

EPA ID: MCR0000000308

DATA ENTRY PERSONNEL

Submitted by: _____ Date: _____

Entered by: _____ Date: _____

NOV #95-254 YSP

Facility Name: Hercules Steel Company City: Fayetteville

EVALUATION DATA: New: _____ Change: _____ Delete: _____ (_____ : Required)

Agency: [5] Date: Mo [06] Day [10] Year [95]

Type: [CSE] [CSE] [AN]

Control Number Data Entry Personnel

Person: [009] BRANCH [HW] REASON [01]

Coverage Areas: (E: Evaluated NE: Not Evaluated NA: Not Applic. D:Del.)

Generators	
GBF	
GER	
GGR	
GLB	
GMR	
GOR	
GPT	
GRR	
GSC	
GSO	

Transporters	
TGR	
TMR	
TOR	
TRR	
TWD	

USED OIL	
TUO	
TFO	
BUO	
MUO	
PUO	
RUO	

DPF	
DCH	
DCL	

DLB	
DLF	
DLT	
DLC	

DPB	
DPP	
DSI	
DTR	
DTT	
DWP	

COMPLIANCE SCHEDULE (TSD, GEN, TRANS.)

FEA [] CAS []

95-254
12-2-94

Evaluation Comments: (72) 1: 2:

VIOLATION DATA: New: _____ Change: _____ Delete: _____

#1 Agency: [5] Type: [GSC] Date (mdy) Determined: [12/02/94] Class: [2]

Priority: [2] Branch: [HW] Person: [009] Seq. Number (Data Entry)

Return to Compliance: [04/09/94] Scheduled [03/26/95] Actual [03/26/95]

Reg. Description (30): 261.1(a), 261.2(b)
Comment (72): 261.3(G) 6-12-95

#2 Agency: [5] Type: [GSC] Date (mdy) Determined: [12/02/94] Class: [2]

Priority: [2] Branch: [HW] Person: [009] Seq. Number (Data Entry)

Return to Compliance: [04/09/94] Scheduled [03/26/95] Actual [03/26/95]

Reg. Description (30): 261.11

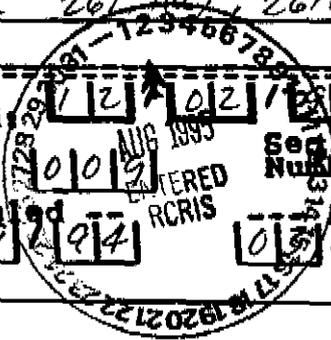
#3 Agency: [5] Type: [GSC] Date (mdy) Determined: [12/02/94] Class: [2]

Priority: [2] Branch: [HW] Person: [009] Seq. Number (Data Entry)

Return to Compliance: [04/09/94] Scheduled [03/26/95] Actual [03/26/95]

Reg. Description (30): 262.12

Continue violation data if necessary -



DEPARTMENT OF ENVIRONMENT, HEALTH and NATURAL RESOURCES
DIVISION OF SOLID WASTE MANAGEMENT
HAZARDOUS WASTE SECTION
ACTIVITY REPORT

NOV-95-254
In Compliance

Subject Hercules Steel Company NCR 000 000 737
Location 950 Country Club Drive Date 06/05/95
Address 950 Country Club Drive Time spent 1 hour
City Fayetteville State N.C. Zip 28303
By whom L.F. Woodrell
Persons contacted Lynn Jordan owner
(Owner) agent, tenant, manager, other)
Reason for visit CSE of the NOV #95-254
Copies to L.D. Perry eastern Area Supervisor

REPORT: CSE of NOV #95-254

Compliance Schedule

- ✓ #1. 262.11 soil sample showed no contamination - 3/26/95
- ✓ #2. EPA # 262.12 a EPA number was obtained - 5/4/95
- ✓ #3. 15A NCAC 13A .0009(c) No longer storing haz. waste - 12-4-94
at area. Storage now at spray paint area. Hercules
is now a CESQG.

Hercules Steel Company in compliance with NOV-95-254

Activity Type: Check Most Appropriate

- | | | | |
|---|-------|-----------------|---------|
| 1. Complaint | _____ | 5. Presentation | _____ |
| 2. Emergency Response | _____ | 6. Training | _____ |
| 3. Technical Assistance | _____ | 7. Meeting | _____ |
| 4. Remedial Action
(other than WPCA) | _____ | 8. Other | _____ ✓ |

State of North Carolina
Department of Environment,
Health and Natural Resources
Division of Solid Waste Management

James B. Hunt, Jr., Governor
Jonathan B. Howes, Secretary
William L. Meyer, Director



March 9, 1995

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

NOTICE OF VIOLATION
Docket #95-254

NCR 00000505

Mr. Louis Jordan
~~Hercules Steel Company~~
950 Country Club Drive
P.O. Box 35205
Fayetteville, North Carolina 28303

Dear Mr. Jordan:

On December 18, 1980, the State of North Carolina, Hazardous Waste Section (State) was authorized to operate the State RCRA hazardous waste program under the Solid Waste Management Act, (Act) N.C.G.S. 130A, Article 9 and rules promulgated thereto at 15A NCAC 13A (Rules) in lieu of the federal RCRA program. Hercules Steel Company, Fayetteville, North Carolina, is subject to the requirements of 40 CFR 262, codified at 15A NCAC 13A .0007.

On December 2, 1994, Mr. L. F. Worrell and Ikie Guyton, Waste Management Specialist with this office, visited Hercules Steel Company, 950 Country Club Drive, Fayetteville, North Carolina. The visit was made as a response to a former employee complaint concerning the disposal of hazardous containers, paint and thinners, and the landfilling of these items. During this inspection there was evidence of paints, thinners and containers disposed or abandoned on the property.

- A. 40 CFR 261.1(a), codified at 15A NCAC 13A .0006, states that this part identifies those solid wastes which are subject to regulation as hazardous wastes under Parts 262 through 265 and Parts 270, 271, and 124 of this Chapter and which are subject to the notification requirements of Section 3010 of RCRA.
- B. 40 CFR 261.2(b), codified at 15A NCAC 13A .0006, states that materials are solid waste if they are abandoned by being [1] disposed of; or [2] burned or incinerated; or [3] accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.

- C. 40 CFR 261.3(a), codified at 15A NCAC 13A .0006, states that a solid waste, as defined in Section 261.2 is a hazardous waste if:
1. It is not excluded from regulation as a hazardous waste under Section 261.4(b); and
 2. It meets any of the following criteria:
 - i. It exhibits the characteristics of hazardous waste identified in Subpart C.
 - ii. It is listed in Subpart D and has not been excluded from the lists in Subpart D under Sections 260.20, and 260.22 of this chapter.
 - iii. It is a mixture of solid waste and hazardous waste that is listed in Subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in Subpart C, unless the resultant mixture no longer exhibits any characteristic of hazardous waste identified in Subpart C.
 - iv. It is a mixture of solid waste and one or more hazardous wastes listed in Subpart D and has not been excluded from this paragraph under Sections 260.20 and 260.22 of this chapter.
- D. GS 130A-290(6), defines "Disposal" as the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.
- E. GS 130A-290(41), defines "Storage" as the containment of solid waste, either on a temporary basis or for a period of years, in a manner which does not constitute disposal.
- F. It is the determination of the Section that the abandonment of hazardous waste at the Hercules Steel Company located on Country Club Drive, Fayetteville, North Carolina, constitutes disposal of hazardous waste subject to all applicable requirements of 40 CFR 262 through 265 and 270. Specifically:

1. 40 CFR 262.11, codified at 15A NCAC 13A .0007, states that a person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste using the following method:
 - a. He should first determine if the waste is excluded from regulation under 40 CFR 261.4 and 261.5.
 - b. He must then determine if the waste is listed as a hazardous waste in Subpart D of 40 CFR Part 261.
 - c. If the waste is not listed as a hazardous waste in Subpart D of 40 CFR Part 261, he must determine whether the waste is identified in Subpart C of 40 CFR Part 261 by either:
 - i. Testing the waste according to the methods set forth in Subpart C of 40 CFR Part 261, or according to an equivalent method approved by the Administrator under 40 CFR 260.21; or
 - ii. Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

Hercules Steel Company is in violation of 40 CFR 262.11, codified at 15A NCAC 13A .0007, in that it generated a solid waste, as defined in 40 CFR 261.2, and did not determine if that waste is a hazardous waste.

2. 40 CFR 262.12, codified at 15A NCAC 13A .0007, states that:
 - a. a generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the State.
 - b. a generator must not offer his hazardous waste to transporters or to treatment, storage, or disposal facilities that have not received an EPA identification number.

Hercules Steel Company is in violation of 15A NCAC 13A .0009(a), in that hazardous waste has been stored and/or disposed/or treated without complying with the requirements set forth in this section.

3. 15A NCAC 13A .0009(a), states that any person who treats, stores, or disposes of hazardous waste shall comply with the requirements set forth in this section. The treatment, storage or disposal of hazardous waste is prohibited except as provided in this section.

Hercules Steel Company is in violation of 15A NCAC 13A .0009(a), in that hazardous waste has been stored and/or disposed without complying with the requirements set forth in this section.

COMPLIANCE SCHEDULE

By the dates specified below, Hercules Steel Company, Fayetteville, North Carolina shall comply with the following requirements:

1. Comply with 40 CFR 262.11, codified at 15A NCAC 13A .0007.

Upon verification of contamination, Hercules Steel Company must immediately provide for the remediation of the site including soil removal, storage and transportation of an off-site disposal facility and sampling to evaluate the adequacy of the cleanup. The Hercules Steel Company must develop and submit to this office a comprehensive sampling and analysis report which will characterize residual contamination (inorganic and organic) at the site. This report must specify constituents analyzed, sampling procedures, sampling location, and depths that will assess the horizontal and vertical extent of contamination.

The Hercules Steel Company must complete the initial soil removal with post-excavation sampling results by April 24, 1995. Failure by the Hercules Steel Company to initiate an effective site remediation by this date may subject the site to additional requirements including closure plans, financial assurance for closure and groundwater monitoring.

2. Comply with 40 CFR 262.12, codified at 15A NCAC 13A .0007. Prior to shipment of any hazardous waste, an EPA Identification Number must be obtained for this site. You may contact Mr. Jim Edwards with this office at (919) 733-2178 to make provisions for obtaining the I.D. number.

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3. Comply with 15A NCAC 13A .0009(a). By June 12, 1995, Hercules Steel Company shall no longer store or dispose hazardous waste, and all hazardous waste previously on site shall be shipped to a permitted hazardous waste treatment, storage or disposal facility.

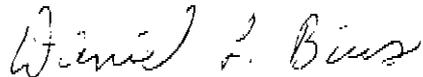
During the interim, pending shipment of the waste, 40 CFR 262.34(a), codified at 15A NCAC 13A .0007 states that:

- a. If the waste is placed in containers the generator must comply with Subpart I of 40 CFR Part 265 or if the waste is placed in tanks, the generator must comply with Subpart J of 40 CFR Part 265 except 265.193.
- b. The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.
- c. While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste"; and
- d. The generator complies with the requirements for owners or operators in Section 265.16.

If the requirements above are not met, pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701 - .0707, an administrative penalty of up to \$25,000.00 per day may be assessed for violation of the hazardous waste law or regulations.

If you should have questions concerning this matter, you may contact Larry Perry at (919) 733-2178.

Sincerely,



Dan Bius, Acting Chief
Hazardous Waste Section

DB/jsp/hercules

cc: Doug Holyfield
Larry Perry
Andy McCall,
Flint Worrell
Bobby Nelms
Central Files