

Hazardous Waste Section  
File Room Document Transmittal Sheet

17

Your Name: Kelly Galantis  
EPA ID: N C D 0 4 4 5 1 3 6 9 5  
Facility Name: Western Roto Engravers Inc  
Document Group: Enforcement (E)  
Document Type: Administrative Order on Consent (AOC)  
Description:  
Date of Doc: 2/25/2014  
Author of Doc: Doug Roberts

---

**File Room Use Only**

NCD044513695

Date Recieved by File Room:

Month	Day	Year

Scanner's Initials:

Date Scanned:



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

Pat McCrory  
Governor

Dexter R. Matthews  
Director

John E. Skvarla, III  
Secretary

February 25, 2014

**CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Dan Comerford  
Vice-President of Operations  
Western Roto Engravers, Inc.  
Also d.b.a WRE/ColorTech  
533 Banner Avenue  
Greensboro, NC 27401

RETURNING TWO ORIGINAL AOC'S  
BY CERTIFIED MAIL ON 3-5-14.  
RETURN ONE FULLY SIGNED  
ORIGINAL TO DAN COMERFORD  
AS AGREED.

RE: Administrative Order on Consent  
Western Roto Engravers, Inc. Also d.b.a WRE/ColorTech  
533 Banner Avenue  
Greensboro, North Carolina  
NCD 044 513 695 Docket # 2014-029

DAN

Dear Mr. Comerford:

Please find enclosed two revised (2) originals of the Administrative Order on Consent (Order) concerning the subject facility. If you have any comments or revisions you think should be made, please send them, within two weeks of receipt of this correspondence to:

Julie S. Woosley, Chief  
Hazardous Waste Section  
Division of Waste Management  
1646 Mail Service Center  
Raleigh, North Carolina 27699-1646

If you have no comments, revisions nor additional facts we should consider, and you find the documents acceptable as they are currently drafted, please have each original signed and return both originals to the address above. The agency will then sign each and return one original to you for your records.

If you have any questions, or if you would like to arrange a meeting to discuss the Order, please contact Doug Roberts at (919) 707-8221.

Sincerely,

Julie S. Woosley, Chief  
Hazardous Waste Section

Enclosure: Administrative Order on Consent (two originals)

cc: Central File  
Harvi Cooper  
Mike Williford  
Elizabeth Fisher

James Gilreath  
Jenny Patterson  
Kelly Galantis  
Brad Bailey





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

Re: Western Roto Engravers, Inc.  
Also d.b.a WRE/ColorTech  
(Owner/Operator)  
533 Banner Avenue  
Greensboro, North Carolina

**Administrative Order on Consent**  
NCD 044 513 695  
Docket Number 2014-029

Western Roto Engravers, Inc. also d.b.a WRE/ColorTech ("the Facility") and the North Carolina Department of Environment and Natural Resources, Division of Waste Management (the Division), acting through its Hazardous Waste Section (the Section) (collectively the Parties) enter into this Administrative Order on Consent (Order) in lieu of a post-closure permit.

**I. Statement of Purpose**

- A. This Order concerns the application of the North Carolina Solid Waste Management Act (the Act) to the Facility. This Act is contained in Chapter 130A of the North Carolina General Statutes and the rules promulgated thereunder and codified in Subchapter 13A of Title 15A of the North Carolina Administrative Code (the State Hazardous Waste Rules), and the federal Resource Conservation and Recovery Act (RCRA), 42 U.S.C. § 6901 *et seq.* The purpose of this Order is to provide an enforceable agreement in lieu of a post-closure permit that describes requirements for assessment, closure, post-closure care and corrective actions to be taken at the Facility located at 533 Banner Avenue, Greensboro, Guilford County, North Carolina in a manner that is consistent with state and federal laws and rules.
- B. The Parties stipulate that the objectives for completion of the work required by this Order are: (1) to identify all releases of hazardous waste, hazardous constituents, and petroleum constituents; (2) to remove imminent threats to human health and the environment through source removal (if necessary) or treatment; (3) to characterize the Facility's geologic and hydrogeologic conditions and determine the extent of contamination; (4) to perform corrective action at the Facility, and beyond the Facility's boundaries as necessary, to attain, at a minimum, the established remediation goals for the Facility; (5) to implement and maintain a comprehensive monitoring program until remediation is complete; (6) to provide opportunities for public participation; and (7) to provide financial assurance for assessment, closure, post-closure and remediation.
- C. This document constitutes an Order of the Secretary of the Department of Natural Resources for purposes of N.C.G.S. § 130A-18(a)
- D. Therefore, to further the public interest the Parties enter into this Order.

## II. Jurisdiction

- A. The Division has authority pursuant to N.C.G.S. § 130A-290, et seq., to require corrective action by owners and operators with respect to facilities at which hazardous wastes were generated and where treatment, storage, and/or disposal of hazardous waste has occurred.
- B. This Order requires corrective action mandated by 40 CFR 264.101 and 265.121, incorporated by reference in 15A NCAC 13A .0109(g) and .0110(g), and the facility stipulates to the issuance of this Order without a hearing and to comply with the terms of the Order. The facility further stipulates that it will not contest the Section's jurisdiction to issue this Order, to require compliance with the Order, to compel compliance with the Order in any subsequent enforcement proceeding, either administrative or judicial, or to impose sanctions for any violation of the Order.

## III. Stipulations of Fact

- A. Authority of the Hazardous Waste Section
  - 1. The United States Environmental Protection Agency (EPA) has authorized North Carolina to operate the State RCRA Hazardous Waste Program in accordance with the Act and the Rules.
  - 2. The North Carolina Department of Environment and Natural Resources (the Department or DENR) is authorized and required to enforce the laws and rules governing the management of solid waste, including hazardous waste. The Secretary has delegated this authority and responsibility to the Director of the Division.
- B. Western Roto Engravers, Inc. also d.b.a WRE/ColorTech Corporate Information

Western Roto Engravers, Inc. also d.b.a WRE/ColorTech (Western Roto Engravers) is a corporation organized under the laws of California and is authorized to do business in this State. Western Roto Engravers, Inc. is owned by WRE/ColorTech.
- C. Facility Information (Operation, Waste Generation and Disposal)
  - 1. Western Roto Engravers located at 533 Banner Avenue, Greensboro, Guilford County, North Carolina manufactures and refurbishes gravure cylinders for the printing industry. Both the manufacturing and refurbishing processes include applying a copper, nickel and/or chrome plated finish to a steel cylinder. The refurbishing process entails using a lathe and grinder to remove the current finish from the cylinder before the new finish is applied. All cylinders are engraved by chemical etching or electromechanical engraving and then print tested. The Facility also designs and develops the engraving patterns for the cylinders.
  - 2. Western Roto Engravers is listed with the Division as a large quantity generator of hazardous waste. A "large quantity generator" is a generator who generates greater than 1000 kilograms of hazardous waste in a calendar month. Hazardous wastes generated by the Facility include D001, D002, D005, D006, D007, D008, D010, D011 and F003.

3. Western Roto Engravers is required to comply with all Rules applicable to large quantity generators of hazardous waste noted in 40 CFR Part 262 as adopted in 15A NCAC 13A .0107.
4. Prior to 1997, the Facility used open top electroplating process vats in the engraving process. These vats, located in the engraving building, contained electroplating chemicals and were housed within a subsurface secondary containment unit (SSCU) constructed of rubber-lined concrete. The SSCU was used to contain spillage and overflow from the process vats. The Facility acknowledges that it never removed any of the accumulating spillage or overflow that collected in the SSCU during its use.
5. The plating vats located within the SSCU were removed and disposed of in 1997.
6. The SSCU and its accumulated contents were removed in 2003. A total of 23,480 pounds of material were manifested off-site as RCRA hazardous waste codes D004, D005, D007, D008, and D010 using hazardous waste manifest number 941295.
7. Based on the activities described in paragraphs C.5. and C.6. above, the Division considers the electroplating tanks and the SSCU to be a regulated unit pursuant to 40 CFR 265 Subpart J--Tank Systems, incorporated by reference in 15A NCAC 13A .0110(j).
8. In November 2002 a voluntary investigation was begun to assess the soil in the area located beneath the SSCU. The results of the assessment as reported in the June 23, 2003 Comprehensive Site Assessment Report indicated that soils beneath the unit were contaminated with volatile organic compounds (VOCs) including 1,2-dichloroethane, 1,2-dichloropropane, trichloroethylene and inorganic metals including arsenic, cadmium, chromium, mercury and copper above soil screening levels. Historic leakage and/or overflow from the SSCU is believed to be the source of the soil contamination.
9. In addition, groundwater monitoring has been conducted in the vicinity of the former SSCU as reported in the June 23, 2003 Comprehensive Site Assessment Report as well as the February 2007 and the April 2008 Ground Water Sampling Report. These reports show that the groundwater has been contaminated with chromium (33mg/l), benzene (7.0 ug/l), 1,2-dichloroethane (370 ug/l), cis-1,2-dichloroethene (210 ug/l), 1,2-dichloropropane (280 ug/l), methylene chloride (46 ug/l), tetrachloroethene (19 ug/l) and trichloroethene (30 ug/l). These levels are the highest levels found to date that are above the 15A NCAC Subsection 2L standards. Historic leakage and/or overflow from the SSCU is believed to be the source of the groundwater contamination. While contaminant levels in monitoring wells near the SSCU source area have decreased, the rate and extent of the contamination has not yet been determined.
10. The Facility has previously taken certain actions to address the groundwater to potable well, surface water, and indoor air pathways of contamination in and around the SSCU. These actions are documented in the previously

submitted Summary of Soil Assessment Activities dated December 20, 2002, the Comprehensive Site Assessment Report dated June 23, 2003, the December 2005/January 2006/February 2007 Ground Water Sampling Report, the April 2008 Ground Water Sampling Report, the May 2012 Groundwater Sampling Report and the March 8, 2013 Aquifer Pump Testing Results.

11. Soil in the vicinity of the former SSCU and groundwater down gradient of the former SSCU has been, and continue to be, impacted as a result of hazardous waste releases.

#### **IV. Conclusions of Law and Determinations**

Based upon the foregoing stipulations of fact and all other information available on the effective date of this Order, the Section concludes and determines that:

##### **A. Definitions**

1. "Hazardous wastes" shall mean those hazardous wastes defined in N.C.G.S. § 130A-290(a)(8) and the portions of 40 CFR Part 261, adopted by reference in 15A NCAC 13A .0106(a) through .0106(e).
2. "Hazardous constituents" shall mean those constituents listed in Appendix VIII to 40 CFR Part 261, adopted by reference in 15A NCAC 13A .0106(e), or any constituent identified in Appendix IX to 40 CFR Part 264, adopted by reference in 15A NCAC 13A .0109(aa), or under § N.C.G.S. 130A-290(a)(8a).
3. "Landfill" shall have the meaning given in N.C.G.S. § 130A-290(a)(16).
4. The term "facility" shall have the meaning given in 15A NCAC .0102(c)(1).
5. The terms "disposal" and "treatment" shall have the meanings given in N.C.G.S. § 130A-290(a)(6) and (a)(42), respectively.
6. The term "Area of Concern" (AOC) includes any area having a probable release of a hazardous waste or hazardous constituent which is not from a solid waste management unit and is determined by the Department to pose a current or potential threat to human health or the environment. Such areas of concern may require investigations and remedial action as required under RCRA §§ 3004(u) and 3005(c)(3), 42 U.S.C. §§ 6924(u) and 6925(c)(3), and 40 CFR 270.32(b)(2) as adopted in 15A NCAC 13A .0113(f) in order to ensure adequate protection of human health and the environment
7. For purposes of this Order the term "Hazardous Waste Management Unit" (HWMU) includes any unit which has been used for the treatment, storage, or disposal of hazardous waste at any time.
8. For purposes of this Order the term "Solid Waste Management Unit" (SWMU) includes any unit which has been used for the treatment, storage, or disposal of solid waste at any time.
9. For purposes of this Order the term "Corrective Action" shall mean all activities, including activities conducted beyond the Facility boundary, that are proposed or

implemented to facilitate assessment, monitoring, and active or passive remediation of releases of hazardous waste or hazardous constituents to soil, groundwater, surface water, or the atmosphere associated with Hazardous Waste Management Units (HWMUs), Solid Waste Management Units (SWMUs), and/or Areas of Concern (AOCs) located at the Facility.

B. Application of RCRA Standards

1. Pursuant to 40 CFR 261.24, incorporated by reference in 15A NCAC 13A .0106(c) and according to Uniform Hazardous Waste Manifest number 941295, the waste removed from the SSCU and shipped off-site on 03/07/03 constituted regulated RCRA hazardous waste codes D004, D005, D006, D007, D008, and D010. The Section alleges that Western Roto Engravers accumulated this hazardous waste within the SSCU over the course of 36 years until removal of the waste in 2003.
2. Pursuant to 40 CFR 262.34(b), incorporated by reference in 15A NCAC 13A .0107(c), by accumulating hazardous waste for more than 90 days, without receiving an extension of time, Western Roto Engravers was an operator of a hazardous waste storage facility subject to the requirements of 40 CFR Parts 264 and 265, incorporated by reference in 15A NCAC 13A .0109 and .0110, and the permit requirements of 40 CFR Part 270, incorporated by reference in 15A NCAC 13A .0113,. Western Roto Engravers failed to file Part A of a permit application as required by 40 CFR 270.10(e) adopted by reference in 15A NCAC 13A .0013(b) and pursuant to 40 CFR 265.1(b) adopted by reference in 15A NCAC 13A .0110(a) was subject to interim status standards. Western Roto Engravers was required to comply with applicable parts of 40 CFR Part 265 Subpart J throughout the time hazardous waste accumulated in the SSCU.
3. In accordance with 40 CFR 265.196, incorporated by reference in 15A NCAC 13A .0110(j), if an owner/operator using a tank to accumulate hazardous waste determines that there is a leak or spill, or the owner/operator determines the tank system to be unfit for use, and the owner/operator does not follow the steps in 40 CFR 265.196(e)(2)-(4) necessary to return the tank system to service, the tank system must be closed in accordance with 40 CFR 265.197. Upon removal of the SSCU and its contents in 2003, Western Roto Engravers did not satisfy the requirements of 40 CFR 265.196(e)(2)-(4) adopted by reference in 15A NCAC 13A .0110(j) and did not return the SSCU to service. Therefore, the SSCU and associated areas of contamination were required to be closed pursuant to the standards of 40 CFR 265.197.
4. In accordance with 40 CFR 265.197, incorporated by reference in 15A NCAC 13A .0110(j), at closure of a tank system, if the owner or operator demonstrates that not all contaminated soils can be practicably removed or decontaminated the tank system is then considered to be a landfill and the owner or operator must close the tank system and perform post-closure care in accordance with closure and post-closure care requirements at 40 CFR 265.310 that apply to landfills. Western Roto Engravers has demonstrated that not all contaminated soils could be practicably removed or decontaminated after the 2003 removal of the SSCU; therefore, Western Roto Engravers is required to close the tank system, and perform post-closure care, treating the contaminated area as a landfill pursuant to 40 CFR 265.310, adopted by reference in 15A NCAC 13A .0110(n).

5. Pursuant to 40 CFR 265.197(b), adopted by reference in 15A NCAC 13A .0110(j), Western Roto Engravers is subject to all the requirements for landfills set out in 40 CFR Part 265, Subparts G and H, adopted by reference in 15A NCAC 13A .0110(g) and (h).
6. The groundwater monitoring requirements of 40 CFR Part 265 Subpart F adopted by reference in 15A NCAC 13A .0110(f), also apply to a generator's facility where a tank system has been designated a landfill until a post-closure permit is issued.
7. Additionally, 40 CFR 270.1(c), adopted by reference in 15A NCAC 13A .0113(a), requires that owners and operators of landfills that certify closure after January 26, 1983 must have post-closure permits, unless they demonstrate closure by removal or decontamination (i.e., "clean closure"). Based on the foregoing, Western Roto Engravers as owner/operator is required to have a post-closure permit for the facility and agrees to be bound by the requirements of this order in lieu of a permit.
8. Pursuant to 40 CFR 265.121, incorporated by reference in 15A NCAC 13A .0110(g), owners and operators who are subject to the requirement to obtain a post-closure permit under 40 CFR 270.1(c), incorporated by reference in 15A NCAC 13A .0113(a), but who obtain enforceable documents in lieu of a post-closure permit, as provided under 40 CFR 270.1(c)(7), incorporated by reference in 15A NCAC 13A .0113(a), must comply with the following requirements:
  - a. The requirements to submit information about the Facility in 40 CFR 270.28, incorporated by reference in 15A NCAC 13A .0113(b);
  - b. The requirements for facility-wide corrective action in 40 CFR 264.101, incorporated by reference in 15A NCAC 13A .0109(g);
  - c. The requirements of 40 CFR 264.91 through 264.100, incorporated by reference in 15A NCAC 13A .0109(g).
9. Based on the request and representations of Western Roto Engravers, this Order is being issued at the discretion of the Director of the Division in lieu of a post-closure permit, pursuant to N.C.G.S. Chapter 130A, Article 9; 40 CFR 270.1(c)(7), incorporated by reference in 15A NCAC 13A .0113(a); 40 CFR 265.121, incorporated by reference in 15A NCAC 13A .0110(g); and all applicable portions of 40 CFR Parts 124, 264, 265, and 270, incorporated by reference in 15A NCAC 13A .0105, .0109, .0110, and .0113.

## **V. Order Requirements**

In furtherance of the public interest, and with the consent and cooperation of Western Roto Engravers, the Division orders the following actions for the remediation of the area of the SSCU.

1. Western Roto Engravers shall within 90 days provide a Remedial Strategy Plan that includes a summary of the soil and groundwater contamination assessment completed to date and sets out a plan for developing and evaluating remedies for the impacted areas at the facility and beyond the facility boundary after considering: (a) contaminants of concern; (b) the nature and extent of contamination; (c) the rate of contaminant movement; (d) the amount of time required to remediate the facility; (e) media and receptors impacted; and (f) other relevant information gathered during facility characterization activities. The level of detail and specificity related to the remedial technologies being considered for the facility may increase as Western Roto Engravers obtains more information on facility characterization.
2. Western Roto Engravers shall develop a Site Wide Monitoring Program within thirty (30) days of approval of the Remedial Strategy in order to monitor contamination in and around the site. The monitoring program may include groundwater and if applicable, surface water monitoring. The number of monitoring locations and the frequency of monitoring will be selected after considering the nature and concentration of contaminants, the media being monitored, the rate of contaminant movement and the proximity to receptors. If during the course of the investigation, it appears that an offsite receptor has been impacted or there is a need to implement immediate remedial measures to mitigate the movement of contaminants, then the facility shall take appropriate measures and notify the Division.
3. Western Roto Engravers shall develop a Remediation Program within thirty (30) days of approval of the Remedial Strategy, the facility must design a remediation program to implement the approved Remedial Strategy, submit the design and specifications for the program, and upon approval, implement the Remediation Program.
4. If within five years of the effective date of this Order, Western Roto Engravers completes the requirements of this Order and demonstrates that no further action is required, the Division shall issue a 'No Further Action' letter. If it determines that longer term remediation is required, the Division shall require an additional agreement to establish an Administrative Order on Consent (Order) in lieu of a post closure permit. If Western Roto Engravers chooses not to comply with the requirements of this Order, the Division may require Western Roto Engravers to complete, sign and submit an application to the Hazardous Waste Section which meets the requirements of §270.10 and §§ 270.70 through 270.73. 40 CFR 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."

## **VI. Change of Ownership or Operational Control**

- A. Western Roto Engravers shall notify the Section in writing ninety (90) calendar days prior to the date of any change in ownership or operational control of the property on which the Facility is located or any proposed change of ownership or operational control of the monitoring and remediation system.

- B. This Order cannot be transferred to a new owner or operator. Western Roto Engravers shall notify the proposed new owner or operator about this Order, the termination of the Order upon ownership change, and the new owner or operator's responsibility to file a RCRA Part A permit application. Western Roto Engravers shall provide evidence to the Section of the notification to the proposed new owner or operator pursuant to this Paragraph. This evidence shall describe how Western Roto Engravers has assured that, despite the transfer in ownership or operation, all institutional controls required for the Facility, now or in the future, will be implemented and maintained. Additionally, Western Roto Engravers shall (1) assure the instrument effecting the conveyance or transfer of real or personal property interest contains a copy of this Order; and (2) use its best efforts to obtain access agreements to meet the requirements of Section VI from the party obtaining control of the real or personal property.
- C. In the event of change in ownership of the facility, whether or not pursuant to a Brownfields Agreement, the Section shall retain all its applicable enforcement rights against Western Roto Engravers, including calling for submission of a RCRA permit application and financial assurance for a post-closure permit and corrective action.
- D. No change in corporate ownership or corporate status will alter Western Roto Engravers' obligations under this Order or excuse Western Roto Engravers noncompliance with this Order or any requirement established pursuant thereto.
- E. No conveyance of title, easement, or other interest in the Facility, or a portion of the Facility, or the monitoring or remediation system will affect Western Roto Engravers' obligations under this Order. This section will not apply if the parties agree that this Order has been satisfied pursuant to Section V or that this order has been otherwise terminated.

## **VII. Decisions/Notification**

- A. All approvals by and decisions of the Section shall be communicated in writing to Western Roto Engravers by the Chief of the Hazardous Waste Section or her designee. No informal advice, guidance, suggestions, or comments by the Section regarding reports, plans, specifications, schedules or any other matter will relieve Western Roto Engravers of its obligation to obtain formal approvals as required by this Order.
- B. All documents and notices required to be submitted by Western Roto Engravers to the Section pursuant to this Order shall be sent to:

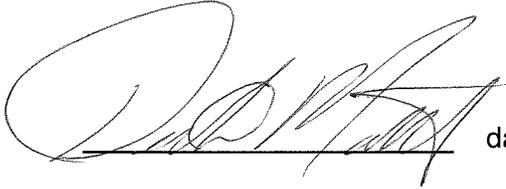
Julie S. Woosley, Chief  
Hazardous Waste Section  
Division of Waste Management  
1646 Mail Service Center  
Raleigh, North Carolina 27699-1646

- C. Unless otherwise agreed to by Western Roto Engravers, the Section shall direct all correspondence related to this Order to:

Dan Comerford  
Vice-President of Operations  
Western Roto Engravers, Inc.  
Also d.b.a WRE/ColorTech  
533 Banner Avenue  
Greensboro, NC 27401

FOR THE NORTH CAROLINA DEPARTMENT OF  
ENVIRONMENT AND NATURAL RESOURCES

Dexter R. Matthews, Director  
Hazardous Waste Section  
Division of Waste Management

  
\_\_\_\_\_ date signed 3-11-14

FOR WRE/ColorTech  
Dan Comerford  
Vice-President of Operations  
Western Roto Engravers, Inc.  
Also d.b.a WRE/ColorTech

  
\_\_\_\_\_ date signed 3-4-14

