

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

**Your Name:** Ernest Lawrence

**Facility ID Number:** NCS000002340

**Facility Name:** Piedmont Properties of NC

**Document Group:** Enforcement (E)

**Document Type:** E – Ticket Notice of Violation (TNOV)

**File Description/Comments:** NOV issued

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**Author(s) of Document:** Ernest Lawrence

**Inspector ID #:** NC043

**Suborganization:** Western Region

**County (if not on report):** Forsyth



PAT MCCRORY  
*Governor*

DONALD R. VAN DER VAART  
*Secretary*

**WASTE MANAGEMENT DIVISION  
HAZARDOUS WASTE SECTION  
NOTICE OF VIOLATION**

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

DOCKET # 2016-038

August 5, 2016

Gilbert Rockson  
Piedmont Properties of NC  
114 N. Elm Street, Suite 502  
Greensboro, NC 27401

Re: 128 Furlong Industrial Drive, Kernersville, NC 27284

NCS000002340

Dear Mr. Rockson:

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.

Mr. Ernest Lawrence representing the NC Hazardous Waste Section inspected your facility for compliance with NC Hazardous Waste Management Rules on Thursday, July 21, 2016.

During that investigation, the following violation(s) were noted:

**Citation**

**Specifics**

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.

[Note: Even if the waste is listed, the generator still has an opportunity under 40 CFR 260.22 to demonstrate to the Administrator that the waste from his particular facility or operation is not a hazardous waste].

(c) For 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, 262, 264, 265, 266, 268, and 273 of this chapter for possible exclusions or restrictions pertaining to management of the specific waste.

A 55-gallon container of waste was observed behind the building at 128 Furlong Industrial Drive, Kernersville, NC 27284, and a waste determination had not been made.

You are hereby required to comply with the noted violation(s) by September 6, 2016 on or after which time a follow up visit 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 \$32,500.00 per day may be assessed for violation of the hazardous waste law or regulations.

In further satisfaction of Docket Number 2016-038 Piedmont Properties of NC shall provide a written certification with supporting documentation on company letterhead confirming the noted compliance schedule has been completed. Mail this certification to Mr. Ernest Lawrence - Environmental Senior Specialist at PO Box 925, Dobson, NC 27017-0925.

8/5/16



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(Date)

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NC Hazardous Waste Section

I, Ernest Lawrence, hereby certify that I have personally served a copy of this Notice by certified mail on Mr. Gilbert Rockson.

Cc: Mr. Sean Morris, NC Hazardous Waste Section  
Raleigh Central Files