

LASERFICHE FILE TRANSMITTAL FORM
DIVISION OF WASTE MANAGEMENT
HAZARDOUS WASTE SECTION

Your Name: RAY STRAWBRIDGE

Document Category: Facility

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Facility Name/Subject: J.L. Scott Trucking and Environmental Services, Inc.

Document Date: 10/10/2016

Description:

COMPLIANCE ORDER WITH ADMINISTRATIVE PENALTY

Author: JULIE WOOSLEY

Branch/Unit:

Facility/Site Address:

Facility/Site City:

Facility/Site State: North Carolina

Facility/Site Zipcode:

Facility/Site County: Harnett

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PAT MCCRORY
Governor
DONALD R. VAN DER VAART
Secretary
MICHAEL SCOTT
Director

October 10, 2016

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

J.L. Scott, Registered Agent
J.L. Scott Trucking and Environmental Services, Inc.
P.O. Box 9
Erwin, NC 91089-7501

**RE: Compliance Order with Administrative Penalty
J.L. Scott Trucking and Environmental Services, Inc.
NCS 000 001 759
Docket # 2015-051**

Dear Mr. Scott:

You are listed with the Secretary of State's Office as the registered agent for J.L. Scott Trucking and Environmental Services, Inc. Enclosed is a Compliance Order with Administrative Penalty issued to J.L. Scott Trucking and Environmental Services, Inc. If you have any questions, please contact Ann Preston at (919) 707-8226.

Respectfully,

Julie S. Woosley, Chief
Hazardous Waste Section
Division of Waste Management, NCDEQ

Enclosures: Compliance Order with Administrative Penalty, Penalty Summary Worksheets and Invoice

cc: Wayne A. Coats, Harnett County Sheriff
Joseph Jeffries, Harnett County Manager
Bill Lamm, Harnett County Fire Marshal
John Rouse, Harnett County Health Director
Richard Hicks, Interim Town of Erwin Manager
Patsy M. Carson, Town of Erwin Mayor
William H. Morris, Town of Erwin Police Chief
Janene Childs, Raleigh Regional Administrative Office Manager
Laurie Benton Digaetano, EPA Region 4
Central Files - Enforcement





PAT MCCRORY
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Secretary
MICHAEL SCOTT
Director

October 10, 2016

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Joseph Larry Scott, President
J.L. Scott Trucking and Environmental Services, Inc.
1075 Horseshoe Bend Road
Erwin, NC 28339

**RE: Compliance Order with Administrative Penalty
J.L. Scott Trucking and Environmental Services, Inc.
NCS 000 001 759
Docket # 2015-051**

Dear Mr. Scott:

Enclosed is a Compliance Order with Administrative Penalty ("Compliance Order") issued to J.L. Scott Trucking and Environmental Services, Inc., for certain violations of the North Carolina Solid Waste Management Act, N.C.G.S. Chapter 130A, Article 9 (the "Act"), and the North Carolina Hazardous Waste Management Rules, 15A NCAC Subchapter 13A (the "Rules"). The Compliance Order describes the violations at your facility.

As a result of the violations of the Act and the Rules, pursuant to N.C.G.S. § 130A-22(a), an administrative penalty of \$68,988.00 is imposed in the Compliance Order. J.L. Scott Trucking and Environmental Services, Inc. may contest this Compliance Order by filing a written petition for a contested case hearing within 30 days of receipt of this Compliance Order in accordance with N.C.G.S. §§ 130A-22(e), 150B-23(a) and 150B-23.2. See the section entitled "Notice of Right to File Contested Case Petition" in the attached Compliance Order.

In addition, J.L. Scott Trucking and Environmental Services, Inc. is assessed \$4,372.40 for investigative and inspection cost associated with the assessment of the civil penalty pursuant to N.C.G.S. § 130A-22(j). The fees assessed and the investigation and inspection cost assessments are due within 60 days and are not contestable in the "Notice of Rights to a Contested Case" provision.

J.L. Scott Trucking and Environmental Services, Inc. is required to pay \$840.00 for acting as a transporter of hazardous waste and \$1,680.00 for acting as a hazardous waste storage facility for a total amount of \$2,520.00.

Please be advised that the Department of Environmental Quality has implemented a department-wide policy to release all penalties assessed against facilities to the media. Therefore, the name of your corporation and the penalty amount that has been assessed against the corporation may be released to the media.



If no contested case petition is filed, the administrative penalty must be paid by J.L. Scott Trucking and Environmental Services, Inc. within 60 days of receipt of the Compliance Order by certified check or money order, payable to the Division of Waste Management, and mailed to:

Julie S. Woosley, Chief
Hazardous Waste Section
1646 Mail Service Center
Raleigh, NC 27699-1646

If you desire to schedule an informal conference to discuss the Compliance Order, please contact Ann Preston at (919) 707-8226. (Scheduling an informal conference will not extend the time limit for filing a contested case petition.)

Respectfully,



Julie S. Woosley, Chief
Hazardous Waste Section
Division of Waste Management, NCDENR

Enclosures: Compliance Order with Administrative Penalty, Penalty Summary Worksheets and Invoice

cc:

Wayne A. Coats, Harnett County Sheriff
Joseph Jeffries, Harnett County Manager
Bill Lamm, Harnett County Fire Marshal
John Rouse, Harnett County Health Director
Richard Hicks, Interim Town of Erwin Manager
Patsy M. Carson, Town of Erwin Mayor
William H. Morris, Town of Erwin Police Chief
Janene Childs, Raleigh Regional Administrative Office Manager
Laurie Benton Digaetano, EPA Region 4
Central Files - Enforcement

**North Carolina Department of Environmental Quality
Division of Waste Management
Hazardous Waste Section**

In Re: **J.L. Scott Trucking and Environmental Services, Inc.**) **COMPLIANCE ORDER**
NCS 000 001 759) **WITH ADMINISTRATIVE PENALTY**
Docket # 2015-051

PRELIMINARY STATEMENT

This Compliance Order with Administrative Penalty ("Compliance Order") is issued by the North Carolina Department of Environmental Quality ("the Department"), Division of Waste Management ("the Division") under the North Carolina Solid Waste Management Act, N.C.G.S. Chapter 130A, Article 9 (the "Act"), and the North Carolina Hazardous Waste Management Rules, 15A NCAC Subchapter 13A (the "Rules"). Based upon information received by the Division, the Division has determined that J.L. Scott Trucking and Environmental Services, Inc. ("J.L. Scott Trucking") violated certain requirements of the Act and the Rules as set forth in this Compliance Order.

STATEMENT OF FACTS AND LAW

1. The Department is required to enforce the Act and the Rules, which govern the management of hazardous waste. This authority, including the authority to assess and recover administrative penalties in accordance with N.C.G.S. § 130A-22, has been delegated to the Director of the Division. The Director has issued a sub-delegation of this authority, including the authority to assess and recover administrative penalties for violations of the Act and the Rules, to the Chief of the Hazardous Waste Section (HWS), Julie S. Woosley.
2. The United States Environmental Protection Agency has authorized North Carolina to operate the State Hazardous Waste Program in accordance with the Act and the Rules, in lieu of the federal Resource Conservation and Recovery Act ("RCRA") program.
3. J.L. Scott Trucking is a North Carolina corporation. J.L. Scott Trucking is a "person" as defined in N.C.G.S. § 130A-290(a)(22).
4. The J.L. Scott Trucking ("the Facility") is located at 1075 Horseshoe Bend Road, Erwin, Harnett County, North Carolina. The owners of the Facility, Joseph Larry Scott, president, and Bette Scott, secretary/treasurer of J.L. Scott Trucking, respectively, reside at the Facility. J.L. Scott Trucking operates an environmental services company providing trucking, emergency response, tank removal, perma-fill foam systems, and soil and water sampling and testing. Mr. Scott's business card identifies himself as a "Certified Hazardous Technician."
5. J.L. Scott Trucking is a generator of the hazardous waste found at the Facility pursuant to 40 CFR 260.10 adopted by reference at 15A NCAC 13A .0102(b), which defines a generator for this purpose to include "any person...whose act or process produces hazardous waste...or whose act first causes a hazardous waste to become subject to regulation." Due to J.L. Scott Trucking's failure to maintain records for the hazardous waste found at the Facility, it cannot be determined when or where the

hazardous waste was produced. J.L. Scott Trucking admitted to cleaning up residential units and thus some of the hazardous waste could have been household hazardous waste exempt from regulation until such time as J.L. Scott Trucking commingled the residential and non-residential waste at the Facility. Thus it was J.L. Scott Trucking's act which first caused the household exempt hazardous waste to become subject to regulation. Additionally, J.L. Scott Trucking's failure to maintain records for non-household exempt hazardous waste, being stored on-site for greater than 10-days, was the act which first caused the non-household exempt hazardous waste to become subject to regulation.

6. On May 27, 2014, Bobby Nelms, HWS Environmental Senior Specialist, Wayne Randolph, UST Eastern Regional Supervisor and Jeremy Poplawski, UST Incident Manager all Division personnel, conducted a focused compliance inspection ("FCI") at J.L. Scott Trucking. The FCI was conducted to evaluate an anonymous complaint alleging containers were being stored on Mr. Scott's property for long periods of time and the caller was concerned about the containers leaking. Mr. Scott greeted Division personnel upon arrival at the property and mentioned he had worked on projects with the Department for years and he did not have a problem with Division staff being there. He also stated that he did not have any containers stored at the location. Along the path which led to the rear of the property were several tanks which Mr. Scott explained he had removed from past jobs. After observing the tanks, several 55-gallon containers were also observed along this same pathway. These containers held liquid which Mr. Scott stated was rainwater. Releases, of what appeared to be used oil, were present on the ground in several areas including around containers, tanks and other areas with no tanks or containers present. Hundreds of one-gallon and five-gallon paint cans were observed in another area which Mr. Scott declared as water based or solidified paint. No solvent odor was detected and most of the cans had no labels or were rusted beyond legibility. Located near the building at the rear of the property were containers labeled "Installation Restoration Program- Investigative Derived Waste". These containers were in poor condition (severely corroded) and not properly maintained in a closed position. At the end of the path was an area (approximately 4000 square feet) of dead vegetation which appeared to have been used as a dumping ground. Observed in this area was a small tank and several five-gallon containers labeled "CEN-1 Corrosion Preventative". These containers were partially buried and the material trail indicated that it had run off into the woods. During this site visit, Mr. Scott was told that a waste determination must be conducted prior to disposal of any waste.
7. On June 5, 2014, the HWS issued an Immediate Action Notice of Violation (IANOV), Docket 2014-060, to Mr. Scott in his capacity as president of J.L. Scott Trucking. The IANOV required J.L. Scott Trucking to comply with the following: 1) conduct a waste determination for the contents of all the containers and tanks observed at the Facility during the May 27, 2014 FCI, 2) develop a site sampling plan to assess any contaminated soils, and obtain an EPA Identification Number prior to the shipment of any hazardous waste.
8. On June 10, 2014, Bobby Nelms and Jeremy Poplawski conducted a site visit to follow-up with Mr. Scott about the Facility and gather further information. Division personnel observed no changes at the Facility. Mr. Nelms and Mr. Poplawski discussed with Mr. Scott his plans for complying with the IANOV.
9. On July 16, 2014, Bobby Nelms, Jeremy Poplawski, Mike Williford, HWS Compliance Branch Head, Harvi Cooper, HWS Eastern Region Environmental Chemist, Jenny Patterson, HWS Eastern Region Compliance Branch Supervisor, Brian Polk, Safety Consultant with the Division, Eric McManus with A&D Environmental, and Ken Rhame, EPA On-Scene Coordinator met with Mr. Scott to conduct a site visit to assess conditions at the property. Mr. Rhame encouraged Mr. Scott to hire an environmental company to: 1) stabilize the containers at the Facility; 2) sample any site where releases were evident; 3) profile all waste streams; and 4) properly dispose of all hazardous waste on-site. Mr. Rhame issued a CERCLA Notice of Federal Interest to Mr. Scott and obtained a signed Access Authorization to the property. Mr. Rhame also suggested Mr. Scott report the releases observed at the property to the

National Response Center (NRC). The releases were reported to the NRC on July 16, 2014 at 2:46 pm and given Incident Number 1089276.

10. On July 18 and July 21-22, 2014, Bobby Nelms, Harvi Cooper, Jenny Patterson, Brian Polk, and Jeremy Poplawski visited the Facility to witness sampling procedures and check the status of the cleanup and removal of waste and compliance with the IANOV in general. A&D Environmental personnel continued to secure the site (covering the stockpiled soil and containers, repackaging or over packing any leaking containers, etc.) and assessed the contents of the containers and soil stockpiles. Samples were taken by A&D Environmental to comply with the IANOV. A&D Environmental assessed the containers on-site and determined the following: fourteen (14) containers were empty; forty-three (43) containers were non-hazardous that were pumped into a vacuum truck for disposal on July 18, 2014 and were sent for solidification to A&D Environmental located at 2718 Uwharrie Road, Archdale, NC; thirty-three (33) containers of oil and oily debris in drums that were in shippable condition were staged for transportation for solidification or recycling by A&D Environmental; twenty-eight (28) containers of material (later determined upon receipt of EPA January 7, 2016 sampling results) were determined to be non-hazardous solids; and eighteen (18) containers of material labeled "Installation Restoration Program - Investigative Derived Waste" (later determined upon receipt of EPA January 7, 2016 sampling results) were determined to be non-hazardous solids. Hazardous wastes at the Facility consisted of: three (3) separate lab packs made for acids (hydrochloric acid/chromic acid), cyanide, and bases (sodium hydroxide); two (2) cubic yard boxes used to accumulate 1-gallon and 5-gallon hazardous waste paint and paint related hazardous waste; and one (1) 55-gallon container accumulate hazardous waste paint and paint-related hazardous waste.
11. On July 31, 2014, Bobby Nelms visited the Facility to check on compliance with the IANOV. All waste was still on-site except for the non-hazardous liquids, which were pumped into a vacuum truck for disposal on July 18, 2014 and sent for solidification to A&D Environmental located at 2718 Uwharrie Road, Archdale, NC.
12. On October 7, 2014, Bobby Nelms conducted a site visit to check the status of the cleanup and waste removal. Conditions at the Facility had not changed since the July 31, 2014 visit. All waste was still at the Facility except, for the non-hazardous liquids, which were pumped into a vacuum truck for disposal on July 18, 2014 and sent for solidification to A&D Environmental located at 2718 Uwharrie Road, Archdale, NC.
13. On January 22, 2015, Mr. Scott signed waste profiles allowing A&D Environmental to start the process for the disposal of hazardous waste from the J.L. Scott property. Three (3) hazardous waste streams were identified on the waste profiles: lab packs, paint liquid waste, and paint waste in boxes.
14. On February 27, 2015, Bobby Nelms conducted a site visit to check the status of the cleanup and waste removal. Conditions at the Facility had not changed since the July 31, 2014 or the October 7, 2014 visits. The non-hazardous liquid wastes were pumped from containers into a vacuum truck for disposal on July 18, 2014 and sent for solidification to A&D Environmental located at 2718 Uwharrie Road, Archdale, NC. No other waste has been removed from the Facility.
15. On April 6, 2015, A&D Environmental transported hazardous waste from the Facility to ECOFLO a permitted Treatment Storage and Disposal Facility ("TSDF"). The following hazardous wastes were shipped off-site as hazardous waste: 2,250 pounds of D001 waste paint; 8 pounds of D002 waste caustic alkali liquid (sodium hydroxide); 8 pounds of D002/D007 waste corrosive liquid (chromic acid); 8 pounds of D003/F009 waste cyanide solution (plating sludge); and one (1) 55-gallon container of D001/D035 paint related waste. In addition to requiring a waste determination and plan to remove wastes from the Facility, the IANOV, issued the prior year on June 16, 2014, required J.L. Scott

Trucking to submit an EPA 8700-12 form to obtain an EPA Identification number for the Facility prior to disposing of any hazardous waste and used oil from the Facility. An "emergency" provisional EPA Identification number (NCP080614036), was used on the manifest for the shipment of hazardous waste from the Facility. As of the date of this Compliance Order, J.L. Scott Trucking has not submitted an EPA 8700-12 form to receive a permanent EPA Identification number for the Facility.

16. On May 12, 2015, Bobby Nelms and Mike Williford conducted a site visit to determine compliance with the IANOV. At the back of the Facility, they observed forty-six (46) 55-gallon containers and the soil stockpiles that they had first observed during the May 27, 2014 FCI. At the time of this visit, no waste determination had been done for these containers. Forty-six (46) 55-gallon containers were as follows: twenty-eight (28) 55-gallon containers of unknown material thought to be the same as the material in the containers labeled "Installation Restoration Program - Investigative Derived Waste" (later determined upon receipt of EPA sampling results, on January 7, 2016), to be non-hazardous solids; eighteen (18) 55-gallon containers of unknown material labeled "Installation Restoration Program - Investigative Derived Waste" (later determined upon receipt of EPA sampling results, on January 7, 2016, to be non-hazardous solids).
17. August 10, 2015: Bobby Nelms conducted a site visit to check the status of compliance with the IANOV. He observed forty-six (46) 55-gallon containers still on the Facility, and one (1) additional 55-gallon container. He concluded that the additional 55-gallon container was new to the Facility because he observed fresh equipment tracks by the additional container. He could not observe the contents of this container. The contents of this container remain unknown to the Division as of the date of this Compliance Order.
18. January 6, 2016: Bobby Nelms and Jenne Walker, Environmental Senior Specialist, with the Division conducted a site visit to check the status of compliance with the IANOV. Division personnel observed the forty-seven (47) 55-gallon containers still at the Facility.
19. As of the date of this Compliance Order, J.L. Scott Trucking has not submitted an EPA 8700-12 form to receive a permanent EPA Identification number for the Facility. The HWS on November 15, 2011 acted as implementer of record and created an agency EPA Identification number of NCS000001759 for the Facility.
20. Based on the above the Division has determined that J.L. Scott Trucking violated the following Rules:
 - a. 40 CFR 262.11:
 - i. Pursuant to 40 CFR 262.11, adopted by reference at 15A NCAC 13A .0107(a), 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 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, 267, 268, and 273 of this chapter for possible exclusions or restrictions pertaining to management of the specific waste.

ii. J.L. Scott Trucking violated 40 CFR 262.11, in that they did not make a waste determination for approximately one hundred seventy-nine (179) containers. Of these containers, it was subsequently determined that fourteen (14) were empty. Forty-three (43) containers were non-hazardous liquids or solids. Thirty-three (33) containers were oil or oily debris. Twenty-eight (28) containers of material (later determined upon receipt of EPA January 7, 2016 sampling results) were determined to be non-hazardous solids. Eighteen (18) containers of material labeled "Installation Restoration Program - Investigative Derived Waste" (later determined upon receipt of EPA January 7, 2016 sampling results) were determined to be non-hazardous solids. No waste determination has yet been made with respect to the contents of one (1) 55-gallon container, found during the August 10, 2015 site visit. The rest of the containers were determined to contain the following hazardous waste, which was shipped off-site for disposal on April 6, 2015 (Manifest # 013313894JJK): 2,250 pounds of D001 waste paint; 8 pounds of D002 waste sodium hydroxide; 8 pounds of D002/D007 waste chromic acid; 8 pounds of D003/F009 waste cyanide solution (plating sludge); and one (1) 55-gallon container of D001/D035 paint related waste.

b. 40 CFR 263.11:

- i. Pursuant to 40 CFR 263.11, adopted by reference at 15A NCAC 13A .0108(a), a transporter must not transport hazardous wastes without having received an EPA identification number from the Administrator.
- ii. J.L. Scott Trucking violated 40 CFR 263.11, in that it transported, without receiving an EPA identification number from the Administrator, the following hazardous waste to the Facility: 2,250 pounds of D001 waste paint, 8 pounds of D002 waste sodium hydroxide, 8 pounds of D002/D007 waste chromic acid, 8 pounds of D003/F009 waste cyanide solution (plating sludge) and one (1) 55-gallon container of D001/D035 paint related waste.

c. 40 CFR 270.10(a):

- i. Pursuant to 40 CFR 270.10(a), adopted by reference at 15A NCAC 13A .0113(b), any person who is required to have a permit shall complete, sign and submit an application to the Hazardous Waste Section which meets the requirements of 270.10 and 270.70 through 270.73. Section 270.1(c), adopted by reference in 15A NCAC 13A .0113(a), provides, in pertinent part, that "RCRA requires a permit for the 'treatment,' 'storage,' and 'disposal' of any 'hazardous waste' as identified or listed in 40 CFR part 261."
- ii. J.L. Scott Trucking violated 40 CFR 270.10(a), in that it was required to obtain a RCRA hazardous waste storage permit to store hazardous waste containers longer than 10 days

in the hazardous waste storage areas. J.L. Scott Trucking & Environmental Services, Inc. failed to complete and submit an application for a RCRA permit to the Hazardous Waste Section as described in Section 270.10 and Sections 270.70 through 270.73, adopted by reference at 15A NCAC 13A. 0113(b).

d. 15A NCAC 13A .0109(a):

- i. Pursuant to 15A NCAC 13A .0109(a), 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.
- ii. J.L. Scott Trucking violated 15A NCAC 13A .0109(a), in that hazardous waste was stored on-site for greater than 10 days. Manifest # 013313894JJK showed that the facility shipped the hazardous waste off-site on April 6, 2015. The hazardous waste was on-site during the May 27, 2014 FCI. Sampling conducted on July 18, 2014 and July 21, 2014 also indicates that this hazardous waste was present at the Facility from July 2014 through April 2015.

e. N.C.G.S. 130A-295.05(a):

- i. Pursuant to N.C.G.S. 130A-295.05(a), The owner or operator of a hazardous waste transfer facility in North Carolina shall register the facility with the Department and shall obtain a hazardous waste transfer facility identification number for the facility. In order to obtain a hazardous waste transfer facility identification number for the facility, the owner or operator of the facility shall provide all of the following information to the Department at the time of registration:
 - (1) The location of the hazardous waste transfer facility.
 - (2) The name of the owner of the property on which the hazardous waste transfer facility is located.
- ii. J.L. Scott Trucking violated N.C.G.S. 130A-295.05(a), by transferring hazardous waste to the Facility prior to transferring it to a disposal facility without registering the Facility as a transfer facility with the Department and failing to obtain a hazardous waste transfer facility identification number.

ADMINISTRATIVE PENALTY

N.C.G.S. § 130A-22(a) authorizes an administrative penalty of up to \$32,500.00 per day for each violation of the hazardous waste provisions of the Act, the Rules or any order issued pursuant to the hazardous waste provisions of the Act. N.C.G.S. § 130A-22(d) sets forth the factors to be considered in determining the administrative penalty which include the degree and extent of the harm caused by the violation and the cost of rectifying the damage.

15A NCAC 13B .0702 sets forth specific criteria to be considered in addressing the statutory assessment factors which include the type of violation, type of waste involved, duration of the violation, cause of the violation, potential effect on public health and the environment, effectiveness of response measures taken by the violator, damage to private property and the history of non-compliance.

After careful consideration of each factor above, penalties are assessed as follows against J.L. Scott Trucking for

the violations set out in this Compliance Order: for the violation set forth in paragraph 20. a. \$43,588.00; for the violations set forth in paragraphs 20. b. and e. \$12,000.00; and for the violations set forth in paragraphs 20. c. and d. \$13,400.00. Accordingly, a total penalty is imposed in the amount of \$68,988.00.

CONDITIONS FOR CONTINUED OPERATION

Based upon the foregoing, J.L. Scott Trucking is hereby ordered to take the following actions:

1. Within sixty (60) days submit the amount of the administrative penalty, by certified check or money order, and payable to the Division of Waste Management. The payment should be mailed to:

Julie S. Woosley, Chief
Hazardous Waste Section
1646 Mail Service Center
Raleigh, NC 27699-1646

2. Shall immediately correct all violations as stated in this Compliance Order.
3. Within sixty (60) days, submit the assessed cost of \$4,372.40 for investigative and inspection costs associated with the assessment of the civil penalty by certified check or money order, and payable to the Division of Waste Management. The payment should be mailed to:

Julie S. Woosley, Chief
Hazardous Waste Section
1646 Mail Service Center
Raleigh, NC 27699-1646

4. J.L. Scott Trucking is subject to the provisions of N.C.G.S. § 130A-294.1(j), a person who transports hazardous waste shall pay an annual fee of eight hundred forty dollars (\$840.00). **See Attached Invoice.**
5. J.L. Scott Trucking is subject to the provisions of N.C.G.S. § 130A-294.1(k), a storage, treatment, or disposal facility shall pay an annual activity fee of one thousand six hundred eighty dollars (\$1,680) for each activity. **See Attached Invoice.**

POTENTIAL CONSEQUENCES OF FAILURE TO COMPLY

J.L. Scott Trucking is hereby advised that, pursuant to N.C.G.S. §130A-22, each day of continued violation of any requirement of the Act or the Rules constitutes a separate violation for which an additional penalty of up to \$32,500.00 per day may be imposed. If the violation continues, J.L. Scott Trucking may also be subject to further enforcement, including injunctive action, to prohibit any further generation of hazardous waste and such further relief as may be necessary to achieve compliance with the Act and the Rules.

NOTICE OF RIGHT TO FILE CONTESTED CASE PETITION

J.L. Scott Trucking has the right to file a contested case petition regarding a matter of law, material fact, requirement, or the penalty set forth in this Compliance Order as allowed by N.C.G.S. § 150B-23. In accordance with N.C.G.S. §§ 130A-22(e), 150B-23(a) and 150B-23.2, any petition for a contested case

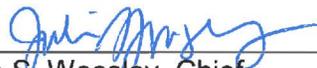
hearing must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6700, along with the appropriate filing fee set by the Office of Administrative Hearings, within thirty (30) days of receipt of the Compliance Order. A copy of the petition for a contested case hearing must also be served on the Division by sending a copy of the petition to:

Sam M. Hayes
Process Agent for the N.C. Department of Environmental Quality
1601 Mail Service Center
Raleigh, NC 27699-1601

Additional information concerning the Office of Administrative Hearings, filing fees for a contested case petition and the appeal process may be found on the official website for the Office of Administrative Hearings, located at www.oah.state.nc.us or by calling (919) 431-3000.

If a petition for contested case is not timely filed with the Office of Administrative Hearings and served on the Department, payment of the administrative penalty becomes due within sixty (60) days after receipt of the Compliance Order. If a contested case petition is timely filed and served, payment of the administrative penalty is due within sixty (60) days of receipt of a written copy of the final agency decision. If payment is not received as required, the Secretary of the Department of Environmental Quality shall request the Attorney General to commence a civil action in Superior Court to recover the amount of the administrative penalty.

This the 10th day of October, 2016

By: 
Julie S. Woosley, Chief
Hazardous Waste Section

**Division of Waste Management
Hazardous Waste Section
Penalty Summary Worksheet**

Facility Name: J.L. Scott Trucking and Environmental Services, Inc.
EPA Id. Number: NCS 000 001 759
Docket #: 2015-051
Regulation(s) Violated: 20. a. of the Compliance Order
Site Information: Hazardous waste codes: D001, D002, D003, D007, D035 and F009
Distance to residences: approximately 0.10 mile
Number of people involved: 2 employees

15A NCAC 13B .0702 - Civil Penalty Standards:

- Consider:** (1) **Nature of the violation and degree and extent of harm, including at least the following:**
- (i) **Type of violation:** did not make a waste determination for approximately one hundred seventy-nine (179) containers. Of these containers, it was subsequently determined that fourteen (14) were empty. Forty-three (43) containers were non-hazardous liquids or solids. Thirty-three (33) containers were oil or oily debris. Twenty-eight (28) containers of material (later determined upon receipt of EPA January 7, 2016 sampling results) were determined to be non-hazardous solids. Eighteen (18) containers of material labeled "Installation Restoration Program - Investigative Derived Waste" (later determined upon receipt of EPA January 7, 2016 sampling results) were determined to be non-hazardous solids. No waste determination has yet been made with respect to the contents of one (1) 55-gallon container, found during the August 10, 2015 site visit. The rest of the containers were determined to contain be the following hazardous waste, which was shipped off-site for disposal on April 6, 2015 (Manifest # 013313894JJK): 2,250 pounds of D001 waste paint; 8 pounds of D002 waste sodium hydroxide; 8 pounds of D002/D007 waste chromic acid; 8 pounds of D003/F009 waste cyanide solution (plating sludge); and one (1) 55-gallon container of D001/D035 paint related waste;
 - (ii) **Type of waste involved:** waste paint, sodium hydroxide, chromic acid, cyanide plating solution, used oil;
 - (iii) **Duration and gravity of the violation:** duration, degree of deviation and nature and degree of harm were evaluated to determine gravity;
 - (iv) **Cause (whether resulting from a negligent, reckless or intentional act or omission):** negligent;
 - (v) **Potential effect on public health and the environment:** yes;
Media for Exposure: direct contact, air, surface water, ground water and soil;
Human Health Effect: sodium hydroxide at high concentration destroys cell membranes leading to tissue damage, necrosis. Ingestion of concentrated solution may cause inflammation followed by deep tissue necrosis, possible perforation, stricture formation (narrowing and blockage) and bleeding. Ingestion of dilute solution leads to esophageal, pharynx or stomach irritation and burns with blisters, tissue destruction and ulcerations. Children may develop upper airway edema. Mild exposures by inhalation cause cough and bronchospasm. Severe inhalation exposures may cause upper airway edema, burns, airway obstruction with the possibility of acute lung injury. Mild dermal exposure causes irritation and partial thickness burns. Prolonged exposure or high concentration products can cause full thickness burns. Ocular exposure can produce severe conjunctival irritation, swelling, corneal and conjunctiva defects, reduced blood supply, permanent visual loss and in severe cases perforation. Ingestion of hexavalent chromium may cause intense GI irritation or ulceration, pain, nausea, vomiting, diarrhea, vertigo, fever, muscle cramps, bleeding, kidney damage or failure, red blood cell destruction, circulatory system collapse, liver damage, acute multisystem shock, coma, and even death, depending on the dose. Chronic exposures through dermal or inhalation routes may result in effects to the skin, nasal mucous, eyes, larynx, and lungs with the severity of effects related to concentration and duration of exposure. Skin effects may include hypersensitivity (allergic) dermatitis and ulcers. Chronic inhalation exposures may result in irritation and asthma-like symptoms, perforation of the nasal septum, respiratory congestion, chronic rhinitis, lung inflammation, emphysema, inflammation of the liver and jaundice, damage to blood cells. Ocular exposure can cause burning and tearing. In animal tests, hexavalent chromium crosses the placental barrier and is taken up by the fetus. Known mutagenic carcinogen by the inhalation route (respiratory system and lung). Likely mutagenic carcinogen by the oral route. Cyanide is rapidly absorbed via inhalation and ingestion, and is rapidly distributed throughout the body. Dermal irritation, burning of skin or eyes. Inhalation – sneezing, coughing, labored breathing and nasal, throat, lung irritation. High exposure – headache, confusion, dizziness, anxiety, pounding heart, unconsciousness, convulsions, death. Prolonged exposure may cause enlarged thyroid, disruption of thyroid function, nervous system damage;
Effect on the Environment: sodium hydroxide is an alkaline corrosive and water soluble. Water added to solid anhydrous sodium hydroxide generates much heat and produces aqueous NaOH solution. Solution will infiltrate soil, dissipate in surface waters with an increase in pH to levels that may impair or cause mortality of ecological receptors. Does not degrade in the environment. Incompatible with water, acids, flammable liquids, organic halogens, metals, nitro compounds. Contains chromium in hexavalent form, which is soluble and highly toxic. Animal genotoxic carcinogen. In aquatic environment, can lead to adverse effects with chronic exposure, or mortality at acute exposures. Larval and juvenile life stages of fish and other aquatic organisms, are most sensitive to metal toxicants, with the severity of adverse effects correlated to with exposure concentration. Effects range from growth and developmental deficits, correlated to with exposure concentration. Effects range from growth and developmental deficits, maturation and reproductive maturation and reproductive impairment, and mortality. A bioaccumulative metal, indicating increased body burdens, and toxic threats, with increasing trophic levels

Penalty Summary Worksheet

Facility Name: J.L. Scott Trucking and Environmental Services, Inc.
EPA Id. Number: NCS 000 001 759
Docket #: 2015-051

within an ecosystem's food chain. Highly water soluble. Releases cyanide gas when comes into contact with low pH solution. Dissociates in water and at soil surface forming hydrogen cyanide (HCN) and evaporates. Does not bioaccumulate in fish. Fairly mobile in soil. Likely to biodegrade aerobically and anaerobically at low concentrations in subsurface soil;

(vi) Effectiveness of responsive measures taken by the violator: n/a;

(vii) Damage to private property: n/a.

(2) Cost of rectifying any damage: n/a.

(3) Amount of money the violator saved by noncompliance: \$11,088.00.

(4) Previous record: n/a.

ASSESSMENT MATRIX		Degree of Deviation from Requirements		
		MAJOR	MODERATE	MINOR
Nature and Degree of Harm	MAJOR	\$32,500-26,000	\$26,000-19,000	\$19,000-14,000
	MODERATE	\$14,000-10,000	\$10,000-6,500	\$6,500-4,000
	MINOR	\$4,000-2,000	\$2,000-650	\$650-150

Value from Assessment Matrix = \$32,500.00
 +
 Multi-week/Event
 # of weeks/events x penalty = n/a
 +
 Compliance History
 +
 10% per repeat violation = n/a
 +
 Economic Benefit = \$11,088.00

Any other notations:

Total penalty assessed = \$43,588.00



 Signature

10/10/16

 Date

**Division of Waste Management
Hazardous Waste Section
Penalty Summary Worksheet**

Facility Name: J.L. Scott Trucking and Environmental Services, Inc.
EPA Id. Number: NCS 000 001 759
Docket #: 2015-051
Regulation(s) Violated: 20. b. and e. of the Compliance Order
Site Information: Hazardous waste codes: D001, D002, D003, D007, D035 and F009
Distance to residences: approximately 0.10 mile
Number of people involved: 2 employees

15A NCAC 13B .0702 - Civil Penalty Standards:

- Consider:** (1) **Nature of the violation and degree and extent of harm, including at least the following:**
- (i) **Type of violation:** transported 2,250 pounds of D001 waste paint, 8 pounds of D002 waste sodium hydroxide, 8 pounds of D002/D007 waste chromic acid, 8 pounds of D003/F009 waste cyanide solution (plating sludge) and one (1) 55-gallon container of D001/D035 paint related waste which are all hazardous waste without receiving an EPA identification number from the Administrator. Also, they failed to register with the Department and failed to obtain a hazardous waste transfer facility identification number;
 - (ii) **Type of waste involved:** waste paint, sodium hydroxide, chromic acid, cyanide plating solution, used oil;
 - (iii) **Duration and gravity of the violation:** duration, degree of deviation and nature and degree of harm were evaluated to determine gravity;
 - (iv) **Cause (whether resulting from a negligent, reckless or intentional act or omission):** negligent;
 - (v) **Potential effect on public health and the environment:** yes;
Media for Exposure: direct contact, air, surface water, ground water and soil;
Human Health Effect: : sodium hydroxide at high concentration destroys cell membranes leading to tissue damage, necrosis. Ingestion of concentrated solution may cause inflammation followed by deep tissue necrosis, possible perforation, stricture formation (narrowing and blockage) and bleeding. Ingestion of dilute solution leads to esophageal, pharynx or stomach irritation and burns with blisters, tissue destruction and ulcerations. Children may develop upper airway edema. Mild exposures by inhalation cause cough and bronchospasm. Severe inhalation exposures may cause upper airway edema, burns, airway obstruction with the possibility of acute lung injury. Mild dermal exposure causes irritation and partial thickness burns. Prolonged exposure or high concentration products can cause full thickness burns. Ocular exposure can produce severe conjunctival irritation, swelling, corneal and conjunctiva defects, reduced blood supply, permanent visual loss and in severe cases perforation. Ingestion of hexavalent chromium may cause intense GI irritation or ulceration, pain, nausea, vomiting, diarrhea, vertigo, fever, muscle cramps, bleeding, kidney damage or failure, red blood cell destruction, circulatory system collapse, liver damage, acute multisystem shock, coma, and even death, depending on the dose. Chronic exposures through dermal or inhalation routes may result in effects to the skin, nasal mucous, eyes, larynx, and lungs with the severity of effects related to concentration and duration of exposure. Skin effects may include hypersensitivity (allergic) dermatitis and ulcers. Chronic inhalation exposures may result in irritation and asthma-like symptoms, perforation of the nasal septum, respiratory congestion, chronic rhinitis, lung inflammation, emphysema, inflammation of the liver and jaundice, damage to blood cells. Ocular exposure can cause burning and tearing. In animal tests, hexavalent chromium crosses the placental barrier and is taken up by the fetus. Known mutagenic carcinogen by the inhalation route (respiratory system and lung). Likely mutagenic carcinogen by the oral route. Cyanide is rapidly absorbed via inhalation and ingestion, and is rapidly distributed throughout the body. Dermal irritation, burning of skin or eyes. Inhalation – sneezing, coughing, labored breathing and nasal, throat, lung irritation. High exposure – headache, confusion, dizziness, anxiety, pounding heart, unconsciousness, convulsions, death. Prolonged exposure may cause enlarged thyroid, disruption of thyroid function, nervous system damage;
Effect on the Environment: sodium hydroxide is an alkaline corrosive and water soluble. Water added to solid anhydrous sodium hydroxide generates much heat and produces aqueous NaOH solution. Solution will infiltrate soil, dissipate in surface waters with an increase in pH to levels that may impair or cause mortality of ecological receptors. Does not degrade in the environment. Incompatible with water, acids, flammable liquids, organic halogens, metals, nitro compounds. Contains chromium in hexavalent form, which is soluble and highly toxic. Animal genotoxic carcinogen. In aquatic environment, can lead to adverse effects with chronic exposure, or mortality at acute exposures. Larval and juvenile life stages of fish and other aquatic organisms, are most sensitive to metal toxicants, with the severity of adverse effects correlated to with exposure concentration. Effects range from growth and developmental deficits, maturation and reproductive impairment, and mortality. A bioaccumulative metal, indicating increased body burdens, and toxic threats, with increasing trophic levels within an ecosystem's food chain. Highly water soluble. Releases cyanide gas when comes into contact with low pH solution. Dissociates in water and at soil surface forming hydrogen cyanide (HCN) and evaporates. Does not bioaccumulate in fish. Fairly mobile in soil. Likely to biodegrade aerobically and anaerobically at low concentrations in subsurface soil;

Penalty Summary Worksheet

Facility Name: J.L. Scott Trucking and Environmental Services, Inc.
EPA Id. Number: NCS 000 001 759
Docket #: 2015-051

(vi) Effectiveness of responsive measures taken by the violator: n/a;

(vii) Damage to private property: n/a.

- (2) Cost of rectifying any damage: n/a.
- (3) Amount of money the violator saved by noncompliance: n/a.
- (4) Previous record: n/a.

ASSESSMENT MATRIX		Degree of Deviation from Requirements		
		MAJOR	MODERATE	MINOR
Nature and Degree of Harm	MAJOR	\$32,500-26,000	\$26,000-19,000	\$19,000-14,000
	MODERATE	\$14,000-10,000	\$10,000-6,500	\$6,500-4,000
	MINOR	\$4,000-2,000	\$2,000-650	\$650-150

Value from Assessment Matrix = \$12,000.00

+
 Multi-week/Event
 # of weeks/events x penalty = n/a

Compliance History
 +
 10% per repeat violation = n/a

+
 Economic Benefit = n/a

Any other notations:

Total penalty assessed = \$12,000.00


 Signature

10/10/16
 Date

**Division of Waste Management
Hazardous Waste Section
Penalty Summary Worksheet**

Facility Name: J.L. Scott Trucking and Environmental Services, Inc.
EPA Id. Number: NCS 000 001 759
Docket #: 2015-051
Regulation(s) Violated: 20. c. and d. of the Compliance Order
Site Information: Hazardous waste codes: D001, D002, D003, D007, D035 and F009
Distance to residences: approximately 0.10 mile
Number of people involved: 2 employees

15A NCAC 13B .0702 - Civil Penalty Standards:

- Consider:** (1) **Nature of the violation and degree and extent of harm, including at least the following:**
- (i) **Type of violation:** a RCRA storage permit is required to store hazardous waste longer than 10 days in the hazardous waste storage areas. J.L. Scott Trucking failed to complete and submit an application for a RCRA permit to the Hazardous Waste Section;
 - (ii) **Type of waste involved:** waste paint, sodium hydroxide, chromic acid, cyanide plating solution, used oil;
 - (iii) **Duration and gravity of the violation:** duration, degree of deviation and nature and degree of harm were evaluated to determine gravity;
 - (iv) **Cause (whether resulting from a negligent, reckless or intentional act or omission):** negligent;
 - (v) **Potential effect on public health and the environment:** yes;
Media for Exposure: direct contact, air, surface water, ground water and soil;
Human Health Effect: : sodium hydroxide at high concentration destroys cell membranes leading to tissue damage, necrosis. Ingestion of concentrated solution may cause inflammation followed by deep tissue necrosis, possible perforation, stricture formation (narrowing and blockage) and bleeding. Ingestion of dilute solution leads to esophageal, pharynx or stomach irritation and burns with blisters, tissue destruction and ulcerations. Children may develop upper airway edema. Mild exposures by inhalation cause cough and bronchospasm. Severe inhalation exposures may cause upper airway edema, burns, airway obstruction with the possibility of acute lung injury. Mild dermal exposure causes irritation and partial thickness burns. Prolonged exposure or high concentration products can cause full thickness burns. Ocular exposure can produce severe conjunctival irritation, swelling, corneal and conjunctiva defects, reduced blood supply, permanent visual loss and in severe cases perforation. Ingestion of hexavalent chromium may cause intense GI irritation or ulceration, pain, nausea, vomiting, diarrhea, vertigo, fever, muscle cramps, bleeding, kidney damage or failure, red blood cell destruction, circulatory system collapse, liver damage, acute multisystem shock, coma, and even death, depending on the dose. Chronic exposures through dermal or inhalation routes may result in effects to the skin, nasal mucous, eyes, larynx, and lungs with the severity of effects related to concentration and duration of exposure. Skin effects may include hypersensitivity (allergic) dermatitis and ulcers. Chronic inhalation exposures may result in irritation and asthma-like symptoms, perforation of the nasal septum, respiratory congestion, chronic rhinitis, lung inflammation, emphysema, inflammation of the liver and jaundice, damage to blood cells. Ocular exposure can cause burning and tearing. In animal tests, hexavalent chromium crosses the placental barrier and is taken up by the fetus. Known mutagenic carcinogen by the inhalation route (respiratory system and lung). Likely mutagenic carcinogen by the oral route. Cyanide is rapidly absorbed via inhalation and ingestion, and is rapidly distributed throughout the body. Dermal irritation, burning of skin or eyes. Inhalation – sneezing, coughing, labored breathing and nasal, throat, lung irritation. High exposure – headache, confusion, dizziness, anxiety, pounding heart, unconsciousness, convulsions, death. Prolonged exposure may cause enlarged thyroid, disruption of thyroid function, nervous system damage;
Effect on the Environment: sodium hydroxide is an alkaline corrosive and water soluble. Water added to solid anhydrous sodium hydroxide generates much heat and produces aqueous NaOH solution. Solution will infiltrate soil, dissipate in surface waters with an increase in pH to levels that may impair or cause mortality of ecological receptors. Does not degrade in the environment. Incompatible with water, acids, flammable liquids, organic halogens, metals, nitro compounds. Contains chromium in hexavalent form, which is soluble and highly toxic. Animal genotoxic carcinogen. In aquatic environment, can lead to adverse effects with chronic exposure, or mortality at acute exposures. Larval and juvenile life stages of fish and other aquatic organisms, are most sensitive to metal toxicants, with the severity of adverse effects correlated to with exposure concentration. Effects range from growth and developmental deficits, maturation and reproductive impairment, and mortality. A bioaccumulative metal, indicating increased body burdens, and toxic threats, with increasing trophic levels within an ecosystem's food chain. Highly water soluble. Releases cyanide gas when comes into contact with low pH solution. Dissociates in water and at soil surface forming hydrogen cyanide (HCN) and evaporates. Does not bioaccumulate in fish. Fairly mobile in soil. Likely to biodegrade aerobically and anaerobically at low concentrations in subsurface soil;

Penalty Summary Worksheet

Facility Name: J.L. Scott Trucking and Environmental Services, Inc.
EPA Id. Number: NCS 000 001 759
Docket #: 2015-051

(vi) Effectiveness of responsive measures taken by the violator: n/a;

(vii) Damage to private property: n/a.

- (2) Cost of rectifying any damage: n/a.
- (3) Amount of money the violator saved by noncompliance: \$1,400.00.
- (4) Previous record: n/a.

ASSESSMENT MATRIX		Degree of Deviation from Requirements		
		MAJOR	MODERATE	MINOR
Nature and Degree of Harm	MAJOR	\$32,500-26,000	\$26,000-19,000	\$19,000-14,000
	MODERATE	\$14,000-10,000	\$10,000-6,500	\$6,500-4,000
	MINOR	\$4,000-2,000	\$2,000-650	\$650-150

Value from Assessment Matrix = \$12,000.00

+

Multi-week/Event

of weeks/events x penalty = n/a

+

Compliance History

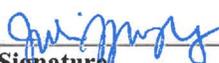
+

10% per repeat violation = n/a

Economic Benefit = \$1,400.00.00

Any other notations:

Total penalty assessed = \$13,400.00



 Signature

10/10/16

 Date



FACILITY LOCATION ADDRESS:

ATTENTION: ACCOUNTS PAYABLE
 J L SCOTT TRUCKING & ENVIRONMENTAL
 1075 HORSESHOE BEND RD
 ERWIN, NC 28339

J SCOTT
 J L SCOTT TRUCKING & ENVIRONMENTAL
 1075 HORSESHOE BEND RD
 ERWIN, NC 28339

FACILITY EPA ID #	INVOICE #	INVOICE DATE	AMOUNT DUE	DUE DATE	ENTER AMOUNT PAID
NCS000001759	HW74090	10/10/2016	\$2,520.00	11/09/2016	

A. Fee Requirements: Pursuant to North Carolina General Statute 130A-294.1, you are required to pay fee(s) based on your hazardous waste management activities. The fee(s) are used to support government programs that ensure the safe management of hazardous waste. Failure to pay the required hazardous waste fee may result in an enforcement action with a penalty.

B. Explanation of Invoice Amount is Based on Facility's Current Status as of July 1, 2013:

FACILITY STATUS	FEE	TONNAGE	AMOUNT DUE
STORER	\$1680.00	-----	\$1,680.00
TRANSPORTER	\$840.00	-----	\$840.00
		PAST DUE	\$0.00
		CREDIT	\$0.00
		TOTAL AMOUNT DUE	\$2,520.00

C. Remit Payment (include a copy of this invoice):

Make checks payable to **N.C. Hazardous Waste Section**, include **EPA ID#** and **Invoice # on check**. If you are paying by electronic transfer, include the invoice number with your electronic transfer. Please note per NC General Statute (G.S. 25-3-506), a \$25.00 processing fee will be charged on all returned checks. Please return a copy of this invoice with your payment to:

ATTN: PATRICIA DAVALOS
 NC HAZARDOUS WASTE SECTION
 1646 MAIL SERVICE CENTER
 RALEIGH, NC 27699-1646

D. Hazardous Waste Contacts:

1. BILLING

Sondra Thoren (919) 707-8228
 Patricia Davalos, Supervisor (919) 707-8233

2. TECHNICAL ASSISTANCE

Doug Roberts (919) 707-8221
 Ann Preson (919) 707-8226
 Lebeed Kady (919) 707-8229