

Hazardous Waste Section
File Room Document Transmittal Sheet

Your Name: James Gilreath - 56
EPA ID: N C D 1 2 1 7 0 0 7 7 7
Facility Name: Dart Acquisitions, LLC
Document Group: Inspection/Investigation (I)
Document Type: Compliance Evaluation Inspection (CEI)
Description: TSD Inspection. Joint inspection with US EPA Region 4.
Date of Doc: 9/10/2012
Author of Doc: James Gilreath

File Room Use Only

Date Recieved by File Room:
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Month	Day	Year

NCD121700777
Scanner's Initials:

COMMERCIAL FACILITY REPORT
Resident Inspector Program
Waste Management Division
Department of Environment & Natural Resources

DOCKET #: 2013-13

INSPECTION AND EVALUATION

EPA ID #: NCD 121700777		FACILITY NAME: DART Acquisitions, LLC	
ADDRESS: 4132 Pompano Road		CITY: Charlotte, NC	
NEW <input checked="" type="checkbox"/>	UPDATE <input type="checkbox"/>	DATE(S) OF INSPECTION: 09/10/2012	STAFF ID #: 56

EVALUATION TYPE: 3,6,7,8,9	1 = Compliance Evaluation (CEI for HWS)	7 = Part B Permit
	2 = Sampling / Monitoring.	8 = Manifests / LDRs
JOINT / SUB <input checked="" type="checkbox"/>	3 = Record Review (Logs, Annual Report)	9 = General
OFF SHIFT <input type="checkbox"/>	4 = Air / Water Permit Requirements	10 = Waste Analysis Plan
DURATION (Hrs) 7.25	5 = Reinspection (Compliance Schedule).	11 = Complaint Investigation
	6 = Cont. Plan / Prev & Prep (Safety/OSHA)	12 = BIF
		80 = Informal Meeting

REINSPECTION ONLY: Date of Initial Evaluation: n/a

Original Docket #: n/a

CLASS OF VIOLATION / DEFICIENCY

Class	O2/H2O	Safety/CP	FIN	Part B	Comp Sch	Man	LB	OT	W Mgt	BIF
SNC	O	O		O		O		O	O	
SV	O	O		X		O		O	Z	

SNC = Significant Noncomplier
SV = Secondary Violation

Acceptable Codes

RS	XS	XS	XS	XS	XS	XS	XS	XS	XS	XS
ZO	ZO	ZO	ZO	ZO	ZO	ZO	ZO	ZO	ZO	ZO
H	HR	HI*	H	H	H	H	H	H	H	H

Key:
X = Violation(s)
O = No Violation
R = Referral to DEM or OSHA
H = HPV Violations Present
Z = Pending / Deficiency
S = Same Violation (repeated)
I = No Insurance Only
* = SNC Only

ENFORCEMENT ACTIONS: Area of Violation(s) = CP, PP, FI, PB, CS, MA, LB, OT, WM, BIF

CLASS	AREA OF VIOLATION	TYPE CODE	DATE ACTION TAKEN	COMPLIANCE DATES		PENALTY ASSES. COLL.		RESP AG
				SCHED.	ACTUAL			
SV	PB	02	09/10/2012	02/28/2013	09/10/2012	0	0	--

Codes for Types of Enforcement Actions:

01 = Warning Letter	10 = Informal
02 = Ticket NOV	11 = Filed Civil Action
03 = Draft NOV	12 = Filed Criminal Action
04 = Admin. Complaint	13 = Civil Referral to AG
05 = Final Admin. Order	90 = Hearing

Comments / Recommendations: _____

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

RESIDENT INSPECTOR REPORT

1) Facility Information:

DART Acquisitions, LLC
4132 Pompano Road
Charlotte, NC 28216

EPA ID# NCD 121700777

Permit Status: RCRA
 Air
 Water

2) Facility Contact:

Jim Kreger

Arrived: 9:40 am

Departed: 5:00 pm

3) Date of Inspection / Inspector:

09/10/2012
James Gilreath
Michael Brailsford
Laurie Benton, US EPA Region 4

Shift: 1st
 2nd
 3rd
 Wkend

4) Facility Description Changes:

None

5) Areas of Concentration:

Physical Inspection	Container Integrity	General Housekeeping
Part "B" Permit	Safety Equipment	Containment/Sumps
Recommendation Follow-up	Waste Transfer/Loading	HW/DOT Labeling
Inspection Follow-up	Security/Signage	Waste Analysis Plan

6) Site Deficiency/Violation:

Docket #: 2013-013

1. Dart Acquisitions, LLC's **Permit Part II-E** requires, "Security. The Permittee shall comply with the security provisions of 40CFR 264.14(b) and (c) as adopted in 15A NCAC 13A.0109 and Part F of the Attachment." **40CFR 264.14(b)(2)(i)** as adopted in **15A NCAC 13A.0109**, requires, "An artificial or natural barrier (e.g., a fence in good repair or a fence combined with a cliff), which completely surrounds the active portion of the facility and a means to control entry, at all times, through the gates or other entrances to the active portion of the facility (e.g., an attendant, television monitors, locked entrance, or controlled roadway access to the facility)."

DART Acquisitions, LLC is in violation of **Permit Part II-E** and **40CFR 264.14(b)(2)**, in that, Dart Acquisitions, LLC failed to maintain to the facility's security fence which provides an artificial barrier to completely surround the active portion of the facility and therefore a means to control entry, at all times, (through the gates or other entrances to the active portion of the facility) as required. It was observed that an opening (cut) in the security fence at the back portion of the property; large enough to allow unrestricted entry existed. This condition was previously reported on August 28, 2012 and Dart Acquisitions, LLC failed to take measures to repair or provide other means to control entry.

7) Potential Deficiencies/Areas of Concern:

1. Dart Acquisitions, LLC's **Permit Part II-D** and **40 CFR 264.13(b)** adopted by reference in **15A NCAC 13A.0109** requires, "General Waste Analysis. All incoming waste streams shall be fully certified with a minimum frequency of once per year, or when the process or operation generating the waste changes, or when inspection indicates the hazardous waste received does not match the accompanying manifest whichever is the least amount of time. All incoming waste will be inspected at a minimum frequency of 100 percent and if necessary analyzed."

Further, Dart Acquisitions, LLC's **Permit Part II-B** requires, "Design and Operation of Facility. The Permittee shall maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil or surface water, that could threaten human health or the environment."

DART Acquisitions, LLC is in potential violation of **Permit Part II-D, 40 CFR 264.13(b)** and **Permit Part II-B**, in that, Dart Acquisitions, LLC has repeatedly accepted hazardous waste from TriQuint Semiconductor (DART Acquisitions profile approval #1102-5) which pressurizes containers requiring periodic venting. This practice of venting containers while periodically necessary as a part of plant operation, belies the underlying problem that this profile should be re-examined/analyzed and discussed with the generator in order to prevent a possible rupture of the hazardous waste container. This same hazardous waste stream was identified in the 08/28/2012 Resident Inspector Report.

8) Recommendations/Comments:

1. DART has engaged in a practice of venting the pressurized contents of TriQuint Semiconductor corrosive hazardous waste containers without fully evaluating the conditions which may have caused pressure to develop inside the container. The 08/28/2012 Resident Inspector Program inspection report provided information on bulging/pressurized hazardous waste containers from TriQuint Semiconductor and recommended that, "...drum contents/profile information be evaluated in consultation with the waste generator to determine the source of the reaction and appropriate containment/handling procedures." Section 4.4 of DART Acquisitions, LLC's Waste Analysis Plan states, "Hazardous wastestreams will be reevaluated as often as necessary to ensure the information maintained...is accurate and up-to-date." While drums from the same generator containing the same corrosive hazardous waste stream were noted as bulging/pressurized on more than one occasion, DART continued to follow a practice of repeated venting of bulging/pressurized containers in place of waste stream evaluation and analysis that is required by the written facility waste analysis plan.

2. A 250 gallon tote of F006 hazardous waste containing chromium (Carolina Carports, Manifest #001511833JJK) was observed to be leaking from underneath the tote. The leak was noted to have run from under the tote to a containment sump within Bay 1-B. Facility employees immediately transferred this hazardous waste to another tote, properly labeled the new tote and marked the leaking tote to prevent future use. Spilled waste was cleaned up from the floor and sump areas. The used absorbent/spill response waste was properly disposed. It is recommended that employees receive additional training in proper evaluation of containers for leaks during required inspections and as a part of daily operations. Note: An employee commented during the inspection that he thought the waste on the floor was water resulting from eyewash station testing. The issue of eyewash station test water on the floor in the Bay 1 storage areas has been previously discussed with facility management and Jim Kreger explained that plumbing modifications are planned to address the issue.

3. A building grounding wire located near the loading dock/nonhazardous waste totes appears to be loose/unsecured. It is recommended that this wire be evaluated and repaired, as needed.

9) Requirements:

1. DART Acquisitions, LLC must make permanent repairs to the security fence. Note: This requirement was completed during the inspection conducted on 09/10/2012.
2. DART Acquisitions, LLC must fully certify incoming waste streams, must conduct necessary analysis of waste streams and must maintain and operate the facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste constituents to air, soil or surface water, that could threaten human health or the environment.

10) Follow Up Action Since Previous Inspections:

08/21/2012 Inspection:

1. Hazardous waste storage was observed to be within permitted maximum allowable storage capacities at the time of inspection.

08/24/2012 Inspection:

1. A new hydrogen cyanide monitor was purchased on 08/24/2012 and was delivered to the facility at the time of inspection.

08/28/2012 Inspection:

1. The unsecured drum lid ring was observed to be properly installed on the hazardous waste lead container.
2. Fire extinguishers were observed to be accessible and in good repair.
3. Confined Space procedures are available for employees.

10) Referrals to DAQ/DWQ/OSHA:

None

<u>James L. Kruger</u>	<u>1/29/2013</u>
Facility Representative	Date
<u>James Gilreath</u>	<u>JANUARY 29, 2013</u>
James Gilreath - Resident Inspector	Date