

Hazardous Waste Section
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Your Name: Jenne S Walker
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Facility Name: Carmax 7102
Document Group: Inspection/Investigation (I)
Document Type: Compliance Evaluation Inspection (CEI)
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**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT
HAZARDOUS WASTE SECTION**

**SMALL QUANTITY GENERATOR (SQG)
COMPLIANCE EVALUATION INSPECTION (CEI) REPORT**

1. FACILITY INFORMATION:

Name: **Carmax # 7102 (Glenwood Ave, Raleigh)**
EPA ID Number: **NCR 000 146 092**
Type of Facility: **Small Quantity Generator (SQG) (not previously inspected)**
Facility Location: 8520 Glenwood Avenue
Raleigh, NC 27612-7310
Telephone Number: (919) 783-8484
County: Wake

2. FACILITY CONTACTS:

CJ Jernigan, Parts Manager, Health & Safety Officer – Carmax 7102 (Raleigh)
telephone: (919) 783-9494 ext 4020
Bentley Parker-Brown, EH&S Analyst - Carmax (Corporate Headquarters)
office telephone: (804) 747-0422 ext 6289

3. SURVEY PARTICIPANTS:

CJ Jernigan, Carmax (Raleigh, NC)
Jenne Walker, Senior Environmental Specialist, Hazardous
Waste Section, DWM – NC DENR

4. DATE OF INSPECTION: May 29, 2012 (*not previously inspected SQG*)

5. PURPOSE OF SITE VISIT:

This inspection was an unannounced audit at the subject facility to determine compliance with the hazardous waste management regulations which are described at Chapter 40 of the Code of Federal Regulations, (40 CFR) Parts 260-270, 273 and 279 and Title 15A Chapter 13 of the NCAC (North Carolina Administrative Code), and to provide guidance regarding the hazardous waste management regulations (RCRA).

6. FACILITY DESCRIPTION:

Carmax #7102 (Raleigh – Glenwood Avenue) is a retailer of previously owned automobiles. The facility reconditions used automobiles on-site prior to re-sale. The front of the property (facing Glenwood Avenue) includes a large showroom and parking lot full of cars that are for sale. Waste may be generated at other areas on-site including the paint booth building and two maintenance/service garages (where engine/mechanical repairs are made).

Carmax # 7102 submitted notification to NC DWM as a Small Quantity Generator (SQG) of hazardous waste on January 6, 2011. The change in generator status at that time was due to the addition of the paint booth/building on-site (which increased the amount of hazardous waste generated).

General Information:

1. **Legal owner of business and property:** Carmax Auto Superstores, Inc.
2. **Operating shifts:** store is open to the public 9:00 am – 8:00 pm, 7 days per week
3. **List of waste streams:**
 - a. **Other waste:**
 - Universal Waste (UW) – used batteries
 - Used oil (sent off-site for recycling)
 - b. **Hazardous waste (HW):**
 - Aerosol cans (D001)
 - Waste flammable solids (D001)
 - Waste flammable liquids (D001)
 - Waste paint/MEK (D001, D035)
4. **Water supply:** City of Raleigh
5. **Sanitary Sewer:** City of Raleigh
6. **Ground water monitoring wells on site:** None
7. **Distance to closest off-site well:** Unknown
8. **Distance to closest private residence:** < ¼ mile
9. **Other:** NAICS Code: 44112 – used car dealer

7. **AREAS OF REVIEW AND INSPECTION:**

PAPERWORK/DOCUMENTATION REVIEW:

- **SQG Contingency Plan (CP) – At the time of the inspection, the required emergency information (SQG Contingency Plan) was not posted on-site near a telephone.** The Inspector provided Ms. Jernigan with a blank example SQG Contingency Plan form to be completed and posted on-site. **Non-compliant.**
- **Inspection Records (for < 180 day Hazardous Waste storage area) – Weekly inspection records for the „less than 180-day hazardous waste storage area’ were reviewed. As of May 29, 2012 (the day of the RCRA inspection), the last storage area inspection was conducted on May 16, 2012. Weekly inspections must be conducted and documented at least every seven (7) days. The facility staff did not conduct or document an inspection of the hazardous waste (HW) storage area during the week of May 20-26, 2012. Non-compliant.**
- **Emergency Preparedness and Arrangements with Local Authorities – At the time of the inspection, arrangements with local authorities (local hospital, police and fire department, etc.) had not been made. ‘Example SQG Arrangements letters’ were provided to Ms. Jernigan during the inspection. Electronic copies of the example letters were sent to Mr. Parker-Brown via e-mail on 8/1/2012. Non-compliant.**

- **Training** – All employees with job duties related to hazardous waste management are required to be trained upon hire. Training should cover safety procedures and proper handling and management of hazardous waste. During the inspection, **Carmax #7102 staff denied receiving hazardous waste training** but stated that regulatory information was immediately available, when and if needed. Furthermore, the DWM inspector observed that **the facility’s staff did not demonstrate an understanding of the hazardous waste management rules or safety precautions relative to their job duties involving hazardous waste management.**
- **Manifests / Land Disposal Restriction (LDRs) forms** – The past three years of facility manifests were on-file and available for review. Manifests reviewed from 2010 through May 2012 appeared to be complete and in good order.
 - **Transporters:** Heritage Crystal clean – ILR 000 130 062
Noble Oil Services Inc. – NCD 986 172 476
 - **TSDs:** Giant Resource Recovery – SCD 036 275 626
Ecoflo – NCD 980 842 132
Noble Oil Services, Inc. – NCD 986 172 476

PHYSICAL INSPECTION/FACILITY WALK-THROUGH

- **Satellite Accumulation Areas (SAAs):**
At the time of the inspection, one SAA was observed on-site and was located in the paint mixing room. Two 15-gallon drums of hazardous waste (paint) were observed. Both containers were properly labeled and were closed. ***Ensure that all funnels attached to waste containers are latched or locked closed.*** Hazardous waste containers must be spill proof and vapor tight to be considered “closed”.
- **Hazardous Waste ‘Less than 180-day’ Storage Area:**
The facility’s hazardous waste storage area is located just in outside of the paint mixing room in the paint booth building. This area is accessible only to Carmax staff. The HW storage area was equipped with a nearby land line telephone, fire extinguishers, and spill clean-up supplies. The following containers of hazardous waste were observed in storage at the time of the inspection:
 - Two 16-gallon drums of hazardous waste lacquer thinner (flammable liquid)

All containers of HW in storage appeared to be properly labeled and dated, were closed and in good condition with adequate (24” minimum) aisle space.
- **Used Oil** –Used motor oil is generated on-site. One 1,000 gallon used oil tank (above ground storage tank, AST) was observed. An identical AST that contained virgin motor oil (new product) is located adjacent to the used oil tank. Both tanks appeared to be in extremely good condition and the surrounding area was very clean. Overall, the facility was very neat and orderly and it appeared that staff follows good housekeeping practices.

- **Universal Waste** (used batteries & used fluorescent lamps) - Used batteries are generated on-site. However, no universal waste was in storage at the time of the inspection. Used batteries are routinely picked up by the supplier for recycling. A private contractor periodically replaces the used fluorescent lamps at the facility. Ms. Jernigan stated that the contractor self-transportes the used lamps off-site to be recycled.

8. VIOLATIONS:

- A. 40 CFR Part 262.11** 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. *Note: Even if the waste is listed, the generator still has an opportunity under 40 CFR 260.22 to demonstrate to the Administrator that the waste from his particular facility or operation is not a hazardous waste.*
 - (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 30 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.
 - (d) If the waste is determined to be hazardous, the generator must refer to parts 261, 264, 265, 266, 268, and 273 of this chapter for possible exclusions or restrictions pertaining to management of the specific waste.

Carmax # 7102 was in violation of the regulation in that a sufficient waste determination was not made on two containers of waste observed on-site. A waste determination (identification) is required to be made on all hazardous waste generated on-site using one of the methods described in 262.11. During the site visit, two unidentified containers with unknown contents were observed on-site in the Maintenance Garage as follows: one 16-gallon metal drum/container with a deteriorating label that appeared to originally state „Hazardous Waste’; one ~ 5-gallon slightly dented, metal container covered with a dull gray colored spray paint. After asking around the facility, one employee stated that he thought the 16-gallon drum contained used fuel/gasoline.

- B. 40 CFR 262.34(d)(2) reference 40 CFR 265.174 and 15A NCAC 13A.0110(i)** - in that the owner or operator must inspect the areas where hazardous waste is stored, at least weekly, looking for leaks in hazardous waste containers or deterioration of the containers. The owner or operator shall keep records and results of required inspections

for at least three years from the date of the inspection.

Carmax # 7102 was in violation of the regulation in that at the time of the May 29, 2012 inspection, one weekly inspection (of the facility's < 180 day HW Storage area) had not been conducted or documented, as required (inspection was due on May 23, 2012). The most recent weekly inspection of the facility's hazardous waste storage area had been conducted and documented on May 16, 2012. *Note: Weekly (inspections) is defined as occurring at least every seven days.*

C. 40 CFR 262.34(d)(4) reference 40 CFR 265.37 – 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 departments, 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 types of injuries or illnesses which could result from fires, explosions, or releases at the facility.

(b) Where State or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.

Carmax # 7102 was in violation of the regulation in that Arrangements with local Emergency Response Authorities (hospital, fire and police departments, etc.) had not been made at the time of the inspection and documentation of such arrangements was not available for review. The Inspector provided Ms. Jernigan with hard copies of the Division's 'Example SQG Arrangements letters' at the conclusion of the inspection. Electronic copies were also sent via e-mail to Mr. Parker-Brown.

D. 40 CFR 262.34(d)(5)(iii) – The generator must ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures, relevant to their responsibilities during normal facility operations and emergencies.

Carmax # 7102 was in violation of the regulation in that the facility's staff did not demonstrate an understanding of and/or knowledge of the hazardous waste management rules or safety precautions relative to their job duties involving hazardous waste management. *All staff with job duties that involve hazardous waste*

management (including but not limited to: signing manifests, conducting inspections of the HW storage area) must be provided with adequate and sufficient training so that the employee can perform their job safely and in compliance with the hazardous waste management regulations.

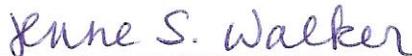
- E. **40 CFR 262.34(d)(5)(ii)** in that the generator must post certain emergency information next to the phone, including the names & telephone number of the emergency coordinator and location of fire extinguishers & spill control material and, if present, fire alarm.

Carmax # 7102 was in violation of the regulation in that the required emergency information was not posted on-site near a telephone.

9. RECOMMENDATIONS:

Please submit an 8700-12 (blank form is attached) to NC DWM to update and change the facility's contact, if needed. The Division's records list Ali Woodworth at the site contact.

Ticket Notice of Violation (NOV) Docket # 2012-061 will be issued to Carmax # 7102 citing the above noted violations. Please ensure that the required changes are made on-site to bring the facility into compliance with the hazardous waste management regulations. A Compliance Schedule Evaluation will be conducted no earlier than 30 days after the facility's receipt of this report and the NOV. Please contact me if you have any questions regarding this report, the attached Ticket NOV or compliance with the hazardous waste management (RCRA) regulations.



Jenne S. Walker
Senior Environmental Specialist, NCDENR

Date signed & mailed: August 9, 2012