

RCRA Compliance Evaluation Inspection Report

1) **Inspector and Author of Report**

Parvez Mallick
Environmental Engineer
Enforcement and Compliance Assurance Division
Chemical Safety and Land Enforcement Branch
RCRA Enforcement Section
U.S. Environmental Protection Agency – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303

Phone: (404) 562-8594
Fax: (404) 562-8566
E-mail: mallick.parvez@epa.gov

2) **Facility Information**

Univar Solutions USA Inc. Birmingham
3300 Ball Street
Birmingham, Alabama 35243
County: Jefferson
Latitude: 33.331026
Longitude: -86.47121

EPA ID Number: ALD061149712
SIC Code: 5169 – Chemicals and Allied Products
NAICS Number: 42469 – Other Chemical and Allied Products Merchant Wholesalers

3) **Responsible Official**

Ms. Aslan Dooley, Branch Office Manager, Univar Solutions USA Inc. Birmingham
Telephone: 205-482-7709
Aslan.Dooley@univarsolutions.com

4) **Inspection Participants**

Mr. Parvez Mallick, US EPA Region 4
Ms. Kayla Acosta, US EPA Region 4
Mr. Jonah Harris, Alabama Department of Environmental Management
Ms. Aslan Dooley, Branch Office Manager, Univar Solutions USA Inc. Birmingham
Mr. Scott Stevens, Regional Health & Safety Manager, Univar Solutions USA Inc. Birmingham
Ms. Darla Beam, Inventory Controller, Univar Solutions USA Inc. Birmingham

5) **Date of Inspection**

June 16, 2021, 9:00 a.m.

6) **Applicable Regulations**

Resource Conservation Recovery Act (RCRA), 42 U.S.C.A. §§ 6901 to 6992k
Sections 3005 and 3007 of RCRA, 42 U.S.C.A. §§ 6925 and 6927
40 Code of Federal Regulations (C.F.R.) Parts 260-270, 273, and 279

ADEM Administrative Code Division 335-14 Hazardous Waste Program Regulations

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.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7) [40 C.F.R. § 262.17], a large quantity generator (LQG) may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, as required by Section 22-30-12(b) of the AHWMMMA, Ala. Code § 22-30-12(b) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in ADEM Admin. Code r. 335-14-3-.01(7) [40 C.F.R. § 262.17] (hereinafter referred to as the "LQG Permit Exemption").

Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a) [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 22-30-12(b) of the Alabama Hazardous Wastes Management and Minimization Act (AHWMMA), Ala. Code § 22-30-12(b) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with ADEM Admin. Code r. 335-14-3-.01(6)(b) or 335-14-3-.01(7)(a) [40 C.F.R. § 262.16(b) or §262.17(a)], except as required in ADEM Admin. Code r. 335-14-3-.01(5)(a)7. and 8. [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in ADEM Admin. Code r. 335-14-3-.01(5)(a) [40 C.F.R. § 262.15(a)] (hereinafter referred to as the "SAA Permit Exemption").

7) **Purpose of Compliance Evaluation Inspection**

On June 16, 2021, the U.S. Environmental Protection Agency (EPA), Region 4 inspectors, Parvez Mallick and Kayla Acosta, accompanied by Alabama Department of Environmental Management (ADEM) inspector, Jonah Harris, arrived at Univar Solutions USA Inc. Birmingham (hereinafter Univar or facility) to inspect the facility to determine its compliance status with both RCRA and the State of Alabama hazardous waste regulations. This was an EPA lead compliance evaluation inspection (CEI). Univar was represented by Ms. Aslan Dooley, Branch Office Manager; Mr. Scott Stevens, Regional Health & Safety Manager; and Ms. Darla Beam, Inventory Controller. Upon entering the facility, the inspectors introduced themselves, showed their credentials and explained the purpose of the visit and a description of the facility's process was discussed.

8) **Facility Description**

Univar Solutions USA Inc. (previously known as Nexeo Solutions LLC) specializes in commercial chemical distribution and related products and services. Nexeo Solutions LLC was

acquired by Univar Solutions Inc. on March 1, 2019. Currently, Nexeo Solutions LLC and Univar Solutions USA Inc. are doing business together as Univar Solutions USA Inc. The Univar Solutions USA Inc. Birmingham facility formulates and distributes solvents and other chemical products. The facility receives bulk shipments of chemical products via railcar and tanker truck. The bulk chemicals are stored in the Tank Farm. The formulated chemical products are mixed/repackaged into smaller containers of 250-gallon totes, 55-gallon drums, and 5-gallon containers and shipped to various retailers via trucks. Univar also operates as a transporter with a transfer facility located at the site. The facility consists of a small office building, a chemical product storage warehouse, a flammable materials warehouse (which serves as a hazardous waste accumulation area/transfer facility), a product packaging area, a truck off-loading area, a tank farm, and a gravel parking area. Univar has been in operation at this location since 2011 and currently employs approximately ten people. The facility's typical hours of operation are from 8:00 am to 4:30 pm on weekdays.

Univar's most recent hazardous waste generator notification (EPA form 8700-12), submitted on January 19, 2021, characterized the facility as a large quantity generator of hazardous waste and a transfer and transporter for hazardous waste and used oil. Univar's hazardous waste and used oil transporter permit (TXR000084869) was issued by ADEM on March 4, 2020. The permit will expire on April 3, 2023. Univar's 2019 Biennial Report indicated that the facility generated solvent contaminated rags (U002, U159, U220, and U239), mixed line flush waste generated from Drum Room and Tank Farm off-loading area (D001, U002, U159, U220, and U239), and styrene monomers (D001) wastes.

9) **Inspection Findings**

A walk-through inspection of the facility was performed with the facility representatives. Below is a description of the observations made in the various areas of the facility inspected.

Main Warehouse (Product Storage Warehouse)

The Main Warehouse is a 25,600 square feet corrugated metal building with a coated concrete floor and five truck loading/un-loading bays. The warehouse houses chemical formulations ingredients, packaged products (corrosives), non-hazardous and universal wastes. During the inspection, the inspectors observed various sizes of containers (250-gallon totes, 55-gallon drums, 5-gallon containers, etc.) holding chemical ingredients, packaged chemical products in 250-gallons totes and 55-gallons drums, various non-hazardous wastes (neutralized sulfuric acid in 250-gallon totes) and used oil in 55-gallon drums staged throughout the warehouse (Photograph #1). The non-hazardous waste containers were closed and marked with the words "Non-RCRA Material" and "Non-Regulated Material." All used oil containers were closed and marked "Used Oil." No universal wastes were present at the time of the inspection.

Flammable Materials Warehouse (90-Day/10-Day Hazardous Waste Storage Area)

Ms. Dooley next escorted the inspectors to a cinderblock building housing Univar's 90-Day hazardous waste storage and 10-Day hazardous waste transfer areas (Photograph #2). The Flammable Materials warehouse occupies approximately 5,000 square feet. A pair of doors (one personnel door and one roll-up door) on one side of the building connected it to the product storage warehouse. A pair of doors (one personnel door and one roll-up door) on the opposite side of the building connected it to the product packaging area. Warning signs were posted near both sets of doors. The room was equipped with a coated concrete floor which functioned as a secondary containment system. This section of the warehouse is equipped with heat rise

detectors, blow-out panels, dry fire suppression system, and 2-hour fire rated walls. The area designated as “FW1B” stored hazardous waste generated in the facility. Aisle F28-F35 is used for storage of 10-Day transfer facility hazardous waste containers. The inspectors observed the following containers in 90-Day/10-Day Hazardous Waste Storage Area:

- No containers were stored in the 90-Day hazardous waste “FW1B” area;
- Twenty-three 55-gallon containers in Aisle F-32 and three 55-gallon containers in Aisle F-31 contained various types of hazardous waste (aerosol can liquids, contaminated PPE, nickel filter waste, waste paint, waste resin, and waste solvent); and
- Three 55-gallon containers contained paint and solvent waste in Aisle F-29.

All 10-Day transfer area waste containers were closed, marked “Hazardous Waste,” with an indication of the hazards of the contents, and transfer facility arrival date of less than ten days.

Product Packaging Area (Drum Room)

The Product Packaging area is connected to the Flammable Materials Warehouse where products are transferred from bulk shipping containers into smaller containers. The lines are flushed when the products are changed. One closed 55-gallon satellite container holding line flush waste was stored in this area during the inspection. The container was closed, marked with the words “Hazardous Waste” and “Flammable Liquid.”

Tank Farm and Off-Loading Area

In the truck off-loading area, products are delivered in tanker trucks and transferred to the facility’s Tank Farm. The Tank Farm consisted of forty-six aboveground tanks of various sizes ranging from 6,000 to 40,000 gallons. According to the facility, thirty-four of the tanks were either empty and/or out of service. Twelve tanks are in use to store new commercial chemical products.

The truck off-loading area is located underneath a corrugated metal roof with four open sides. The truck off-loading area consists of grated metal floor suspended over a concrete pit. The pit is designed to catch any spills or releases that can occur during the off-loading process, connected to a blind sump. According to Ms. Dooley, the sump is emptied as necessary to prevent materials from accumulating in the pit. The inspectors observed one satellite accumulation area (SAA) for accumulating solvent-contaminated rags and another SAA for accumulating line flush waste in the truck off-loading area. The inspectors observed the following containers in this area:

- One closed metal 55-gallon drum contained solvent-contaminated rags (U002, U159, U220, and U235) marked “Hazardous Waste,” and “Flammable Solids;”
- One closed 55-gallon drum contained line flush waste and marked “Flammable Liquids.” The container was half full but was not marked “Hazardous Waste” (Photograph #3);
- One closed 55-gallon drum marked “Flammable Liquids.” The container was empty. Ms. Dooley explained that the empty drum would be used as a satellite accumulation container for line flush waste after the existing container of line flush waste was filled. Ms. Dooley placed “Hazardous Waste” label on the containers at the time of the inspection.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(5)(a)5. [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.”

Document Review

Following the walk-through inspection, the facility representatives provided inspectors with the following documents for review: inventory logs for transfer facility, records of weekly inspections of the hazardous waste accumulation area/transfer facility, ADEM form 8700-12 Notification of Regulated Waste Activity, facility's hazardous waste transporter permit, hazardous waste manifests, job descriptions for employees managing hazardous wastes, hazardous waste management training records, contingency plan, quick reference guide, records that copies of the contingency plan had been delivered to local emergency response agencies, and 2019 Biennial Report. The inspectors review and evaluation of the documents revealed the following:

- The map included in the facility's quick reference guide did not show the location of the central hazardous waste accumulation area and transfer facility.

Pursuant to ADEM Admin. Code r. 335-14-3-.01(7)(a)6 [40 C.F.R. § 262.17(a)(6)], which incorporates ADEM Admin. Code r. 334-14-3-.14(10) [40 C.F.R. § 262.262(b)], and is a condition of the LQG Permit Exemption, a large quantity generator that is 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: 4. A map of the facility showing where hazardous wastes are generated and accumulated, and routes for accessing these wastes.

10) Out-Briefing

An exit briefing was conducted at the conclusion of the inspection. Ms. Aslan Dooley, Mr. Scott Stevens, and Ms. Darla Beam participated in the exit briefing. The observations made during the inspection were discussed and the inspection was concluded. Univar was inspected as a large quantity generator of hazardous waste. The inspectors requested that the facility submit information regarding actions taken subsequent to the inspection to ADEM and the EPA.

11) Signed

Parvez A. Mallick
Inspector and Author of Report
RCRA Enforcement Section

Date

12) Concurrence and Approval

Araceli B. Chavez
Chief
RCRA Enforcement Section

Date

Compliance Evaluation Inspection photos taken by Parvez Mallick
Canon PowerShot SD980 IS - EPA Property Number S75319



Photo #1 – Main Warehouse storage area.



Photo #2 – 55-gallon containers stored in 10-Day Transfer Area.



Photo #3 – One half full and one empty 55-gallon containers of line flush waste stored in the Off-Loading Area.