14 – Failure to demonstrate the length of time that the universal waste has been accumulated. [Title 128.25 (014.03)].

The 8-foot container of universal waste lamps did not have an accumulation start date and the length of time of accumulation was not otherwise demonstrated.

NOPF 15 – Failure to keep universal waste lamps in containers or packages that are closed, structurally sound, compatible, and lack evidence of leakage, spillage, or damage that could cause leakage. [Title 128.25 (023.04B)].

The 8-foot universal waste lamp container was not closed.

4.11 Used Oil

At the time of the inspection, the inspection team observed a 325-gallon container storing used oil in Bay B. The container was labeled 'Used Oil' and in good condition. Used oil is generated from repairing compressors and forklifts. The accumulated used oil is picked up by Jebro, Inc, Sioux City, IA (see Attachment 11). Agility Cylinders' forklifts are serviced by Reikes Equipment Company located in Lincoln, NE. Wastes generated from forklift services, including used oil, are managed by Reikes Equipment Company. The inspection team also observed two

55-gallon drums of used oil that were labeled “Waste Oil” (see Attachment 2, Photo 34). Mr. Peterson was able to confirm that the two 55-gallon drums were indeed used oil and not waste oil. As a result, the inspection team identified one area of concern related to used oil.

NOPF 16 – Failure to label containers of used oil with the words “Used Oil”. [Title 128.07 (009.04A3)].

Two 55-gallon drums of used were labeled “Waste Oil”.

4.12 Other Regulatory Requirements

Preparedness, Prevention, and Emergency Requirements – Safety and emergency equipment were present and in satisfactory condition in areas throughout the facility, however fire extinguishers were not observed in CAA areas. The facility’s contingency plan did not include a list of up-to-date emergency coordinators and it did not identify the second CAA associated with the acetone still area. The inspection team identified two areas of concern.

NOPF 17 – Failure to keep the list of ECs up-to-date. [Title 128.18 (003.04 ref 004.01H)].

Ms. Schoen is a designated EC and was not listed in the current contingency plan.

NOPF 18 – Failure to amend the contingency plan when the site changes in design or operation and the list of equipment changes [Title 128.18 (005 ref 004.01H)].

The contingency plan was not amended, including not identifying the second CAA associated with the acetone still area.

Personnel Training Requirements – Personnel are to be trained to perform hazardous waste duties, and new employees are to be trained within six months of start. The training, at a minimum, must be designed to ensure personnel at Agility Cylinders are able to manage hazardous waste relevant to the positions in which they are employed and respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including:

1. Procedures for using, inspecting, repairing, and replacing facility emergency equipment
2. Communications and alarm systems
3. Response to fires or explosions

Upon reviewing the hazardous waste training employees of Agility Cylinders receive, the inspection team determined the training to be sufficient. Agility Cylinders provided sample training records for Jeff Cerny and which included in Attachment 16. The training records include a training report, USDOT/PHMSA hazmat employee training record, a course transcript, and his job description.

The inspection team reviewed the personnel training requirements, and no other findings were noted.

Manifest and Land Disposal Restriction (LDR) Requirements – Agility Cylinders maintained records of manifests on site at the time of inspection. Agility Cylinders generated approximately 36 manifests over the last three years. The inspection team reviewed hazardous waste manifests from the past 12 months. LDR forms were not included with the manifests and Ms. Schoen was unable to locate one-time notifications for hazardous waste shipments to each of the TSDFs. More than 20 manifests, including manifest number 007020339 dated 11/22/2022 and 007020311 dated 10/12/2022 did not have the signed copy returned from the TSDF acknowledging receipt. Sample manifests are provided in Attachment 15 as examples. The inspection team reviewed the hazardous waste manifests and LDRs and identified two areas of concern.

NOPF 19 – Failure to submit a one-time LDR written notice to TSDF with initial shipment and a copy placed in the file. [Title 128.20 (005.01 ref 004.01H)].

The inspection team did not observe any LDR forms with the manifests and the facility could not provide the initial notification when asked for by the inspection team.

NOPF 20 – Failure to submit an exception report as required. [Title 128.10 (002.10)].

More than 20 manifests, including manifest number 007020339 dated 11/22/2022 and 007020311 dated 10/12/2022 did not have the signed copy returned from the TSDF acknowledging receipt and an exception report was not submitted.

5.0 SUMMARY OF FINDINGS

NOPF 1 – Accumulating hazardous waste on site for longer than 90 days without a RCRA permit. [Title 128.10 (004.01)].

NOPF 2 – Failure to keep containers closed when not adding waste or for temporary venting. [Title 128.10 (004.01.A2)].

NOPF 3 – Failure to mark containers with an accumulation start date. [Title 128.10 (004.01F)].

NOPF 4 – Failure to label containers as “Hazardous Waste”. [Title 128.10 (004.01G)].

NOPF 5 – Failure to label containers as “Hazardous Waste”. [Title 128.10 (004.01G)].

NOPF 6 – Failure to label SAA containers as “Hazardous Waste”. [Title 128.10 (005.01B)].

NOPF 7 – Failure to inspect CAAs weekly. [Title 128.10 (004.01A4)].

NOPF 8 – Failure to keeps SAA containers closed when not adding waste or for temporary venting. [Title 128.10 (005.01A)].

NOPF 9 – Failure to label SAA containers as "Hazardous Waste". [Title 128.10 (005.01B)].

NOPF 10 – Failure to keeps SAA containers closed when not adding waste or for temporary venting. [Title 128.10 (005.01A)].

NOPF 11 – Failure to label SAA containers as "Hazardous Waste". [Title 128.10 (005.0B)].

NOPF 12 – Failure to accumulate universal waste for less than one year. [Title 128.25 (014.01)].

NOPF 13 – Failure to label containers of universal waste lamps "Universal Waste-Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)". [Title 128.25 (013.05)].

NOPF 14 – Failure to demonstrate the length of time that the universal waste has been accumulated. [Title 128.25 (014.03)].

NOPF 15 – Failure to keep universal waste lamps in containers or packages that are closed, structurally sound, compatible, and lack evidence of leakage, spillage, or damage that could cause leakage. [Title 128.25 (013.05)].

NOPF 16 – Failure to label containers of used oil with the words "Used Oil". [Title 128.07 (009.04A3)].

NOPF 17 – Failure to keep the list of ECs up-to-date. [Title 128.18 (003.04 ref 004.01H)].

NOPF 18 – Failure to amend the contingency plan when the site changes in design or operation and the list of equipment changes. [Title 128.18 (005 ref 004.01H)].

NOPF 19 – Failure to submit a one-time LDR written notice to TSDF with initial shipment and a copy placed in the file. [Title 128.20 (005.01 ref 004.01H)].

NOPF 20 – Failure to submit an exception report as required. [Title 128.10 (002.10)].

Joseph Watson
Digitally signed by Joseph Watson
Date: 2023.11.27 22:01:00 -05'00'

Joseph Watson
Senior Chemical Engineer
Date: November 27, 2023

Mike Martin - signing for Amber Whisnant
Digitally signed by Mike Martin - signing for Amber Whisnant
Date: 2024.01.30 08:27:37 -06'00'

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

Attachments:

1. Contingency Plan (29 pages)
2. Photo Log (42 Photos/43 pages)
3. LQG Inspector Checklist (6 pages)
4. Confidentiality Notice (1 page)
5. Receipt for Documents and Samples (1 page)
6. Methyl Ethyl Ketone SDS (10 pages)
7. Polane 8890 Polyurethane Enamel Agility - Black (22 pages)
8. Polane Exterior Catalyst SDS (18 pages)
9. Heritage-Crystal Clean Waste Profiles (4 pages)
10. Special Waste Disposal Permits (4 pages)
11. Used Oil Bill of Lading (1 page)
12. Acetone Logs (3 pages)
13. Still Bottoms Analytical Results (4 pages)
14. Process Flow Chart (1 page)
15. Uniform Hazardous Waste Management Forms (30 pages)
16. Training Records (7 pages)