

Region 4 Compliance Data Entry Form - Side A

(Rev. 8/97)

FACILITY INFORMATION:	Submittal Information	Initial Date -	Corrected Date -
	EPA ID Number: <u>CE5Q6-NO2D#</u> <i>NCS 00000265</i>	RCRA Comp. Section: Received: Entered/ Returned:	By- _____ _____ _____ _____ _____

Facility Name: AUTO BODY SHOP City: Asheboro

KB
6/14
I

EVALUATION DATA: New: Change: Delete: (: Required)

Agency: S Date: 05/16/02 Type: CEI Control Number Data Entry Personnel: _____

Person: 0219 Reason:

Evaluation Comments:
(74) 1: TICKET NOV DOCKET # 2002-141
2: _____

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) Date of determination:
 a SNC (SNY evaluation) _____
 or no longer a SNC (SNN eval.) _____ Same as above eval.: - or - / /

VIOLATION DATA: New: Change: Delete:

#1 Agency: S Type: 617 Date (mdy) Determined: 05/16/02 Class:
 Priority: Branch: 011 Person: 0219 Seq. Number (Data Entry): _____
 Return to Compliance: 06/23/02 --- Scheduled --- --- Actual ---
 Reg. Type: SIR Reg. Description (30): 40 CFR 262.11
 Comment (72): WASTE DETERMINATION

#2 Agency: S Type: 617 Date (mdy) Determined: 05/16/02 Class:
 Priority: Branch: 011 Person: 0219 Seq. Number (Data Entry): _____
 Return to Compliance: 06/23/02 --- Scheduled --- --- Actual ---
 Reg. Type: SIR Reg. Description (30): 40 CFR 261.5(g)(3)
 Comment (72): CE5Q6 Requirement

Agency: Type: Date (mdy) Determined: / / Class:
 Priority: Branch: Person: Seq. Number (Data Entry): _____
 Return to Compliance: / / --- Scheduled --- --- Actual ---
 Reg. Type: Reg. Description (30): _____
 Comment (72): _____

JUL 2002
ENTERED
KORIS

*** EPA Region 4 Compliance Data Entry Form -Side B *** (8/97)

Fill out facility information on Side A, then come back to this side.

ENFORCEMENT DATA: New: Change: Delete: (: Required)

Agency: Type: Date: / / Month Day Year Seq.# (Data Entry)

Person: Branch: Poll. Prev. Measures:

Penalty Data
 Proposed: \$ / / 1) Payments: \$ / / Date Paid: / /
 Settled/Final: \$ / / 2) \$ / /

Enforcement Comments: 1: _____
 (74)
 2: _____

Cite violations addressed by this action below -

VIOLATION DATA: New: Change: Delete:

Agency: Type: Date (mdy) Determined: / / Class:
 Priority: Branch: Person: Seq. Number (Data Entry)
 Return to Compliance: / / -- Scheduled -- --- Actual ---
 Reg. Type: Reg. Description (30): _____
 Comment (72): _____

Agency: Type: Date (mdy) Determined: / / Class:
 Priority: Branch: Person: Seq. Number (Data Entry)
 Return to Compliance: / / -- Scheduled -- --- Actual ---
 Reg. Type: Reg. Description (30): _____
 Comment (72): _____

Agency: Type: Date (mdy) Determined: / / Class:
 Priority: Branch: Person: Seq. Number (Data Entry)
 Return to Compliance: / / -- Scheduled -- --- Actual ---
 Reg. Type: Reg. Description (30): _____
 Comment (72): _____

Agency: Type: Date (mdy) Determined: / / Class:
 Priority: Branch: Person: Seq. Number (Data Entry)
 Return to Compliance: / / -- Scheduled -- --- Actual ---
 Reg. Type: Reg. Description (30): _____
 Comment (72): _____

More violations for this enforcement action on other side ? Yes No

DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT
HAZARDOUS WASTE SECTION

COMPLAINT INVESTIGATION REPORT

SUBJECT: Auto Body Shop
LOCATION: Randolph Co. DATE: May 16, 2002
ADDRESS: 1737 Gold Hill Road TIME SPENT: 3 hr
CITY: Asheboro STATE: NC ZIP: 27203

BY WHOM: Joseph Parker - Waste Management Specialist
PERSONS CONTACTED: Anthony Greene - Owner
REASON FOR VISIT: Complaint Investigation
COPIES TO: Jesse Wells - Western Area Supervisor
 Anthony Greene - Auto Body Shop

REPORT:

On the above day, Joseph Parker, Waste Management Specialist with the NCDENR - Hazardous Waste Section conducted a complaint investigation concerning allegations forwarded to this Office by the NCDENR - Customer Service Center. The allegations involved activities at the above name facility, Auto Body Shop, located in Asheboro, NC. The information received indicated that employees of this business engaged in the illegal disposal of waste paint and thinners by burning them in a barrel onsite.

I arrived onsite to meet with Mr. Anthony Greene, owner of Auto Body Shop. Auto Body Shop is a commercial auto paint and body shop. The facility generates waste paint/thinner as a result of their paint operation. The waste paint/thinner is generated from the cleaning of their spray lines and guns, which are used in the painting process. I asked Mr. Greene about his waste disposal method for his waste paint/thinner. He told me that he collects the waste paint/thinner in a container after it is generated, and uses small amounts of the waste material to start fires in a barrel onsite. This burn barrel is used to burn a variety of items including cardboard, paper and brush materials. After further discussion of the allegations, I asked Mr. Greene to show me this burn barrel which is used for this activity.

The burn barrel was located in a front area of the property, along side the entrance to the site. The barrel was a cut down version of a fifty-five gallon size container. It was approximately 1/3 of its original size. The barrel had some evidence of rusting on the outside of the container, which is consistent with the amount of heat that would be generated by burning material inside the container. An undetermined amount of

sludge/water material was noted inside the barrel. Mr. Greene indicated that approximately ½ gallon of waste paint/thinner is used to start the fire when he burns materials. Mr. Greene reported placing the waste paint/thinner inside the container and adding other solid materials to be burned to the pile. Mr. Greene reported that no waste paint/thinner had been disposed on the ground in this area. During the site visit, several pieces of cardboard and tree limbs lay near the container. I instructed Mr. Greene not to burn any material in the future. I then requested MSDS for the types of thinners and reducers the facility uses to clean their spray guns.

Mr. Greene promptly retrieved these documents and provided copies of their MSDS' for the thinner and reducer material they use for cleanup. The material does have percentage amounts of butyl acetate, acetone, toluene, isopropanol and naphtha contained within their waste reducers and thinners. I instructed Mr. Greene to immediately containerize the sludge/water material observed inside the burn barrel for proper characterization and disposal in the future. Mr. Greene requested information about local companies that may be able to assist him in the proper disposal of this material and other wastes generated in the future. I told him that I would fax him three names of companies on the following day.

Prior to leaving the site, I again instructed Mr. Greene not to conduct any burning of materials onsite, especially waste thinners and reducers. Additionally, I instructed him to containerize the sludge/water material that was observed in the burn barrel for future characterization and disposal. I then told him that I would be able to send him a report of my findings within the next week. Based upon my findings, it was determined that the Auto Body Shop is generating hazardous waste amounts consistent with the CESQG classification.

May 17, 2002

On the above day, Joseph Parker, Waste Management Specialist with the NCDENR - Hazardous Waste Section faxed the requested information to Mr. Anthony Greene, owner of the Auto Body Shop. The fax transmission described the deficiencies noted during the site visit conducted the previous day and the names of three contractors that could help Mr. Greene come into compliance with the deficiencies. A copy of this letter will be attached to this report for review.

Site Deficiencies:

The following site deficiencies were noted during the Complaint Investigation conducted on May 17, 2002.

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) For the 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 40 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.

During the complaint investigation, a sludge/water material was observed inside a burn barrel located at the front of the property. Mr. Greene indicated that waste thinners and waste reducers are used to initiate any fires started inside this barrel. Mr. Greene was unable to confirm whether the material found in the barrel was a hazardous waste. Additionally, Mr. Greene was unable to determine whether the waste paint, waste thinners and waste reducers generated as result of their painting operation were hazardous wastes. Auto Body Shop must perform a waste determination to evaluate the contents of the burn barrel and the characteristics of their waste paint, waste thinners and waste reducers generated on-site.

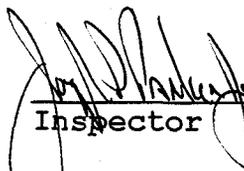
2. 40 CFR 261.5(g)(3), adopted by reference at 15A NCAC 13A .0106, states that a conditionally exempt small quantity generator may either treat or dispose of his hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the U.S., is:
 - (i) Permitted under Part 270 of this chapter;
 - (ii) In interim status under Parts 270 and 265 of this

- chapter;
- (iii) Authorized to manage hazardous waste by a State with a hazardous waste management program approved under Part 271 of this chapter;
 - (iv) Permitted, licensed, or registered by a State to manage municipal or industrial solid waste;
 - (v) Permitted, licensed, or registered by a State to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit after January 1, 1998, is subject to the requirements in Section 257.5 through 257.30 of this chapter; or
 - (vi) A facility which:
 - (a) Beneficially uses or reuses, or legitimately recycles or reclaims its waste; or
 - (b) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or
 - (vii) For universal waste managed under Part 273 of this chapter, a universal waste handler or destination facility subject to the requirements of Part 273 of this chapter.

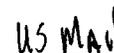
During the complaint investigation, it was noted that the facility disposes of their waste paint, waste thinners and waste reducers by using them to start fires in their burn barrel. The facility must cease this activity and contract with an environmental company to handle their hazardous waste in proper manner in the future.

Comments:

Auto Body Shop will be issued a Ticket Notice of Violation for the site deficiencies noted during the Complaint Investigation conducted on May 16, 2002. The facility will be given 30 days in which to comply with the site deficiencies. If there are any questions regarding this report, please contact Joseph Parker at (919) 303-8955.


 Inspector

May 21, 2002


 Facility Contact

ACTIVITY TYPE: CHECK MOST APPROPRIATE

- | | |
|---|-----------------|
| 1. COMPLAINT - X | 5. PRESENTATION |
| 2. SPILL | 6. TRAINING |
| 3. TECHNICAL ASSISTANCE | 7. MEETING |
| 4. REMEDIAL ACTION
(other than WPCA) | 8. OTHER |

Division of Waste Management

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



Waste Management Division
Hazardous Waste Section

NOTICE OF VIOLATION

To: Mr. Anthony Greene
Auto Body Shop
1737 Gold Hill Road
Asheboro, NC 27203

Docket #: 2002 - 141
Inspection Date: May 16, 2002
Facility Type: CESQG

EPA ID#: None

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 April 4, 2002, Mr. Joseph Parker representing the North Carolina Hazardous Waste Section conducted a complaint investigation at your facility for compliance with North Carolina Hazardous Waste Management Rules. During that complaint investigation, the following violations was noted:

Citation

Specifics

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) For the 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 40 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.

During the complaint investigation, a sludge/water material was observed inside a burn barrel located at the front of the property. Mr. Greene indicated that waste thinners and waste reducers are used to initiate any fires started inside this barrel. Mr. Greene was unable to confirm whether the material found in the barrel was a hazardous waste. Additionally, Mr. Greene was unable to determine whether the waste paint, waste thinners and waste reducers generated as result of their painting operation were hazardous wastes. Auto Body Shop must perform a waste determination to evaluate the contents of the burn barrel and the characteristics of their waste paint, waste thinners and waste reducers generated on-site.

2. **40 CFR 261.5(g)(3), adopted by reference at 15A NCAC 13A .0106,** states that a conditionally exempt small quantity generator may either treat or dispose of his hazardous waste in an on-site facility or ensure delivery to an off-site treatment, storage, or disposal facility, either of which, if located in the U.S., is:
 - (i) Permitted under Part 270 of this chapter;
 - (ii) In interim status under Parts 270 and 265 of this chapter;
 - (iii) Authorized to manage hazardous waste by a State with a hazardous waste management program approved under Part 271 of this chapter;
 - (iv) Permitted, licensed, or registered by a State to manage municipal or industrial solid waste;
 - (v) Permitted, licensed, or registered by a State to manage non-municipal non-hazardous waste and, if managed in a non-municipal non-hazardous waste disposal unit after January 1, 1998, is subject to the requirements in Section 257.5 through 257.30 of this chapter; or
 - (vi) A facility which:
 - (a) Beneficially uses or reuses, or legitimately recycles or reclaims it waste; or
 - (b) Treats its waste prior to beneficial use or reuse, or legitimate recycling or reclamation; or
 - (vii) For universal waste managed under Part 273 of this

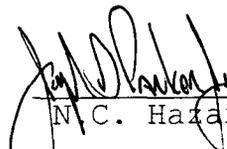
chapter, a universal waste handler or destination facility subject to the requirements of Part 273 of this chapter.

During the complaint investigation, it was noted that the facility disposes of their waste paint, waste thinners and waste reducers by using them to start fires in their burn barrel. The facility must cease this activity and contract with an environmental company to handle their hazardous waste in proper manner in the future.

You are hereby required to comply with the noted violation by **June 23, 2002**, at which time a reinspection will be performed. If compliance with the violation(s) noted above are not met, pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13A .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.

In further satisfaction of Docket #2002-141, Auto Body Shop shall provide a written certification with supporting documentation on company letterhead confirming the noted compliance schedule has been completed. Mail this certification to Mr. Joseph Parker - Waste Management Specialist at NCDENR - Division of Waste Management, Hazardous Waste Section, 1646 Mail Service Center, Raleigh, North Carolina 27699-1646

May 23 2002
(Date)

 - Waste Management Spec.
N.C. Hazardous Waste Section

I, Joseph Parker, hereby certify that I have personally served a copy of this notice on: Mr. Anthony Greene at Auto Body Shop, 1737 Gold Hill Road, Asheboro, NC 27203 on May 21, 2002.

US Mail

(Recipient Signature)

cc: Jesse Wells - NCDENR-HWS
Central files
WSRO files