

Hazardous Waste Section
File Room Document Transmittal Sheet

Your Name: Jenne S Walker
EPA ID: N C R 0 0 0 1 4 6 0 9 2
Facility Name: Carmax 7102
Document Group: Enforcement (E)
Document Type: Ticket Notice of Violation (TNOV)
Description: Ticket NOV Docket # 2012-061 was issued for violations cited during
05/29/2012 SQG CEI Report
Date of Doc: 5/29/2012
Author of Doc: Jenne S Walker

File Room Use Only

NCR000146092

Date Recieved by File Room:

Month	Day	Year

Scanner's Initials:

Date Scanned:

Hazardous Waste Compliance Data Entry Form

EPA ID Number: NCR 000 146 092

Facility Name: Carmax # 7102 (Raleigh, NC)

Street: 8520 Glenwood Avenue

City: Raleigh , NC ZIP: 27612 County: Wake

Contact Name: CJ Jernigan Phone#: (919) 783-8484

EVALUATION DATA New: XXX Change: ____ Delete: ____

Date: 05 / 29 / 2012

Evaluation Type: TNOV

Inspector ID #: 028

Evaluation Comments: **See attached Ticket NOV Docket # 2012-061, 5 violations were cited from the 5/29/2012 SQG CEI**

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 # 2012-061

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

1. Date Determined: 05 / 29 / 2012

Branch: ____ Person: 028

Return to Compliance: 9 / 10 / 2012 / / / 2012
Scheduled Actual

Regulation Description: 40 CFR 262.11 (waste ID/determination)

Comments: Failed to conduct sufficient waste determination on two containers of unidentified waste in the garage.



North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

August 9, 2012

Attn: Ms. C.J. Jernigan, Parts Manager
Carmax # 7102
8520 Glenwood Avenue
Raleigh, NC 27612-7310

SUBJECT: Ticket Notice of Violation, Docket # **2012-061**
5/29/2012 Compliance Evaluation Inspection
Carmax # 7102 (Raleigh, NC)
Small Quantity Generator (SQG)
EPA I.D. # NCR 000 146 092
Wake County

Dear Ms. Jernigan,

On May 29, 2012, Carmax #7102 was inspected by Jenne Walker (representing the NC Hazardous Waste Section, Division of Waste Management, DENR) for compliance with the North Carolina Hazardous Waste Management (RCRA) Regulations. Your assistance and help as well as that from other facility staff were greatly appreciated.

At the time of the inspection, the facility was found to be in violation of the regulations. A copy of the inspection report is enclosed. **You are required to submit a written response to the Division by September 9, 2012 which lists actions that have been taken to resolve the noted violations to bring the facility into compliance with the Hazardous Waste Management Rules.**

Please call me at 919-707-8224 if you have any questions concerning this report or if you need any assistance maintaining compliance with the Hazardous Waste Regulations.

Sincerely,

Jenne S. Walker
Senior Environmental Specialist, NCDENR

**Signed & mailed August 9, 2012*

Cc: Mr. Bentley Parker-Brown, Carmax – Corporate HQ
Jenny Patterson – NC DWM Central Files

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

TICKET NOTICE OF VIOLATION

To: Ms. C. J. Jernigan
Carmax # 7102
8520 Glenwood Avenue
Raleigh, NC 27612

Docket # **2012-061**
Inspection Date: May 29, 2012
Facility Type: SQG
EPA ID # **NCR 000 146 092**

On December 18, 1980, the State of North Carolina, Hazardous Waste Section (State) was authorized to operate the State RCRA hazardous waste program under the Solid Waste Management Act (ACT), N.C.G.S. 130A, Article 9 and rules promulgated thereto at 15A NCAC 13A (Rules) in lieu of the federal RCRA program.

On May 29, 2012, Jenne Walker, representing the N.C. Hazardous Waste Section, inspected Carmax # 7102 (Raleigh, NC) for compliance with the North Carolina Hazardous Waste Management Rules. The inspection report is enclosed. During that inspection, the following violations were noted:

Citation

Specifics

- 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.

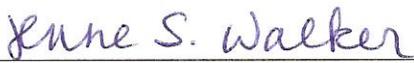
Carmax # 7102 was in violation of the regulation in that the required emergency information was not posted on-site near a telephone.

COMPLIANCE SCHEDULE

You are hereby required to comply with the noted violations by September 9, 2012, at which time a re-inspection may be performed. *If compliance with the violations noted above is not met, up to \$32,500.00 per day may be assessed for each violation of the hazardous waste law or regulations.*

In further satisfaction of **Docket # 2012 – 061**, the facility shall provide written certification with supporting documentation on company letterhead confirming that the noted compliance schedule has been completed.

Mail this certification to Jenne Walker, NCDENR, Division of Waste Management - Hazardous Waste Section, 1646 Mail Service Center, Raleigh, NC, 27699-1646, by the noted compliance date.



Jenne S. Walker
Senior Environmental Specialist, NCDENR

*Date of Signature: August 9, 2012