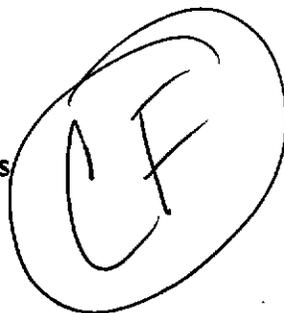


North Carolina
Department of Environment and Natural Resources

Division of Waste Management

Michael F. Easley, Governor
William G. Ross Jr., Secretary
Dexter R. Matthews, Director



April 28, 2002

I
Chrome-Rite

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IMMEDIATE ACTION
NOTICE OF VIOLATION
Docket # 2003-124

Glenn and Betty West
Chrome-Rite Plating, Inc.
514 South Eastern Blvd.
Fayetteville, North Carolina 28301

Dear Mr. and Mrs. West :

On December 18, 1980, the State of North Carolina, Hazardous Waste Section (Section) was authorized to operate the State Resource Conservation and Recovery Act (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 February 19, 2003, Mr. Joseph S. Parker Jr., Waste Management Specialist with this office and Ms. Jill Pafford, Hazardous Waste Section Chief, conducted a Compliance Evaluation Inspection at Chrome-Rite Plating, Inc., Cumberland County, Fayetteville, North Carolina. Chrome-Rite Plating, Inc. operates as an electroplating facility specializing in brass, copper, nickel, and chrome plating for mainly automobile and motorcycle parts. During the walk through portion of the inspection, Mr. Parker observed an outside area where the sandblasting of metal parts occur. The waste sandblasting material was observed on the ground, outside the facility building, on the South end of the property. Mr. Glenn West acknowledged that the waste sand has never been tested for hazardous constituents.

On March 4, 2003, Mr. Joseph S. Parker Jr. and Mr. Brian Polk, Health and Safety Officer with the Section performed a Case Development Inspection to obtain samples of the waste sandblasting material observed during the initial inspection. Results of this sampling indicated that the waste material contained 10.88 mg/l TCLP lead. The material would be considered D008 lead hazardous waste.

- A. 40 CFR 261.1(a), adopted by reference at 15A NCAC 13A .0106, identifies those solid wastes which are subject to regulation as hazardous wastes under Parts 262 through 265 and Parts 270, 271, and 124 of this Chapter and which are subject to the notification requirements of Section 3010 of RCRA.

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- B. 40 CFR 261.2(b), adopted by reference at 15A NCAC 13A .0106, states that materials are solid waste if they are abandoned by being [1] disposed of; or [2] burned or incinerated; or [3] accumulated, stored, or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned, or incinerated.
- C. 40 CFR 261.3(a), adopted by reference at 15A NCAC 13A .0106, states that a solid waste, as defined in Section 261.2 is a hazardous waste if:
1. It is not excluded from regulation as a hazardous waste under Section 261.4(b); and
 2. It meets any of the following criteria:
 - i. It exhibits the characteristics of hazardous waste identified in Subpart C.
 - ii. It is listed in Subpart D and has not been excluded from the lists in Subpart D under Sections 260.20, and 260.22 of this chapter.
 - iii. It is a mixture of solid waste and hazardous waste that is listed in Subpart D solely because it exhibits one or more of the characteristics of hazardous waste identified in Subpart C, unless the resultant mixture no longer exhibits any characteristic of hazardous waste identified in Subpart C.
 - iv. It is a mixture of solid waste and one or more hazardous wastes listed in Subpart D and has not been excluded from this paragraph under Sections 260.20 and 260.22 of this chapter.
- D. GS 130A-290(6), defines "Disposal" as the discharge, deposit, injection, dumping, spilling, leaking or placing of any solid waste into or on any land or water so that the solid waste or any constituent part of the solid waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.
- E. GS 130A-290(41), defines "Storage" as the containment of solid waste, either on a temporary basis or for a period of years, in a manner which does not constitute disposal.
- F. It is the determination of the Section that the disposal of the waste sandblasting media containing lead at Chrome-Rite Plating, Inc. in Fayetteville, North Carolina, constitutes storage and disposal of solid/hazardous waste subject to all applicable requirements of 40 CFR 261 through 265 and 270. Specifically:
1. 40 CFR 262.11, adopted by reference at 15A NCAC 13A .0107, states that 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.
- c. If the waste is not listed as a hazardous waste in Subpart D of 40 CFR Part 261, he must determine whether the waste is identified in Subpart C of 40 CFR Part 261 by either:
 - i. Testing the waste according to the methods set forth in Subpart C of 40 CFR Part 261, or according to an equivalent method approved by the Administrator under 40 CFR 260.21; or
 - ii. Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used.

Chrome-Rite Plating, Inc. is in violation of 40 CFR 262.11, adopted by reference at 15A NCAC 13A .0107, in that it generated a solid waste, as defined in 40 CFR 261.2, and failed to determine if a release of that waste to the land surface is also a hazardous waste.

2. 15A NCAC 13A .0109(a), states that any person who treats, stores, or disposes of hazardous waste shall comply with the requirements set forth in this section. The treatment, storage or disposal of hazardous waste is prohibited except as provided in this section.

Chrome-Rite Plating, Inc. is in violation of 15A NCAC 13A .0109(a), in that hazardous waste has been stored and/or disposed without complying with the requirements set forth in this section.

COMPLIANCE SCHEDULE

By the dates specified below, Chrome-Rite Plating, Inc., Fayetteville, North Carolina shall comply with the following requirements:

1. Comply with 40 CFR 262.11, codified at 15A NCAC 13A .0107. An immediate determination and/or analysis of all known and unknown waste disposed on the land surface and within the concrete pad must be completed to ensure proper characterization and disposition. Due to a suspected or known release of hazardous waste, a comprehensive site characterization is required.

Within 30 days of the effective date of this Notice, develop and submit to the Branch Chemist, two copies of an Initial Site Sampling Plan that characterizes the wastes and release(s) in question. This characterization must comply with the requirements set forth in the Hazardous Waste Section Generator Closure guidance document. (Summary attached). It must include identifying the sources or contamination, the nature and extent of contamination, determining site hydrogeologic conditions, evaluation of fate/transport of the contaminants, pathways for migration, and identifying potential human and environmental receptors.

The Initial Site Sampling Plan will be reviewed by the Branch Chemist to determine its completeness. If it is determined to be complete, the Chemist will determine whether the project will be managed as a generator closure under the guidance of the Sections's Compliance Branch or be referred to the Programs Branch. If the remediation of the site remains with the Compliance Branch, two copies of an Assessment and Clean-up Plan must be developed and submitted to this office within 30 days of the Chemist's approval of the Initial Site Sampling Plan. Elements required in the development of an Assessment and Clean-up Plan are outlined in the attached summary of the Generator Closure Guidelines. The Assessment and Clean-up Plan must fully describe all facets of the remediation, a schedule of activities, sampling and analysis methods, and proposed cleanup standards. Failure by Chrome-Rite Plating, Inc. to complete an effective site remediation may subject the site to additional requirements including closure plans, financial assurance for closure/post-closure and ground water monitoring.

Upon verification that hazardous waste has been disposed, Chrome-Rite Plating, Inc. must immediately cease the discharge/disposal of hazardous waste to the environment and all hazardous wastes discharged shall be removed and manifested to a permitted hazardous waste treatment, storage, or disposal facility. The removal must be completed and two copies of a Closure Report submitted to the Branch Chemist within the time frame set forth in the approved schedule submitted in the Assessment and Clean-up Plan and no later than 180 days from the date of the approval of the Assessment and Clean-up Plan.

2. Comply with 15A NCAC 13A .0109(a). Chrome-Rite Plating, Inc. shall no longer store or dispose of hazardous waste without full compliance with this section. During the interim, pending shipment of the waste, Chrome-Rite Plating, Inc. must comply with 40 CFR 262.34(a), adopted by reference at 15A NCAC 13A .0107 which states that:
 - a. If the waste is placed in containers the generator must comply with Subpart I of 40 CFR Part 265 or if the waste is placed in tanks, the generator must comply with Subpart J of 40 CFR Part 265 except 265.197(c) and 265.200.
 - b. The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.
 - c. While being accumulated on-site, each container and tank is labeled or marked clearly with the words, "Hazardous Waste"; and

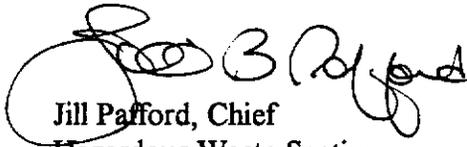
- d. The generator complies with the requirements for owners or operators in Subparts C & D in 40 CFR part 265, Section 265.16 and 268.7(a)(4).

These and additional violations may be addressed in a subsequent Compliance Order with Administrative Penalties from this office. Pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701 - .0707, an administrative penalty of up to \$25,000.00 per day may be assessed for violation of the hazardous waste law or regulations.

All reports should be sent to: Roberta Proctor, Environmental Chemist, P.O. Box 384, Lake Lure, N.C. 28746.

If you should have questions concerning this Notice, you may contact Mr. Joseph Parker at (919) 303-8955. Questions concerning the site characterization and remediation should be addressed to Ms. Roberta Proctor, Compliance Branch Chemist at (828) 625-0171.

Sincerely,



Jill Pafford, Chief
Hazardous Waste Section

cc: Central Files
Mike Williford
Roberta Proctor
Joseph Parker