REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

FISHER CONTROLS INTERNATIONAL
301 S 1st Ave
Marshalltown, Iowa 50158
641-691-0900 Installation Phone Number

EPA ID Number IAT200010577

On

August 9, 2022

By

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

1.0 INTRODUCTION

At the request of the Enforcement and Compliance Assurance Division (ECAD), I performed a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) at Fisher Controls International, 301 S 1st Ave, Marshalltown, Iowa. The inspection was conducted on August 9, 2022. The CEI was conducted under the authority of RCRA Section 3007(a), as amended. During the inspection, I collected the information and data necessary to determine compliance with the applicable regulatory and statutory requirements. This report and attachments present the results of the CEI. Based on the information obtained during the inspection, I inspected Fisher Controls International as a very small quantity generator (VSQG) of known hazardous waste (HW), a small quantity handler of universal waste (SQHUW) lamps, and a generator of used oil. According to the U.S. Environmental Protection Agency (EPA) RCRAInfo database, the facility had been previously inspected by the EPA on August 17, 1992, which was then located at a different address of 205 Center Street, Marshalltown, Iowa.

2.0 PARTICIPANTS

Fisher Controls International:

Aaron Fairchild, Global Environmental Health & Safety Engineer, (8 years with company), aaron.fairchild@emerson.com
Ramiro Pesina, Director of Environmental Health & Safety, (16 years with company)

EPA:

Mark Holcomb, Civil Investigator/Inspector (SEE)

3.0 INSPECTION PROCEDURES

On August 9, 2022, I arrived unannounced at the facility's main entrance at about 0930 hours.

Initially I conducted a visual reconnaissance of the facility searching for areas of concern observable from the adjacent public roadways and parking lots. This is a large facility covering about two to three city blocks. I identified no environmental issues or concerns during this preliminary examination. There was a security desk inside the main front door. I introduced myself and asked to meet with Aaron Fairchild, the environmental manager listed as the site contact on the EPA Site Verification Form. Mr. Fairchild met me at the entrance and after introductions, I was issued a visitor ID and he escorted me to his office. Mr. Fairchild stated that he had been with Fisher Controls International for over 8 years and functions as the site contact for hazardous waste. He is also their EHS manager for their Americas, Europe, and Asia locations. Mr. Fairchild told me there were currently no specific COVID-19 visitor requirements and the safety personal protective equipment (PPE) requirements at this facility were safety shoes, and eye protection in some areas.

Mr. Fairchild contacted his supervisor, Mr. Ramiro Pesina, the Director of EHS, who is based in Texas. Mr. Pesina was present, via cell phone video, for all phases of the inspection. At the opening conference, I again introduced myself and presented my EPA ID and credentials. I explained the purpose and procedures of the inspection. I presented Mr. Fairchild 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. I made them aware of their confidentiality rights and informed them that a Confidentiality Notice would be provided at the end of the inspection to make a confidentiality claim if they so desired.

The RCRA inspection 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. Mr. Fairchild and Mr. Pesina (via cell phone video) were present throughout the entire inspection including the opening, document review, visual inspection, and closing conference.

I conducted a visual inspection of the following:

- Materials Lab
- Satellite Accumulation Area (SAA)
- Facility Dock
- Central Accumulation Area (CAA)

See Attachment #1 for the aerial and map views of the facility, and Attachment #2 for a facility diagram.

Document Photocopies and Photographs were collected as inspection documentation (see Attachments #1-12 and Photos 1-11). The photo log is included in Attachment #3. Information collected during the inspection is documented on an Entry/Exit checklist, the hazardous waste compliance checklists, and in a notebook. I reviewed documents including the following: Safety Data Sheets (SDS); bills of lading; certificates of recycling; waste profiles; manifests; contingency plan; and staff training records.

On the afternoon of August 9, 2022, I held a closing conference. Participants included Mr. Fairchild and Mr. Pesina (via cell phone video). I provided Mr. Fairchild with a Receipt for

Documents (see Attachment #4) and a Confidentiality Notice (CBI) (see Attachment #5), which he signed as acknowledgement of receipt. No claim of confidential business information was made. I summarized my findings and recommendations and provided Mr. Fairchild with a Notice of Preliminary Findings (NOPF), which he signed to acknowledge receipt (see Attachment #6). There were no specific findings listed. I provided inspection and compliance assistance documents to Mr. Fairchild during the inspection, some as paper versions and some in electronic PDF via email, that included the following:

- *RCRA Section 3007(a)*
- *Title 18 U.S. Code, Sections 1001 and 1002*
- *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 Receipt for Documents and Samples*
- *Notice of Preliminary Findings (NOPF) with Instructions for Responding on back of form (top page of the completed carbonless transfer set)*
- *Instructions for Responding to a Notice of Preliminary Finding (NOPF) (EPA Handout)*
- *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)*
- *Commercial Motor Vehicle Transportation System Security & Safety*
- *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*

I followed the inspection procedures detailed in the RCRA CEI Standard Operating Procedure (SOP) 2321.01D, unless noted otherwise.

4.0 FINDINGS AND OBSERVATIONS

4.1 Facility Information and Operations

Mr. Fairchild stated that Fisher Controls was started in the late 1880's as a control valve company. Fisher Controls was purchased by Emerson in 1998. Emerson is a multinational corporation that provides products and engineering services for industrial, commercial, and consumer markets that is headquartered in Missouri. Fisher Controls International in Marshalltown has 439 employees working mostly day shift, Monday – Friday. Mr. Fairchild stated that the facility I was inspecting, at 301 S. 1st Ave in Marshalltown, is essentially a Research & Development engineering center known as their Innovation Center. Their materials lab generates a small amount of hazardous waste, but most manufacturing and waste generation is done at other facilities.

They also asked to clarify the scope of this EPA RCRA inspection due to having a nearby (within a one to two blocks) related facility that had been generating larger amounts of waste (some hazardous waste) that was being managed by their EHS staff and shows up on their manifests, but they do not believe it should be considered part of their facility. They called the other facility "Section 7" and referred to it as the "Sand Lab". The Sand Lab in Section 7 was making computer 3D printer valves for R&D testing that were made with a sand and resin mixture, and also using metal powder (titanium, aluminum), that was being disposed of as waste. Mr. Fairchild shared an Excel Report that lists all their waste streams, and Section 7 does account for most of the waste streams (see Attachment #8). Mr. Fairchild stated that the Sand Lab had been closed about a year ago and that those wastes are no longer being generated. Mr. Fairchild and Mr. Pesina both felt that Section 7 and the Sand Lab would technically not be the same facility as the 301 S 1st Ave, Marshalltown facility listed on the EPA Notification Acknowledgement /Verification Report form for this inspection, due to:

- Section 7 has a different address - 404 S Center Street, Marshalltown, Iowa
- Section 7 has a different management team
- They do not combine wastes (but they do share the same EHS waste handling staff)

Fisher Controls International is privately owned by the same owner and operator of the facility. See Attachment #1 for the facility aerial view and map location.

4.2 Facility RCRA Status

RCRAInfo listed previous RCRA compliance inspections for Fisher Controls International on August 17, 1992, and one on July 25, 1990, with findings of "open drums and improper waste determination". Note, those were for a different facility location and may actually be IAD005287768. According to the RCRAInfo Notification Acknowledgement/Verification Report, Fisher Controls International last notified as a Small Quantity Generator (SQG) on August 18, 2017. I verified the Notification Acknowledgement/ Verification form with Mr. Fairchild with minor changes made (see Attachment #7). The RCRAInfo Notification Acknowledgement/ Verification form report listed waste codes: D001, D002, D009, and F003. Fisher Controls International, at this address, appears to be a very small quantity generator (VSQG) of hazardous waste (less than 100 kg or 220 lbs of non-acute hazardous waste generated per month), based on the facility's hazardous waste generation rate at the time of the inspection. In addition, Fisher Controls International appears to be a small quantity handler of universal waste lamps/ballast, and a used oil generator.

Since Fisher Controls International had last notified as a Small Quantity Generator (SQG), on August 18, 2017, I asked if they had re-notified by September 1, 2021, as required by the new 40 CFR 262.18(d)(1) rule. Mr. Fairchild stated that they had not, and he was not aware of this new rule. I mentioned that since they now appear to be VSQG, the re-notification is not required, but I suggested they consider this in case their status changes to a SQG or to even indicate to the EPA that they had changed from a SQG to VSQG.

4.3 Facility Waste Streams and Management

The following waste streams are managed by Fisher Controls International:

Waste Lab Chemicals - Mr. Fairchild stated that Fisher Controls International's Materials Lab generates a small amount of waste acids from their etching and materials testing processes. There are four chemicals typically generated including: Sulfuric Acid, Hydrochloric Acid, Nitric Acid, and Ferric Chloride. Mr. Fairchild stated that each acid waste is generated in similar volumes, estimated at ½ of a 5-gallon plastic container per year per acid, or about five to ten gallons per year total (40 to 80 pounds per year). These wastes are determined to be hazardous based on product and process knowledge and given a D002 corrosive hazardous waste code. On-site it is managed in a satellite accumulation area (SAA) inside and under the control of the Materials Lab's staff. During the visual inspection, I observed four 5-gallon plastic containers in the SAA in the Materials Lab (see Photos 1-3). Each container was closed and in good condition and placed on top of a containment base. Each container was about 1/10 full and had a small label that indicates the contents and the DOT hazard, but no "Hazardous Waste" label (see Photo 2). Note, there was a large orange "Hazardous Waste" label on the floor next the SAA containers as well as hazardous waste and corrosive placard on the wall next to the SAA containers. A hazardous waste label on the container is not required for VSQG. Additionally, on the wall next to the SAA containers was a clipboard documenting weekly inspections (see Photo 3). The most recent shipping manifest for any of these wastes was July 13, 2022 (see Attachment #9 for the recent manifests). The manifest indicated that 75 pounds of UN3264 Corrosive liquid acidic (hydrochloric acid) was shipped by Clean Harbors Environmental Services. The next most recent eManifest on July 30, 2020, indicated 25 pounds of ferric chloride, 17 pounds of hydrochloric acid, 17 pounds of sulfuric acid, and 25 pounds of nitric acid (on a separate manifest). These were being managed off-site by Safety Kleen and being shipped to Clean Harbors Deer Trail facility near Denver, Colorado, for H132 processing (landfill with prior treatment and/or stabilization). The nitric acid was shipped by Safety Kleen to Clean Harbors Eldorado in Arkansas for H040 processing (incineration).

Metal Powders – Titanium and aluminum metal powder was used in the Section 7 Sand Lab in the computer 3D printing process for research testing. As noted earlier, the Sand Lab has been discontinued and Mr. Fairchild stated that these shipments were mostly cleanout of the facility. The June 29, 2022, manifest (see Attachment #9) indicated one 55-gallon drum, 300 pounds, of the UN3089 Metal Powders, Flammable (Titanium, Aluminum) was shipped, and the earlier March 30, 2022, manifest indicated two 55-gallon drums, 900 pounds, of the same waste was shipped by Safety Kleen to Clean Harbors El Dorado in Arkansas for H040 processing (incineration). Both shipments had hazardous material (HM) box checked, but no waste codes were listed in section 13 of the manifest. Mr. Fairchild stated that these powdered metals are

flammable and considered hazardous per the DOT, but are not D001, ignitable, per EPA regulations, so they are considered non-hazardous waste. See Attachment #10 for the SDS of the Titanium. Note, it was determined that this waste stream was probably coming from a different facility since the Section 7 Sand Lab is at a different location.

Used Oil – Mr. Fairchild stated that Fisher Controls International mechanics generate used oil during preventive maintenance of facility equipment and forklifts. Mr. Fairchild stated that they generate about 55 gallons per year. The used oil is determined to be non-hazardous. On-site management includes collecting the used oil in a 55-gallon drum in the central accumulation area (CAA) room. During the visual inspection I observed one, red, steel 55-gallon drum in the CAA on a containment base (see Photo 5). The drum was about 1/10th full and appeared to be in good condition with no leaks. The drum had a funnel top that was closed, and the drum was clearly marked with the words "Used Oil". Mr. Fairchild stated that Safety Clean transports the used oil annually for recycling.

Spent Lamps – Mr. Fairchild stated that Fisher Controls International is still in the process of switching over to LED lamps. During the visual inspection of the universal waste storage area inside the CAA, I observed: one 5-gallon plastic container of eWaste (ballasts). The full container was closed, labeled with the words "Universal Waste eBallast", though technically not universal waste, and dated with accumulation start date of "7/15/2022" (see Photo 7). I observed another 5-gallon plastic container of Universal Waste Lamps (short four-inch-long fluorescent lamps). The container was closed, properly labeled, and dated with accumulation start date of "3/24/2022" (see Photo 8). It contained approximately 15 lamps and was 1/3 full. Mr. Fairchild stated that they generate about 400 lamps per year, and the lamps and ballast are processed by Safety Kleen for recycling.

Paper Shop Wipes (Oily Absorbents) – Mr. Fairchild stated that Fisher Controls International mechanics use paper wipes during maintenance procedures from oil change preventive maintenance of facility equipment. The rags are potentially contaminated with oil and grease. They determined these to be non-hazardous and treat them as used oil. Mr. Fairchild estimated that they generate about one 55-gallon drum per year. On-site they are collected inside of plastic bags. The plastic bags of oily wipes are collected and placed in a 55-gallon drum. During the visual inspection I observed a 55-gallon steel drum located inside the CAA (see Photo 6). The drum was closed and appeared to be in good condition. The drum was about ¾ full and was grounded with static straps.

Scrap Metal - Mr. Fairchild stated that Fisher Controls International generates a small amount scrap metal during facility maintenance, operations, and modifications. During the visual inspection I observed a one cubic foot cardboard container full of scrap metal stored on the Facility's Dock (see Photo 4). I did not ask more details about volumes and off-site management of this waste.

Cardboard – Fisher Controls International generates general recyclables such as cardboard from packaging and operations. On-site cardboard is stored in plastic bins in the Facility's Dock area (see Photo 4). Mr. Fairchild estimated that they generated about 100 pounds per week, and it is self-transported to Mid-Iowa Workshop for recycling.

General Trash – General trash is generated by routine business operations. Mr. Fairchild stated the trash consists of paper and plastic shipping wastes and general office wastes and that it is nonhazardous. He was not sure of how much they generate, but on-site it is collected in a large roll-off located in the Facility Dock area. During the visual I observed the Large 22 ft x 8 ft x 6 ft (30 cu yards) roll-off trailer, about 2/3 full of general trash (see Photo 11). The trash is processed by DNS Facilities and transported to Marshalltown Landfill.

4.4 Other Regulatory Requirements

Outside Facility Perimeter - I did a limited inspection of the outside perimeter of the facility and observed no hazardous waste storage tanks and containers except as noted above. The Fisher Controls International building is a large two-three block size facility. I did observe security cameras around the facility. See the aerial and map views in Attachment #1.

Central Accumulation Area (CAA) – During the visual inspection, I inspected the inside CAA room located just off the Facility Dock area. See Photo 5-10 for more details. There was signage posted on the door with emergency contact information (see Photos 9 and 10). They do weekly inspections of the CAA and document the checks on an electronic checklist on a computer in the maintenance office next door to the CAA. I reviewed several months of the online documentation.

Preparedness and Prevention – Fisher Controls International has numerous fire extinguishers and spill kits throughout the facility. I did not ask detailed questions about their contingency plan since this is not required for a VSQG, but Mr. Fairchild stated that they do have an emergency action plan that appears to cover the contingency plan requirements for an SQG. See Attachment #11 for the table of contents of their company emergency action plan.

Personnel Training – I did not ask detailed questions about their training since this is not required for a VSQG, but Mr. Fairchild stated that they do require initial and annual recurrent training for all staff having hazardous waste handling responsibilities. See Attachment #12 for a copy of one of their staff training logs.

5.0 SUMMARY OF FINDINGS

- No findings listed.

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.

MARK HOLCOMB (Affiliate)
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Mark Holcomb
Civil Investigator

AMBER WHISNANT Digitally signed by AMBER WHISNANT Date: 2022.10.23 19:04:09 -05'00'

Amber Whisnant
RCRA Section Chief, ECAD/CB

Attachments:

1. Facility Aerial & Map View (2 pages)
2. Facility Diagram (1 page)
3. Photo Log (11 photos / 6 pages)
4. Receipt for Documents (1 page)
5. Confidentiality Notice CBI (l page)
6. Notice of Preliminary Findings NOPF (1 page)
7. EPA RCRA Notification Acknowledgement/Verification Report (2 page)
8. Excel list of waste streams (1 page)
9. Manifests (10 pages)
10. SDS Titanium Powder (8 pages)
11. Emergency Plan Table of Contents (1 page)
12. Staff Training Log (1 page)