

**HAZARDOUS WASTE SECTION - COMPLIANCE BRANCH
FILE TRANSMITTAL & DATA ENTRY FORM**

Your Name: Bobby Nelms
Facility ID Number: NCR000149666
Facility Name: Smithfield Packing Co Inc. - Tar Heel Div.
Document Group: Enforcement (E)
Document Type: E- Ticket Notice of Violation (TNOV)
Description for File: TNOV 2015-008 for EGKqpf wevgf "qp"33B34236
Date of Document: 34524014
Author(s) of Document: Bobby Nelms

Inspector ID #: NC036 **Suborganization:** Eastern Region
Comments for RCRAInfo: TNOV 2015-008 for "EGKqpf wevgf "qp"33B34236" Hceklk\ "wr f cvgf "vj gkt"pco g"chgt"vj g" kpur gevqp0"Vj g"pco g"qp"vj g"EGKcpf "P QX"tghge"vj g"pco g"qh"vj g"heklk\ "cv"vj g"lko g"qh"vj g"kpur gevqp"cpf "P QX0"

For Violations:

Enforcement Date: 12/30/2014 *******Docket Number:** 2015-008
Enforcement Type: TNOV **How many violations were there?** 3
For IANOV or CO: The facility is

Outcome Measures for CSE for IANOV or CO:

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

Violation #1:

Date Determined: 11/11/2014
Scheduled Return to Compliance: 2/1/2015 **Actual Return to Compliance:** [Click here to enter a date.](#)

Regulation Description: 40 CFR 273.13(d)

Comment: Used lamps were observed not in containers and the used lamps that had been placed in boxes were not closed.
 For CSE, Corrections to Violations were:

File Room Use Only

	Month	Day	Year
Date Received by File Room:			
Date Scanned:			
Date Uploaded:			

Scanner's Initials:

Violation #2:

Date Determined: 11/11/2014

**Scheduled Return
to Compliance:**

2/1/2015

Actual Return

to Compliance: [Click here to enter a date.](#)

Regulation Description: 40 CFR 273.14(e)

Comment: None of the containers of universal waste lamps were properly marked.

For CSE, Corrections to Violations were:

Violation #3:

Date Determined: 11/11/2014

**Scheduled Return
to Compliance:**

2/1/2015

Actual Return

to Compliance: [Click here to enter a date.](#)

Regulation Description: 40 CFR 273.15(c)

Comment: Facility could not demonstrate the length of time that the universal waste had been accumulated at the facility.

For CSE, Corrections to Violations were:



North Carolina Department of Environment and Natural Resources

Pat McCrory
Governor

John E. Skvarla, III
Secretary

December 30, 2014

CERTIFIED MAIL 7012 1640 000 4620 8784
RETURN RECEIPT REQUESTED

Mr. Buddy Harris
Smithfield Packing Co Inc. - Tar Heel Div.
15855 Hwy 87 W
P.O. Box 99
Tar Heel, NC 28392

Subject: NOTICE OF VIOLATION
Docket #2015-008
Smithfield Packing Co Inc. - Tar Heel Div.
EPA ID # NCR000149666

Dear Mr. Harris:

On December 18, 1980, the State of North Carolina, Hazardous Waste Section was authorized to operate the State RCRA hazardous waste program under the Solid Waste Management 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 November 12, 2014, Bobby Nelms, representing the North Carolina Hazardous Waste Section inspected, Smithfield Packing Co Inc. - Tar Heel Div., a small quantity generator of hazardous waste, located in Tar Heel, NC, for compliance with North Carolina Hazardous Waste Management Rules. During that inspection, the following violations were noted:

Citation **Specifics**

40 CFR 273.13(d): A small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

- (1) A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.

- (2) A small quantity handler of universal waste must immediately clean up and place in a container any lamp that is broken and must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers must be closed, structurally sound, compatible with the contents of the lamps and must lack evidence of leakage, spillage or damage that could cause leakage or releases of mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.

Smithfield Packing Co Inc. is in violation of 40 CFR 273.13(d) in that used lamps were observed not in containers and the used lamps that had been placed in boxes were not closed. Additionally, any broken lamps must be managed as described in 40 CFR 273.13(d)(2).

40 CFR 273.14(e): A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below:

- (e) Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: “Universal Waste—Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s).”

Smithfield Packing Co Inc. is in violation of 40 CFR 273.14(e) in that none of the containers of universal waste lamps were properly marked.

40 CFR 273.15(c): A small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by:

- (1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received;
- (2) Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received;
- (3) Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received;
- (4) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received;
- (5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or
- (6) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.

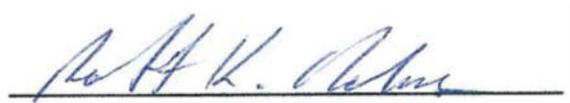
Smithfield Packing Co Inc. is in violation of 40 CFR 273.15(c) in that the facility could not demonstrate the length of time that the universal waste had been accumulated at the facility.

You are hereby required to comply with the noted violations by February 1, 2015, at which time a site evaluation will be performed. If compliance with the violations noted above is not met, pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13A .0701-.0707, an administrative penalty of up to \$32,500.00 per day may be assessed for violation of the hazardous waste law or regulations.

In further satisfaction of Docket #2015-008, Smithfield Packing Co Inc. - Tar Heel Div., shall provide a written certification with supporting documentation on company letterhead confirming the noted compliance schedule has been completed. Mail this certification to Bobby Nelms, NCDENR, DWM/HWS, 1646 Mail Service Center, Raleigh, NC 27699-1646 or email it to: Robert.nelms@ncdenr.gov

If you should have any questions you may contact me at 910-602-3329.

Sincerely,



Robert K. Nelms
Environmental Senior Specialist
Hazardous Waste Section, NCDENR

copies to: RKN
Jenny Patterson - Eastern Region Compliance Branch Supervisor
Central Files