

**STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES  
DIVISION OF WASTE MANAGEMENT  
HAZARDOUS WASTE SECTION**

**COMPLIANCE ASSISTANCE VISIT (CAV) REPORT**

**1. FACILITY INFORMATION:**

Name: BD Diagnostics – Tripath (BD)  
EPA ID Number: NC0 000 145 292  
Type of Facility: Large Quantity Generator (LQG)  
Facility Location: 780 Plantation Drive, Burlington, NC 27215  
Telephone Number: (336) 290-8315

**2. FACILITY CONTACT(S):** Todd Nance                      todd\_nance@bd.com

**3. SURVEY PARTICIPANTS:** Todd Nance & Phillip Orozco

**4. DATE OF INSPECTION:** July 7, 2009

**5. PURPOSE OF VISIT:**

At the request of Todd Nance for BD, I visited the subject facility to determine compliance with the regulations described at 40 CFR 261, 262, 265, 268, 273 and 279 and provide technical assistance as needed.

**6. FACILITY DESCRIPTION:**

This facility has been operating at this location for approximately two years. They notified as a LQG as of 3/31/09. Previously, the facility was listed as a Small Quantity Generator (SQG.) BD Diagnostics - TriPath offers products for cervical cytology screening. These products provide an integrated solution for sample preparation, processing, staining, and computerized analysis of liquid-based Pap testing. There are approximately 117 people current employed at this facility.

**7. HAZARDOUS WASTE STREAMS INCLUDE:**

Hazardous waste (HW) primarily consists of D001/F003 and P105 - sodium azide Batteries & used lamps are also generated.

**8. AREAS OF REVIEW:**

**Emergency Preparedness** – Letters dated 6/1/09 and 7/6/09 have been sent out to the appropriate emergency responders in order to comply with 40 CFR 265.37. These letters should be readily available with your RCRA records for easy reference during an inspection.

**Contingency Plan (CP)** – Date of revision: 6/1/09. Todd Nance is currently the primary emergency coordinator and Dan Shannon is the alternate listed. The list of emergency equipment should be amended. Evacuation routes from the outside storage area must be shown and routes from the two other storage areas in the building should be amended. The actual location of the HW storage areas should be

shown. The description for response to explosion should be amended. The plan must be sent to local authorities after these amendments have been completed. See Deficiencies listed in Item 9. below.

**Inspection Records (storage)** – Inspection records for the Bulk Room storage area were not properly documented.

**Manifests** – The manifests audited appeared to be in compliance.

**Biennial Report** – The first Biennial Report for this facility will be due in March 2010.

**Waste Minimization Plan** - A written plan dated 5/15/08 is in place. A steering team meets frequently to discuss waste minimization practices.

**Training Records** – *No deficiencies noted.* BD should be aware that as a LQG, refresher training for implementation of the contingency plan and emergency coordinator responsibilities in accordance with 40 CFR 265.56 must be provided to the emergency coordinator and alternates on an annual basis, that is a 365 day clock. In addition, all other personnel associated with HW handling and management outside the Satellite Accumulation Areas must be trained every 365 days.

**Job Descriptions** – According to Mr. Nance, the job descriptions did not meet the requirements of the applicable rules. These documents were in the process of being revised at the time of inspection. They were not made available at the time of my visit. See Deficiencies listed in Item 9. below.

**Transporters:**

Veolia Technical Solutions NJD 080 631 369

**TSD's:**

Veolia Technical Solutions, LLC NCD 986 166 338

**Satellite Accumulation Areas (SAAs):**

Seven areas are managed as a hazardous waste satellite accumulation area (SAA.) These can be described as the following: Manufacturing Room; VEC Line; Instrument Manufacturing; Chase Line; QA Lab; MT Lab; and, Training Lab. See Deficiencies listed in Item 9. below.

**Storage Areas:**

The main storage area is located outside the building in a flammable storage building. at Room A-130 – A cart blocked part of the aisle between hazardous waste containers. Two other areas must be managed as a 90-day HW storage area. They are the Bulk Room and the area storing pallets of Rejected Material. See Deficiencies listed in Item 9. below. area is located inside a flammable storage building – No deficiencies.

**External Condition of Facility:** No adverse conditions observed.

*\* Item 8. Training Records – Certain unrelated text was deleted and the statement as shown above was added in order to correct the information given in the CEI Report signed on 7/20/09.*

**9. SITE DEFICIENCIES:**

The following deficiencies were reviewed with Mr. Nance and he noted each at the time of my visit.

1. 40 CFR 262.34(a)(1)(i) – 265.173(a) states that a generator may accumulate hazardous

waste on site for 90 days or less without a permit provided that the waste is placed in containers and that the container holding the hazardous waste remains closed except when waste is added or removed from the container. One fiber box holding closed vials was observed open in the outside 90-day flammable storage building. The box was being managed as the HW container.

2. **40 CFR 262.34(a)(4) – 265.16(d)(1-3)** The owner or operator must maintain the following documents and records at the facility: The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job. In addition, job descriptions must describe the hazardous waste management duties of personnel involved in the hazardous waste management program. The job description must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position states that the owner or operator must maintain a written description of the type and amount of both introductory and continuing training that will be given to each person in the hazardous waste management program at the facility. These records were in the process of revision at the time of my audit.
3. **40 CFR 262.34(a)(4) - 265.52(e)** The Contingency Plan must list all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems, and decontamination equipment.) In addition, the plan must include location and a physical description of each item on the list, and a brief outline of its capabilities. The list of emergency equipment did not describe the capabilities and the location of this equipment was not complete.
4. **40 CFR 262.34(a)(4) - 265.52(f)** states that the contingency plan must include an evacuation plan for the facility personnel where there is a possibility that evacuation could be necessary. The plan must describe signals to be used to begin evacuation, evacuation routes, and alternate evacuation routes. Evacuation routes were not shown from the outside storage area. The locations of the three HW storage areas were not specified. Secondary emergency evacuation routes were not clearly designated from the two HW storage locations inside the building.
5. **40 CFR 262.34(c)(1)(i) – 265.173(a)** – in that a generator may accumulate as much as 55 gallons of HW at or near the point of generation (the SAA) provided that the generator complies with the provisions stipulated by this Rule, which includes that each container of HW remain closed, unless waste is being added or removed from the container. One fiber box holding closed vials was observed open in the QA Lab. The box was being managed as the SAA container.
6. **15A NCAC 13A .0107(d)** states that a generator must keep a written record of inspections required by 40 CFR 262.34 for at least three years from the date of inspection. 40 CFR 262.34(a)(1)(i) – 15A NCAC 13A .0110(i) requires that a written record of the weekly inspections of each storage area be maintained. The owner or operator must inspect the areas where hazardous waste is stored, at least weekly, looking for leaks or deterioration of the containers. Inspection records were not maintained in accordance with the rules for the Bulk Room 90-day storage area. This area was being managed as a SAA prior to my visit.

  
**Phillip G. Orozco**  
Senior Environmental Specialist, NC DENR

**Date: July 20, 2009**

**\* Revision Date: November 30, 2009**