

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

BERTCH CABINETS, LLC - OELWEIN

1006 Industrial Park Drive
Oelwein, Iowa 50662
(319) 268-2519

EPA RCRA ID No. IAR000005785

On

July 8, 2024

By

TOEROEK ASSOCIATES, INC.

For

U.S. ENVIRONMENTAL PROTECTION AGENCY - Region 7
Enforcement and Compliance Assurance Division

INTRODUCTION

At the request of the Enforcement and Compliance Assurance Division/Chemical Branch/RCRA Section of the U.S. Environmental Protection Agency (EPA) Region 7, Toeroek Associates, Inc. and its subcontractor CLAENE Group (Toeroek team) conducted a hazardous waste compliance evaluation inspection (CEI) at Bertch Cabinets LLC – Oelwein (Bertch), at 1006 Industrial Park Drive in Oelwein, Iowa. The CEI was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended. The CEI covered hazardous waste generator, used oil, and universal waste requirements as applicable. This report and its attachments present the findings of the CEI.

PARTICIPANTS

Bertch Cabinets, LLC:

Matt Nieswender -Environmental Manager
Kris Weeden – EHS Specialist
Tim Erhart – Department Leader
Thor Johnson – Production Manager
Jeff Ortner – Division Manager

Toeroek Team:

Steve Johnson, Inspector, (816) 520-7009

INSPECTION PROCEDURES

Prior to the CEI at Bertch on July 8, 2024, I conducted a drive-by visual inspection of the accessible areas adjacent to the plant. I did not observe any areas of concern. I then entered the visitor's entrance to the Main Building at approximately 7:50 a.m. and approached the reception desk. I introduced myself to an employee in the lobby, explained the purpose of the CEI, and asked to speak with the facility manager. At approximately 7:55 a.m., Messrs. Erhardt and Johnson met me in the reception area. We proceeded to an adjacent conference room where I conducted an entry briefing.

During the entry briefing, I presented my credentials to Messrs. Erhardt and Johnson and explained the purpose and scope of the visit. Mr. Johnson advised me that the current Environmental Manager (Mr. Nieswender) and his assistant (Mr. Weeden) had been contacted and were on their way from the Bertch facility in Waterloo, Iowa. I continued with the entry briefing and facility representative interviews until their arrival. At approximately 9:00 a.m., Messrs. Nieswender and Weeden joined the CEI. I presented my EPA credentials to Messrs. Nieswender and Weeden, and recounted the purpose, scope, and procedures for the CEI. I explained the facility's right to make confidentiality claims for any or all the information obtained and a Notice Regarding Proprietary/Confidential Business Information (CBI). Mr. Johnson stated that the scope of the inspection was unlikely to impinge on any proprietary information.

I provided Mr. Johnson a copy of U.S. Federal Codes 1001 and 1002, concerning communication of false statements and documents to federal inspectors, and RCRA Section 3007, explaining EPA's inspection authority. These documents were copied and shared with Messrs. Nieswender and Weeden upon their arrival.

A copy of each of the following documents was left with Mr. Nieswender during the inspection:

- RCRA Facility Access Information Sheet
- RCRA Section 3007
- U.S. Federal Codes 1001 and 1002
- Notice Regarding Proprietary/Confidential Business Information
- Instructions for Responding to a Notice of Preliminary Findings

The following handouts were emailed to Mr. Nieswender after the CEI.

- E-Manifest Fact Sheet: Generators
- Managing your Hazardous Waste: A Guide for Small Businesses
- U.S. EPA Small Business Resources Information Sheet
- Solvent-Contaminated Wipes Final Rule Summary Chart
- Recycling Electronics: A Guide for Businesses
- Battery Recycling/Disposal
- Management of Fluorescent Lamps for Businesses
- Incompatible Chemicals
- Universal Wastes – Including Aerosol Cans

- TCLP – Toxicity Characteristic Leaching Procedure
- Part 279 Requirements: Used Oil Management Standards
- EPA Region 7 Emergency Response Program
- Chemical Facility Anti-Terrorism Standards
- Iowa Environmental Guide for Businesses

I reviewed the Notification Acknowledgement/Verification Report (Verification Report) with Mr. Johnson during the entry briefing (Attachment 1). During this review, Mr. Johnson stated that Curtis Wildeboer was no longer at the Oelwein facility. I added Mr. Johnson's name at the bottom of the Verification Report to indicate he is the current Production Manager. I made no other changes to the Verification Report.

I conducted a visual inspection of the facility, accompanied by Messrs. Nieswender, Weeden, Johnson, and Erhardt. Following the visual inspection, I reviewed facility records including hazardous waste manifests with land disposal restriction (LDR) notifications, hazardous waste biennial report, contingency plan, inspection records, and training documentation. I prepared and completed a site-specific inspection checklist to document my observations.

At the conclusion of the CEI on July 8, 2024, I conducted an exit briefing with Messrs. Nieswender, Weeden, Johnson, Erhardt and Ortner. During the exit briefing, I provided a Receipt for Documents and Samples, which Mr. Nieswender signed, acknowledging receipt (Attachment 2). I provided Mr. Nieswender the Notice, which he signed indicating no confidential business information had been provided (Attachment 3). I also provided Mr. Nieswender a Notice of Preliminary Findings (NOPF) (Attachment 4), which he signed to acknowledge receipt. A map of the facility obtained during the CEI is included in Attachment 5, and a Google Earth aerial photograph of the facility is included as Attachment 6. The 30 photographs taken during the CEI are included in Attachment 7, all of which are discussed in this report.

FINDINGS AND OBSERVATIONS

1. Facility Description and General Information

Bertch is a manufacturer of retail and custom cabinetry. The facility operates as restricted assembly and article finishing facet within the company network. The facility operations include abrasive finishing and painting of components fabricated at other Bertch locations. Coatings applied to sanded wood surfaces consist of a primer coating, colorized paint coating, and spray-on varnish coating followed by a clearcoat final finish. Coatings are manually applied using pneumatic spray guns each linked to a single distribution manifold fed by individual coating products used at that station. The coating operations use three discrete open paint booths and drying ovens in a linear sequential line. Components are suspended on metal hooks on a moving overhead trolley. As they proceed through respective booths, Finish Technicians hand-apply a specific spray coating. Once the components are sprayed, they are sent through a curing oven that dries the components before being transferred to the next coating application. When all coatings are applied, the components are directed to the final drying oven and prepared for transfer to shipping. Representative photographs of the facility and manufacturing equipment are in Attachment 7, Photographs 1 through 9.

The facility consists of a single building, with the building effectively divided into two discrete production areas to make use of vectored ventilation within the building during periods when the building is not open to outside air. The production building encompasses approximately 55,000 square feet under roof and includes administrative and support offices, assembly, shipping, and receiving areas. Bertch currently employs 73 full-time personnel who work a single shift from 6:00 a.m. to 4:15 p.m. four days per week. Some Friday shifts are needed to accommodate expanded production demands.

According to facility representatives, the Bertch network of manufacturing support facilities is currently owned by Masterbrand Cabinets, Incorporated, of Jasper, Indiana, but sale to a new owner is in process, pending final approval.

Wastes generated during manufacturing include waste paint-related material (WPRM), waste paint (episodic events), recoverable purge solvent, waste paint solids (distillation bottoms), solvent-contaminated wipes, waste aerosol cans, and spent paint booth filters.

The facility considers WPRM and waste paint to be hazardous waste. Recoverable purge solvent consists of spent acetone generated during paint equipment purging, and it is considered to be hazardous waste. However, the facility recovers the purge solvent in an onsite distillation unit for continued use as a cleaning solvent. Waste paint solids consist of the bottoms from the distillation unit and are also considered to be hazardous waste.

Solvent-contaminated wipes are managed under provisions of Title 40 *Code of Federal Regulations* (40 CFR) 261.4(a)(26). These are laundered and returned to the facility for reuse. Waste aerosol cans and spent paint booth filters are considered to be nonhazardous waste. Waste aerosol cans are managed as scrap metal, and spent paint booth filters are landfilled under a Special Waste Authorization (SWA).

Wastes generated during equipment maintenance, facility maintenance, and support operations include used oil from scheduled pneumatic compressor maintenance, oil-contaminated rags and absorbents, waste batteries, wood dust, and general trash. Used oil is managed under provisions of 40 CFR Part 279 and is removed by the service contractor upon generation. Oil-contaminated rags and absorbents are considered to be nonhazardous waste and are laundered and returned to the facility for reuse. Waste batteries are managed as universal waste under provisions of 40 CFR Part 273 and are collected for recycling. Universal waste lamps are not generated as lighting at the facility has been converted to light-emitting diode (LED) fixtures. Wood dust and general trash are considered to be nonhazardous waste and are shipped off site for landfilling.

Bertch was last inspected by an EPA contractor on August 7, 2019, with the following preliminary findings:

- Failure to maintain a Quick Reference Guide
- Failure to provide adequate hazardous waste training to personnel
- Failure to maintain written job descriptions and names of personnel filling each position
- Failure to maintain training documentation

- Failure to maintain written description of the procedure to ensure solvent-contaminated wipes contain no free liquids
- Failure to label a satellite accumulation area (SAA) container with the words “hazardous waste” and an indication of the nature of the hazard
- Failure to contain solvent-contaminated wipes in a closed container

Of the above preliminary findings, failure to label an SAA with the words “hazardous waste” was repeated during this inspection.

2. RCRA Status

Bertch is identified as a large quantity generator (LQG) of hazardous waste (generating more than 1,000 kilograms [kg] or 2,200 pounds of hazardous waste per month) on the Verification Report provided by EPA (Attachment 1). During the CEI, I reviewed the 2023 hazardous waste biennial report and uniform hazardous waste manifests from 2023 and 2024 to date. I noted that the static hazardous waste generation rate is well above the 1,000 kg per month threshold for LQG through June 2024. Therefore, I determined the facility is operating as a LQG of hazardous waste and inspected the facility as such. I also inspected the facility as a small quantity handler (SQH) of universal waste (accumulating less than 5,000 kg of universal waste at any time) and a generator of used oil.

The facility maintains a less-than-90-day hazardous waste central accumulation area (CAA) near the Stain Oven for accumulation of hazardous waste accumulation containers (HWACs). At the time of the CEI, the facility also maintained an ad-hoc CAA in the Paint Kitchen. Both CAAs were inspected during the CEI. I also inspected two hazardous waste satellite accumulation areas (SAAs) within the coating operations and Paint Kitchen areas during the CEI.

3. Waste Streams

This section of the report describes waste streams generated by the facility, including the facility’s waste determination and waste codes, generation process and rate, management at the facility, and ultimate disposition. Bertch has performed requisite hazardous waste determinations for all wastes generated at the facility. The following summary of current waste streams is based on my interview with facility representatives, the visual inspection, and my review of available documentation including analytical results required for the spent paint booth filter SWA.

WPRM consists of liquid waste paint and solvent generated during paint gun cleaning and paint line flushing in the Product Coating area. The facility generates approximately 1,420 to 1,450 kg of WPRM per month. Bertch has determined WPRM to be hazardous (D001, D035, F003, F005) based on product and process knowledge. The cleaning solvent used for cleaning and line purge is acetone. Based on the safety data sheet (SDS) information reviewed for the solvents and paints, it appears the hazardous waste determination for WPRM is adequate. WPRM generated at the booths is transferred directly to a HWAC in the Paint Kitchen upon generation. WPRM generated during equipment cleaning/flushing in the Paint Kitchen is accumulated in a 55-gallon SAA container. WPRM is transported to Waste Research and Reclamation in Eau Claire, Wisconsin, for treatment/recovery or fuel blending.

During the CEI, observed a 55-gallon SAA container of WPRM in the Paint Kitchen. The SAA container was near the point of generation, under control of the operator, and structurally sound. It was closed and labeled with the words “hazardous waste” and an indication of the nature of the hazard. The SAA container held approximately 40 gallons of waste.

I observed two 55-gallon HWACs of WPRM in a separate area of the Paint Kitchen (Attachment 7, Photograph 26). Signage posted on the wall indicated the area was intended as a staging area for full containers awaiting transfer to the CAA (Attachment 7, Photograph 27). However, the containers were full and dated June 10 and 12, 2024. Because the quantity exceeding 55 gallons had been in the area for longer than 3 days, I inspected the area as an ad-hoc CAA. Both HWACs were structurally sound, closed, labeled with the words “hazardous waste” and an indication of the nature of the hazard, and dated.

I observed five 55-gallon HWACs of WPRM in the main CAA (Attachment 7, Photographs 10, 11, 13, and 14). The HWACs were structurally sound, closed, labeled with the words “hazardous waste” and an indication of the nature of the hazard, and dated. The earliest accumulation start date was June 18, 2024. I noted no deficiencies with accumulation of WPRM during the CEI.

Recoverable purge solvent consists of waste acetone with minimal paint content generated during paint equipment purging. Bertch has determined this waste to be hazardous (D001, F003) based on product and process knowledge. The facility generates approximately 300 to 320 pounds (136 to 145 kg) of recoverable purge solvent per month. The waste is accumulated in a 55-gallon container in the Paint Kitchen and processed through a Finish-Thompson distillation unit to recover acetone for reuse (Attachment 7, Photograph 25). The capacity of the unit was not known, but was estimated to be 250 liters. The distillation unit was not in operation at the time of inspection. However, a solvent recovery log sheet was provided and is included as Attachment 8.

During the CEI, I observed two 55-gallon containers of recoverable purge solvent in the Paint Kitchen near the distillation unit (Attachment 7, Photographs 21 through 23). The containers were structurally sound, closed, labeled with the words “hazardous waste” and an indication of the nature of the hazard. The containers were dated June 5 and July 3, 2024. I also observed a 55-gallon container for recovered acetone product in the Paint Kitchen (Attachment 7, Photograph 24). I noted no deficiencies with accumulation of recoverable purge solvent during the CEI.

Waste paint solids consist of bottoms from the solvent distillation unit in the Paint Kitchen, as well as rags and absorbents used to clean up paint or solvent spills. The facility considers the waste to be hazardous (D001, D035, F003, F005) based on product and process knowledge. Bertch generates approximately 200 to 225 kg of waste paint solids per month. The waste is added to a WPRM HWAC when generated. The combined WPRM and waste paint solids waste stream is transported to Waste Research and Reclamation in Eau Claire, Wisconsin, for treatment/recovery or fuel blending. I observed HWACs of WPRM during the CEI but did not determine if any of the containers also held waste paint solids.

Spent solvent-containing wipes consist of solvent-contaminated wipes generated from component finishing and touchup painting within in the facility. The facility generates approximately 200 to 240 pounds (91 to 109 kg) of spent solvent-containing wipes per week.

Bertch has determined spent solvent-containing wipes to be exempt from the definition of solid waste under provisions of 40 CFR 261.4(a)(26). Spent solvent-containing wipes are accumulated in three 55-gallon containers at a single location adjacent the stain paint booth on the west wall. Spent solvent-containing wipes are collected on a fixed schedule by Aramark in Waterloo, Iowa, for laundering and are returned to the facility for reuse in the paint operations.

During the CEI, I observed three 55-gallon containers of spent solvent-containing wipes on the west wall of the facility adjacent to the Stain Coating booth (Attachment 7, Photographs 15 through 18 and 20). Each container held a bag of spent solvent-contaminated wipes. Signage was posted on the wall with requirements for the containers and procedure for ensuring absence of free liquids (Attachment 7, Photograph 19). However, I noted that the three 55-gallon containers were not closed, and one was not labeled with the words “excluded solvent-contaminated wipes.”

I initially included failure to label one container with the words “excluded solvent-contaminated wipes” and failure to keep containers of solvent-contaminated wipes closed, as required by 40 CFR 261.4(a)(26)(i), as NOPF Nos. 1 and 2 on the NOPF form left at the facility. However, since the facility was not managing the wipes according to provisions of 40 CFR 261.4(a)(26), I determined after the inspection that the wipes did not meet conditions for exemption. NOPF Nos. 1 and 2 were rescinded after the CEI, and Mr. Nieswender was notified of the change via email.

The cumulative volume of spent solvent-contaminated wipes was less than 55-gallons at the time of the CEI; therefore, I inspected the containers as hazardous waste SAA containers. I determined the facility failed to mark three SAA containers with the words “hazardous waste,” as required by 40 CFR 262.15(a)(5)(i) (**NOPF No. 4**). The facility failed to mark three SAA containers with an indication of the nature of the hazard, as required by 40 CFR 262.15(a)(5)(ii) (**NOPF No. 5**). The facility also failed to keep three SAA containers closed when not actively adding or removing waste, as required by 40 CFR 262.15(a)(4) (**NOPF No. 6**). I provided compliance assistance regarding requirements of the solvent-contaminated wipes exclusion as well as SAA container management.

Waste paint is occasionally generated from discarding expired drum heels or expired/off-specification product. The facility generates approximately 30 to 50 kg of waste paint per month. Bertch had determined waste paint is hazardous (D001, D035) based on product and process knowledge. The waste is added to the Paint Kitchen SAA container of WPRM when generated. The combined waste stream is transported to Waste Research and Reclamation in Eau Claire, Wisconsin, for treatment/recovery or fuel blending. I observed HWACs of WPRM during the CEI but did not determine if any of the containers also held waste paint.

Waste aerosol cans consist of empty aerosol can products from touchup painting of finished products and general facility maintenance. Facility representatives stated that waste aerosol cans are infrequently generated. When generated, waste aerosol cans are manually emptied in the paint booths, with liquids managed as WPRM, and discharged to atmospheric pressure before being discarded. The facility considers empty waste aerosol cans to be nonhazardous, based on product and process knowledge, and manages the waste as scrap metal. I did not observe waste aerosol cans in accumulation during the CEI.

Spent paint booth filters are generated during maintenance of the filters serving the large paint booth and two small paint booths. The facility generates approximately 15 to 35 kg of spent paint booth filters per month. The filters are incidentally dry when changed out, and solvent is not sprayed onto filters in the paint booths. Bertch has determined spent paint booth filters to be nonhazardous based on product knowledge and analytical testing. The waste is accumulated in fiberboard containers with poly sheeting before being transferred to a dedicated outdoor 4-cubic-yard container. Spent paint booth filters are collected by Waste Management and transported to the Fayette County Landfill for disposal under a SWA. I observed no deficiencies with management of spent paint booth filters during the CEI.

Used oil is generated in small quantities during scheduled maintenance of pneumatic compressors. The facility manages used oil according to provisions of 40 CFR Part 279. A contracted service provider performs compressor maintenance and transports any used oil generated during maintenance off site for recycling. I reviewed three service receipts to confirm that used oil is removed during compressor maintenance. I did not observe used oil in accumulation during the CEI.

Waste batteries are generated in small quantities during routine equipment maintenance. Waste batteries include small lead-acid, lithium-ion, and alkaline batteries. The facility generates less than 2 kg per quarter. Bertch manages all waste batteries as universal waste according to provisions of 40 CFR Part 273. Universal waste batteries are accumulated in a single 5-gallon universal waste accumulation container in the administrative conference room. The universal waste batteries are transported to A-TEC Recycling in Des Moines, Iowa, for recycling.

During the CEI, I observed the 5-gallon universal waste accumulation container (Attachment 7, Photographs 29 and 30). The container was structurally sound, labeled with the words “used battery disposal,” and marked with an accumulation start date of December 1, 2023. I initially included failure to adequately label a universal waste accumulation container, as required by 40 CFR 273.14(a), as NOPF No. 3 on the NOPF form left at the facility. However, the container was labeled with the words “used battery,” which is acceptable labeling according to 40 CFR 273.14(a). Therefore, NOPF No. 3 was rescinded after the CEI, and Mr. Nieswender was notified of the change via email.

Scrap metal primarily consists of ferrous steel or aluminum articles generated from routine plant maintenance and support, as well as waste aerosol cans. I did not determine the scrap metal generation rate during the CEI, but facility representatives stated that scrap metal is infrequently generated. The facility considers scrap metal excluded from the definition of solid waste according to 40 CFR 261.4(a)(13) or excluded from the definition of hazardous waste according to 40 CFR 261.6(a)(ii) when recycled. Collected scrap is routed for recycling through a local scrap metal recovery provider. I did not observe scrap metal in accumulation during the CEI.

Oil-contaminated rags and absorbents consist of absorbent pads and shop rags (oil-contaminated rags) used for general cleaning and spill cleanup of nonhazardous materials or wastes. Absorbents and rags used for cleaning in painting areas are managed separately as waste paint solids. The facility generates approximately 5 to 8 kg of oil-contaminated rags and absorbents per month. Bertch has determined the waste to be nonhazardous based on product and

process knowledge. Oil-contaminate rags and absorbents are added to the general trash accumulation containers when generated. General trash is collected by Waste Management for disposal at the Lafayette County landfill.

During the CEI, I observed 2 or 3 cloth rags in general trash containers within the facility. Most operations use disposable paper towels for general cleanup and aqueous spill cleanup. I observed no deficiencies with oil-contaminated rags and absorbents management during the CEI.

Wood dust is generated during surface preparation prior to application of coatings. The facility generates approximately 200 pounds of wood dust per week. Bertch has determined that wood dust is nonhazardous based on product and process knowledge. Wood dust is added to the general trash accumulation containers when generated. General trash is collected by Waste Management for disposal at the Lafayette County landfill. I did not observe wood dust in accumulation during the CEI.

General trash consists of general office and packaging refuse, as well as wood dust and oil-contaminated rags and absorbents. I did not determine a generation rate during the CEI. The facility considers general trash to be nonhazardous based on product and process knowledge. General trash is accumulated in several containers throughout the facility and transferred to an outdoor 4-cubic-yard container. General trash is collected by Waste Management for disposal at the Lafayette County landfill.

During the CEI, I observed general trash accumulation containers inside the facility and the 4-cubic-yard container on the southern end of the building exterior. I observed no deficiencies related to management of general trash during the CEI.

4. Required Response Equipment and Hazard Management

Per 40 CFR 262.15(a)(8) and 262.17(a)(6), a LQG must operate to minimize possibility of a fire, explosion, or spill, and must maintain emergency response equipment. During the CEI, I observed adequate aisle space for emergency response in the CAA and the ad-hoc CAA, and no evidence of spills or leakage from containers or distillation equipment. I observed absorbent socks, synthetic spun-woven pads, granular bentonite, personal protective equipment (PPE) and spill collection tools at three locations within the plant (Attachment 7, Photograph 12). The plant is served by a full-layout fire sprinkler system with additional 10-pound and 20-pound dry chemical fire extinguishers distributed around the active production areas. I observed no deficiencies relative to required response equipment and hazardous materials management during the CEI.

5. CAA

The CAA enclosure is a secured area incorporating a blind containment trench on a sloped floor. The floor is sealed concrete. The enclosure is used to house HWACs, compressor equipment, the distillation unit, recovered paint solvent, and paint products (Attachment 7, Photograph 28). The room also contained two empty stainless-steel tanks that were declared empty and out-of-service by the Production Manager. The enclosure was adequately marked with required signage and

with emergency contact information legible on a placard at the plant side entrance and the exit door.

Environmental department personnel perform inspections of the CAA and SAA locations (including the ad-hoc HWCAA) once per week. Copies of the inspection logs were provided for review. The weekly inspections are documented on internal checklists and maintained electronically. I reviewed the electronic inspection records for 2023 through 2024 to date, and observed no inspection frequency gaps or identification of significant findings. I noted no deficiencies with management of HWACs in the CAAs during the CEI.

6. Manifests, Bills of Lading, Biennial Report

Bertch has generated 38 uniform hazardous waste manifests for hazardous waste shipments over the past 3 years. I reviewed 22 manifests during the CEI, including all 2024 manifests. The facility submitted its 2023 hazardous waste biennial report on February 27, 2024. A copy of the Notification portion of the 2023 biennial report is included as Attachment 9. I noted no deficiencies during review of the facility's manifests and biennial report.

7. Personnel Training Requirements

Personnel training is required by LQG regulations specified in 40 CFR 262.17(a)(7) to ensure that employees are thoroughly familiar with proper waste handling procedures relevant to their responsibilities. During the CEI, I discussed personnel training requirements with Messrs. Erhardt, Weedon, and Nieswender. They reported that all Finish personnel receive initial and annual RCRA Awareness refresher training incorporated with additional environmental training such as hazard communication training. Supervisors receive additional RCRA job-specific training such as universal waste handling and records maintenance. I requested a copy of the environmental training matrix and was advised that all Bertch facilities were in the process of transitioning training records and recordkeeping to a newly adopted training and records database referred to as "Paylocity." The system categorizes all employee training needs and schedules based upon their task assignments and formal job descriptions. Each employee is assigned a value of 0 to 5 depending upon complexity and demands of the job. Levels 3 through 5 warrant RCRA-mandated training.

At the time of the CEI, the Paylocity matrix was only available electronically and Bertch employees could not extract and print selected entries. I reviewed the electronic matrix and observed that training requirements such as identification of job descriptions and personnel who manage hazardous waste, introductory and continuing training frequencies, and duties/responsibilities concerning management of hazardous waste appeared to be captured in the system. This included personnel who actively manage hazardous waste and personnel who are identified as emergency coordinators. At present, written training subject matter is combined with training required for other regulatory programs. Copies of current training module sheets are included in Attachment 10. Copies of training records for 2024 are in Attachment 11. Based on my review of the electronic matrix and current written records, I noted no deficiencies during my review of training documentation.

8. Preparedness and Prevention and Contingency Plan

LQG facilities are required by 40 CFR 262.17(a) to meet the emergency preparedness, prevention, and procedures requirements, including arranging for emergency services with local emergency agencies, designating an emergency coordinator (EC) for the facility, and maintaining a RCRA Contingency Plan. The RCRA Contingency Plan was last updated June 8, 2024. A copy of the facility's RCRA Contingency Plan is in Attachment 12.

I reviewed the RCRA Contingency Plan against the content requirements of 40 CFR 262.261. The Contingency Plan included a general description of actions needed to respond to fires, explosions, and spills as well as a description of arrangements with the local emergency agencies. It contained a list of emergency response equipment maintained at the plant (including capabilities and location) and an evacuation plan with a description of the signals used, as outlined in 40 CFR 262.17(a)(6) referencing 262.261(a, c, e, and f). The Contingency Plan also included names and telephone numbers of the primary and alternate emergency coordinators, as required by 40 CFR 262.17(a)(6) referencing 262.261(d).

The Contingency Plan also included a Quick Reference Guide. I reviewed the facility's Quick Reference Guide against the content requirements of 40 CFR 262.262(b). The Quick Reference Guide included a list with descriptions and maximum quantities of hazardous wastes onsite; identification of special hazards; and a layout sketch showing hazardous wastes locations, overall facility location, and EC contact information. According to facility representatives, the updated Contingency Plan and Quick Reference Guide were submitted to emergency response agencies in electronic and hard copy formats. I noted no deficiencies regarding preparedness and prevention and the RCRA Contingency Plan during the CEI.

9. Air Emissions: 40 CFR Part 265 Subparts AA, BB, CC

EPA regulations in 40 CFR Part 265, Subparts AA, BB, and CC apply to LQGs. If a LQG manages hazardous waste with an organic concentration greater than 10 parts per million by weight (ppmw), the standards specified in Subpart AA apply to hazardous waste air emissions from certain process vents. A process vent used in distillation, fractionation, solvent extraction, thin-film evaporation, air stripping, or steam stripping is regulated by Subpart AA. Bertch does operate a small 250-liter solvent recovery distillation unit in the Paint Kitchen. However, the unit is an excluded closed-loop recycling unit that is not subject to Subpart AA.

A LQG that has equipment that contains or contacts hazardous waste composed of 10 percent or greater organics by weight is subject to Subpart BB standards for inspection and monitoring of the equipment. Bertch does not operate storage or handling equipment that contains or comes in contact with volatile hazardous waste as defined by rule.

The standards outlined in Subpart CC apply to LQGs that manage hazardous waste in containers with organic compounds (VOC) concentration that exceeds 500 ppmw. The Subpart CC standards are applicable to the Bertch facility because the facility accumulates hazardous waste that contains VOCs in 55-gallon HWACs. During the CEI, I determined that Bertch meets the Subpart CC requirements for containers by using Container Level 1 controls (hazardous waste accumulation containers smaller than 122 gallons that are Department of Transportation [DOT]-

approved). I noted no concerns with management of hazardous waste per the Subpart CC air emissions requirements.

10. Summary of Preliminary Findings

In summary, as part of the CEI, I made the following preliminary findings:

- NOPF No. 1 – Rescinded (replaced by NOPF Nos. 4 and 5)
- NOPF No. 2 – Rescinded (replaced by NOPF No. 6)
- NOPF No. 3 – Rescinded
- NOPF No. 4 - Failure to mark three SAA containers with the words “hazardous waste,” as required by 40 CFR 262.15(a)(5)(i)
- NOPF No. 5 – Failure to mark three SAA containers with an indication of the nature of the hazard, as required by 40 CFR 262.15(a)(5)(ii)
- NOPF No. 6 – Failure to keep three SAA containers closed when not actively adding or removing waste, as required by 40 CFR 262.15(a)(4)

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

Steve A.
Johnson

Digitally signed by Steve
A. Johnson
Date: 2024.08.27
09:38:33 -05'00'

Steve Johnson
Inspector
CLAENE Group, LLC.

AMBER WHISNANT

Digitally signed by
AMBER WHISNANT
Date: 2024.09.10
19:00:04 -05'00'

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

Attachments

1. Notification Acknowledgement/Verification Report (2 Pages)
2. Receipt for Documents and Samples (1 Page)
3. Confidentiality Notice (1 Page)
4. Notice of Preliminary Findings (1 Page)
5. Building Layout Map (1 Page)
6. Google Earth Aerial Photograph (1 Page)
7. Photographic Documentation (30 Photos and Photolog) (18 Pages)
8. Solvent Distillation Recovery Log (1 Page)
9. 2023 Biennial Report Notification (3 pages)
10. Training Plan Elements (22 pages)
11. Training Documentation 2024 (16 Pages)
12. RCRA Contingency Plan and Quick Reference Guide (24 Pages)