



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 7

11201 Renner Boulevard
Lenexa, Kansas 66219

CON 12-15
Doc #30116

OCT 15 2014

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

Article No: 7006 2760 0000 8644 7098

Ms. Silvanna Heilmann-Miller
EHS Manager
Fairfield Castings LLC
905 West Depot
Fairfield, Iowa 52556

RE: Fairfield Castings LLC
Fairfield, Iowa
RCRA ID No.: IAD000830018

Dear Ms. Heilmann-Miller:

Letter of Warning/Request for Information

On April 1-2, 2014, a representative of the U. S. Environmental Protection Agency (EPA) inspected your facility. The inspection was conducted under the authority of Section 3007 of the Resource Conservation and Recovery Act (RCRA).

My staff has reviewed the inspection report and determined that violations of RCRA were documented. We are requesting additional information regarding your facility's compliance status. Enclosed is a list of violations followed by a list of questions and/or requested information. Also enclosed are instructions to be used in providing your response. Please carefully read and follow these instructions. Your response to this request in accordance with the instructions is required by Section 3007 of RCRA and substantial penalties may result from not complying. Please note that the EPA reserves its right to pursue appropriate enforcement actions, including penalties, for violations discovered as a result of the inspection, regardless of whether the violations were subsequently corrected.



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Within thirty (30) calendar days of receiving this letter, please mail your response to: Nicole Moran, AWMD/WEMM, U. S. Environmental Protection Agency, 11201 Renner Boulevard, Lenexa, Kansas 66219. To request an extension of the time limit, follow the instructions in the enclosure. Please direct all questions concerning this letter to Nicole Moran, of my staff, at (913) 551-7641.

Sincerely,

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for

Donald Toensing, Chief
Waste Enforcement and Materials Management Branch
Air and Waste Management Division

Enclosures (3)

cc: Contaminated Sites Section Supervisor
Iowa Department of Natural Resources

List of Violations Documented at Fairfield Castings LLC
in Fairfield, Iowa on April 1-2, 2014

1. Title 40 Code of Federal Regulations (40 CFR) 262.34(a)(4) referencing 40 CFR 265 Subpart D states that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that the generator comply with contingency plan and emergency procedures. During the inspection, on April 1, 2014, the inspector requested a copy of the facility's RCRA Contingency Plan. The facility representative stated he could not find a copy of the RCRA Contingency Plan and when the inspector returned to the facility the following day a copy of the plan was provided to the inspector. During the inspector's review of the facility's RCRA Contingency Plan, he/she noted the cover page stated the plan was revised on April 1, 2014, the previous day, and did not have a signed version of the Contingency Plan. The inspector further reviewed the RCRA Contingency Plan with the requirements of 40 CFR 265 Subpart D and concluded that the plan was not designed to minimize hazards to human health or the environment [40 CFR 265.51(a)]; did not describe the actions facility personnel must take in response to fires, explosions, or releases of hazardous waste [40 CFR 265.52(a)]; did not describe arrangements with local emergency response teams to coordinate emergency services in the event of a hazardous waste emergency [40 CFR 265.52(c)]; did not list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator [40 CFR 265.52(d)]; did not include a list of all emergency equipment at the facility, alarm systems, decontamination equipment, the location and a physical description of each item on the list, and a brief outline of its capabilities [40 CFR 265.52(e)]; did not include an evacuation plan [40 CFR 265.52(f)]; had not been submitted to all local emergency response agencies [40 CFR 265.53(b)]; and did not identify an emergency coordinator [40 CFR 265.55], thus violating 40 CFR 265 Subpart D.
2. 40 CFR 265.34(a)(4) referencing 40 CFR 265.16(a-e) states that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that the generator comply with personnel training requirements. During the inspection, the inspector requested to review the training records and the facility representative stated that there was no documentation confirming training and stated that the facility had not conducted training on managing hazardous waste in emergency response to releases of hazardous waste. The inspector concluded that the facility failed to train personnel who handle hazardous waste [40 CFR 265.16(a)(1)]; did not teach hazardous waste management procedures (including contingency plan implementation) [40 CFR 265.16(a)(2)]; did not provide emergency procedures, emergency equipment, and emergency systems training [40 CFR 265.16(a)(3)]; did not provide initial training within six months of hire date [40 CFR 265.16(b)]; did not provide annual refresher training [40 CFR 265.16(c)]; did not maintain training documentation, including job title for each position and the name of the employee filling each job [40 CFR 265.16(d)(1)], did not maintain written job descriptions for each position [40 CFR 265.16(d)(2)], did not maintain written description of the type and amount of introductory and continuing training required [40 CFR 265.16(d)(3)], did not maintain records documenting that the training or job experience had been completed [40 CFR 265.16(d)(4)]; and did not maintain training records for current personnel or former employees [40 CFR 265.16(e)], thus violating 40 CFR 265.16(a-e).

3. 40 CFR 279.22(c)(1) states that containers and above-ground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "used oil." During the inspection, the inspector observed a used oil container located in the maintenance shop that met the definition of a tank, approximately 20-gallon size that was not marked with the words "used oil." Additionally, the inspector observed one, 55-gallon used oil storage container located in the maintenance department that was not marked with the words "used oil", thus violating 40 CFR 273.15(c).
4. 40 CFR 262.34(a)(1)(i) referencing 40 CFR 265.174 states that a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status provided that at least weekly, the owner or operator inspects areas where containers are stored, looking for leaking containers and for deterioration of containers caused by corrosion or other factors. During the compliance inspection, the inspector asked the facility representative if they inspect the hazardous waste container accumulation area. The facility representative stated that the area is inspected weekly and every inspection is documented on a worksheet; however the inspector reviewed all of the worksheets from April 1, 2011 to April 1, 2014 and noted three missed inspections during that time span, thus violating 40 CFR 276.174.
5. 40 CFR 262.41(a) states a generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit a single copy of a Biennial Report to the Regional Administrator by March 1 of each even numbered year for the previous odd numbered year. During the inspection, the inspector asked the facility representative if the facility submitted the 2013 Biennial Report and the facility representative stated he was unaware of the need to submit the 2013 Biennial Report to EPA. The facility failed to submit the 2013 Biennial Report to EPA by March 1, 2014, thus violating 40 CFR 262.41(a).
6. 40 CFR 262.20(a)(1) states a generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal must prepare a manifest. During the inspection, the inspector asked the facility representative how spent batteries are managed at the facility. According to the facility representative, the spent batteries are disposed into the scrap metal container each year; therefore are not being managed as universal waste. The inspector asked if a hazardous waste manifest is utilized for the shipment of scrap metal and the facility representative stated a hazardous waste manifest is not utilized for the shipment of scrap metal, thus concluding the facility is shipping a D006 characteristic hazardous waste without a hazardous waste manifest, thus violating 40 CFR 262.20(a)(1).
7. 40 CFR 262.11 states a person who generates a solid waste must determine if that waste is a hazardous waste. During the inspection, the inspector inquired about dirty/oily rags generated by the maintenance department, which are being laundered and returned to the facility. Following the CEI, the inspector noted the dirty/oily rags may fall under the new wipes rule [40 CFR 261.4(a)(26)] promulgated on January 31, 2014. In a follow-up conversation with the facility representative, the inspector asked if the facility had made a hazardous waste determination on the dirty/oily rags based on testing. The facility had not tested the dirty/oily rags; therefore, the inspector concluded that the facility had not made an adequate hazardous waste determination on dirty/oily rags, thus violating 40 CFR 262.11.

Request for Information

1. With regard to Violation Number 1, please provide an updated RCRA Contingency Plan that complies with all the requirements of 40 CFR Subpart D.
2. With regard to Violation Number 2, please provide a copy of your training plan ensuring that it complies with all the requirements in 40 CFR 265.16(a-e).
3. With regard to Violation Number 3, please provide photo documentation that the used oil above ground storage tank located in the maintenance shop, also referred to as the grated used oil container, and all used oil containers are marked with the words "used oil".
4. With regard to Violation Number 4, what actions, if any, has your facility taken to return to compliance with this violation or prevent this violation from occurring in the future?
5. With regard to Violation Number 5, what actions, if any, has your facility taken to return to compliance with this violation or prevent this violation from occurring in the future?
6. With regard to Violation Number 6, please explain how spent Ni-Cd batteries are being managed at your facility. Provide documentation of the disposition of Ni-Cd batteries by the metal recycling facility receiving batteries in the scrap metal. If you have begun managing spent Ni-Cd batteries as universal waste, also provide documentation of how that is done.
7. With regard to Violation Number 7, please provide the following information concerning your hazardous waste determination on the dirty/oily rags generated at your facility:
 - a. a determination of whether or not the waste has been excluded from regulation under 40 CFR Part 261.4;
 - b. a determination of whether or not the waste has been listed as a hazardous waste in Subpart D of 40 CFR Part 261. **If the waste is a listed hazardous waste, please provide the applicable listed waste code(s) in your response;** and
 - c. a determination of whether or not the waste is identified in 40 CFR Part 261 Subpart C. To determine whether the waste exhibits any of the hazardous characteristics in Subpart C, the waste may need to be analyzed using one of the methods found in Subpart C of 40 CFR Part 261, or by applying knowledge of the waste characteristics based upon the materials or processes used. Any laboratory analyses used to make this determination must be provided to the EPA as well as a detailed description as to how each sample was taken. **If the waste is a characteristic hazardous waste, please provide the applicable characteristic waste code(s) in your response.**
 - d. If your facility elects to apply knowledge of the material to make a waste determination on the waste streams identified above, you must provide a detailed explanation and your reasoning regarding the basis for this determination. **If you apply knowledge of the material to make the waste determination, please provide all applicable hazardous waste codes for the waste in your response.**