

REPORT OF RCRA COMPLIANCE EVALUATION INSPECTION

At

CLIFF VIESSMAN INC.

4110 Thomas Drive SW
Cedar Rapids, Iowa 52404
319-399-1818

EPA ID Number: Not Yet Assigned

On

June 22, 2021

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 Cliff Viessman Inc. (Cliff Viessman), at 4110 Thomas Drive SW, in Cedar Rapids, Iowa. The CEI was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA), as amended. As requested by the EPA compliance officer for the facility, the CEI covered hazardous waste generator requirements, used oil management, and universal waste requirements. This report and its attachments present the results of the CEI.

PARTICIPANTS

Cliff Viessman:

Nate Viessman, Terminal Manager

Toeroek Team:

William F. Starks, Inspector, 816-286-6951

INSPECTION PROCEDURES

Due to the spread of coronavirus disease 2019 (COVID-19) at the time of the CEI, I contacted Mr. Viessman via telephone on June 15, 2021. The purpose of the initial contact was to identify the appropriate facility representative, ensure the representative would be available during the CEI, and to discuss protocols, procedures, and other requirements adopted by the facility to mitigate the spread of COVID-19.

Prior to the CEI at Cliff Viessman on June 22, 2021, I conducted a drive-by inspection. I did not observe any areas of concern during the drive-by. Upon my arrival, I entered the main entrance, and spoke with Mr. Viessman. I explained the purpose of my visit to Mr. Viessman, and we proceeded to his office where I conducted an entry briefing with him.

During the entry briefing, I presented Mr. Trevor Urban's business card, and my business card and EPA credential letter to Mr. Viessman. I explained the scope and procedures for the CEI. I explained the facility's right to make confidentiality claims and provided a Notice Regarding Proprietary/ Confidential Business Information. I stated that at the conclusion of the CEI, he 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. Viessman 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. Mr. Viessman read both of these documents.

A copy of each of the following documents was left with Mr. Viessman 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
- Managing your Hazardous Waste: A Guide for Small Businesses
- U.S. EPA Small Business Resources Information Sheet
- Recycling Electronics: A Guide for Businesses
- Battery Recycling/Disposal
- Management of Fluorescent Lamps for Businesses
- TCLP – Toxicity Characteristic Leaching Procedure
- RCRA Online: A Quick Reference Guide
- Part 279 Requirements: Used Oil Management Standards
- EPA Region 7 Emergency Response Program
- Commercial Motor Vehicle Transportation System Security and Safety

I reviewed the Hazardous Waste Site Info Verification Report for Inspector (Verification Report) with Mr. Viessman (Attachment 1). Based on this review, I added the North American Industrial Classification System (NAICS) codes 562998 (All Other Miscellaneous Waste Management Services), and 811111 (General Automotive Repair). I completed the Site Contact, Current

Owner of Site, and Current Operator of Site sections of the report. I also added used oil generator, used oil transporter, used oil fuel marketer, Non-generator of Hazardous Waste, and small quantity handler (SQH) of universal waste in the Types of Regulated Activities section of the Verification Report.

I conducted the visual inspection of the facility, accompanied by Mr. Viessman. Following the visual inspection, I reviewed facility records including Safety Data Sheets (SDS) and lists of approved commodities. Facility information gathered during the CEI is documented on the Data Gathering Worksheets and Checklists (Attachment 2).

At the conclusion of the CEI, I conducted an exit briefing with Mr. Viessman. During the exit briefing, I provided a Receipt for Documents and Samples, which Mr. Viessman signed to acknowledge receipt (Attachment 3). I provided Mr. Viessman the Notice, which he signed indicating no confidential business information had been provided (Attachment 4). I then provided Mr. Viessman a Notice of Preliminary Findings (NOPF), which he signed to acknowledge receipt. Following the CEI, I revised the NOPF form to include an additional finding. The initial NOPF form left at the facility, revised NOPF form, and signed revised NOPF form are included in Attachment 5.

A facility map was not available during the CEI. Following the CEI, a sketch of the facility was downloaded from the Linn County Iowa Assessor web site and included as Attachment 6. An aerial photograph of the facility was downloaded after the CEI and is included in Attachment 7. The 10 photographs taken during the CEI are in Attachment 8.

FINDINGS AND OBSERVATIONS

1. Facility Description and General Information

Cliff Viessman has been operating at this location since 2003. The facility performs tank washing of the company's fleet of tanker trucks (approximately 24 trucks) as well as performing preventative maintenance (oil changes, lube jobs, tune-ups, brake changes, and tire changes) of the company fleet. Raw materials include tanker interior and exterior cleaners, oil, and automotive repair parts. Cliff Viessman currently employs 35 personnel who work two, swing shifts from 7:00 a.m. 3:30 p.m., and 3:30 p.m. to 12:00 a.m. 7 days per week. The facility consists of single building with three wash bays (2 sweetener and one non-sweetener), maintenance bay, office area, break area, and maintenance area. The building is approximately 10,000 square feet on approximately 3.5 acres.

Cliff Viessman transports food grade commodities for Cargill and Archer Daniel Midland (ADM). After transport, empty tanker trucks return to the facility to be prepared (washing tanker interior and exterior) for next shipment. The two types of commodities transported are sweeteners (approximately 90% of transports) and non-sweeteners (primarily vegetable oils). The facility does not transport dry commodities (i.e. flour, oats, and starches). The list of approved commodities for Cargill and ADM are included in Attachments 9 and 10, respectively.

The internal tank cleaner for sweetener tankers is hot water. No detergent is utilized. After cleaning, the process water (sweetener tank wash) is discharged to the City of Cedar Rapids

publicly owned treatment plant (POTW). The discharge is allowed per city ordinance. The City of Cedar Rapids tests the discharge annually. Mr. Viessman stated he is unsure of what the city tests for, but assumes it is for sugar concentrations. He added that the city has not reported any failed tests.

The internal tank cleaner for non-sweetener tankers is Solutions Internal Tank Cleaner (Attachment 11) and hot water. After cleaning, process wastewater (non-sweetener tank wash) is transferred to an oil/water separator prior to discharge to the City of Cedar Rapids POTW. Oils from the separator are transferred to a 1-cubic-yard container and transported to Sanimax (DeForest, Wisconsin) for recycling.

The cleaner for all external tanker trucks is Solutions Clear Sky Wash & Wax (Attachment 12). Process wastewater from external washing (external tank wash) is discharged to the City of Cedar Rapids POTW.

Waste solids from the wash bay sumps are considered by the facility to be nonhazardous. Mr. Viessman stated the waste solids consist of road dirt and grime much like any other vehicle that utilizes a car wash. Waste solids are removed by Roto-Rooter (Cedar Rapids, Iowa) on an annual basis and transported to its facility prior to transport for disposal. Waste Solids were not observed during the CEI and are not discussed further in the report.

Wastes from fleet maintenance include used oil, used oil filters, empty aerosol cans, waste air filters, waste tires, waste brake parts, used lead-acid batteries, scrap metal, and general trash.

Used oil is managed according to *Title 40 Code of Federal Regulations* (40 CFR) Part 279. Used oil is generated during service of the facility's fleet and air compressor. Used oil is either self-transported to Dan's Tire (Mechanicsville, Iowa) or picked up by Dan's Tire to burn as fuel in a space heater. Used oil filters are punctured and hot drained upon generation. Used oil filters are transported to Iowa Gold Distributing, Inc. (Central City, Iowa) for recycling.

Empty aerosol cans (approximately one per month) and waste air filters (approximately one per week) are considered nonhazardous waste and are disposed into the general trash. Empty aerosol cans and waste air filters were not observed during the CEI and are not discussed further in the report. Waste tires (approximately 10 per month) are considered nonhazardous waste and are transported to Royal Tire (Rochester, Minnesota) for recycling. Waste tires were not observed during the CEI and are not discussed further in the report.

Waste brake parts (drums, rotors and brake pads) are exchanged on a one-for-one basis at Midwest Wheel or GATR (both of Cedar Rapids, Iowa). The facility performs approximately one brake job per month. Waste brake parts were not observed during the CEI and are not discussed further in the report.

Used lead-acid batteries (approximately eight batteries per month) are managed as lead-acid batteries per 40 CFR 266 Part G. Used lead-acid batteries are exchanged on a one-for-one basis at a local automotive parts store. Used lead-acid batteries were not observed during the CEI and are not discussed further in the report.

Scrap metal, which is recycled and considered exempt from the definition of solid waste, is collected in a 2-cubic-yard scrap metal container and transported to CC Recycling for recycling. General trash is considered nonhazardous and is accumulated in a 2-cubic-yard container outside the facility. General trash is transported to the Cedar Rapids/Linn County Solid Waste Agency (Cedar Rapids, Iowa) for landfill disposal.

The facility has a Zep Dyna Clean Parts Washer to degrease facility equipment. The parts washer utilizes Zep Dyna 143_20GL parts washer solvent. The facility considers spent parts washer solvent nonhazardous waste based on product/process knowledge (143 degree Fahrenheit flash point). The parts washer is used infrequently and has not generated spent parts washer solvent since July 22, 2015 (last service date). Spent parts washer solvent was not observed during the CEI and not discussed further in the report.

The facility has converted 80% of facility lighting to light-emitting diode (LED) lamps. However, the remaining lighting uses fluorescent lamps, and when spent, the facility considers spent lamps to be universal waste and manages according to 40 CFR Part 273. Spent lamps (approximately one spent lamp every 3 months) are self-transported to the Cedar Rapids/Linn County Solid Waste Agency for recycling. Spent lamps were not observed during the CEI and not discussed further in the report.

No previous RCRA inspections had occurred at Cliff Viessman.

2. RCRA Status

Based on the Verification Report provided by EPA (Attachment 1), Cliff Viessman has not notified the EPA of hazardous waste generation and has not received an EPA ID number. Based on my review of the facility's operations and interview with Mr. Viessman, I concluded that the facility does not generate hazardous waste. Therefore, I determined the facility operates as a non-generator of hazardous waste. Cliff Viessman is also a SQH of universal waste, used oil generator, used oil transporter, and a used oil fuel marketer.

3. Waste Streams

This section of the CEI report describes waste streams generated by the facility, including the facility's waste determination, generation process and rate, management at the facility, and ultimate disposition. Waste streams not discussed below are included in the Data Gathering Worksheets and Checklists Waste Streams section. The following discussion of waste streams is based on conversations with Mr. Viessman, the visual inspection, and my review of waste shipping documents. Mr. Viessman accompanied me throughout the CEI.

Sweetener tank wash is generated during washing of tankers that contained sweetener commodities. Washing is performed using only hot water. Sweetener tank wash is discharged to the City of Cedar Rapids POTW upon generation via floor drains. The facility considers sweetener tank wash nonhazardous by product and process knowledge. The facility generates approximately 52,000 gallons of sweetener tank wash per month. I noted no RCRA concerns with sweetener tank wash.

Non-sweetener tank wash is generated during washing of tankers that contained non-sweetener commodities with Solutions Internal Tank Cleaner. Non-sweetener tank wash is transferred to an oil/water separator for processing prior to discharge to the City of Cedar Rapids POTW via floor drains. The facility considers non-sweetener tank wash nonhazardous by product and process knowledge. The facility generates approximately 6,000 gallons of non-sweetener tank wash per month.

Upon review of the SDS for Solutions Internal Tank Cleaner (Attachment 11), I noted a pH of the undiluted cleaner is 14.0; however, when mixed with water, the resulting non-sweetener tank wash would be well below a pH of 12.5. I noted no other constituents or characteristics that would add characteristic or listed hazardous waste codes to the internal tank wash. As such it appears the hazardous waste determination is adequate.

During the CEI, I observed the oil/water separator located in the non-sweetener tank wash bay (Attachment 8, Photographs 7 and 8). I also observed a container of Solutions Internal Tank Cleaner located in the non-sweetener tank wash bay (Attachment 8, Photograph 9). I noted no RCRA concerns with non-sweetener tank wash.

Waste vegetable oil is generated during the oil/water separator process of the non-sweetener tank wash. The facility considers waste vegetable oil to be nonhazardous by product and process knowledge. The facility generates approximately 1-cubic-yard of waste vegetable oil every three months. Waste vegetable oil is collected by Sanimax for recycling.

During the CEI, I observed a 1-cubic-yard container of waste vegetable oil located on the south side of the facility (Attachment 8, Photograph 2). Waste vegetable oil does not meet the definition of used oil. I noted no RCRA concerns with waste vegetable oil.

Exterior tank wash is generated during washing of exterior tanker trucks with Solutions Clear Sky Wash & Wax. Exterior tank wash is discharged to the City of Cedar Rapids POTW upon generation via floor drains. The facility considers exterior tank wash to be nonhazardous by product and process knowledge. The facility generates approximately 6,000 gallons of exterior tank wash per month.

Upon review of the SDS for Solutions Clear Sky Wash & Wax (Attachment 12), I noted no constituents or characteristics that would add characteristic or listed hazardous waste codes to exterior tank wash. As such it appears the hazardous waste determination is adequate.

During the CEI, I observed a container of Solutions Clear Sky Wash & Wax located in the non-sweetener tank wash bay (Attachment 8, Photograph 10). I noted no RCRA concerns with exterior tank wash.

Used oil is generated during oil changes of the company fleet and compressor maintenance. Used oil is transferred to a 250-gallon used oil storage container in the maintenance area upon generation. The facility generates approximately 250 gallons of used oil every four months. Used

oil is either self-transported to Dan's Tire, or picked up by Dan's Tire for use as fuel in a space heater.

I asked Mr. Viessman if used oil is transferred to a 55-gallon used oil storage container prior to self-transporting used oil to Dan's Tire. Mr. Viessman stated that the used oil is transported in a 250-gallon used oil storage container to Dan's Tire. As such, it appears that Cliff Viessman failed to self-transport used oil in containers of 55-gallons or less as required by 40 CFR 279.24(a)(2) (**NOPF No. 2**).

I asked Mr. Viessman if Dan's Tire has an EPA Identification number. Mr. Viessman stated that he is unsure if Dan's Tire has an EPA Identification number. As such, it appears that Cliff Viessman failed to ensure that used oil is transported by a transporter who has obtained an EPA Identification number as required by 40 CFR 279.24 (**NOPF No. 3**).

I explained NOPF Nos. 2 and 3 to Mr. Viessman during the CEI and the regulations pertaining to each. I also provided Mr. Viessman with compliance assistance regarding NOPF Nos. 2 and 3.

I asked Mr. Viessman if used oil is tested for fuel specification prior to use as fuel in a heater. Mr. Viessman stated that used oil is not tested prior to use as fuel in a heater. As such, it appears that Cliff Viessman is operating as marketer of off-specification used oil fuel. I asked Mr. Viessman if the facility notified the EPA that it is a marketer of off-specification used oil fuel or maintained any records of shipments of off-specification used oil fuel. Mr. Viessman stated that they had not notified the EPA or maintained records of shipments. As such, it appears that Clint Viessman had failed to meet the requirements for a marketer of off-specification used oil fuel as required by 40 CFR 279 Subpart H (**NOPF No. 4**).

NOPF No. 4 was not included on the NOPF form left at the facility. NOPF No. 4 was added to the form on June 28, 2021. Mr. Viessman was notified by telephone and e-mail of the addition. A copy of the revised, signed NOPF form is in Attachment 5.

During the CEI, I observed a 250-gallon used oil storage container located in the maintenance area (Attachment 8, Photograph 5). The used oil storage container appeared to be in good condition with no visible leaks. However, the used oil storage container was not labeled with the words "used oil" as required by 40 CFR 279.22(c)(1) (**NOPF No. 1**).

I explained NOPF No. 1 to Mr. Viessman during the CEI. Prior to leaving the area, Mr. Viessman marked the container with the words "used oil" (Attachment 8, Photograph 6).

Used oil filters are generated during the maintenance of the company fleet and compressor maintenance. Used oil filters are punctured and hot drained upon generation. The facility considers used oil filters nonhazardous by product and process knowledge. After draining, used oil filters are transferred to a 55-gallon container. The facility generates approximately 55 gallons of used oil filters every two to three months. Used oil filters are picked up by Iowa Gold for recycling.

During the CEI, I observed a 55-gallon container of used oil filters in the maintenance area (Attachment 8, Photograph 3). I noted that all used oil filters had a puncture hole for draining used oil out of the filter (Attachment 8, Photograph 4). I noted no RCRA concerns with used oil filters.

Scrap metal is generated from maintenance of the company fleet and facility maintenance. The facility considers the waste to be exempt from the definition of hazardous waste per 40 CFR 261.4(a)(13) and 261.6(a)(3)(ii). Scrap metal is transferred to a 2-cubic-yard scrap metal container upon generation. The facility generates approximately 2 cubic yards of scrap metal every one to three months. Scrap metal is transported to CC Recycling for recycling.

During the CEI, I observed the scrap metal container located on the south side of the facility (Attachment 8, Photograph 1). I noted no RCRA concerns with scrap metal.

General trash consists of nonhazardous wastes, packaging wastes, and general office-type refuse, as well as empty aerosol cans and waste air filters. General trash is considered nonhazardous and is accumulated in a 2-cubic-yard container outside the facility. The facility generates approximately 2 cubic yards of general trash per week. General trash is transported to the Cedar Rapids/Linn County Solid Waste Agency (Cedar Rapids, Iowa) for landfill disposal. I noted no RCRA concerns with general trash.

4. Summary of Preliminary Findings

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

- (1) Failure to label a used oil storage container with the words “used oil” as required by 40 CFR 279.22(c)(1) (**NOPF No. 1**).
- (2) Failure to self-transport used oil in containers of 55-gallons or less as required by 40 CFR 279.24(a)(2) (**NOPF No. 2**).
- (3) Failure to ensure that used oil is transported by a transporter who has obtained an EPA Identification number as required by 40 CFR 279.24 (**NOPF No. 3**).
- (4) Failure to meet the requirements for a marketer of off-specification used oil fuel as required by 40 CFR 279 Subpart H (**NOPF No. 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.

William F Starks

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Starks
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William F. Starks

Inspector

CLAENE Group

AMBER WHISNANT

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Date: _____

Amber Whisnant

Section Chief

ECAD/CB/RCRA, EPA Region 7

Attachments:

1. Hazardous Waste Site Info Verification Report (1 Page)
2. Data Gathering Worksheets and Checklists (18 Pages)
3. Receipt for Documents and Samples (1 Page)
4. Confidentiality Notice (1 Page)
5. Notice of Preliminary Findings (NOPF) (3 Pages)
6. Linn County Assessor Facility Sketch (1 page)
7. Google Maps Aerial Image of the Facility (1 Page)
8. Photographic Documentation (Photolog and 10 Images) (7 Pages)
9. Cargill List of Approved Commodities for Sweetener Trailers (1 Page)
10. ADM List of Approved Commodities for Sweetener and Non-sweetener Trailers
(2 Pages)
11. SDS for Solutions Internal Tank Cleaner (5 Pages)
12. SDS for Solutions Clear Sky Wash & Wax (6 Pages)

NOTICE OF PRELIMINARY FINDINGS

FACILITY NAME: Cliff Viessman Inc
ADDRESS: 4110 Thomas Drive SW in
Cedar Rapids, Iowa 52405-4
EPA ID NUMBER: Non-Notifier DATE: 06/22/2021
Form Revised on 04/28/2021

NOTICE: I am not an employee of the Environmental Protection Agency ("EPA"). I am a contractor for EPA retained to conduct compliance evaluation inspections. The following is a list of observations/recommendations found during this inspection which will be reported back to EPA. This is not to be construed as a complete list of observations/recommendations. The EPA will be evaluating the report prepared as a result of this inspection and making the determinations as to what violations may have occurred at your facility.

1. Failure to label used oil storage container with the words "used oil" 40 CFR 279.22 (e)(1).
2. Failure to transport used oil in containers 55-gallons or less 40 CFR 279.24 (a)(2). (self transport)
3. Failure to ensure that used oil is transported by a transporter who has obtained an EPA identification number, 40 CFR 279.24
4. ① Failure to meet the requirements for a marketer of off-specification used oil fuel, 40 CFR 279 Subpart H
5. _____
6. _____
7. ① NAPE No 4 added to NAPE form on 06/22/2021. Facility notified on 06/22/2021 of addition.

If you have any questions regarding these findings please contact

Trevor Urban USEPA

The undersigned person hereby acknowledges receipt of a copy of this document and has read the same.

PRINTED NAME: Nathan Viessman TITLE: Termina Mgr.

SIGNATURE: Nat V

This document was prepared by William F. Starks