

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

**Your Name:** Heather Goldman

**Facility ID Number:** NCR000004168

**Facility Name:** Johnson C Smith University

**Document Group:** Inspection/Investigation (I)

**Document Type:** I - Compliance Evaluation Inspection (CEI)

**File Description/Comments:** Facility operating as CESQG. TNOV Docket #2016-020 issued with report. **Date of Document:** 2/9/2016

**Author(s) of Document:** Heather Goldman

**Inspector ID #:** NC111

**Suborganization:** Western Region

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

**For Violations:**

**Enforcement Date:** 2/22/2016

**Docket Number:** 2016-020

**Enforcement Type:** TNOV

**How many violations were there?** 5

**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:** 2/9/2016

**Scheduled Return to Compliance:** 3/23/2016

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

**Regulation Description:** 40 CFR 262.11

**Comment:** Failure to conduct a waste determination.

**For CSE, Corrections to Violations were:**

**Violation #2:**

**Date Determined:** 2/9/2016

**Scheduled Return to Compliance:** 3/23/2016

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

**Regulation Description:** 40 CFR 273.13(d)

**Comment:** The facility failed to properly containerize universal waste lamps in a closed container to prevent breakage.

**For CSE, Corrections to Violations were:**

**Violation #3:**

**Date Determined:** 2/9/2016

**Scheduled Return to Compliance:** 3/23/2016      **Actual Return to Compliance:** [Click here to enter a date.](#)

**Regulation Description:** 40 CFR 273.14(e)

**Comment:** The facility failed to label each universal waste lamp container with the words "Universal Waste Lamps", "Used Lamps", or "Waste Lamps".

**For CSE, Corrections to Violations were:**

**Violation #4:**

**Date Determined:** 2/9/2016

**Scheduled Return to Compliance:** 3/23/2016      **Actual Return to Compliance:** [Click here to enter a date.](#)

**Regulation Description:** 40 CFR 273.16

**Comment:** The facility failed to provide information that describes proper handling and emergency procedures to all employees that handle or have responsibilities for managing universal waste.

**For CSE, Corrections to Violations were:**

**Violation #5:**

**Date Determined:** 2/9/2016

**Scheduled Return to Compliance:** 3/23/2016      **Actual Return to Compliance:** [Click here to enter a date.](#)

**Regulation Description:** NC G.S. 130A-294.1(e)

**Comment:** The facility failed to pay required LQG fees for the State fiscal year July 1, 2013 through June 30, 2014.

**For CSE, Corrections to Violations were:**

**STATE OF NORTH CAROLINA  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
DIVISION OF WASTE MANAGEMENT  
HAZARDOUS WASTE SECTION**

**SMALL QUANTITY GENERATOR (SQG)  
COMPLIANCE EVALUATION INSPECTION (CEI) REPORT**

**1. FACILITY INFORMATION:**

Name: Johnson C Smith University  
EPA ID Number: NCR000004168  
Type of Facility: Small Quantity Generator (SQG)  
Facility Location and Address: 100 Beatties Ford Road, Charlotte, NC 28216  
Telephone Number: 704-371-6775  
County: Mecklenburg

**2. AUTHOR OF REPORT:** Heather Goldman, Environmental Senior Specialist, NCDEQ  
980-224-9858 [heather.goldman@ncdenr.gov](mailto:heather.goldman@ncdenr.gov)  
Date of Report: February 22, 2016

**3. FACILITY CONTACT:** Michael Chenoweth  
Office: 704-458-0305

**4. SURVEY PARTICIPANTS:**

Michael Chenoweth –Maintenance; Eddie Wickline - Plumber Timothy Champion; Zuheir Moad – Director of Facilities; D.A. – Chemistry Professor; Heather Goldman - ESS NCDEQ

**5. DATE OF INSPECTION:** February 9, 2016

**6. PURPOSE OF EVALUATION:**

An evaluation to determine compliance with hazardous waste management regulations (also known as the Resource Conservation & Recovery Act, or RCRA) which are described at Chapter 40 of the Code of Federal Regulations (40 CFR), Parts 260 – 270, 273, and 279; and Title 15 Chapter 13A Hazardous Waste Management Rules (Rules) of the North Carolina Administrative Code (NCAC).

**7. DESCRIPTION OF FACILITY:** Johnson C Smith University (facility) is a private, co-ed historical four-year research university. Founded in 1867, the facility offers Biology and Chemistry laboratories along with other many other fields of study. On 3/7/1996 the school notified as a SQG and was issued an EPA ID number. The facility subsequently notified as a Large Quantity Generator (LQG) on 12/1/2008 for a one time laboratory cleanout and then as a SQG on 11/1/2013. A compliance Assistance Visit was conducted at the facility on November 19, 2015. The facility was provided with a report on December 2, 2015, outlining deficiencies, which were addressed through technical assistance.

The facility recently built a new science building where Biology and Chemistry classes are held. Chemicals located in the old science building are being moved to the new science building as product or as wastes for disposal. A list of chemicals used in Organic Chemistry 211 and 212 were provided for review. The facility was notified as a Small Quantity Generator (SQG). However, the facility appeared to be operating as a Conditionally Exempt Small Quantity Generator at the time of inspection. Notice of Violation, Docket #2016-020 was issued with this report.

**Past Due Generator Fees:** The facility failed to pay required Large Quantity Generator (LQG) fees for the State Fiscal Year 2013. The facility shipped greater than 2.2 pounds of P-listed waste in March 2014 and operated

as a LQG during that time. The facility paid the SQG fee of \$175 to the Hazardous Waste Section on 12/10/2013 for FY 2013/2014, which began on July 1, 2013 and ended June 31, 2014.

**General Information:**

- Legal owner of facility: Johnson C Smith University
- Legal owner of property: Johnson C Smith University, Inc.
- Number of Employees/Shifts: 323 employees/ two shifts Monday - Friday
- Number of on-site wells: None known
- Distance to closest off-site well: Approximately 0.5 miles
- Water supply (municipal or well): Charlotte Water
- Municipal sewer/septic/on-site treatment facility: Charlotte Water
- Closest private residence: Residential units located onsite
- Site Acreage: Approximately 41.9 acres

**8. HAZARDOUS WASTE (HW) GENERATED:**

Mr. Champion explained that they had not shipped off any hazardous waste since the site visit conducted on November 19, 2016.

**9. AREAS OF REVIEW AND INSPECTION:**

- Manifests / Land Disposal Restriction (LDR) Notifications – No hazardous waste manifest have been generated from this location since November 19, 2015.
- Satellite Accumulation Areas (SAAs) – Two chemistry laboratories were observed where hazardous waste is generated and accumulated.
  - In NSC304 one (1) 3-liter container was observed. The container was closed, labeled as “Hazardous Waste”, and dated as 1/20/2016.
  - In another NSC laboratory, one (1) 3-liter container was observed as closed, labeled as “Hazardous Waste” and dated as April 2014.
- Hazardous Waste Storage Areas (HWSA) – The HWSAs could not be observed due to lack of security access. Mr. Chenoweth explained that there has been minimal generation of hazardous waste.
- Used Oil – There was no used oil observed onsite at the time of the visit.
- Other Waste – **Failure to conduct a waste determination.** Various chemical waste containers, including paint and cleaners, were observed stored in the basement of the James H. & Jane M. Berry Hall. The same containers were observed stored in the area during the 11/19/2015 site visit. The containers were identified as waste, but it was not known if the material was hazardous. The date of how long the waste material had been stored in the area was unknown. Mr. Chenoweth provided documentation authorizing work to conduct a waste determination on the material, dated 1/29/2016.



*Various sized chemical container were identified as waste.*

- Universal Waste – Universal waste generated on campus is maintained by Facilities and Maintenance Services. The facility accumulates used lamps in the basement of the James H. & Jane M. Berry Hall. During the November 19, 2015 site visit, the floor of the basement was wet and created an integrity issue for cardboard containers accumulated in the area. During the February 9, 2016 site visit, the same used lamps were observed. **The facility is a Small Quantity Handler of Universal Waste and failed to accumulate used lamps in a closed container labeled as “Universal Waste Lamps”, “Used Lamps”, or “Waste Lamps”.** The same deficiencies were observed during the 11/19/2015 site visit and noted in the 12/2/2015 CAV report. No broken lamps were observed. Used lamps were observed not containerized, accumulated in open containers, accumulated in containers that were not labeled properly. **The facility failed to provide information that describes proper handling and emergency procedures to all employees that handle or have responsibilities for managing universal waste.** Mr. Moad confirmed that they have not provided universal waste training to employees. This deficiency was cited in the 12/2/2015 CAV report.

During the 11/19/2015 site visit, documentation was provided to demonstrate that universal waste lamps were previously shipped for recycling on 2/10/2015 to Clean Management Environmental Group, Inc. **It is a reminder that universal waste can be accumulated onsite for no longer than one year, or 365 days. The facility must be able to demonstrate the length of time that the universal waste has been accumulated.** During the 2/9/2016 site visit, the facility was reminded of the one year accumulation time limit and directed to have the used lamps sent for recycling.



*Miscellaneous sized fluorescent used lamps not accumulated in closed and labeled boxes. Cardboard boxes were observed in poor condition due to exposure to the wet floor.*



*Small fluorescent used lamps accumulated in open and unlabeled box and spilled out of the box.*



*Eight-foot fluorescent used lamps accumulated in open unlabeled boxes and four-foot fluorescent used lamps not containerized at all.*

The facility currently does not have a used battery program in place to manage used batteries generated on campus. **The facility is reminded that used batteries must be properly managed for disposal or sent for recycling. A waste determination, per 40 CFR 262.11, must be conducted on all waste batteries that are managed for disposal. Used batteries may be managed as universal waste per 40 CFR 273.**

#### **10. SITE DEFICIENCIES:**

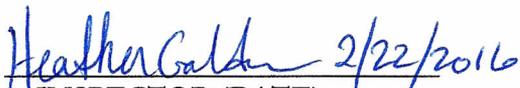
- A. 40 CFR 262.11 – Failure to conduct a waste determination. The facility is in violation of this regulation in that during the inspection, various chemical waste containers, including paint and cleaners, were observed staged in the basement of the James H. & Jane M. Berry Hall. The containers were identified as waste, but it was not known if the material was hazardous. The same containers were observed accumulated in the area during the 11/19/2015 site visit.
- B. 40 CFR 273.13(d) – The facility failed to properly containerize universal waste lamps in a closed container to prevent breakage. The facility is in violation of this regulation in that during the inspection, several open used

lamps boxes and unboxed used lamps were observed accumulated in the basement of the James H. & Jane M. Berry Hall.

- C. 40 CFR 273.14(e) – The facility failed to label each universal waste lamp container with the words “Universal Waste Lamps”, “Used Lamps”, or “Waste Lamps”. The facility is in violation of this regulation in that during the inspection, several boxes of used lamps and unboxed used lamps were observed accumulated in the basement of the James H. & Jane M. Berry Hall that were not properly labeled.
- D. 40 CFR 273.16 – The facility failed to provide information that describes proper handling and emergency procedures to all employees that handle or have responsibilities for managing universal waste. The facility is in violation of this regulation in that during the inspection, accumulated universal waste lamps were improperly managed. Mr. Moad confirmed that they have not provided universal waste training to employees.
- E. NC G.S. 130A-294.1(e) – The facility failed to pay required LQG fees for the State fiscal year July 1, 2013 through June 30, 2014. The facility is in violation in that during the November 19, 2015 inspection, the facility’s hazardous waste manifest, 000581243WAS, dated 3/14/2014, documented that the facility generated and shipped for disposal more than 2.2-pounds of P-Listed hazardous waste in a calendar month and operated as a LQG during that time. The facility was invoiced for the LQG fee on December 31, 2015 with a payment due on January 30, 2016. This deficiency was cited in the 12/2/2015 CAV report. This fee had not been paid.

**11. COMMENTS AND RECOMMENDATIONS:**

- It is a reminder that universal waste can be accumulated onsite for no longer than one year, or 365 days. The facility must be able to demonstrate the length of time that the universal waste has been accumulated. During the 2/9/2016 site visit, the facility was reminded of the one year accumulation time limit and directed to have the used lamps sent for recycling.
- The facility is reminded that used batteries must be properly managed for disposal or sent for recycling. A waste determination, per 40 CFR 262.11, must be conducted on all waste batteries that are managed for disposal. Used batteries may be managed as universal waste per 40 CFR 273.
- The facility should refer to the NCDEQ Hazardous Waste Section Technical Assistance Guidance page located at <http://portal.ncdenr.org/web/wm/hw/Technical> for more guidance documents, specifically, the Generator Compliance Manual. This document provides examples that will assist as a reference for compliance.

  
INSPECTOR (DATE)

By Certified-Mail  
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FACILITY CONTACT

ec: Michael Chenoweth – Johnson C Smith University at [mchenoweth@jcsu.edu](mailto:mchenoweth@jcsu.edu)  
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