

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



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HIST

March 1, 1996

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ms. Judy Johnson
Staclean Diffuser, Inc.
601 South Long Street
Post Office Box Drawer 1147
Salisbury, North Carolina 28145-1147

NOTICE OF VIOLATION
TICKET #96-102

NCR 000 000 1 75



Dear Ms. Johnson:

On December 18, 1980, the State of North Carolina, Hazardous Waste Section (Section) was authorized to operate the State Resource Conservation Recovery Act (RCRA) hazardous waste program under the Solid Waste Management Act (Act), North Carolina General Statute 130A, Article 9 and rules promulgated thereto at 15A NCAC 13A (Rules) in lieu of the federal RCRA program. Staclean Diffuser, Inc. of Salisbury, North Carolina, is classified as a small quantity generator of hazardous waste and is subject to the requirements of 40 CFR 262 codified at 15A NCAC 13A .0007.

On July 17, 1995 and July 18, 1995, Mr. Jesse Wells, Waste Management Specialist and Mr. Joseph Parker, Environmental Technician IV with this Office inspected your facility for compliance with the North Carolina Hazardous Waste Management Rules. During that inspection, the following violations were noted:

- A. 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.

Staclean Diffuser, Inc. is in violation of 40 CFR 262.11, codified at 15A NCAC 13 A .0007 in that the facility failed to determine if the waste mineral spirits generated from the degreasing of metals is a hazardous waste. A review of the MSD sheet indicated that the product used in the degreasing operation has a flash point of < 140 degrees fahrenheit.

- B. 40 CFR 262.12(a), codified at 15A NCAC 13A .0007, states that a generator must not treat, store, dispose of, transport, or offer for transportation, hazardous waste without having received an EPA identification number from the Administrator.

Staclean Diffuser, Inc. is in violation of 40 CFR 262.12(a), codified at 15A NCAC 13A .0007 in that the facility failed to obtain an EPA identification number.

- C. 40 CFR 262.34(d)(2), codified at 15A NCAC 13A .0007 states that a generator who generates greater than 100 kilograms but less than a 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on site for 180 days or less without a permit or without having interim status, provided that the generator complies with the requirements of Subpart I of 265, except 265.176.

40 CFR 265.174, codified at 15A NCAC 13A .0010, states that the owner or operator must inspect areas where containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors. 15A NCAC 13A .0010(i) states the owner or operator shall keep records and results of required inspections for at least three years from the date of the inspection.

Staclean Diffuser, Inc. is in violation of 40 CFR 262.34(d)(2), codified at 15A NCAC 13A .0007, referenced at 40 CFR 265.174, codified at 15A NCAC 13A .0010 and 15A NCAC 13A .0010(i), in that the facility failed to inspect areas where containers of hazardous wastes are stored at least weekly and failed to keep records of the required inspections for at least three years from the date of the inspection.

- D. 40 CFR 262.34(d)(4), codified at 15A NCAC 13A .0007 states that a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on site for 180 days or less without a permit or without interim status, provided that the generator complies with the requirements of paragraphs (a)(2) and (a)(3) of this section and the requirements of Subpart C of Part 265.

1. 40 CFR 262.34(a)(2), codified at 15A NCAC 13A .0007, states that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.

Staclean Diffuser, Inc. is in violation of 40 CFR 262.34(d)(4), codified at 15A NCAC 13A .0007, reference at 40 CFR 262.34(a)(2), codified at 15A NCAC 13A .0007, in that there was no accumulation start date marked on two 240 gallon totes and 35 (55 gallon) containers of D001 waste.

2. 40 CFR 262.34(a)(3), codified at 15A NCAC 13A .0007, states that while being accumulated on site each container must be labeled or marked clearly with the words "Hazardous Waste".

Staclean Diffuser, Inc. is in violation of 40 CFR 262.34(d)(4), codified at 15A NCAC 13A .0007, reference at 40 CFR 262.34(a)(2), codified at 15A NCAC 13A .0007, in that the facility failed to label or clearly mark the two 240 gallon totes and 35 (55 gallon) containers with the words "Hazardous Waste". there was no accumulation start date marked on two 240 gallon totes and 35 (55 gallon) drums of D001 waste.

3. 40 CFR 265.31, codified at 15A NCAC 13A .0010, states that facilities must be maintained and operated in a manner to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.

Staclean Diffuser, Inc. is in violation of 40 CFR 262.34(d)(4), codified at 15A NCAC 13A .0007, reference at 40 CFR 265.31, codified at 15A NCAC 13A .0010 in that the facility was not maintained in a manner to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment. Specifically, the area where the majority of the D001 hazardous waste was determined to be stored was outside the facility in an unsecured location accessible to the public during non-operating hours.

- E. 40 CFR 262.34(d)(5)(i), codified at 15A NCAC 13A .0007, states that at all times there must be at least one employee either on the premises or on call (i.e., available to respond to an emergency by reaching the facility within a short period of time) with the responsibility of coordinating all emergency response measures specified in paragraph (d)(4)(iv) of this section. This employee is the emergency coordinator.

Staclean Diffuser, Inc. is in violation of 40 CFR 262.34(d)(5)(i), codified at 15A NCAC 13A .0007 in that it failed to designate an employee as the emergency coordinator. An emergency coordinator was designated at the time of the inspection. The emergency coordinator was identified as Mr. Charlie Patterson.

F. 40 CFR 262.34(d)(5)(ii), codified at 15A NCAC 13A .0007, states that the generator must post the following information next to the telephone:

- (A) The name(s) and telephone number of the emergency coordinator;
- (B) Location of fire extinguishers and spill control material and, if present, fire alarm and;
- (C) The telephone number of the fire department unless the facility has a direct alarm.

Staclean Diffuser, Inc. is in violation of 40 CFR 262.34(d)(5)(ii), codified at 15A NCAC 13A .0007 in that the facility failed to post next to the telephone the name(s) and telephone number of the emergency coordinator; the location of fire extinguishers and spill control material and fire alarm; and the telephone number of the fire department.

G. 40 CFR 262.34(d)(5)(iii), codified at 15A NCAC 13A .0007, states that the generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

Staclean Diffuser, Inc., is in violation of 40 CFR 262.34(d)(5)(iii), codified at 15A NCAC 13A .0007, in that the facility failed to provide adequate training in the familiarization of proper waste handling and emergency procedures pertaining to hazardous waste.

H. 40 CFR 262.34(f), codified at 15A NCAC 13A .0007, states that a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and who accumulates hazardous waste in quantities exceeding 6000 kg or accumulates hazardous waste for more than 180 days (or more than 270 days if he must transport his waste or offer his waste for transportation, over a distance of 200 miles or more) is an operator of a storage facility and is subject to the requirements of 40 CFR Parts 264 and 265 and the permit requirements of 40 CFR Part 270 unless he has been granted an extension to the 180 day (or 270 day if applicable) period.

Staclean Diffuser, Inc. is in violation of 40 CFR 262.34(f), codified at 15A NCAC 13A .0007 in that the facility allowed hazardous waste to accumulate beyond the 180 day (or 270 day if applicable) time period and did not comply with 40 CFR Parts 264 and 265 and the permit requirements of 40 CFR 270.

COMPLIANCE SCHEDULE

By April 1, 1996, you must comply with the following requirements:

- A. Comply with 40 CFR 262.11, codified at 15A NCAC 13A .0007 by making a waste determination of the spent mineral spirits. The MSD sheet indicates the mineral spirit has a flash point of less than 140 degrees fahrenheit.
- B. Comply with 40 CFR 262.12(a), codified at 15A NCAC 13A .0007 by filing an application for an EPA identification number.
- C. Comply with 40 CFR 262.34(d)(2), codified at 15A NCAC 13A .0007, by complying with the requirements of Subpart I of 265. Specifically:

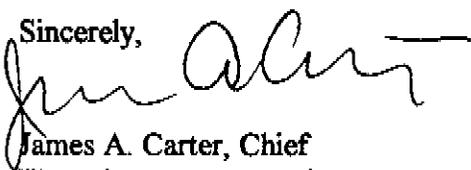
Comply with 40 CFR 265.174, codified at 15A NCAC 13A .0010 and 15A NCAC 13A .0010(i) by ensuring that areas where hazardous wastes are stored are inspected weekly and a log of those inspections is maintained for at least three years from the date of the inspection.
- D. Comply with 40 CFR 262.34(d)(4), codified at 15A NCAC 13A .0007 by complying with the requirements of paragraphs (a)(2) and (a)(3) of this section and the requirements of Subpart C of Part 265. Specifically:
 - 1. Comply with 40 CFR 262.34(a)(2), codified at 15A NCAC 13A .0007 by ensuring that the date upon which each period of accumulation begins is clearly marked and visible for inspection on each container;
 - 2. Comply with 40 CFR 262.34(a)(3), codified at 15A NCAC 13A .0007, by ensuring that while being accumulated on site each container holding hazardous waste is labeled or marked with the words "Hazardous Waste";
 - 3. Comply with 40 CFR 265.31, codified at 15A NCAC 13A .0010 by ensuring that the facility is maintained in a manner to minimize the possibility of a fire, explosion or any sudden or non-sudden release of hazardous waste or hazardous waste constituents to the environment. Specifically, a hazardous waste storage area must be designated which is protective of human health and the environment.
- E. Comply with 40 CFR 262.34(d)(5)(i), codified at 15A NCAC 13A .0007, by ensuring that an employee(s) is designated as the emergency coordinator of the facility.
- F. Comply with 40 CFR 262.34(d)(5)(ii), codified at 15A NCAC 13A .0007, by ensuring that the following information is posted next to a telephone:

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1. The name(s) and telephone number of the emergency coordinator;
 2. Location of fire extinguishers and spill control material and, if present, fire alarm; and
 3. The telephone number of the fire department unless the facility has a direct alarm.
- G. Comply with 40 CFR 262.34(d)(5)(iii), codified at 15A NCAC 13A .0007, by ensuring that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.
- H. Comply with 40 CFR 262.34(f), codified at 15A NCAC 13A .0007, by ensuring that all hazardous waste in storage at the facility does not exceed the 180 day accumulation time period.

If the requirements above are not met, pursuant to N.C.G.S. 130-A22(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.

Sincerely,



James A. Carter, Chief
Hazardous Waste Section

cc: Keith Masters
Jesse Wells
Central Files

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

STACLEAN DIFFUSER COMPANY
PO DRAWER 1147
SALISBURY NC 28145-1147
NCR000001750

②

RE: EPA ID NO. _____
Dear Sir:

Listed above is your EPA ID number which has been assigned by the EPA. As a Small Generator, you should be familiar with NC Hazardous Waste Management Regulations 15A NCAC 13A .0002 Definitions; contained in 40 CFR 260.10 (Subpart B), 15A NCAC 13A .0006 Identification and Listings of Hazardous Waste; contained in 40 CFR 261.1 (Subpart A-D) and 15A NCAC 13A .0007 Standards for Hazardous Waste Generations; contained in 40 CFR 262.10 - 262.40 (Subpart A-D).

Effective January 1, 1986, all handlers of hazardous waste were required by G.S. 130A-294.1 to pay an annual fee. The above rules were adopted November 13, 1985 as authorized by G.S. 130A-294(a)(7) which was ratified July 3, 1985. Revised by House Bill 2623, ratified on the 29th day of June, 1988 by the General Assembly of the State of North Carolina. You will be billed for the Annual Fee at the beginning of the State Fiscal year in July.

You can contact the Hazardous Waste Management Section at (919) 733-2178 for information.

NCSU provides a training program for generators which you may want to attend. Call Mac McKenzie or Kathryn Murray at 919-515-2261 or write to the Office of Continuing Education and Professional Development, P.O. Box 7401, McKimmon Center, N.C. State University, Raleigh, NC 27695-7491.

You will be inspected at a future date to insure compliance with the above rules. To obtain a complete copy of rules contact the Hazardous Waste Management Section, Division of Solid Waste Management, PO Box 27687, Raleigh, NC 27611-7687. There is a \$16.00 printing charge for a complete copy of the rules.

Sincerely,

R.J. Edwards, Administrative Officer
Division of Solid Waste Management

cc:

Please refer to the instructions for Filing Notification before completing this form. The information requested here is required by law (Section 3010 of the Resource Conservation and Recovery Act).



Notification of Regulated Waste Activity

United States Environmental Protection Agency

Date Received
(For Official Use Only)

RECEIVED
JUL 26 1985

I. Installation's EPA ID Number (Mark 'X' in the appropriate box)

A. First Notification B. Subsequent Notification (Complete Item C)

C. Installation's EPA ID Number

NC R 0000001750

II. Name of Installation (Include company and specific site name)

Staclean Diffuser Company

III. Location of Installation (Physical address not P.O. Box or Route Number)

Street

601 South Long Street

Street (Continued)

City or Town

East Spencer

State

NC

Zip Code

28039-

County Code

County Name

Rowan

IV. Installation Mailing Address (See Instructions)

Street or P.O. Box

P.O. Drawer 1147

City or Town

Salisbury

State

NC

Zip Code

28145-1147

V. Installation Contact (Person to be contacted regarding waste activities at site)

Name (Last)

Johanson

(First)

Judy

Job Title

partner

Phone Number (Area Code and Number)

704-636-8697

VI. Installation Contact Address (See Instructions)

A. Contact Address

Location Mailing Other

B. Street or P.O. Box

P.O. Drawer 1147

City or Town

Salisbury

State

NC

Zip Code

28145-1147

VII. Ownership (See Instructions)

A. Name of Installation's Legal Owner

Staclean Diffuser Company

Street, P.O. Box, or Route Number

P.O. Drawer 1147

City or Town

Salisbury

State

NC

Zip Code

28145-1147

Phone Number (Area Code and Number)

704-636-8697

B. Land Type

P

C. Owner Type

P

D. Change of Owner Indicator

Yes

No

(Date Changed)

Month Day Year

ID - For Official Use Only											

VIII. Type of Regulated Waste Activity (Mark 'X' in the appropriate boxes; Refer to Instructions)

A. Hazardous Waste Activity		B. Used Oil Recycling Activities
<p>1. Generator (See Instructions)</p> <p><input type="checkbox"/> a. Greater than 1000kg/mo (2,200 lbs.)</p> <p><input checked="" type="checkbox"/> b. 100 to 1000 kg/mo (200-2,200 lbs.)</p> <p><input type="checkbox"/> c. Less than 100 kg/mo (220 lbs.)</p> <p>2. Transporter (Indicate Mode in boxes 1-5 below)</p> <p><input type="checkbox"/> a. For own waste only</p> <p><input type="checkbox"/> b. For commercial purposes</p> <p>Mode of Transportation</p> <p><input type="checkbox"/> 1. Air</p> <p><input type="checkbox"/> 2. Rail</p> <p><input type="checkbox"/> 3. Highway</p> <p><input type="checkbox"/> 4. Water</p> <p><input type="checkbox"/> 5. Other - specify</p>	<p><input type="checkbox"/> 3. Treater, Storer, Disposer (at installation) Note: A permit is required for this activity; see instructions.</p> <p>4. Hazardous Waste Fuel</p> <p><input type="checkbox"/> a. Generator Marketing to Burner</p> <p><input type="checkbox"/> b. Other Marketers</p> <p><input type="checkbox"/> c. Boiler and/or Industrial Furnace</p> <p><input type="checkbox"/> 1. Smelter/Referral</p> <p><input type="checkbox"/> 2. Small Quantity Exemption</p> <p>Indicate Type of Combustion Device(s)</p> <p><input type="checkbox"/> 1. Utility Boiler</p> <p><input type="checkbox"/> 2. Industrial Boiler</p> <p><input type="checkbox"/> 3. Industrial Furnace</p> <p><input type="checkbox"/> 5. Underground Injection Control</p>	<p>1. Used Oil Fuel Marketer</p> <p><input type="checkbox"/> a. Marketer Directs Shipment of Used Oil to Off-Specification Burner</p> <p><input type="checkbox"/> b. Marketer Who First Claims the Used Oil Meets the Specifications</p> <p>2. Used Oil Burner - Indicate Type(s) of Combustion Device(s)</p> <p><input type="checkbox"/> a. Utility Boiler</p> <p><input type="checkbox"/> b. Industrial Boiler</p> <p><input type="checkbox"/> c. Industrial Furnace</p> <p>3. Used Oil Transporter - Indicate Type(s) of Activity(ies)</p> <p><input type="checkbox"/> a. Transporter</p> <p><input type="checkbox"/> b. Transfer Facility</p> <p>4. Used Oil Processor/Re-refiner - Indicate Type(s) of Activity(ies)</p> <p><input type="checkbox"/> a. Process</p> <p><input type="checkbox"/> b. Re-refine</p>

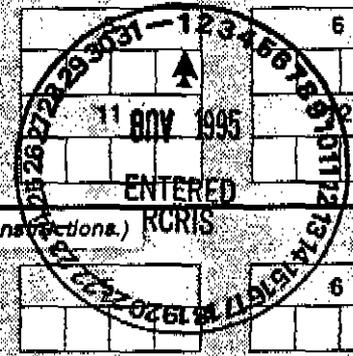
IX. Description of Hazardous Wastes (Use additional sheets if necessary)

A. Characteristics of Nonlisted Hazardous Wastes. (Mark 'X' in the boxes corresponding to the characteristics of nonlisted hazardous wastes your installation handles; See 40 CFR Parts 261.20 - 261.24)

1. Ignitable (D001)	2. Corrosive (D002)	3. Reactive (D003)	4. Toxicity Characteristic (List specific EPA hazardous waste number(s) for the Toxicity characteristic contaminant(s))
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

B. Listed Hazardous Wastes. (See 40 CFR 261.31 - 33; See instructions if you need to list more than 12 waste codes.)

1	2	3	4	5	6
7	8	9	10		



C. Other Wastes. (State or other wastes requiring a handler to have an I.D. number; See instructions.)

1	2	3	4	5	6

X. Certification

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

Signature <i>Judith H. Johnson</i>	Name and Official Title (Type or print) Judith H. Johnson, partner	Date Signed 7-24-95
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XI. Comments

Note: Mail completed form to the appropriate EPA Regional or State Office. (See Section III of the booklet for addresses.)