

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

SCOTTY'S BODY SHOP

504 SE 6th St

Des Moines, Iowa 50309

EPA ID Number: IAR000520742

On

January 11, 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 the Scotty's Body Shop in Des Moines, Iowa. The inspection was conducted on January 11, 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 Scotty's Body Shop as a very small quantity generator (VSQG) of known hazardous waste (HW), and a small quantity handler of universal waste (SQHUW) lamps, and used oil generator. According to the U.S. Environmental Protection Agency (EPA) RCRAInfo database, the facility had been previously inspected by the EPA on December 4-5, 2007.

2.0 PARTICIPANTS

Scotty's Body Shop:

Christopher Scott Buchanan II (Junior), Shop Foreman (14 years in role / 20 years total)

Tucker Buchanan, Estimates/Front Desk

Chelsea Buchanan Mayfield, Accounting/Front Desk

EPA:

Mark Holcomb, Civil Investigator (NOWCC/SEE) (Lead Inspector)

H.D. "Doug" Bryant, Civil Investigator (NOWCC/SEE) (Training Preceptor)

3.0 INSPECTION PROCEDURES

On January 11, 2022, Doug Bryant and I arrived unannounced at the facility's main entrance at about 0900 hours. At the front desk I asked for Charmel Hill, who is listed on our Site Verification Report as the Site Contact. I was told that she is no longer with the company. We were introduced to Scotty Buchanan Jr. who we were told was the shop foreman, son of the owner, and the current site contact for EPA. Mr. Buchanan invited us into there waiting room area. We introduced ourselves. Mr. Buchanan told us there were no specific COVID-19 or safety personal protective equipment (PPE) requirements at this shop other than safety shoes and glasses. He offered us to use the waiting room as our meeting and staging point for the day.

At the opening conference, I introduced myself and presented my EPA ID. I also introduced my colleague Mr. Doug Bryant. I explained that I was the lead investigator, but I was also in training and that Mr. Bryant was my trainer and our credentialed inspector. Mr. Bryant presented his credentials. I explained the purpose and procedures of the inspection. I presented Mr. Buchanan with a copy of RCRA Section 3007(a), which provides inspection authority. I explained my need to collect accurate information and presented them with a copy of Title 18 U.S. Code, Sections 1001 and 1002. I made him aware of their confidentiality rights and informed him 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. During the visual inspection, Mr. Buchanan was present throughout the inspection. Mr. Buchanan was the only Scotty's Body Shop employee present for the opening and was with me during the visual inspection. I met other employees in their respective areas. These additional employees were introduced by Mr. Buchanan to answer my questions and/or escort us through their respective areas. Mr. Buchanan stated that he had been with Scotty's Body Shop for over 20 years, including 14 years as the Shop Foreman. Mr. Buchanan's brother, Tucker Buchanan, and his sister, Chelsea Mayfield, were both working nearby at the front desk and helped locate and copy documents. Note as a point of clarification: all references to "Mr. Buchanan" below refer to Scotty Buchanan Jr., the Shop Foreman.

I conducted a visual inspection of the following:

- Estimate Bays
- Main Shop Floor
- South End of the Shop Floor (used oil and antifreeze storage area)
- Paint Booths
- Paint Mixing Room
- Storage Area (Universal Waste Lamps)
- Outside West (scrap metal storage area, trash and recycle bins)

Document Photocopies and Photographs were collected as inspection documentation (see Attachments #1-17 and Photos 1-17). The photo log is included in Attachment #3. Information collected during the inspection is documented on an Entry/Exit checklist and hazardous waste

compliance checklists. I reviewed documents including the following: Safety Data Sheets (SDS); bill of lading; waste profiles; and manifests.

On January 11, 2022, at the conclusion of the inspection, I held a closing conference. Participants also included Mr. Buchanan and Doug Bryant. I provided Mr. Buchanan with a Receipt for Documents (see Attachment #4) and a Confidentiality Notice (CBI) (see Attachment #5) which he signed as acknowledgement of receipt. No confidential business information (CBI) claims were made. I summarized my findings and recommendations and provided Mr. Buchanan with a Notice of Preliminary Findings (NOPF), which he signed to acknowledge receipt (see Attachment #6). I provided inspection and compliance assistance documents 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) 2321.1, unless noted otherwise.

4.0 FINDINGS AND OBSERVATIONS

4.1 Facility Information and Operations

Mr. Buchanan stated that this Scotty's Body Shop facility at this location began operations in 2016. The Scotty's Body Shop store employs approximately 13 staff mostly working Monday-Friday day shift and ½ day on Saturday. Scotty's Body Shop facility is only one building (approximately 12,000 square feet) with general parking on the southeast side of the facility and a security fenced area on the south and southeast side. See [Attachment #1](#) for the facility aerial view and map location. See [Attachment #2](#) for a facility diagram (see Photos 1-5). This location is relatively new having opened about six years ago. Their original facility location and business opened about 27 years ago in 1995. Scotty's Body Shop is an autobody repair shop. Raw materials used includes paint, paint thinner, filler (see [Attachment #17](#)), sandpaper, parts, tires, paper, tape, plastic, cardboard, clear coat, shop rags, and primer.

4.2 Facility RCRA Status

The RCRAInfo does not list a previous RCRA compliance inspection for Scotty's Body Shop.

According to the RCRAInfo Notification Acknowledgement/ Verification Report, Scotty's Body Shop last notified as a Small Quantity Generator (SQG) on June 15, 2015. I provided Mr. Buchanan with the Notification Acknowledgement/ Verification form, which he reviewed and returned with several changes (see [Attachment #7](#)). The RCRAInfo eManifest report indicates they generate D001, D035, F003, F005 waste codes. At the time of the inspection, based on the facility's hazardous waste generation rate (less than 220 pounds of non-acute hazardous waste generated per month), I determined Scotty's Body Shop to be an VSQG of hazardous waste. Note: I initially started the inspection using the SQG checklist and then switched to the VSQG checklist. In addition, I determined Scotty's Body Shop to be a small quantity handler of universal waste-lamps, and a used oil generator.

4.3 Facility Waste Streams and Management

The following waste streams are managed by Scotty's Body Shop:

Waste Paint and Related Materials - Scotty's Body Shop generates an estimated 59 lbs per month of waste paint, and thinners. This estimate is based on their last shipment of 400 lbs on August 18, 2021 (see [Attachment #8](#) for the manifest), about five months ago, and their current 55-gallon waste paint accumulation drum being about 2/3 full (see Photos 7 and 8) for an estimated 37 gallons, which at a density of an estimated 8 lbs per gallon equals about 59.2 lbs per month (37 gallons x 8 lbs/gallon / 5 months). The process that generates this waste stream is automotive collision repairs and the subsequent use of paint and solvent to paint replaced and repaired automotive body parts.

The painting is done in two paint booths onsite using compressed-air paint guns (see Photo 6). The waste paint is generated by cleaning of the paint guns in the Paint Mix Room using the paint gun cleaning equipment as seen in Photo 12, and miss-mixed or off-spec/color paint preparations generated by the paint mix computer system seen in Photo 11. The waste paint from the paint

gun cleaner and miss-matched paint is placed in the 55-gallon waste paint drum in the Paint Mix Room (see Photos 7 and 8). Scotty's Body Shop determined this waste to be hazardous waste based on process and product knowledge. I noted the following waste codes on the attached manifests: F003, F005, D001, D007, D008, and D018. See Attachments #9, #10, #11 for additional manifests. Note: the eManifests in RCRAInfo only indicate F003, F005, D001 and D035 waste codes for this waste stream. The eManifests also do not show the heavy metals waste codes that are indicated on the handwritten paper manifests. I did not see heavy metals listed on the SDS's either. For the SDS/MSDS's for several of the most often used paint colors see Attachment #14 (black and white), and see Attachments #15 and #16 for the SDS/MSDS for the thinner. A typical paint thinner solvent used to clean related equipment is Keystone (Key82) Urethane Grade Reducer as seen in Photo 10.

The waste paint drum appeared to be in good condition and was labeled with both a Hazardous Waste label and nature of the hazard (flammable). The drum appeared to be about 2/3 full (see Photos 7 and 8). The waste paint and related paint products drum is transported by Heritage Chrystal Clean and transported to the Heritage Environmental Services LLC facility in Indianapolis, Indiana for processing – the eManifests indicates the off-site destination management method code as H020 (solvent recovery) and the paper manifest's management method code is indicated as H061 (fuel blending prior to energy recovery).

Disposable Solvent Contaminated Wipes - Scotty's Body Shop uses approximately 8-10 paper disposable wipes per day (see Photos 7 and 10). They are generally used with a solvent to clean the paint gun. After use, they are thrown in the general trash. A typical paint thinner solvent used is Keystone (Key82) Urethane Grade Reducer as seen in Photo 10. I asked Mr. Buchanan if they had done a hazardous waste determination on the disposable wipes since they use multiple solvents. Mr. Buchanan stated they had not.

- **Make a hazardous waste determination on shop disposable wipes as required in 40 CFR 262.11(a): NOPF 1A**

Cloth Rags - Scotty's Body Shop uses an estimated "two loads per day" of cloth shop rags contaminated with glass and surface cleaner, and dirt. These are generally used for detailing work that doesn't involve solvents. Scotty's Body Shop determined the cloth rags to be non-hazardous based on product and process knowledge. They are laundered in-house per Mr. Buchanan.

Waste PPE Gloves - Scotty's Body Shop generates approximately eight gloves or four pairs of gloves per day of the black Nitrile style personal protective equipment (PPE) gloves when using solvent and the disposal wipes to clean the paint guns. They are then thrown in the general trash (see Photos 9 and 10). A typical paint thinner solvent used is Keystone (Key82) Urethane Grade Reducer as seen in Photo 10. I asked Mr. Buchanan if they had done a hazardous waste determination on the disposable gloves since they use multiple solvents. Mr. Buchanan stated they had not.

- **Make a hazardous waste determination on Nitrile PPE gloves as required in 40 CFR 262.11(a): NOPF 1B**

Waste Lead-Acid Batteries – Scotty’s Body Shop generates only a small number of automotive lead-acid batteries estimated by Mr. Buchanan at approximately four to six per month. These batteries are generally damaged in an accident/crash. The used/damaged automotive battery cores are swapped out for a new battery and are not stored on-site. Their local auto parts store delivers the new battery and picks up the old battery core in exchange. The batteries are managed under 40 CFR Part 266, Subpart G.

Used Oil – Scotty’s Body Shop generates an estimated one 55-gallon drum of used oil every six years according to Mr. Buchanan. The oil is from automotive collision repairs. The latest shipment was on February 8, 2021 by Heritage Crystal to the Heritage Crystal facility in Des Moines, Iowa, for recycling and reclamation (see Attachment #13 for manifest). The used oil storage is a poly 55-gal drum near the south side of the main shop floor (see Photo 4). The drum was in good condition, closed, and labeled properly with “Used Oil”, and is about ¼ full.

Used Antifreeze - Scotty’s Body Shop generates an estimated 25 gallons of used antifreeze per year according to Mr. Buchanan. The waste antifreeze is from automotive collision repairs. Scotty’s Body Shop has determined that the antifreeze is nonhazardous based on product and process knowledge. The used antifreeze onsite storage is a poly 55-gal drum near the south side of the main shop floor (see Photo 4). The drum was in good condition, closed, and labeled with “Used Antifreeze”, and about ½ full. It is transported by Heritage Crystal to the Heritage Crystal facility in Des Moines, Iowa, for recycling and reclamation. I did not obtain a shipping invoice or SDS for this waste stream.

Floor Absorbents Pads - Scotty’s Body Shop generates an estimated six to 12 (12-inch x 12-inch) floor absorbant pads per week collecting waste fluids from the vehicle during the automotive repair process. I asked Mr. Buchanan if they had done a waste determination on the waste pads, and he stated “no” and indicated it would be needed. The pads are currently thrown in the general trash after use.

- **Make a hazardous waste determination on floor absorbant pads as required in 40 CFR 262.11(a): NOPF 1C**

Spent Universal Waste Lamps – Scotty’s Body Shop had been generating spent lamps at a rate of about two boxes of spent lamps per year prior to changing over to all LED lamps. Mr. Buchanan stated the waste lamps had been boxed and then transported by Heritage- Crystal Clean as universal waste for recycling. The Heritage Generator Activity Date Range reports shows the last shipment of waste lamps was on 9/3/2019 (see Attachment #11). In a small storage room behind the paint booths, I observed four boxes of approximately 12 each waste florescent lamps that were not properly labeled as universal waste lamps. The boxes were dated (see Photo 13) as “10/15/2019”, which exceeds the 12 months maximum storage limit for universal waste. Mr. Buchanan stated that they had apparently forgotten about the boxes of spent lamps that had been left behind after their LED replacement.

- **Do not accumulate universal waste lamps for longer than 1 year as required in 40 CFR 273.15(a): NOPF 2**
- **Label containers of universal waste lamps with “Universal Waste- Lamps”, or “Waste Lamps”, or “Used Lamps” as required in 273.14(e): NOPF 3**

General Trash – Scotty’s Body Shop generates approximately one two-cubic yard dumpster of general trash twice a week from general facility operations (see Photos 8 and 9). The general trash is picked up by twice a week by Waste Management in Des Moines, Iowa.

Paper and Cardboard – Scotty’s Body Shop generates approximately one three-cubic yard dumpster twice a week, of general office recyclables such as paper and cardboard from packaging of parts and office operations. The recyclables are placed in the three-cubic yard dumpster outside and is picked up twice a week by Waste Management in Des Moines, Iowa for recycling (see Photo 17). The three-cubic yard recycle dumpster was in good condition and approximately 1/3 full.

Scrap Metal - Scotty’s Body Shop generates approximately two tons monthly per Mr. Buchanan, of scrap metal, mostly from car parts. The scrap car parts/metal is stored outside on the west side of the facility (see Photo 15). Mr. Buchanan stated that the scrap metal is self-transported and sold to Scrap Processors in Des Moines, Iowa for recycling and reclamation.

Waste Tires - Scotty’s Body Shop does not generate any waste tires. Mr. Buchanan stated that all tire work is subbed out to a local tire company.

Wash Bay Pit Sludge - Scotty’s Body Shop generates approximately 2000 gallons per year of wash bay pit sludge. The sludge is collected in the floor drains in the main shop floor from washing cars. Mr. Buchanan stated that they had determined this waste to be non-hazardous due to product and process knowledge. Hydro Klean of Des Moines, Iowa, uses a truck mounted water-jet and a liquid vacuum to clean the wash bay pit to collect, transport and dispose of the waste. The most recent invoice dated 10/26/2020 showed 837 gallons of waste disposed of (see Attachment #12 for invoice). Photo 5 shows a good view of the primary drain running the length of the shop floor.

Paint Booth Filters - Scotty’s Body Shop generates the following paint booth filters (for two paint booths): floor filters that are 25-foot by 2-foot and are changed out monthly. There are intake filters that are four-foot by two-foot and replaced quarterly. There are ceiling filters, eight-feet by 12-feet, that are changed annually. The spent filters go in the general trash. Mr. Buchanan stated that they did lab analytical testing of the filters about 10 years ago and that they had determined the filters to be non-hazardous. I did not ask if there had been a change in the paint products used in the last 10 years to determine if the tests originally done were still representative for current products, but as noted above under the waste paint waste stream, it does appear that the paint products they are currently using may not contain heavy metals.

4.4 Other Regulatory Requirements

Outside Facility Perimeter - I inspected the outside perimeter of the facility and observed no hazardous waste storage tanks, containers, or other stored waste other than the scrap metal and two trash and recycle dumpsters noted above (see Photos 15-17).

CAA – There is no true Central Accumulation Area (CAA) in this facility. The 55-gallon drum of waste paint and thinner in the Paint Mix Room is transported by Heritage when full or near full.

Preparedness and Prevention - There were fire extinguishers present. See Photo 14 for an example of their emergency information posted in the Paint Mix Room. A Contingency Plan is not required for a VSQG.

Personnel Training - Documented formalized training is not required for VSQG.

5.0 SUMMARY OF FINDINGS

NOPF 1: Make a hazardous waste determination on the following as required in 40 CFR 262.11(a):

- A) Paper disposable wipes contaminated with solvent
- B) Nitril PPE Gloves
- C) Floor absorbent pads

NOPF 2: Do not accumulate universal waste lamps for longer than 1 year as required in 40 CFR 273.15(a)

NOPF 3: Label containers of universal waste lamps with “Universal Waste – Lamps” or “Waste Lamps”, or “Used Lamps” as required in 40 CFR 273.14(e)

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)

Digitally signed by MARK
HOLCOMB (Affiliate)
Date: 2022.02.17 09:17:46 -06'00'

Mark Holcomb
Civil Investigator

**AMBER
WHISNANT**

Digitally signed by AMBER
WHISNANT
Date: 2022.03.09 20:03:58 -06'00'

Amber Whisnant
RCRA Section Chief, ECAD/CB

Attachments:

1. Facility Aerial Photo (1 page)
2. Facility Diagram (1 page)
3. Photo log (9 pages/17 photos)
4. Receipt for Documents (2 pages)
5. Confidentiality Notice (1 page)
6. Notice of Preliminary Findings NOPF (1 page)
7. EPA RCRA Notification Acknowledgement/ Verification Report (1 page)
8. Manifest Waste Paint Related 8.18.2021 (3 pages)
9. Manifest Waste Paint Related 4.16.2021 (3 pages)
10. Manifest Waste Paint Related 8.31.2020, 5.7.2020, 1.14.2020 (3 pages)
11. Report – Generator Activity 2019-2021 (3 pages)
12. Invoice – Waste Bay and Pit Disposal (1 page)
13. Manifest Used Oil (2 pages)
14. SDS Paints- Black-White-Clearcoat-Trim Black (84 pages)
15. SDS Evercoat Primer (10 pages)
16. MSDS Reducer and Superflo, and Bulldog Adhesion Promotor (20 pages)
17. SDS Lightweight Filler (16 pages)

Notice of Preliminary Findings

(For Contractor Use Only)

Facility Name: Scottys Body Shop
Facility Address: 504 SE 6th Street
Des Moines, Iowa
EPA ID#: IAR 000520742 Date: 1/11/2011

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

Citation	Description of Finding
1) 262.11(a)	make a waste determination on the following. A) Paper disposable wipes contaminated with solvent B) Nitrile PPE gloves C) Floor Absorbants
2) 273.15(a)	Do not accumulate universal waste lamps longer than 1 year
3) 273.14(e)	Label containers of universal waste lamps with "universal waste-lamps" or "waste lamps" or "used lamps"

If you have any questions about this Notice or wish to discuss your response, you may call me at 913-551-7310, or Kevin Beth Koesterer (Compliance Officer) at 913-551-7673.

This Notice prepared by Mark Holcomb Date: 1/11/2022
Holcomb.mark@EPA.gov

The undersigned person hereby acknowledges receipt of this Notice and has read the same.

Printed Name: Scotty Buchanan JR Date: 1/11/22
Signature: [Signature]
Title: Shop Foreman

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