





2/6/02  
46  
2

FACILITY INFORMATION: EPA ID Number: <u>NC 000005066</u>	Submittal Information	Initial Date -	Corrected Date -
	RCRA Comp. Section:	___/___/___	___/___/___
	Received:	___/___/___	___/___/___
	Entered/Returned:	___/___/___	___/___/___

Facility Name: Vopak USA, Inc City: Charlotte

EVALUATION DATA: New:  Change: \_\_\_ Delete: \_\_\_ ( \_\_\_ : Required)

Agency:  Date: 01/08/02 Mo. Day Year Type: CEI Control Number Data Entry Personnel: [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ] [ ]

Person: 039 Reason: [ ] [ ]

Evaluation Comments: (74) 1: Ticket NOV issued from MWD i Audit # 2002-064  
2: \_\_\_\_\_

SNC DETERMINATION: If this evaluation resulted in a SNC determination, fill in this block. (NOTE: SNC determinations are SNY/SNN evaluations. The SNY/SNN evaluation can also be submitted later on a separate form.)

Facility is (Check one) Date of determination:  
- a SNC (SNY evaluation)  \_\_\_\_\_  
OR - no longer a SNC (SNN eval.)  Same as above eval.:  - or - \_\_\_/\_\_\_/\_\_\_

VIOLATION DATA: New:  Change: \_\_\_ Delete: \_\_\_

# 1 Agency:  Type: GIPIT Date (mdy) Determined: 01/08/02 Class: [ ]  
Priority: [ ] Branch: 011 Person: 039 Seq. Number (Data Entry): [ ] [ ] [ ] [ ]  
Return to Compliance: 02/18/02 --- Scheduled --- --- Actual ---  
Reg. Type: SIR Reg. Description (30): 40 CFR 262.34(A)(4) -> 265.37(A) - Arrivals  
Comment (72): local authorities

# 2 Agency:  Type: GIPIT Date (mdy) Determined: 01/08/02 Class: [ ]  
Priority: [ ] Branch: 011 Person: 039 Seq. Number (Data Entry): [ ] [ ] [ ] [ ]  
Return to Compliance: 02/18/02 --- Scheduled --- --- Actual ---  
Reg. Type: SIR Reg. Description (30): 40 CFR 262.34(A)(4) -> 265.52(d) - home  
Comment (72): address for env. coordinator

# 3 Agency:  Type: GIPIT Date (mdy) Determined: 01/08/02 Class: [ ]  
Priority: [ ] Branch: 011 Person: 039 Seq. Number (Data Entry): [ ] [ ] [ ] [ ]  
Return to Compliance: 02/18/02 --- Scheduled --- --- Actual ---  
Reg. Type: SIR Reg. Description (30): 40 CFR 262.34(A)(4) -> 265.52(d) - location  
Comment (72): emergency equipment in cond. plan

Fill out facility information on Side A, then come back to this side.

ENFORCEMENT DATA: New:  Change:  Delete:  (==: Required)

Agency:  Type:  Date: / /  Month Day Year Seq.# (Data Entry)

Person:  Branch:  Poll. Prev. Measures:

Penalty Data Proposed: \$ / /  1) Payments: \$ / /  Date Paid: / /

Settled/Final: \$ / /  2) \$ / /

Enforcement Comments: 1: \_\_\_\_\_ (74)

2: \_\_\_\_\_

Cite violations addressed by this action below -

VIOLATION DATA: New:  Change:  Delete:

#4 Agency:  Type:  Date (mdy) Determined: / /  Class:  Seq. Number (Data Entry)

Priority:  Branch:  Person:  Return to Compliance: / /  -- Scheduled -- Actual / /

Reg. Type:  Reg. Description (30): 40 CFR 262.34(A)(4) -> 265.53(h) - revised

Comment (72): cont. plan to local authorities

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#5 Agency:  Type:  Date (mdy) Determined: / /  Class:  Seq. Number (Data Entry)

Priority:  Branch:  Person:  Return to Compliance: / /  -- Scheduled -- Actual / /

Reg. Type:  Reg. Description (30): 40 CFR 262.34(A)(4) -> 265.54(c) - update

Comment (72): cont. plan upon changes to facility

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# Agency:  Type:  Date (mdy) Determined: / /  Class:  Seq. Number (Data Entry)

Priority:  Branch:  Person:  Return to Compliance: / /  -- Scheduled -- Actual / /

Reg. Type:  Reg. Description (30): \_\_\_\_\_

Comment (72): \_\_\_\_\_

---

# Agency:  Type:  Date (mdy) Determined: / /  Class:  Seq. Number (Data Entry)

Priority:  Branch:  Person:  Return to Compliance: / /  -- Scheduled -- Actual / /

Reg. Type:  Reg. Description (30): \_\_\_\_\_

Comment (72): \_\_\_\_\_

More violations for this enforcement action on other side ? Yes  No

Fill out facility information on Side A, then come back to this side.

ENFORCEMENT DATA: New:  Change:  Delete:  (---: Required)

Agency:  Type:  Date: / /  Seq.# (Data Entry)

Person:  Branch:  Poll. Prev. Measures:

Penalty Data  
 Proposed: \$ / /  1) Payments: \$ / /  Date Paid: / /   
 Settled/Final: \$ / /  2) \$ / /

Enforcement Comments: 1: \_\_\_\_\_  
 (74)  
 2: \_\_\_\_\_

Cite violations addressed by this action below -

VIOLATION DATA: New:  Change:  Delete:

#4 Agency:  Type:  Date (mdy) / /  Class:   
 Determined: / /  Seq. (Data Entry) Number

Priority:  Branch:  Person:  Return to Compliance: / /  --- Scheduled --- --- Actual ---

Reg. Type:  Reg. Description (30): 40 CFR 262.34(A)(4) -> 265.53(h) - revised

Comment (72): *cont. plan to local authorities*

---

#5 Agency:  Type:  Date (mdy) / /  Class:   
 Determined: / /  Seq. (Data Entry) Number

Priority:  Branch:  Person:  Return to Compliance: / /  --- Scheduled --- --- Actual ---

Reg. Type:  Reg. Description (30): 40 CFR 262.34(A)(4) -> 265.54(c) - update

Comment (72): *cont. plan upon changes to facility*

---

# Agency:  Type:  Date (mdy) / /  Class:   
 Determined: / /  Seq. (Data Entry) Number

Priority:  Branch:  Person:  Return to Compliance: / /  --- Scheduled --- --- Actual ---

Reg. Type:  Reg. Description (30): \_\_\_\_\_

Comment (72): \_\_\_\_\_

---

# Agency:  Type:  Date (mdy) / /  Class:   
 Determined: / /  Seq. (Data Entry) Number

Priority:  Branch:  Person:  Return to Compliance: / /  --- Scheduled --- --- Actual ---

Reg. Type:  Reg. Description (30): \_\_\_\_\_

Comment (72): \_\_\_\_\_

More violations for this enforcement action on other side? Yes  No

Brad 2002-064 RB

12/6/02

Region 4 Compliance Data Entry Form - Side

(Rev. 8/97)

16  
2

FACILITY INFORMATION:

EPA ID Number:

NC 0000005066

Submittal Information

Initial By- Date -

Corrected By- Date -

RCRA Comp. Section:

Received: Entered/ Returned:

Facility Name: Vopak USA, Inc

City: Charlotte

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

Agency: S

Date: 01/08/02

Type: CEI

Control Number Data Entry Personnel

Person: 0319

Reason:

Evaluation Comments:

(74) 1: Ticket NOV issued from MWD 1 Docket # 2002-064

2:

SNC DETERMINATION: If this evaluation resulted in a SNC determination, fill in this block. (NOTE: SNC determinations are SNY/SNN evaluations. The SNY/SNN evaluation can also be submitted later on a separate form.)

Facility is (Check one) a SNC (SNY evaluation)

Date of determination:

or - no longer a SNC (SNN eval.)

Same as above eval.: - or -

VIOLATION DATA: New: X Change: Delete:

# 1 Agency: S Type: GIPIT Date (mdy) Determined: 01/08/02 Class:

Priority:

Branch: 011

Person: 0319

Seq. (Data Entry) Number

Return to Compliance: -- Scheduled --

--- Actual ---

Reg. Type: SIR

Reg. Description (30): 40 CFR 262.34(A)(4) -> 265.37(A) - Arrangements

Comment (72): w/ local authorities

# 2 Agency: S Type: GIPIT Date (mdy) Determined: 01/08/02 Class:

Priority:

Branch: 011

Person: 0319

Seq. (Data Entry) Number

Return to Compliance: -- Scheduled --

--- Actual ---

Reg. Type: SIR

Reg. Description (30): 40 CFR 262.34(A)(4) -> 265.52(d) - house

Comment (72): address for em. coordinator

# 3 Agency: S Type: GIPIT Date (mdy) Determined: 01/08/02 Class:

Priority:

Branch: 011

Person: 0319

Seq. (Data Entry) Number

Return to Compliance: -- Scheduled --

--- Actual ---

Reg. Type: SIR

Reg. Description (30): 40 CFR 262.34(A)(4) -> 265.52(e) - last time

Comment (72): emergency equipment in cond. plan



DIVISION OF WASTE MANAGEMENT

Michael F. Easley, Governor  
William G. Ross Jr., Secretary  
Dexter R. Matthews, Director

HAZARDOUS WASTE SECTION  
NOTICE OF VIOLATION

OPF

To:	Mr. Zane Hill	Docket:	#2002-064
Address:	Vopak USA, Incorporated 2001 Continental Boulevard Charlotte, North Carolina 28273	Inspection Date:	January 8, 2002
EPA ID#:	NCD 000 005 066	Facility Type:	Generator, Transporter

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.

On January 8, 2002, Mr. Brad Murphy, representing the N.C. Hazardous Waste Section, inspected your facility for compliance with North Carolina Hazardous Waste Management Rules. During that inspection the following violations were noted:

- | <u>Citation</u> | <u>Specifics</u>   |
|-----------------|--|
| 1.              | 40 CFR 262.34(a)(4) ref. 40 CFR 265.37(a) states that the owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations: Arrangements to familiarize police, fire department, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes; Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority; Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the type of injuries or illnesses which could result from fires, explosions, or releases at the facility. Vopak is required to make the aforementioned arrangements with local authorities following their relocation to 2001 Continental Boulevard. |
| 2.              | 40 CFR 262.34(a)(4) ref. 40 CFR 265.52(d) states that the (contingency) plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see Section 265.55), and this list must be kept up to date. Where more than one person is listed, one must be named primary emergency coordinator and other must be listed in the order in which they will assume responsibility as alternates. Vopak is required to include in the contingency plan the home addresses of all persons listed as emergency coordinator.   |
| 3.              | 40 CFR 262.34(a)(4) ref. 40 CFR 265.52(e) states that the (contingency) plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item in the list, and a brief outline of its capabilities. Vopak is required to include in the contingency plan the locations of emergency equipment at the facility following their relocation to 2001 Continental Boulevard.   |
| 4.              | 40 CFR 262.34(a)(4) ref. 40 CFR 265.53(b) states that a copy of the contingency plan and all revisions to the plan must be submitted to all local police departments, fire departments, hospitals, and State and   |

919 North Main Street, Mooresville, North Carolina 28115  
Phone: 704-663-1699 \ FAX: 704-663-6040 \ Internet: <http://ust.enr.state.nc.us/>



local emergency response teams that may be called upon to provide emergency services. Vopak is required to submit an updated copy of the contingency plan, upon its completion, to all local authorities.

5. 40 CFR 262.34(a)(4) ref. 40 CFR 265.54© states that the contingency plan must be reviewed, and immediately amended, if necessary, whenever the facility changes-in its design, construction, operation, maintenance, or other circumstances-in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency. Vopak is required to immediately amend its contingency plan to reflect changes in the facility location, layout, responses by local authorities, and any other changes between the old facility at 4901 Brookshire Boulevard and the current facility at 2001 Continental Boulevard.

You are hereby required to comply with the noted violation(s) by February 18, 2002. If compliance with the violation(s) noted 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 laws or regulations.

In further satisfaction of Docket #2002-064, Vopak USA shall provide a written certification with supporting documentation on company letterhead confirming the noted compliance schedule has been completed. Mail this certification to NCDENR, DWM-HWS, 919 N. Main Street, Mooresville, N.C. 28115 by the noted compliance date.

dulez  
(Date)

Bradley D. Murphy  
N.C. Hazardous Waste Section

I, Bradley D. Murphy, hereby certify that I have personally served a copy of this Notice on: Mr. Zane Hill at Vopak USA, Incorporated located at 2001 Continental Boulevard, North Carolina 28273 by certified mail.

SENT CERTIFIED MAIL  
(Recipient Signature)

copies to: Jesse Wells  
central files



## RCRA INSPECTION REPORT

COPY

1. **Facility Information:** Vopak USA, Incorporated  
2001 Continental Boulevard  
Charlotte, N.C. 28273  
NCD 000 005 066, Large Quantity Generator, Transporter
2. **Facility Contact:** Mr. Zane Hill, Branch Operations Manager  
704.587.4575
3. **Survey Participants:** Mr. Zane Hill  
Mr. Brad Murphy, Waste Management Specialist, HWS
4. **Date of Inspection:** January 8, 2002  
**Date of Report:** January 16, 2002
5. **Purpose of Inspection:** To determine compliance with 40 CFR 261, 262, 265 and 268.
6. **Facility Description:**

Vopak USA, Incorporated (formerly Van Waters & Rogers) operates as a chemical distributor, who generates corrosive and off-specification materials from repackaging operations. Because Vopak moved into a building formerly operated by a chemical company, they have taken efforts to clean the entire facility of old or unused chemicals, which has necessitated their re-notification as a large quantity generator. Mr. Hill indicated that these "housecleaning" activities would cease in the next few months, and at that time Vopak would drop back to a small quantity generator.

Vopak also operates as a transporter of hazardous and non-hazardous waste, as well as other chemical products for their clients. Vopak has recently relocated from their building at 4901 Brookshire Boulevard. Upon visual observation of the former facility, all equipment and containers related to hazardous waste management and transportation have been removed. The building now stands vacant.

7. **Type Waste:**

Vopak generates corrosive and off-specification waste from their repackaging operations.

8. **Areas of Inspection:**

Manifests:

The facility's hazardous waste manifests were reviewed since the last inspection on April 6, 2000. These manifests include those for the 10-day transfer facility under regulation by 40 CFR 261.263 



Of the hazardous waste manifests reviewed, all were found in good order, had approved transporters and TSDs, had signed copies and attached Land Disposal Restriction certifications.

Transporters: Dart Trucking - OHD 009 865 825  
Clean Harbors Environmental - MAD 239 322 250  
Wills Trucking - OHD 068 913 404  
Maumee Express - NJD 986 607 380  
Tri-State Motor Transit - MOD 095 038 998  
Sumter Transport - SCD 987 584 778  
Freehold Cartage - NJD 054 126 164  
SJ Transportation - NJD 071 629 976

TSDs: Clean Harbors - IND 000 608 471  
Clean Harbors - MAD 980 555 189  
Spring Grove Resource Recovery - OHD 000 816 629  
E.I. DuPont - NJD 002 385 730  
Pollution Control-Millington - TND 000 772 186  
Pollution Control Industries - IND 000 646 943  
Systech Environmental Corp. - OHD 005 048 947  
Von Roll America - OHD 980 613 541  
Giant Recovery Resources - VAD 077 942 266  
GRR-Harleyville - SCD 003 351 699  
Heritage Environmental Services - IND 093 219 012  
Heritage Environmental Services - NCD 121 700 777

#### Waste Minimization:

The facility maintains a waste minimization plan on-site, which includes waste reduction, employee training, stock rotation to reduce off-spec waste, out-of-date and damaged product recycling and continuing innovative technologies.

#### Weekly Inspections:

The facility conducts and documents weekly inspections on all areas where hazardous waste is stored.

#### Contingency Plan:

Vopak maintains a contingency plan on-site. It was noted that the contingency plan was from the old facility at 4901 Brookshire Boulevard. However, the contents of the plan remain essentially the same, including emergency contacts, emergency equipment and local authority contact information. The plan did include a list of primary and backup emergency coordinators and their



home telephone numbers. It did not include, however, the home address of one of the backup emergency coordinators.

The plan describes the signals used during an evacuation and a complete list of emergency equipment and spill control equipment available at the facility. The plan does not include an updated facility map depicting the locations of all emergency equipment, as well as primary and secondary evacuation routes. Vopak does have evacuation routes, but are not included in the contingency plan. It is recommended that Vopak include these evacuation route maps in their contingency plan.

Vopak has made emergency arrangements with local authorities, however these arrangements were for their previous facility at 4901 Brookshire Boulevard. Vopak is required to update these arrangements with local authorities which are appropriate for their new location at 2001 Continental Boulevard. In addition, Vopak is required to immediately update their contingency plan and submit it to local authorities whose services would be requested during an emergency.

#### Training:

Vopak has a hazardous waste training program. The last training session was conducted on July 19, 2001. Vopak provides hazardous waste management training for most employees at the facility, but only four (4) individuals have job duties that include hazardous waste management. The remaining employees received the training for awareness purposes only. Vopak maintained and presented training records for all employees during the inspection. For the purpose of compliance with 40 CFR 265.16, it is recommended that the facility separate the training records for those individuals whose duties include hazardous waste management from those that receive the training for awareness only. Vopak maintains job titles and job descriptions for employees that both receive the training and manage/handle hazardous waste.

#### Biennial Report:

Vopak has notified as a large quantity generator in October, 2001 and is in the process of completing a hazardous waste report for waste generated in 2001. Vopak plans to renotify as a small quantity generator early in 2002.

#### Emergency Preparedness:

The facility operates one (1) hazardous waste accumulation area and one (1) hazardous waste storage area.

The facility uses an audible alarm and public address system for the announcement of evacuation procedures in the event of an emergency, as well as pull down stations for fire emergencies. A description of the types of announcements and alarms is given in the contingency plan. Fire fighting equipment is located throughout the facility and tested internally. Automatic sprinklers service the building and are supplied by municipal water. Spill kits are also located throughout the facility and checked for content monthly. Communications devices are available to



all personnel who may be handling and/or managing hazardous waste when not in the presence of another employee.

Accumulation Areas:

One (1) accumulation area was inspected at the facility. The location and description of this accumulation area follows:

1. Line Flush - Waste in this area is generated by cleaning of lines used to transfer material from tanker trucks. After each bulk truck is unloaded, 4-5 gallons of liquid are pumped through the transfer lines to ensure they are clean for the next unloading. This flush liquid is collected in 55-gallon containers and stored on-site. Mr. Hill stated that when each container is full, a sample is procured and sent for analysis. Oftentimes the material collected in the drum is of good enough quality to re-sell as product, and thus is not managed as a hazardous waste. If impurities are found in the sample analysis, the material is immediately labeled and managed as a hazardous waste. Mr. Hill indicated that very seldom is the material in the containers handled as a hazardous waste.

Hazardous Waste Storage Areas:

There is one (1) hazardous waste storage area at the facility. The location and description of this area follows:

1. Hazardous Waste Storage Shed - This is an enclosed concrete area with a covering, equipped with a 10-inch high dike. One (1) 5-gallon container was present in this area. The container was properly labeled, closed and dated for less than 90 days. Communication devices are available.

Transfer Facility 10-Day Storage Area:

No hazardous waste was in the 10-day storage area at the time of the inspection.

**9. Site Deficiencies:**

A. 40 CFR 262.34(a)(4), adopted by reference at 15A NCAC 13A .0107 states that except as provided in paragraphs (d), (e), and (f) of this section, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided the generator complies with the requirements for owners or operators in Subparts C and D in 40 CFR Part 265, with Section 265.16, and with 40 CFR 268.7(a)(4).

1. 40 CFR 265.37(a), adopted by reference at 15A NCAC 13A .0110, states that the owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:



- (1) Arrangements to familiarize police, fire department, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;
- (2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;
- (3) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and
- (4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the type of injuries or illnesses which could result from fires, explosions, or releases at the facility.

Vopak is in violation of 40 CFR 262.34(a)(4), adopted by reference at 15A NCAC 13A .0107, referencing 40 CFR 265.37(a), adopted by reference at 15A NCAC 13A .0110. It was documented during the inspection that these arrangements had been made when Vopak was located at 4901 Brookshire Boulevard. Vopak has not made similar arrangements with the local authorities listed above after relocating 2001 Continental Boulevard.

2. 40 CFR 265.52(d), adopted by reference at 15A NCAC 13A .0110, states that the (contingency) plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see Section 265.55), and this list must be kept up to date. Where more than one person is listed, one must be named primary emergency coordinator and other must be listed in the order in which they will assume responsibility as alternates.

Vopak is in violation of 40 CFR 262.34(a)(4), adopted by reference at 15A NCAC 13A .0107, referencing 40 CFR 265.52(d), adopted by reference at 15A NCAC 13A .0110. During the inspection it was documented that the home address for one of the backup emergency coordinators was not included in the contingency plan.

3. 40 CFR 265.52(e), adopted by reference at 15A NCAC 13A .0110, states that the (contingency) plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item in the list, and a brief outline of its capabilities.



Vopak is in violation of 40 CFR 262.34(a)(4), adopted by reference at 15A NCAC 13A .0107, referencing 40 CFR 265.52(e), adopted by reference at 15A NCAC 13A .0110. It was noted during the inspection that the contingency plan did not include the location of emergency equipment in the facility. After Vopak's move to 2001 Continental Boulevard the facility map depicting the physical locations of all emergency equipment had not been updated to reflect the change in location from 4901 Brookshire Boulevard to 2001 Continental Boulevard.

4. 40 CFR 265.53(b), adopted by reference at 15A NCAC 13A .0110, states that a copy of the contingency plan and all revisions to the plan must be submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.

Vopak is in violation of 40 CFR 262.34(a)(4), adopted by reference at 15A NCAC 13A .0107, referencing 40 CFR 265.53(b), adopted by reference at 15A NCAC 13A .0110. During the inspection it was documented that the facility has not sent a revised contingency plan to all local authorities described above after relocating to the facility at 2001 Continental Boulevard.

5. 40 CFR 265.54(c), adopted by reference at 15A NCAC 13A .0110, states that the contingency plan must be reviewed, and immediately amended, if necessary, whenever the facility changes-in its design, construction, operation, maintenance, or other circumstances-in a way that materially increases the potential for fires, explosions, or releases of hazardous waste or hazardous waste constituents, or changes the response necessary in an emergency.

Vopak is in violation of 40 CFR 262.34(a)(4), adopted by reference at 15A NCAC 13A .0107, referencing 40 CFR 265.54(c), adopted by reference at 15A NCAC 13A .0110. It was documented during the inspection that the facility, upon relocating from 4901 Brookshire Boulevard to 2001 Continental Boulevard, did not amend their contingency plan to reflect changes in the facility, such as its location, layout and necessary responses by local authorities during an emergency.

#### **10. Recommendations:**

- A. It is recommended that the facility consolidate all maps depicting the primary and secondary evacuation routes and include them as an attachment to the contingency plan. At the present these maps are located throughout the facility.
- B. It is recommended that the facility ensure inspections are conducted and documented on a weekly basis.



- C. It is recommended that Vopak separate those employees receiving hazardous waste management training because their job requires them to manage/handle hazardous waste from those employees that receive the training for awareness only. For the purposes of compliance with 40 CFR 265.16, Vopak is required to keep job titles and job descriptions for those employees that receive the annual hazardous waste management training. If it is not clear which employees received the annual training for awareness versus those employees who actually manage/handle hazardous waste, Vopak would be required to keep RCRA job titles and job descriptions for each and every employee that received the training, regardless of whether their job includes hazardous waste management.

**Comments:**

These site deficiencies will be documented in a Notice of Violation, Docket # 2002-064. This notice of violation will be issued from the Mooresville Regional Office and the facility will have 30 days in which to comply. Compliance can be achieved by submitting a written response on company letterhead addressing the noted violations by the scheduled compliance date, and an on-site follow-up inspection will be conducted only at the facility's request. Any questions concerning this notice of violation or the inspection report should be forwarded to Brad Murphy at 704.663.1699, ext. 293.

  
INSPECTOR (DATE)

sent certified mail  
**FACILITY CONTACT**

