

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

US ENERGY – BETTENDORF TERMINAL

2925 Depot Street
Bettendorf, Iowa 52722
563-676-0581

EPA ID Number: IAT200010072

On

October 16, 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 (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 US Energy – Bettendorf Terminal (US Energy) at 2925 Depot Street in Bettendorf, 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

US Energy:

Sohn Smith, Terminal Manager
Richard Gibowski, Regional Manager

Toeroek Team:

Clifford Nelles, Inspector, 816-213-5192

INSPECTION PROCEDURES

Prior to the CEI at US Energy on October 16, 2024, I conducted a drive-by visual inspection. I did not observe any areas of concern during the drive-by. At approximately 8:05 a.m., I contacted Mr. Smith by intercom at the main gate to the West Terminal. Mr. Smith walked to the main gate and asked to see my identification, as I was not on the list of people who were permitted access. After seeing my credentials, Mr. Smith opened the main gate and instructed me where to park. I entered the main office, met with Mr. Smith, and asked to speak with Mr. Dong Son Pham, who was listed as the site contact on the Notification Acknowledgement/Verification Report (Verification Report) provided by the EPA prior to the inspection (Attachment 1). Mr. Smith explained that Mr. Pham was not at the facility and that he was the person who handled environmental concerns. I introduced myself to Mr. Smith and explained the purpose and scope of the CEI. Mr. Smith and I adjourned to a conference room where we were met by Mr. Gibowski. I then conducted an entry briefing with Messrs. Smith and Gibowski.

During the entry briefing, I presented my business card and EPA credentials to Messrs. Smith and Gibowski. 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. Smith 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 Messrs. Smith and Gibowski 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 they read.

Copies of the following documents were left with Mr. Smith during the inspection:

- RCRA Facility Access Information Sheet
- RCRA Section 3007
- U.S. Federal Codes 1001 and 1002
- Notice Regarding Proprietary/Confidential Business Information

The following documents were left electronically with Mr. Smith

- 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 Verification Report (Attachment 1) with Messrs. Smith and Gibowski during the CEI. Based on this review, I changed the site contact information to reflect Mr. Smith as the site contact. I made no other changes to the Verification Report.

I conducted a visual inspection of the facility, accompanied by Messrs. Smith and Gibowski. After the visual inspection, 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 Messrs. Smith and Gibowski. During the exit briefing, I provided a Receipt for Documents and Samples, which Mr. Smith signed, acknowledging receipt (Attachment 2). I provided Mr. Smith the Notice, which he signed indicating no confidential business information had been provided (Attachment 3). I made no preliminary findings during the inspection so a Notice of Preliminary Findings (NOPF) was not left with the facility at the conclusion of the CEI. However, I explained to Messrs. Smith and Gibowski that findings might be added by EPA after review of the inspection report.

A site map is included as Attachment 4 and a Google Earth aerial photograph of the facility is included as Attachment 5. The four photographs taken during the CEI are included in Attachment 6 and are described in this report.

FINDINGS AND OBSERVATIONS

1. Facility Description and General Information

US Energy is a fuel storage and distribution facility. The facility was operated by Mobil Oil from 1939 until it was purchased by US Energy in 1988. According to Mr. Smith, truck loading operations were discontinued at the East Terminal in September 1993. US Energy began operations at the West Terminal in 1994. Operations consist of fuel storage in aboveground storage tanks (ASTs) and distribution via tank trailer transports. Fuels, such as gasoline, diesel fuel, and home heating oil, are received via pipeline from Williams Pipe Line Company (Attachment 6, Photographs 2 through 4). Fuel is stored on site in 16 ASTs and is distributed to tank trailer transports from the West Terminal Loading Rack. The loading rack is covered and enclosed on two sides (Attachment 6, Photograph 1).

According to Mr. Smith, a 3,000-gallon underground storage tank (UST) is located near the truck loading rack at the West Terminal to collect any spills or losses from loading operations. Liquids collected in the UST are returned to product storage tank No. 655. Mr. Smith also explained that the West Terminal has a vapor recovery and combustion system for the loading rack. A 300-gallon UST and a 500-gallon AST are associated with the vapor recovery and combustion system, and any liquids collected in these tanks are transferred to the 3,000-gallon UST for return to product storage tank No. 655.

The West Terminal is located on a site which is approximately 10 acres in size and the East Terminal is located on a site which is approximately 9 acres in size (Attachment 5). The two terminals are separated by a similar sized parcel owned by Amoco Corporation. The West and East Terminals are located adjacent to the Mississippi River in an area which appears to be zoned for industrial and commercial use. The nearest residential area is located approximately three blocks north of the terminals. Three employees, including Mr. Smith, operate the facility on one 8-hour shift, five days per week.

The facility was previously inspected by EPA on November 11, 1994, as a large quantity generator (LQG) of hazardous waste (generating more than 1,000 kilograms [kg] of hazardous waste per month). During the November 11, 1994, inspection, the following findings were noted:

- Failure to list home addresses of emergency coordinators in the contingency plan
- Failure to prepare a land disposal restriction (LDR) notification for the first shipment of a hazardous waste
- Failure to list the correct generator ID number on a hazardous waste manifest.

None of these findings were repeated during this inspection.

2. RCRA Status

The Verification Report (Attachment 1) indicates that US Energy is registered with EPA, under EPA ID IAT200010072, as a very small quantity generator (VSQG) of hazardous waste (generating less than 100 kilograms [kg] of hazardous waste per calendar month). During the CEI, Mr. Smith explained that the only hazardous waste generated at the facility is tank bottom waste from cleanouts of ASTs. According to Mr. Smith, tanks are cleaned out once every 10 to 20 years and no tanks cleanouts have occurred in the last 3 years. After the CEI, I confirmed through a search of EPA's RCRAInfo database that no hazardous waste had been manifested off site in the last three years. Based on my interview with Mr. Smith and results of the RCRAInfo search, I determined that US Energy is currently operating as a VSQG of hazardous waste.

Mr. Smith stated that all equipment maintenance is performed at an offsite garage in Bettendorf, Iowa, and any wastes, such as used oil or used oil filters, are managed at the offsite maintenance garage.

3. Waste Streams

This section of the CEI report describes the waste streams generated by the facility, including the facility's waste determination, generation and management processes, and ultimate disposition. The following discussion of waste streams is based on conversations with facility representatives and the visual inspection. Mr. Smith accompanied me during the visual inspection.

Tank bottom waste is generated during cleanouts of product ASTs. Cleanouts occur at a frequency of once every 10 to 20 years (or sooner if a tank is being repaired or taken out of service). Approximately 40,000 pounds of tank bottom waste are generated during each tank cleanout event. The facility considers tank bottom waste to be an ignitable hazardous waste (D001) based on product and process knowledge. According to Mr. Smith, no tanks have been cleaned out in the last three years. Tank bottom waste is removed by vacuum truck and

transferred directly to a transport truck with no accumulation or storage on site. The waste is transported to Clean Harbors Environmental Services in El Dorado, Arkansas, for incineration.

I did not observe tank bottom waste in accumulation at the facility during the CEI. I did discuss the Alternative Standards for Episodic Generation in Title 40 *Code of Federal Regulations* (40 CFR) Part 262 Subpart L with Mr. Smith as an alternative to renotifying as a LQG due to planned AST cleanout events. I provided compliance assistance regarding the applicability of the episodic generation standards and left information about the standards with Mr. Smith.

General trash is generated during facility maintenance. The facility has determined that general trash is nonhazardous waste based on product and process knowledge. General trash includes, but is not limited to, floor sweepings, paper, and cardboard packaging. General trash is transported by Republic Services and is landfilled at the Scott County Landfill. During the CEI, I observed accumulation of general trash and noted no deficiencies.

4. Summary of Preliminary Findings

In summary, as part of the CEI, I made no preliminary findings.

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

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Clifford A. Nelles, Inspector
CLAENE Group

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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. Site Map (2 pages)
5. Google Earth Aerial Photograph (1 page)
6. Photographic Documentation (Photolog and 4 Photographs) (3 pages)