

RCRA Inspection Report

1) Inspector and Author of Report

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U.S. Environmental Protection Agency,
Region 4
Enforcement and Compliance Assurance
Division
Chemical Safety and Land Enforcement
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61 Forsyth Street, S.W.
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2) Facility Information

Howard Industries
3225 Pendorff Rd
Laurel, Mississippi 39441

EPA ID # MSD043417476
NAICS # 335311 - Power
Distribution and Specialty
Transformer Manufacturing

3) Responsible Officials

John Risher, Howard Industries,
Environmental Health & Safety
(EHS) Manager
JRisher@Howard-Ind.com

4) Inspection Participants

John Risher, Howard Industries,
EHS Manager

Brad Justice, Mississippi Department
of Environmental Quality (MDEQ)

Jay Delk, Howard Industries,
EHS Auditor

Nereida Hernandez, USEPA Region 4

5) Date of Inspection

November 14, 2023

6) **Applicable Regulations¹**

Resource Conservation and Recovery Act (RCRA) Sections 3002 (42 U.S. Code – Annotated U.S.C.A. 6925 and 6927), and 40 Code of Federal Regulation (C.F.R.) Parts 260 - 270, 273, 278, & 279; Mississippi Code of 1972, Miss. Code Ann. § 17-17-1 et seq., and Mississippi Hazardous Waste Management Regulations, 11 Miss. Admin. Code Pt. 3, R. 1.1-1.24.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.17], a LQG may accumulate hazardous waste on-site for 90 days or less 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], provided that the generator complies with the conditions listed in 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.17] (hereinafter referred to as the “LQG Permit Exemption”).

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. 1.21 [40 C.F.R. § 273.9], a small quantity handler of universal waste (SQHUW) is a universal waste handler who does not accumulate 5,000 kilograms or more of universal waste (batteries, pesticides, mercury-containing equipment, lamps, or aerosol cans, calculated collectively) at any time.

7) **Purpose of Inspection**

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection to determine Howard Industries-Laurel compliance with the applicable requirements of RCRA and the corresponding Mississippi regulations. This was an EPA lead inspection supported by MDEQ.

8) **Facility Description**

Howard Industries-Laurel (hereinafter referred as HI or the facility) is in Laurel, Mississippi. HI owns other facilities in Mississippi that are in Ellisville (RCRA EPA ID MSR000102962), Mendenhall (RCRA EPA ID MSD041222878), and Sandersville (RCRA EPA ID MSR000005710). HI-

¹ As the State’s authorized hazardous waste program operates in lieu of the federal RCRA program, the citations of those authorized provisions will be to the authorized State program. However, for ease of reference, the federal citations will follow in brackets.

Laurel started operating in the 1970's and employs approximately 2,400 employees. HI operates one shift, five days a week (Monday to Friday), and some Saturdays. The manufacturing plant has one main building of approximately 1.5 million square feet situated on 52 acres of land. Access to the facility is restricted. Visitors must register at the main office and must be escorted by facility personnel. HI manufactures three types of distribution transformers: pole mount transformers, pad mount transformers (single-phase), and three-phase pad transformers.

The most recent Hazardous Waste Generator Notification (EPA Form 8700-12) dated February 21, 2023, characterized the facility as a large quantity generator (LQG) of hazardous waste. Waste codes from the EPA Form 8700-12 include D001 (ignitable waste), D035 (methyl ethyl ketone), F003, and F005 (spent non-halogenated solvents). The facility also generates used oil and universal waste (lamps and aerosol cans).

The facility operates under Title V Air Permit 1360-00057, Clean Water Act Permit (National Pollutant Discharge Elimination System) MSP 090204, and Clean Water Act (stormwater) MSR110049. Howard Industries is a major Title V source because the facility's potential-to-emit Volatile Organic Compounds (VOCs) that exceeds the Title V threshold of 100 tons per year of VOC.

9) Previous Inspection History

HI-Laurel has been inspected since 1990. The most recent inspection was conducted by the MDEQ on May 16, 2018. The inspector found two apparent violations (containers of hazardous waste not marked with the words "hazardous waste" and open) that were corrected the same day.

10) Opening Conference

On November 14, 2023, EPA inspector, Nereida Hernandez Morales, accompanied by MEDQ inspector, Brad Justice, arrived at HI-Laurel at approximately 9:00 a.m. After checking-in in the security office, Mr. John Risher, EHS Manager for HI, received the inspectors. The inspectors were joined to the opening conference by Mr. Jay Delk, the EHS Auditor. The inspectors introduced themselves, showed their credentials and explained the purpose of the visit.

The inspectors described the anticipated use of equipment (digital camera) during the inspection and provided a list of records to be reviewed as part of the recordkeeping. The EPA inspector also discussed the company's ability, pursuant to 40 C.F.R. §2.203, to assert a business confidentiality claim for information submitted to EPA. The facility did not assert business confidentiality claim.

John Risher provided an overview of the facility's history and current operations during the opening conference. Mr. Risher also discussed health and safety protocols and the required personal protective equipment required for the inspection.

11) Inspection Observations

HI-Laurel manages one central accumulation area (CAA) and several satellite accumulation areas (SAAs) across the facility. All the waste in the SAAs is moved to a CAAs prior to shipment. The facility's main processes consist of metal working and surface coating operations. The facility's coating operations occur within manual and robot-operated paint booths with fabric filters.

Emergency showers, eye wash stations, and spill kits were observed around the SAAs and CAA at time of the inspection.

The process is divided in three divisions: Division 1 (pole mount), Division 2 (single-phase pad mount), and Division 3 (three phase pad mount). The process on each division is roughly the same. The process consists of straightening the steel, cutting it to length, welding, and painting.

Division 1 (Pole Mount):

The inspectors began the walk-through portion of the inspection at Division 1. Division 1 produces pole mount transformers with one satellite accumulation area (SA1-002) associated with the repair paint booth and aerosol cans.

One 55-gallon container (used to puncture and drain the aerosol cans) with waste paint and thinner (D001, D035, F03, and F005) was observed to be closed and labeled with the words "Hazardous Waste" and with an indication of the hazards of the contents. Photo #1

Three aerosol cans (awaiting puncture process) were on top of the container. Photo #1

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.21 [40 C.F.R. § 273.13(e)(4)(ii)], a SQHUW who punctures and drains their aerosol cans must establish and follow a written procedure detailing how to safely puncture and drain the universal waste aerosol can (including proper assembly, operation and maintenance of the unit, segregation of incompatible wastes, and proper waste management practices to prevent fires or releases); maintain a copy of the manufacturer's specification and instruction on site; and ensure employees operating the device are trained in the proper procedures.

By the end of the day, a drum labeled as "universal waste only, aerosol cans" and dated November 14, 2023, was put in place to store the aerosol cans. Photo #2

Division 2 (Single-Phase Pad Mount):

Division 2 produces the single-phase pad mount and consists of six SAAs.

- SA2-001 – Waste stream generated from the robot paint booth northernmost (AB005, paint & solvents). One 55-gallon container with waste paint and thinner (D001, D035, F03, and F005) was observed to be closed and labeled with the words "Hazardous Waste" and with an indication of the hazards of the contents. Photo #3
- SA2-002 – Waste stream generated from the robot paint booth middle (paint & solvents). One 55-gallon container with waste paint and thinner (D001, D035, F03, and

F005) was observed to be closed and labeled with the words “Hazardous Waste” and with an indication of the hazards of the contents.

- SA2-003 – Waste stream generated from the robot paint booth southernmost (paint & solvents). One 55-gallon container with waste paint and thinner (D001, D035, F03, and F005) was observed to be closed and labeled with the words “Hazardous Waste” and with an indication of the hazards of the contents.
- SA2-004 - Waste stream generated from the underground coal tar (paint & solvents). One 55-gallon container with funnel lid that was closed. The container was marked as waste paint and thinner (D001, D035, F03, and F005), with the words “Hazardous Waste”, and with an indication of the hazards of the contents.
- SA2-005 - Waste stream generated from the tank shop powder (paint & solvents) – One 55-gallon container with funnel lid that was closed. The container was marked as waste paint and thinner (D001, D035, F03, and F005), with the words “Hazardous Waste”, and with an indication of the hazards of the contents.
- SA2-006 – Waste stream generated from Merchants (paint & solvents). One 55-gallon container with funnel lid that was closed. The container was marked as waste paint and thinner (D001, D035, F03, and F005), with the words “Hazardous Waste”, and with an indication of the hazards of the contents.

Division 3 (three phase pad mount):

Division 3 produces the three-phase pad mount and consists of four SAAs.

- SA3-002 - Waste stream generated from the tank paint booth. One 55-gallon container with funnel lid that was closed. The container was marked as waste paint and thinner (D001, D035, F03, and F005), with the words “Hazardous Waste”, and with an indication of the hazards of the contents.
- SA3-005 - Waste stream generated from the large side paint (paint & solvents, AB017). One 55-gallon container with funnel lid that was opened (damaged, Photo #4) at the time of the inspection. The container was marked as waste paint and thinner (D001, D035, F03, and F005), with the words “Hazardous Waste”, and with an indication of the hazards of the contents. The funnel was replaced the same day (Photo #5).

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

- SA3-006 - Waste stream generated from the large side cover primer and column A9/10 (paint & solvents). One 55-gallon container with funnel lid that was opened

(damaged, Photo #6) at the time of the inspection. The container was marked as waste paint and thinner (D001, D035, F03, and F005), with the words “Hazardous Waste”, and with an indication of the hazards of the contents. The funnel was replaced the same day (Photo #7).

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

- SA3-007 - Waste stream generated from the large side topcoat (paint & solvents, AB011). One 55-gallon container with funnel lid that was closed. The container was marked as waste paint and thinner (D001, D035, F03, and F005), with the words “Hazardous Waste”, and with an indication of the hazards of the contents.

Per Mr. Risher, the filters from the paint booth areas are let dry and disposed in the landfill as non-hazardous. A waste profile was requested and received by email on November 29, 2023. EPA recommends the facility review their procedures to ensure that a waste determination is being made at the point of generation. Allowing paint filters to dry appears to be treatment.

Aerosol Cans North Shed SAA:

Visited the north shed SAA where one 55-gallon container (used to puncture and drain the aerosol cans) with waste paint and thinner (D001, D035, F03, and F005) was observed to be closed and labeled with the words “Hazardous Waste” and with an indication of the hazards of the contents. Photo #8

90 Days Central Accumulation Area (CAA):

The inspectors visited the 90 days CAA. It is located outside away from facility operations, covered with an overhead roof, and a locked, gated entrance for access. The area was identified with a sign that read “Restricted Area Authorized Personnel Only”. HI manages ignitable waste in this CAA; however, the “No Smoking” sign was not posted in this area. Photo #9

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.17(a)(1)(vi)(B)], The large quantity generator must take precautions to prevent accidental ignition or reaction of ignitable or reactive waste. This waste must be separated and protected from sources of ignition or reaction including but not limited to the following: Open flames, smoking, cutting and welding, hot surfaces, frictional heat, sparks (static, electrical, or mechanical), spontaneous ignition (e.g., from heat-producing chemical reactions), and radiant heat. While ignitable or reactive waste is being handled, the large quantity generator must confine smoking and open flame to specially designated locations. “No Smoking” signs must be conspicuously placed wherever there is a hazard from ignitable or reactive waste.

Four 55-gallon containers marked as “flammable”, waste paint and thinner (F003, F005, D001, and D035) were observed closed and dated. The oldest date observed was November 5, 2023.

On two of these containers, the flammable label was partially or covered on paint. This was an area of concern that was corrected at time of the inspection. Photos #10 and #11.

The CAA is equipped with an internal communications or alarm system capable of providing immediate emergency instruction to facility personnel; it is equipped with portable fire extinguishers, fire control equipment, spill control equipment, and it is equipped with water to supply water hose streams.

Universal Waste Storage Area:

Visited the area designated to store the universal waste lamps. The inspectors observed six containers with 4-foot lamps, one container with 8-foot lamps, and one box with bulbs. The containers were labeled "Universal Waste Lamps", were closed, and marked with the accumulation starting date. The oldest date observed was August 1, 2023. Photo #12.

Used Oil Tanks:

The inspectors visited the tank farm area and observed six single-walled tanks used to store used oil. The tanks range from approximately, 300-gallons to 5,000-gallons in capacity and are located within a concrete secondary containment (Photo #13). The tanks were marked as "Used Oil". Several cracks were observed in the secondary containment that could be compromising its integrity. Photo #14. HI uses Fluids, Inc. (ID MSR000103457) to pick up the used oil. Last shipment was on November 10, 2023.

1) Records Review:

After the walkthrough, the inspectors reviewed the following records:

Contingency Plan and Quick Reference Guide (QRG):

The facility maintains a contingency plan (CP) that describes the actions that facility personnel must take in response to fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste. The Contingency Plan was last revised in July 2019; however, the plan does not include the quick reference guide.

The plan describes arrangements agreed to with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, local hospitals, or the Local Emergency Planning Committee. However, the generator did not provide evidence that a Copy of the Hazardous Waste Contingency Plan was submitted to the police department, fire department, hospital, State and local emergency response teams and the Local Emergency Planning Committee.

Pursuant to Miss. Admin. Code Pt. 3, R. 1.3] [40 C.F.R. § 262.256(b)], which incorporates 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.256(b)], and is a condition of the LQG Permit Exemption, the large quantity generator shall maintain records documenting the arrangements with the local fire department as well as any other organization necessary to respond to an emergency. This documentation must include documentation in the operating record that either confirms such arrangements actively exist or, in cases where no

arrangements exist, confirms that attempts to make such arrangements were made.

Pursuant to Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.262(b)], which incorporates 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.262(b)], 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. The quick reference guide must include the following elements: (1) The types/names of hazardous wastes in layman's terms and the associated hazard associated with each hazardous waste present at any one time (e.g., toxic paint wastes, spent ignitable solvent, corrosive acid); (2) The estimated maximum amount of each hazardous waste that may be present at any one time; (3) The identification of any hazardous wastes where exposure would require unique or special treatment by medical or hospital staff; (4) A map of the facility showing where hazardous wastes are generated, accumulated and treated and routes for accessing these wastes; (5) A street map of the facility in relation to surrounding businesses, schools and residential areas to understand how best to get to the facility and also evacuate citizens and workers; (6) The locations of water supply (e.g., fire hydrant and its flow rate); (7) The identification of on-site notification systems (e.g., a fire alarm that rings off site, smoke alarms); and (8) The name of the emergency coordinator(s) and 7/24-hour emergency telephone number(s) or, in the case of a facility where an emergency coordinator is continuously on duty, the emergency telephone number for the emergency coordinator.

The Contingency Plan was revised in July 2019; however, the plan did not include the quick reference guide. HI made a new revision to the Contingency Plan that was received by email on January 11, 2024 and it includes the quick reference guide and evidence that a copy was sent to the authorities.

The plan lists the names and emergency telephone numbers for persons identified as emergency coordinators. The primary emergency coordinator, and the other individuals are listed in the order in which they will assume responsibility as alternates.

The plan includes a list of all emergency equipment at the facility. The list includes fire extinguishing systems, spill control equipment, and communications and alarm systems. The plan includes the location and a physical description of each item on the list, and a brief outline of its capabilities.

The plan includes an evacuation plan for personnel. This plan describes signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes.

Waste Manifest and Land Disposal Restriction (LDR) Records:

The inspectors reviewed available hazardous waste manifest records and land disposal restriction forms for shipments of hazardous waste sent from January 2021 to October 2023.

The facility uses Heritage Transporter, LLC (IND058484114) as transporter and Rineco Chemical Industries, LLC (ARD981057870) is used for the disposal of their hazardous waste.

Universal Waste Manifests:

The inspectors reviewed universal waste (lamps) manifest records from August 2021 to May 2023. Last shipment of universal wastes lamps by LEI, Inc. was on May 31, 2023 (Photo #15).

Waste Profiles:

The inspectors reviewed the waste profiles records for “waste paint and thinner” for the purposes of hazardous waste determination. The last waste profile was conducted on August 2, 2023.

Training Records:

Training records were available for review at the time of the inspection. Job description for each employee handling hazardous waste were not available for review. The last training was provided on August 8, 2023.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.17(a)(7)], which is a condition of the LQG Permit Exemption, facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the regulations; (ii) Facility personnel must complete personnel training within six months of being hired or of being assigned to a new position at the Facility; (iii) Facility personnel must take part in an annual review of the initial training required by this section; and/or (iv) the generator must maintain training records that include, among others: the job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; a written job description for each position; a written description of the type and amount of both introductory and continuing training that will be given to each person filling a position; and records documenting that the required training has been given to and completed by Facility personnel.

Weekly and Daily Inspection Records:

HI-Laurel is conducting daily inspections to the CAAs. The inspectors reviewed the records of inspections of the CAAs since January 2021 to November 10, 2023. The container inspection log included the date and time of inspection, the name of the staff member conducting the inspection, any corrective actions taken, and the total number of containers.

Biennial/Annual Reports Record:

The biennial/annual reports for the facility’s hazardous waste activities in 2022 were available to review on-site. The biennial/annual reports were submitted to MEDQ on February 21, 2023.

Waste Minimization Plan:

The Waste Minimization Plan was last updated on July 28, 2023.

Spill Prevention, Control & Countermeasure Plan (SPCC):

The SPCC plan was last updated on May 1, 2023.

12) Closing Conference

After the inspection, the inspectors had their exit briefing with John Risher and Jay Delk. During the meeting, the inspectors discussed the observations made during the inspection and the inspection was concluded.

13) List of Attachments

Attachment 1 – Photo Log:

Photos taken on: November 14, 2023

Photos taken by: Nereida Hernandez Morales

Photos taken with: Canon PC 2275

14) Signed

NEREIDA HERNANDEZ
MORALES

Digitally signed by NEREIDA
HERNANDEZ MORALES
Date: 2024.01.30 09:04:33
-05'00'

Nereida Hernandez Morales
Life Scientist

15) Concurrence

ARACELI
CHAVEZ

Digitally signed
by ARACELI
CHAVEZ
Date: 2024.01.31
16:51:58 -05'00'

Araceli B. Chavez
Chief
RCRA Enforcement Section

Appendix 1 – Photo Log

Photos taken on: November 14, 2023

Photos taken by: Nereida Hernandez Morales

Photos taken with: Canon PC 2275



Photo #1 – Division 1: Container used to puncture and drain the aerosol cans.
Aerosol cans on top of the container



Photo #2 – New container labeled as “universal waste only, aerosol cans” and
dated November 14, 2023



Photo #3 – Container with hazardous waste label



Photo #4 – Division 3 SA3-005, open container



Photo #5 – Division 3 SA3-005, closed container (new funnel)



Photo #6 – Division 3 SA3-006, open container



Photo #7 – Division 3 SA3-006, closed container (new funnel)



Photo #8 – North Shed Aerosol cans container



Photo #9 – CAA Sign



Photo #10 – Containers in CAA



Photo #11 – Area of concern, label covered with paint



Photo #12 – Universal Waste Lamps



Photo #13 – General view used oil tanks in secondary containment.



Photo #14 – Cracks on secondary containment

Photo #15 – Manifest, universal waste lamps



Photo #16 – New Signage in the CAA
(received by email on November 29, 2023)