



United States Environmental Protection Agency  
Region 7  
Enforcement and Compliance Assurance Division

Air Branch

**Air Branch Inspection Report**  
**Unannounced Partial Compliance Evaluation**  
**Van Diest Supply Company**  
1434 220<sup>th</sup> Street  
Webster City, IA 50595  
FRS# 110069992088

**Inspection Date(s):**  
September 4-5, 2024

Christopher Appier, Inspector, ECAD, Air Branch

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**This Contents page shows all the sections contained in this report  
and provides a clear indication of the end of this report.**

## INSPECTION OVERVIEW

### INSPECTION OBJECTIVE

The objective of the partial compliance evaluation (PCE) inspection was to determine compliance of the facility with the Clean Air Act (CAA), specifically those requirements listed in **Table 1**.

**Table 1. APPLICABLE REGULATIONS**

| <b>Code of Federal Regulation</b> | <b>Standard Name</b>                                                                                                |
|-----------------------------------|---------------------------------------------------------------------------------------------------------------------|
| 40 CFR Part 63                    | Subpart EEEE, National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) |

**Table 2** lists the inspection team members.

**Table 2. PROJECT TEAM MEMBERS**

| <b>Team Member</b> | <b>Organization</b>                         | <b>Project Role</b> |
|--------------------|---------------------------------------------|---------------------|
| Christopher Appier | EPA Region 7, ECAD, Air Branch              | Lead inspector      |
| David Knoll        | Iowa Department of Natural Resources (IDNR) | Field team member   |
| Robert Quintero    | IDNR                                        | Field team member   |

### FACILITY CONTACT INFORMATION

**Table 3** lists the primary facility contacts alphabetically.

**Table 3. FACILITY CONTACT INFORMATION**

| <b>Name, Title</b>                                    | <b>Phone No.</b> | <b>Email Address</b>     |
|-------------------------------------------------------|------------------|--------------------------|
| Dustin Elliot, Facilities Director                    | (515) 832-7084   | dustin.elliott@vdsc.com  |
| Carl King, Environmental Engineer                     | (515) 832-5691   | carl.king@vdsc.com       |
| Josh Lacey, Bulk Terminal Manager                     | -                | josh.lacey@vdsc.com      |
| Jim Piaszynski                                        | -                | jim.piaszynski@vdsc.com  |
| Kris Rossmiller, Director of Environmental Compliance | (515) 832-5691   | kris.rossmiller@vdsc.com |
| Lee Trask, Vice President of Manufacturing            | (515) 832-8648   | lee.trask@vdsc.com       |

### FACILITY OVERVIEW

Van Diest Supply Company (VDSC) was founded in 1956 by Bob Van Diest and is a family-held corporation. The facility consists of over 50 buildings on approximate 270 acres. VDSC serves the agricultural industry through agricultural chemical and specialty product distribution, formulation, bulk terminals, and public warehouses. VDSC operates 24 hours per day for five days per week and employs approximately 400 employees.

The last onsite compliance monitoring activity at the facility was on September 21, 2023, and consisted of an FCE inspection conducted by the IDNR. IDNR conducted a Title V certification review on March 29, 2024.

According to EPA's Enforcement and Compliance History Online ([ECHO](#)) website, there have been two informal enforcement actions at the facility within the past five years. IDNR issued the following informal CAA enforcement notifications to the facility:

IDNR issued a Notice of Violation (NOV) to VDSC, on July 30, 2021, for a late Title V fee payment. The Title V fee was due on July 1, 2021, and VDSC returned to compliance on July 26, 2021.

IDNR issued an NOV to VDSC, on November 10, 2022, for a late semi-annual monitoring report (SAMR). The SAMR was due on September 30, 2022, and VDSC returned to compliance on November 30, 2022.

The IDNR Title V operating permit issued by the IDNR on November 23, 2021, indicates that the facility is subject to 40 CFR Part 63, Subpart EEEE (MACT 4E) because it is possible that there could be organic liquids stored and distributed by the facility that would be covered by the MACT.

MACT 4E establishes national emission limitations, operating limits, and work practice standards for organic hazardous air pollutants (HAP) emitted from organic liquids distribution (non-gasoline) operations at major sources of HAP emissions.

Section 63.2406 of the subpart defines organic liquid to mean:

1. Any non-crude oil liquid, non-condensate liquid, or liquid mixture that contains 5 percent by weight or greater of the organic HAP listed in Table 1 to this subpart...
2. Any crude oils or condensates downstream of the first point of custody of transfer.
3. Organic liquids for the purposes of this subpart do not include the following liquids:
  - i. Gasoline, kerosene, diesel, asphalt, and heavier distillate oils and fuel oils;
  - ii. Any fuel consumed or dispensed on the plant site directly to users;
  - iii. Hazardous waste;
  - iv. Wastewater;
  - v. Ballast water; or

- vi. Any non-crude oil or non-condensate liquid with an annual average true vapor pressure less than 0.1 psia.

## **FACILITY OPERATIONS SUMMARY**

VDSC stores various organic agricultural chemicals in storage tanks in several buildings at the facility. The contents of the storage tanks vary from day to day. The agricultural chemicals are distributed by trucks and storage containers, which are filled using transfer racks. MACT 4E requires emission limitations, operating limits, and work practice standards for storage tanks, transfer racks, equipment leak components, vehicles, and storage containers. These requirements are based on the vapor pressures of the organic liquids, storage tank sizes, and transfer rack loading volumes.

## **FIELD ACTIVITIES SUMMARY**

The inspection team arrived at the facility on September 4, 2024, at 11:05 a.m. and completed a drive by surveillance inspection. I did not observe any visible emissions. We made entry at the front gate at 11:15 a.m. and met with the other members of the inspection team. We then went to the main office and were met by Mr. Elliot and guided to a conference room. I introduced myself, presented my credentials, and provided my business card to the facility contacts listed in **Table 3**. I conducted an opening conference during which I explained that the purpose of the visit was to conduct an inspection to determine compliance with the CAA, specifically, to determine compliance with the regulation listed in **Table 1**. I explained that after asking for some general business information, I would observe process units, emission units, control equipment and review associated records demonstrating compliance with the regulation listed in **Table 1**. I explained to Ms. Rossmiller that the facility would have an opportunity to make a claim of business confidentiality at the end of the inspection and provided her with a Confidential Business Information (CBI) form. Ms. Rossmiller did make a claim of confidentiality (**Appendix A**). We discussed the layout of the facility, facility operations, MACT 4E applicability, and ethylene oxide (EtO) testing at the facility.

We broke for lunch at 12:10 p.m. and returned to the facility at 1:15 p.m. The inspection team was given a facility tour by Ms. Rossmiller and Mr. Lacey. We wore a hard hats, safety glasses, and steel toed boots during the facility tour per my site health and safety plan. During this tour, I photographed all liquid transfer rack at the facility.

After the facility tour, I discussed permitting and construction activities with Ms. Rossmiller. We departed the facility at 3:50 p.m.

On September 5, 2024, the inspection team arrived at the facility at 8:05 a.m. I discussed the spreadsheet VDSC uses to determine MACT 4E applicability with Ms. Rossmiller, Mr. King, and Mr. Piaszynski. I then discussed permitting and construction activities at the facility with Ms. Rossmiller, Mr. King, and Mr. Elliot.

We toured the facility again with Mr. Elliot. During this site tour, I photographed Buildings 54 and 55. Additionally, I conducted measurement activities, which are described in the **Measurement Activities** section below.

I obtained copies of the records as indicated on the Receipt for Documents (**Appendix B**). The facility map was received as a paper copy during the on-site inspection. The other records were requested via email to be uploaded to a shared OneDrive folder by September 27, 2024. The records were uploaded to the shared drive on September 24, 2024, by Mr. King. On October 3, 2024, I requested via email that the Building 54 and 55 construction timeline document be updated to include additional information. The updated timeline was submitted on October 4, 2024, by Mr. King via email. The entirety of the document request conversation can be seen in **Appendix C**.

I conducted a closing conference with the facility representatives listed in **Table 3** on September 5, 2024. I provided the facility with copies of a small business fact sheet, the receipt for documents, and the CBI form. I left Ms. Rossmiller with a Notice of Potential Findings (**Appendix D**). The inspection team departed the facility at 12:00 p.m.

Observations and potential findings from the facility tour, records review, and measurement activities are noted in the **Investigation Observation and Potential Findings** section below.

### Measurement Activities

I conducted field measurements during the September 5, 2024 onsite portion of the inspection.

**Table 4** summarizes field measurement activities.

**Table 4. FIELD MEASUREMENT ACTIVITIES**

| Date(s) and Time                                                                                    | Method and/or Procedure <sup>1</sup> , and Equipment                                                                                                              | Measurer Name      |
|-----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------|
| 9/5/2024                                                                                            | <b>Region 7 procedure:</b> <i>FLIR ThermoCAM™ GasFindIR, GF320, and Similar Infrared Cameras,</i><br><b>Equipment:</b> FLIR GX320, C15517 - FLIR GX320 – 10400138 | Christopher Appier |
| <sup>1</sup> The current version of each procedure, at the time of the investigation, was followed. |                                                                                                                                                                   |                    |

I used a GX320 FLIR camera to observe the emission units listed in **Table 5** and are listed in the order that I viewed the units. I did not observe any emissions from the truck loading activities. I

did not see a concerning amount of emissions flowing from the stack exhausts at any of the buildings I observed. I did not record any videos using the FLIR camera.

**Table 5. FLIR OBSERVATIONS**

| <b>Building Number</b> | <b>Emission Unit Type</b> |
|------------------------|---------------------------|
| Building 50            | Stack exhaust             |
| Building 34            | Stack exhaust             |
| Building 37            | Truck loading             |
| Building 39            | Truck loading             |
| Building 41            | Stack exhaust             |
| Building 22            | Stack exhaust             |
| Building 29            | Truck loading             |
| Building 30            | Stack exhaust             |
| Building 32            | Stack exhaust             |
| Building 33            | Stack exhaust             |
| Building 14            | Stack exhaust             |
| Building 17            | Stack exhaust             |

All environmental measurement activities were performed in accordance with the EPA Region 7 quality system.

## **INVESTIGATION OBSERVATIONS AND POTENTIAL FINDINGS**

Ambient weather, site conditions, and field activities were documented in the field records. All photographs are included in **Appendix E** and have been claimed as confidential business information. I made the following observations during the inspection. I discussed all observations with facility representatives during the closeout meeting unless otherwise noted in the observation description.

These observations are not final compliance determinations. The EPA Region 7 Air Branch case review team will make the final compliance determinations based on its review of this report and other technical, regulatory, and facility information.

### **MACT 4E APPLICABILITY**

As discussed above, MACT 4E defines an organic liquid to mean any non-crude oil liquid, non-condensate liquid, or liquid mixture that contains 5 percent by weight or greater of the organic HAP listed in Table 1 to this subpart. It also exempts from the definition of organic liquid any non-crude oil or non-condensate liquid with an annual average true vapor pressure less than 0.1 psia. Using the provided documentation, I examined the Table 1 HAP contents and vapor pressures for the chemicals stored at the facility. None of the stored chemicals meet the definition of organic liquid, therefore, MACT 4E does not apply to the facility under the current configuration.

However, MACT 4E is cited in the permits for this facility because it is possible that there could be organic liquids stored and distributed by the facility that would be covered by MACT 4E. The spreadsheet used by the facility to track the contents of each storage tank and determine MACT 4E applicability appear to be accurate. The spreadsheet appears to be a reasonable and effective method for determining applicability of the rule.

### **ETHYLENE OXIDE EMISSIONS TESTING**

I was informed that the facility is currently in the process of conducting emissions testing to determine all sources of EtO at the facility. These emissions are mostly anticipated from the processing plants at the facility. The testing was being done in anticipation of upcoming applicable hazardous organic NESHA (HON) rules that will require fence line monitoring. HON includes four rules that apply to equipment and processes at chemical manufacturing plants that make hundreds of bulk synthetic organic chemicals; plants sell the chemicals or use them to make other chemicals. The HON will require fence line monitoring for six air toxics, including EtO, at facilities that are covered by the rule and that use, store or emit the pollutants. Ms.

Rossmiller stated that the facility does not anticipate having issues meeting the fence line limit for EtO. The testing plan appeared to be detailed and comprehensive.

## **CONSTRUCTION AND PERMITTING TIMELINE**

During the site tour on September 4, 2024, I asked Mr. Lacey about any recent construction activities at the facility. He informed me that he believed that Building 55 started construction in the fall of 2023, and that Building 54 started over a year ago. I documented this on the paper map I received that day (**Appendix F**). Mr. Lacey then requested the construction dates from the engineering group. The response was that construction began on Building 54 in late 2022, had paused from a freeze and had not started again. The engineering team relayed that construction on Building 55 started in late November 2023. This response was also documented on the back side of the map in **Appendix F**.

After the September 4, 2024 site tour, Ms. Rossmiller informed me that Building 55 received a construction permit in July of 2024. And that Building 54 did not yet have a construction permit and an application had not yet been submitted. Ms. Rossmiller stated that Building 54 was being constructed to house product for a client and they had not yet informed VDSC of every chemical they would have stored at the facility. Therefore, VDSC was not able to complete a construction permit application because it could not calculate emissions estimates for the project. Ms. Rossmiller also informed me that IDNR had been made aware that a permit application was soon to be submitted.

This information was stated again the morning of September 5, 2024. My OneNote notebook for the inspection (**Appendix G**) documents this information. Additionally, I discussed the construction timeline with Mr. Elliot. He informed me that Building 54 construction began in the fall of 2022 and Building 55 construction began on October 30, 2023.

During the September 5, 2024 facility tour with Mr. King, I photographed the interior and exterior of both Building 54 and 55 (images IMG\_0222.JPG through IMG\_0231.JPG, **Appendix E**). It can be seen that Building 54 has already had significant construction performed.

While reviewing the documents submitted to the shared OneDrive folder, I noticed that in a written statement from Ms. Rossmiller (**Appendix H**), she stated that “I am the new Director of Environmental Compliance and have been with the company for less than 5 month. I stopped construction on Building 54 when I discovered that Van Diest Supply Company did not have a construction permit”, however, I noticed that in the spreadsheet documenting the construction timeline (**Appendix I**), the last item concluded in July of 2023. I then emailed Ms. Rossmiller, Mr. King, Mr. Elliot, Mr. Trask, and Mr. Piaszynski to inquire about this timeline discrepancy. The entirety of our conversation can be seen in **Appendix J** and is detailed further below.

Ms. Rossmiller responded that she made an error in her statement and that the information in the construction timeline was correct. Below her response was another response to my inquiry from Mr. Trask that was not sent to me directly. In his response, Mr. Trask told Ms. Rossmiller that the information she provided to me was untrue. He then outlines the history of his discussions with Ms. Rossmiller on the topic of permitting and continuing construction. Based on Mr. Trask's response, it appeared that the facility representatives were aware that construction was occurring without a construction permit and decided to continue regardless.

I then emailed Ms. Rossmiller and Mr. Trask asking if construction on Building 54 had stopped on July 1, 2023, or if it was still ongoing. Ms. Rossmiller responded stating that construction had stopped on September 6, 2024. Mr. Trask then responded to clarify the timeline of the events and point out that confusion may have arisen from the construction timeline documentation format.

## **CONSTRUCTION PERMIT REQUIREMENTS**

Section 110 of the Clean Air Act grants the Administrator of the EPA authority to approve a state plan which provides for implementation, maintenance, and enforcement of a standard in each air quality control region within a state. Iowa Administrative Code 567-22.1 is approved in the Iowa State Implementation Plan (SIP) which is listed in 40 CFR Part 52, Subpart Q and is federally enforceable.

IAC 567—22.1(455B) defines the following:

*"Initiation of construction, installation or alteration"* means significant permanent modification of a site to install equipment, control equipment or permanent structures. Not included are activities incident to preliminary engineering, environmental studies, or acquisition of a site for a facility.

IAC 576—22.1(1) discusses the requirements for construction permits and states:

*Permit required.* No person shall construct, install, reconstruct or alter any equipment, control equipment or anaerobic lagoon unless a permit is first obtained pursuant to this chapter, 567 — 31.3(455B), or 567—33.3(455B), or the equipment qualifies for an exemption under 22.1(2). An air quality construction permit shall be obtained prior to the initiation of construction, installation or alteration of any portion of the stationary source or anaerobic lagoon, unless the parameters in 22.1(1) "c" are met. See the potential findings below for how this requirement relates to the individual Building 54 and 55 construction projects.

Chapter 31 contains the requirements for nonattainment new source review. The facility is in an area of attainment and therefore Chapter 31 requirements do not apply to Building 54 or 55 construction permitting.

Chapter 33 contains the requirements for Prevention of Significant Deterioration (PSD) construction permitting. VDSC is considered a major source. However, the Chapter 33 construction permitting requirements only apply if the potential emissions for the project are above the significant modification threshold. Building 55 was determined to be below the significant modification threshold and as a result is not subject to Chapter 33 permitting requirements. See the Building 55 permit application (**Appendix K**), page 177 through 192, for this analysis. Building 54 does not have a permit application submitted to IDNR at the time of this report. Therefore, the applicability of Chapter 33 to the Building 54 construction project has not been determined.

## POTENTIAL FINDINGS

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Potential Finding 1:</b> Constructing without a construction permit                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>Observation Summary:</b> VDSC began construction on Building 54 without obtaining a construction permit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| <b>Citation:</b> IAC 576—22.1(1)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Evidence:</b> <b>Appendix D</b> - Field Photographs, photographs IMG_0222.jpg through IMG_0225.jpg; <b>Appendix E</b> – Facility Map with Inspection Notes; <b>Appendix F</b> – Inspection Notebook; <b>Appendix H</b> – Building 54 and 55 Construction Timeline; <b>Appendix I</b> – Email Chain Discussing Permitting and Construction; <b>Appendix L</b> – Email Conversation with David Knoll on Permitting                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Description of Observation:</b><br><br>According to information received from Mr. Lacey ( <b>Appendix E</b> ), Mr. Elliot, and the Construction Timeline document ( <b>Appendix H</b> ), construction on Building 54 began on September 6, 2022. According to information received in emails from Ms. Rossmiller and Mr. Trask, construction on Building 54 continued until September 6, 2024.<br><br>According to an email conversation with Mr. Knoll of IDNR ( <b>Appendix L</b> ), VDSC has not yet submitted a permit application for the Building 54 construction project.<br><br>IAC 576—22.1(1) requires that a construction permit be obtained before beginning construction. The only exceptions are exemptions from the requirement to obtain a permit under 22.1(2) and the ability to begin construction before receiving a construction permit under 22.1(1)“c”.<br><br>The exemption from construction permitting under IAC 576—22.1(2) does not appear to apply to this project and I found no evidence of a request for exemption from permitting. |

**Potential Finding 1: Constructing without a construction permit**

The ability to begin construction before receiving a construction permit under 22.1(1)"c" depends on meeting several requirements, one of which is that a permit application be submitted to the state. Since VDSC has not applied for a permit, they are not able to begin construction before receiving a permit.

It appears that the facility was in violation of IAC 576—22.1(1) from September 6, 2022 through September 6, 2024.

**Potential Finding 2: Constructing before receiving a construction permit**

**Observation Summary:** VDSC began construction on Building 55 before obtaining a construction permit.

**Citation:** IAC 576—22.1(1)

**Evidence:** **Appendix E** – Facility Map with Inspection Notes; **Appendix F** – Inspection Notebook; **Appendix H** – Building 54 and 55 Construction Timeline; **Appendix J** – Building 55 Construction Permit Application; **Appendix M** – Building 55 Construction Permit

**Description of Observation:**

According to information received from Mr. Lacey (**Appendix E**), Mr. Elliot, and the Construction Timeline document (**Appendix H**) submitted, construction on Building 55 began around November 2023.

The permit application for Building 55 (**Appendix J**) was submitted on June 19, 2024. The Building 55 construction permit (**Appendix L**) was received on July 15, 2024.

IAC 576—22.1(1) requires that a construction permit be obtained before beginning construction. The only exceptions are exemptions from the requirement to obtain a permit under 22.1(2) and the ability to begin construction before receiving a construction permit under 22.1(1)"c".

The exemption from construction permitting under IAC 576—22.1(2) does not appear to apply to this project and I found no evidence of a request for exemption from permitting.

The ability to begin construction before receiving a construction permit under 22.1(1)"c" depends on meeting several requirements, one of which is that project is not subject to National Emission Standards for Hazardous Air Pollutants (NESHAP) rules. The construction permit application (**Appendix J**) and the construction permit (**Appendix M**) show that the project is subject to 40 CFR Part 63, Subpart FFFF and therefore does not qualify to begin construction before receiving a construction permit.

It appears that the facility was in violation of IAC 576—22.1(1) from November 1, 2023, through July 15, 2024.

End of report.

# Notice of Preliminary Findings

Media: Air

Facility Name: Van Diest Supply Co.

Facility Address: 1434 220th St, Webster City, IA

EPA ID#: \_\_\_\_\_

Date: 9-5-24

This notice is provided to call your attention to the following preliminary findings regarding state and federal regulations. This notice does not constitute a compliance order and may not be a complete listing of all findings resulting from the inspection.

## Citation

## Description of Finding

IAC 576-22.1(1)

Began construction of Buildings 54 and 55 before receiving construction permits for the projects

As a continuation of the inspection performed at your facility, you are asked to submit a written response within 14 calendar days of receipt of this notice. Your response should include a description of all corrective actions taken and/or a schedule for completing the necessary corrective actions. The response should be submitted to:

U.S. Environmental Protection Agency  
Region 7, Enforcement & Compliance Assurance Division (ECAD)  
11201 Renner Boulevard, Lenexa, KS 66219  
ATTN: Chris Appier

CA If you have any questions about this Notice or wish to discuss your response, you may call me at 9-5-24 885 816-885-1706, or \_\_\_\_\_ (Compliance Officer) at \_\_\_\_\_.

This Notice prepared by Christopher Appier Date: 9-5-24

The undersigned person hereby acknowledges that he/she has received a copy of this Notice and has read same.

Printed Name: Kristine M Rossmiller

Signature: Kristine M Rossmiller

Title: Director of Environmental Compliance

Date: 09/05/2024

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

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

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

### RCRA Inspected Facilities:

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

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