



REGION 1

BOSTON, MA 02109

Dated by Electronic Signature

Mr. John Gaulin
Adventure Ready Brands
944 Industrial Park Road
Littleton, NH 03561

Re: Inspection of Tender Corporation, DBA Adventure Ready Brands on February 21, 2024.

Dear Mr. Gaulin,

On February 21, 2024, the U.S. Environmental Protection Agency, Region 1 ("EPA") performed a Clean Water Act ("CWA") compliance evaluation at the Tender Corporation DBA Adventure Ready Brands ("Adventure Ready Brands") facility located at 944 Industrial Park Road in Littleton, New Hampshire (the "Facility"). A copy of the inspection report is enclosed with this letter. EPA inspectors identified the following areas of concern during this inspection. **Within 30 calendar days of the receipt of this letter**, submit a report detailing what actions have been taken already, and what actions will be taken, to address the areas of concern listed below to Damian Bednarz of my staff at bednarz.damian@epa.gov.

1. 40 C.F.R. Part 403.12(e) - Periodic Reports on Continued Compliance ("PRCCs")

40 CFR 403.12(e) requires that the Facility "shall submit to the Control Authority during the months of June and December... a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge". Since at least 2020, the Facility has submitted several PRCCs that did not include maximum daily flow values and one report dated December 29, 2021, did not include minimum pH of discharges occurring in its reporting period.

As described during the EPA inspection, PRCCs shall indicate flow values where there are discharges sent to the publicly owned treatment works ("POTW"), which include average and maximum daily values and minimum pH values. For further information regarding monitoring and reporting procedures, EPA has prepared a document to assist Significant Industrial Users with requirements pertaining to the National Pretreatment Standards, which is an attachment to this inspection report package.

2. Changes and Developments at the Facility

Through communication with the Facility and observations made during this inspection, the EPA inspectors observed that the Facility had made changes to its physical structure and layout. Provide to the EPA an updated Facility diagram of all production areas. This Facility diagram should include locations of emergency shut off switches and their function, floor drain statuses (closed/open) and their flow paths, tanks, mixers, parts washing stations, raw chemical storage areas, sump and its capacity, and the pretreatment system. If there were any changes made to production lines or equipment that ultimately altered the volume or character of pollutants in the Facility's industrial discharge, describe these changes.

3. 40 C.F.R. Part 455.47 - Pesticide Chemicals Formulating and Packaging Regulations

Provide annually to the EPA, by at least December of each year, a signed and attested statement that the Facility did not discharge to the POTW any wastewaters that are subject to the pretreatment standards set in 40 C.F.R Part 455. Wastewaters that are subject to these categorical pretreatment criteria include, but are not limited to, floor wash waters in pesticide formulation areas, relevant parts and equipment washing, pesticide product, and rinsate.

4. Observed Pesticide Overflow

During the EPA inspection, an EPA inspector observed an overflow of pesticide formulation in the Facility's "EPA Filling Room" (Photo Log slide 21). Describe the volume of the overflow, the clean-up methods utilized, and the method in which the overflow clean up materials were disposed of. During the inspection, the Facility representatives assured there was no discharge to the POTW considering that floor drains were plugged in rooms designated to be used for pesticide formulation, mixing, washing, and packaging. Describe the status of floor drains in pesticide operational rooms and in particular the room where this overflow was observed and provide written confirmation that pesticide formulation did not enter the Facility's wastewater system.

Technical questions and concerns may be directed to Damian Bednarz at (617) 918-1482 or via email at bednarz.damian@epa.gov. Legal issues may be directed to Kevin Pechulis, Senior Enforcement Counsel, at (617) 918-1612 or via email at pechulis.kevin@epa.gov.

Sincerely,

NEWTON
TEDDER

Digitally signed by
NEWTON TEDDER
Date: 2024.04.30
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Newton Tedder,
Acting Manager Water Compliance Section 1
Enforcement and Compliance Assurance Division

ENCLOSURES

1. Inspection Report for February 21, 2024, EPA Inspection
2. Photo log for February 21, 2024, EPA Inspection
3. EPA Laboratory Compliance Sampling Inspection Report and Analytical Results
4. Monitoring and Reporting Procedures

cc: Zachary Lorch, NHDES
Kevin Pechulis, US EPA
Damian Bednarz, US EPA
William Sommer, US EPA
Anna Hatke, US EPA
Nafisah Ali, US EPA
Ryan Leo, US EPA
Doug Damko, Town of Littleton POTW
Eric Oliver, Town of Littleton POTW



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE, SUITE 100
BOSTON, MA 02109-3912

Date: *Dated as shown on electronic signature(s)*

Subj: Inspection Report
Clean Water Act - National Pollutant Discharge Elimination System
Tender Corporation, DBA Adventure Ready Brands

From: Damian Bednarz, EPA Inspector **DAMIAN
BEDNARZ**

Thru: Newton Tedder, Acting ECAD Manager

To: File

Digitally signed by DAMIAN
BEDNARZ
Date: 2024.04.30 14:44:07 -04'00'

I. Facility Information

- A. *Facility Name:* Tender Corporation
- B. *Facility Location:* 944 Industrial Park Road
Littleton, NH 03561
- C. *Facility Contacts:* John Gaulin, Chief Operating Officer
800 258 4696, jgaulin@adventurereadybrands.com
Patience Marsh, QAIRA Manager
Anastasia Keats, QC Manager
- D. *NPDES ID No(s):* NHPIU0014

II. Background Information

- A. *Date(s) of inspection:* February 21st, 2024
- B. *Weather Conditions:* Sunny, 35° F
- C. *US EPA Representative(s):*
Damian Bednarz, Life Scientist
William Sommer, Physical Scientist
Anna Hatke, Life Scientist
Nafisah Ali, Life Scientist
Ryan Leo, Life Scientist
- D. *State/Local Representative(s):*
Doug Damko, Town of Littleton Director of Public Works

Eric Oliver, Town of Littleton Pretreatment Coordinator

E. Federally Enforceable Requirements Covered During the Inspection:

40 C.F.R. Part 112, Oil Pollution Prevention Regulations

40 C.F.R. Part 403, General Pretreatment Regulations

40 C.F.R. Part 439.47, Pharmaceutical Mixing and Formulation Regulations

F. Previous Enforcement Actions: In February of 2020, the EPA conducted an Administrative Order for compliance for the Facility. The Order required that the Facility submit a Baseline Monitoring Report and maintain Periodic Reports on Continued Compliance submissions to the EPA on a biannual basis. The Order also outlined the need for continuous pH and flow monitoring representative of every instance or duration where wastewaters are introduced into the POTW.

III. Type and Purpose of Inspection

The purpose of this inspection was an evaluation for compliance regarding the EPA's general pretreatment and categorical standards regulations. This required observations to be conducted of the Facility's manufacturing operations, wastewater treatment system, and wastewater sources subject to pretreatment regulations.

IV. Facility Description

Tender Corps, doing business as Adventure Ready Brands at 944 Industrial Park Road in Littleton, New Hampshire (the "Facility") is a business that manufactures, packages, and ships medicines, pharmaceutical products, and pesticide repellants for human use and consumption. The Facility's final products can be found in common grocery and hobby stores throughout the United States and internationally. The Facility has a building footprint of approximately 90,000 square feet. A minor portion of this area is occupied with office space, while most of the floorplan is allocated to manufacturing processes, storage of raw materials and chemicals, and shipping operations. Outside of the Facility's building is employee parking, loading docks for semi-truck loading and unloading, and a roofed alcohol drum storage shed. The company was established in 1975 and had changed locations from 106 Burndy Road in Littleton, New Hampshire to 944 Industrial Park Road in Littleton, New Hampshire.

The Town of Littleton (the "Town") has made effective an Industrial Discharge Permit ("IDP") in which the Facility has authorization to discharge industrial wastewaters to the Publicly Owned Treatment Works (the "POTW"). This IDP is effective from November 1, 2023, to October 31, 2025. Under this authorization the Facility may discharge industrial process wastewaters and sanitary wastewaters from one outfall, identified as Outfall 001. The industrial process wastewaters, as of the day of this inspection, are subject to 40 C.F.R. Part 403 – General Pretreatment Regulations, and 40 C.F.R. Part 439 –

Pharmaceutical Manufacturing Regulations, in addition to limits and parameters found in the Town's IDP.

V. Inspection

I announced the inspection on February 6th, 2024, via email to Mr. Gaulin, Chief Operating Officer of the Facility. My email described the purpose of the inspection as well as the EPA's intention to sample the Facility's industrial effluent. This inspection and sampling operation was conducted to determine the Facility's compliance with 40 C.F.R. Part 439.47 Pretreatment Standards for New Sources – Subpart D, Mixing/Compounding and Formulation resulting from Pharmaceutical Manufacturing. I extended an invitation to Doug Damko and Eric Oliver from the Town of Littleton's POTW.

William Sommer, Anna Hatke, Nafisah Ali, Ryan Leo, and I (the "EPA Inspectors") arrived to Tender Corporation, doing business as Adventure Ready Brands at approximately 1 p.m. There, the EPA Inspectors met with Mr. Damko and Mr. Oliver, and proceeded into the Facility.

A. Opening Conference

Within the Facility's conference room, the EPA Inspectors met with facility representatives John Gaulin, Patience Marsh, and Anastasia Keats. The EPA Inspectors presented their credentials and reiterated the purpose of the inspection. I asked Mr. Gaulin about the number of employees at the Facility, and he identified there are approximately 80 employees, two of which were employed part-time. Mr. Gaulin explained that employees typically work 10-hour shifts Monday through Thursday. Adventure Ready Brands has another facility located in Kalispell, Montana, however, the Littleton, New Hampshire location serves as the business' headquarters, while their business registration is recorded in the state of Delaware.

I asked the Facility representatives for a summary of industrial processes that occur in manufacturing operations, and about any recent changes. From an email sent to the EPA dated June 2023, operational and structural conditions at the Facility had changed. Previously, the Facility had a floor plan outfitted with drains located in areas where both pesticide and pharmaceutical manufacturing was taking place.

Mr. Gaulin explained that pharmaceutical process wastewaters are treated prior to discharging to the POTW via an on-site pretreatment system. He also explained that mixing operations have been separated into two rooms, one for pesticide and the other for pharmaceutical manufacturing. Facility representatives identify these rooms as the "Federal Drug Administration ("FDA") rooms" and "EPA rooms". "FDA rooms" served pharmaceutical operational purposes, and "EPA rooms" handled pesticide formulation, as both formulation types required different operational procedures subject to a multitude of federal regulations. I noted that despite the Facility's naming conventions,

the FDA rooms contain wastewater discharges pursuant to 40 C.F.R part 439.47 – Pharmaceutical Mixing and Formulation. Drains that previously served the pesticide manufacturing process had been plugged and no longer allow flow intake. In addition, Mr. Gaulin explained that rinsate from pesticide equipment cleaning is reclaimed on-site and reused for future batches of pesticide formulation. Water is used to clean floors of the pesticide operation and are captured via drums for off-site disposal by Veolia, a 3rd party wastewater collector. According to Mr. Gaulin, off-site wastewater removal has significantly decreased in frequency.

I asked the Facility if they anticipate discharging to the POTW on the day of the inspection. Mr. Gaulin explained that there was no discharge from pharmaceutical operations, and that there is repellent (pesticide) mixing occurring which does not produce a discharge. I asked how the EPA is to obtain a representative sample of effluent in this case. Mr. Gaulin explained that wastewaters are present in the sump tank and may not be at the correct volume to pump raw wastewaters into their pretreatment system and may need the addition of a small amount of sanitized water to engage on the batch discharge system.

Ms. Hatke and Ms. Ali of the EPA asked Facility representatives whether operations featured emergency shut off switches. Mr. Gaulin explained that there are two such switches, with one that disables the sump pump in an emergency discharge event. Ms. Ali asked whether the shutoff valves are labeled on the Facility's diagrams. Mr. Gaulin explained that they are not, and Ms. Ali asked that they be included. I asked whether Facility employees are aware of the function and location of the shut off switches, and Ms. Marsh explained that employees are trained upon hiring and when there are procedural document changes.

I explained that during my review of past Periodic Reports for Continued Compliance ("PRCCs") I noticed one PRCC in particular only featured flow values for a typical and unnamed month of operation, rather than maximum daily flow numbers for each month of the 6-month operational period and that pH values were grouped by 7-day chunks rather than being representative of individual discharges to the POTW. I identified that another PRCC dated December 2021 did not have pH reported. I suggested that PRCCs should indicate flow values when there are discharges sent to the POTW¹ and a pH column that identifies the lowest recorded pH, as this would benefit the EPA and the POTW. I explained that pH values, when grouped with discharge events, should be summarized in a with respect to days where there are discharges. Mr. Damko and Mr.

¹ 40 C.F.R. Part 403.12(e), *Periodic reports on continued compliance* requires that the Facility "shall submit to the Control Authority during the months of June and December ... a report indicating the nature and concentration of pollutants in the effluent which are limited by such categorical Pretreatment Standards. In addition, this report shall include a record of measured or estimated average and maximum daily flows for the reporting period for the Discharge reported..."

Oliver of the POTW agreed with this, as the Town's IDP requires continuous flow and pH monitoring.

B. Facility Tour

After the conclusion of the closing conference, Mr. Damko and Mr. Oliver determined that, considering the large group size, they would depart from the Facility. At approximately 2 p.m., EPA Inspectors, Mr. Gaulin, Ms. Keats, and Ms. Marsh departed the Facility's conference room and headed to the gowning room prior to conducting observations within the operational area of the Facility. Ms. Marsh explained that the FDA requires personnel within particular rooms to wear protective white coverall suits, hairnets, and safety glasses. The EPA Inspectors were provided all personal protective equipment necessary except for safety glasses prior to entry.

EPA Inspectors were escorted by Facility representatives to the FDA Mixing Room (slide 1), which contained two pharmaceutical product mixing tanks with volumes of 1,000, labeled T2, and 300 gallons, labeled T3, with both tanks exclusively utilized for pharmaceutical production. Mr. Gaulin explained that the Facility's effluent pretreatment system (slide 2) prior to POTW discharge is in this room. I observed that the room has an emergency shut off switch for the sump pump (slide 3). Underneath the mixing tanks I observed a floor drain (slide 4) that Mr. Gaulin identified drains to the sump pump. The room has two levels accessible via staircase, with both mixing tanks, the pretreatment system, shut-off switch, and drain on the lower level. In conversation with the EPA Inspectors, the group determined that the sampling team would conduct a sample procedure of the Facility's effluent along with Ms. Marsh and Ms. Keats, while Mr. Gaulin and I would conduct the remainder of the walkaround of the Facility.

Mr. Gaulin and I visited the FDA filling room, where I observed empty product tubes of labeled "insect bite gel" (slide 5) other filling and packaging operations (slide 6). Mr. Gaulin explained that product filling and packaging mediums, such as tubes, vary, but this product is filled from the back and sinched by machine to contain the product.

In another FDA room I observed equipment dedicated to parts washing (slide 7, 8). I asked Mr. Gaulin where the waters from parts washing go, and he said that all waters enter the sump prior to pretreatment. For this reason, I observed signage on the washing equipment that identified only "FDA related parts, tools", or parts and tools dedicated to pharmaceutical product formulation, are permitted to be washed at this location. On a spill pallet sat two 55-gallon plastic drums with Hydroxide Solution and ProKlenz, a detergent (slide 9).

Mr. Gaulin then escorted me to the mechanical room, which featured a fire suppression system (slide 10) and a purified water system (slide 11). Mr. Gaulin explained that the installation of this reverse osmosis and UV filter purification system was at some point required by FDA regulation.

I followed Mr. Gaulin to the Facility's shipping and receiving area, where raw products for product formulation and packaging are stored and prepared for shipment. I observed several 55-gallon drums on pallets containing various substances such as Citriodiol (insect repellant, slide 12, 13), and raw essential oil (slide 14). I asked Mr. Gaulin what the green labeling means on drums, and he explained that the drums were quality assured by the Facility for any imperfections. I also observed totes that held rinsate (slide 15) from previous mixing operations that are tagged with identification labels that inform an operational process for eventual reuse in future chemical formulation. Outside of the shipping and storing area, and external to the Facility, is an alcohol storage room (slide 16) encased in cinderblocks and roofed (slide 16). This storage room was locked and unlocked via a key that certain staff members were able to access.

I asked Mr. Gaulin to show me what the Facility identifies as "EPA Rooms" to observe the pesticide formulation process. Mr. Gaulin showed me the pesticide mixing room (slide 17) which featured a 1,000-gallon mixing tank, marked T1, exclusively used for pesticide formulation. Underneath this mixing tank was a floor drain that was sealed to prevent drain access to the sump pump and pretreatment system (slide 19). Mr. Gaulin explained that every drain in "EPA rooms" are blocked off in this manner, with tamper resistant seals. I observed a 55-gallon drum that was designated for floor water only (slide 20) and when I asked Mr. Gaulin how the wash waters are disposed of, he explained that Veolia (3rd party waste collector) comes to collect on an as needed basis. Mr. Gaulin said that floor washing occurs approximately weekly.

Upon walking into the EPA Filling room, I observed a pesticide product overfilling into an "IBC" stainless steel tank (slide 21). The tank was receiving product from the top of the tank via a green hose pipe, and a pesticide formulation was running down the side of the tank. An employee of the Facility explained it was a small and isolated spill. I explained to Mr. Gaulin that he may attend to this situation to implement his Facility's cleanup procedures, and that I would be waiting in the conference room, as I did not want to delay the Facility's operational procedures for the day.

C. Records Review

Prior to and after the inspection day, I reviewed PRCCs from 2020 onward. I noticed that there were changes in PRCC reporting since 2020 which included different summary tables regarding pH and flow. I also reviewed a previous inspection report from a compliance visit led by the EPA in 2020.

D. Closing Conference

Upon my return to the conference room, I rejoined the larger group composed of Ms. Marsh, Ms. Keats and the EPA Inspectors. I explained that Mr. Gaulin was tending to a small pesticide spill. Mr. Gaulin had then returned and explained that the spill was

approximately 5 kilograms and was wiped up using spill sorbent pads, which were disposed of in an empty 55-gallon drum (slide 23).

Ms. Ali and Mr. Sommer requested of the Facility an updated site diagram which should include drains and emergency shut off switch locations. I also reminded Facility representatives about the need to update flow and pH summary tables, and that more information about this request would be available in the cover letter attached to the EPA's inspection report.

I asked Mr. Gaulin to escort me to the pesticide spill location, so that I may document the condition of the room post clean-up (slide 22).

The EPA Inspectors departed the Facility at approximately 4 p.m.

Unless otherwise noted, this report describes conditions at the facility/property as observed by EPA inspector(s), and/or through records provided to and/or information reported to EPA inspector(s) by facility representatives and as understood by the inspector(s). This report may not capture all operations or activities ongoing at the time of the inspection. This report does not make final determinations on potential areas of concern. Nothing in this report affects EPA's authorities under federal statutes and regulations to pursue further investigation or action.