

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

Riley Paint Company

860 Washington St.
Burlington, IA 52601
(319) 753-1667

EPA ID Number: IAD054235460

On

May 4, 2021

By

Eastern Research Group, Inc.

For

U.S ENVIRONMENTAL PROTECTION AGENCY

Region 7

Enforcement and Compliance Assurance Division

1.0 INTRODUCTION

At the request of the Enforcement and Compliance Assurance Division/Chemical Branch/RCRA Section (ECAD/CB/RCRA) of the U.S. Environmental Protection Agency (EPA) Region 7, Eastern Research Group, Inc. (ERG) conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) at Riley Paint Company (Riley) in Burlington, Iowa on May 4, 2021. The CEI was conducted under the authority of Section 3007(a) of RCRA, as amended. Throughout the CEI, data and information were collected to determine compliance with the applicable regulatory and statutory requirements. The inspection report and attachments present the results of the CEI.

2.0 PARTICIPANTS

Riley Paint Company:

Barry Staats, Lab Manager

EPA Representative, ERG:

Janosh Wolters, Energy Engineer

RCRA



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3.0 INSPECTION PRECEDURES

Due to the COVID-19 pandemic, I attempted to contact the facility via telephone. I was unable to reach Riley personnel on site. After arriving unannounced at Riley at approximately 07:55, I performed a drive-by visual inspection of the facility and took a photograph before beginning the inspection and did not note any areas of concern. Riley had a sign posted on the main entrance door to call Mr. Staats for access. I called the phone number listed on the sign and spoke with Mr. Staats and explained I was on site to perform a RCRA CEI. I was greeted by Mr. Staats at the main entrance, and he guided me into his office to begin the opening conference. Mr. Staats was the only Riley representative present in the office during the opening conference and throughout the duration of the inspection. I initiated the opening conference with Mr. Staats representing Riley and presented him with my inspector credentials and business card, as well as the business card of the EPA Task Order Contracting Officer Representative, Mr. Trevor Urban. I then presented a copy of RCRA Section 3007(a), which contains EPA's 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 then presented Mr. Staats with a copy of the *Notice Regarding Proprietary/Confidential Business Information Submitted to or Collected by EPA in Connection with Inspections* and reviewed Riley's confidentiality rights. I informed him I would provide a *Confidentiality Notice* at the end of this inspection.

The inspection consisted of a discussion of facility operations, waste generation and waste management, a review of waste management records, and a visual inspection of the waste generation and management areas. Mr. Staats provided a facility layout (see Attachment 1) and explained facility operations conducted on site.

During the visual inspection of the facility, Mr. Riley guided me throughout the facility in order to conduct thorough evaluations of the facility's satellite accumulation areas (SAAs) and central accumulation areas (CAAs). At the time of the inspection, the facility was operating six SAAs and two CAAs. The facility also handles universal waste in a designated on-site area, which was also visually inspected. I conducted an in-depth visual inspection of the six SAAs, the two CAAs, and the universal waste area on site.

Six photographs were collected as inspection documentation and are shown in Attachments 2 and 3. Information collected during the inspection is documented on the *EPA Inspection Checklist* (see Attachment 4). I followed the inspection procedures discussed in the RCRA CEI Standard Operating Procedure (No. 2321.01D), unless noted differently. At the conclusion of the inspection, I provided Mr. Staats with a *Confidentiality Notice*, *Receipt for Documents and Samples*, and *Notice of Preliminary Findings* which he signed as acknowledgement of receipt (see Attachments 5, 6, and 7 respectively). No confidentiality claims were made by Riley.

The following inspection documents and compliance assistance handouts were left with Riley:

RCRA Section 3007(a)

Title 18 U.S. Code, Sections 1001 and 1002

Notice Regarding Proprietary/Confidential Business Information Submitted to or Collected by EPA in Connection with Inspections

Confidentiality Notice (Top page of the completed carbonless transfer set)
Receipt of Documents and Samples (Top page of the completed carbonless transfer set)
NOPF (Top page of the completed carbonless transfer set)
Instructions for Responding to a NOPF
Security Awareness
Commercial Motor Vehicle Transportation
Security Planning
EPA E-Manifest Fact Sheet U.S.
EPA Small Business Resources
U.S. EPA Publication, Managing Your Hazardous Waste
U.S. EPA Publication, Managing Used Oil-Advice for Small Businesses
PowerPoint Presentation, 2013 Solvent Wipes Final Rule
Pollution Engineering Article, 10 Common Questions for Waste Generators
Iowa Department of Natural Resources (IDNR) Waste Exchange Folder and P2 Brochures
IDNR Management of Fluorescent Lamps for Businesses Information Sheets
IDNR Aerosol Can Disposal for Businesses Information Sheet
University of Northern Iowa Waste Reduction Center Information Card
Solvent-Contaminated Wipes Final Rule Summary Chart

4.0 FINDINGS AND OBSERVATIONS

4.1 Facility Information and Operations

Riley began operating in 1971 and currently employs approximately 10 people. The facility operates one shift, with staggering start times from 05:00 to 15:00. The facility operates Monday through Friday. Since operations began, Riley has been owned by Jennison Industries and works under the name of "Riley Paint Company". The facility operates a three-story building that equates to approximately 55,000 square feet of space. The facility operations are conducted on the basement and ground level floors. The second floor of the facility is used for storage. The facility manufactures paints and coatings. The major raw materials used in the facility are paint, resins, and solvents. The following waste streams are produced: waste paint related material, waste flammable solids, aerosol can residuals, epoxy resin, latex wastewater, used oil, universal waste, and general trash.

4.2 RCRA Status

According to the *Hazardous Waste Site Info Verification Report for Inspector* (see Attachment 8), Riley notified as a federal Large Quantity Generator (LQG) of D001, D035, F003 and F005 hazardous waste. I asked Mr. Staats to review the *Hazardous Waste Site Info Verification Report for Inspector*, which I provided during the inspection. Mr. Staats did not request updates to the form. After reviewing the records and walking through the facility, I determined that the facility is operating as a LQG of D001, D003, D035, F003 and F005 hazardous waste, a generator of used oil, and a small quantity handler (SQH) of universal waste. Riley generates more than 1,000 kilograms of hazardous waste monthly based on a review of facility records, a visual inspection of process and waste management areas, and conversations with Mr. Staats.

Riley was previously inspected by an EPA contractor on April 5, 2016. The inspection led to a notice of preliminary findings (NOPFs). The findings included failure to keep a satellite accumulation container closed, failure to label hazardous waste accumulation containers with the words "Hazardous Waste", and failure to mark hazardous waste accumulation containers with accumulation start dates. Riley responded by explaining their belief of being in compliance with all RCRA regulations and no enforcement actions were taken. During my inspection, I had a repeat finding for Riley failing to label SAAs containers with the words "hazardous waste".

4.3 Facility Waste Streams and Management

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

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#	WASTE STREAM	GENERATION PROCESS	HAZARDOUS WASTE DETERMINATION	ESTIMATED GENERATION RATE	ON-SITE MANAGEMENT	OFF-SITE MANAGEMENT
1	Waste Paint Related Material (Waste Profile Summary Sheet included in Attachment 9)	Primarily wash solvents. Includes unused/unwanted/ expired paints and aerosol can residuals are added to CAA containers of this waste	D001, D035, F003, F005 (based on process knowledge of the product)	2,000 to 5,000 pounds every two weeks	55-gallon containers	Barton Solvents Inc. in Bettendorf, IA (IAD087125936) to WRR Environmental Services in Eau Claire, WI (WID990829475)
2	Waste Flammable Solids	Wipes, paper cups, paper, paint booth filters	D001, D035, F003, F005 (based on process knowledge of the product)	250 pounds every two months	55-gallon containers	Barton Solvents Inc. in Bettendorf, IA (IAD087125936) to WRR Environmental Services in Eau Claire, WI (WID990829475)
3	Aerosol Cans Residuals	Puncturing aerosol cans	D001, D035, F003, F005 (waste codes are such because the punctured aerosol can residual is added into the waste paint related materials waste stream) (based on process knowledge of the product, knowledge of consolidation)	25 cans per year (added to waste paint related material waste stream)	5-gallon container in SAA, added to 55-gallon container in CAA	Barton Solvents Inc. in Bettendorf, IA (IAD087125936) to WRR Environmental Services in Eau Claire, WI (WID990829475)

#	WASTE STREAM	GENERATION PROCESS	HAZARDOUS WASTE DETERMINATION	ESTIMATED GENERATION RATE	ON-SITE MANAGEMENT	OFF-SITE MANAGEMENT
4	Epoxy Resin Waste	Off spec material	D001, F003 (based on process knowledge and knowledge of the product).	One time waste, 55-gallon container	55-gallon container	Barton Solvents Inc. in Bettendorf, IA (IAD087125936) to WRR Environmental Services in Eau Claire, WI (WID990829475)
5	Latex Wastewater	Rinse wastewater from latex production equipment	Nonhazardous (based on process knowledge and knowledge of the product)	10-gallons per month	Sump with manual valve to sanitary sewer	Discharged to City of Burlington Publicly Owned Treatment Works (POTW)
6	Universal Waste Lamps	Facility maintenance	Nonhazardous (managed as universal waste)	One 4ft, and one 8ft cardboard boxes per year	4-foot and 8-foot cardboard box	A-TEC Recycling in Des Moines, IA (IA0000109827)
7	Used Oil	Air compressor maintenance	Nonhazardous (managed as used oil per 40 CFR 279)	Less than 5- gallons per month	5-gallon container that is transported to Riley Industrial Painting (IAD981717804)	Transported in company vehicles to Riley Industrial Painting (IAD981717804)
8	General Trash	Facility operations	Nonhazardous (based on process knowledge and knowledge of the product)	One 12-cubic yard dumpster picked up weekly	12-yard dumpster	Floyd's E-Z Way for landfill disposal Des Moines County Regional Landfill

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

Riley has two Less-Than-90-Day CAAs on site. I visually inspected the CAAs during the visual inspection. The facility operates both CAAs in the basement. One is located in the filling room and is labeled as filling room CAA in the facility layout provided in Attachment 1. The facility's main CAA is labeled as the hazardous waste area as shown in Attachment 1. I visually observed the main CAA first. I observed three 55-gallon containers holding waste paint related material. The oldest accumulation start date for containers present in the main CAA was April 15, 2021. April 15, 2021 is within 90 days from the date of the inspection. Next, I visually observed the filling room CAA. I observed three 55-gallon containers of waste paint related material. The oldest accumulation start date for containers present in the filling room CAA was April 15, 2021. April 15, 2021 is within 90 days from the date of the inspection. I asked Mr. Staats why the facility decided to manage two CAAs so close together. Mr. Staats stated the facility needs to accumulate more than 55-gallons of waste paint related materials in the filling room at once. Mr. Staats stated it was easier as a management practice to manage the filling room area as a CAA to avoid accumulating more than 55-gallons in one location.

The Less-Than-90-Day Paint CAA containers were in good condition, closed, labeled with the indication of the nature of the hazard, and labeled with the words "Hazardous Waste". I observed adequate aisle space to allow for container inspections and access in the event of a spill. I observed a fire extinguisher, spill control equipment, and related safety equipment within both CAAs. Operators handling hazardous waste carry phones while on site, which serve as a communication system in case of emergencies. Additionally, inside the office marked on the facility layout, a landline phone was present as a backup communication device for facility personnel. Inspection logs for the CAA are provided in Attachment 10.

I did not note any issues or findings were noted at the CAAs.

4.5 Satellite Accumulation Areas

I observed six satellite areas at Riley while on site. The table below shows the SAA name or location, waste type, volume of waste observed, and container type.

SAA #	SAA Name or Location	Waste Type	Volume of Waste	Container Type
1	Quality Control Lab	Waste Paint Related Material	55 gallons	Drum
2	Quality Control Room	Waste Paint Related Material	55 gallons	Drum

3	Paint Manufacturing	Waste Paint Related Material	55 gallons	Drum
4	Paint Manufacturing	Waste Paint Related Material	55 gallons	Drum
5	Basement Fill Room	Waste Paint Related Material	5 gallons	Bucket
6	Basement Fill Room	Aerosol Can Residuals	5 gallons	Bucket

All hazardous waste accumulation containers observed in the SAAs were in good condition, closed, and labeled with the indication of the nature of the hazard. SAA #5 was the only SAA container that was labeled with the words "Hazardous Waste".

During the visual inspection, I asked Mr. Staats why the words "Hazardous Waste" were not labeled on SAA #1. Mr. Staats stated that he did not believe the facility needed to mark SAA containers with the words "Hazardous Waste". I asked Mr. Staats why he believed this was not a requirement under 40 CFR 262.15. Mr. Staats stated he believed the facility must label what type of waste inside the container but was not required to have the words "Hazardous Waste" on the containers. I took a photograph of the 55-gallon container (see Attachment 3, Photo 2). As the visual inspection continued, I observed that all of the SAAs except for SAA #5 were not labeled with the words "Hazardous Waste". I took photographs of SAA #1, #2, #3, #4, and #6 containers (see Attachment 3, Photos 2 through 6). I observed that the 5-gallon container located in SAA #5 was labeled as "Solid Hazardous Waste". I asked Mr. Staats why this SAA container was labeled with the words "Hazardous Waste" and the other SAA containers were not. Mr. Staats stated that it was his understanding the facility needed to label the containers with the contents of the container. Mr. Staats stated he labeled the container as he deemed appropriate. Mr. Staats explained the 55-gallon containers in SAA #1, #3, #4, and #6 were holding waste paint related material and were labeled as "Wash Solvent". Mr. Staats stated he labeled the containers under the assumption that only the contents had to be identified. Mr. Staats stated this is why the 55-gallon container in SAA #2 was labeled as "Solid Waste". Mr. Staats stated this is why the 5-gallon container in SAA #5 was marked with the words "Solid Hazardous Waste" because he did not know how else to describe the contents inside the container. I asked Mr. Staats why the aerosol puncture unit accumulating aerosol residuals was not labeled "Hazardous Waste". Mr. Staats did not know why the container was not labeled "Hazardous Waste". I asked Mr. Staats why the facility labeled each container with an indication of the nature of the hazard and did not additionally label the containers as "Hazardous Waste". Mr. Staats stated he believed it would be common knowledge that the waste was hazardous based on the indication sticker and the label

explaining what the container was holding. For SAA #1, #2, #3, #4, and #6, I asked Mr. Staats if he believed that these containers were accumulating hazardous waste. Mr. Staats stated he believed that all of the SAAs on site at the time of the inspection were accumulating hazardous waste. Therefore, I explained to Mr. Staats that 40 CFR 262.15(a)(5)(i) states "labels containers as Hazardous Waste." I explained this regulation is referring to any SAA and that the facility did not appear to adhere to this requirement.

NOPF 1 – Failure to label SAA containers with the words “Hazardous Waste” [40 CFR 262.15(a)(5)(i)].

I reviewed the management of all SAAs throughout the facility and no additional issues or findings were noted.

4.6 Waste Paint Related Material

Waste paint related material is the largest waste stream generated by the facility. The waste stream is generated from cleaning equipment with solvent and from disposal of off-specification or waste product. The primary solvent for cleaning is a solvent mixture purchased from Barton Solvents. The SDS is provided in Attachment 11. The waste is generated in the facility's quality control lab, the Hockmeyer room, and filling room as shown on the facility layout provided in Attachment 1. I asked Mr. Staats to explain what operations are conducted in each area. Mr. Staats explained the Hockmeyer room is used for all large batch mixing. The filling room is used to fill product containers. The lab is used as a quality control lab and as a small batch mixing area. The areas used 55-gallon containers to accumulate the waste paint related hazardous waste material. In addition to wash solvent, the facility generates wipes, PPE, and paper solvent contaminated waste. These materials are managed as a hazardous waste under the same waste paint related materials waste stream profile. I asked Mr. Staats if the facility had waste profiles for these wastes. Mr. Staats did not have wastes profiles on site. Mr. Staats provided me with a summary report from WRR Environmental Services showing the waste stream waste determinations. The summary report is provided in Attachment 9. The management practices of the SAAs are discussed in depth in Section 4.5 of this report.

I reviewed the operations generating waste paint related materials, and no issues or findings were noted.

4.7 Latex Wash Water

The facility generates a latex wash water waste in a quantity of less than 10 gallons per month. I asked Mr. Staats how the waste is generated. Mr. Staats explained the waste is generated when equipment from the latex paint production is washed with water. I asked Mr. Staats if the facility was generating this waste at the time of the inspection because I did not observe it during the visual inspection. Mr. Staats stated that when the wash water is generated, it is accumulated in a sump in the filling room. Once the waste wash water is generated, it is released through a manual valve to the City of Burlington POTW via the sanitary sewer system. I asked if the

facility had a discharge permit from the city for this discharge. Mr. Staats stated he was not aware if the facility had a permit but had a verbal agreement with the POTW to discharge this waste via the sanitary sewer. Upon further review of the previous inspection report, it was stated the facility conducted a TCLP analysis to make a hazardous waste determination. At the time of the inspection, I did not observe a permit for the discharge and Mr. Staats could not provide me with one. Mr. Staats was certain the facility had a verbal agreement and had resolved any issues regarding the discharge in the past.

4.8 Universal Waste Accumulation Area

Riley manages universal waste in the storage room located on the ground level of the facility as shown on the facility layout provided in Attachment 1. At the time of the inspection, one four-foot-tall cardboard container accumulating universal waste lamps was present on site. The box was labeled universal waste lamps, closed, and dated with the start accumulation date. The accumulation start date observed on the universal waste lamps container was February 12, 2021. February 12, 2021 is within one year of the inspection date. I asked Mr. Staats if the facility generates any universal waste batteries. Mr. Staats stated he does not believe the facility generates any universal waste batteries. I asked Mr. Staats if the facility uses cordless tools or services forklifts that could potentially generate universal waste batteries. Mr. Staats stated all forklifts and tools are serviced at the Riley Paint Industries facility. Mr. Staats stated the maintenance team from Riley Industrial Painting conducts all maintenance required on site and no universal waste batteries are generated on site.

I did not note any issues or findings at the universal waste accumulation area.

4.9 Other Regulatory Requirements

Preparedness, Prevention, and Emergency Requirements - Safety and emergency equipment were present and in satisfactory condition in areas throughout the facility, including both CAAs (as noted in Section 4.4 of this report). Appropriate arrangements and coordination were made with necessary State and local emergency agencies.

I reviewed the preparedness, prevention, and emergency requirements and no issues or findings were noted.

Contingency Planning Requirements - The contingency plan (see Attachment 12) was on file electronically and was reviewed while on site. The contingency plan had been revised on January 19, 2021 and included emergency evacuation routes, emergency response procedures, emergency coordinators and contact information, and a list of emergency response equipment.

The quick reference guide was not included within the contingency plan. I asked Mr. Staats if the facility had prepared a quick reference guide. Mr. Staats stated he was not aware this was a requirement as a LQG. I explained that new facilities needed to prepare and submit a quick reference guide. Additionally, if a facility already in operation, makes a revision to their contingency plan after May 30, 2017, they would be required to prepare and submit a

contingency plan. Mr. Staats stated the facility did not prepare a quick reference guide.

NOPF 2 – Failure to prepare and submit a quick reference guide to emergency response agencies. [40 CFR 262.17(a)(6)→262.262(b)].

I provided Mr. Staats with compliance assistance with the regulatory citations explaining what the quick reference guide should contain. I reviewed the entire RCRA contingency plan, and no additional findings were noted.

Personnel Training Requirements – Personnel are to be trained to perform hazardous waste duties, and new employees are to be trained within 6 months of start. The training, at a minimum, must be designed to ensure personnel at Riley are able to manage hazardous waste relevant to the positions in which they are employed and respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including:

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

Upon reviewing the hazardous waste training employees of Riley receive, I determined the training to be sufficient. Mr. Staats provided yearly records of completed trainings for all current employees handling hazardous wastes and all employees listed as the facility's contingency plan emergency coordinators. The facility uses an email tracking system to ensure all applicable employees are trained annually. The emails showing all employees requiring annual training and the respective completed training date is shown in Attachment 13.

I reviewed the personnel training requirements, and no issues or findings were noted.

Manifest and Land Disposal Restriction (LDR) Requirements – Riley maintained records of manifests on site at the time of inspection dating back three years. I reviewed all 72 manifests from the last three years. Two manifests, as well as associated LDR forms, are included in Attachment 14 as examples.

I reviewed all other manifest and LDR requirements and no issues or findings were noted.

5.0 SUMMARY OF FINDINGS

NOPF 1 – Failure to label SAA containers with the words “Hazardous Waste” [40 CFR 262.15(a)(5)(i)].

SAAs #1, #2, #3, #4, and #6 were accumulating hazardous waste in 55-gallon containers. The 55-gallon containers in these SAAs were not labeled with the words “Hazardous Waste”.

NOPF 2 – Failure to prepare and submit a quick reference guide to emergency response agencies. [40 CFR 262.17(a)(6)→262.262(b)].

The facility revised their contingency plan on January 19, 2021. Mr. Staats stated the facility did not prepare a quick reference guide.

I observed no additional issues or findings during this inspection. However, further EPA review may add findings.

JANOSH WOLTERS
(Affiliate)

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Janosh Wolters
Energy Engineer
Date: June 29, 2021

**AMBER
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Amber Whisnant
Section Chief
ECAD/CB/RCRA, EPA Region 7
Date: _____

Attachments

- 1) Attachment 1 - Facility Layout (2 pages)
- 2) Attachment 2 – Riley Paint Company Photolog (1 page)
- 3) Attachment 3 – Riley Paint Company Photos (6 Photos/7 Pages)
- 4) Attachment 4 - EPA Inspection Checklist (28 pages)
- 5) Attachment 5 – Confidentiality Notice (1 page)
- 6) Attachment 6 – Receipt for Documents and Samples (1 page)
- 7) Attachment 7 - Notice of Preliminary Findings (1 page)
- 8) Attachment 8 – Hazardous Waste Site Info Verification Report for Inspector (1 page)
- 9) Attachment 9 - Waste Profile Summary Sheet (1 page)
- 10) Attachment 10 - CAA Inspection Log (1 page)
- 11) Attachment 11 - Barsol Solvent SDS (12 page)
- 12) Attachment 12 - Contingency Plan (22 pages)
- 13) Attachment 13 - Training Records (2 pages)
- 14) Attachment 14 - Manifests (4 pages)

NOTICE OF PRELIMINARY FINDINGS

FACILITY NAME: _____
ADDRESS: _____
EPA ID NUMBER: _____ **DATE:** _____

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. _____
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: _____ **TITLE:** _____

SIGNATURE: _____

This document was prepared by _____