

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

SmithCo Manufacturing, Inc.

30902 C-38

Le Mars, IA 51031

(712) 546 - 4409

EPA ID Number: IAR000007476

On

July 26, 2022

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 SmithCo Manufacturing, Inc. (SmithCo) in Le Mars, Iowa on July 26, 2022. 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

SmithCo Manufacturing, Inc:

David Jacobs, Director of Manufacturing

Ben Murfield, Maintenance & Environmental Systems Supervisor

EPA Representative, ERG:

Joseph Watson, Senior Chemical Engineer

3.0 INSPECTION PRECEDURES

After arriving unannounced at SmithCo at approximately 08:50, 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. I then entered the main entrance, and I introduced myself to the receptionist at the front desk and asked to meet with the facility personnel who manage hazardous waste on site. She contacted Mr. David Jacobs and Mr. Ben Murfield who met me in the lobby. I introduced myself and explained my reason for being on site is to conduct a RCRA CEI. They then led me to the conference room adjacent to the lobby to begin the opening conference at approximately 09:15. I initiated the opening conference with Mr. Jacobs and Mr. Murfield as the SmithCo representatives. I presented Mr. Jacobs and Mr. Murfield 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 them with a copy of Title 18 U.S. Code, Sections 1001 and 1002. I then presented Mr. Jacobs with a copy of the *Notice Regarding Proprietary/Confidential Business Information Submitted to or Collected by EPA in Connection with Inspections* and reviewed SmithCo's confidentiality rights. I informed Mr. Jacobs that 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. Jacobs provided a facility layout (see Attachment 1) and Mr. Jacobs explained facility operations and locations of hazardous waste generation and management.

During the visual inspection of the facility, Mr. Jacobs and Mr. Murfield guided me throughout the facility in order to conduct thorough evaluations of the facility's waste generation and accumulation areas. At the time of the inspection, the facility was under the impression it was still operating as a federal Very Small Quantity Generator (VSQG) of hazardous waste and did not have any designated satellite accumulation areas (SAAs) or central accumulation areas (CAAs). The facility also handles universal waste on site. The universal waste storage areas were visually inspected. The facility does not use parts washers. I conducted an in-depth visual inspection of the waste accumulation areas, the universal waste storage areas, and all manufacturing areas.

Fourteen 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. Jacobs with a *Confidentiality Notice*, *Receipt for Documents and Samples*, and a *Notice of Preliminary Findings (NOPF)* which he signed as acknowledgement of receipt (see Attachments 5, 6, and 7 respectively). No confidentiality claims were made by SmithCo.

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

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 (Facility copy)

Receipt of Documents and Samples (Facility copy)

NOPF (Facility copy)

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

SmithCo began operating in 1999 and currently employs approximately 130 people. The facility operates on a five day, two shift schedule (Two shifts, 07:00 to 15:30 and 15:30 to 01:30) with overtime if necessary on Saturdays. The facility has a footprint of approximately 13.33 acres with an additional 122,000 square feet under cover as detailed in the facility description included in Attachment 8. SmithCo operations consist of the manufacturing of side dump trailers. Manufacturing processes include metal welding, forming, and cutting; surface preparation; protective coating and painting; and solvent recovery. The primary raw materials used are carbon steel sheets, trailer fixtures, hydraulic systems, coatings, solvents, and paints. The major manufacturing or processing operations that generate waste streams include metal welding, forming, and cutting; painting; solvent reclamation; and hydraulic systems. The following waste streams are produced: waste paint, solvent still bottoms, scrap metal, used oil, metal bead blast fines, oily rags, used oil, universal wastes, and general trash.

4.2 RCRA Status

According to the *Notification Acknowledgement/Verification Report* (see Attachment 9),

SmithCo notified as a federal Very Small Quantity Generator (VSQG) (less than 100 kilograms (kg)/month) of D001, D035, F002, F003, and F005 hazardous wastes. I asked Mr. Jacobs to review the *Hazardous Waste Site Info Verification Report for Inspector*, which I provided prior to records review and visual inspection of the waste generation areas. Mr. Jacobs requested I update the facility contact and confirmed the remaining information on the form was accurate to the best of his knowledge. After reviewing the records and walking through the facility, it appears the facility is operating as a federal Large Quantity Generator (LQG) (greater than 1,000 kg/month) of D001, D035, D039, F003, and F005 hazardous wastes, a generator of used oil, and a small quantity handler (SQH) of universal waste. SmithCo 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 interviewing personnel and has been for more than one year.

SmithCo has never been inspected by the EPA or an EPA contractor.

4.3 Facility Waste Streams and Management

A Waste Stream and Waste Handling Table for SmithCo 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	Still Bottoms (Waste Profile included in Attachment 10)	Two 20-gallon solvent reclamation stills	F003, F005, D035 (waste profile)	Approximately 3,000 pounds per month combined still bottoms and paint related material	55-gallon containers	Heritage-Crystal Clean LLC (ILR000130062) to Petro-Chem Processing Group in Detroit, MI (MID980615298) for disposal
2	Waste Paint Related Material (Waste Profile included in Attachment 10, Paint and Solvent Safety Data Sheet (SDS) in Attachment 11 and 12 respectively)	Waste paints, coatings, and solvent waste	D001, D007, D008, D035, F003, F005 (waste profile)	Approximately 3,000 pounds per month combined still bottoms and paint related material	55-gallon containers	Heritage-Crystal Clean LLC (ILR000130062) to Petro-Chem Processing Group in Detroit, MI (MID980615298) for fuel blending
3	Steel Bead Blast Media (Safety Data Sheet (SDS) included in Attachment 13)	Surface preparation of metal components	Nonhazardous (based on process knowledge and knowledge of the product)	Unknown – not tracked	55-gallon container emptied into 20-yard container	Plymouth County Landfill transports to the LP Gill Landfill in Jackson, Nebraska for landfill

#	WASTE STREAM	GENERATION PROCESS	HAZARDOUS WASTE DETERMINATION	ESTIMATED GENERATION RATE	ON-SITE MANAGEMENT	OFF-SITE MANAGEMENT
4	Aerosol Cans Residuals (SDS of Brake Cleaner included in Attachment 14)	Aerosol can puncturing	D001 and D039 (based on product and process knowledge)	Less than five gallons per year	55-gallon container	Heritage-Crystal Clean LLC (ILR000130062) to Petro-Chem Processing Group in Detroit, MI (MID980615298) for fuel blending
5	Used Oil	Maintenance and repair of equipment	Excluded (managed as used oil per 40 CFR 279)	Approximately 200 gallons per month	275-gallon containers	Jebro, Inc. (IAD000678045) in Sioux City, IA for recycling (Bill of Lading included in Attachment 15)
6	Used Oil Filters	Maintenance and repair of equipment	Excluded (based on management and process knowledge) recycled as scrap metal	Approximately two 55-gallon containers per year	Hot drained and punctured and then added to scrap metal containers	State Steel Supply Company in Sioux City, IA for recycling
7	Paint Room Filters	From ventilation systems in the paint rooms	Nonhazardous based on product and process knowledge	Replaced approximately weekly	Placed in a 13-yard side dump trailer with other general trash and transported to the landfill	SmithCo transports to the LP Gill Landfill in Jackson, Nebraska for landfill
8	Cardboard/Pape/Plastic Packing Material/Woode n Pallets	Generated from packing material	Nonhazardous (based on process knowledge and knowledge of the product)	Unknown - not tracked	Placed in a 13-yard side dump trailer with other general trash and transported to the landfill	SmithCo transports to the LP Gill Landfill in Jackson, Nebraska for landfill

#	WASTE STREAM	GENERATION PROCESS	HAZARDOUS WASTE DETERMINATION	ESTIMATED GENERATION RATE	ON-SITE MANAGEMENT	OFF-SITE MANAGEMENT
9	Universal Waste Lamps	Facility maintenance	Exempted (managed as universal waste per 40 CFR 273)	Approximately two 4-ft containers per year.	4-foot container	Veolia ES Technical Solutions, LLC in Port Washington, WI (WID988566543) for recycling using Veolia's RecyclePak prepaid mail service
10	Used Tires	Vehicle and trailer maintenance	Nonhazardous (based on process knowledge and knowledge of the product)	Approximately four forklift tires per year and any damaged trailer tires	Typically taken off site immediately when replaced but can pick up any damaged tire on site.	Pomp's Tire Service in Sioux City, Iowa for recycling
11	Universal Waste Batteries	Facility and equipment maintenance	Exempted (managed as universal waste per 40 CFR 273)	Three 5-gallon containers per year	5-gallon container	Veolia ES Technical Solutions, LLC in Port Washington, WI (WID988566543) for recycling using Veolia's RecyclePak prepaid mail service
12	Oily Rags	Hydraulic system and maintenance activities	Nonhazardous (based on process knowledge and knowledge of the product)	Approximately 1,600 rags per month	5-gallon containers	Laundered through Cintas in Sioux Falls, SD (Invoice included in Attachment 16)
13	Scrap Metal	Trailer bed production	Nonhazardous (based on process knowledge and knowledge of the product)	Approximately two 20-yard containers per month	20-yard container	State Steel Supply Company in Sioux City, IA for recycling
14	General Trash	Facility operations	Nonhazardous (based on process knowledge and knowledge of the product)	Two 6-yard container picked up weekly	6-yard container	Plymouth County Landfill transports to the LP Gill Landfill in Jackson, Nebraska for landfill

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

SmithCo was under the impression it was still operating as a VSQG and did not have a designated Less-Than-90-Day CAA on site. I asked Mr. Jacobs where SmithCo stores 55-gallon containers of hazardous waste waiting for pickup. Mr. Jacobs stated that SmithCo has a concrete pad outside the building west of the paint kitchen which SmithCo uses as a staging area to store both raw materials and 55-gallon hazardous waste containers waiting for pickup (see Attachment 1). I visually inspected the concrete pad and did not observe any containers accumulating or storing hazardous waste. I asked Mr. Jacobs if SmithCo conducts weekly inspections of accumulation areas. Mr. Jacobs stated that SmithCo does not conduct any weekly inspections regarding hazardous waste. The facility does not have a designated CAA and does not conduct inspections in the staging area where more than 55 gallons of hazardous waste are accumulated.

I observed that there would be 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 related to the storage of the hazardous materials being stored. Operators use walkie-talkies to communicate in case of an emergency. Since walkie talkies are not allowed in the paint kitchen, there is no communication device in the paint kitchen if it is in use as a CAA. In addition, There was a “No Smoking” sign. I asked Mr. Jacobs if the facility inspected this area. Mr. Jacobs stated the facility was unaware of an inspection requirement. Mr. Jacobs stated that sometimes they may accumulate more than one 55-gallon container of hazardous waste in the paint kitchen. SmithCo may have a 55-gallon container of waste paint and a 55-gallon container of still bottoms. I told Mr. Jacobs that if SmithCo wished to accumulate more than 55 gallons of hazardous waste in the paint kitchen, they should consider making the paint kitchen a CAA. I also explained that it could be a challenge keeping adequate aisle space to inspect several 55-gallon containers in the paint kitchen due to a lack of space. Therefore, I left the following findings:

NOPF 9 – Failure to inspect CAAs weekly. [40 CFR 262.17(a)(1)(v)].

NOPF 3 – Failure to have communication equipment immediately accessible when waste is being handled and when only one person present on site. [262.17(a)(6)→262.254(a) and 262.254(b)].

4.5 Satellite Accumulation Areas

I did not observe any satellite accumulation areas during the visual inspection since SmithCo was under the impression it was still operating as a VSQG. During the walkthrough, I observed a 55-gallon container of still bottoms in the paint kitchen approximately half full (see Photo 8, Attachment 3). The container was initially closed but was opened to observe the contents of the container. The container was not labeled "Hazardous Waste" and was not labeled with an indication of the nature of the hazard.

I observed a 55-gallon container with an aerosol can puncture unit on top collecting liquids from the aerosol cans in the finish department (see Photo 10, Attachment 3). The container was closed and in good condition but the container was not labeled "Hazardous Waste" and was not labeled

with an indication of the nature of the hazard. The 30-gallon container is where employees place aerosol cans that need to be punctured. The container held approximately thirteen aerosol cans and was not closed but in good condition (see Photo 10, Attachment 3). The container was not labeled "Hazardous Waste" and was not labeled with an indication of the nature of the hazard.

I observed a 55-gallon solvent recovery container at the two paint lines in the north paint shop (see Photo 13, Attachment 3). The container was initially closed but was opened to observe the contents of the container. The container was approximately 1/2 full. The container was closed and in good condition, but the container was not labeled "Hazardous Waste" and was not labeled with an indication of the nature of the hazard. I did not observe a spill kit located in the north paint shop. This building is located several hundred feet from the main building with the paint kitchen. I left the following findings:

NOPF 6 – Failure to label containers as “Hazardous Waste.” [262.15(a)(5)(i)].

NOPF 7 – Failure to label containers with an indication of the nature of the hazard. [262.15(a)(5)(ii)].

NOPF 8 – Failure to have spill control equipment. [262.252(c)].

Upon further review of photos and notes after the inspection, I added a finding for not keeping the aerosol collection container closed. This issue was not discussed with the facility during the inspection. I added the following finding:

NOPF 14 – Failure to keep containers closed when not adding waste or for temporary venting. [262.15(a)(4)].

4.6 Metal Fabrication and Surface Prep

SmithCo receives sheet metal and metal components that are cut for side dump trailer beds. During the visual inspection, Mr. Jacobs showed me the tumbler where small parts are inserted and tumbled to rough in preparation for surface coating (see Photo 3, Attachment 3). Large, fabricated metal components are treated in the blast room where a nonhazardous carbon steel metal bead is used to rough up the surfaces. The SDS for the metal beads, AMASTEEL is included in Attachment 13. Bead blast fines are collected in a 55-gallon container which is then emptied into the general trash (see Photo 4, Attachment 3). Bead blast fines which also collect in the sump observed in the photo are also removed and placed in the general trash.

Any scrap metal from these processes and used oil filters are collected in two 20-yard containers and State Steel Supply Company in Sioux City, IA picks up the scrap metal for recycling.

I observed metal fabrication and surface prep processes and no issues or findings were noted.

4.7 Painting Operations

During the visual inspection, I observed the paint kitchen with the paint preparation operations and containing the two Uni-ram URS2000 20-gallon solvent reclamation stills. Container

management of the painting operations is discussed in Section 4.5. I asked Mr. Jacobs how frequently the stills are used. Mr. Jacobs stated that SmithCo uses both stills daily to reclaim solvent. I asked Mr. Jacobs if SmithCo had submitted a notification for managing hazardous secondary materials to meet the solid waste exclusion. Mr. Jacobs stated the facility has not submitted a notification and was unaware of this requirement. I asked Mr. Jacobs if SmithCo has made a legitimacy determination of the reclamation process on site. Mr. Jacobs stated he was not aware of any type of legitimacy determination. I told Mr. Jacobs that with or without SmithCo reclaiming the hazardous secondary materials under the exclusion, SmithCo would still be classified as a LQG of hazardous waste based on information observed on the hazardous waste manifests.

Mr. Stokes explained that the facility flushes the paint lines and cleans the paint guns as needed. Methyl amyl ketone, SS gun cleaner, and C-11 ketones are the primary solvents used in the painting operations. Residual flush is collected in 5-gallon containers and poured into 55-gallon containers. The solvent SDSs are provided in Attachment 12. The facility's paint and coating SDSs are provided in Attachment 11. During records review, I observed the facility manifesting the waste paint related material waste stream off site with the D035 waste code. The SS gun cleaner SDS in Attachment 12 contains MEK as a solvent resulting in the D035 waste code. It appears the waste paint related material to be a D001, D035, F003, and F005 hazardous waste. Spent still bottoms are disposed of as D035, F003, F005 hazardous waste. Based on the review of the hazardous waste manifests, it appears that the facility is disposing of both the still bottoms and the waste paint related material under the waste paint related material profile. Two more paint lines are used in the north paint shop. All spent solvents from the north paint shop are brought to the paint kitchen for reclamation. Therefore, I left the following findings:

NOPF 10 – Failure to submit the notice as required for reclaimers managing hazardous secondary material. [261.4(a)(23)(ii)(C)].

NOPF 11 – Failure to maintain documentation of the legitimacy determination of the reclamation process on site. [40 CFR 261.4(a)(23)(ii)(E)].

I asked Mr. Jacobs how paint booth filters are managed. Mr. Jacobs stated paint booth filters exchanged weekly. He stated that the paint filters were nonhazardous and disposed of in the general trash. I asked Mr. Jacobs how he knows if the paint filters are nonhazardous because I observed the waste paint waste profile lists chromium D007 and lead D008 hazardous waste codes. He stated the SmithCo stopped using paints and coatings with heavy metals several years ago. Mr. Jacobs provided the SDS for the paints and coatings utilized on site which are included in Attachment 11. I reviewed all of the SDSs and I did not observe any chromium or lead constituents. This also explains why the D007 and D008 waste codes are not currently listed on the hazardous waste manifests.

I reviewed the management of the painting operations, and no additional issues or findings were noted.

4.8 Aerosol Can Residuals

I asked Mr. Jacobs if aerosol cans are used on site. Mr. Jacobs stated aerosol cans are used primarily for maintenance activities. Mr. Jacobs stated aerosol cans are used and punctured using an aerosol can puncture unit on top of a 55-gallon container to collect the residues (see Photo 10, Attachment 3). There is a 30-gallon container next to the unit for accumulating the aerosol cans before puncturing. The status of the containers was discussed in Section 4.5. Mr. Jacobs stated that if an aerosol broke or became unusable, an operator would immediately puncture the can and manage the aerosol can residuals as a hazardous waste. I observed two “Gunk Brake Parts Product Identifier Cleaner – Chlorinated” cans in the 30-gallon container. According to the SDS in Attachment 14, the product contains at least 90 percent perchloroethylene and the contents would be a D039 characteristic waste once determined to be a waste. Therefore, I left the following finding:

NOPF 2 – Failure to determine whether a waste exhibits any of the characteristics identified in 40 CFR 261 Subpart C. [262.11(d)].

4.9 Scrap Metal

Scrap metal is generated from the cutting and forming of carbon steel in trailer bed production. Scrap metal also includes drained used oil filters and punctured aerosol cans. Scrap metal is recycled and the facility considers it exempt from the definition of solid waste. The facility generates approximately 40,000 pounds of scrap metal per month. Scrap metal is accumulated in containers around the facility. It is collected for recycling in 20-yard containers that is managed off site by State Steel Supply Company in Sioux City, IA.

I reviewed the management of scrap metal and no issues or findings were noted.

4.10 Universal Wastes

During the visual inspection, I observed the management of universal waste batteries and lamps. Used lamps are generated during facility maintenance and include fluorescent lamps. SmithCo manages all used lamps as universal waste. Used lamps are collected for recycling by Veolia’s RecyclePak prepaid mail service using 4-foot containers. During the visual inspection of the maintenance shop, I observed one 4-foot container of lamps (see Photo 14, Attachment 3). The container was closed, in good condition, and labeled as “Universal Waste-Lamp(s).” The accumulation start date was “03/15/2022.”

The facility considers the used batteries characteristic hazardous waste and manages all waste batteries as universal waste. SmithCo manages universal waste batteries in the maintenance area. Used batteries are collected for recycling by Veolia’s RecyclePak prepaid mail service using 5-gallon containers. I asked Mr. Jacobs if the facility tracked how long universal waste has been accumulated on site. Mr. Jacobs stated the facility would date the containers with an accumulation start date. I observed one 5-gallon container of universal waste batteries. The

container was closed, in good condition, and labeled as “Universal Waste Batteries.” The accumulation start date was “03/15/2022.”

I reviewed the management of universal wastes and no issues or findings were noted.

4.11 Used Oil and Oily Rags

I visually observed the facility’s assembly operations. SmithCo generates used oil primarily from equipment maintenance and installation and maintenance of the trailer’s hydraulic systems. In addition, the facility generates occasional brake fluids and cutting fluids from maintenance activities. These oils are managed as used oil and accumulated in a 275-gallon container at the north end of the building (see Photo 12, Attachment 3). The 275-gallon used oil container was closed, in good condition, and labeled “Used Oil.” Jebro, Inc. (IAD000678045) in Sioux City, IA picks up the used oil for recycling. A bill of lading is included in Attachment 15.

SmithCo also generates approximately 1,600 oily rags that are stored in red 5-gallon containers throughout the facility. An example of an oily rag container is shown in Photo 11, Attachment 3. The oily rags are laundered through Cintas in Sioux Falls, SD. An invoice is included in Attachment 16.

I reviewed the management of used oil and oily rags and no issues or findings were noted.

4.12 Other Regulatory Requirements

Preparedness, Prevention, and Emergency Requirements - Safety and emergency equipment were present and in satisfactory condition in areas throughout the facility, except for a missing spill kit for the north paint shop (as noted in Section 4.5 of this report). The facility has a designated emergency coordinator who is on premises or on call who is thoroughly familiar with all aspects of the generator’s operations. Mr. Jacobs stated that SmithCo has not made arrangements with local emergency agencies and has not familiarized emergency agencies with the layout of the facility, properties of hazardous waste handled at the facility, normal work locations, entrances and roads inside the facility, possible evacuation routes, and typical injuries or illnesses which could result from an incident. Therefore, I left the following findings:

NOPF 12 – Failure to make arrangements with local emergency agencies.

[262.17(a)(6)→262.256(a)].

NOPF 13 – Failure to familiarize emergency agencies with the layout of the facility, properties of hazardous waste handled at the facility, normal work locations, entrances and roads inside the facility, possible evacuation routes, and typical injuries or illnesses which could result from an incident. [262.17(a)(6)→262.256(a)(2)].

Contingency Planning Requirements – Mr. Jacobs stated that since the facility was under the impression that it was still operating as a VSQG, it did not prepare a contingency plan. In addition, the facility did not generate a Quick Reference Guide. Therefore, I left the following finding:

NOPF 4 – Failure to prepare a contingency plan and failure to prepares a quick reference guide and submit it to emergency response agencies. [262.17(a)(6)→262.260(a) and 262.262(b)].

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 SmithCo. 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 SmithCo receive, I determined the training to be insufficient. SmithCo does not have written descriptions of skills, qualifications, or duties in a job description related to RCRA activities. SmithCo Mr. Jacobs provided SmithCo's training program, which is included in Attachment 19, This training is only designed to meet the Hazard Communication Standard 29 CFR 1910.1200 (h), requiring employers to provide information and training to their employees about the hazardous chemicals to which they may be exposed at the time of their initial assignment and whenever a new hazard is introduced into their work area. Mr. Jacobs provided records of completed trainings for employees receiving the training in May 2021. Jesse Holsinger, Jerry Grubb, Ben Murfield, Lance Duistman, and Steve Horton have signed hazardous waste manifests and have not received the appropriate training. Therefore, I left the following finding:

NOPF 5 – Failure to train hazardous waste personnel to perform their duties in a way that ensures compliance. [40 CFR 262.17(a)(7)(i)(A)].

Manifest and Land Disposal Restriction (LDR) Requirements – SmithCo maintained records of manifests on site at the time of inspection dating back three years. SmithCo generated approximately 89 manifests over the last three years. I reviewed all manifests from the last three years. Manifests from 2021 and 2022 confirming SmithCo's LQG status are included in Attachment 20. More than a dozen manifests did not have signed copies from the destination facility within 45 days of being accepted by the transporter. Examples of these manifests are included in Attachment 21. I reviewed the manifest and LDR requirements and I left the following finding:

NOPF 1 – Failure to submit an exception report having not received a signed copy of a manifest within 45 days of being accepted from the initial transporter. [40 CFR 262.42(a)(2)].

Upon further review of the records after the inspection, I confirmed that SmithCo has not submitted a biennial report and did not renotify EPA of its status. These issues were not

discussed with the facility during the inspection. Therefore, I added the following findings:

NOPF 15 – Failure to submit biennial report. [40 CFR 262.41(a)(1)].

NOPF 16 – Failure to renotify EPA for its hazardous waste activity. [40 CFR 262.18(d)(2)].

5.0 SUMMARY OF FINDINGS

NOPF 1 – Failure to submit an exception report having not received a signed copy of a manifest within 45 days of being accepted from the initial transporter. [40 CFR 262.42(a)(2)].

More than a dozen manifests did not have signed copies from the destination facility within 45 days of being accepted by the transporter. Examples of these manifests are included in Attachment 21.

NOPF 2 – Failure to determine whether a waste exhibits any of the characteristics identified in 40 CFR 261 Subpart C. [262.11(d)].

I observed two “Gunk Brake Parts Product Identifier Cleaner – Chlorinated” cans in the 30-gallon container for puncturing. According to the SDS in Attachment 14, the product contains at least 90 percent perchloroethylene and the contents would be a D039 characteristic waste.

NOPF 3 – Failure to have communication equipment immediately accessible when waste is being handled and when only one person present on site. [262.17(a)(6)→262.254(a) and 262.254(b)].

Facility personnel use walkie-talkies for communication but they are not allowed in the paint kitchen when conducting activities such as transferring spent solvent to the solvent stills. Furthermore, facility personnel may be transferring spent solvent while there is nobody else on site.

NOPF 4 – Failure to prepare a contingency plan and failure to prepare a quick reference guide and submit it to emergency response agencies. [262.17(a)(6)→262.260(a) and 262.262(b)].

Mr. Jacobs stated that since the facility was under the impression that it was still operating as a VSQG, it did not prepare a contingency plan. Furthermore, Mr. Jacobs stated that since the facility was under the impression that it was still operating as a VSQG, it did not prepare a quick reference guide.

NOPF 5 – Failure to train hazardous waste personnel to perform their duties in a way that ensures compliance. [40 CFR 262.17(a)(7)(i)(A)].

Upon reviewing the hazardous waste training employees of SmithCo receive, I determined the training to be insufficient. Mr. Jacobs provided SmithCo's training program, which is included in Attachment 19, This training is only designed to meet the Hazard Communication Standard 29 CFR 1910.1200 (h), requiring employers to provide information and training to their employees about the hazardous chemicals to which they may be exposed at the time of their initial assignment and whenever a new hazard is introduced into their work area.

NOPF 6 – Failure to labels containers as “Hazardous Waste.” [262.15(a)(5)(i)].

I observed a 55-gallon container of still bottoms in the paint kitchen approximately half full. The container was not labeled "Hazardous Waste."

I observed a 30-gallon container where employees place aerosol cans that need to be punctured. The container held approximately thirteen aerosol cans and was not labeled "Hazardous Waste."

I observed a solvent recovery container at the two paint lines in the north paint shop (see Photo 13, Attachment 3). The container was not labeled "Hazardous Waste."

NOPF 7 – Failure to labels containers with an indication of the nature of the hazard. [262.15(a)(5)(ii)].

I observed a 55-gallon container of still bottoms in the paint kitchen approximately half full (see Photo 8, Attachment 3). The container was not labeled with an indication of the nature of the hazard.

I observed a 30-gallon container where employees place aerosol cans that need to be punctured (see Photo 10, Attachment 3). The container held approximately thirteen aerosol cans and was not labeled with an indication of the nature of the hazard.

I observed a 55-gallon solvent recovery container at the two paint lines in the north paint shop (see Photo 13, Attachment 3). The container was not labeled with an indication of the nature of the hazard.

NOPF 8 – Failure to have spill control equipment. [262.252(c)].

I observed a solvent recovery container at the two paint lines in the north paint shop. I did not observe a spill kit located in the north paint shop. This building is located several hundred feet from the main building with the paint kitchen.

NOPF 9 – Failure to inspect CAAs weekly. [40 CFR 262.17(a)(1)(v)].

I asked Mr. Jacobs if SmithCo conducts weekly inspections of accumulation areas. Mr. Jacobs stated that SmithCo does not conduct any weekly inspections regarding hazardous waste. The facility does not have a designated CAA and does not conduct inspections in the staging area where more than 55 gallons of hazardous waste are accumulated.

NOPF 10 – Failure to submit the notice as required for reclaimers managing hazardous secondary material. [261.4(a)(23)(ii)(C)].

I asked Mr. Jacobs if SmithCo had submitted a notification for managing hazardous secondary materials. Mr. Jacobs stated he was not aware of this requirement and the facility has not completed or submitted a notification to EPA.

NOPF 11 – Failure to maintain documentation of the legitimacy determination of the reclamation process on site. [40 CFR 261.4(a)(23)(ii)(E)].

I asked Mr. Jacobs if SmithCo has made a legitimacy determination of the reclamation process on site. Mr. Jacobs stated the facility has not made a legitimacy determination.

NOPF 12 – Failure to make arrangements with local emergency agencies. [262.17(a)(6)→262.256(a)].

Mr. Jacobs stated that SmithCo has not made arrangements with local emergency agencies.

NOPF 13 – Failure to familiarize emergency agencies with the layout of the facility, properties of hazardous waste handled at the facility, normal work locations, entrances and roads inside the facility, possible evacuation routes, and typical injuries or illnesses which could result from an incident. [262.17(a)(6)→262.256(a)(2)].

Mr. Jacobs stated that SmithCo has not familiarized emergency agencies with the layout of the facility, properties of hazardous waste handled at the facility, normal work locations, entrances and roads inside the facility, possible evacuation routes, and typical injuries or illnesses which could result from an incident.

Upon further review of photos and notes after the inspection, I added the following findings. These issues were not discussed with the facility during the inspection.

NOPF 14 – Failure to keeps containers closed when not adding waste or for temporary venting. [262.15(a)(4)].

I observed a 30-gallon container where employees place aerosol cans that need to be punctured. The container held approximately thirteen aerosol cans and was not closed.

NOPF 15 – Failure to submit biennial report. [40 CFR 262.41(a)(1)].

SmithCo believed that the facility was still operating as a VSQG and did not prepare a biennial report.

NOPF 16 – Failure to renotify EPA for its hazardous waste activity. [40 CFR 262.18(d)(2)].

SmithCo believed that the facility was still operating as a VSQG and did not have to renotify EPA of its hazardous waste activity.

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

**Joseph
Watson**

Digitally signed by Joseph
Watson
Date: 2022.09.20 14:47:57
-04'00'

Joseph Watson
Senior Chemical Engineer
Date: September 20, 2022

**AMBER
WHISNANT**

Digitally signed by AMBER
WHISNANT
Date: 2022.09.24 23:29:17
-05'00'

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

Attachments:

1. Facility Layout (2 pages)
2. SmithCo Manufacturing, Inc. Photolog (1 page)
3. SmithCo Manufacturing, Inc. Photos (14 photos/15 pages)
4. EPA Inspection Checklist (53 pages)
5. Confidentiality Notice (1 page)
6. Receipt for Documents and Samples (1 page)
7. Notice of Preliminary Findings (1 page)
8. Facility Description (9 pages)
9. Hazardous Waste Site Info Verification Report for Inspector (1 page)
10. Waste Paint Still Bottoms Waste Profiles (2 pages)
11. Paints and Coatings SDS (284 pages)
12. Solvents SDS (23 pages)
13. Steel Bead Blast Media SDS (7 pages)
14. Chlorinated Brake Cleaner SDS (9 pages)
15. Used Oil Bill of Lading (5 pages)
16. Oily Rags Laundering Invoice (8 pages)
17. Uni-ram URS2000 User's Manual (18 pages)
18. 2021 Monthly Usage Records (2 pages)
19. Training Records (13 pages)
20. Manifests (37 pages)
21. Manifests Missing Signed Return Copies (8 pages)

Notice of Preliminary Findings

(For Contractor Use Only)

Facility Name: Smith Co manufacturing Inc.
 Facility Address: 30902 C-38
LE Mars IA 51031
 EPA ID#: IAR 00000 7476 Date: 7/26/2022

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. 40 CFR 262.42 More than a dozen
manifests did not have signed received copies from TSDF
2. 40 CFR 262.11(d) facility did not make a haz waste determination or brack clear
3. 46 CFR 262.17(a)(6) 262.264 to 256 facility operating as a VSOB not CGM, No preparedness approach
4. 40 CFR 262.17(a)(6) 262.264 to 256 Facility Did not prepare a Contingency plan or
Quick Reference Guide. Operating as a VSOB
5. 40 CFR 262.17(a)(7) RCRA training Not Provided, OSHA HazCom, Operat. as a VSOB
6. 40 CFR 262.16(a)(5)(i) SAC containers were not labeled hazardous waste.
7. 40 CFR 262.16(a)(5)(ii) SAC containers Not labeled with indication of HazCom
8. 40 CFR 262.17(a)(6) 262.262(c) Spill Kit missing in North Paint shed
9. 40 CFR 262.17(a)(1)(v) Weekly inspections of RCRA have not been conducted
10. 40 CFR 261.4(a)(23)(ii)(C) Notice of Reclamation Not Submitted
11. 40 CFR 261.4(a)(23)(ii)(e) Legitimacy determination documentation not complete
12. 40 CFR 261.410(d)(2) Current employee operating facility does not have communication
13. 40 CFR 261.410(f) Arrangements to familiarize facility not made

If you have any questions about this Notice or wish to discuss your response, you may call me at

_____, or Trevor Urban (Compliance Officer)
 at 913 551-7133.

This Notice prepared by Joseph Watson Date: 7/26/2022

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

Printed Name: David Jacobs Date: 7/26/22

Signature: [Signature]

Title: Director of Manufacturing

Page 1 of 1

(Rev: 2/25/2020)

White Original/ EPA • Yellow/ Facility