

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

SCRANTON MANUFACTURING

101 State Street
Scranton, Iowa 51462
712-652-3396

EPA ID Number: IAD984589895

On

August 16, 2023

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 (ECAD/CB/RCRA) 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 Scranton Manufacturing (Scranton) at 101 State Street Scranton, 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 requirements, used oil management, and universal waste requirements, as applicable. This report and its attachments present the results of the CEI.

PARTICIPANTS

Scranton:

Tyler Knight, Environmental Health and Safety (EHS) Specialist
Pat Petersen, Director of Human Resources (entry and exit briefing only)

Toeroek Team:

Clifford Nelles, Inspector, 816-213-5192
Steve Johnson, Trainee

INSPECTION PROCEDURES

Prior to the CEI at Scranton on August 16, 2023, I conducted a drive-by visual inspection. I did not observe any areas of concern during the drive-by. At approximately 9:05 a.m., I entered the lobby of the facility and informed the receptionist of my intent to conduct a CEI. I told the receptionist that I needed to talk to Mr. Chris Anderson, who was listed as the RCRA site contact on the Notification Acknowledgement/Verification Report (Attachment 1). The receptionist stated that the EHS Manager, Mr. Chris Anderson, was out of town on vacation. She then contacted Mr. Knight who was at the Carroll, Iowa, facility. Ms. Petersen escorted Mr. Johnson and me to a conference room where we waited for Mr. Knight. Mr. Knight arrived approximately 30 minutes later. After brief introductions, I explained the purpose and scope of the CEI to Mr. Knight and Ms. Petersen, and I proceeded to conduct an entry briefing with them.

During the entry briefing, I presented my business card and EPA credentials to Mr. Knight and Ms. Petersen. I explained the scope and procedures for the CEI. I explained the facility's right to make confidentiality claims for any or all the information obtained and provided a Notice Regarding Proprietary/Confidential Business Information. I stated that at the conclusion of the CEI, Mr. Knight would be presented with a Confidentiality Notice (Notice) with which he could make or not make a claim of confidentiality for the facility. I also provided Mr. Knight 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, both of which he read.

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

- RCRA Facility Access Information Sheet
- Mr. Trevor Urban's business card
- RCRA Section 3007
- U.S. Federal Codes 1001 and 1002
- Instructions for Responding to a Notice of Preliminary Findings
- Notice Regarding Proprietary/Confidential Business Information
- 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
- IDNR Excluded Solvent-Contaminated Wipes Rule: Management Practices for Wipes, Rags, and Shop Towels
- Recycling Electronics: A Guide for Businesses
- Lead-Based Paint Activities: Handling and Disposal
- 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. Knight (Attachment 1). Based on this review, I changed the Off-Specification Used Oil Burner activity from “yes” to “no.” I made no other changes to the Verification Report.

I conducted a visual inspection of the facility, accompanied by Mr. Knight. Following the visual inspection, I reviewed facility records including hazardous waste manifests with land disposal restriction (LDR) notifications, safety data sheets (SDS), 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, I conducted an exit briefing with Mr. Knight and Ms. Petersen. During the exit briefing, I provided a Receipt for Documents and Samples, which Mr. Knight signed, acknowledging receipt (Attachment 2). I provided Mr. Knight the Notice, which he signed indicating no confidential business information had been provided (Attachment 3). I also provided Mr. Knight a Notice of Preliminary Findings (NOPF) which he signed to acknowledge receipt (Attachment 4).

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 44 photographs taken during the CEI are included in Attachment 7, of which 32 are described in this report.

FINDINGS AND OBSERVATIONS

1. Facility Description and General Information

Scranton began manufacturing farm implements in 1973 and converted to manufacturing custom refuse trucks in 2003. Since 2003, Scranton has been doing business as New Way Trucks, but is still registered with the EPA as Scranton Manufacturing. During the COVID-19 pandemic in 2021, Scranton also started manufacturing large solid waste compactors. Raw materials used by Scranton include metal (steel, aluminum), solvents, and paints. The facility does not conduct any plating. Parts are fabricated, cut, and otherwise shaped on site. Waste paint related material (WPRM) is generated by gun and paint lines cleaning. The majority of WPRM is processed through an onsite distillation unit for solvent reclamation. Reclamation generates distillation bottoms. WPRM in excess of what can be reclaimed is shipped off site as hazardous waste.

Other manufacturing-related wastes include paint booth filters, waste solvent/paint rags, and spent aerosol cans. Paint booth filters are replaced approximately once a month and are disposed of as nonhazardous waste with the facility’s general trash. Waste solvent/paint rags are generated by wiping the paint guns after cleaning at the paint booths and are considered hazardous waste. Spent aerosol cans generated during touch-up painting are punctured and drained. Drained cans are disposed of as nonhazardous waste with the facility’s general trash, and residues drained from the cans are considered hazardous waste.

Facility and equipment maintenance activities generate used oil, waste batteries and general trash. Used oil is managed as used oil according to provisions of Title 40 *Code of Federal Regulations* (40 CFR) Part 279. The facility burns used oil in onsite space heaters. Waste batteries are managed as universal wastes according to provisions of 40 CFR Part 273. Universal wastes are collected for offsite recycling. General trash is considered nonhazardous and is collected for landfill disposal at the Greene County landfill.

Scranton is located in a rural area on the northwest side of Scranton, Iowa. The facility began operations at this location in 1973. Scranton currently employs approximately 130 full-time personnel, who work one of two shifts—6:00 a.m. to 4:30 p.m. and 4:30 p.m. to 12:30 a.m., Monday through Friday. The facility consists of a main manufacturing building with approximately 145,000 square feet under roof and a storage and parts building with approximately 19,200 square feet under roof. Scranton's primary North American Industrial Classification System (NAICS) code is 336211 (Motor Vehicle Body Manufacturing).

Scranton has not been previously inspected by EPA or an EPA contractor.

2. RCRA Status

The Verification Report (Attachment 1) indicates that Scranton is registered with EPA, under EPA ID IAD984589895, 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). I confirmed the facility's generator status through review of the facility's 2021 hazardous waste biennial report, current operations, interviews, and review of waste disposal records.

Based on the 2021 Biennial Report summary provided by the EPA before the inspection (Attachment 8) Scranton generates approximately 2,227 pounds (1,010 kg) of distillation bottoms and WPRM per month. Uniform hazardous waste manifests from 2022 and 2023 to date reflect a similar or slightly higher waste generation rate. Therefore, it appears that Scranton is operating as a LQG of hazardous waste based on offsite shipment records for distillation bottoms and WPRM alone, and I inspected the facility as such.

The WPRM shipped off site is excess paint/solvent from paint line flushing and paint gun cleaning that cannot be reclaimed in the facility's distillation unit. According to the Verification Report (Attachment 1), Scranton notified EPA on February 11, 2022, of management of an estimated 15 tons of paint/solvent per year as hazardous secondary material (HSM). If conditions for HSM management are met, HSM is excluded from the definition of solid waste and would not be counted toward a facility's generator status. However, during the CEI, I observed that the facility was not managing paint/solvent for distillation according to HSM management conditions. I observed containers identified as HSM labeled as hazardous waste and containers of product and WPRM destined for offsite shipment labeled as HSM. Because of these inconsistencies, I considered all paint/solvent wastes to be WPRM during the CEI. If all paint/solvent is considered to be WPRM, some of the paint/solvent considered by the facility to be HSM would be counted toward the facility's hazardous waste generation rate. This would increase the hazardous waste generation rate.

Universal wastes are shipped off site for recycling approximately once a year. Based on the quantities of universal waste batteries accumulated onsite between shipments, it appears that Scranton is operating below the small quantity handler (SQH) accumulation threshold of 5,000 kilograms (11,000 pounds) of universal waste onsite at any time. Therefore, I inspected Scranton as a SQH of universal waste. I also inspected Scranton as a used oil generator.

3. Waste Streams

This section of the CEI report describes the 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. The following discussion of waste streams is based on conversations with facility representatives, the visual inspection, and my review of waste shipping documents. Mr. Knight accompanied me during the visual inspection.

Distillation bottoms (still bottoms) are generated from distillation of spent paint/solvent from flushing paint lines and cleaning spray gun nozzles. Spent paint/solvent is containerized and transferred to the paint kitchen for recovery by use of an onsite distillation unit in the paint kitchen. The distillation unit processes spent paint/solvent in 50-gallon batches and has an estimated 75% recovery rate. The facility has determined that still bottoms are hazardous waste (D001, F003, and F005) based on product and process knowledge. Copies of the SDSs for components of the still bottoms, Imron Elite Basecoat (EB Quality) and Lacquer Thinner are included as Attachments 9 and 10. Based on the 2021 Biennial Report summary (Attachment 8, Page 4), the facility generates approximately 1,219 pounds (554 kg) of still bottoms per month. The waste is accumulated in 55-gallon hazardous waste accumulation containers (HWAC) in the paint kitchen hazardous waste container accumulation area (HWCAA). The facility operates the distillation unit approximately every other production day, and a copy of the distillation log from November 3, 2022, through February 9, 2023, is included as Attachment 11. Still bottoms are transported to Spring Grove Resource Recovery in Cincinnati, Ohio for bulking and offsite transfer.

During the CEI, I observed a HWCAA on the north side of the building (Attachment 7, Photograph 1). Within the HWCAA, I observed one 55-gallon HWAC of still bottoms stored behind a wrapped pallet of product containers (Attachment 7, Photograph 7). I observed no aisle space for the unobstructed movement of personnel or emergency equipment. The facility failed to maintain adequate aisle space in the HWCAA, as required by 40 CFR 262.17(a)(6) Referencing 40 CFR 262.255 (**NOPF No. 3**). After facility personnel removed the wrapped pallet of product containers, I observed the HWAC of still bottoms was structurally sound, closed, and labeled with the words "hazardous waste" (Attachment 7, Photograph 9). The HWAC was also labeled as "hazardous secondary material for recycling" (Attachment 7, Photograph 10). I observed the HWAC was not labeled with an indication of the nature of the hazard, as required by 40 CFR 262.17(a)(5)(i)(B) (**NOPF No. 5**). The accumulation start date was faint, but appeared to be March 10, 2023 (Attachment 7, Photograph 11). Therefore, the facility appeared to have accumulated hazardous waste for longer than 90 days without a RCRA permit, required by Section 3005 of RCRA (**NOPF No. 7**).

I observed the distillation unit in the paint kitchen (Attachment 7, Photograph 16). I also observed an open 55-gallon HWAC of still bottoms in the paint kitchen (Attachment 7,

Photograph 20). The HWAC was not closed, as required by 40 CFR 262.17(a)(1)(iv)(A) (**NOPF No. 1**). The HWAC was labeled as “hazardous secondary material for recycling.” The HWAC was not labeled with the words “hazardous waste,” as required by 40 CFR 262.17(a)(5)(i)(A) (**NOPF No. 2**). The HWAC was not labeled with an indication of the nature of the hazard, as required by 40 CFR 262.17(a)(5)(i)(B) (**NOPF No. 5**). During the CEI, employees of Scranton closed and secured the lid on the HWAC of still bottoms (Attachment 7, Photograph 22).

I observed a second 55-gallon HWAC of still bottoms in the paint kitchen (Attachment 7, Photograph 21). The HWAC was structurally sound, closed, and labeled with the words “hazardous waste.” However, the HWAC was not labeled with an indication of the nature of the hazard, as required by 40 CFR 262.17(a)(5)(i)(B) (**NOPF No. 5**). The HWAC was also partially marked with an accumulation date of only August 4 (no year). Therefore, the facility failed to mark the HWAC with a complete accumulation start date, as required by 40 CFR 262.17(a)(5)(i)(C) (**NOPF No. 6**).

I provided compliance assistance regarding management of hazardous wastes in HWACs during the CEI.

Paint booth filters are generated from the replacement of spent paint booth filters. The facility considers the spent paint booth filters to be nonhazardous waste based on product and process knowledge. I asked Mr. Knight if the paint guns are ever sprayed on the paint booth filters during cleaning or flushing. He stated that the paint guns were not sprayed on the filters and the filters were dry when they are replaced. Paint booth filters are replaced once a month, generating approximately 3,000 pounds of waste per month. The paint booth filters are incorporated in the general trash and taken by Waste Management to the Greene County Landfill. I did not observe waste paint booth filters in accumulation during the CEI.

WPRM is generated during the paint changes in the paint booths by flushing paint guns and paint lines with solvent. The facility considers WPRM to be hazardous waste (D001, F003, and F005) based on product and process knowledge. Copies of the SDSs for the components of WPRM are included in Attachments 9 and 10. The majority of WPRM is processed through an onsite distillation unit for solvent reclamation. Excess WPRM that cannot be reclaimed is shipped to Clean Harbors in El Dorado, Arkansas, for incineration or Safety-Kleen Systems in Smithfield, Kentucky, for fuel blending. Based on the 2021 Biennial Report summary (Attachment 8, Page 4), the facility generates approximately 1,008 pounds (457 kg) of WPRM per month that is shipped off site for incineration or fuel blending.

According to the Verification Report (Attachment 1), Scranton notified EPA on February 11, 2022, of management of an estimated 15 tons of paint/solvent per year as HSM. However, during the CEI, I observed that the facility was not managing paint/solvent for distillation according to HSM management conditions. I observed containers identified as HSM labeled as hazardous waste and containers of product and WPRM destined for offsite shipment labeled as HSM. Because of these inconsistencies, I considered all paint/solvent waste to be WPRM during the CEI.

During the CEI, I observed the paint gun cleaning unit in the paint kitchen (Attachment 7, Photographs 25 and 26), as well as the distillation unit (Attachment 7, Photograph 16). I observed a 55-gallon container of reclaimed solvent being filled by the distillation unit (Attachment 7, Photograph 17). Even though the container held reclaimed solvent, it was labeled with the words “hazardous waste” (Attachment 7, Photograph 18).

During the CEI, I observed a satellite accumulation container (SAC) of WPRM in the paint kitchen (Attachment 7, Photograph 19). The SAC was structurally sound, near the point of generation, under control of the operator, closed, and held approximately 15 gallons of WPRM. The SAC was dated July 7, 2023, and was labeled as “hazardous secondary material for recycling.” The SAC was not labeled with the words “hazardous waste,” as required by 40 CFR 262.15(a)(5)(i) (**NOPF No. 8**) and was not labeled with an indication of the nature of the hazard, as required by 40 CFR 262.15(a)(5)(ii) (**NOPF No. 9**).

I observed a second 55-gallon SAC of WPRM in the paint kitchen (Attachment 7, Photograph 27). The SAC was structurally sound, near the point of generation, under control of the operator, closed, and held approximately 20 gallons of WPRM. The SAC was labeled as “hazardous secondary material for recycling.” The SAC was not labeled with the words “hazardous waste,” as required by 40 CFR 262.15(a)(5)(i) (**NOPF No. 8**) and was not labeled with an indication of the nature of the hazard, as required by 40 CFR 262.15(a)(5)(ii) (**NOPF No. 9**).

I observed a 55-gallon HWAC of WPRM in the HWCAA on the north side of the building (Attachment 7, Photographs 4 and 5). The HWAC was structurally sound, closed, and labeled with the words “hazardous waste.” However, the HWAC was not labeled with an indication of the nature of the hazard, as required by 40 CFR 262.17(a)(5)(i)(B) (**NOPF No. 5**). The HWAC was also partially marked with an accumulation date of only July 16 (no year). Therefore, the facility failed to mark the HWAC with a complete accumulation start date, as required by 40 CFR 262.17(a)(5)(i)(C) (**NOPF No. 6**).

I observed two 55-gallon HWACs of WPRM in the paint kitchen (Attachment 7, Photographs 23 and 24). Both HWACs were structurally sound and labeled as “hazardous secondary material for recycling.” The first HWAC was dated August 7, 2023. The second HWAC was not marked with an accumulation start date, as required by 40 CFR 262.17(a)(5)(i)(C) (**NOPF No. 6**). The second HWAC had an open bung hole (Attachment 7, Photograph 24); therefore, the HWAC was not closed, as required by 40 CFR 262.17(a)(1)(iv)(A) (**NOPF No. 1**). Neither HWAC was labeled with the words “hazardous waste,” as required by 40 CFR 262.17(a)(5)(i)(A) (**NOPF No. 2**), or an indication of the nature of the hazard, as required by 40 CFR 262.17(a)(5)(i)(B) (**NOPF No. 5**).

I provided compliance assistance regarding management of hazardous waste in SACs and HWACs during the CEI.

Waste solvent/paint rags are generated by the wiping down and drying of paint guns after cleaning. The facility considers waste solvent/paint rags to be hazardous waste (D001, F003, and F005) based on product/process knowledge, and analytical testing. A copy of an Analytical

Report for waste solvent/paint rags, dated July 19, 2021, is included as Attachment 12. The facility generates approximately 20 gallons of waste solvent/paint rags per month. The waste is accumulated in five-gallon SACs. Waste solvent/paint rags are transported to Clean Harbors in El Dorado Springs, Arkansas, for incineration.

During the CEI, I observed a five-gallon SAC of waste solvent/paint rags at the prime paint booth (Attachment 7, Photograph 33). The SAC was structurally sound, at the point of generation, under control of the operator, closed, and labeled with the words “hazardous waste.” However, the SAC was not labeled with an indication of the nature of the hazard, as required by 40 CFR 262.15(a)(5)(ii) (**NOPF No. 9**). I provided compliance assistance regarding management of hazardous waste in SACs during the CEI.

Used oil is generated during the maintenance of facility equipment. The facility manages used oil according to provisions of 40 CFR Part 279. Used oil is stored in used oil storage tanks at the facility. According to Mr. Knight, Scranton burns all used oil generated at the facility in one of two used oil space heaters—a 50,000 British Thermal Unit (BTU) Lanair 150 heater in the maintenance shop and a 250,000 BTU Energylogic 250 heater in the main building.

During the CEI, I observed a used oil storage area adjacent to the maintenance shop (Attachment 7, Photograph 37). Inside of the used oil storage area, I observed two 500-gallon used oil tanks (Attachment 7, Photographs 38 and 39). One used oil storage tank held approximately 100 gallons of used oil, and the other held approximately 200 gallons. Both used oil storage tanks appeared to be in decent shape with no apparent leaks or damage. However, neither used oil storage tank was labeled with the words “used oil,” as required by 40 CFR 279.22(c)(1) (**NOPF No. 11**).

I observed a 250-gallon used oil storage tank in the maintenance shop (Attachment 7, Photograph 40). The used oil storage tank appeared to be in decent shape with no apparent leaks or damage and held approximately 50 gallons of used oil. However, the used oil storage tank was labeled with the words “waste oil” and not “used oil,” as required by 40 CFR 279.22(c)(1) (**NOPF No. 11**). I provided compliance assistance regarding management of used oil during the CEI.

Parts washer solvent is generated during the servicing of the facility’s parts washer unit by Safety-Kleen approximately every six months. The parts washer unit uses Safety-Kleen Premium Solvent. The facility considers waste parts washer solvent to be nonhazardous waste based on product and process knowledge. A copy of the SDS for Safety-Kleen Premium Solvent is included as Attachment 13. Parts washer solvent generated during servicing events is containerized and transported by service personnel to Safety-Kleen Systems in Des Moines, Iowa, for recycling. During the CEI, I observed the parts washer at the prime booth (Attachment 7, Photograph 34) and noted no deficiencies.

Spent aerosol cans are generated by touchup painting at the prime paint booth. The facility considers spent aerosol cans to be hazardous waste (D001) based on product and process knowledge. Spent aerosol cans are accumulated in a SAC outside the paint booth and are transferred to an aerosol can puncturing unit at the end of each day. Punctured and drained

aerosol cans are added to the facility's general trash waste stream for landfill disposal. Residues from punctured aerosol cans are accumulated in a SAC.

During the CEI, I observed spent aerosol cans in a four-gallon accumulation container at the prime booth (Attachment 7, Photographs 30 and 31). I initially included failure to keep a SAC of spent aerosol cans closed as required by 40 CFR 262.15(a)(4) on the NOPF form left at the facility during the CEI as NOPF No. 10. However, since the waste is removed from satellite accumulation at the end of each day, I rescinded NOPF No. 10 on September 3, 2023.

Mr. Anderson was informed on September 3, 2023, by email. After further review, I reinstated NOPF No. 10 and Mr. Anderson was notified by email on September 28, 2023. I also added failure to label a SAC with the words "hazardous waste," as required by 40 CFR 262.15(a)(5)(i) (**NOPF No. 8**) or an indication of the nature of the hazard, as required by 40 CFR 262.15(a)(5)(ii) (**NOPF No. 9**).

I observed the aerosol can puncturing unit SAC at the touchup booth (Attachment 7, Photographs 35 and 36). The SAC was structurally sound, at the point of generation, closed, labeled with the words "hazardous waste" and an indication of the nature of the hazard, and held approximately one gallon of aerosol can residue. I noted no deficiencies with management of spent aerosol cans and aerosol can residue during the CEI.

Waste batteries are generated by maintenance replacing spent batteries. The facility manages waste batteries as universal waste according to provisions of 40 CFR Part 273. Universal waste batteries are accumulated in universal waste accumulation containers in the maintenance shop. The universal waste batteries are collected by A-TEC Recycling and transported to A-TEC Recycling in Des Moines, Iowa, for recycling.

During the CEI I observed three 5-gallon containers of universal waste batteries in the maintenance shop (Attachment 7, Photographs 41, 43, and 44). None of the universal waste batteries or universal waste batteries accumulation containers were labeled with the words "universal waste batteries" or "waste batteries" or "used batteries," as required by 40 CFR 273.14(a) (**NOPF No. 13**). The waste batteries were individually dated, and the oldest date observed was June 22, 2022. Therefore, the facility accumulated universal waste batteries longer than one year, prohibited by 40 CFR 273.15(a) (**NOPF No. 12**). I provided compliance assistance regarding management of universal waste batteries during the CEI.

General trash is generated during facility maintenance and manufacturing. The facility has determined that general trash is nonhazardous waste based on product and process knowledge. General trash includes, but is not limited to, paint booth filters, punctured and drained aerosol cans, floor sweepings, paper, and cardboard packaging. General trash is collected by Waste Management and transported to the Greene County landfill. During the CEI, I observed accumulation of general trash and noted no deficiencies.

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 the possibility of a fire, explosion, or spill, and must maintain emergency response equipment. During the visual inspection, I observed spill response equipment comprised of mats, absorbent materials, shovels,

and brooms, as well as the presence and availability of fire extinguishers. I determined that the spill and fire response equipment was adequate for the hazardous wastes generated and accumulated at the facility.

5. Container Accumulation Areas

Scranton maintains two HWCAA, one at the paint kitchen and one in a storage unit outside the north side of the building. I asked Mr. Knight if the HWCAAs are inspected. He stated that the HWCAAs are inspected on a weekly basis. I asked Mr. Knight if an inspection log is maintained. He stated that an inspection log or other documentation of the inspections is not maintained. Based on the number of preliminary findings associated with accumulation of hazardous wastes in HWCAAs, I determined the facility failed to conduct adequate weekly inspections, as required by 40 CFR 262.17(a)(1)(v) (**NOPF No. 4**). I asked Mr. Knight how someone would be able to summon emergency assistance. He stated that employees carried two-way radios.

6. Manifests and Biennial Report

Scranton generated 48 uniform hazardous waste manifests from August 16, 2020, to August 16, 2023. During the CEI, I reviewed uniform hazardous waste manifests and LDR notifications for five shipments in 2020, five in 2021, five in 2022, and five in 2023. Copies of the uniform hazardous manifests for shipments dated May 11, 2023, and June 7, 2023, are included as Attachment 14. The facility submitted its 2021 Biennial Report on February 11, 2022 (Attachment 8). I noted no deficiencies during my review of uniform hazardous waste manifests, LDR notifications, and the Biennial Report.

7. Preparedness and Prevention Plan

LQG facilities are required by 40 CFR 262.17(a) to meet the emergency preparedness, prevention, and procedures requirements including documented arrangements with response agencies. According to Mr. Knight, Scranton is the subject of a regular inspection by the Scranton Fire Department hazardous materials team. He explained the fire department is shown the layout of the facility, the location of the hazardous waste HWCAAs, and other facility features during inspections.

The facility's Contingency Plan was last updated on July 19, 2021. The Contingency Plan included a description of actions needed to respond to fires, explosions, and spills, a description of arrangements with the local emergency agencies, a list of emergency response equipment (including capabilities and location), and a complete evacuation plan (with evacuation routes posted at each job location) with a description of the signals used, as required by 40 CFR 262.17(a)(6) Referencing 262.261(a, c, e, and f). The Contingency Plan included telephone numbers of the primary emergency coordinator, Mr. Chris Anderson as required by 40 CFR 262.17(a)(6) Referencing 262.261(d). However, a Quick Reference Guide had not been prepared, as required by 40 CFR 262.17(a)(6) Referencing 262.262(b) (**NOPF No. 14**). A copy of the Contingency Plan is included as Attachment 15.

8. 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 asked Mr. Knight if hazardous waste training is provided to employees. He stated that hazardous waste management training is provided to all employees who handle hazardous waste within six months of hiring or being assigned to a job that handles hazardous waste. He also stated that annual refresher training is conducted. I asked Mr. Knight who conducts the training. He stated that all training is conducted by Mr. Anderson. I reviewed the training records for the last three years for Messrs. Dustin Hartman, Bill Becker, and Jeff Harh (Attachment 16). Due to the large numbers of preliminary findings concerning the handling and management of hazardous waste, I added NOPF No. 15 on September 4, 2023, for failure to adequately train employees in the handling and management of hazardous waste, as required by 40 CFR 262.17(a)(7) (**NOPF No. 15**). Mr. Anderson was notified by email of its addition on September 4, 2023. I reviewed the written job description for Industrial Painter and noted that it appears to meet requirements of 40 CFR 262.17(a)(7)(iv). A copy of the Job Description for the Industrial Painter position is included as Attachment 17.

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. Scranton is not subject to the Subpart AA regulations because the facility does not have any of the process vents listed above.

If a LQG has equipment that contains or contacts hazardous waste composed of 10 percent or greater organics by weight, the facility is subject to Subpart BB standards for inspection and monitoring of the equipment. Scranton is not subject to the Subpart BB regulations because it does not have equipment that contains or comes in contact with hazardous waste.

The standards found 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 because the facility accumulates hazardous waste that contains VOCs in 55-gallon hazardous waste accumulation containers. During the CEI, I determined that Scranton 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). However, I observed two HWACs that were not closed during the CEI.

10. Summary of Preliminary Findings

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

1. Failure to keep two hazardous waste accumulation containers closed, as required by 40 CFR 262.17(a)(1)(iv)(A) (**NOPF No. 1**)
2. Failure to label three hazardous waste accumulation containers with the words “hazardous waste,” as required by 40 CFR 262.17(a)(5)(i)(A) (**NOPF No. 2**)
3. Failure to provide adequate aisle space in a hazardous waste container accumulation area, as required by 40 CFR 262.17(a)(6) referencing 40 CFR 262.255 (**NOPF No. 3**)
4. Failure to conduct adequate weekly inspections of a hazardous waste container accumulation area, as required by 40 CFR 262.17(a)(1)(v) (**NOPF No. 4**)
5. Failure to label five hazardous waste containers with an indication of the nature of the hazard, as required by 40 CFR 262.17(a)(5)(i)(B) (**NOPF No. 5**)
6. Failure to affix a start date to three hazardous waste accumulation containers, as required by 40 CFR 262.17(a)(5)(i)(C) (**NOPF No. 6**)
7. Storage of hazardous waste beyond 90 days without a permit RCRA 3005 (**NOPF No. 7**)
8. Failure to label two satellite accumulation containers with the words hazardous waste, as required by 40 CFR 262.15(a)(5)(i) (**NOPF No. 8**)
9. Failure to label two satellite accumulation containers with an indication of the nature of the hazard as required by 40 CFR 262.15(a)(5)(ii) (**NOPF No. 9**)
10. Failure to keep a satellite accumulation container closed, as required by 40 CFR 262.15(a)(4) (**NOPF No. 10**)
11. Failure to label three used oil storage tanks with the words used oil, as required by 40 CFR 279.22(c)(1) (**NOPF No. 11**)
12. Accumulation of universal waste batteries beyond one year, prohibited by 40 CFR 273.15(a) (**NOPF No. 12**)
13. Failure to label universal waste batteries with the words “universal waste batteries” or “waste batteries” or “used batteries,” as required by 40 CFR 273.14(a) (**NOPF No. 13**)
14. Failure to prepare a Quick Reference Guide to the RCRA Contingency Plan, as required by 40 CFR 262.17(a)(6) referencing 40 CFR 262.262(b) (**NOPF No. 14**)
15. Failure to adequately train employees in the handling and management of hazardous waste, as required by 40 CFR 262.17(a)(7) (**NOPF No. 15**)

NOPF #15 was not left with the facility but was added on September 4, 2023. Chris Anderson was notified by email on September 4, 2023.

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.

Clifford A.
Nelles

Digitally signed by Clifford
A. Nelles
Date: 2023.10.04
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Date: _____

Clifford A. Nelles, Inspector
CLAENE Group

Whisnant,
Amber

Digitally signed by
Whisnant, Amber
Date: 2023.10.13
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Date: _____

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 (2 pages)
5. Site Map (1 page)
6. Google Earth Aerial Photograph (1 page)
7. Photographic Documentation (Photolog and 44 Photographs) (27 pages)
8. Copy of 2021 Biennial Report (4 pages)
9. Copy of SDS for Imron Elite Basecoat (EB Quality) (14 pages)
10. Copy of SDS for Lacquer Thinner (15 pages)
11. Copy of Distillation Record (1 page)
12. Copy of Analytical Report from Keystone Laboratories dated July 19, 2021 for waste solvent/paint rags (8 pages)
13. Copy of SDS for Safety Kleen Premium Solvent (8 pages)
14. Copies of manifests for shipments dated May 11, 2023 and June 7, 2023 (4 pages)
15. Copy of RCRA Contingency Plan (16 pages)
16. Copies of Training Records (4 pages)
17. Copy of Job Description for Industrial Painter (1 page)