

RCRA Inspection Report

1) Inspector and Author of Report

Daryl R. Himes
RCRA Enforcement Section
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street, S.W. Phone: 404-562-8614
Atlanta, Georgia 30303 Email: himes.daryl@epa.gov

2) Facility Information

Physical Address

Niteo Products LLC (Niteo)
720 Vaiden Drive
Hernando, Mississippi 38632

3) Responsible Official

Alanna McNamee
EHS Manager

4) Inspection Participants

Daryl R. Himes, US EPA
Leigh Tanner, MDEQ
Alanna McNamee, Niteo
Paul McKowen, Niteo
Cedric Wilson, Niteo
Stan Rhoda, Niteo
Ray Crocker, Niteo

5) Date and Time of Inspection

October 28, 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 Niteo'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 August 9, 2017 by MDEQ personnel. One minor satellite container discrepancy was observed and corrected during the inspection.

9) **Facility Description**

The Niteo facility is located at 720 Vaiden Drive in Hernando, Mississippi. Niteo is a manufacturing and packaging facility of automotive chemicals and car care products in both liquid and aerosol forms. Liquid fill products range in volume from 6-ounces to 55-gallons. Aerosol products range in size from 7.5 fluid ounces to 18 fluid ounces. All product filling operations are performed within one of the facility's buildings.

Niteo makes products made for Valvoline, Max Life, Motor Medic, Ozium, Pyroil, and other name brands. Products include brake cleaners, carburetor cleaners, starting fluids, brake fluid, power steering fluid, fuel injector cleaner, fuel system cleaner, air brake system fluids, antifreeze, rust guards, deicers, diesel fuel conditioners, glass cleaners and soaps.

Hazardous waste generation results primarily from the cleanup of minor spills and drips from production lines during filling operations. The facility's most recent hazardous waste generation notification filed on March 1, 2021 classified the facility as a large quantity generator of hazardous waste.

10) **Opening Conference**

On October 28, 2021, EPA inspector Daryl Himes, accompanied by Leigh Tanner of MDEQ, arrived at Niteo at approximately 9:00 a.m. Alanna McNamee, the facility's Environmental Health and Safety Advisor, immediately received the inspectors. Credentials were presented to Ms. McNamee before the inspectors were escorted to a conference room for an opening conference. The other inspection participants listed above joined the opening conference as needed at the request of Ms. McNamee to explain the operations of the facility. The inspectors described the anticipated use of their digital camera during the inspection and provided a request for records which would include inspection records, manifests, contingency plan, and training records at the conclusion of a walk-through inspection.

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**

During the walk-through inspection, numerous containers were observed within satellite accumulation areas (SAAs). Unless otherwise noted, each container observed within an SAA was observed to be closed and labeled with the words "Hazardous Waste" and an indication of the hazard contents of the container.

Old Blend Room

This area was located on the far east side of the facility in one of its blending areas. One five-gallon plastic container (Photos 1 and 2) was observed within a satellite accumulation area (SAA) in this location with approximately three inches of waste solvent in the container. This container was being used to collect drippage from fill hoses for brake cleaning solvent including xylene, toluene, and heptane. Drippage from the fill hoses into the container had ceased at the time of the inspection. At the time of the inspection, the container was open and unlabeled.

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(i) with the words "Hazardous Waste" and (ii) with an indication of the hazards of the contents.

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.

Area 2 – Designated SAA in the Old Blend Room

A 55-gallon drum (Photo 3) was also observed within a separate SAA in the Blend Room used for collecting hazardous waste from the production of brake cleaning fluids. At the time of the inspection, the container was open as the fastening device for the facility's funnel was not latched.

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.

One 5-gallon container (Photo 4) with contaminated rags was observed next to the designated 55-gallon container (Photo 3) in the SAA identified immediately above. Facility personnel did not know if the rags were contaminated with brake cleaning fluids and should be managed as hazardous waste at the time of the inspection.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 261.2], must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations articulated in 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.11].

90-Day Hazardous Waste Accumulation Area

This area was comprised of a concrete pad bermed on 4 sides with the entrance side being curved. The pad was covered with a metal roof (Photo 5).

Ten 55-gallon drums of hazardous waste were observed on pallets stacked two high in this area at the time of the inspection shown in back right on Photo 5. Each of the drums were observed to be closed and labeled with the words "Hazardous Waste" and an indication of the hazard contents of the container. Each container was also dated within the past 90 days. A fire extinguisher, spill kit and "No Smoking" signs were observed in the area.

No Universal Wastes were observed in the area at the time of the inspection.

Satellite Area #4

This SAA was located in the Line 2 Fill Room. One 55-gallon drum of hazardous waste rags (Photos 6 and 7) destined for disposal were observed in this area at the time of the inspection.

Satellite Area #5

This SAA was located in the Line 1 Fill Room. One 55-gallon drum of hazardous waste rags (Photo 8) destined for disposal were observed in this area at the time of the inspection.

Satellite Area #6

Two SAA were located in the area of the facility's truck rack. One 55-gallon drum of hazardous waste rags (Photo 9) destined for disposal was observed in this area at the time of the inspection. In addition, one 55-gallon drum of hazardous waste solvent (Photo 10) was also observed in this area at the time of the inspection.

Reclaim Area

This area was located on the north side of the building. Equipment observed in this area is used to puncture and crush containers with defective dispersing mechanisms (Photos 12 - 15) which contain product solvents which can be recovered and used as is. *Facility personnel were advised that better care of such containers should occur to ensure the contents of the containers are not released to the environment.*

One open, unlabeled 55-gallon container of crushed cans, some still containing containing hazardous waste solvents, was not closed or labeled. The cans in the container were said to have completed the recovery process.

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(i) with the words "Hazardous Waste" and (ii) with an indication of the hazards of the contents.

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.

In addition, one 265-gallon plastic tote of used oil without a label was also observed in this area (Photo 11).

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.22 [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."

Satellite Area #7

This SAA was located in the Line 3 Filler Room. One 55-gallon drum of hazardous waste ink (Photo 16) destined for disposal was observed in this area at the time of the inspection.

Satellite Area #8

This SAA was located in the Facility's Testing Lab. Three 5-gallon containers of hazardous waste solvents (Photo 17) were observed in a cabinet beneath a lab hood. All three containers

were observed to be open at the time of the inspection. One of the containers was not marked 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.

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.

Satellite Area #9

This SAA was located in the Car Brite area. Soda ash is used in this area as an ingredient for cleaning products manufactured by the facility.

One 55-gallon container of a nonhazardous liquid waste stream (Photo 18) was observed in this area. The liquid waste generated in this area is non-RCRA-corrosive.

Satellite Area #10

This SAA was located in Car Brite Water Filling Area. One 55-gallon drum of hazardous waste rags (Photo 19) destined for disposal was observed in this area at the time of the inspection. The container was not labeled at the time of the inspection.

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(i) with the words “Hazardous Waste” and (ii) with an indication of the hazards of the contents.

Satellite Area #11

This SAA was located in the Car Brite storage area. One 265-gallon plastic tote of nonhazardous mop water was observed in this area (Photos 20 and 21). The wastewater resulted from cleaning the floor of a blending platform. No hazardous wastes were observed in this area at the time of the inspection.

Satellite Area #12

This SAA was located in the Car Brite tanker unloading area. One 55-gallon drum of nonhazardous PPE equipment was observed in this area (Photo 22). The PPE equipment used by employees during off-loading operations. No hazardous wastes were observed in this area at the time of the inspection.

Satellite Area #13

This SAA was located in the Car Brite solvent room. One 55-gallon drum of hazardous waste rags (Photo 23) destined for disposal was observed in this area at the time of the inspection.

Satellite Area #14

This SAA was also located in the Car Brite solvent room. One 55-gallon drum of hazardous solvents and wax was observed in this area. The container was observed to be open at the time of the inspection as the fill pipe into the containers bung was not sealed (Photos 24 and 25).

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.

Satellite Area #15

This SAA was also located in the Car Brite Water area and was designated for the accumulation of nonhazardous mop water. No containers of wastewater were observed in this area at the time of the inspection.

Record Review

A review of the facility's records was performed following the completion of 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. 1.3 [40 C.F.R. § 262.17(a)(6)], which incorporates 11 Miss. Admin. Code Pt. 3, R. 1.3 [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.

While the facility met the requirements of having the components of a RCRA contingency plan. The components of the plan were found throughout several emergency documents maintained by the facility. Personnel were advised that the components should be consolidated into one document that includes the content as required at 40 C.F.R. § 262.261.

At the time of the inspection, the facility did not have any records to indicate that weekly inspections of the facility's 90-day hazardous waste accumulation areas were being inspected

weekly. During these time periods, weekly inspections may not have been performed during the weeks between the inspected dates given below:

October 24, 2018 through November 28, 2018

September 25, 2019 through July 7, 2021

September 8, 2021 through October 6, 2021

October 6, 2021 through October 20, 2021

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.17(a)(1)(v)], which is a condition of the LQG Permit Exemption, a generator is required to, at least weekly, inspect central accumulation areas looking for leaking containers and for deterioration of containers caused by corrosion or other factors.

A review of the facility's hazardous waste manifests found that the facility did not have copies of accompanying land disposal restriction forms.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.5 [40 C.F.R. § 268.7], a generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, must prepare appropriate land disposal restriction notifications to accompany a Manifest sent on EPA Form 8700-22.

Training records for Alanna McNamee, Roy Crocker, Torrence Brown, Paul McKowen, and Stan Rhoda were requested and reviewed at the time of the inspection.

From this review it was determined that Alanna McNamee did not have records showing her having initial training after taking a job at Niteo about a year and a half prior to the inspection. Further, records could not be found demonstrating that the other individuals had training for the year 2020.

Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 62.17(a)(7)], which is a condition of the LQG Permit Exemption, (iv) the generator must maintain training records that include, records documenting that the training required has been given to and completed by Facility personnel.

At the time of the inspection, the facility was not able to demonstrate that it had attempted to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility.

Pursuant to Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.17(a)(6)], which incorporates Pursuant to 11 Miss. Admin. Code Pt. 3, R. 1.3 [40 C.F.R. § 262.256], and is a condition of the LQG Permit Exemption, a generator is required to demonstrate that it had attempted to make arrangements with the local police department, fire department, other emergency response teams, emergency response contractors, equipment suppliers, and local hospitals, taking into account the types and quantities of hazardous wastes handled at the facility.

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 identified and discussed.

12) Signed

Daryl R. Himes
Environmental Engineer

Date

13) Concurrence

Araceli B. Chavez
Chief
RCRA Enforcement Section

Date

ATTACHMENT A

Niteo Products LLC

Greenville, Mississippi

COMPLIANCE EVALUATION INSPECTION

MSD982770547

October 28, 2021

Photos taken by Daryl R. Himes
Photos taken with Canon Power Shot Elph 360 HS



Photo 1 – Hazardous Waste in 5-gallon bucket in the Old Blend Room



Photo 2 – Hazardous Waste in 5-gallon bucket in the Old Blend Room



Photo 3 – 55-gallon container of hazardous waste in SAA in the Blend Room and 5-gallon container (front left) of contaminated rags.



Photo 4 – Contaminated Rags in 5-gallon container in the Blend Room



Photo 5 – 90-day hazardous waste accumulation area



Photo 6 – Label on container in SAA # 4



Photo 7 – Container of Hazardous Waste Rags in SAA # 4



Photo 8 – Container of Hazardous Waste Rags in SAA # 5



Photo 9 - Container of Hazardous Waste Rags in SAA # 6



Photo 10 - Container of Hazardous Waste Liquid in SAA # 6



Photo 11 – 265-gallon tote of used oil located outside of main building in Reclaim Area



Photo 12 – Containers with solvents to be recovered and blended back into products



Photo 13 - Containers with solvents to be recovered and blended back into products



Photo 14 - Containers with solvents to be recovered and blended back into products



Photo 15 - Containers with solvents to be recovered and blended back into products



Photo 16 - Container of Hazardous Waste Ink in SAA 7



Photo 17 – Three 5-gallon container of hazardous waste in facility's Testing Lab



Photo 18 - Container of nonhazardous liquid waste containing soda ash in SAA # 9



Photo 19 - Container of hazardous waste rags in SAA # 10



Photo 20 – Tote of nonhazardous mop water in SAA # 11 (Blending Platform Area)



Photo 21 - Tote of nonhazardous mop water in SAA # 11 (Blending Platform Area)



Photo 22 – Container of nonhazardous PPE in SAA # 12



Photo 23 – Container hazardous waste rags in SAA # 13 (Solvent Room)



Photo 24 – Unsealed container hazardous waste in SAA # 14 (Solvent Room)

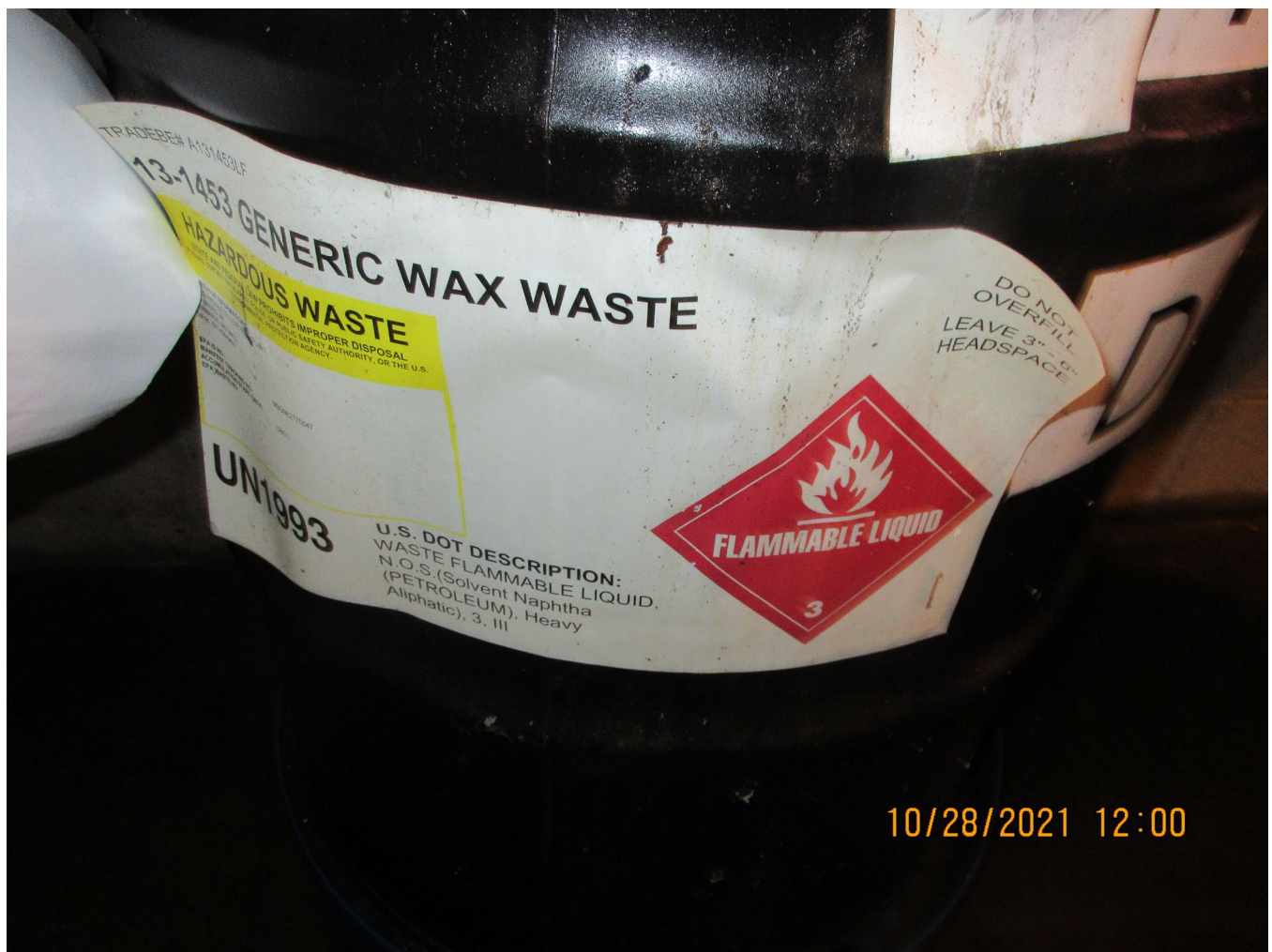


Photo 25 - Container hazardous waste in SAA # 14 (Solvent Room)