RCRA Compliance Evaluation Inspection Report

1) Inspector and Author of Report

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2) Facility Information

Newell Office Products (Newell Brands Maryville Operations)
EPA ID Number: TND987782943
NAICS Code: 325998, 326199

Physical Address: 1427 William Blount Drive
Maryville, Tennessee 37801
Telephone: (865) 380-6100

3) Responsible Officials

Mr. Jason Moore, Environmental Health and Safety (EHS) Manager, Newell Office Products
Ms. Kristin Rivera, Senior Manager, Environmental and Regulatory Affairs

4) Inspection Participants

Mr. Jason Moore, EHS Manager, Newell Office Products
Mr. Barry Buchholz, Safety Engineer
Ms. Anthony Griffin, Safety Coordinator
Ms. Pamela Rudd, TDEC
Mr. Raj Aiyar, U.S. EPA, Region 4

5) Date and Time of Inspection

June 7, 2022, 9:00 a.m.

6) Applicable Regulations

Resource Conservation and Recovery Act (RCRA) Sections 3002, 3004, 3005, 3007 and 3008,

(42 U.S.C. §§ 6922, 6924, 6925, 6927 and 6928)

40 Code of Federal Regulations (C.F.R.) Parts 260-266, 270, 273, 279
Tennessee Hazardous Waste Management Act TCA 68-212, Part 1 and 3, with the Used Oil Collection Act of 1993 TCA68-211, Part 10 and with the regulations adopted pursuant to those Acts.

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

On June 7, 2022, inspectors from the U.S. Environmental Protection Agency, Region 4, and the Tennessee Department of Environment and Conservation (TDEC), Division of Solid Waste Management conducted an unannounced compliance evaluation inspection (CEI) at Newell Office Products (hereinafter, "Newell" or the "facility") to determine its compliance status with the RCRA and the State of Tennessee regulations.

8) Facility Description

Newell manufacturers office brand products including Sharpie markers, Expo brand dry-erase markers and gel-ink pens at the Maryville facility. Newell recently added Elmer's glue to the production. The Maryville facility does not manufacture glue in-house, however, Newell uses pre-manufactured glue in various size bottles for distribution to their customers.

Newell has been in operation since 1989. The facility is located on approximately 98 acres and has approximately 750,000 square feet under roof. The facility currently has 1,000 employees. The facility's hours of operation are 24-hours a day, seven days a week (with two 12-hours shifts). The facility is comprised of a large production area, warehouse, and a separate ink storage building. Pre-cast marker parts and inks are assembled into finished products, collected, packed, and shipped. Newell uses solvent based inks in their office brand products such as sharpie markers, dry erase markers and their highlighters. Hazardous waste is primarily generated from production line flushing and line purging during color changes; however, the facility does generate waste paint from maintenance activities.

In its most recent notification of annual hazardous waste generation to TDEC received on February 25, 2022, Newell identified itself as a large quantity generator of hazardous waste (D001, F003 and F005) and as small quantity handler of universal waste and used oil. Newell uses Action Resources, LLC (EPA ID# ALR000007237) as transporter and Gian Resource Recovery-Attala, Inc. (EPA ID# ALD070513767) for waste disposal purposes.

HAZARDOUS WASTE STREAMS GENERATED:

WS #10 **Waste Alcohol & Ink** (D001) gets generated regularly from flushing the marker production lines during ink color changes at a maximum rate of 10,000

pounds/month. The facility generated 56,925 pounds in 2021.

WS #11 **Waste Naphtha & Ink** (D001) gets generated regularly from flushing the marker production lines during ink color changes at a maximum rate of 2,500 pounds/month. The facility generated 8,250 pounds in 2021.

WS #12 **Waste Xylene** (D001, F003) gets generated intermittently from marker manufacturing at a maximum rate of 1,000 pounds/month. The facility did not generate any waste in 2021.

WS #16 **Waste Methyl Isobutyl** (D001, F003) gets generated intermittently from marker manufacturing at a maximum rate of 2,000 pounds/month. The facility did not generate any waste in 2021.

WS #19 **Waste Paint Related Material** (D001, F003, F005) gets generated intermittently from maintenance activities at a maximum rate of 500 pounds/month. The facility generated 14,438 pounds in 2021.

9) Previous Inspection History

An announced inspection was conducted by Newell by TDEC on August 12, 2020, during the pandemic. The hazardous waste central accumulation areas (CAA) and few satellite accumulation areas (SAAs) were inspected, and electronic review of the records were conducted. Several deficiencies were observed during the inspection for failure to meet the requirements of recyclable material, container management, labelling and failure to meet the personnel training requirements. The facility returned to compliance on August 13, 2020. The last EPA inspection at Newell facility was conducted on April 20, 2017. Several deficiencies were observed for universal waste and container management. The facility returned to compliance on June 22, 2017.

10) Findings

Inspectors arrived at the facility at approximately 9:00 a.m. and presented their credentials to the receptionist and announced the inspection. While both the inspectors were signing the visitor's log, the receptionist contacted Jason Moore (EHS Manager) who later arrived to meet us in the main lobby and then directed us to a nearby conference room where we were later joined by Barry Buchholz (Safety Engineer) and Anthony Griffin (Safety Coordinator). Kristen Rivera (Senior Manager/Environmental and Regulatory Compliance) joined the meeting via phone.

As part of the opening conference, the inspectors gave an overview of the Small Business Regulatory Enforcement Fairness Act (SBREFA) for small business and regarding claiming confidential business information (CBI) during inspection. Ms. Rivera and Mr. Moore provided us an overview of the current operation onsite and discussed the safety protocol for the inspection. Mr. Moore, Mr. Buchholz, and Mr. Griffin later accompanied the inspectors on the site visit.

Shipping/Receiving Material Storage:

Production materials, such as pen and pencil parts for assembly, arrive at the receiving dock in the front of the production building. Upon arrival, the material gets stored in boxes and bins on shelves tagged with bar code identification numbers. Inks arrive in totes and drums at the rear of the facility for storage in the ink storage building, located behind the production building. Plastic pellets used for molding marker barrels and caps arrive on a rail car and get transferred to a silo for storage. From the silo, the pellets are transferred through piping to the molding machines inside the production building. There was no hazardous waste observed in this area.

Universal Waste Storage Area:

Near the east wall of the production material storage area, Newell maintains universal waste and electronics staging area for full containers awaiting shipment. Inspectors observed one 5-gallon container of nickel-cadmium batteries, closed, labeled, and dated 2/22/2022. Other items for recycling included one box of non-mercury lamps dated 9/24/21, two boxes of capacitors, one 5-gallon container of alkaline batteries, and one box of e-waste. Lighting Resources recycles universal waste through Clayton Environmental. There was no deficiency observed in this area.

Main Accumulation Point:

Adjacent to the universal waste storage area, the facility primarily uses the main accumulation point to collect waste and recyclables generated from maintenance activities. Inspectors observed one 55-gallon satellite container of liquid waste paint (D001, F003 and F005) (WS #19), one 55-gallon container of spent aerosol can residue (WS #19), and one 55-gallon satellite container of inkjet cartridges (WS #19). All containers were labeled "hazardous waste" and closed. However, the inspectors observed only two of the three satellite containers with a hazard indication. The inkjet satellite container did not have a hazard indication marking (Photo 1).

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1(v)(II) [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 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1(vii)(IV) [40 C.F.R. § 262.17(a)], except as required in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1(v)(II) [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1(v)(II) [40 C.F.R. § 262.15(a)] (hereinafter referred to as the "SAA Permit Exemption").

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1(v)(II) [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers (i) with the words "Hazardous Waste" and (ii) with an indication of the hazards of the contents.

Upon identification, Mr. Buchholz promptly applied a "flammable liquid" hazard indication marking to the inkjet satellite container (Photo 2). Spill equipment, a fire extinguisher, and access to emergency communication were available in this satellite area. Inspectors also observed several containers of material for recycling (e.g., used oil filters, punctured aerosol cans, e-waste, alkaline batteries, toner cartridges, and capacitors) and several non-hazardous waste containers (e.g., glue, glue bottles, plastic pellet filters). All containers were marked to indicate the container contents.

Used oil gets generated from maintenance throughout the facility and placed in storage containers in this area. Inspectors observed one 300-gallon tote and one 55-gallon container labeled "used oil." The facility manages solvent-contaminated wipes under the solid waste exclusion in one 5-gallon container in the same area. The container was labeled "excluded solvent-contaminated wipes," closed, and laundered under contract by Cintas weekly.

Universal waste gets accumulated in this location before moving full containers to the universal waste staging area for shipment. Inspectors observed one 5-gallon container of spent ballasts, one 5-gallon container of spent lithium batteries, one 4-foot box of waste lamps, one 8-foot box of waste lamps, and one box of spent mercury vapor lamps. Each container was closed, labeled, and marked with a storage date, the oldest of which was 8/16/2021.

In the same area, the inspectors observed two 35-gallon containers labeled as "Tooling and Automation Used Sand to be discarded – 2/2/22". Mr. Moore stated the contents of both the containers were nonhazardous based on the generator's knowledge. A copy of the waste profile for non-RCRA miscellaneous solids was reviewed during records review and the contents of the containers were determined to be nonhazardous.

The inspectors also observed approximately ten containers (sized 1- to 5-gallon) of chemicals such as cleaners, rust inhibitors, and activators that the facility had removed from service from one of their production areas. However, Mr. Buchholz plans to repurpose those chemicals in other areas for maintenance and production purpose. ***The Inspectors recommended the facility to implement a housekeeping program to segregate like-wastes for better accessibility.***

Marker Production Area:

Marker barrels produced in the molding area are loaded into a hopper and fed to an automated machine. The felt portion of the marker gets inserted into the barrel, and ink fills the reservoir. The machine inserts the cap on the marker, and the markers get boxed for shipment.

Hazardous waste gets generated in this area from flushing and purging ink lines during color changes. At each marker station, Newell manages a satellite accumulation container (either 30-gallon or 55-gallon) to receive ink-contaminated solvent waste (WS #10 and WS #11). Inspectors observed one 30-gallon satellite container at Sharpie Fine #13 and one 30-gallon container at Expo Marker Line #11. Both containers were labeled and marked with a hazard indication; however, both containers were not closed (Photos 3 and 4). While the flush and purge lines feed directly into the drum through the bung opening, the facility does not have a closure method for both the containers. ***Inspectors recommended the facility to audit all satellite storage areas in the marker***

production area and ensure a proper container closure gets implemented immediately.

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(f)1(iv) [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.

Excess ink and solvent used for any clean-up at the marker assembly machines get collected in a centralized satellite area designated for a group of nearby marker assembly machines. Inspectors observed one 55-gallon satellite container of waste alcohol and ink (WS #10) in SAA #2 inside a flammable storage cabinet. The container was closed, labeled "hazardous waste," and marked with a hazard indication. Also stationed inside the flammable storage cabinet was one 55-gallon container of n-propyl recycled on-site with a distillation unit and reused throughout the facility to flush the ink lines. Inspectors observed the container marked to indicate its contents.

The inspectors observed a hazardous material emergency poster which included contact information of the emergency coordinators. Stationed immediately adjacent to the flammable storage cabinet, the facility manages one 55-gallon satellite container to accumulate waste paint-related material (WS #19). Inspectors found the container closed, labeled "hazardous waste," and marked with a hazard indication. Solvent-contaminated wipes are also accumulated at this location and stored in a 55-gallon drum under the solid waste exclusion. The container was labeled "excluded solvent-contaminated wipes," closed, and laundered weekly under contract with Cintas.

At Sharpie Fine #19, inspectors observed a satellite accumulation container of waste ink & alcohol (WS #10) generated from flushing and purging lines during color changes. The Sharpie Fine #19 process was similar to the Sharpie Fine #13 in the Marker Production area. The 55-gallon satellite container was closed, labeled "hazardous waste," and marked with a hazard indication. Additionally, the inspectors observed several housekeeping issues in this area. ***During the inspection, the housekeeping issues were discussed with the facility and the inspectors recommended that the facility implement a housekeeping plan for the marker production area.***

<u>Distillation Unit:</u>
Newell uses a distillation unit to recycle waste ink-contaminated solvent (naphtha, ethanol, and n-propyl) used to flush marker production lines. According to the facility, the unit has an 80% recovery. Inspectors observed five 55-gallon containers of waste ink-contaminated solvent (WS #10 and WS #11) pumping into the unit for solvent recovery. Newell manages each full 55-gallon drum as hazardous waste, with each container stored in a designated area in the ink consolidation building before distillation. Each of the five containers stored at the machine was labeled "hazardous waste," closed, marked with a hazard indication, and dated. The waste distillation bottoms (WS #10 and WS# 11) generated from the solvent recovery was collected in a 55-gallon satellite storage container located at the unit. Inspectors observed the satellite container was closed, labeled "hazardous waste," and marked with a hazard indication. There was no deficiency observed in this area.

Molding Area:
Barrels and caps for Sharpie and Expo-brand markers are produced in this area by injection molding. Plastic pellets get fed into one of thirty machines where they are heated, molded into marker parts, cooled, and boxed for the assembly production line. Inspectors observed three 5-gallon unlabeled used oil containers at molding presses 225/226 and 227/228 (Photo 5 and Photo 6).

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.11(3)(c)3(i) [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."

Ink Storage Building/Central Accumulation Area:
Newell manages an ink consolidation area, product storage, and a central accumulation area at the ink storage building on the southwest portion of the property. Inside the building, a cinderblock wall divides the interior into two sections: ink consolidation and the central accumulation area.

Upon entering the building, inspectors first observed the ink consolidation process. During production, containers of ink products used to fill markers are only partially used due to the pumping constraints of the assembly machine. As a result, any remaining ink in the product drums gets consolidated in this portion of the building. Using a pump, the facility transfers the ink from the partial full drums for consolidation. When the facility completes the ink transfer, personnel flush the pump with a solvent, and waste ink-contaminated solvent (WS #10 and WS #11) gets accumulated in a 55-gallon storage drum. During the inspection, inspectors observed three 55-gallon containers (one for waste naphtha, one for waste n-propyl, and one for waste ethanol) managed as satellite containers for each waste solvent type. However, Mr. Buchholz explained Newell's practice was also to consolidate waste solvent generated at the marker production area into one of the three satellite containers mentioned above. Inspectors explained that the regulations do not allow the consolidation of satellite containers from other generation points. Therefore, the facility must manage the three 55-gallon containers under the 90-day regulations rather than SAA regulations. Inspectors observed the three 55-gallon storage containers (WS #10 and WS #11) labeled "hazardous waste," closed, and marked with a hazard indication. However, the three 55-gallon containers of consolidated waste ink-contaminated solvent did not have an accumulation start date (Photo 7).

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1(v)(I)(III) [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 68-212-108 of the THWMA, Tenn. Code Ann. § 68-212-108 [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1(vii)(IV) [40 C.F.R. § 262.17] (hereinafter referred to as the "LQG Permit Exemption").

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1(v)(I)(III) [40 C.F.R. § 262.17(a)(5)(i)], which is a condition of the LQG Permit Exemption, a generator must mark the date upon which each period of accumulation begins clearly visible for inspection

on each container.
Solvent-contaminated wipes are also accumulated at this location and stored in a 55-gallon drum under the solid waste exclusion. The container was labeled "excluded solvent-contaminated wipes," closed, and laundered weekly under contract with Cintas. Also observed on this side of the building were containers of recycled solvent for flushing the pump lines during consolidation, containers of ink awaiting consolidation, material, and empty drums. Spill equipment, fire extinguishers, a fire suppression system, eye wash, and emergency communication are accessible in this building area.

Leaving the side used for ink consolidation, the facility manages the adjacent side of the building for its central accumulation area to store hazardous waste containers for disposal and hazardous waste containers awaiting distillation and recycling. Newell accumulates hazardous waste on a shelving unit, segregating the waste containers on the left-hand side as material for recycling and containers on the right-hand side as material for disposal, each side marked with a sign. Inspectors observed twenty-seven 55-gallon drums of hazardous waste (WS #10, WS #11, and WS #19) stored on the right-hand side of the shelves for disposal shipment. All were labeled "hazardous waste," closed, marked with a hazard indication, and dated. The oldest container in this group was dated 4/20/2022. On the left-hand side of the storage shelves, inspectors observed fourteen 55-gallon containers of waste ink-contaminated solvent (WS #10 and WS #11) stored before reclamation. Each container was labeled "hazardous waste," closed, marked with a hazard indication, and dated. The oldest dated container observed in this group was 5/10/2022. Spill equipment, fire extinguishers, a fire suppression system, eye wash, and emergency communication are accessible in this building area.

Inspectors also observed drums of ink product and drums of reclaimed solvent in storage. Solvent-contaminated wipes are also accumulated at this location and stored in a 5-gallon drum under the solid waste exclusion. The container was labeled "excluded solvent-contaminated wipes," closed, and laundered weekly under contract with Cintas.

11) Record Review

Once the inspectors completed the walkthrough of the facility, they returned to the office area to conduct a review of the required documentation. The records reviewed for a three-year period (2020-2022) included the following:

The inspectors reviewed the following documents:

- Hazardous Waste manifests
- Hazardous waste annual reports
- Weekly Hazardous Waste Inspection Logs
- Contingency Plan
- Quick Reference Guide and arrangements with local authorities
- Hazardous Waste Reduction Plan updated 2021
- Waste Profile for Non-RCRA Miscellaneous Solids and Glue
- Personnel Training Records

Based on the review of the records, including Personnel Training, the records were observed to be incomplete.

Pursuant to Tenn. Comp. R. & Regs. 0400-12-01-.03(1)(h)1(vii)(IV) [40 C.F.R. § 262.17(a)(7)], which is a condition of the LQG Permit Exemption, for persons requiring hazardous waste training, the facility failed to maintain a document with personnel names, job titles, job descriptions about hazardous waste handling, and the description of the type(s) of training/course(s) required along with the frequency. *The facility prepared a document and submitted it for compliance review on June 10, 2022.*

12) Out-Briefing

An exit briefing was conducted at the conclusion of the inspection. Mr. Moore and Ms. Rivera participated in the exit briefing. The observations made during the inspection were discussed and the inspection was concluded.

13) Signed

RAJAGOPAL AIYAR Digitally signed by RAJAGOPAL AIYAR
Date: 2022.07.16 10:35:58 -04'00'

Raj Aiyar
Environmental Engineer

Date

14) Concurrence

ARACELI CHAVEZ Digitally signed by ARACELI CHAVEZ
Date: 2022.07.18 12:35:24 -04'00'

Araceli B. Chavez
Chief
RCRA Enforcement Section

Date

Attachment A

Newell Office Products

MARYVILLE, TENNESSEE

EPA ID # TND987782943

JUNE 7, 2022

Photos taken by EPA and TDEC
Camera Type: WB250F
EPA Tag No.: S75912

Photo-1 Main Accumulation Point, Failure to provide hazard indication on 1 55-gallon SAA container of inkjet cartridge

Photo-4 Expo Marker Line #11, 1 30-gallon SAA open container containing flammable spent solvent waste

Photo-2 Main Accumulation Point, 1 55-gallon SAA container marked with hazard indication

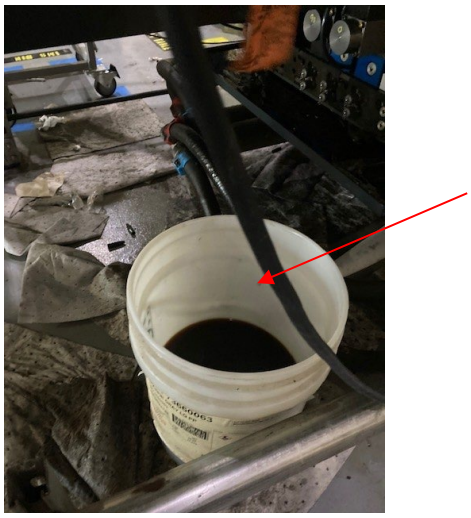

Photo-5 Molding Press 225/226 Open 5-gallon Used Oil Container

Photo-3 Sharpie Fine #13, 1 30-gallon SAA open container containing flammable spent solvent waste

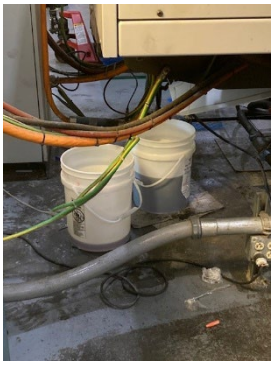

Photo-6 Molding Press 227/228 Open two 5-gallon Used Oil Container

 Photo-7 Ink Consolidation Room, 3-containers received solvent waste for consolidation from Satellite areas in the production area. The containers shall be managed as 90-day containers and require an accumulation start dates on all the three containers	