

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

GKAT RECLAMATION LLC

1745 NE 58th Avenue
Des Moines, Iowa 50313
515-303-2403

EPA ID Number: IAR000525840

On

October 18 and 20, 2022

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 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 GKAT Reclamation LLC (GKAT) at 1745 NE 58th Avenue, Des Moines, 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, used oil, and universal waste requirements as applicable. This report and its attachments present the findings of the CEI.

PARTICIPANTS

GKAT:

Marc Artozqui, Director of Sales and Operations
Brian Patterson, Operation Manager
Mike Seiler, Machinist
Larry Young, A-Tec Recycling
Taylor Schram, Office Manager (GKAT Dickson St.)
Sam Peterson, Line Supervisor (GKAT Dickson St)

Toeroek Team:

William F, Starks, Environmental Consultant, (816) 286-6951

INSPECTION PROCEDURES

Prior to the CEI at GKAT on October 18, 2022, I conducted a drive-by inspection. I did not observe any areas of concern during the drive-by. I entered the building at approximately 11:15 a.m., and no one was in the office area. I proceeded down a hallway to the entrance of the work area, met Mr. Seiler, and informed him of the reason for the visit. Mr. Seiler stated that he needed to call the corporate office, located at 1700 Dixon Street, Des Moines, Iowa, to advise them of my arrival. After the phone call, Mr. Seiler and I proceeded to the office area. Mr. Seiler stated that someone would arrive at the facility shortly to assist with the CEI. Approximately 15 minutes later, Mr. Young arrived at the facility and I proceeded to conduct an entry briefing with Messrs. Seiler and Young.

During the entry briefing, I presented my business card and EPA credentials to Messrs. Seiler and Young. I explained the scope and procedures for the CEI. I explained the facility's right to make confidentiality claims and provided a Notice Regarding Proprietary/ Confidential Business Information. I stated that at the conclusion of the CEI, they would be presented with a Confidentiality Notice (Notice) with which they could make or not make a claim of confidentiality for the facility. I also provided Messrs. Seiler and Young 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 at the facility 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
- Managing your Hazardous Waste: A Guide for Small Businesses

- Industry Sector Notebooks
- Recycling Electronics: A Guide for Businesses
- Battery Recycling/Disposal
- Management of Fluorescent Lamps for Businesses
- Universal Wastes – Including Aerosol Cans
- TCLP – Toxicity Characteristic Leaching Procedure
- RCRA Online: A Quick Reference Guide
- EPA Region 7 Emergency Response Program

I reviewed the Notification Acknowledgement/Verification Report (Attachment 1) with Messrs. Seiler and Young to verify that I was at the correct facility. Later during the CEI, I reviewed Attachment 1 with Mr. Artozqui to update the information on the form. Specifically, I updated the Site Contact and Current Owner information. I also changed the Hazardous Waste Generator status to Non-Generator of Hazardous Waste.

I conducted a visual inspection of the facility on October 18, 2022, accompanied by Messrs. Seiler and Young. Following the visual inspection, Mr. Seiler explained that all of the records for the facility have been transferred to the corporate office. I proceed to the corporate office to conduct a records review. At the corporate office, I met Mses. Schram and Peterson. I provided Mses. Schram and Peterson a copy of U.S. Federal Codes 1001 and 1002, which they both read. Ms. Schram stated that, because of internet problems, she was not able to access the facility's environmental records on the company's network. After a discussion of the files needed to complete the file review, it was agreed that I would return to GKAT on October 20, 2022, to conduct the records review and the exit briefing.

I arrived GKAT on October 20, 2022 at 8:00 a.m. and met with Messrs. Seiler, Young, Artozqui, and Patterson. I provided Messrs. Artozqui and Patterson a copy of U.S. Federal Codes 1001 and 1002, which they both read. I reviewed available records, including waste inventories, summaries, and shipping documentation. Facility information gathered during the CEI is documented on the Data Gathering Worksheets and Checklists (see Attachment 2).

During the exit briefing at the conclusion of the CEI, I summarized my observations to Messrs. Seiler, Young, Artozqui, and Patterson. I provided a Receipt for Documents and Samples, which Mr. Artozqui signed, acknowledging receipt (Attachment 3). I provided Mr. Artozqui the Notice, which he signed indicating no confidential business information had been provided (Attachment 4). I also provided Mr. Artozqui a Notice of Preliminary Findings (NOPF), which he signed to acknowledge receipt (Attachment 5).

A diagram of the facility was obtained during the CEI and is in Attachment 6. An aerial photograph of the facility was downloaded after the CEI and is in Attachment 7. The 12 photographs taken during the CEI are included in Attachment 8.

FINDINGS AND OBSERVATIONS

1. Facility Description and General Information

GKAT has been in operation at its current location since April 2019. GKAT purchased the facility from A-Tec Electronics. The facility currently employs two full-time staff, who work one shift from 8:00 a.m. to 4:30 p.m., Monday through Friday. The building consists of approximately 24,000 square feet under roof.

GKAT currently processes broken panel glass from cathode-ray tube (CRT) monitors that is received from the GKAT facility located at 1700 Dixon Street in Des Moines, Iowa. After processing, the broken panel glass is sold as a product. Processing includes placing the broken panel glass into a ball mill machine. If customer specifications require further processing, the broken panel glass is then placed into a sizing machine to reach the desired customer specification. Some GKAT customers (for example, Liberty Concrete of Des Moines, Iowa) only require the panel glass to be run through the ball mill machine. Other customers (for example, Ruby Lake Glass of Utica, New York) require that the broken panel glass to be sized in the sizing machine.

From April 2019 to May 2022, GKAT performed CRT recycling (separating panel glass from funnel glass). A copy of the State of Iowa Department of Natural Resources Permit for CRT Recycling (Permit number 77-CRT-02-20-CPR) is included in Attachment 9. In June 2022, GKAT moved CRT recycling operations to its facility at 1700 Dixon Street. When separated, broken panel glass would be considered nonhazardous waste if disposed. However, broken funnel glass would be considered a D008 characteristic hazardous waste if disposed due to its lead content. Prior to May 2022, the facility managed broken funnel glass as a hazardous waste and shipped the waste to Elemental Environmental Solutions (EES) in Arkadelphia, Arkansas, for stabilization prior to land disposal at another site. The broken funnel glass needed to be processed to a certain size before shipment to EES. The facility called the broken funnel glass after processing “G-Flux.” From April 2019 to April 2022, GKAT operated as a large quantity generator (LQG) of hazardous waste (generating more than 1,000 kilograms [kg] of hazardous waste per month). Per the facility’s 2021 Biennial Report, the facility shipped 20,205 kg of G-Flux in 2021.

In May 2022, GKAT started shipping broken funnel glass to Glaze Ceramics in Beloit, Wisconsin, to be used as an ingredient in the manufacturing of ceramic glaze. Glaze Ceramics does not require the broken funnel glass to be processed into G-Flux prior to its use. Because the broken funnel glass is recycled by use as an ingredient, it is excluded from the definition of solid waste per Title 40 *Code of Federal Regulations* (40 CFR) 261.4(a)(22) referencing 261.39.

According to Mr. Seiler, the facility forklift and compressors are maintained by contractors. The contractors take any used oil or used oil filters with them after service is complete. Facility lighting is also maintained by contractors that take any used lamps with them for recycling. No used oil, used oil filters, or used lamps were observed in accumulation at the site, and these wastes are not discussed further in this report.

Facility maintenance generates scrap metal and general trash. Scrap metal generated by the facility is recycled. Scrap metal is considered to be exempt from the definition of solid waste per 40 CFR 261.4(a)(13) or exempt from hazardous waste regulation per 40 CFR 261.6(a)(3)(ii) when recycled. General trash includes office-type refuse and other nonhazardous wastes. General trash is accumulated for landfill disposal.

No previous RCRA inspections had occurred at GKAT.

2. RCRA Status

GKAT is identified as a LQG on the Notification Acknowledgement/Verification Report provided by EPA (Attachment 1). Based on the information obtained during the inspection, it appears the facility is currently operating as a non-generator of hazardous waste. The facility is also operating as a small quantity handler (SQH) of universal waste (accumulating less than 5,000 kg of universal waste at a time) and a used oil generator.

3. Waste Streams

This section of the CEI describes the waste streams generated by the facility, including the facility's waste determinations, generation process and rate, on-site management, and ultimate disposition. The following discussion of waste streams is based on the visual inspection and on conversations with Messrs. Seiler, Young, Artozqui, and Patterson, as well as documents obtained during the inspection.

Broken panel glass is generated when CRTs are de-manufactured. Broken panel glass is no longer generated at GKAT, but is received from the GKAT facility at 1700 Dixon Street. Broken panel glass is received in one-cubic-yard containers for further processing. The facility considers broken panel glass to be nonhazardous waste based on Process/Product knowledge. The facility processes approximately 90,718 kg to 136,000 kg of broken panel glass monthly and sells the processed broken panel glass to customers as a product for concrete or glass manufacturing.

Broken funnel glass is generated when CRTs are de-manufactured. Broken funnel glass is no longer generated at GKAT. The facility last generated broken funnel glass in June 2022. During generation, broken funnel glass was transferred to one-cubic-yard containers. The facility considers broken funnel glass to be excluded from the definition of solid waste per 40 CFR 261.4(a)(22) referencing 261.39.

Since operations began in 2020, the facility has shipped a total of 253,492 kg of broken funnel glass in 2020, 338,307 kg of broken funnel glass in 2021, and 230,273 kg of broken funnel glass in 2022 (Attachment 10). Mr. Artozqui explained that Attachment 10 includes the starting inventory of broken funnel glass as of January 1st. It also includes the total amount of funnel glass shipped throughout the year. Per 40 CFR 261.1(c)(8), a material is not speculatively accumulated if the total amount transferred to a different facility for recycling in a year equals at least 75% of the amount in accumulation at the beginning of the year. Based on the shipping totals in Attachment 10, the percentage of broken funnel glass shipped versus inventory on January 1 was 96% in 2020, 159% in 2021, and 448% in 2022. Based on Attachment 10, it does not appear that GKAT is speculatively accumulating broken funnel glass.

Broken funnel glass is shipped to Glaze Ceramics in Beloit, Wisconsin, to be used as an ingredient in the manufacturing of ceramic glaze and was last shipped on September 12, 2022 (Attachment 11).

During the visual inspection on October 18, 2020, I observed 116 containers of broken funnel glass and G-Flux (Attachment 8, Photographs 1, 3, 4, and 5). I noted 94 of the containers were labeled with the words “Leaded glass from televisions or computers. Do not mix with other glass materials” (Attachment 8, Photograph 2). However, 22 of the containers were not labeled with the words “Leaded glass from televisions or computers. Do not mix with other glass materials” as required by 40 CFR 261.39(a)(2) (**NOPF No. 1**).

I also observed a 55-gallon container below a dust collector (Attachment 8, Photograph 8). The container had a hazardous waste label and was used to collect leaded dust during G-Flux processing (Attachment 8, Photograph 6). Mr. Seiler stated that the contents of the container would be used as a direct ingredient in ceramic glazing, and no longer considered a hazardous waste. He explained that the facility had not relabeled the container with the words “Leaded glass from televisions or computers. Do not mix with other glass materials.” As such, the container is not labeled with the words “Leaded glass from televisions or computers. Do not mix with other glass materials” as required by 40 CFR 261.39(a)(2) (**NOPF No. 1**).

I discussed this preliminary finding with Messrs. Seiler and Young during the visual inspection on October 18, 2022. I explained that the CRT exclusion for the definition of a solid waste includes the requirement that the containers are labeled with the words “Leaded glass from televisions or computers. Do not mix with other glass materials.” I added that after further review by the EPA, it could be determined that the exclusion does not apply to the unlabeled or incorrectly labeled containers and the unlabeled or incorrectly labeled containers are hazardous waste accumulation containers. If the containers are determined to be hazardous waste accumulation containers, the following preliminary findings may apply:

- Failure to label hazardous waste accumulation containers with the words “hazardous waste” as required by 40 CFR 262.17(a)(5)(i)(A)
- Failure to label hazardous waste accumulation container with an indication of the nature of the hazard as required by 40 CFR 262.17(a)(5)(i)(B)
- Failure to mark hazardous waste accumulation container with an accumulation start date as required by 40 CFR 262.17(a)(5)(i)(C)
- Storage of hazardous waste longer than 90 days without a RCRA Permit required by Section 3005 of RCRA

I explained that additional preliminary findings may apply for other LQG requirements such as RCRA Contingency Plan, weekly inspections, and training after further review by the EPA. Mr. Artozqui stated that the facility still has its RCRA Contingency Plan and training records. I did not review these records during the CEI as the facility was operating as a non-generator of hazardous waste at the time of the inspection.

Upon returning to GKAT on October 20, 2022, I observed that facility personnel had applied the wording “Leaded glass from televisions or computers. Do not mix with other glass materials” to

all 23 containers (Attachment 8, Photographs 9 through 12). Mr. Seiler supplied an inventory list that included the location, weight, and date (Attachment 12). Upon review of Attachment 10, I noted that 22 containers had an accumulation start date of October 19, 2022. Mr. Seiler stated that he marked all previously unlabeled containers with an October 19, 2022, accumulation start date. I explained to Mr. Seiler that accumulation start dates are dates when containers start accumulating waste, not the date that labels are applied. I also explained to Mr. Seiler that accumulation start dates are not required per 40 CFR 261.39.

I also noted some discrepancies on the dates of three containers. The dates in question were August 26, 2022, October 8, 2022, and December 21, 2022. Mr. Seiler stated that the year was incorrect on all three and should have been 2021. He explained that no broken funnel glass has been generated at the facility since May 2022, and no broken funnel glass from the GKAT facility on Dixon Street has been transported to the facility.

Scrap metal is generated during facility maintenance and is recycled. Because scrap metal is recycled, the facility considers it exempt from the definition of solid waste per 40 CFR 261.4(a)(13) or exempt from hazardous waste regulation per 40 CFR 261.6(a)(3)(ii). Scrap metal generation rates are not tracked at the facility since very little is generated. The facility loads scrap metal on Transfer Trucks going to the GKAT facility at 1700 Dixon Street, where it is comingled with the 1700 Dixon Street scrap metal. Mr. Artozqui estimated that approximately 5 cubic yards of scrap metal are generated annually from both facilities combined. Scrap metal is collected by Alter Metal Recycling (Des Moines, Iowa) for recycling. I did not observe any deficiencies related to scrap metal during the CEI.

General trash is generated from facility maintenance and cleaning, and includes office trash such as paper, food waste, and packaging. The facility considers general trash to be nonhazardous based on product and process knowledge. The facility generates approximately 10 cubic yards of general trash annually. The facility loads general trash on Transfer Trucks going to the GKAT facility at 1700 Dixon Street, where it is comingled with the 1700 Dixon Street general trash. General trash is collected by Metro Waste Authority of Des Moines, Iowa, and transported to Metro Park East Landfill (Mitchellville, Iowa) for disposal. I did not observe any deficiencies related to general trash during the CEI.

4. Summary of Preliminary Findings

In summary, as part of the CEI, I made the preliminary finding that the facility had failed to label 23 containers with the words “Leaded glass from televisions or computers. Do not mix with other glass materials” as required by 40 CFR 261.39(a)(2) (**NOPF No. 1**).

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. Specifically, it could be determined that the exclusion in 40 CFR 261.39 does not apply to the containers of broken funnel glass because all requirements for the exclusion were not met (that is, unlabeled or incorrectly labeled containers and the unlabeled or incorrectly labeled containers). If the exclusion does not apply and the containers of broken funnel glass would be hazardous waste accumulation containers.

If the containers are determined to be hazardous waste accumulation containers, the following preliminary findings may apply:

- Failure to label hazardous waste accumulation containers with the words “hazardous waste” as required by 40 CFR 262.17(a)(5)(i)(A)
- Failure to label hazardous waste accumulation container with an indication of the nature of the hazard as required by 40 CFR 262.17(a)(5)(i)(B)
- Failure to mark hazardous waste accumulation container with an accumulation start date as required by 40 CFR 262.17(a)(5)(i)(C)
- Storage of hazardous waste longer than 90 days without a RCRA Permit required by Section 3005 of RCRA

I explained that additional preliminary findings may apply for other LQG requirements such as RCRA Contingency Plan, weekly inspections, and training after further review by the EPA.

William F Starks Digitally signed by William F
Starks
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Date: _____

William F. Starks
Environmental Consultant
CLAENE Group, LLC.

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

Attachments:

1. Notification Acknowledgement/Verification Report (1 Page)
2. Data Gathering Worksheets and Checklists (13 Pages)
3. Receipt for Documents and Samples (1 Page)
4. Confidentiality Notice (1 Page)
5. Notice of Preliminary Findings (1 Page)
6. Facility Map (1 Page)
7. Aerial Image of the Facility (1 Page)
8. Photographic Documentation (12 Photographs and Photolog) (8 Pages)
9. State of Iowa Department of Natural Resources Permit for CRT Recycling, Permit Number 77-CRT-02-20-CPR (4 Pages)
10. Funnel Glass Totals for 2020, 2021, and 2022 (1 Page)
11. Funnel Glass Bill of Lading, Dated September 12, 2022 (1 Page)
12. Funnel Glass Inventory, Dated October 19, 2022 (3 Pages)

NOTICE OF PRELIMINARY FINDINGS

FACILITY NAME: GKAT RECLAMATION LLC
ADDRESS: 1745 NB 58th Avenue
NES MOINES, IOWA 50313
EPA ID NUMBER: IAR000525840 DATE: 10/20/2022

NOTICE: I am not an employee of the Environmental Protection Agency ("EPA"). I am a contractor for 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 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 making the determinations as to what violations may have occurred at your facility.

1. Failure to label ²³~~22~~_{wfs} broken CRT Containers with the words
"Used cathode ray tubes - contains leaded glass" or "leaded glass
from televisions or computers," and "Do not mix with
other glass materials" 40 CFR 261.39(a)(2).
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____

If you have any questions regarding these findings please contact

The undersigned person hereby acknowledges receipt of a copy of this document and has read the same.

PRINTED NAME: MARY P. ARIZONA TITLE: DIRECTOR OF SALES & OPERATIONS

SIGNATURE: [Signature]

This document was prepared by William F. Starks