

Hazardous Waste Compliance Data Entry Form

Jim Edwards

EPA ID Number: NC5000001291

Facility Name: Berry

Street: 1921 Freedom Dr

City: Charlotte ZIP: 28208

County: Mecklenburg

Contact Name: Bill Sibley

Phone#: 704 331 9921

EVALUATION DATA New: Change: Delete:

Date: 3/4/09 Evaluation Type: CEI

Date: / / Evaluation Type:

Inspector ID #: 44

Evaluation Comments:

NON NOTIFIER

DOCKET # 2009-066

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 # 2009-066
or no longer a SNC (SNN evaluation)

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

Date Determined: 03/04/09

Branch: 01 Person: 044

Return to Compliance: 04/20/09 / /
Scheduled Actual

Regulation Description: 262.10(g)

Comment: Failure to pay SOG fees

Date Determined: 03/04/09

Branch: 01

Person: 044

Return to Compliance:

04/20/09
Scheduled

1 1
Actual

Regulation Description: 262.12(a)

Comment: Failure to obtain an EPA 10 number

Date Determined: 03/04/09

Branch: 01

Person: 044

Return to Compliance:

04/20/09
Scheduled

1 1
Actual

Regulation Description: 262.34(d)(4)

Comment: Satellite containers not labeled, storage containers not labeled, dated

Date Determined: 03/04/09

Branch: 01

Person: 044

Return to Compliance:

04/20/09
Scheduled

1 1
Actual

Regulation Description: 265.37

Comment: Failure to establish emergency arrangements

Date Determined: 03/04/09

Branch: 01

Person: 044

Return to Compliance:

04/20/09
Scheduled

1 1
Actual

Regulation Description: 265.173

Comment: Failure to properly close storage containers

Date Determined: 03/04/09

Branch: 01

Person: 044

Return to Compliance: 04/20/09
Scheduled

1 / 1
Actual

Regulation Description: 265.174

Comment: Failure to conduct weekly inspections

Date Determined: 03/04/09

Branch: 01

Person: 044

Return to Compliance: 04/20/09
Scheduled

1 / 1
Actual

Regulation Description: 15A NCAC 13A .0110(i)

Comment: Failure to document weekly inspections

Date Determined: 03/04/09

Branch: 01

Person: 044

Return to Compliance: 04/20/09
Scheduled

1 / 1
Actual

Regulation Description: 279.22(c)

Comment: Failure to label containers "Used 0.1"

Date Determined: / /

Branch:

Person:

Return to Compliance: / /
Scheduled

 / /
Actual

Regulation Description:

Comment:

Small Quantity Generator Inspection Report

NC DENR - Division of Waste Management - Hazardous Waste Section

March 18, 2009

Facility Name: Berry Plastics Corporation-Flexible Films Division

Location: 1921 Freedom Drive, Charlotte NC 28208

EPA ID#: Non-Notifier

Phone Number: 704-331-9921

Contact/ Title: Bill Sibley/ Maintenance Manager

Inspection Date: March 4, 2009

Last Inspection: None

Status: SQG

Type of Inspection: CEI

Inspector: Mark Burnette

Present at Inspection: Bill Sibley, Mark Burnette

Type of Business: Berry Plastics Corporation (Berry) is a production facility for plastic films and bags. They sell their products to converters for use in packaging in the retail market. The plastics are used to manufacture packaging for the medical, print, and food industries. The site was opened in 1953, and merged to become Berry & Covalent in 2008. The facility employs approximately 92 people and they operate three shifts per day, five days per week.

Berry is generating waste at Small Quantity Generator (SQG) levels (between 220lbs and 2200lbs per month). The facility has not registered as a SQG with the state, and has **not received an EPA identification number** as required by 262.12(a) and **failed to pay the SQG fees** as required under 262.10(g). In addition to exceeding the monthly quantity limits for a CESQG, the facility also exceeded the maximum storage quantity limits of 2200lbs for a CESQG.

Areas of Inspection

Manifests:

Manifests were reviewed for the facility for 2005-present. The facility has used approved transporters, TSD's and all manifests were properly signed. On 4/4/2008 the facility shipped 2800 pounds of waste. On 1/30/2009 they shipped approximately 2410 pounds of waste. This places the monthly waste generation at approximately 256 pounds per month for what was shipped. There were also two 55-gallon containers still on-site that were not picked up during the January shipment, so the monthly waste generation amount would be higher than 256 pounds per month if these two containers were included. With one of these containers added to the January shipment, the monthly generation would have been over 300 pounds. Even if you look at the period between shipments as 10 months, the monthly level would

still be over 220 pounds per month (241 pounds and 279 pounds respectively). After going over the manifests from 2005 until the present, the facility began operating as a SQG in July 2007.

Transporters: Heritage IND 058 484 114

TSDFs: Heritage NCD 121 700 777

Waste Generated:

Waste Flammable Liquid ink D001

Inspection Records:

Berry is currently **not completing weekly inspections** for the <180-day hazardous waste storage area. Weekly inspections must be completed as per 40 CFR 265.174 and documented as per 15A NCAC 13A .0110(i).

Contingency Plan:

Berry maintains emergency plan information in their Human Resources Department. The facility has designated Tim Howard as their Emergency Coordinator. They do not post their Contingency Plan as specified by 262.34(d) (5) (ii). The facility contact was asked to take the information from their emergency plan and incorporate it into a SQG Contingency Plan. The information to be converted is as follows:

262.34(d) (5) (ii)-The generator must post the following information next to the telephone:

- (A) The name 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.

Emergency Preparedness:

Berry is operated and maintained to prevent spills and releases. They maintain internal communication and alarms such as pull stations, an ADT alarm system, on-site surveillance, and a PA system. Employees carry Nextel's that can be used for emergency situations. They maintain emergency equipment such as fire extinguishers, a dry and wet sprinkler system, and explosion proof electrical. All equipment and systems are tested periodically to ensure operation. All employees have access to emergency equipment and communication devices. The facility has **not established emergency responder arrangements** as required by 265.37. The facility contact was e-mailed electronic copies of examples of emergency arrangement letters to use as a guide to establish these arrangements.

Training Records:

Berry provides training for all their employees. Their employees are trained in many areas specific to their job function including safety and PPE.

Satellite Area:

Berry maintains one satellite accumulation area located at the Printing Line 6. At this area the facility has one 5-gallon red bucket for waste rags and six white containers inside their printing line for waste inks as identified by Mr. Sibley. These six containers are used to catch drips from the printing operation. Once the printing is completed and the print heads are cleaned, the buckets are emptied in a 55-gallon container with an attached funnel in the <180-day hazardous waste storage area. Currently, these six containers are **not labeled**. Also, the containers are not closed due to their function of catching drips. If these containers are not immediately emptied after the printing is completed and clean-up is done, then these containers need to be closed with some type of lid. Waste can not be stored in these containers if they are maintained in an open position.

Storage Area:

Berry maintains one <180-day hazardous waste storage area. The area is maintained as flammable storage and is equipped with a fire door, explosion proof wiring, dry chemical fire suppression system, fire extinguishers, and alarms. During the inspection there were four containers in storage as identified by Mr. Sibley. Their descriptions are as follows:

- Container 1- 55-gallon container on a pallet labeled "waste". The container was properly closed, but it was **not properly labeled or dated**.
- Container 2- 55-gallon container on a pallet. The container was **not properly labeled or dated**. It was properly closed.
- Container 3- 55-gallon container for waste rags which are managed as hazardous waste. The container was labeled "waste solvent rags", but was **not properly labeled "Hazardous Waste" ,dated or closed in that the ring around the lid was not on** to secure the top. The facility was managing this container as a satellite container during the inspection in that they bring their waste rags from their print line to this area periodically. This container cannot be a satellite container because the waste is not generated in this storage room, and the container is not under the control of the operator. If this container stays in this area, then it must be closed, labeled "Hazardous Waste" and dated when the first waste rag goes in.
- Container 4- 55-gallon container with an attached funnel. During the inspection, this container was being managed as a satellite container. It is stored on secondary containment. The waste ink from the printing line is brought to this container periodically and added. During the inspection, the container was **not properly labeled or closed** because the container's funnel was **not latched**. The container was dated 11/11/08. This container can not be managed as a satellite container because it is not at or near the point of waste generation, and it is not under the control of the operator.

Universal Waste:

Berry generates some universal waste lamps. Their last shipment was on 1/30/2009 and picked up by Heritage. During the inspection, there were no waste lamps being stored on-site.

Used Oil:

Berry generates used oil from general maintenance activities. During the inspection there were two 55-gallon containers for used oil as identified by Mr. Sibley. One was labeled used oil and the other was **not labeled**. There was one 55-gallon container for used oil dry and one 55-gallon container for used oil filters. The facility's used oil is managed by Shamrock Environmental.

Site Deficiencies:

- 262.10(g) - Failure to pay SQG annual fees.
- 262.12(a) - Failure to obtain an EPA identification number while operating as a SQG of hazardous waste.
- 262.34(d) (4) - Satellite containers (six small buckets) not properly labeled.
Failure to date storage containers
Failure to label storage containers
- 265.37- Failure to document emergency arrangements.
- 265.173- Failure to properly close storage containers (waste ink container funnel and waste rags container)
- 265.174 & 15A NCAC 13A .0110(i) - Failure to conduct and document weekly inspection for the hazardous waste storage area.
- 279.22(c)- Failure to label one used oil container

by mail

Inspector (Date)

Facility Contact (Date)

Used Oil:

Berry generates used oil from general maintenance activities. During the inspection there were two 55-gallon containers for used oil as identified by Mr. Sibley. One was labeled used oil and the other was **not labeled**. There was one 55-gallon container for used oil dry and one 55-gallon container for used oil filters. The facility's used oil is managed by Shamrock Environmental.

Site Deficiencies:

- 262.10(g) - Failure to pay SQG annual fees.
- 262.12(a) - Failure to obtain an EPA identification number while operating as a SQG of hazardous waste.
- 262.34(d) (4) - Satellite containers (six small buckets) not properly labeled.
 - Failure to date storage containers
 - Failure to label storage containers
- 265.37- Failure to document emergency arrangements.
- 265.173- Failure to properly close storage containers (waste ink container funnel and waste rags container)
- 265.174 & 15A NCAC 13A .0110(i) - Failure to conduct and document weekly inspection for the hazardous waste storage area.
- 279.22(c)- Failure to label one used oil container

Alt. Sibley *3/18/09*
Inspector (Date)

by mail
Facility Contact (Date)

BERRY

4

Company
Berry Plastics Corporation, LLC
 NCS 000 001 291
 Docket # 2009-066

Citation	Description	Matrix	Base	Multi-day	Repeat	Total
a. N.C.G.S. §130A-294.1(f)	-- failed to pay annual fee;	Maj/ Min	400	--	--	400
b. 261.12	-- failed to obtain an EPA ID #;	Maj/Mod	1,650	--	-	1,650
c. 262.34(c)(1) ref. 262.34(c)(1)(ii)	-- failed to mark with the words "Hazardous Waste" six 5-Gallon satellite containers;	Maj/Maj	3,900	--	--	3,900
d. 262.34(d)(4) ref. 265.173(a) ref. 265.174	-- failed to close two 55-gallon containers; -- failed to inspect hazardous waste storage area;					
e.(1)&(2) 262.34(d)(4) ref. 262.34(a)(2) ref 262.34(a)(3)	-- failed to label or mark four 55-gallon storage containers with the accumulation start date or with the words "hazardous waste";					
e.(3) 262.34(d)(4) ref. 265.37	-- failed to make arrangements with local authorities and no documentation of refusal was available;	Maj/ Mod	3,900	--	--	3,900
f. 279.22(c)(1)	-- failed to label or mark one 55-gallon container of used oil with the words "Used Oil."	Maj/Min	1,650	--	--	1,650
Total						\$11,500.00