EPA ID Number: N C R 0 0 0 0 0 1 9 4 1

Facility Name: DALE EARNHARDT, INC City: MOORESVILLE, NC

EVALUATION DATA New: ✓ Change: ___ Delete: ___

	Mo.	Day	Yr.	Type:
Date:	03 /	02 /	06	C A V
Date:	___ /	___ /	___	___ ___ ___

Inspector ID #: 046 Reason: ___

Evaluation Comments:

LQG COMPLIANCE ASSISTANCE INSPECTION

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) _____ Docket # _____

or

- no longer a SNC (SNN eval.) _____

YES / NO CSE ONLY

Waste Involved	Volume	Exposure Media (a, gw, sw, s)	Distance to Residences	Number of People involved	Distance to On-site wells	Distance to Off-site wells

1 Type: G G R Date Determined 0 3 / 0 2 / 0 6 Class: ___

Priority: ___ Branch: 0 1 Person: 046

Return to Compliance 0 4 / 1 0 / 0 6 ___ / ___ / ___
Scheduled *Actual*

Reg. Type: S R Reg. Description: 40 CFR 262.10 (g)

Comment: ___

2 Type: G P T Date Determined: 0 3 / 0 2 / 0 6 Class: ___

Priority: ___ Branch: 0 1 Person: 046

Return to Compliance: 0 4 / 1 0 / 0 6 ___ / ___ / ___
Scheduled *Actual*

Reg. Type: S R Reg. Description: 40 CFR 262.34(a)(4) REFERENCED AT 40 CFR 265.16

Comment: ___

3 Type: G P T Date Determined: 03/02/06 Class: ___

Priority: ___ Branch: 01 Person: 046

Return to Compliance: 04/10/06 __/__/__
Scheduled *Actual*

Reg. Type: S R Reg. Description: 40 CFR 262.34(a)(4) REFERENCED AT 40 CFR 265.37

Comment: ___

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4 Type: G P T Date Determined: 03/02/06 Class: ___

Priority: ___ Branch: 01 Person: 046

Return to Compliance: 04/10/06 __/__/__
Scheduled *Actual*

Reg. Type: S R Reg. Description: 40 CFR 262.34(a)(4) REFERENCED AT 40 CFR 265.52

Comment: ___

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5 Type: G P T Date Determined: 03/02/06 Class: ___

Priority: ___ Branch: 01 Person: 046

Return to Compliance: 04/10/06 __/__/__
Scheduled *Actual*

Reg. Type: S R Reg. Description: 40 CFR 262.34(c)(1)

Comment: ___

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6 Type: G P T Date Determined: 03/02/06 Class: ___

Priority: ___ Branch: 01 Person: 046

Return to Compliance: 04/10/06 __/__/__
Scheduled *Actual*

Reg. Type: S R Reg. Description: 40 CFR 262.34(c)(1)(i) REFERENCED AT 40 CFR 265.173(a)

Comment: ___

[illegible] Type: [illegible] Date Determined: [illegible] Class: ___

Priority: ___ Branch: [illegible] Person: [illegible]

Return to Compliance: [illegible] __/__/__
Scheduled *Actual*

Reg. Type: [illegible] Reg. Description: [illegible]

Comment: ___

7 Type: G P T Date Determined: 03/02/06 Class: ___

Priority: ___ Branch: 01 Person: 046

Return to Compliance: 04/10/06 __/__/__
Scheduled *Actual*

Reg. Type: S R Reg. Description: 40 CFR 273.13 (d)(1)

Comment: ___

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8 Type: G P T Date Determined: 03/02/06 Class: ___

Priority: ___ Branch: 01 Person: 046

Return to Compliance: 04/10/06 __/__/__
Scheduled *Actual*

Reg. Type: S R Reg. Description: 40 CFR 273.14 (e)

Comment: ___

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9 Type: G P T Date Determined: 03/02/06 Class: ___

Priority: ___ Branch: 01 Person: 046

Return to Compliance: 04/10/06 __/__/__
Scheduled *Actual*

Reg. Type: S R Reg. Description: 40 CFR 279.22 (c)(1)

Comment: ___

___ Type: ___ Date Determined: __/__/__ Class: ___

Priority: ___ Branch: ___ Person: ___

Return to Compliance: __/__/__ __/__/__
Scheduled *Actual*

Reg. Type: ___ Reg. Description: ___

Comment: ___

___ Type: ___ Date Determined: __/__/__ Class: ___

Priority: ___ Branch: ___ Person: ___

Return to Compliance: __/__/__ __/__/__
Scheduled *Actual*

Reg. Type: ___ Reg. Description: ___

Comment: ___

NC DEPT OF ENVIRONMENT & NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT
HAZARDOUS WASTE SECTION

RCRA INSPECTION REPORT

1. **Facility Information:** Dale Earnhardt, Inc
   1675 Dale Earnhardt Highway #3
   Mooresville, N.C. 28115
   NCR 000 001 941, Large Quantity Generator

2. **Facility Contact:** Mr. Randy Earnhardt - Manager
   704-662-8000

3. **Survey Participants:** Ms. Pamela Middlemiss
   Mr. Randy Earnhardt
   Mr. Sean Morris, Waste Management Specialist

4. **Date of Inspection:** March 2, 2006

   Date of Report: March 3, 2006

5. **Purpose of Inspection:** To determine compliance with 40 CFR 260-279

6. **Facility Description:**

On March 2, 2006 I conducted an unannounced compliance assistance inspection at Dale Earnhardt, Inc. located in Mooresville, NC. I met with Ms. Pamela Middlemiss and Mr. Randy Earnhardt during the inspection. I explained that the purpose of my visit was to conduct a hazardous waste compliance assistance inspection. Dale Earnhardt, Inc operates as a racecar shop. The facility is 200,000 square feet in size and there are approximately 300-employees. The facility operates (2) full time and (1) part time Nextel Cup teams and (2) full time and (1) part time Busch Series teams.

Hazardous waste is generated from painting and part washing operations. The facility has multiple parts washers including aqueous washers and solvent washers. The facility operates (4) paint booths. The facility uses Rental Uniform Service to launder all waste wipes generated at the facility. Waste lamps are managed by Safety-Kleen Systems. Waste paint booth filters are handled as characteristic hazardous waste.

The facility renotified to a large quantity generator (LQG) on November 11, 2005. Prior to that date the facility operated as a small quantity generator (SQG). After reviewing the facility's hazardous waste manifests is was noted that the facility operated as a LQG in 2003, 2004, and 2005 (see deficiency section). Based on the amount and type of hazardous waste being generated it is strongly recommended that the facility conduct new waste determinations for each of the hazardous waste

streams in order to determine if the waste's current classification is correct (see recommendation section). I provided a LQG compliance checklist and examples for training and emergency arrangements at the time of the inspection. An online LQG compliance assistance manual can be accessed at:

http://www.wastenotnc.org/hwhome/LQGCOMPLIANCEMANUAL.pdf

6. **Waste Type:**

- D039, waste combustible liquid
- F003/F005, waste paint related material
- D007, waste paint booth filters
- Universal waste lamps

7. **Areas of Inspection:**

Manifests:

Hazardous waste manifests were reviewed for the past three years. All manifests documented approved transporters and TSD facilities. The manifests looked to be completed correctly.

Transporters: Safety-Kleen Systems – TXR 000 050 930

TSD's: Safety-Kleen Systems – NCD 079 060 059
Safety-Kleen Systems – ILD 980 613 059

Weekly Inspections:

The facility conducts weekly inspections on satellite accumulation containers. It was recommended that the facility distinguish storage containers from satellite containers on the inspection checklist (see recommendation section).

Training:

The facility does not have a hazardous waste training program in place (see deficiency section).

Emergency Preparedness:

The facility is maintained to prevent fire or releases. The facility's emergency coordinator is Randy Earnhardt. The facility is equipped with fire extinguishers fire alarms, and spill control equipment. An outside contractor tests all fire equipment annually and the facility conducts monthly inspections. The facility is equipped with a sprinkler system, P/A system and security system. Arrangements with emergency agencies have not been made, a guidance document was provided to the facility at the time of the inspection (see deficiency section).

Contingency Plan:

The facility has posted a SQG contingency plan but has not developed a LQG hazardous waste contingency plan (see deficiency section). The plan must be submitted to emergency response agencies once completed.

Accumulation Areas:

There were two hazardous waste satellite accumulation areas at the facility at the time of the inspection.

1. Paint Mixing Room – There was one 30-gallon container of waste paint material located at this area. The container was properly labeled but was not properly closed at the time of the inspection. There were also spills of hazardous waste located on the outside of the funnel connected to the container (see deficiency section).

2. Small Parts Booth – There was one 30-gallon container of waste paint material located at this area. The container was properly labeled but was not properly closed at the time of the inspection (see deficiency section).

Hazardous Waste Storage Areas:

There was one hazardous waste storage area at the facility.

1. Paint Mixing Room Storage – This area is located just outside of the Paint Mixing Room. There was one 30-gallon container of waste paint material in storage at the time of the inspection. The container was properly labeled and dated. There were several other solvent containers located in the storage area, but the body shop manager stated that the material was not waste. I recommended that an area be designated as a hazardous waste storage area and that signs be posted (see recommendation section). Managers carry two-way radios and voice communication could be used as an emergency communication method. There is a fire extinguisher located nearby.

Universal Waste / Used Oil:

The facility generates waste fluorescent and HID lamps. The waste lamps are stored in the Mechanical Room. There were (4) 8-foot waste lamps and (4) 4-foot waste lamps in storage. The waste lamps were not properly containerized or labeled at the time of the inspection (see deficiency section). Safety-Kleen collects the facility's waste lamps and receipts are maintained onsite.

The facility generates used oil from engine maintenance and repair activities. Used oil is collected in (6) 175-gallon totes, located at different locations around the facility. Two of the totes were inspected and the containers were not properly labeled with the words "Used Oil" (see deficiency section).

8. **Site Deficiencies:**

- **40 CFR 262.10 (g)** – Dale Earnhardt, In is in violation of this regulation in that a person who generates a hazardous waste as defined by 40 CFR part 261 is subject to the compliance requirements and penalties prescribed in section 3008 of the Act if he does not comply with the requirements of this part. GS 130A 294.1(e) requires a person who generates 1000 kilograms or more of hazardous waste in any calendar month during the year beginning 1 July and ending 30 June shall pay an annual fee of one thousand dollars ($1000.00). Dale Earnhardt, Inc is in violation of this regulation in that the facility is generating more than 1000 kilograms per calendar month of hazardous waste. It was determined that Dale Earnhardt, Inc has operated as a large quantity generator for the years 2003, 2004 and 2005 and has not paid an annual fee for the specified periods. NC Hazardous Waste Section records indicate that the following fees have been paid:

  2003-2004 paid $125
  2004-2005 paid $125
  2005-2006 paid $1000

  Based on this information Dale Earnhardt, Inc owes $1750.00 for past due fees. Payment must be sent to Ms. Helen Cotton at NCDENR-DWM, 1646 Mail Service Center, Raleigh, NC 27699-1646. Questions concerning fee payment should be directed to Ms. Cotton at (919) 508-8537.

- **40 CFR 262.34 (a)(4) referenced at 40 CFR 265.16** – Dale Earnhardt, Inc is in violation of this regulation in that the facility has not developed a hazardous waste training program. The program must include all elements listed at 40 CFR 265.16.

- **40 CFR 262.34 (a)(4) referenced at 40 CFR 265.37** – Dale Earnhardt, Inc is in violation of this regulation in that Mr. Randy Earnhardt did not have any knowledge or documentation to demonstrate that arrangements have been made with all local emergency response agencies.

- **40 CFR 262.34 (a)(4) referenced at 40 CFR 265.52** - Dale Earnhardt, Inc is in violation of this regulation in that the facility has not developed a hazardous waste contingency plan. The plan must include all elements listed at 40 CFR 265.52.

- **40 CFR 262.34 (c)(1)** - Dale Earnhardt, Inc is in violation of this regulation in that the facility failed to place hazardous waste into containers at one satellite accumulation area. Spills were noted on the on the outside of the funnel attached to the 30-gallon container of waste paint, located in the Paint Mixing Room Area.

- **40 CFR 262.34 (c)(1)(i) referenced at 40 CFR 265.173 (a)** – Dale Earnhardt, Inc is in violation of this regulation in that (1) 30-gallon container, located in the Paint Mixing Room, and (1) 30-gallon container, located in the Small Parts Booth Area, were not properly closed at the time of the inspection. The funnels on each container must remain latched except when adding or removing waste.

- **40 CFR 273.13 (d)(1)** – Dale Earnhardt, Inc is in violation of this regulation in that there were (4) 4-foot waste fluorescent lamps and (4) 8-foot waste fluorescent lamps located in the Mechanical Room and the containers were not properly containerized at the time of the inspection.

- **40 CFR 273.14 (e)** - Dale Earnhardt, Inc is in violation of this regulation in that there were (4) 4-foot waste fluorescent lamps and (4) 8-foot waste fluorescent lamps located in the Mechanical Room and the containers were not properly labeled with the words "Universal Waste Lamps", "Waste Lamps" or "Used Lamps".

- **40 CFR 279.22 (c)(1)** - Dale Earnhardt, Inc is in violation of this regulation in that there were (2) 175-gallon containers being used to store used oil, that were not properly labeled with the words "Used Oil".

ALL VIOLATIONS LISTED ABOVE MUST BE CORRECTED WITHIN 30-DAYS OF RECEIPT OF THIS REPORT. A FOLLOW-UP INSPECTION WILL BE CONDUCTED AT THAT TIME. IF ALL VIOLATIONS ARE NOT CORRECTED ADDITIONAL ENFORCEMENT ACTIONS MAYBE TAKEN. DALE EARNHARDT, INC SHALL ALSO PROVIDE A WRITTEN CERTIFICATION WITH SUPPORTING DOCUMENTATION ON COMPANY LETTERHEAD CONFIRMING THE NOTED COMPLIANCE SCHEDULE HAS BEEN COMPLETED. MAIL THIS CERTFICATION TO:

Mr. Sean Morris – Waste Management Specialist at NCDENR-Division of Waste Management, Hazardous Waste Section, 610 East Center Avenue, Suite 301, Mooresville, North Carolina 28115. (704) 663-1699 ext. 2155

9. Recommendations:

- It is recommended that a container be established for the collection of broken universal waste lamps and for waste batteries generated at the facility. All universal waste must be sent to a proper disposal facility.

- It is recommended that a portion of the Paint Mixing Room be designated as a hazardous waste storage area. Signs should also be posted with the words "Hazardous Waste Storage Area".

- It is strongly recommended that the facility conduct new waste determinations for each of the hazardous waste streams in order to determine if the waste's current classification is correct.

- It is recommended that the weekly inspection checklist identify when and how many hazardous waste containers are in storage at the time of the inspection.

3/7/06
INSPECTOR (DATE)

SENT VIA CERTIFIED MAIL
FACILITY CONTACT

cc:
MRO Files
Jesse Wells, Western Area Compliance Supervisor
Central Office Files
Randy Earnhardt, Dale Earnhardt, Inc