

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

GREENLEAF TOBACCO & VAPE

3710 Merle Hay Rd
Des Moines, Iowa 50310
515-381-9178

EPA ID Number: None

On

February 28, 2024

By

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 (ECAD), I conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) at Greenleaf Tobacco & Vape, located in Des Moines, Iowa, on February 28, 2024. The CEI was conducted under the authority of Section 3007(a) of RCRA, as amended. During the inspection, I collected the information and data necessary to determine compliance with the applicable regulatory and statutory requirements. This inspection report and attachments present the results of the CEI.

2.0 PARTICIPANTS

Greenleaf Tobacco & Vape:

- Dustin Janssen, Store Clerk-Local Manager (4 years with company)
- Jacob Assba, Regional Manager (3 years with company)

EPA:

- Mark Holcomb, Civil Investigator/Inspector (SEE)
- Amy Thompson, Inspector/Case Officer
- Koba Butkovich, Inspector/Case Officer

3.0 INSPECTION PROCEDURES

On February 28, 2024, Ms. Thompson, Mr. Butkovich and I arrived unannounced at the store's main entrance at about 0900 hours. Initially, we conducted a visual reconnaissance of the facility searching for areas of concern observable from the adjacent public roadways and parking lots. We identified no environmental issues or concerns during this preliminary examination. This

facility is a store in a small strip mall.

I introduced myself to Mr. Dustin Janssen, the Store Clerk on duty. Mr. Janssen stated that he was the only employee present and was not very knowledgeable about hazardous waste at this facility, but he offered to help answer our questions. Additionally, he also taking care of several customers.

At the opening conference, I presented my EPA ID and credentials to Mr. Janssen. I explained that my colleagues, Ms. Amy Thompson, and Mr. Butkovich, would be assisting me in a training capacity. I next explained the purpose and procedures of the inspection. I then presented Mr. Janssen with a copy of RCRA Section 3007(a), which provides inspection authority. I explained my need to collect accurate information and presented him with a copy of Title 18 U.S. Code, Sections 1001 and 1002. He was made aware of his confidentiality rights, and I informed him that a Confidentiality Notice would be provided at the end of the inspection to make a confidentiality claim if he so desired. Mr. Janssen acted as the official facility representative during the opening conference and visual inspection. The store's Regional Manager, Mr. Jacob Assba, arrived near the end of the inspection and acted as the official facility representative during the exit conference and signed the closing documents.

The CEI consisted of a discussion of facility operations, waste generation, and waste management; a visual inspection of active waste generation and management areas; and a review of waste management records and documents.

I conducted a visual inspection of the following areas:

- Show Room
- Storage Room
- Outside Southeast Lot

See Attachment #1 for the facility aerial/map views. Document photocopies and photographs were collected as inspection documentation (see Attachments #1-6 and Photos 1-4). The photo log is included as Attachment #2. Information collected during the inspection is documented on an Entry/Exit checklist, the hazardous waste compliance checklists, and in a notebook. I followed the inspection procedures detailed in the RCRA CEI Standard Operating Procedure 2321.01E, unless noted otherwise.

At the conclusion of the inspection, I summarized my findings and recommendations with Mr. Assba. I provided Mr. Assba with a Receipt for Documents (see Attachment #3) and a Confidentiality Notice (see Attachment #4), which he signed as acknowledgement of receipt. A claim of confidential business information was not made by Mr. Assba. I made no preliminary findings during the CEI, so a Notice of Preliminary Findings (NOPF) was not left with the facility at the conclusion of the CEI.

I provided inspection and compliance assistance documents to Mr. Assba during as an electronic PDF via email post-inspection, that included the following:

- *RCRA Section 3007(a) (EPA Handout)*

- *Title 18 U.S. Code, Sections 1001 and 1002 (EPA Handout)*
- *Confidentiality Notice (Top page of the completed carbonless transfer set)*
- *Notice Regarding Proprietary/Confidential Business Information Submitted to or Collected by EPA In Connection with Inspections (EPA Handout)*
- *Receipt for Documents and Samples (Top page of the completed carbonless transfer set)*
- *NOPF with Instructions for Responding on back of form (top page of the completed carbonless transfer set)*
- *Instructions for Responding to a NOPF (EPA Handout)*
- *U.S. EPA Small Business Resource Information Sheet (EPA Handout)*
- *Solvent-Contaminated Wipes Final Rule Chart (EPA Handout)*
- *Recycling Electronics (Iowa Department of Natural Resources - 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)*
- *Commercial Motor Vehicle Transportation System Security & Safety (EPA Handout)*
- *Security Awareness (EPA Handout)*
- *Chemical Facility Anti-Terrorism Standards (Homeland Security Handout)*
- *Iowa Life/Changing Iowa Department of Economic Development – Iowa Environmental Guide for Business*
- *How to Register for RCRAInfo Industry Application for Iowa Facilities*
- *Episodic event processing*

4.0 FINDINGS AND OBSERVATIONS

4.1 Facility Information and Operations

Greenleaf Tobacco & Vape is a retail store in a strip mall that sells tobacco and vape products (see Photo 1 for a view of their show room and Photo 3 storage room). Mr. Janssen stated that this store was one of five locations in Des Moines and 30 locations in Iowa under the same ownership. The facility is privately owned. Mr. Janssen stated that they only resell commercially available products and do not purchase bulk vape or nicotine solutions and do not produce their own vape products to sell. The shop is approximately 4,000 square feet. Mr. Janssen stated that they have four employees and are open seven days per week from 0900-

2200 hours (closes at 2100 on Sundays). This store has been open for about two years. Mr. Janssen stated that they serve about 150 customers per day.

4.2 RCRA Status

Greenleaf Tobacco & Vape had not been previously inspected for RCRA compliance. I verified the facility address and the site contact information with Mr. Janssen and updated the EPA RCRA Notification Acknowledgement Verification Report (see Attachment #5) to indicate the business's main phone number and the Regional Manager's name and contact phone number. Mr. Janssen was not sure of the Owner's name or contact information. Based on the information provided by Messrs. Janssen and Assba, I determined Greenleaf Tobacco & Vape to be a non-generator of hazardous waste, universal waste, and used oil. At the time of the inspection, I did not observe any known hazardous waste being generated or accumulated on-site.

4.3 Facility Waste Streams and Management

Mr. Janssen stated that the following waste streams are managed by Greenleaf Tobacco & Vape:

Returned Store Products - Greenleaf Tobacco & Vape generates about one cardboard box monthly of retail items that are returns from customers. The items include retail products sold in their store and may contain both nicotine juice items and spent lithium battery e-cigarettes. Mr. Janssen stated that returned items are often in their original boxes, then wrapped up with their receipt, and placed in a cardboard box near the front desk. About monthly, the box is shipped to the distributor to make hazardous waste determinations and issue credits, but he was not sure of the process details and did not have access to any documents. Mr. Janssen stated that he was not sure who the distributor was. During the visual inspection, I observed a cardboard box about 12"x12"x18" that was full of expired and returned e-liquid products over the last month (see Photo 2). Most of the products were individually wrapped in original receipts. Also, the products appeared to be in good condition with no obvious leaks. Based on a regulatory review, it appears that the returned products are commercial chemical products and not solid wastes under §261.2, if it is legitimately recycled, and therefore is not subject to hazardous waste regulations when sent for nicotine reclamation. During the visual inspection, I did not observe any spent lithium rechargeable batteries or containers of vape or e-juice larger than about 120 ml being accumulated onsite.

Recyclable Cardboard - Greenleaf Tobacco & Vape generates an unspecified amount of recyclable cardboard boxes from retail operations. This waste stream has been determined to be non-hazardous based product and process knowledge. Recyclable cardboard is collected in one 4-cubic yard dumpster (shared with several other strip mall shops), which was full, located in the outside southeast lot and transported weekly by Aspen for recycling (see Photo 4).

General Trash - Greenleaf Tobacco & Vape generates an unspecified amount of general trash from store and business office operations. This waste stream has been determined to be non-hazardous based product and process knowledge. General trash is collected in two 4-cubic yard

dumpsters (shared with other strip mall shops) located in the outside southeast lot and transported weekly by Aspen to the local landfill (see Photo 4).

4.4 Other Areas Reviewed

Outside Facility Perimeter - I conducted a limited inspection of the outside perimeter of the facility and observed no hazardous waste storage tanks or containers except as noted above. See the aerial and map views in Attachment #1.

5.0 SUMMARY OF FINDINGS

No preliminary findings or compliance issues observed at the time of the inspection. However, further EPA review may include findings.

MARK HOLCOMB
(Affiliate)

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HOLCOMB (Affiliate)
Date: 2024.04.25
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Mark Holcomb
Civil Investigator, SEE

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Amber

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Amber Whisnant
RCRA Section Chief, ECAD/Chemical Branch

Attachments:

- 1) Facility Aerial Map Views (3 pages)
- 2) Photo Log (4 photos and 5 pages)
- 3) Receipt for Documents (1 page)
- 4) Confidentiality Notice (1 page)
- 5) EPA RCRA Notification Acknowledgement/Verification Report (1 page)