

RCRA Inspection Report

1) Inspector and Author of Report

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2) Facility Information

Physical Address

Loveland Products
917 Platte Road
Clarksdale, Mississippi 38703

3) Responsible Official

Joseph S. Lee
Plant Manager

4) Inspection Participants

Daryl R. Himes, US EPA
William Ryder, MDEQ
Joseph S. Lee, Loveland Products
Jonathan Toler, Loveland Products
Mi'Shayla Johnson, Loveland Products

5) Date and Time of Inspection

October 26, 2021 9:00 a.m.

6) Applicable Regulations

Mississippi Code of 1972, Miss. Code Ann. § 17-17-1 *et seq.* [Resource Conservation and Recovery Act (RCRA) Sections 3002, 3004, 3005, 3007 and 3008, (42 U.S.C. §§ 6922, 6924, 6925, 6927 and 6928)] and the Mississippi Department of Environmental Quality, Office of Pollution Control, Mississippi Hazardous Waste Management Regulations (MHWMR), 11 Miss. Admin. Code Pt. 3, R. 1.1-1.24, which adopts and incorporates by reference 40 C.F.R. Parts 260-270, 273, and 279 [40 Code of Federal Regulations (C.F.R.) Parts 260-270, 273, and 279].

As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations of those authorized provisions alleged herein will be to the authorized State program; however, for ease of reference, the federal citations will follow in brackets.

7) **Purpose of Inspection**

The purpose of this inspection was to conduct an announced compliance evaluation inspection to determine Loveland's compliance with the applicable requirements of RCRA and the corresponding MDEQ regulations. This was an EPA lead inspection.

8) **Previous Inspection History**

The last RCRA compliance evaluation inspection was performed at the facility on September 13, 2017 by MDEQ personnel. No violations were observed.

9) **Facility Description**

The Loveland Products facility is located at 917 Platte Road in Greenville, Mississippi. Loveland Products, previously Platte Chemical, has been at this location for over 40 years. The facility is located on an 18-acre site with several buildings including a main office building, lab building, several warehouses and production buildings.

Loveland Products, owned by Nutrien, manufactures various herbicides at this facility which are sold by various Nutrien facilities.

10) **Opening Conference**

On October 26, 2021, EPA inspector Daryl Himes, accompanied by William Ryder of MDEQ, arrived at Loveland Products at approximately 9:00 a.m. Mi'Shayla Johnson, the facility's Safety, Health and Environmental (SHE) Advisor, immediately received the inspectors. Ms. Johnson and the inspectors were joined by Joseph Lee, Plant Manager and Jonathan Toler, Quality Assurance Manager for the opening conference. The inspectors introduced themselves, showed their credentials, and explained the purpose of the visit. The inspectors described the anticipated use of their digital camera during the inspection and provided a request for records.

Joseph Lee and Jonathan Toler provided an overview of the facility's history and current operations during the opening conference. A description of the facility's processes was given as described in the facility description section above. Herbicides are not chemically manufactured at this facility. Herbicides manufactured off-site are formulated at this facility. None of the herbicides managed at the facility are P-listed hazardous wastes if they were to be disposed of as wastes. Hazardous wastes are generated at the facility in a quality control laboratory which result from testing performed using ignitable solvents and from within a production building which is used seasonally to formulate the herbicide "Ethephon." Phosphoric acid, used in the formulation of this herbicide, periodically results in the generation of corrosive characteristic hazardous waste (D002) when spills or mis-formulated batches of this herbicide are made.

The company does not appear to meet the Small Business Regulatory Enforcement Fairness Act's classification of a "small business," which is generally set by the Small Business Administration using the business' SIC/NAICS code and annual receipts or number of employees. Therefore, the EPA inspector did not provide a copy of the agency's information

sheet for small businesses, which can be found at <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>.

A walk-through inspection of the facility was then performed, and the results of this walk-through are described in the findings below.

11) **Findings**

Laboratory

The facilities laboratory is separated into several areas. The areas are equipped with gas chromatographs (GCs), liquid chromatographs (LCs), gas chromatograph mass spectrometers (GC-MS) and liquid chromatograph mass spectrometers (LC-MS) to perform qualitative analysis on the facility's products.

Within a "Wet Lab Area," ignitable hazardous wastes were generated in a three-gallon container (Photos 1 & 2) in a satellite accumulation area (SAA). At the time of the inspection, the container was closed and labeled with the words "Hazardous Waste." The container was not labeled with an indication of the hazard contents of the container.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.15(a)], a generator may accumulate as much as 55 gallons of non-acute hazardous waste in containers at or near the point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, without a permit or without having interim status, as required by Section 17-17-27(4) of the Mississippi Code of 1972, Miss. Code Ann. § 17-17-27(4) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.16(b) or §262.17(a)], except as required in 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.15(a)] (hereinafter referred to as the "SAA Permit Exemption").

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.15(a)(5)(ii)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers (ii) with an indication of the hazards of the contents.

Within a LC Room in the Laboratory Building, hazardous waste was being generated in a two-gallon container within a SAA (Photo 3). At the time of the inspection, the container was closed and labeled with the words "Hazardous Waste." The container was not labeled with an indication of the hazard contents of the container.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.15(a)(5)(ii)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers (ii) with an indication of the hazards of the contents.

Within a near infrared light room in the Laboratory Building, hazardous waste vials containing isopropyl alcohol were being generated in a thirty-gallon plastic container within a SAA (Photo 4). At the time of the inspection, the container was closed and labeled with the words “Hazardous Waste.” The container was not labeled with an indication of the hazard contents of the container.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.15(a)(5)(ii)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers (ii) with an indication of the hazards of the contents.

Ethephon Production Unit

This area utilizes two 8,000-gallon tanks and one 4,000-gallon tank (Photo 5) for the formulation of various herbicides which include Ethephon. At the time of the inspection, Ethephon production had ceased since approximately mid-September. No hazardous waste was observed in this area at the time of the inspection. As discussed above, when Ethephon is being formulated in this area, corrosive characteristic hazardous waste (D002) may be generated when spills or mis-formulated batches of this herbicide are produced.

Warehouse One – 90-day Accumulation Area

A caged area measuring approximately twelve feet by thirty feet within the Warehouse One building was used for the facility’s 90-day hazardous waste accumulation area (Photos 6 and 7). At the time of the inspection, three 250-gallon caged plastic totes of D002 hazardous waste from the Ethephon Production Unit were observed in this area. Each of the three containers were closed, labeled with the words “Hazardous Waste,” accumulation start dates within September of 2021 and corrosive placards.

Warehouse One – Universal Waste Area

A separate caged area in this warehouse contained the facility’s universal wastes. Universal waste bulbs were observed in three 8-foot boxes, three 4-foot boxes and one 55-gallon container. Universal waste batteries were observed within one 25-gallon container and two 5-gallon containers. Universal waste ballasts were observed within on 55-gallon container. Each of the containers were closed, labeled with appropriate universal waste language and marked with accumulation start dates of less than one year (Photos 8 and 9).

Record Review

A review of the facility’s records was performed following the walk-through inspection.

A review of the facility’s contingency plan which had been updated in the past year did not include a quick reference guide.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.1 [40 C.F.R. § 262.17(a)(6)], which incorporates 11 Miss. Admin. Code Pt. 3, R. 1.1 [40 C.F.R. § 262.262(b)], and is a condition

of the LQG Permit Exemption, A large quantity generator that first becomes subject to these provisions after May 30, 2017 or a large quantity generator that is otherwise amending its contingency plan must at that time submit a quick reference guide of the contingency plan to the local emergency responders identified at paragraph (a) of this section or, as appropriate, the Local Emergency Planning Committee.

Training records for Jonathan Toler and Kenneth Thomas were reviewed at the time of the inspection. No discrepancies were observed.

The inspectors reviewed available hazardous waste manifest records and land disposal restriction forms for shipments of hazardous waste sent since October 2018. No discrepancies were observed from a review of the manifests.

A review of the facilities inspection records for the 90-day hazardous waste accumulation area did not find any discrepancies.

Closing Conference

At the conclusion of the walkthrough inspection and record review, a brief closing conference was conducted with each of the facility participants identified above. During the conference, the areas of concern identified during facility walkthrough and also during the record review were identified and discussed.

Facility representatives were informed that reports summarizing findings of the inspection would be forwarded to the facility representative by both the US EPA and MS DEQ.

12) Signed

Daryl R. Himes
Environmental Engineer

Date

Concurrence

Araceli B. Chavez
Chief
RCRA Enforcement Section

Date

ATTACHMENT A

Loveland Products

Greenville, Mississippi

COMPLIANCE EVALUATION Inspection

MSR000005033

October 26, 2021

Photos taken by Daryl R. Himes

Photos taken with Canon Power Shot Elph 360 HS



Photo 1 – Label on 3-gallon container in Wet Lab Area



Photo 2 –Work table in Wet Lab Area where 3-gallon container was observed.



Photo 3 –Work table in LC Area where 2-gallon container was observed.



Photo 4 –30-gallon container in Infrared Light Room used to collect waste glass vials containing isopropyl alcohol.



Photo 5 – Ethephon Production Unit Area



Photo 6 – Totes of D002 corrosive hazardous waste from the Ethephon area located in the facility's 90-day accumulation area within Warehouse One.



Photo 7 – Totes of D002 corrosive hazardous waste from the Ethephon area located in the facility's 90-day accumulation area within Warehouse One.



Photo 8 – Universal Waste Bulbs in Warehouse One



Photo 9 – Universal Waste Batteries in Warehouse One