

Hazardous Waste Section  
File Room Document Transmittal Sheet

Your Name: Kelly Galantis  
EPA ID: NCO991302661  
Facility Name: North Star Logistics Inc  
Document Group: Enforcement (E)  
Document Type: Compliance Order (CO)  
Description: Docket #2014-026  
Date of Doc: 2/4/2015  
Author of Doc: Julie Woosley

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North Carolina Department of Environment and Natural Resources

Pat McCrory  
Governor

Donald R. van der Vaart  
Secretary

February 4, 2015

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Phillip D. Delp  
Registered Agent and President of North Star Logistics, Inc.  
917 Beaverdam Rd  
Canton, NC 28716-2735

**RE: Short Form Compliance Order with Administrative Penalty  
North Star Logistics, Inc.  
NC0 991 302 661  
Docket # 2014-026**

Dear Mr. Delp:

Enclosed is a Short Form Compliance Order with an Administrative Penalty ("Compliance Order") issued to North Star Logistics, Inc. for certain violations of the North Carolina Solid Waste Management Act, N.C.G.S. Chapter 130A, Article 9 (the "Act"), and the North Carolina Hazardous Waste Management Rules, 15A NCAC Subchapter 13A (the "Rules"). The Compliance Order describes the violations at your facility.

As a result of the violations of the Act and the Rules, pursuant to N.C.G.S. § 130A-22(a), an administrative penalty of \$23,593.50 is imposed in the Compliance Order. North Star Logistics, Inc. may contest this Compliance Order by filing a written petition for a contested case hearing within 30 days of receipt of this Compliance Order in accordance with N.C.G.S. §§ 130A-22(e), 150B-23(a) and 150B-23.2. See the section entitled "Notice of Rights to a Contested Case" in the attached Compliance Order. **In addition, North Star Logistics, Inc. is assessed \$689.38 for investigative and inspection cost associated with the assessment of the civil penalty pursuant to N.C.G.S. § 130A-22(j). The fees assessed and the investigation and inspection cost assessments are due within 60 days and are not contestable in the "Notice of Rights to a Contested Case" provision.**

Please be advised that the Department of Environment and Natural Resources has implemented a department-wide policy to release all penalties assessed against facilities to the media. Therefore, the name of your company and the penalty amount that has been assessed against the facility may be released to the media.

**If no contested case petition is filed, the administrative penalty must be paid by North Star Logistics, Inc. within 60 days of receipt of the Compliance Order by certified check or money order, payable to the Division of Waste Management, and mailed to:**

Julie S. Woosley, Chief  
Hazardous Waste Section  
1646 Mail Service Center  
Raleigh, NC 27699-1646

If you desire to schedule an informal conference to discuss the Compliance Order, please contact Ann Preston at (919) 707-8226. (Scheduling an informal conference will not extend the time limit for filing a contested case petition.)

Respectfully,



Julie S. Woosley, Chief  
Hazardous Waste Section

Enclosures: Short Form Compliance Order with an Administrative Penalty and Penalty Summary Worksheets

cc: North State Environmental & Health Inc., Owner  
Carmine Rocco, Haywood County Health Director  
Greg Christopher, Haywood County Sheriff  
Ira Dove, Interim Haywood County Manager  
Michael B. Ray, City of Canton Mayor  
Bryan K. Whitner, City of Canton Chief of Police  
Johnny Glance, Haywood County Fire Marshal  
Jason Burrell, Canton Interim Town Manager  
Linda Stamey, Asheville Regional Office Manager  
Nancy McKee, EPA Region 4  
Central Files - Enforcement

**North Carolina Department of Environment and Natural Resources  
Division of Waste Management  
Hazardous Waste Section**

<b>In Re: North Star Logistics, Inc. NC0 991 302 661 Docket # 2014-026</b>	) ) )	<b>SHORT FORM COMPLIANCE ORDER WITH ADMINISTRATIVE PENALTY PRELIMINARY STATEMENT</b>
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This Short Form Compliance Order with Administrative Penalty ("Compliance Order") is issued by the North Carolina Department of Environment and Natural Resources, Division of Waste Management under the North Carolina Solid Waste Management Act, N.C.G.S. Chapter 130A, Article 9 (the "Act"), and the North Carolina Hazardous Waste Management Rules, 15A NCAC Subchapter 13A (the "Rules"). Based upon information received by the Division of Waste Management, the Division of Waste Management has determined that North Star Logistics, Inc. violated certain requirements of the Act and Rules as set forth in this Compliance Order.

**STATEMENT OF FACTS AND LAW**

1. The North Carolina Department of Environment and Natural Resources ("the Department") is required to enforce the Act and the Rules, which govern the management of hazardous waste. This authority, including the authority to assess and recover administrative penalties in accordance with N.C.G.S. § 130A-22, has been delegated to the Director of the Division of Waste Management ("the Division"). The Director has issued a sub-delegation of this authority, including the authority to assess and recover administrative penalties for violations of the Act and Rules, to the Chief of the Hazardous Waste Section, Julie S. Woosley.
2. The United States Environmental Protection Agency has authorized North Carolina to operate the State Hazardous Waste Program in accordance with the Act and the Rules, in lieu of the federal Resource Conservation and Recovery Act ("RCRA") program.
3. North Star Logistics, Inc. ("North Star") is a North Carolina corporation authorized to transact business in North Carolina. The North Star site is owned by North State Environmental & Health Inc. ("North State") a domestic corporation. Both North Star and North State are "persons" as defined in N.C.G.S. § 130A-290(a)(22).
4. North Star is located at 917 Beaverdam Road, Canton, Haywood County, North Carolina. The facility is a transporter of and a transfer facility for hazardous waste. The facility consists of a 2.77-acre tract with 13,000 square feet of processing and storage area.
5. North Star is registered with the state as a hazardous waste transporter and has operated at the site since 2001. A "transporter of hazardous waste" is a person who transports hazardous waste within the United States if the transportation requires a manifest under 40 CFR Part 262, as adopted in 15A NCAC 13A .0107. A transporter is required to comply with 40 CFR Part 263, as adopted in 15A NCAC 13A .0108, and applicable regulations in 40 CFR Part 262, as adopted in 15A NCAC 13A .0107.
6. On January 21, 2014, Ms. Spring Allen, Environmental Senior Specialist; Mr. Brent Burch, Western Area Compliance Supervisor with the Hazardous Waste Section ("HWS"); and Ms.

Andrea Keller, Environmental Senior Specialist with the Solid Waste Section conducted a Complaint Investigation (CMP) inspection based on a citizen's complaint concerning long term storage of hazardous waste on-site and leaking unknown material from an on-site trailer. At the time of the inspection it was observed that two (2) 55-gallon containers near the east wall inside the facility contained lab packed chemicals. It was also observed that a truck and several trailers were releasing unknown liquids onto the ground. The facility performed the waste determination and notified the HWS that the containers and release from the truck and trailers were not hazardous waste but the two (2) 55-gallon containers were found to be hazardous waste.

7. On January 30, 2014, Ms. Spring Allen and Mr. Johnny Glance, with the Haywood County Fire Marshall's office, conducted a Case Development Inspection (CDI). During the visit a trailer parked at the facility was inspected and eight (8) 55-gallon containers were found inside. One of the containers was labeled "dye w/ sulfides" and another was labeled "patccfideTK". The facility was advised to conduct a waste determination on the containers and on the release under the trailer. The facility performed the waste determination and notified the HWS that the containers and release were not hazardous waste.
8. On January 30, 2014 North Star was issued an Immediate Action Notice of Violation (IANOV) in Docket # 2014-024.
9. On March 28, 2014, Ms. Spring Allen conducted a CDI to determine status of the site sampling plan since the HWS had not received the plan that was required by the IANOV in Docket # 2014-024.
10. On April 2, 2014, Ms. Spring Allen and Brent Burch met with Mr. Phil Delp, President of North Star, to discuss facility's response to the IANOV. During the inspection. Mr. Delp was informed that additional complaints were received.
11. On April 11, 2014, Ms. Spring Allen conducted a CDI to visit the site and request copies of all manifests for hazardous waste on-site pending transport to designated facility.
12. On April 22, 2014, Ms. Spring Allen and Brent Burch conducted a CDI to perform a walkthrough of the facility to check status of waste from the April 11, 2014 visit.
13. On May 13, 2014, Ms. Spring Allen and Brent Burch conducted a CDI to observe hazardous waste activities and lab packing of waste stored at facility.
14. On May 23, 2014, Ms. Spring Allen conducted a CDI to do a walkthrough of the facility and obtained copies of manifests for the latest shipments.
15. On May 29, 2014, Ms. Spring Allen conducted a CDI to walk through the facility and the manifest for a shipment of hazardous waste on 5-28-14 was requested.
16. On June 1, 2014, Ms. Spring Allen conducted a CDI to perform a walkthrough of the facility to check status of waste.
17. As a result of the inspections conducted at North Star the Division has determined that the facility violated the following Rules:

- a. 40 CFR 262.11:

- i. Pursuant to 40 CFR 262.11, adopted by reference at 15A NCAC 13A .0107(a), a person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste using the following method:
    - (a) He should first determine if the waste is excluded from regulation under 40 CFR 261.4.
    - (b) He must then determine if the waste is listed as a hazardous waste in Subpart D of 40 CFR Part 261.
    - (c) For purposes of compliance with 40 CFR part 268, or if the waste is not listed in subpart D of 40 CFR part 261, the generator must then determine whether the waste is identified in subpart C of 40 CFR part 261 by either:
      - (1) Testing the waste according to the methods set forth in Subpart C of 40 CFR Part 261, or according to an equivalent method approved by the Administrator under 40 CFR 260.21; or
      - (2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.
  - ii. North Star violated 40 CFR 262.11, in that solid waste was generated and/or accumulated on the property and a determination was not made by the generator as to whether that waste was hazardous waste. Specifically, waste determinations had not been made on two (2) 55-gallon containers storing lab pack waste near the east wall of the facility.
- b. 40 CFR 263.12:
- i. Pursuant to 40 CFR 263.12, adopted by reference at 15A NCAC 13A .0108(a), a transporter who stores manifested shipments of hazardous waste in containers meeting the requirements of § 262.30 at a transfer facility for a period of ten days or less is not subject to regulation under parts 270, 264, 265, 267 and 268 with respect to the storage of those wastes.
  - ii. North Star violated 40 CFR 263.12, in that the facility has stored manifested shipments of hazardous waste for a period of greater than 10 days without meeting the requirements for storage under parts 270, 264, 265, 267 and 268. Specifically, manifest numbers 010843021JJK, 006937950 FLE, and 006937688 FLE were kept for more than 10 days at the facility.
- c. 40 CFR 270.10(a):
- i. Pursuant to 40 CFR 270.10(a)(3), adopted by reference at 15A NCAC 13A .0113(b), any person who is required to have a permit shall complete, sign and submit an application to the Hazardous Waste Section which meets the requirements of 270.10 and 270.70 through 270.73. Section 270.1(c), adopted by reference in 15A NCAC 13A .0113(a), provides, in pertinent part, that "RCRA requires a permit for the 'treatment,' 'storage,' and 'disposal' of any 'hazardous waste' as identified or listed in 40 CFR part 261."
  - ii. North Star violated 40 CFR 270.10(a), in that it was required to have a RCRA permit to store hazardous waste and failed to complete and submit an application for a RCRA permit to the Hazardous Waste Section as described in Section

270.10 and Sections 270.70 through 270.73, adopted by reference at 15A NCAC 13A. 0113(b) and (j).

d. 15A NCAC 13A .0109(a):

- i. Pursuant to 15A NCAC 13A .0109(a), any person who treats, stores or disposes of hazardous waste shall comply with the requirements set forth in this Section. The treatment, storage or disposal of hazardous waste is prohibited except as provided in this Section.
- ii. North Star violated 15A NCAC 13A .0109(a), in that North Star improperly stored hazardous waste. Specifically, two (2) 55-gallon containers holding lab packed chemicals were stored inside the facility building. Mr. Delp stated that they had been on-site for several; possibly eight (8) years. They were brought on-site from the clean out of a Freedom Textile Laboratory when Freedom Textile closed down several of its Georgia and South Carolina laboratory facilities. Additionally, the facility stored waste in transporter status for greater than 10 days without having applied for a hazardous waste storage permit.

### **ADMINISTRATIVE PENALTY**

N.C.G.S. § 130A-22(a) authorizes an administrative penalty of up to \$32,500.00 per day for each violation of the hazardous waste provisions of the Act, Rules or any order issued pursuant to the hazardous waste provisions of the Act. N.C.G.S. § 130A-22(d) sets forth the factors to be considered in determining the administrative penalty which include the degree and extent of the harm caused by the violation and the cost of rectifying the damage.

15A NCAC 13B .0702 sets forth specific criteria to be considered in addressing the statutory assessment factors which include the type of violation, type of waste involved, duration of the violation, cause of the violation, potential effect on public health and the environment, effectiveness of response measures taken by the violator, damage to private property and the history of non-compliance.

After careful consideration of each factor above, penalties are assessed as follows against North Star for the violations set out in this Compliance Order: for the violations set forth in paragraph 17.a. \$9,140.00; for the violations set forth in paragraph 16.b. \$6,553.50 and for the violations set forth in paragraphs 17.c. and 17.d. \$7,900.00. Accordingly, a total penalty is imposed in the amount of \$23,593.50.

### **CONDITIONS FOR CONTINUED OPERATION**

Based upon the foregoing, North Star is hereby ordered to take the following actions:

1. Within sixty (60) days submit the amount of the administrative penalty, by certified check or money order, and payable to the Division of Waste Management. The payment should be mailed to:

Julie S. Woosley, Chief  
Hazardous Waste Section  
1646 Mail Service Center  
Raleigh, NC 27699-1646

2. North Star shall immediately correct all violations as stated in this Compliance Order.
3. Within sixty (60) days submit the assessed a cost of \$689.38 for investigative and inspection costs associated with the assessment of the civil penalty by certified check or money order, and payable to the Division of Waste Management. The payment should be mailed to:

Julie S. Woosley, Chief  
Hazardous Waste Section  
1646 Mail Service Center  
Raleigh, NC 27699-1646

### **POTENTIAL CONSEQUENCES OF FAILURE TO COMPLY**

North Star is hereby advised that, pursuant to N.C.G.S. § 130A-22, each day of continued violation of any requirement of the Act or the Rules constitutes a separate violation for which an additional penalty of up to \$32,500.00 per day may be imposed. If the violation continues North Star may also be subject to further enforcement, including injunctive action, to prohibit any further generation of hazardous waste and such further relief as may be necessary to achieve compliance with the Act and Rules.

## NOTICE OF RIGHT TO FILE CONTESTED CASE PETITION

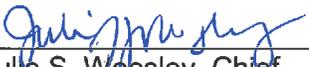
North Star has the right to file a contested case petition regarding a matter of law, material fact, requirement, or the penalty set forth in this Compliance Order as allowed by N.C.G.S. § 150B-23. In accordance with N.C.G.S. §§ 130A-22(e), 150B-23(a) and 150B-23.2, any petition for a contested case hearing must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714, along with the appropriate filing fee set by the Office of Administrative Hearings, within 30 days of receipt of the Compliance Order. A copy of the petition for a contested case hearing must also be served on the Division by sending a copy of the petition to:

John Evans  
Process Agent for the N.C. Department of Environment and Natural Resources  
1601 Mail Service Center  
Raleigh, NC 27699-1601

Additional information concerning the Office of Administrative Hearings, filing fees for a contested case petition and the appeal process may be found on the official website for the Office of Administrative Hearings, located at [www.oah.state.nc.us](http://www.oah.state.nc.us) or by calling (919) 431-3000.

If a petition for contested case is not timely filed with the Office of Administrative Hearings and served on the Department, payment of the administrative penalty becomes due within 60 days after receipt of the Compliance Order. If a contested case petition is timely filed and served, payment of the administrative penalty is due within 60 days of receipt of a written copy of the final agency decision. If payment is not received as required, the Secretary of the Department of Environment and Natural Resources shall request the Attorney General to commence a civil action in Superior Court to recover the amount of the administrative penalty.

This the 4<sup>th</sup> day of February, 2015

By:   
Julie S. Woosley, Chief  
Hazardous Waste Section

**Division of Waste Management  
Hazardous Waste Section  
Penalty Summary Worksheet**

**Facility Name:** North Star Logistics, Inc.  
**EPA Id. Number:** NC0 991 302 661  
**Docket #:** 2014-026  
**Regulation(s) Violated:** 17.a. of the Compliance Order  
**Site Information:** Hazardous waste codes: lab-packs: D002, U190, D001/U165, U328, U106, U188, U070, U221, and U012  
Distance to residences: 30 feet to property line  
Number of people involved: 8 employees

**15A NCAC 13B .0702 - Civil Penalty Standards:**

- Consider:** (1) **Nature of the violation and degree and extent of harm, including at least the following:**
- (i) **Type of violation:** waste determinations had not been made on two (2) 55-gallon containers storing lab pack waste near the east wall of the facility;
  - (ii) **Type of waste involved:** D002 corrosive wastes, U190 solid hazardous wastes, D001/U165 flammable solids, U328/U106/188//U070 toxic liquid organics, and U221/U012/U070 toxic liquid organics;
  - (iii) **Duration and gravity of the violation:** some waste duration is unknown, however, Mr. Delp stated that lab-pack chemicals had been on-site for several, possibly eight (8) years;
  - (iv) **Cause (whether resulting from a negligent, reckless or intentional act or omission):** negligent;
  - (v) **Potential effect on public health and the environment:** yes;

Media for Exposure: direct contact, air, surface water, ground water and soil;

Human Health Effect: caustics can cause severe eye, nose, and throat irritation from inhalation exposure. They are also severe skin irritants and can cause damage to the upper respiratory tract and to lung tissue. Exposure to naphthalene can cause adverse effects such as nausea, vomiting, abdominal pain, diarrhea, headache, confusion, profuse sweating, fever, tachycardia, tachypnea and agitation which may lead to convulsions and coma. Naphthalene is considered to be a possible human carcinogen. Phenol may cause irritation to the eyes, nose and throat, muscle ache and pain, damage to the liver and kidney, tremors, and convulsions;

Effect on the Environment: if spilled into the environment acids and hydroxides may severely damage vegetation and may be lethal to fish and other aquatic organisms. Naphthalene is very toxic to aquatic organisms, although when released into the local environment it is broken down quickly by moisture and sunlight. It can bind weakly to soil and sediment, some will dissolve in rivers and lakes but will be broken down by bacteria. It does not accumulate in fish or animals. Dairy cows that have ingested the chemical may pass naphthalene in their milk, and hens pass it into their eggs. Phenol does not build up in fish, other animals or plants;

**Penalty Summary Worksheet**

**Facility Name:** North Star Logistics, Inc.  
**EPA Id. Number:** NC0 991 302 661  
**Docket #:** 2014-026

(vi) Effectiveness of responsive measures taken by the violator: n/a;

(vii) Damage to private property: n/a;

(2) Cost of rectifying any damage: n/a;

(3) Amount of money the violator saved by noncompliance: \$2,640.00;

(4) Previous record: n/a;

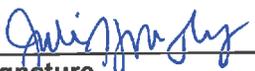
ASSESSMENT MATRIX		Degree of Deviation from Requirements		
		MAJOR	MODERATE	MINOR
Nature and Degree of Harm	MAJOR	\$6,500-\$1,300	\$5,200-\$1,000	\$3,800-\$700
	MODERATE	\$2,800-\$500	\$2,000-\$300	\$1,300-\$200
	MINOR	\$800-\$130	\$400-\$130	\$130

Value from Assessment Matrix = \$6,500.00  
 +  
 Multi-week/Event  
 # of weeks/events x penalty = n/a  
 +  
 Compliance History  
 +  
 10% per repeat violation = n/a  
 +  
 Economic Benefit = \$2,640.00

Any other notations:

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**Total penalty assessed = \$9,140.00**

  
 \_\_\_\_\_  
 Signature

2/4/15  
 \_\_\_\_\_  
 Date

**Division of Waste Management  
Hazardous Waste Section  
Penalty Summary Worksheet**

**Facility Name:** North Star Logistics, Inc.  
**EPA Id. Number:** NC0 991 302 661  
**Docket #:** 2014-026  
**Regulation(s) Violated:** 17.b. of the Compliance Order  
**Site Information:** Hazardous waste codes: D002, D070, U190, D001/U165, U328, U106, U188, U070, U221, and U012  
Distance to residences: 30 feet to property line  
Number of people involved: 8 employees

**15A NCAC 13B .0702 - Civil Penalty Standards:**

**Consider:** (1) **Nature of the violation and degree and extent of harm, including at least the following:**

- (i) **Type of violation:** stored three (3) manifested shipments of hazardous waste for a period of greater than 10 days;
- (ii) **Type of waste involved:** D002 corrosive wastes, U190 solid hazardous wastes, D001/U165 flammable solids, U328/U106/188//D070 toxic liquid organics, and U221/U012/U070 toxic liquid organics;
- (iii) **Duration and gravity of the violation:** duration unknown, degree of deviation and nature and degree of harm were evaluated to determine gravity;
- (iv) **Cause (whether resulting from a negligent, reckless or intentional act or omission):** negligent;
- (v) **Potential effect on public health and the environment:** yes;

Media for Exposure: direct contact, air, surface water, ground water and soil;

Human Health Effect: caustics can cause severe eye, nose, and throat irritation from inhalation exposure. They are also severe skin irritants and can cause damage to the upper respiratory tract and to lung tissue. Exposure to naphthalene can cause adverse effects such as nausea, vomiting, abdominal pain, diarrhea, headache, confusion, profuse sweating, fever, tachycardia, tachypnea and agitation which may lead to convulsions and coma. Naphthalene is considered to be a possible human carcinogen. Phenol may cause irritation to the eyes, nose and throat, muscle ache and pain, damage to the liver and kidney, tremors, and convulsions;

Effect on the Environment: if spilled into the environment acids and hydroxides may severely damage vegetation and may be lethal to fish and other aquatic organisms. Naphthalene is very toxic to aquatic organisms, although when released into the local environment it is broken down quickly by moisture and sunlight. It can bind weakly to soil and sediment, some will dissolve in rivers and lakes but will be broken down by bacteria. It does not accumulate in fish or animals. Dairy cows that have ingested the chemical may pass naphthalene in their milk, and hens pass it into their eggs. Phenol does not build up in fish, other animals or plants;

**Penalty Summary Worksheet**

**Facility Name:** North Star Logistics, Inc.  
**EPA Id. Number:** NC0 991 302 661  
**Docket #:** 2014-026

(vi) Effectiveness of responsive measures taken by the violator: n/a;

(vii) Damage to private property: n/a;

(2) Cost of rectifying any damage: n/a;

(3) Amount of money the violator saved by noncompliance: \$53.50;

(4) Previous record: n/a;

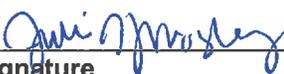
ASSESSMENT MATRIX		Degree of Deviation from Requirements		
		MAJOR	MODERATE	MINOR
Nature and Degree of Harm	MAJOR	\$6,500-\$1,300	\$5,200-\$1,000	\$3,800-\$700
	MODERATE	\$2,800-\$500	\$2,000-\$300	\$1,300-\$200
	MINOR	\$800-\$130	\$400-\$130	\$130

Value from Assessment Matrix = \$6,500.00  
 +  
 Multi-week/Event  
 # of weeks/events x penalty = n/a  
 +  
 Compliance History  
 +  
 10% per repeat violation = n/a  
 +  
 Economic Benefit = \$53.50

Any other notations:

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**Total penalty assessed = \$6,553.50**

  
 \_\_\_\_\_  
 Signature

2/4/15  
 \_\_\_\_\_  
 Date

**Division of Waste Management  
Hazardous Waste Section  
Penalty Summary Worksheet**

**Facility Name:** North Star Logistics, Inc.  
**EPA Id. Number:** NC0 991 302 661  
**Docket #:** 2014-026  
**Regulation(s) Violated:** 17.c. and 16.d. of the Compliance Order  
**Site Information:** Hazardous waste codes: D002, D070, U190, D001/U165, U328, U106, U188, U070, U221, and U012  
Distance to residences: 30 feet to property line  
Number of people involved: 8 employees

**15A NCAC 13B .0702 - Civil Penalty Standards:**

- Consider:** (1) **Nature of the violation and degree and extent of harm, including at least the following:**
- (i) **Type of violation:** stored two (2) 55-gallon containers of hazardous waste without a permit, had uncontrolled releases of liquids on the site, and failed to complete, submit and pay annual activity fees for a RCRA permit for storage of hazardous waste;
  - (ii) **Type of waste involved:** D002 corrosive wastes, U190 solid hazardous wastes, D001/U165 flammable solids, U328/U106/188//D070 toxic liquid organics, and U221/U012/U070 toxic liquid organics;
  - (iii) **Duration and gravity of the violation:** duration unknown, degree of deviation and nature and degree of harm were evaluated to determine gravity;
  - (iv) **Cause (whether resulting from a negligent, reckless or intentional act or omission):** negligent;
  - (v) **Potential effect on public health and the environment:** yes;

Media for Exposure: direct contact, air, surface water, ground water and soil;

Human Health Effect: caustics can cause severe eye, nose, and throat irritation from inhalation exposure. They are also severe skin irritants and can cause damage to the upper respiratory tract and to lung tissue. Exposure to naphthalene can cause adverse effects such as nausea, vomiting, abdominal pain, diarrhea, headache, confusion, profuse sweating, fever, tachycardia, tachypnea and agitation which may lead to convulsions and coma. Naphthalene is considered to be a possible human carcinogen. Phenol may cause irritation to the eyes, nose and throat, muscle ache and pain, damage to the liver and kidney, tremors, and convulsions;

Effect on the Environment: if spilled into the environment acids and hydroxides may severely damage vegetation and may be lethal to fish and other aquatic organisms. Naphthalene is very toxic to aquatic organisms, although when released into the local environment it is broken down quickly by moisture and sunlight. It can bind weakly to soil and sediment, some will dissolve in rivers and lakes but will be broken down by bacteria. It does not accumulate in fish or animals. Dairy cows that have ingested the chemical may pass naphthalene in their milk, and hens pass it into their eggs. Phenol does not build up in fish, other animals or plants;

**Penalty Summary Worksheet**

**Facility Name:** North Star Logistics, Inc.  
**EPA Id. Number:** NC0 991 302 661  
**Docket #:** 2014-026

(vi) Effectiveness of responsive measures taken by the violator: n/a;

(vii) Damage to private property: n/a;

(2) Cost of rectifying any damage: n/a;

(3) Amount of money the violator saved by noncompliance: \$1,400.00;

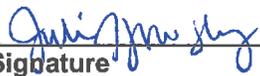
(4) Previous record: n/a

ASSESSMENT MATRIX		Degree of Deviation from Requirements		
		MAJOR	MODERATE	MINOR
Nature and Degree of Harm	MAJOR	\$6,500-\$1,300	\$5,200-\$1,000	\$3,800-\$700
	MODERATE	\$2,800-\$500	\$2,000-\$300	\$1,300-\$200
	MINOR	\$800-\$130	\$400-\$130	\$130

Value from Assessment Matrix = \$6,500.00  
 +  
 Multi-week/Event  
 # of weeks/events x penalty = n/a  
 +  
 Compliance History  
 +  
 10% per repeat violation = n/a  
 +  
 Economic Benefit = \$1,400.00  
 Any other notations:

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**Total penalty assessed = \$7,900.00**

  
 Signature

2/4/15  
 Date