REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

TESLA-COUNCIL BLUFFS
1110 Woodbury Ave
Council Bluffs, Iowa 51503
(712) 890-3398

EPA ID Number: None

On

July 11, 2023

By

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 (ECAD), I conducted a Resource Conservation and Recovery Act (RCRA) compliance evaluation inspection (CEI) at Tesla-Council Bluffs, located in Council Bluffs, Iowa, on July 11, 2023. The CEI was conducted under the authority of Section 3007(a) of RCRA, as amended. During the inspection, I collected the information and data necessary to determine compliance with the applicable regulatory and statutory requirements. This inspection report and attachments present the results of the CEI.

2.0 PARTICIPANTS

Tesla-Council Bluffs:
- Chad Hart, General Manager & Service Manager (six months in role) (chart@tesla.com)
- Jake Baideme, Service Tech and EHS Captain (nine months in role)

EPA:
- Mark Holcomb, Civil Investigator/Inspector (SEE)

3.0 INSPECTION PROCEDURES

On July 11, 2023, I arrived unannounced at the facility's main entrance at about 1000 hours. Initially, I conducted a visual reconnaissance of the facility searching for areas of concern observable from the adjacent public roadways and parking lots. I identified no environmental issues or concerns during this preliminary examination. I entered the facility through the main entrance and stopped at the front desk. I introduced myself and asked for the general manager or service manager. I was introduced to Mr. Chad Hart, the General Manager and Service Manager. Mr. Hart escorted me to the office/workroom area. Mr. Hart told me there were currently no

specific COVID-19 visitor requirements and the only items of personal protective equipment (PPE) required for our visual inspection at this facility were protective boots and eye protection in some areas. Mr. Hart stated that he was the primary contact for hazardous waste at this facility and had been with the company for about one year, initially as a service tech and, more recently, six months as the both the general and service manager.

At the opening conference, I presented my EPA ID and credentials to Mr. Hart. I next explained the purpose and procedures of the inspection. I then presented Mr. Hart with a copy of RCRA Section 3007(a), which provides inspection authority. I explained my need to collect accurate information and presented him with a copy of Title 18 U.S. Code, Sections 1001 and 1002. He was made aware of his confidentiality rights, and I informed him that a Confidentiality Notice would be provided at the end of the inspection to make a confidentiality claim if he so desired. Mr. Hart acted as the official facility representative during the inspection.

The CEI 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 and documents.

I conducted a visual inspection of the following areas:

- Shop Service Area (see Photo 1 for a shop overview)
- Tool Storage Room
- Parts Room
- Receiving/Loading Dock
- West Outside Lot
- Storage Room

See Attachment #1 for the aerial/map views and facility diagram. Document photocopies and photographs were collected as inspection documentation (see Attachments #1-15 and Photos 1-26). The photo log is included as Attachment #2. Information collected during the inspection is documented on an Entry/Exit checklist, the hazardous waste compliance checklists, and in a notebook. I reviewed documents including the following: Safety Data Sheets (SDS), manifests, invoices, contingency plan, and staff training. I followed the inspection procedures detailed in the RCRA CEI Standard Operating Procedure 2321.01E, unless noted otherwise.

At the conclusion of the inspection, I summarized my findings and recommendations with Mr. Hart. I provided Mr. Hart with a Receipt for Documents (see Attachment #3), a Confidentiality Notice (see Attachment #4), and a Notice of Preliminary Findings (NOPF) (see Attachment #5), which he signed as acknowledgement of receipt. No claim of confidential business information was made by Mr. Hart.

I provided inspection and compliance assistance documents to Mr. Hart during the inspection, some as paper versions and some in electronic PDF via email post-inspection, that included the following:

- *RCRA Section 3007(a) (EPA Handout)*
- *Title 18 U.S. Code, Sections 1001 and 1002 (EPA Handout)*

- *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 (EPA Handout)*
- *Receipt for Documents and Samples (Top page of the completed carbonless transfer set)*
- *NOPF with Instructions for Responding on back of form (top page of the completed carbonless transfer set)*
- *Instructions for Responding to a NOPF (EPA Handout)*
- *U.S. EPA Small Business Resource Information Sheet (EPA Handout)*
- *Solvent-Contaminated Wipes Final Rule Chart (EPA Handout)*
- *Recycling Electronics (Iowa Department of Natural Resources - 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*
- *How to Register for RCRAInfo Industry Application for Iowa Facilities*

On August 18, 2023, I contacted Mr. Hart via phone to clarify additional questions.

4.0 FINDINGS AND OBSERVATIONS

4.1 Facility Information and Operations

Tesla-Council Bluffs is a Tesla automotive leasing and service center. The facility is privately owned by Tesla and utilizes leased property. Mr. Hart stated that this Tesla facility has been open for about four years. The facility is about 8,500 square feet. He mentioned that they are starting to outgrow this facility and have plans to build a new facility in Council Bluffs soon. They provide a Tesla vehicle show room floor for leasing and a service center at this location. The facility is open from 0800-1700 hours six days per week. The business employs 15 staff. The service center services about 75 vehicles per week. One of the service techs is appointed as an Environmental, Health, and Safety (EHS) captain and is responsible for providing hazardous

waste handling and safety training for the staff. They also have a regional EHS representative that visits the facility periodically to help oversee the facility's hazardous waste and safety programs. See Attachment #1 for the facility aerial map views and facility diagram.

4.2 RCRA Status

Tesla-Council Bluffs had not been inspected for RCRA compliance prior to this inspection. According to RCRAInfo, Tesla-Council Bluffs had not notified or obtained an EPA number. I verified the facility address and the site contact information with Mr. Hart and updated the EPA RCRA Notification Acknowledgement/Verification Report (see Attachment #6) to indicate the primary contact's name and contact information. At the time of this inspection, I determined Tesla-Council Bluffs to be a very small quantity generator (VSQG) of D001 and D003 hazardous waste with less than 100 kg, or 220 lbs, of non-acute hazardous waste generated per month. In addition, I determined Tesla-Council Bluffs to be a small quantity handler of universal waste batteries (both small low-voltage and large high-voltage lithium batteries) and aerosol cans.

4.3 Facility Waste Streams and Management

Mr. Hart stated that the following waste streams are managed by Tesla-Council Bluffs:

Waste Airbags - Tesla-Council Bluffs generates on average about 15-20 pounds of undeployed airbags per month, mostly due to the Takata airbag recall. Mr. Hart stated that the facility has determined these airbags to be hazardous waste due to product knowledge of the explosive and flammable inflators (D001 and D003) and are storing the removed airbags in two steel 55-gallon drums with "Hazardous Waste" labels. I asked Mr. Hart for copies of manifests or documents regarding transport of these wastes in the past. Mr. Hart stated that he had only been a manager at this facility for about six months and cannot access or view reports regarding shipment of these hazardous wastes prior to his start date in April 2023. Prior to his start in this new role, he stated he was under the understanding that they had "boxed up and sent the undeployed airbags to Takata for processing and recycling." Since he started in his current role, Mr. Hart stated that they have not shipped any airbags off-site. Mr. Hart stated that once the drums were full, he planned to have Veolia Environmental transport this waste.

During the visual inspection, I observed two steel black 55-gallon, satellite accumulation area (SAA), drums located in the Receiving/Loading Dock area. The drums both appeared to be in good condition with no damage or leaks observed. The left drum was about 2/3 full and the right drum was about 1/3 full. Both drums were labeled with a six inch by six inch yellow with red text Hazardous Waste label, which included an accumulation start date of "April 1, 2023" (see Photo 11-13). Two of the photos show the contents inside of the drums. The airbag modules inside the drums appear to be the complete modules including the airbag inflator and the uninflated fabric cushion. Neither drum was labeled with the nature of the contents. Both drums had their lids loosely placed on the drum, but the lid closing rings were not secured.

On the NOPF, I left NOPF 1 [40 CFR 262.15(a)(5(ii)] for failing to label SAA containers wth the nature of the hazard and NOPF 2 40 CFR 262.15(a) for failing to close the SAA containers.

After further review, Tesla-Council Bluffs operates as a VSQG and is not required to comply with 40 CFR 262.15 satellite accumulation requirements. NOPFs 1 and 2 have been rescinded.

Tesla High-Voltage Lithium Battery Packs - Tesla-Council Bluffs generates on average about two to four of the large Tesla high-voltage battery packs per month. These batteries weigh about 1,200-1,700 pounds (546-773 kg) each. Tesla warranties these battery packs for eight-ten years and only started selling electric vehicles a little over a decade ago, so most of the battery packs replaced were due to issues with the batteries. The large high-voltage lithium battery packs power the electric drive motor(s). Tesla's have both one motor and two motor versions. Mr. Hart stated that when they need a new replacement high-voltage lithium battery pack, they request it from corporate Tesla via computer. When the new battery is scheduled to arrive, the service center has the owner of the Tesla vehicle bring in the vehicle for the battery pack swap. The old battery pack is unbolted and removed from under the vehicle and the new one installed. The waste high-voltage lithium battery pack is repacked into the wooden shipping crate that the new battery came in. The crate is labeled with the same UN3480 (Lithium-Ion Batteries) Department of Transportation (DOT) required warning labels and shipping documents. Mr. Hart stated that corporate Tesla arranges for the transportation, generally a third-party shipping company, to send the waste high-voltage lithium battery packs back to Tesla for recycling generally at the Tesla Gigafactory Nevada location. This is typically done within the next one to two business days. Past transports of the waste high-voltage lithium battery packs have been done by Old Dominion Freight Line, Inc. (Omaha, NE), see Attachment #10 for a Bill of Lading for a waste battery transport on July 6, 2023. The weight of this shipment, of one battery, was 1300 pounds (591 kg).

During the visual inspection, I observed one waste high-voltage lithium battery pack in the facility. It was in a wooden crate stored in the West Outside Lot area (see Photos 24 and 25). The crate appears to be in good condition with no damage or leaks and is labeled with several UN3480 (Lithium-Ion Batteries) Department of Transportation (DOT) required warning labels. I did not observe any new high-voltage lithium battery packs in the facility. The afternoon I was onsite doing my inspection a large transport truck from Old Dominion Freight Line arrived to transport this waste high-voltage lithium battery pack. Mr. Hart stated that they had determined the waste high-voltage lithium battery packs to be handled under universal waste regulations. The battery's accumulation start date was recorded in their computerized documentation system. I did not request to see the accumulation start date documentation in the computer, but I was told that this battery had just been removed the previous week. I did not observe the words "Universal Waste Batteries", but I did not closely examine the documents in the two plastic sleaves attached to the side of the wooden crate (see Photo 25).

Low-Voltage 12V Lithium Batteries - Tesla-Council Bluffs generates about 15-20 low-voltage 12V lithium batteries per month. Mr. Hart explained that the smaller 12V batteries power the computers and accessory components of the vehicle. Mr. Hart also explained that 12V lead-acid batteries were initially used in older models of Tesla vehicles and Tesla started using 12V lithium batteries in more recent models. Both the 12V lead-acid and 12V lithium batteries have the same functions in the vehicles.

During the visual inspection in the Receiving/Loading Dock area, I observed about eleven small 12V Lithium batteries stored individually in plastic bags inside of individual 5-gallon plastic buckets with DOT UN3480 Lithium Batteries warning labels. There were several bags of vermiculite granules used as packing material. The batteries and buckets appeared to all be in good condition with no obvious signs of damage or leaking. I did not observe "Universal Waste-Batteries" labeling and I did not observe accumulation start dates or any kind of logging system to track accumulation dates (see Photo 15). Mr. Hart stated they have only recently started generating the spent 12V low-voltage lithium batteries and had not disposed of any yet and had been waiting for corporate Tesla to outline disposal instructions. Mr. Hart stated that they had just recently received guidance from corporate Tesla to start sending the low-voltage 12V lithium batteries (as well as most eWaste and universal waste) to METech Recycling (Gilroy, CA). Mr. Hart shared a copy of a memo dated July 3, 2023 (see Attachment #13).

- **NOPF 5: Failure to demonstrate length of time the universal waste low-voltage 12V lithium batteries have been accumulating as required in 40 CFR 273.15(c)**

- **NOPF 6: Failure to label the universal waste low-voltage 12V batteries with the words "Universal Waste Batteries", "Waste Batteries", or "Used Batteries" as required in 40 CFR 273.14(a)** *[This NOPF was added post inspection]*

Lead-Acid 12V Batteries - Tesla-Council Bluffs generates about 30 low-voltage 12V lead-acid batteries per month. As noted, Tesla started changing from the low-voltage 12V lead-acid batteries to the low-voltage 12V lithium batteries in newer model vehicles. Mr. Hart stated that they store the spent batteries onsite and periodically Interstate Battery (Cedar Rapids, IA) picks up the spent batteries and pays them for the core so the batteries can be recycled. The spent lead-acid batteries are being managed under 40 CFR part 266, Subpart G. See Attachment #15 for a receipt from Interstate Battery. Mr. Hart stated that as of July 3rd, they will be sending the spent 12V lead-acid batteries to METech Recycling as discussed above with the 12V lithium batteries. During the visual inspection in the Receiving/Loading Dock area, I observed approximately 25-30 lead-acid batteries on a plastic containment tray. The batteries appeared to be in good condition with no signs of damage or leaking. A sign on wall above the batteries indicated "Danger Lead-Acid Batteries" (see Photo 14).

Tesla Battery Heat Transfer Fluid (Coolant or Antifreeze) - Tesla-Council Bluffs generates about 30-40 gallons per year of the Tesla battery heat transfer fluid as part of their Tesla vehicle maintenance process. Mr. Hart stated that the battery heat transfer fluid is used to keep the battery pack at an optimal temperature and provides both cooling and warming of the battery as needed based on environmental conditions. He also stated that this fluid is considered a "lifetime fill" and does not require changing during the life of the vehicle unless there is a mechanical issue that requires them to drain the system for repairs. The SDS (see Attachment #7) states that the Tesla heat transfer fluid's primary constituent is Ethanediol, more commonly referred to as Ethylene Glycol. It is manufactured by Valvoline and is diluted with 50% water. This fluid appears to be analogous to common antifreeze used in internal combustion engine vehicles. Mr. Hart stated that the tubing the fluid is circulated through is all aluminum or plastic and the chance of contamination with heavy metals or other contaminates is minimal. They have determined this waste to be hazardous and labeled the collection drum with a hazardous waste

label. Mr. Hart was unable to access any manifests for previous shipments (prior to his manager start date) but stated that it probably takes over a year to fill one 55-gallon drum. I asked Mr. Hart what Waste Code should be applied to this waste stream, and he stated that he was not sure and would need to check with his regional EHS person. The waste fluid is collected in a SAA 55-gallon drum located in the Receiving/Loading Dock area. Once the drum is full, the drum is transferred to an outside plastic enclosure unit located the West Outside Lot which appears to function as the central accumulation area or CAA (see Photo 21). Their plan is to use Veolia North America LLC (Kansas City, KS) to transport the waste drum(s) for processing.

During the visual inspection of the Receiving/Loading Dock, I observed a SAA poly 55-gallon drum of waste antifreeze with a Hazardous Waste label, and a loose sign indicating its contents on top of the drum (see Photo 20). The SAA poly drum was about 1/3 full and indicated an accumulation start date of March 17, 2023. The drum was in good condition with no obvious damage or leaks and securely closed. Outside in the West Outside Lot, I observed an outside plastic enclosure unit with three empty 55-gallon drums and one full 55-gallon drum (see Photo 21 – the full drum is on the back far right) of antifreeze coolant pending transport. Mr. Hart stated that the full drum had been stored for about two months. There was no aisle space to view the drum labeling and drum condition. I informed Mr. Hart that it is a best management practice to have adequate aisle space to visually inspect for drum labeling and condition.

In a post-inspection email dated August 21, 2023, Mr. Hart informed me: *"After a conversation with our regional EHS representative, it seems we had our waste oil and coolant improperly labeled as hazardous waste. We have since removed that determination and signage."* Mr. Hart also provided new photos on the drums without the hazardous waste labels and signage.

Tesla Electric Drive Fluid (Automatic Transmission Fluid) - Tesla-Council Bluffs generates about 40 gallons per year of the Tesla Electric Drive Fluid as part of their Tesla vehicle maintenance process. Mr. Hart stated that the Electric Drive Fluid is used in conjunction with the electric motor and drive components. He also stated that this fluid is considered a "lifetime fill" and does not require changing during the life of the vehicle unless there is a mechanical issue that requires them to drain the system for repairs. He stated that they may also need to drain the system every 10-20 years for an inspection. The SDS (see Attachment #8) states that the Tesla Electric Drive Fluid's primary constituent is 85-95% petroleum distillates or emulsified oil and 1-5% is mineral oil. This fluid appears to be analogous to common transmission fluid used in internal combustion engine vehicles. Mr. Hart stated that the tubing the fluid is circulated through is all aluminum or plastic and the chance of contamination with heavy metals or other hazardous contaminates is minimal. They had determined this waste to be hazardous and labeled the drum with "Hazardous Waste" labels. I asked Mr. Hart what Waste Code should be applied to this waste stream, and he stated that he was not sure and would need to check with his regional EHS person.

During the visual inspection of the Receiving/Loading Dock, I observed the new product Electric Drive Fluid was stored in the Tool Storage Room (see Photo 3 and 4). The waste fluid was observed to be collected in a SAA 55-gallon drum located in the Receiving/Loading Dock area. Once the drum is full, the drum is transferred to an outside plastic enclosure unit located the

West Outside Lot, which appears to function as the CAA (see Photo 21). Their plan is to use Veolia North America LLC to transport the waste drum(s) for processing. During the visual inspection of the Receiving/Loading Dock, I observed a SAA poly 55-gallon drum of waste fluid with a "Hazardous Waste" label, and loose sign indicating its contents on top of the drum (see Photo 20). The SAA drum containing waste fluid was about 2/3 full and indicated an accumulation start date of March 17, 2023.

On the NOPF, I left NOPF 3 [40 CFR 279.22(c)(1) for failing to label a used oil storage container. After further review, Tesla-Council Bluffs manages their waste fluid as hazardous waste and not as used oil. NOPF 3 had been rescinded.

In a post-inspection email dated August 21, 2023, Mr. Hart informed me: *"After a conversation with our regional EHS representative, it seems we had our waste oil and coolant improperly labeled as hazardous waste. We have since removed that determination and signage."* Mr. Hart also provided new photos on the drums without the hazardous waste labels and signage, along with the "Used Oil" signage on the waste Electric Drive Fluid drum.

Waste Fluid Filters - Tesla-Council Bluffs generates about 12-24 waste fluid filters per year as part of their Tesla vehicle maintenance process. As noted in the Tesla Electric Drive Fluid waste stream above, draining and replacing the fluid is rare and is not a routine part of Tesla maintenance, but when required the filter is replaced as well. Mr. Hart stated that they consider them non-hazardous due to product and process knowledge. Mr. Hart stated that they puncture the filters and drain them into same SAA drum as the used Tesla Electric Drive Fluid. The waste filters are accumulated with the scrap metal.

Cloth Rags - Tesla-Council Bluffs generates about 150 soiled cloth rags per month. Mr. Hart stated that the cloth rags are used in the cleaning and detailing of vehicles. He stated that they are not used with any solvents. The rags are accumulated and washed in house as needed in the on-site washer and dryer located in the Storage Room Area (see Photo 26).

Disposable Paper Wipes - Tesla-Council Bluffs generates about one box of 100 disposable paper wipes per month during general maintenance operations. Mr. Hart stated that they do not have any painting facilities and use very little, if any, oil, grease, or solvents. Occasionally, they may need to use a small amount of Brake Wash (brake cleaner solvent). Typically, this is done with a paper disposal wipe. Mr. Hart stated that they are careful not to saturate the wipe and it is generally dry when it is disposed of in the general trash. Mr. Hart was not sure if they had ever made a formal hazardous waste determination on this waste stream, but he indicated that they generally consider the "dry" soiled paper wipes to be non-hazardous. During the visual inspection, I did not observe any soiled disposable paper wipes. I observed a 55-gallon drum of new product labeled as: Brake Wash (non-chlorinated brake cleaner) made by Zip (see Photos 3) in the Tool Storage Room. I also observed several new aerosol cans of Zep Brake Wash located in the flammable cabinet (see Photos 5, and 6) and the empty aerosol cans are disposed of in the blue 40-gallon plastic waste container labeled with "Universal Waste – Aerosol Cans" (see Photos 7, 9, and 10) in the Shop Service area. I was told that they are phasing out the bulk drum based cleaner and replacing it with the individual aerosol cans. I requested the SDS for the brake cleaner solvent the facility uses. Mr. Hart provided a SDS for Zep Brake Wash (see Attachment

#8). The SDS lists the primary constituents as: 70-90% naphtha, 5-10% propan-2-ol, 1-5% heptane, and 1-5% methanol, and indicates it as highly flammable with a flashpoint of -18 deg C. Based on the flash point, it appears that any non-dry disposable paper wipes contaminated with the brake wash would be a potential D001 characteristic hazardous waste for ignitability. At the time of the inspection, I did not observe any non-dry paper wipes being generated or accumulated on-site. I provided Mr. Hart with a copy of the Solvent-Contaminated Wipes Final Rule handout under 40 CFR 261.4(b)(18) to review.

On the NOPF, I left NOPF 4: Failure to make a hazardous waste determination on the disposable Paper Wipes as required in 40 CFR 262.11(a). After further review, Tesla-Council Bluffs appears to have made a hazardous waste determination. The wipes have no free liquid, are dry, do not contain F-listed solvents, and are disposed in the general trash as non-hazardous waste. NOPF 4 had been rescinded.

Tires - Tesla-Council Bluffs generates about 25-50 nonhazardous spent tires per month due to regular vehicle maintenance. Mr. Hart stated that the spent tires are stored in the West Outside Lot. Periodically facility staff take the waste tires to local Lakin Tires for recycling. During the visual inspection, I observed about 25 waste tires outside on the west side of the building (see Photo 24).

Scrap Metal - Tesla-Council Bluffs generates about 200-300 pounds of nonhazardous scrap metal per quarter from their maintenance repair processes, which includes replacing damaged auto parts. Mr. Hart stated that the scrap metal is stored outside in the West Outside Lot (see Photo 25). Mr. Hart stated that about every six months a local scrap person picks up the scrap metal for recycling. During the visual inspection of the West Outside Lot, I observed a white tote like container full of scrap metal.

Electronic Waste (eWaste) - Tesla-Council Bluffs generates electronic waste from maintenance operations. This waste is determined to be nonhazardous based on product and process knowledge. The eWaste was being sent to Veolia (Kansas City, KS) and in the future will be sent to METech (Gilroy, CA) for recycling (see Attachments #13 and #14). During the visual inspection of the Receiving/Loading Dock Area, I observed a large cardboard box containing miscellaneous (non-mercury containing) electronic components and computers, labeled with "Universal Waste" label with an accumulation start date of March 27, 2023. The computer or central processing unit (CPU) in Photo 19 is from a model 3 (see Photos 16-19).

Universal Waste – Aerosol Cans - Tesla-Council Bluffs generates about six waste aerosol cans per months, mostly Brake Wash and glass cleaner cans, used in maintenance operations. This waste has been determined to be universal waste and placed in the blue 40-gallon container labeled with "Universal Waste – Aerosol Cans" (see Photos 7, 9, and 10). There was no accumulation start date recorded on the label. Mr. Hart stated that it is their practice to add the accumulation start date to the universal waste label when putting a new empty container in service, but somehow this one had been missed. This universal waste is recycled by Veolia (Kansas City, KS).

- **<u>NOPF 7</u>: Failure to demonstrate length of time the universal waste aerosol cans have been accumulating as required in 40 CFR 273.15(c)** *[This NOPF was added post inspection]*

<u>Wood Pallets</u> - Tesla-Council Bluffs generates about 25-50 nonhazardous wood pallets per month from maintenance operations. On site, the wood pallets are stored in the West Outside Lot (see Photo 24). Mr. Hart stated that Republic Waste Management coordinates transport to a local pallet recycling company for recycling.

<u>Pig Mat Absorbents</u> - Tesla-Council Bluffs generates several dozen nonhazardous absorbent pig mats per month during maintenance operations. They had originally determined these to be universal waste and place the soiled mats in a 40-gallon gray plastic container in the Shop Service Area (see Photo 7). During the visual inspection, I observed this container to be full. The container was in good condition with no obvious damage or leaks. The pig mats inside appeared to be dry and mostly just dirty. There were no obvious liquids observed. The container was labeled as "Universal Waste" with no contents listed or accumulation start date. See Photo 8 for a view inside of this container. I did not observe any contents that appeared to be hazardous or universal waste. The liquids adsorbed, if any, would most likely be antifreeze, automatic transmission fluid, or windshield washer fluid – all most likely non-hazardous fluids. Post inspection Mr. Hart stated that the facility had made a Hazardous Waste determination and determined the absorbents to be non-hazardous and they had eliminated the container for this waste stream, and they now simply dispose of the waste absorbents in the general trash.

<u>Cardboard Recycling</u> - Tesla-Council Bluffs generates nonhazardous cardboard from maintenance and facility operations. It estimates about one full eight cubic foot dumpster per week. The waste cardboard is transported by Republic Services (Council Bluffs, IA) for recycling. During the visual inspection I observed one blue eight cubic yard dumpster in the West Outside Lot about 1/3 full (see Photo 22).

<u>General Trash</u> - Tesla-Council Bluffs generates nonhazardous general trash from maintenance and business operations. It estimates about one to two of an eight cubic foot dumpsters twice a week. The waste trash is transported by Republic Services (Council Bluffs, IA) to the Douglas County Landfill (Omaha, NE) During the visual inspection I observed one blue eight-cubic yard dumpster in the West Outside Lot about 1/5 full (see Photos 22 and 23).

4.4 Other Areas Reviewed

<u>Outside Facility Perimeter</u> - I conducted a limited inspection of the outside perimeter of the facility and observed no hazardous waste storage tanks and containers except as noted above. See the aerial and map views in Attachment #1.

<u>Preparedness and Prevention</u> - Mr. Hart stated that Tesla-Council Bluffs has a full-time professional regional EHS staff that visits their facility periodically. The facility has numerous fire extinguishers, eye wash stations, and an automatic external defibrillator. I observed adequate spill response equipment near the Tool Storage Room (see Photo 2). As a VSQG they are not required to have a Contingency Plan, but Mr. Hart stated that they do have a company-

wide emergency plan they can access through their internet portal, and he provided a copy of the Tesla Emergency Reporting Guide (see Attachment #11).

Personnel Training - As a VSQG, documented staff hazardous waste training is not required, but a small quantity handler of universal waste must provide training and information for all employees who handle or have responsibility for managing universal waste that must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility. Mr. Jake Baideme (nine months with the company and the local EHS Safety Captain) stated that Tesla-Council Bluffs does provide basic hazardous waste and universal waste handling training via Tesla online training modules. Mr. Hart provided an employee list of hazardous waste training with current dates (see Attachment #12).

5.0 SUMMARY OF FINDINGS

- **NOPF 1: [RESCINDED]**
- **NOPF 2: [RESCINDED]**
- **NOPF 3: [RESCINDED]**
- **NOPF 4: [RESCINDED]**
- **NOPF 5: Failure to demonstrate length of time the universal waste low-voltage 12V lithium batteries have been accumulating as required in 40 CFR 273.15(c)**
- **NOPF 6: Failure to label the universal waste low-voltage 12V batteries with the words "Universal Waste Batteries", "Waste Batteries", or "Used Batteries" as required in 40 CFR 273.14(a),** *[This NOPF was added post inspection]*
- **NOPF 7: Failure to demonstrate length of time the universal waste aerosol cans have been accumulating as required in 40 CFR 273.15(c),** *[This NOPF was added post inspection]*

Other than the items specifically noted in this narrative, I observed no additional issues or potential findings. However, further EPA review may change or add to my findings.

MARK HOLCOMB (Affiliate)
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Date: 2023.08.23 12:45:34 -05'00'

Mark Holcomb
Civil Investigator, SEE

Whisnant, Amber
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Date: 2023.08.25 12:25:04 -05'00'

Amber Whisnant
RCRA Section Chief, ECAD/Chemical Branch

Attachments:

1) Facility Aerial Map Views (3 pages)
2) Photo Log (26 photos and 29 pages)
3) Receipt for Documents (1 page)
4) Confidentiality Notice (l page)
5) NOPF (2 pages)
6) EPA RCRA Notification Acknowledgement/Verification Report (1 page)
7) SDS- Coolant/Tesla Electric Drive Fluid (7 pages)
8) SDS- Automatic Transmission Fluid/Tesla Battery Heat Transfer Fluid (20 pages)
9) SDS- Zep Brake Wash (14 pages)
10) Bill of Lading – High-Voltage Lithium Battery (1 page)
11) Tesla Emergency Reporting Guide (3 pages)
12) Staff Hazardous Waste Training (1 page)
13) Memo- METech eWaste and Battery Collection (2 pages)
14) Veolia Waste Collection Guide (1 page)
15) Interstate Battery Core Exchange Receipt (1 page)