

RCRA Inspection Report

1) Inspector and Author of Report

Robert Nakamoto, P.E., CHMM
Environmental Engineer
Phone: 404-562-9341
Nakamoto.Robert@epa.gov

U.S. Environmental Protection Agency (EPA), Region 4
Enforcement and Compliance Assurance Division
Chemical Safety and Land Enforcement Branch
RCRA Enforcement Section
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

2) Facility Information

Nance Transmission
1010-A Meridian Street, North
Huntsville, Alabama 42420

EPA ID#: ALR000044834
NAICS #: 811113 – Automotive Transmission Repair

3) Responsible Officials

Darryl Nance
Manager
Nance Transmission
Nancetrans@bellsouth.net

4) Inspection Participants

Darryl Nance, Manager, Nance Transmission
Katrina Grimes, Office Manager, Nance Transmission
Corey Holmes, Environmental Scientist, ADEM
Robert Nakamoto, Environmental Engineer, U.S. EPA, Region 4

5) Date of Inspection

03/18/2024 at 9:00 a.m.

6) Applicable Regulations¹

Alabama Hazardous Waste Management and Minimization Act of 1978 (AHWMMA), Ala. Code § 22-30-1 *et seq.*, [Resource Conservation and Recovery Act (RCRA) Sections 3002 - 3005, (42 U.S. Code - Annotated U.S.C.A. 6925 and 6927)] and rules 335-14-1 to 335-14-17 (2016 and 2018) of the Alabama Department of Environmental Management (ADEM) Administrative Code (ADEM Admin. Code) [40 Code of Federal Regulation (C.F.R.) Parts 260-270, 273 and 279].

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.

Pursuant to ADEM Admin. Code r. 335 14-1-.02-(1)(a)323 [40 C.F.R. § 260.10], a very small quantity generator (VSQG) of hazardous waste is a generator who generates less than or equal 100 kilograms (220 lbs) of non-acute hazardous waste; and 1 kilogram (2.2 lbs) of acute hazardous waste; and 100 kilograms (220 lbs) of any residue or contaminated soil, water, or other debris resulting from the cleanup of a spill, into or on any land or water, of any acute hazardous waste.

Pursuant to ADEM Admin. Code r. 335 14-1-.02-(1)(a)261 [40 C.F.R. § 260.10], a small quantity generator (SQG) of hazardous waste is a generator who generates greater than 100 kilograms (220 lbs) but less than 1,000 kilograms (2200 lbs) of non-acute hazardous waste in a calendar month.

Pursuant to ADEM Admin. Code 335-14-1-.02-(1)(a)158 [40 C.F.R. § 260.10], a large quantity generator of hazardous waste (LQG) is a generator who generates greater than or equal to 1,000 kilograms (2,200 pounds) of non-acute hazardous waste in a calendar month.

Pursuant to ADEM Admin. Code r. 335-14-11-.02(a)(a)262 [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.

Pursuant to ADEM Admin. Code r. 335-14-17 [40 C.F.R. § Part 279], a generator may generate, accumulate, and manage used oil provided that the used oil is managed in accordance with the requirements of that section.

Pursuant to ADEM Admin. Code r. 335-14-17-.03(4)(c)1. [40 C.F.R. § 279.22(c)(1)] containers and aboveground tanks used to store used oil at generator facilities must be labeled or marked clearly with the words "Used Oil".

7) Purpose of Inspection

The purpose of this inspection was to conduct a joint unannounced compliance evaluation inspection to determine Nance Transmission's compliance with the applicable requirements of RCRA and the corresponding Alabama regulations. This was an EPA lead inspection supported by ADEM staff.

8) Facility Description

Nance Transmission is a privately owned small business that focuses solely on transmission repairs, transmission overhauls, transmission replacement, and related preventative transmission maintenance services. The company also has a towing service. Nance Transmission was founded in 1981 and has an A+ rating from the Better Business Bureau (BBB).

Nance Transmission's transmission services include a wide variety of services such as installing replacement transmissions, rebuilding transmissions, diagnostic testing, transmission tune-ups,

transmission fluid and filter changes, and transmission diagnostic road tests. Nance Transmission does not engage in other types of vehicle services or repairs but focuses solely on transmission repairs and services.

The company normally operates five repair stations but has room to operate more. Nance Transmission has six employees. Access to the facility is controlled via fencing and monitoring the doors.

The only regulated waste currently being generated is used transmission fluid (used oil). Nance Transmission, on 08/19/2008, had originally notified as a very small quantity generator (VSQG). However, on 4/13/2018, an ADEM Form 8700-12 was submitted stating that Nance Transmission was a Large Quantity Generator (LQG) of hazardous waste. This form, in the Hazardous Waste Generation block, stated that Nance Transmission expected to generate the 428,000 pounds of Acetone/Resin mixture hazardous waste, 100 pounds of Aerosol cans, and 8,200 pounds of hazardous waste resin contaminated debris per year. The Used Oil Management Form noted that it was expected that 100,000 pounds of used oil would be generated per year. 100,000 pounds of transmission fluid is approximately 13,800 gallons of used oil per year. The Universal Waste portion of that form noted that it was expected that 100 pounds of universal waste batteries and 500 pounds of universal waste lamps would be generated per year.

9) Previous Inspection History

Nance Transmission had not previously been inspected by either ADEM or EPA.

10) Opening Conference

On 03/18/2024, EPA Inspector Robert Nakamoto, and ADEM inspector Corey Holmes, arrived at Nance Transmission at approximately 9:00 a.m. After locating the business entrance and business office (a large private residence is in front of the business office), Darryl Nance, Manager of Nance Transmission, received the inspectors. The inspectors introduced themselves and explained the purpose of the inspection.

An opening conference was conducted. The inspectors briefed the general nature of a Compliance Evaluation Inspection (CEI). It was explained by the inspectors that Nance Transmission was in the federal and state databases as an LQG. The inspectors described the anticipated use of equipment as limited to a digital camera (EPA) and cell phone (ADEM) to take photographs during the inspection. The EPA inspector explained that the Small Business Regulatory Enforcement Fairness Act's classification of a "small business" is generally set by the Small Business Administration using the business' SIC/NAICS code and annual receipts or number of employees. A copy of the EPA's information sheet for small businesses was provided to the company. 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. A copy of the EPA CBI guidance was also provided to the company. The company did not assert a business confidentiality claim.

Darryl Nance provided an overview of Nance Transmission's operations. It was briefed that Nance Transmission only works on transmissions. Other automotive repairs and maintenance work, such as, engine repairs, painting, battery maintenance and replacement, etc., are not performed by Nance Transmission.

11) Inspection Observations

Before the walk-through portion of the inspection began, Corey Holmes accessed the ADEM database to retrieve a copy of the 04/13/2018 ADEM Form 8700-12 that had been submitted stating that Nance Transmission was a Large Quantity Generator (LQG) of hazardous waste. Corey Holmes reviewed key information in this form with Darryl Nance. This 2018 submission noted that Nance Transmission, in the Hazardous Waste Generation block, expected a hazardous waste generation of 428,000 pounds of Acetone/Resin mixture, 100 pounds of Aerosol cans, and 8,200 pounds of resin contaminated debris per year. The Used Oil Management Form noted that it was expected that 100,000 pounds of used oil would be generated per year. 100,000 pounds of transmission fluid is approximately 13,800 gallons of used oil per year. The Universal Waste portion of the form noted that it was expected that 100 pounds of universal waste batteries and 500 pounds of universal waste lamps would be generated per year.

This information was briefed to Darryl Nance and he stated that Nance Transmission does not, and has not in the past, generated acetone/resin wastes or resin contaminated debris. He stated that Nance Transmission has no operations that use those materials. Other information on the form, in regard to waste generation, appeared substantially inaccurate. Darryl Nance was not sure how the form had been submitted or who had actually submitted the form. He noted that perhaps a waste contractor had submitted the form on behalf of Nance Transmission.

Transmission Rebuild Area

The inspectors then conducted a walk-through of the facility. The first area inspected was the transmission rebuild area. In this area Nance Transmission technicians remove, rebuild, and reinstall transmissions. A 30-gallon plastic container of transmission fluid that had been extracted from a transmission, was present (Photograph 1). This transmission fluid, on higher mileage transmissions that have not had transmission fluid changes, is reinserted into the same transmission. This is to avoid transmission breakdowns that can sometimes occur when new transmission fluid replaces old transmission fluid on a higher mileage transmission (vehicles with over 100,000 miles) that have not had a transmission fluid change in the past. Two 55-gallon metal containers of scrap metal were present in this area. This metal is recycled. A parts cleaner, which utilizes a solvent that is non-hazardous, was present and in use. No leaks or spills were observed in the area and the area had a high state of housekeeping.

Diagnostics Area

In this area, Nance Transmission, can connect their computer to vehicles for diagnostic purposes and for inputting data into repaired vehicles. Nance Transmission has a computer

workstation in this area. This area also has worktable to work on transmissions. At the time of the inspection no wastes or recyclable materials were being accumulated in this area.

Transmission Replacement Area

In this area transmissions are extracted from vehicles and replaced with a new or factory rebuilt transmission. This area was also well kept and no leaks or spills were observed in this area. Two containers of used oil (used transmission fluid) were in this area and were each approximately 250 gallons. One was a portable tote tank and the other container was a metal tank. At the time of the inspection two vehicles were having their transmissions replaced.

Outside Area

Nance Transmission has a parking area for vehicles waiting for repair or that have been repaired. In this area three tote tanks of used oil (used transmission fluid) were present. Approximately 700 gallons of used oil was present in the outside area.

Walk-Through Conclusions

During the inspection no evidence of any business activities, excepting transmission repair and maintenance operations, were observed. No evidence of any activities involving acetone or resin activities was observed. Nance Transmission appeared to be a non-generator of hazardous waste. The only waste type materials observed were used oil (which is transmission fluid that is being recycled) and scrap metal, which is also being recycled. The amount of universal waste lamp generation appeared that it would be well under 1 to 2 pounds per year. The 04/13/2018 notification appeared to have been nearly completely erroneous. Based on input from Darryl Nance, and observing the information in the notification, it was not clear who had actually filed the notification.

12) Records Review

At the time of the inspection Nance Transmission staff could not locate records documenting the recycling of materials. These records were subsequently emailed to the inspectors shortly after the inspection on 3/22/2024. Information documenting that the parts cleaner fluid had a flash point over 140 F was included in the records submission. Nance Transmission provided records of the pick-up of used oil (used transmission fluid) and the parts cleaner fluid pick-up. No compliance concerns were identified in the records review.

The 04/13/2018 notification was also reviewed again. The waste information in the notification appeared to have been nearly completely erroneous in that it included hazardous waste streams that Nance Transmission has not generated and amounts for universal waste and used oil that were also substantially incorrect. On 4/24/2024, in order to correct the erroneous 2018 notification, Nance Transmission filed a new notification noting that they were a Very Small Quantity Generator of hazardous waste. This data was reviewed by ADEM staff and inputted into the federal RCRAInfo database. The facility is no longer listed as an LQG. Based on input from Darryl Nance and observing the information in the 2018 and 2024 notifications, observations from the site walk-through, and knowledge of the waste common to transmission

repairs, it was not clear who had actually filed the notification. The reviewed information supported that Nance Transmission staff had not filed the 2018 notification.

13) Closing Conference

A closing conference was held after the walk-through portion of the inspection. No compliance observations of concern were identified excepting the erroneous information in the 04/13/2018 notification form.

14) List of Attachments

Attachment 1 – Photo Log

15) Signed

**ROBERT
NAKAMOTO**

Digitally signed by ROBERT
NAKAMOTO
Date: 2024.05.22 10:51:50
-04'00'

Robert S. Nakamoto
Environmental Engineer
RCRA Enforcement Section

16) Concurrence

**ALAN
NEWMAN**

Digitally signed by ALAN
NEWMAN
Date: 2024.05.22 14:51:12
-04'00'

Alan R. Newman
Acting Chief
RCRA Enforcement Section

Attachment 1 – Photo Log

Photos taken on: March 18, 2024

Photos taken by: Robert Nakamoto

Photos taken with: Kodak PixPro FZ53

EPA Property Tag: SX9091



Photograph 1: Used Oil Container Containing Transmission Fluid for Reinsertion Into Rebuilt Transmission.



Photograph 2: Metal being collected for recycling.



Photograph 3: Parts Cleaner in the Rebuild Area.



Photograph 4: Used Oil Tote Tank in the Transmission Replacement Area.



Photograph 5: Used Oil tank in the Transmission Rebuild Area.



Photograph 6: Used Oil Containers in the Outside Parking Area Adjacent to the Fence.