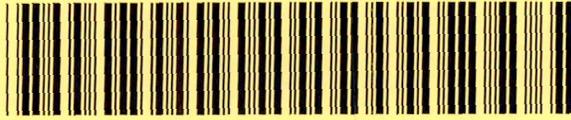


948IHSSF1233



DocumentID NONCD0002871

Site Name UNITED METAL FINISHING

DocumentType Correspondence (C)

RptSegment 1

DocDate 6/6/2011

DocRcvd 6/6/2011

Box SF1233

AccessLevel PUBLIC

Division WASTE MANAGEMENT

Section SUPERFUND

Program IHS (IHS)

DocCat FACILITY



North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

June 6, 2011

Mr. Claude Church
United Metal Finishing, Inc. of Greensboro
133 Blue Bell Road
Greensboro, NC 27406



Re: United Metal Finishing, Inc.
133 Blue Bell Road
Greensboro, Guilford County, North Carolina
NONCD0002871

Dear Mr. Church:

Mindy Lepard of the Guilford County Department of Public Health has received the April 27, 2011 letter from your attorney, Mr. George House, stating that United Metal Finishing, Inc (UMF) will not be signing an Administrative Agreement with the Inactive Hazardous Sites Branch (Branch) to address contamination at the subject site (Site). This decision is being made because a prospective purchaser of the property is entering the North Carolina Brownfield's Program.

Please be advised that a Brownfields Agreement (BFA) provides a prospective developer with liability relief when they purchase a contaminated site and ensures that a site is safe for its intended reuse. The BFA does not end or transfer the liability of any party that is responsible for contamination at a site or ensure that a site has been or will be remediated to Branch remedial goals. Therefore, the Branch continues to view UMF as a potentially responsible party for contamination detected at this Site and any remedial activities conducted outside a signed Administrative Agreement are conducted at your own risk and may not meet Branch requirements.

If contamination is not addressed under the voluntary cleanup program, the Branch will take further action to prioritize this Site and when it becomes a priority, the Branch will compel those responsible to address contamination at the Site. If you have any questions about the requirements that apply to your Site, please contact Mindy Lepard at (336) 641-5551.

Sincerely,

John W. Walch
Eastern Unit Supervisor
Inactive Hazardous Sites Branch
Superfund Section

7010 1870 0000 0020 8622

Sent to
 Street Apt. No. Mr. Claude Church, United Metal Finishing
 or PO Box No. 133 Blue Bell Road
 City, State Zip+4 Greensboro NC 27406

Postage \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)
 Total Postage & Fees \$

Postmark Here

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
 Domestic Mail Only. No Insurance Coverage Provided.
 For more information visit our website at www.usps.com
SPECIAL USE

United Metal Finishing, Noncn 0002871

SENDER COMPLETE THIS SECTION

DO NOT WRITE IN THIS SECTION

Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.
 Print your name and address on the reverse so that we can return the card to you.
 Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 Mr. Claude Church
 United Metal Finishing, Inc.
 133 Blue Bell Road
 Greensboro, NC 27406

2. Article Number 7010 1870 0000 0020 8622
 (Transfer from serv)

A. Signature X KS Agent Addressee

B. Received by (Printed Name) Donna K. Sartwell C. Date of Delivery 4-1-11

D. Is delivery address different from Item 1? Yes No
 If YES, enter delivery address below:

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

UNITED STATES POSTAL SERVICE
GREENSBORO NC 27401
PIEDMONT TRIAD AREA
01 APR 2011 PM 7:2

• Sender: Please print your name, address, and ZIP+4 in this box •

Mr. John Nantz
Guilford County Environmental Health
400 West Market Street
Suite 300
Greensboro, NC 27401

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may ONLY be combined with First-Class Mail® or Priority Mail®
- Certified Mail is not available for any class of international mail.
- NO INSURANCE COVERAGE IS PROVIDED with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a Return Receipt may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS® postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "Restricted Delivery".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047



400 W. Market Street
Greensboro, NC 27401

CERTIFIED MAIL: 7010 1870 0000 0020 8622
Return Receipt Requested

March 31, 2011

Mr. Claude Church
United Metal Finishing, Inc. of Greensboro
133 Blue Bell Road
Greensboro, NC 27406

Re: United Metal Finishing, Inc.
133 Blue Bell Road
Greensboro, North Carolina
NONCD 0002871

Dear Mr. Church:

Enclosed please find the Administrative Agreement for State-Directed Assessment and Remedial Action (AA). Please have this Administrative Agreement signed and returned to this office within thirty (30) days of receipt. The Branch will initiate the thirty (30) day public comment period, as required by statute. If no comments are received upon expiration of the public comment period, the Division Director will execute the Agreement and a copy will be mailed to you for your records.

Please note that N.C.G.S. 130A-310.9(a) requires that in order to participate in the voluntary cleanup program, the remediating party must pay a fee of \$1,000.00. This fee will be used to help defray the costs of monitoring and enforcing the remedial action program. This fee must be paid to the Division of Waste Management before the AA will be executed. Please send a check for \$1000.00 payable to **NC Division of Waste Management** to John Walch at:

NC Division of Waste Management
Superfund Section
401 Oberlin Road, Suite 150
Raleigh, NC 27605

Please note the incident and docket numbers on the check for easy reference.

The review of this cleanup action will be handled under the Guilford County Department of Public Health's, Environmental Health Section, Health and Environmental Risk Assessment group through the use of the Branch's Guidelines for Assessment and Cleanup 2010.

If there are any questions please call me at (336) 641-5557.

Sincerely,

A handwritten signature in cursive script that reads "Mindy Lepard".

Mindy Lepard
Environmental Health Section
Guilford County Department of Public Health

Enclosures

**NORTH CAROLINA DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT
SUPERFUND SECTION**

**IN RE: UNITED METAL FINISHING, INC.
GREENSBORO, NORTH CAROLINA
GUILFORD COUNTY
NONCD0002871**

**ADMINISTRATIVE AGREEMENT
FOR STATE-DIRECTED ASSESSMENT
AND REMEDIAL ACTION
PURSUANT TO N.C.G.S. 130A-310.9(b)**

DOCKET NUMBER 11-SF-353

The following constitutes the agreement of the parties hereto. United Metal Finishing, Inc. of Greensboro (United Metal Finishing) concurs with the conclusions of law contained herein solely for purposes of this Administrative Agreement (Agreement).

I. JURISDICTION

This Agreement is entered into under authority vested in the Secretary of the North Carolina Department of Environment and Natural Resources (Department) by North Carolina's Inactive Hazardous Sites Response Act of 1987 (the Act), which constitutes Part 3, Article 9 of Chapter 130A of the North Carolina General Statutes (N.C.G.S.). N.C.G.S. 130A-310 *et seq.* This authority has been delegated to the Chief of the Superfund Section of the North Carolina Division of Waste Management (Chief).

II. STATEMENT OF PURPOSE

This Agreement is entered into for the purpose of addressing the hazardous substance or waste disposal site (the Site) defined in Section III. A. of this Agreement. In entering into this Agreement, the objective of the Division of Waste Management (Division) and United Metal Finishing is for United Metal Finishing to implement a voluntary remedial action program approved by the Division involving: (1) preparation of a Remedial Investigation Plan to evaluate the extent of contamination; (2) implementation of the Remedial Investigation Plan; (3) if necessary, preparation of a Remedial Action Plan to evaluate alternatives for meeting remediation goals; and (4) if necessary, implementation of the approved Remedial Action Plan.

III. STIPULATIONS OF FACT

A. "The Site" is the property currently owned by United Metal Finishing at 133 Blue Bell Road, Greensboro, NC 27406 and any additional area which has become contaminated as a result of a release of hazardous substances or waste disposed at

that property.

- B. United Metal Finishing conducted soil and groundwater testing at the Site in 2007.
- C. Soil sampling at the Site has revealed the presence of volatile organic compounds and Hazardous Substances List metals. This is not a comprehensive list of contaminants present at the Site and the remedial investigation and remedial action are not limited to this list of compounds.
- D. Groundwater sampling at the Site has revealed the presence of Hazardous Substances List metals. This is not a comprehensive list of contaminants present at the Site and the remedial investigation and remedial action are not limited to this list of compounds.

IV. CONCLUSIONS OF LAW

- A. The substances identified in Sections III. C and D above are hazardous substances as defined in the Comprehensive Environmental Response, Compensation and Liability Act/Superfund Amendments and Reauthorization Act, 42 U.S.C. Section 9601 *et seq.*, and are thus such substances for purposes of the Act pursuant to N.C.G.S. 130A-310(2).
- B. The Site is an inactive hazardous substance or waste disposal site for purposes of the Act pursuant to N.C.G.S. 130A-310(3).
- C. United Metal Finishing is an owner, operator, or other responsible party in relation to the Site within the meaning of N.C.G.S. 130A-310.9, pursuant to N.C.G.S. 130A-310(4), -310(5), -310(9), and -310.7.
- D. Under N.C.G.S. 130A-310.9(b), the Secretary, and by delegation, the Chief, is authorized to enter into agreements with owners, operators, or other responsible parties for implementation of voluntary remedial action programs as to inactive hazardous substance or waste disposal sites in accordance with remedial action plans approved by the Department.

V. WORK TO BE PERFORMED

All work performed pursuant to plans approved under this Agreement shall comply with the current Inactive Hazardous Sites Program Guidelines for Assessment and Cleanup.

- A. Within ninety (90) days after the execution of this Agreement, United Metal Finishing shall submit to the Division a Remedial Investigation Plan (Investigation Plan) organized in sections corresponding to the following items and including at least:

1. Site location information including site street address, longitude and latitude, and site and surrounding property land use.
2. A summary of all management practices employed at the Site for hazardous wastes and any wastes that may have contained hazardous substances, including a list of types and amounts of waste generated (with RCRA waste codes), treatment and storage methods, and ultimate disposition of wastes; a description of the facility's past and current RCRA status; the location and condition of any vessels currently or previously used to store any chemical products, hazardous substances or wastes; and a summary of the nature of all on-site hazardous substance releases, including one-time disposals or spills.
3. United States Geological Survey topographic maps sufficient to display topography within a one-mile radius of the Site.
4. A site survey plat (prepared and certified by a Professional Land Surveyor) including scale; benchmarks; north arrow; locations of property boundaries, buildings, structures, all perennial and non-perennial surface water features, drainage ditches, dense vegetation, known and suspected spill or disposal areas, underground utilities, storage vessels, existing on-site wells; and identification of all adjacent property owners and land usage.
5. A description of local geologic and hydrogeologic conditions.
6. Inventory and map of all wells, springs, and surface-water intakes used as sources of potable water within a one-half mile radius of the center of the Site. If the Site is greater than one hundred (100) acres in size, the inventory and map must cover a one-mile radius from the center of each source area.
7. Identification of environmentally sensitive areas on and adjacent to the Site including:

- State Parks
- Areas Important to Maintenance of Unique Natural Communities
- Sensitive Areas Identified Under the National Estuary Program
- Designated State Natural Areas
- State Seashore, Lakeshore and River Recreational Areas
- Rare species (state and federal Threatened and Endangered)
- Sensitive Aquatic Habitat
- State Wild and Scenic Rivers
- National Seashore, Lakeshore and River Recreational Areas
- National Parks or Monuments
- Federal Designated Scenic or Wild Rivers
- Designated and Proposed Federal Wilderness and Natural Areas

National Preserves and Forests
Federal Land designated for the protection of Natural Ecosystems
Critical Areas Identified Under the Clean Lakes Program
State-Designated Areas for Protection or Maintenance of Aquatic Life
State Preserves and Forests
Terrestrial Areas Utilized for Breeding by Large or Dense Aggregations of Animals
National or State Wildlife Refuges
Marine Sanctuaries
National and State Historical Sites
Areas Identified Under Coastal Protection Legislation
Coastal Barriers or Units of a Coastal Barrier Resources System
Spawning Areas Critical for the Maintenance of Fish/Shellfish Species within
River, Lake or Coastal Tidal Waters
Migratory Pathways and Feeding Areas Critical for Maintenance of Anadromous
Fish Species within River Reaches or Areas in Lakes or Coastal Tidal Waters in
which such Fish Spend Extended Periods of Time
State Lands Designated for Wildlife or Game Management
Wetlands

8. A chronological listing of all previous owners and each period of ownership since the Site was originally developed from pristine land.
9. Operational history with aerial photographs and Sanborne Fire Insurance maps to support land-use history.
10. A list of all hazardous substances which have been used or stored at the Site, and approximate amounts and dates of use or storage as revealed by available written documentation and interviews with a representative number of former and current employees or occupants possessing relevant information.
11. Site environmental permit history, including copies of all federal, state, and local environmental permits, past and present, issued to United Metal Finishing or within United Metal Finishing's custody or control.
12. A summary of all previous and ongoing environmental investigations and environmental regulatory involvement with the Site, and copies of all associated reports and laboratory data.
13. Proposed procedures for characterizing site geologic and hydrogeologic conditions and identifying and delineating each contamination source as to each affected environmental medium, including any plan for special assessment such as a geophysical survey.
14. Proposed methods, locations, depths of, and justification for, all sample collection points for all media sampled, including monitoring well locations and anticipated screened intervals.

15. Proposed field and laboratory procedures for quality assurance/quality control.
 16. Proposed analytical parameters and analytical methods for all samples.
 17. A contact name, address and telephone number for the principal consultant and laboratory, and qualifications and certifications of all consultants, laboratories and contractors expected to perform work in relation to this work plan. Any laboratory retained must currently be either certified to analyze applicable certifiable parameters under Title 15A of the North Carolina Administrative Code, Subchapter 2H, Section .0800, or be a contract laboratory under the EPA Contract Laboratory Program.
 18. Equipment and personnel decontamination procedures.
 19. A proposed schedule for site activities and reporting.
 20. Any other information required by the Division or considered relevant by the remediating party.
 21. A signed and notarized certification by a corporate official in charge of a principal business function stating: "I certify that, to the best of my knowledge, after thorough investigation, the information contained in or accompanying this certification is true, accurate, and complete."
 22. A signed and notarized certification by the consultant responsible for the day to day remedial activities stating: "I certify that, to the best of my knowledge, after thorough investigation, the information contained in or accompanying this certification is true, accurate, and complete."
 23. If this document includes any work that would constitute the "practice of engineering" as defined by N.C.G.S. 89C, the signature and seal of a professional engineer must be included. If this document includes any work that would constitute the "public practice of geology" as defined by N.C.G.S. 89E, the signature and seal of a licensed geologist is required.
- B. Within thirty (30) days of receiving notice from the Division of any deficiency in the Investigation Plan, United Metal Finishing shall submit to the Division information or material sufficient to correct such deficiency.
- C. United Metal Finishing shall begin the Remedial Investigation no sooner than receiving written approval of the Investigation Plan from the Division, nor later than

thirty (30) days thereafter.

- D. Within one hundred twenty (120) days of receiving written approval of the Investigation Plan from the Division, United Metal Finishing shall submit to the Division a Remedial Investigation Report documenting implementation of the approved Investigation Plan, organized in sections corresponding to the following items and including at least:
1. A narrative description of how the investigation was conducted, including a discussion of any variances from the approved work plan.
 2. A description of groundwater monitoring well design and installation procedures, including drilling methods used, completed drilling logs, "as built" drawings of all monitoring wells, well construction techniques and materials, geologic logs, and copies of all well installation permits.
 3. A map, drawn to scale, showing all soil, surface water and sediment sample locations and monitoring well locations in relation to known disposal areas or other sources of contamination. Monitoring wells must be surveyed to a known benchmark. Soil sample locations must be surveyed to a known benchmark or flagged with a secure marker until after the remedial action is completed. Monitoring well locations and elevations must be surveyed by a Professional Land Surveyor.
 4. A description of all laboratory quality control and quality assurance procedures followed during the remedial investigation.
 5. A description of procedures used to manage drill cuttings, purge water and decontamination water.
 6. A summary of site geologic conditions, including a description of soils and vadose zone characteristics.
 7. A description of site hydrogeologic conditions (if groundwater assessment is determined to be necessary), including current uses of groundwater, notable aquifer characteristics, a water table elevation contour map with groundwater flow patterns depicted, tabulated groundwater elevation data, and a description of procedures for measuring water levels.
 8. Tabulation of analytical results for all sampling (including sampling dates and soil sampling depths) and copies of all laboratory reports (including QA/QC support data referenced to specific samples).
 9. Soil, groundwater, surface water and sediment contaminant delineation maps and cross sections, including scale and sampling points with contaminant

concentrations.

10. A description of procedures and the results of any special assessments such as geophysical surveys, immunoassay testing (EPA SW-846 4000 series methods), soil gas surveys, or test pit excavations.
 11. Copies of all field logs and notes, and color copies of site photographs.
 12. A demonstration, supported by sampling data, that the areal and vertical extent of hazardous substance contamination in each affected medium has been delineated to the Division's satisfaction in accordance with the current version of the Division's *Inactive Hazardous Sites Program Guidelines for Assessment and Cleanup*.
 13. Any other information required by the Division or considered relevant by the remediating party.
 14. A signed and notarized certification by a corporate official in charge of a principal business function stating: "I certify that, to the best of my knowledge, after thorough investigation, the information contained in or accompanying this certification is true, accurate, and complete."
 15. A signed and notarized certification by the consultant responsible for the day to day remedial activities stating: "I certify that, to the best of my knowledge, after thorough investigation, the information contained in or accompanying this certification is true, accurate, and complete."
 16. If this document includes any work that would constitute the "practice of engineering" as defined by N.C.G.S. 89C, the signature and seal of a professional engineer must be included. If this document includes any work that would constitute the "public practice of geology" as defined by N.C.G.S. 89E, the signature and seal of a licensed geologist is required.
- E. Within thirty (30) days of receiving notice from the Division of any deficiency in the Remedial Investigation Report, United Metal Finishing shall submit to the Division information or material sufficient to correct such deficiency. When the Division determines that the Remedial Investigation is complete, the Division will notify United Metal Finishing in writing.
- F. Should additional remedial investigation work phases be necessary, United Metal Finishing shall submit the subsequent work phase investigation plan within thirty (30) days of receiving notice from the Division of the additional work phase required. The requirements for the submittal and content of plans and reports under paragraphs V.A., B., C., D. and E. shall apply to subsequent work plans and reports except where, in the Division's sole discretion, the submission of such would duplicate a

previous submittal.

- G. If the Division determines that hazardous substances or waste disposed at the Site have affected any drinking water wells, United Metal Finishing shall, by a deadline established by the Division, provide an alternate drinking water source for users of those wells.
- I. Within ninety (90) days of receiving written notice from the Division that the Remedial Investigation is complete and Remedial Action is required, United Metal Finishing shall submit to the Division a proposed Remedial Action Plan for cleanup of all contaminated media at the Site, developed using the Superfund Section's remediation goals as set out in the current Inactive Hazardous Sites Program Guidelines for Assessment and Cleanup, organized in sections corresponding to the following items and including at least:
1. A statement of objectives for the Remedial Action.
 2. A listing of potentially applicable technologies.
 3. An evaluation of remedial alternatives using the following feasibility study criteria:
 - a. Protection of human health and the environment, including attainment of remediation goals.
 - b. Compliance with applicable federal, State and local regulations.
 - c. Long-term effectiveness and permanence.
 - d. Reduction of toxicity, mobility and volume.
 - e. Short-term effectiveness: effectiveness at minimizing the impact of the site remediation on the environment and the local community.
 - f. Implementability: technical and logistical feasibility, including an estimate of time required for completion.
 - g. Cost.
 - h. Community acceptance.
 4. A detailed description of United Metal Finishing's preferred remedial alternative for each contaminated medium, from among the alternatives evaluated, including an evaluation of potential impact to any sensitive environments identified on or near the Site and construction designs and specifications (any proposed treatment technology may require on-site testing or bench-scale testing of site waste to verify its effectiveness).
 5. A description of all activities that are necessary to ensure that the proposed method(s) of remedial action is (are) implemented in compliance with applicable laws and regulations, that remediation goals established by the Division are met and that the health and safety of nearby residential and

business communities will not be adversely affected by activities related to the remedial action. These activities include, but are not limited to, well installation and abandonment, sampling, run-on/run-off control, dust suppression and discharge of treated waste streams.

6. The results of any treatability studies or site characterization work conducted in support of the proposed Remedial Action Plan.
 7. A description of any proposed treatability studies or additional site characterization work needed to support the remedial design.
 8. A description of methods of post-remedial and confirmatory sampling, and any necessary maintenance.
 9. Equipment and personnel decontamination procedures.
 10. A proposed schedule for completion of remedial design and for Remedial Action construction, implementation and periodic sampling and reporting.
 11. A signed and notarized certification by a corporate official in charge of a principal business function stating: "I certify that, to the best of my knowledge, after thorough investigation, the information contained in or accompanying this certification is true, accurate, and complete."
 12. A signed and notarized certification by the consultant responsible for the day to day remedial activities stating: "I certify that, to the best of my knowledge, after thorough investigation, the information contained in or accompanying this certification is true, accurate, and complete."
 13. If this document includes any work that would constitute the "practice of engineering" as defined by N.C.G.S. 89C, the signature and seal of a professional engineer must be included. If this document includes any work that would constitute the "public practice of geology" as defined by N.C.G.S. 89E, the signature and seal of a licensed geologist is required.
- J. United Metal Finishing shall provide to the Division the number of additional copies of the proposed Remedial Action Plan determined by the Division to be required for distribution to the local health director, register of deeds, and each public library in the county where the Site is located, if requested by the Division. The Division shall also mail notice of the Remedial Action Plan to those who have requested notice that such plans have been developed, as provided in N.C.G.S. 130A-310.4(c)(2). The Division will not approve the Remedial Action Plan until at least thirty (30) days after public notice was provided.
- K. Within thirty (30) days of receiving notice from the Division of any deficiency in the

Remedial Action Plan, United Metal Finishing shall submit to the Division information or material sufficient to correct such deficiency.

- L. United Metal Finishing shall begin implementation of the Remedial Action Plan no sooner than receiving written approval from the Division nor later than sixty (60) days thereafter.
- M. Any requests for modifications of the approved Remedial Action Plan must be submitted in writing to the Division, and may not be incorporated or implemented unless and until approved in writing by the Division.
- N. United Metal Finishing shall provide to the Division:
 - 1. Weekly written or telephone progress reports each Friday during the soil and waste remedial action if less than one (1) month in duration;
 - 2. Quarterly reports during: (a) groundwater remedial action, (b) any soil and waste remedial action greater than one (1) month in duration, and (c) any necessary post-remedial maintenance;
 - 3. A final report with confirmatory sample data documenting complete implementation of the approved Remedial Action Plan.

Note 1: The quarterly reports and final report should include, without limitation, complete "as-built" drawings and specifications of all remedial action systems; tabulated laboratory data; the location and depth of samples collected; a description of all field and laboratory quality control/quality assurance procedures; and legible and complete copies of all records of periodic system inspections, laboratory reports, waste manifests and chain of custody documentation generated during the reporting period. Quarterly reports shall be provided by the tenth day after each quarter concludes, with the first quarter commencing on the date of written approval of the Remedial Action Plan by the Division. The final report shall be provided within one (1) month following complete implementation of the approved Remedial Action Plan.

Note 2: Each progress report and the final report shall contain the certifications specified in Sections V.A.21, V.A.22, and V.A.23 of this Agreement.

- O. Within thirty (30) days of receiving notice from the Division of any deficiency in the reports required by paragraph V.N. or in the implementation of the plans required by this Agreement, United Metal Finishing shall submit to the Division information or material sufficient to demonstrate correction of such deficiencies.

Metal Finishing is not complying with the terms of this Agreement in a timely manner, the Division may notify United Metal Finishing in writing of such determination, and the Agreement shall be dissolved upon United Metal Finishing's receipt of such written notice. Further, should the United States Environmental Protection Agency ("the EPA") list the Site, or any portion of it, on the National Priorities List ("the NPL"), should the Site score high enough for listing on the NPL, or should the Division state in writing to United Metal Finishing that it desires that the EPA not be limited in its authority under any portion of the Comprehensive Environmental Response, Compensation and Liability Act, codified at 42 U.S.C. §§ 9601 to 9675, by the existence of this Agreement, then either party may dissolve this Agreement except of the rights and obligations under Sections IV.E. and VIII.G. and H. above. Dissolution on the basis of NPL scoring or to remove any bar to EPA's authority shall be without prejudice to either party to enter into an Administrative Agreement at a later date if allowed by, and subject to, North Carolina law then existing regarding Administrative Agreements. In any of these events, neither party may seek judicial review of the dissolution of this Agreement or has any right, claim or action for breach of this Agreement. In any of these events, the Division shall retain all its applicable enforcement rights against United Metal Finishing, and United Metal Finishing shall retain all applicable defenses. Notwithstanding the foregoing or the subsequent dissolution of this Agreement, paragraphs VI.E., VIII.G., and VIII.H., and the rights, obligations and duties contained therein, shall survive the dissolution of this Agreement.

The effective date of this Agreement shall be the date on which it is executed by the Secretary or his Authorized Agent.

Date Executed: _____

By: _____

Jack Butler, PE
 Superfund Section Chief
 Division of Waste Management
 North Carolina Department of Environment
 and Natural Resources

By: _____

Mr. Claude Church
 United Metal Finishing, Inc. of Greensboro

contracts upon satisfactory compliance with this Agreement. Notwithstanding the terms of any contract, United Metal Finishing is responsible for compliance with this Agreement and for ensuring that such contractors or other persons or entities comply with this Agreement.

- E. This Agreement notwithstanding, the Division retains all its authority regarding inactive hazardous substance or waste disposal sites in relation to the Site.
- F. All actions required pursuant to this Agreement shall be in accordance with applicable local, state and federal laws and regulations, unless an exemption regarding particular state or local laws or regulations is specifically provided in this Agreement now or later.
- G. United Metal Finishing agrees to indemnify and save and hold harmless the State of North Carolina, and its agencies, departments, officials, agents, employees, contractors and representatives, from any and all claims or causes of action arising from or on account of acts or omissions of United Metal Finishing or its officers, employees, receivers, trustees, agents, contractors, or assigns in carrying out actions required pursuant to this Agreement. Neither the State of North Carolina nor any agency or representative thereof shall be held to be a party to any contract involving United Metal Finishing relating to the Site excluding, however, this Agreement.
- H. United Metal Finishing shall preserve, for at least six (6) years after termination of this Agreement, all records and documents in its possession or in the possession of its divisions, employees, agents, accountants, contractors or attorneys which relate in any way to this Agreement. After this six (6)-year period, United Metal Finishing shall notify the Division at least thirty (30) days prior to the destruction of any such records and documents. United Metal Finishing shall comply with any written request by the Division, prior to the day set for destruction, to continue to preserve such records and documents or to provide them to the Division. United Metal Finishing may assert any available right to keep particular records and documents, other than analytical data, confidential.
- I. This Agreement may not be modified without the written consent of the parties.
- J. Except for obligations under Section VIII. G. and H. above or K. below, this Agreement shall terminate when United Metal Finishing receives written notice from the Division that all activities required pursuant to this Agreement have been completed to the Division's satisfaction.
- K. This is a voluntary agreement. If United Metal Finishing elects to discontinue implementation of work under this Agreement, United Metal Finishing shall notify the Division in writing of such intent, and except for rights and obligations under Sections VI.E. and VIII.G. and H. above, this Agreement shall be dissolved upon the Division's receipt of such written notice. If the Division determines that United

completed. The Division shall review the documentation and shall promptly approve the new schedule if good cause is shown. Good cause may include, but is not limited to, extraordinary weather, natural disasters and national emergencies. At a minimum, good cause does not include normal inclement weather, increases in the cost of work to be performed under this Agreement, financial difficulty for United Metal Finishing in performing such work, failure by United Metal Finishing to satisfy its obligations under this Agreement (whether evidenced by a notice of deficiency or not), acts or omissions of United Metal Finishing's contractors or representatives not otherwise constituting good cause, and failure by United Metal Finishing or its contractors or representatives to make complete and timely application for any required approval or permit. The burden of demonstrating good cause for delay, and that the delay proposed is warranted, is United Metal Finishing's.

VIII. ADDITIONAL PROVISIONS

- A. All documents submitted to the Division shall be delivered to:

Ms. Mindy Lepard
Guilford County Department of Public Health
Environmental Health Section
400 West Market Street, Suite 300
Greensboro, NC 27401

The Division will direct all correspondence related to this Agreement to:

Mr. Claude Church
United Metal Finishing, Inc. of Greensboro
133 Blue Bell Road
Greensboro, NC 27406

- B. United Metal Finishing shall also submit electronic copies of the Remedial Investigation Plan(s), Remedial Investigation Report(s), Remedial Action Plan, Quarterly Progress Reports and Final Completion Report and any other reports requested by the Division. Electronic documents should be submitted in a format designated by the Division. Currently, electronic documents should be submitted in PDF/A format.
- C. This Agreement shall be binding upon, and inure to the benefit of, United Metal Finishing, its agents, successors and assigns. The signatory for United Metal Finishing to this Agreement certifies that he/she is authorized to execute and legally bind United Metal Finishing as to this Agreement.
- D. United Metal Finishing shall provide a copy of this Agreement to each contractor or other person or entity retained to perform any work under this Agreement within seven (7) days after the effective date of this Agreement or the date of retaining their services, whichever is later. United Metal Finishing shall condition any such

VI. SAMPLING, ACCESS, AND DATA/DOCUMENT AVAILABILITY

- A. The Division or its representatives may take split or duplicate samples of any samples collected by United Metal Finishing pursuant to this Agreement. United Metal Finishing shall notify the Division not less than ten (10) days in advance of any field activity. This notification may be given verbally in the field by United Metal Finishing to the Division.
- B. The Division or its representatives may conduct any field activity it deems appropriate in relation to the Site. United Metal Finishing may take split or duplicate samples of any samples collected by the Division during such field activity.
- C. While this Agreement is in effect, Division personnel and their representatives may, in addition to exercising any related legal rights, enter the Site without notice at all times and, while present: review the progress of activities required by this Agreement; conduct such tests as the Division deems necessary; verify the data submitted to the Division by United Metal Finishing; inspect and copy any and all records, files, photographs, operating logs, contracts, sampling and monitoring data, and other documents relating in any way to this Agreement; and otherwise assess United Metal Finishing's compliance with this Agreement. All parties with access to the Site pursuant to this paragraph shall comply with all approved health and safety plans.
- D. Unless a confidentiality claim covering information provided under this Agreement is made pursuant to law and adequately substantiated when the information is submitted, such information may be made available to the public by the Division without further notice to United Metal Finishing. United Metal Finishing agrees that under no circumstances shall analytical data generated pursuant to this Agreement be considered confidential.
- E. United Metal Finishing waives any objections to the admissibility into evidence (but not objections as to the weight) of the results of any analyses of sampling conducted by or for United Metal Finishing at the Site.
- F. If United Metal Finishing is unable by reasonable efforts to gain access to other property as necessary pursuant to this Agreement, the Division shall assist United Metal Finishing in obtaining access.

VII. DELAY IN PERFORMANCE

As soon as United Metal Finishing is aware of the potential for delay, it shall submit to the Division written documentation of the reasons for the delay and the efforts made by United Metal Finishing to avoid the delay, as well as a time by which such work can be



North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director
February 10, 2011

Dee Freeman
Secretary

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

Mr. Claude Church
Registered Agents for United Metal Finishing Inc. of Greensboro
133 Blue Bell Road
Greensboro, NC 27406

RE: **Short Form Compliance Order with Administrative Penalty
United Metal Finishing, Inc. of Greensboro
NCD 986 177 129
Docket # 2010-113**

Dear Mr. Church:

Enclosed is a Short Form Compliance Order with Administrative Penalty ("Compliance Order") issued to United Metal Finishing, Inc. of Greensboro 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 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 \$12,410.00 is imposed in the Compliance Order. United Metal Finishing, Inc. of Greensboro may contest this Compliance Order by filing a written petition for a contested case hearing in accordance with N.C.G.S. 150B-23(a) and 150B-23.2. See the section entitled "Notice of Rights to a Contested Case" in the attached Compliance Order. **In addition, United Metal Finishing, Inc. of Greensboro is assessed \$485.29 for investigative and inspection costs associated with the assessment of the civil penalty pursuant to N.C.G.S. 130A-22(j). These investigation and inspection cost assessments are due within 60 days and are not contestable in the "Notice of Rights to a Contested Case" provision.**

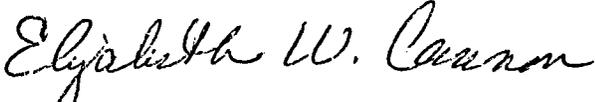
Please be advised that the Department of Environment and Natural Resources has implemented a department-wide policy to release all penalties assessed against facilities to the media. Therefore, the name of your company and the penalty amount that has been assessed against the facility may be released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

If no contested case petition is filed, the administrative penalty must be paid by United Metal Finishing, Inc. of Greensboro 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:

Elizabeth W. Cannon, Chief
Hazardous Waste Section
401 Oberlin Road, Suite 150
Raleigh, NC 27605

If you desire to schedule an informal conference to discuss the Compliance Order, please contact Ann Preston at (919) 508-8559. (Scheduling an informal conference will not extend the time limit for filing a contested case petition.)

Respectfully,



Elizabeth W. Cannon, Chief
Hazardous Waste Section

Enclosures: Compliance Order with Administrative Penalty and Penalty Summary Worksheets

cc: Merle Green, Guilford County Health Director
BJ Barnes, Guilford County Sheriff
Alan Perdue, Guilford County Emergency Services Director
Brenda Jones Fox, Guilford County Manager
William H. Knight, City of Greensboro Mayor
Ken Miller, City of Greensboro Police Chief
Greg Grayson, City of Greensboro Fire Chief
Rashad Young, City of Greensboro Manager
Sandra Castle, Winston-Salem Regional Office Manager
Nancy McKee, EPA Region 4
Central Files - Enforcement

**North Carolina Department of Environment
and Natural Resources
Division of Waste Management
Hazardous Waste Section**

In Re: **United Metal Finishing, Inc. of Greensboro**
NCD 986 177 129) **SHORT FORM COMPLIANCE ORDER**
Docket # 2010-113) **WITH ADMINISTRATIVE PENALTY**

PRELIMINARY STATEMENT

This Compliance Order with Administrative Penalty ("Compliance Order") is issued by the North Carolina Department of Environment and Natural Resources, Division of Waste Management 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 13A (the "Rules"). Based upon information received by the Division of Waste Management, the Division of Waste Management has determined that United Metal Finishing, Inc. of Greensboro violated certain requirements of the Act and Rules as set forth in this Compliance Order.

STATEMENT OF FACTS AND LAW

1. The North Carolina Department of Environment and Natural Resources ("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 of Waste Management ("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 Rules, to the Chief of the Hazardous Waste Section, Elizabeth W. Cannon.
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. United Metal Finishing, Inc. of Greensboro (United Metal Finishing) is a North Carolina corporation. United Metal Finishing is a "person" as defined in N.C.G.S. 130A-290(a)(22).
4. United Metal Finishing operates a facility located at 133 Blue Bell Road, Greensboro, Guilford County, North Carolina. The facility operates as a metal finisher. The facility takes steel and aluminum from machine shops and will plate them through the following processes: zinc, nickel, electroless nickel, hard chrome, copper, and silver brush. The facility also performs anodizing and dyeing, zinc phosphating, iridite (chem film) and passivation.

5. On August 20, 2010, Bobby Nelms, Environmental Senior Specialist and Jenny Patterson Eastern Regional Compliance Supervisor both with the Division, conducted a Comprehensive Evaluation Inspection (CEI) at United Metal Finishing to evaluate compliance with the North Carolina Hazardous Waste Management Rules.
6. United Metal Finishing maintains three (3) less than 180 day hazardous waste storage areas and one satellite accumulation area. One hazardous waste storage area is called the Chemical Storage Shed which is located outside at the back right of the main warehouse building. The second hazardous waste storage area is called the Sludge Oven Storage Area and is located behind the main warehouse building. The third hazardous waste storage area is called the Warehouse Storage Area and is located in the main warehouse building in the middle back. The satellite accumulation area is located in the waste water treatment plant (WWTP). Universal waste lamps are stored in the maintenance building which is located to the left of the Chemical Storage Shed.
7. United Metal Finishing generates hazardous waste as defined in N.C.G.S. 130A-290(a)(8) and 15A NCAC 13A .0106. The hazardous waste generated by United Metal Finishing is identified by EPA Hazardous Waste Identification Numbers D007, D035 and F006.
8. United Metal Finishing is currently listed with the Division as a small quantity generator of hazardous waste. A "small quantity generator" is a generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month. United Metal Finishing is required to comply with all Rules applicable to small quantity generators of hazardous waste as noted in 40 CFR Part 262, as adopted in 15A NCAC 13A .0107.
9. As a result of the August 20, 2010 CEI, the Division has determined that United Metal Finishing 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 method described in Section 262.11.
 - ii. United Metal Finishing violated 40 CFR 262.11, in that at the time of inspection it failed to complete a hazardous waste determination on ten (10) 55-gallon containers and two (2) 30-gallon containers located in the Chemical Storage Shed, two (2) 55-gallon containers of dust from the dust collection system and dust on the ground around the dust collection system, one (1) 55-gallon container labeled methyl ethyl ketone located behind the warehouse, two (2) 5-gallon containers located near the dumpster, and one (1) 1-gallon container located in front of the Electroless Nickel Plating Building.

b. 40 CFR 262.34(d)(2):

- i. Pursuant to 40 CFR 262.34(d)(2), adopted by reference at 15A NCAC 13A .0107(c), a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status, provided that he complies with the requirements of Subpart I of part 265 of this chapter, except for Sections 265.176 and 265.178.

Pursuant to 40 CFR 265.173(a), adopted by reference at 15A NCAC 13A .0110(i), a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.

- ii. United Metal Finishing violated 40 CFR 262.34(d)(2), in that one cubic yard container of F006 waste sludge generated from the sludge oven was observed open at the time of the inspection.

c. 40 CFR 262.34(d)(4):

- i. Pursuant to 40 CFR 262.34(d)(4), adopted by reference at 15A NCAC 13A .0107(c), a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status, provided that the generator complies with the requirements of paragraphs (a)(2) and (a)(3) of this section, the requirements of subpart C of part 265, and the requirements of 40 CFR 268.7(a)(5).

Pursuant to 40 CFR 262.37, adopted by reference at 15A NCAC 13A .0110(c), the owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:

- (1) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;
- (2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;

- (3) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and
 - (4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility.
 - ii. United Metal Finishing violated 40 CFR 262.34(d)(4), in that it failed to make arrangements with the police department and the hospital. In addition, the arrangement made with the fire department were out-of-date.
- d. 40 CFR 262.34(d)(5)(ii):
 - i. Pursuant to 40 CFR 262.34(d)(5)(ii), adopted by reference at 15A NCAC 13A .0107(c), a generator who generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month may accumulate hazardous waste on site for 180 days or less without a permit or without having interim status, provided that, among other things, he posts next to the telephone the name and telephone number of the emergency coordinator, location of fire extinguisher and spill control material and, if present, fire alarm.
 - ii. United Metal Finishing violated 40 CFR 262.34(d)(5)(ii), in that the name and telephone number of the emergency coordinator and the location of the fire extinguisher, spill equipment and fire alarm were not posted next to the telephone.
- e. 40 CFR 262.42(b):
 - i. Pursuant to 40 CFR 262.42(b), adopted by reference at 15A NCAC 13A .0107(d), a generator of greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter must submit a legible copy of the manifest, with some indication the generator has not received confirmation of delivery, to the EPA Regional Administrator for the Region in which the generator is located.
 - ii. United Metal Finishing violated 40 CFR 262.42(b), in that it did not have a signed copy of manifest number 00586191FLE, dated October 20, 2009, and manifest number 005276022JJK, dated October 21, 2009 and no exception report was submitted. The facility was able to obtain a copy of manifest number 00586191FLE on October 24, 2010.

- f. 40 CFR 273.13(d)(1):
- i. Pursuant to 40 CFR 273.13(d)(1), adopted by reference at 15A NCAC 13A .0119(b), a small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.
 - ii. United Metal Finishing violated 40 CFR 273.13(d)(1), in that ten (10) mercury containing lamps were stacked in a corner of the maintenance building and were not stored in containers or packages. The facility also had one box of mercury containing lamps that was not closed.
- g. 40 CFR 273.14(e):
- i. Pursuant to 40 CFR 273.13(d)(1), adopted by reference at 15A NCAC 13A .0119(b), each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s).".
 - ii. United Metal Finishing violated 40 CFR 273.13(d)(1), in that one box of mercury containing lamps was labeled "used" in place of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)".

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, 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 United Metal Finishing, for the violations set out in this Compliance Order: for the violation set forth in paragraph 9. a. \$6,500.00, for the violations set forth in paragraph 9. b., c., d., e. \$4,095.00, for

the violations set forth in paragraph 9. f. and g. \$1,815.00. Accordingly, a total penalty is imposed in the amount of \$12,410.00.

CONDITIONS FOR CONTINUED OPERATION

Based upon the foregoing, United Metal Finishing 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:

Elizabeth W. Cannon, Chief
Hazardous Waste Section
401 Oberlin Road, Suite 150
Raleigh, NC 27605

2. United Metal Finishing shall immediately correct all violations as stated in this Compliance Order.

3. Within sixty (60) days submit \$485.29 for investigative and inspection cost 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:

Elizabeth W. Cannon, Chief
Hazardous Waste Section
401 Oberlin Road, Suite 150
Raleigh, NC 27605

POTENTIAL CONSEQUENCES OF FAILURE TO COMPLY

United Metal Finishing 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 United Metal Finishing 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 Rules.

NOTICE OF RIGHT TO FILE A CONTESTED CASE PETITION

United Metal Finishing 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. Any petition for a contested case hearing must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714, along with the appropriate filing fee set by the Office of Administrative Hearings in accordance with N.C.G.S. 1508-23.2, within 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:

Mary Penny Thompson
Process Agent for the N.C. Department of Environment and Natural Resources
1601 Mail Service Center
Raleigh, NC 27699-1601

Additional information concerning the Office of Administrative Hearings and the appeal process may be found on the official website for the Office of Administrative Hearings, located at www.oah.state.nc.us. The telephone number for the Office of Administrative Hearings is (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 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 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 Environment and Natural Resources 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 February 2011

By: Elizabeth W. Cannon
Elizabeth W. Cannon, Chief
Hazardous Waste Section

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

Facility Name: United Metal Finishing
EPA Id. Number: NCD 986 177 129
Docket #: 2010-113
Regulation(s) Violated: 9. a., of the Compliance Order
Site Information: Hazardous waste codes: unknown
Distance to residences: approximately ½ mile
Number of people involved: 10 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:** the facility failed to complete a hazardous waste determination on ten (10) 55-gallon containers and two (2) 30-gallon containers located in the Chemical Storage Shed, two (2) 55-gallon containers of dust from the dust collection system and dust on the ground around the dust collection system, one (1) 55-gallon container labeled methyl ethyl ketone located behind the warehouse, two (2) 5-gallon containers located near the dumpster, and one (1) 1-gallon container located in front of the Electroless Nickel Plating Building;
- (ii) **Type of waste involved:** methyl ethyl ketone and chromium;
- (iii) **Duration and gravity of the violation:** duration unknown, 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: the toxicity of chromium is dependent on its ionic state. Chromium can occur as chromium VI or chromium III. Chromium VI can cause irritation to the lining of the nose, runny nose, breathing problems such as asthma, cough, shortness of breath or wheezing. There could also be allergic reactions. Inhalation of chromium VI has been shown to cause lung cancer. Chromium III is much less toxic than chromium VI in long-term occupational exposure to these compounds. Methyl ethyl ketone may cause effects on the central nervous system, including headaches, fatigue, nausea, and memory loss. These chemicals also cause irritation of the eyes, nose, and throat and prolonged skin contact may cause dermatitis;
Effect on the Environment: The toxic effects of chromium are primarily found in lower trophic levels. There is a wide range of adverse effects in aquatic organisms. Chromium inhibits growth in duckweed and algae, reduces fecundity and survival of benthic invertebrates, and reduces growth of freshwater fingerlings. It is cancer-causing, mutation-causing, and teratogenic. Methyl ethyl ketone may severely damage vegetation and may be lethal to fish and other aquatic organisms. Methyl ethyl ketone may also cause growth inhibition in freshwater aquatic species;

Penalty Summary Worksheet

Facility Name: United Metal Finishing
 EPA Id. Number: NCD 986 177 129
 Docket #: 2010-113

(vi) **Effectiveness of responsive measures taken by the violator:** cleaned the Chemical Storage Shed by repacking various containers to consolidate the waste;

(vii) **Damage to private property:** n/a;

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

(3) **Previous record:** n/a.

ASSESSMENT MATRIX		Degree of Deviation from Requirements		
		MAJOR	MODERATE	MINOR
Nature and Degree of Harm	MAJOR	\$6,500-\$1,300	\$5,200-\$1,000	\$3,800-\$700
	MODERATE	\$2,800-\$500	\$2,000-\$300	\$1,300-\$200
	MINOR	\$800-\$130	\$400-\$130	\$130

Value from Assessment Matrix = \$6,500.00

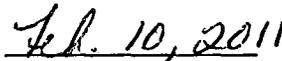
+ Multi-week/Event # of weeks/events x penalty =

Compliance History + 10% per repeat violation =

Any other notations:

Total penalty assessed = \$6,500.00


 Signature


 Date

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

Facility Name: United Metal Finishing
EPA Id. Number: NCD 986 177 129
Docket #: 2010-113
Regulation(s) Violated: 9.b., c., d. and e. the Compliance Order
Site Information: Hazardous waste codes: D007 and F006
Distance to residences: approximately ½ mile
Number of people involved: 10 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:** one cubic yard container of F006 waste sludge generated from the sludge oven was observed open at the time of the inspection; failed to make arrangements with the police department and the hospital and arrangements made with the fire department were out-of-date; the name and telephone number of the emergency coordinator and the location of the fire extinguisher, spill equipment and fire alarm were not posted next to the telephone; and did not have a signed copy of manifest number 00586191FLE, dated October 20, 2009, and manifest number 005276022JJK, dated October 21, 2009 and no exception report was submitted;
- (ii) **Type of waste involved:** chromium;
- (iii) **Duration and gravity of the violation:** duration unknown, 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: the toxicity of chromium is dependent on its ionic state. Chromium can occur as chromium VI or chromium III. Chromium VI can cause irritation to the lining of the nose, runny nose, breathing problems such as asthma, cough, shortness of breath or wheezing. There could also be allergic reactions. Inhalation of chromium VI has been shown to cause lung cancer. Chromium III is much less toxic than chromium VI in long-term occupational exposure to these compounds;

Effect on the Environment: The toxic effects of chromium are primarily found in lower trophic levels. There is a wide range of adverse effects in aquatic organisms. Chromium inhibits growth in duckweed and algae, reduces fecundity and survival of benthic invertebrates, and reduces growth of freshwater fingerlings. It is cancer-causing, mutation-causing, and teratogenic;

Penalty Summary Worksheet

Facility Name: United Metal Finishing
 EPA Id. Number: NCD 986 177 129
 Docket #: 2010-113

(vi) **Effectiveness of responsive measures taken by the violator:** the facility was able to obtain a copy of manifest number 00586191FLE on October 24, 2010;

(vii) **Damage to private property:** n/a;

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

(3) **Previous record:** violations 40 CFR 265.173(a), sludge container was not closed, and 262.34(d)(5)(ii), did not have required information posted next to telephone, were cited in a Notice of Violation, Docket # 2009-119 on August 19, 2009.

ASSESSMENT MATRIX		Degree of Deviation from Requirements		
		MAJOR	MODERATE	MINOR
Nature and Degree of Harm	MAJOR	\$6,500-\$1,300	\$5,200-\$1,000	\$3,800-\$700
	MODERATE	\$2,800-\$500	\$2,000-\$300	\$1,300-\$200
	MINOR	\$800-\$130	\$400-\$130	\$130

Value from Assessment Matrix = \$3,900.00
 +
 Multi-week/Event
 # of weeks/events x penalty =
 Compliance History
 + 10% per repeat violation = \$195.00
 3,900x10%/4x2=195.00
 Any other notations:

Total penalty assessed = \$4,095.00

Elizabeth W. Cannon
 Signature

Feb. 10, 2011
 Date

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

Facility Name: United Metal Finishing
EPA Id. Number: NCD 986 177 129
Docket #: 2010-113
Regulation(s) Violated: 9. f. and g. of the Compliance Order
Site Information: Hazardous waste codes: n/a
Distance to residences: approximately ½ mile
Number of people involved: 10 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:** ten (10) mercury containing lamps were stacked in a corner of the maintenance building and were not stored in containers or packages. The facility had one box of mercury containing lamps that was not closed. Also, one box of mercury containing lamps was labeled "used" in place of the following phrases: "Universal Waste—Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)";
- (ii) **Type of waste involved:** universal waste containing mercury;
- (iii) **Duration and gravity of the violation:** duration unknown, 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: Exposure to mercury (and methyl mercury) may cause neurological impairment. Methyl mercury is more toxic than inorganic mercury. Dietary methyl mercury is rapidly absorbed into the blood and is distributed to all tissues. High dose human exposure may cause mental retardation, deafness, blindness, and sensory and motor impairment. Low doses may affect the heart and immune system. Methyl mercury readily passes through the placenta to the fetus and may cause neurological effects in the developing fetus;

Effect on the Environment: Mercury in the environment bioaccumulates in fish due to microbial processes that convert mercury into methyl mercury. Neurological effects in wildlife may occur from consumption of fish contaminated with methyl mercury;

Penalty Summary Worksheet

Facility Name: United Metal Finishing
 EPA Id. Number: NCD 986 177 129
 Docket #: 2010-113

- (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) Previous record: violations 40 CFR 273.13(d)(1), universal waste lamps open, and 40 CFR 273.14(e), not labeled correctly, were cited in a Notice of Violation Docket # 2009-119 on August 19, 2009.

ASSESSMENT MATRIX		Degree of Deviation from Requirements		
		MAJOR	MODERATE	MINOR
Nature and Degree of Harm	MAJOR	\$6,500-\$1,300	\$5,200-\$1,000	\$3,800-\$700
	MODERATE	\$2,800-\$500	\$2,000-\$300	\$1,300-\$200
	MINOR	\$800-\$130	\$400-\$130	\$130

Value from Assessment Matrix = \$1,650.00
 +
 Multi-week/Event
 # of weeks/events x penalty =
 Compliance History
 + 10% per repeat violation = \$165.00
 1,650x10% =165.00

Any other notations:

Total penalty assessed = \$1,815.00

Elizabeth W. Cameron
 Signature

Feb. 10, 2011
 Date

John Nantz

From: Davies, Robert [robert.davies@ncdenr.gov]
Sent: Thursday, February 10, 2011 4:22 PM
To: Rintoul, Cindy; John Nantz
Subject: FW: Notice - Receipt of Brownfield Application

From: Eckard, Sharon
Sent: Thursday, February 10, 2011 2:29 PM
To: Bush, Ted; Mccarty, Bud; Jesneck, Charlotte; Williford, Mike; Cannon, Elizabeth; Nicholson, Grover; Cotton, Helen; Butler, Jack; Bateson, James; Burch, Brent; Taraban, Ron; Parris, Bruce; Davies, Robert; rick.shiver@ncmail.net; Poindexter, Mark; Aja, Deborah; Shackelford, Dennis; Powers, John
Cc: Nicholson, Bruce; Culpepper, Linda; Matthews, Dexter
Subject: Notice - Receipt of Brownfield Application

To DENR Cleanup Programs:

This is an internal courtesy notice to inform your program that the DENR Brownfields Program is in receipt of a Brownfield Application, submitted by Heron Bay Acquisition, LLC as prospective developer (PD), seeking entry into the brownfields program for the following property:

Site Name: United Metal Finishing
Address: 133 Blue Bell Road
City/County: Greensboro, 27406 Guilford County
Regulatory ID: EPA ID NCD986177129
NC Air Permit No. 06098
City of Greensboro Waste Water Discharge Permit No. P040

The site is approximately 1.59 acres (tax PINs 7863604012/7863605051). The site was first developed circa 1965. Knowledge of past operations is incomplete, but they include a steel manufacturing company and an ammunitions manufacturer. Specific past operators at the site are reported to be Textile Loom Reed Company from 1965-1970; Steel Heddle Manufacturing Co. from 1975 to about 2000, and Sands Vending Co. and American Pistol Bullet prior to 1985. A portion of the site is currently occupied by an ongoing plating business, United Metal Finishing, which has been operating there since 1985. United Metal Finishing performs metal plating operations including nickel, cadmium, and chromium plating and anodizing. Reportedly, chlorinated solvents were not used at by UMF; instead parts are first cleaned with alkaline cleaning solutions.

One or more USTs at the site were either abandoned or removed in 1986. Limited site assessment activities confirm soil contamination in excess of MSCCs in the vicinity of the hazardous materials containment area and in and near the plating process building. Cadmium & arsenic concentrations in groundwater above 2Ls and chromium concentrations above GCL are confirmed near the plating area. Additional assessment activities would be a requirement of the BF process to provide a statistically defensible baseline by which to distinguish potential future releases from existing contamination.

Heron Bay Acquisition, LLC plans to redevelop and expand the existing metal plating and anodizing operation by adding new state-of-the-art precision plating operations in the existing, unused production space. The estimated capital investment in the project is \$850,000.

We are now evaluating Heron Bay Acquisition, LLC and the subject property for eligibility for entry into the Brownfields Program. Under the Brownfields Property Reuse Act, only entities that did not cause or contribute to the contamination at the property are eligible to enter the program. The applicant PD below has asserted that 1) it has not caused or contributed to the contamination at the property, and 2) that it has substantially complied with laws, regulations, and rules for the protection of the environment. If you have any information to suggest otherwise, please provide that information to me (via the contact information at the bottom of this notice) by **February 24, 2011**.

Information regarding the applicant PD, including the primary PD contact person, is as follows:

PD Contact Name: Scott R. Lowrie
PD Name: Heron Bay Acquisition, LLC
PD Address: 3409 Bluegrass Drive
Uniontown, Ohio 44685
PD Phone: 330-283-5551
PD Fax: n/a
PD Email: scottrlowrie@aol.com

It is important to note that a Brownfields Agreement (BFA) has no legal effect on your agency's authority to regulate or enforce against any and all parties who caused or contributed to the contamination at the property. Therefore DENR cleanup programs are free to pursue any and all parties who caused or contributed to the existing contamination at the site. A BFA only provides liability protection to a non-causative redeveloper of the property. In fact, the BFA will require the developer to provide access to the property to any party doing work under another DENR program, and the Brownfields Program has numerous sites where another program is enforcing against a responsible party while we are working with the developer on brownfields actions.

The developer will only be required to make the property safe for its intended re-use. That will not include cleanup to unrestricted use standards, unless that is consistent with the developer's proposed use of the property. Furthermore, the brownfields agreement will not change the prospective developer's responsibility to obtain any and all DENR permits (e.g. storm water, sediment control, NPDES, etc.) required for its operations or activities on site from the appropriate DENR agencies, as required under applicable law.

The Program does not desire to inundate all regulatory entities with additional email notices unless you request it. So, if you would like to be notified when this project is deemed eligible to pursue a brownfields agreement, please let me know. Otherwise, you will not be notified until the point that there has been adequate assessment to determine that the site can be made safe for the intended reuse.

If you have any questions, please don't hesitate to contact me.

Thanks,
Sharon

Sharon Poissant Eckard, PG
Brownfield Project Manager
Division of Waste Management

NC Department of Environment & Natural Resources
401 Oberlin Road, Suite 150
Raleigh, NC 27699-1646
919.508.8425
sharon.eckard@ncdenr.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

BROOKS, PIERCE, McLENDON, HUMPHREY & LEONARD, L.L.P.

L.P. McLENDON, JR.
EDGAR B. FISHER, JR.
W. ERWIN FULLER, JR.
JAMES T. WILLIAMS, JR.
WADE H. HARGROVE
M. DANIEL MCGINN
MICHAEL D. MEEKER
WILLIAM G. MCNAIRY
EDWARD C. WINSLOW III
HOWARD L. WILLIAMS
GEORGE W. HOUSE
WILLIAM P.H. CARY
REID L. PHILLIPS
ROBERT A. SINGER
JOHN H. SMALL
RANDALL A. UNDERWOOD
S. LEIGH RODENBOUGH IV
MARK J. PRAK
JILL R. WILSON
MARC D. BISHOP
JIM W. PHILLIPS, JR.
MACK SPERLING
JEFFREY E. OLEYNIK
MARK DAVIDSON
JOHN W. ORMAND III
ROBERT J. KING III
V. RANDALL TINSLEY
S. KYLE WOOSLEY
FORREST W. CAMPBELL, JR.
MARCUS W. TRATHEN
JEAN C. BROOKS
JAMES C. ADAMS II
ALLISON M. GRIMM
ELIZABETH S. BREWINGTON
H. ARTHUR BOLICK II
J. EDWIN TURLINGTON
JOHN M. CROSS, JR.
JENNIFER K. VAN ZANT
KEARNS DAVIS
DAVID W. SAR

BRIAN J. MCMILLAN
DAVID KUSHNER
CLINTON R. PINYAN
COE W. RAMSEY
ROBERT W. SAUNDERS
ELIZABETH V. LAFOLLETTE
GINGER S. SHIELDS
JENNIFER T. HARROD
CHARLES E. COBLE
CHARLES F. MARSHALL III
PATRICK J. JOHNSON
STEPHEN G. HARTZELL
J. BENJAMIN DAVIS
JULIA C. AMBROSE
DARRELL A. FRUTH
IAN MACSWEEN
NICOLE A. CRAWFORD
ALEXANDER ELKAN
PATRICIA W. GOODSON
JESSICA M. MARLIES
SARA R. VIZITHUM
JOHN S. BUFORD
KATHERINE J. CLAYTON
KATHLEEN A. GLEASON
SUSAN M. YOUNG
BENJAMIN R. NORMAN
ELIZABETH E. SPAINHOUR
PHILLIP J. LONG
ANDREW T. TRIPP
JOSEPH A. PONZI
ADAM P.M. TARLETON
D.J. O'BRIEN, III
ERIC M. DAVID
CLINT S. MORSE
CHARNANDA T. REID
ELIZABETH S. OSTENDORF
ERIC D. JOHNSON
JUSTINE O'CONNOR-PETTS
MARY F. PEÑA
WES J. CAMDEN

ATTORNEYS AND COUNSELLORS AT LAW
FOUNDED 1897
Post Office Box 26000
GREENSBORO, NORTH CAROLINA 27420
TELEPHONE: (336) 373-8850
FACSIMILE: (336) 378-1001
WWW.BROOKSPIERCE.COM

HENRY E. FRYE
OF COUNSEL
J. LEE LLOYD
PARTNER AND SPECIAL COUNSEL
AUBREY L. BROOKS (1872-1958)
W.H. HOLDERNESS (1904-1965)
L.P. McLENDON (1890-1968)
KENNETH M. BRIM (1898-1974)
C.T. LEONARD, JR. (1929-1983)
CLAUDE C. PIERCE (1913-1988)
THORNTON H. BROOKS (1912-1988)
G. NEIL DANIELS (1911-1997)
HUBERT HUMPHREY (1928-2003)

OFFICE ADDRESS:
2000 RENAISSANCE PLAZA
230 NORTH ELM STREET
GREENSBORO, N.C. 27401

OFFICE ALSO IN
RALEIGH, NORTH CAROLINA

WRITER'S DIRECT DIAL

336-271-3114
ghouse@brookspierce.com

April 28, 2010



Ms. Mindy Lepard
Environmental Health Section
Guilford County Department of Public Health
400 West Market Street
Greensboro, NC 27401

Re: *United Metal Finishing, 133 Blue Bell Road*

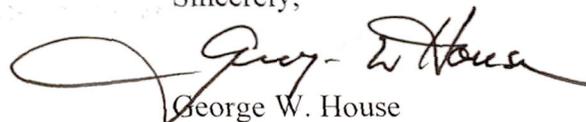
Dear Ms. Lepard:

Our firm has been employed recently by United Metal Finishing to help the company address environmental issues at the 133 Blue Bell Road site. This letter responds to the March 29, 2010 letter from your office requesting comments on the draft administrative agreement.

We are reviewing the history and environmental documentation related to the site. We appreciate your help in making the County's file available to us. We are in the process of obtaining relevant documents from DENR's Winston-Salem and Raleigh offices. Your letter of March 29 requests a response within 30 days. We request an extension of time to allow us to complete our file review, discuss the draft agreement with United Metal Finishing and its consultants, and prepare comments. We propose to provide our comments by May 28, 2010.

Thank you for your consideration of this request. Please feel free to call me if you have questions or concerns.

Sincerely,


George W. House

cc: Mr. Claude Church

7009 2250 0001 2754 1914

Sent to
 Street, Apt. No.,
 or PO Box No. 133 Blue Bell Road
 City, State, ZIP+4 Greensboro NC 27406
 See Reverse for Instructions

Total Postage & Fees \$
 Certified Fee
 Return Receipt Fee (Endorsement Required)
 Restricted Delivery Fee (Endorsement Required)

U.S. Postal Service
CERTIFIED MAIL RECEIPT
 Domestic Mail Only (No Insurance Coverage Provided)
 For additional information visit our website at www.usps.com
OFFICIAL USE

Postmark Here

United Metal Finishing IHSB

SENDER COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<input checked="" type="checkbox"/> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. <input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you. <input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.		A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to: Mr. Claude Church United Metal Finishing, Inc. 133 Blue Bell Road Greensboro, NC 27406		B. Received by (Printed Name)	C. Date of Delivery 3-31-06
2. Article Number (Transfer from se) 7009 2250 0001 2754 1914		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1546

Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A record of delivery kept by the Postal Service for two years

Important Reminders:

- Certified Mail may **ONLY** be combined with First-Class Mail[®] or Priority Mail[®].
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS[®] postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

IMPORTANT: Save this receipt and present it when making an inquiry.

PS Form 3800, August 2006 (Reverse) PSN 7530-02-000-9047

UNITED STATES POSTAL SERVICE

FREDMONT, NC 27535

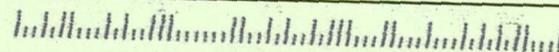
31 MAR 2010 PM 2 L

First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

Mr. John Nantz
Guilford County Environmental Health
400 West Market Street
Suite 300
Greensboro, NC 27401

00





400 W. Market Street
Greensboro, NC 27401

CERTIFIED MAIL: 7009 2250 0001 2759 1914
Return Receipt Requested

March 29, 2010

Mr. Claude Church
United Metal Finishing, Inc. of Greensboro
133 Blue Bell Road
Greensboro, NC 27406

Re: United Metal Finishing, Inc.
133 Blue Bell Road
Greensboro, North Carolina

Dear Mr. Church:

Enclosed is a draft administrative agreement (AA) to conduct a voluntary cleanup action at the subject site ("Site"). Please review the draft AA and provide the Inactive Hazardous Sites Branch (Branch) your comments. We will review the comments and incorporate any necessary changes to the draft and provide you with a final agreement for signature.

The review of this cleanup action will be handled under the Guilford County Department of Public Health's Environmental Health Section, Health and Environmental Risk Assessment group through the use of the Branch's Guidelines for Assessment and Cleanup 2009.

Please be advised that all documents and reports (not letters or other correspondence) must also be submitted electronically in PDF/A format.

Please submit your comments to the Branch within 30 days of receipt of this letter. If you have any questions, I can be reached at (336) 641-5557.

Sincerely,

A handwritten signature in cursive script that reads "Mindy Lepard".

Mindy Lepard
Environmental Health Section
Guilford County Department of Public Health

Enclosures

**NORTH CAROLINA DEPARTMENT OF ENVIRONMENT
AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT
SUPERFUND SECTION**

**IN RE: UNITED METAL FINISHING, INC.
GREENSBORO, NORTH CAROLINA
GUILFORD COUNTY
NONCD0002871**

**ADMINISTRATIVE AGREEMENT
FOR STATE-DIRECTED ASSESSMENT
AND REMEDIAL ACTION
PURSUANT TO N.C.G.S. 130A-310.9(b)**

DOCKET NUMBER __-SF-__

The following constitutes the agreement of the parties hereto. United Metal Finishing, Inc. of Greensboro (United Metal Finishing) concurs with the conclusions of law contained herein solely for purposes of this Administrative Agreement (Agreement).

I. JURISDICTION

This Agreement is entered into under authority vested in the Secretary of the North Carolina Department of Environment and Natural Resources (Department) by North Carolina's Inactive Hazardous Sites Response Act of 1987 (the Act), which constitutes Part 3, Article 9 of Chapter 130A of the North Carolina General Statutes (N.C.G.S.). N.C.G.S. 130A-310 *et seq.* This authority has been delegated to the Chief of the Superfund Section of the North Carolina Division of Waste Management (Chief).

II. STATEMENT OF PURPOSE

This Agreement is entered into for the purpose of addressing the hazardous substance or waste disposal site (the Site) defined in Section III. A. of this Agreement. In entering into this Agreement, the objective of the Division of Waste Management (Division) and United Metal Finishing is for United Metal Finishing to implement a voluntary remedial action program approved by the Division involving: (1) preparation of a Remedial Investigation Plan to evaluate the extent of contamination; (2) implementation of the Remedial Investigation Plan; (3) preparation of a Remedial Action Plan to evaluate alternatives for meeting remediation goals; and (4) implementation of the approved Remedial Action Plan.

III. STIPULATIONS OF FACT

A. "The Site" is the property currently owned by United Metal Finishing at 133 Blue Bell Road, Greensboro, NC 27406 and any additional area which has become contaminated as a result of hazardous substances or waste disposed at that property.

- B. United Metal Finishing conducted soil and groundwater testing at the Site in 2007.
- C. Soil sampling at the Site has revealed the presence of volatile organic compounds and Hazardous Substances List metals. This is not a comprehensive list of contaminants present at the Site and the remedial investigation and remedial action are not limited to this list of compounds.
- D. Groundwater sampling at the Site has revealed the presence of Hazardous Substances List metals. This is not a comprehensive list of contaminants present at the Site and the remedial investigation and remedial action are not limited to this list of compounds.

IV. CONCLUSIONS OF LAW

- A. The substances identified in Sections III. C and D above are hazardous substances as defined in the Comprehensive Environmental Response, Compensation and Liability Act/Superfund Amendments and Reauthorization Act, 42 U.S.C. Section 9601 *et seq.*, and are thus such substances for purposes of the Act pursuant to N.C.G.S. 130A-310(2).
- B. The Site is an inactive hazardous substance or waste disposal site for purposes of the Act pursuant to N.C.G.S. 130A-310(3).
- C. United Metal Finishing is an owner, operator, or other responsible party in relation to the Site within the meaning of N.C.G.S. 130A-310.9, pursuant to N.C.G.S. 130A-310(4), -310(5), -310(9), and -310.7.
- D. Under N.C.G.S. 130A-310.9(b), the Secretary, and by delegation, the Chief, is authorized to enter into agreements with owners, operators, or other responsible parties for implementation of voluntary remedial action programs as to inactive hazardous substance or waste disposal sites in accordance with remedial action plans approved by the Department.

V. WORK TO BE PERFORMED

All work performed pursuant to plans approved under this Agreement shall comply with the current Inactive Hazardous Sites Program Guidelines for Assessment and Cleanup.

- A. Within ninety (90) days after the execution of this Agreement, United Metal Finishing shall submit to the Division a Remedial Investigation Plan (Investigation Plan) organized in sections corresponding to the following items and including at least:

1. Site location information including site street address, longitude and latitude, and site and surrounding property land use.
2. A summary of all management practices employed at the Site for hazardous wastes and any wastes that may have contained hazardous substances, including a list of types and amounts of waste generated (with RCRA waste codes), treatment and storage methods, and ultimate disposition of wastes; a description of the facility's past and current RCRA status; the location and condition of any vessels currently or previously used to store any chemical products, hazardous substances or wastes; and a summary of the nature of all on-site hazardous substance releases, including one-time disposals or spills.
3. United States Geological Survey topographic maps sufficient to display topography within a one-mile radius of the Site.
4. A site survey plat (prepared and certified by a Professional Land Surveyor) including scale; benchmarks; north arrow; locations of property boundaries, buildings, structures, all perennial and non-perennial surface water features, drainage ditches, dense vegetation, known and suspected spill or disposal areas, underground utilities, storage vessels, existing on-site wells; and identification of all adjacent property owners and land usage.
5. A description of local geologic and hydrogeologic conditions.
6. Inventory and map of all wells, springs, and surface-water intakes used as sources of potable water within a one-half mile radius of the center of the Site. If the Site is greater than one hundred (100) acres in size, the inventory and map must cover a one-mile radius from the center of each source area.
7. Identification of environmentally sensitive areas on and adjacent to the Site including:

- State Parks
- Areas Important to Maintenance of Unique Natural Communities
- Sensitive Areas Identified Under the National Estuary Program
- Designated State Natural Areas
- State Seashore, Lakeshore and River Recreational Areas
- Rare species (state and federal Threatened and Endangered)
- Sensitive Aquatic Habitat
- State Wild and Scenic Rivers
- National Seashore, Lakeshore and River Recreational Areas
- National Parks or Monuments
- Federal Designated Scenic or Wild Rivers
- Designated and Proposed Federal Wilderness and Natural Areas
- National Preserves and Forests

Federal Land designated for the protection of Natural Ecosystems
Critical Areas Identified Under the Clean Lakes Program
State-Designated Areas for Protection or Maintenance of Aquatic Life
State Preserves and Forests
Terrestrial Areas Utilized for Breeding by Large or Dense Aggregations of Animals
National or State Wildlife Refuges
Marine Sanctuaries
National and State Historical Sites
Areas Identified Under Coastal Protection Legislation
Coastal Barriers or Units of a Coastal Barrier Resources System
Spawning Areas Critical for the Maintenance of Fish/Shellfish Species within
River, Lake or Coastal Tidal Waters
Migratory Pathways and Feeding Areas Critical for Maintenance of Anadromous
Fish Species within River Reaches or Areas in Lakes or Coastal Tidal Waters in
which such Fish Spend Extended Periods of Time
State Lands Designated for Wildlife or Game Management
Wetlands

8. A chronological listing of all previous owners and each period of ownership since the Site was originally developed from pristine land.
9. Operational history with aerial photographs and Sanborne Fire Insurance maps to support land-use history.
10. A list of all hazardous substances which have been used or stored at the Site, and approximate amounts and dates of use or storage as revealed by available written documentation and interviews with a representative number of former and current employees or occupants possessing relevant information.
11. Site environmental permit history, including copies of all federal, state, and local environmental permits, past and present, issued to United Metal Finishing or within United Metal Finishing's custody or control.
12. A summary of all previous and ongoing environmental investigations and environmental regulatory involvement with the Site, and copies of all associated reports and laboratory data.
13. Proposed procedures for characterizing site geologic and hydrogeologic conditions and identifying and delineating each contamination source as to each affected environmental medium, including any plan for special assessment such as a geophysical survey.
14. Proposed methods, locations, depths of, and justification for, all sample collection points for all media sampled, including monitoring well locations and anticipated screened intervals.

15. Proposed field and laboratory procedures for quality assurance/quality control.
 16. Proposed analytical parameters and analytical methods for all samples.
 17. A contact name, address and telephone number for the principal consultant and laboratory, and qualifications and certifications of all consultants, laboratories and contractors expected to perform work in relation to this work plan. Any laboratory retained must currently be either certified to analyze applicable certifiable parameters under Title 15A of the North Carolina Administrative Code, Subchapter 2H, Section .0800, or be a contract laboratory under the EPA Contract Laboratory Program.
 18. Equipment and personnel decontamination procedures.
 19. A proposed schedule for site activities and reporting.
 20. Any other information required by the Division or considered relevant by the remediating party.
 21. A signed and notarized certification by a corporate official in charge of a principal business function stating: "I certify that, to the best of my knowledge, after thorough investigation, the information contained in or accompanying this certification is true, accurate, and complete."
 22. A signed and notarized certification by the consultant responsible for the day to day remedial activities stating: "I certify that, to the best of my knowledge, after thorough investigation, the information contained in or accompanying this certification is true, accurate, and complete."
 23. If this document includes any work that would constitute the "practice of engineering" as defined by N.C.G.S. 89C, the signature and seal of a professional engineer must be included. If this document includes any work that would constitute the "public practice of geology" as defined by N.C.G.S. 89E, the signature and seal of a licensed geologist is required.
- B. Within thirty (30) days of receiving notice from the Division of any deficiency in the Investigation Plan, United Metal Finishing shall submit to the Division information or material sufficient to correct such deficiency.
- C. United Metal Finishing shall begin the Remedial Investigation no sooner than receiving written approval of the Investigation Plan from the Division, nor later than thirty (30) days thereafter.

- D. Within one hundred twenty (120) days of receiving written approval of the Investigation Plan from the Division, United Metal Finishing shall submit to the Division a Remedial Investigation Report documenting implementation of the approved Investigation Plan, organized in sections corresponding to the following items and including at least:
1. A narrative description of how the investigation was conducted, including a discussion of any variances from the approved work plan.
 2. A description of groundwater monitoring well design and installation procedures, including drilling methods used, completed drilling logs, "as built" drawings of all monitoring wells, well construction techniques and materials, geologic logs, and copies of all well installation permits.
 3. A map, drawn to scale, showing all soil, surface water and sediment sample locations and monitoring well locations in relation to known disposal areas or other sources of contamination. Monitoring wells must be surveyed to a known benchmark. Soil sample locations must be surveyed to a known benchmark or flagged with a secure marker until after the remedial action is completed. Monitoring well locations and elevations must be surveyed by a Professional Land Surveyor.
 4. A description of all laboratory quality control and quality assurance procedures followed during the remedial investigation.
 5. A description of procedures used to manage drill cuttings, purge water and decontamination water.
 6. A summary of site geologic conditions, including a description of soils and vadose zone characteristics.
 7. A description of site hydrogeologic conditions (if groundwater assessment is determined to be necessary), including current uses of groundwater, notable aquifer characteristics, a water table elevation contour map with groundwater flow patterns depicted, tabulated groundwater elevation data, and a description of procedures for measuring water levels.
 8. Tabulation of analytical results for all sampling (including sampling dates and soil sampling depths) and copies of all laboratory reports (including QA/QC support data referenced to specific samples).
 9. Soil, groundwater, surface water and sediment contaminant delineation maps and cross sections, including scale and sampling points with contaminant concentrations.

10. A description of procedures and the results of any special assessments such as geophysical surveys, immunoassay testing (EPA SW-846 4000 series methods), soil gas surveys, or test pit excavations.
 11. Copies of all field logs and notes, and color copies of site photographs.
 12. A demonstration, supported by sampling data, that the areal and vertical extent of hazardous substance contamination in each affected medium has been delineated to the Division's satisfaction in accordance with the current version of the Division's *Inactive Hazardous Sites Program Guidelines for Assessment and Cleanup*.
 13. Any other information required by the Division or considered relevant by the remediating party.
 14. A signed and notarized certification by a corporate official in charge of a principal business function stating: "I certify that, to the best of my knowledge, after thorough investigation, the information contained in or accompanying this certification is true, accurate, and complete."
 15. A signed and notarized certification by the consultant responsible for the day to day remedial activities stating: "I certify that, to the best of my knowledge, after thorough investigation, the information contained in or accompanying this certification is true, accurate, and complete."
 16. If this document includes any work that would constitute the "practice of engineering" as defined by N.C.G.S. 89C, the signature and seal of a professional engineer must be included. If this document includes any work that would constitute the "public practice of geology" as defined by N.C.G.S. 89E, the signature and seal of a licensed geologist is required.
- E. Within thirty (30) days of receiving notice from the Division of any deficiency in the Remedial Investigation Report, United Metal Finishing shall submit to the Division information or material sufficient to correct such deficiency. When the Division determines that the Remedial Investigation is complete, the Division will notify United Metal Finishing in writing.
- F. Should additional remedial investigation work phases be necessary, United Metal Finishing shall submit the subsequent work phase investigation plan within thirty (30) days of receiving notice from the Division of the additional work phase required. The requirements for the submittal and content of plans and reports under paragraphs V.A., B., C., D. and E. shall apply to subsequent work plans and reports except where, in the Division's sole discretion, the submission of such would duplicate a previous submittal.

- G. If the Division determines that hazardous substances or waste disposed at the Site have affected any drinking water wells, United Metal Finishing shall, by a deadline established by the Division, provide an alternate drinking water source for users of those wells.
- I. Within ninety (90) days of receiving written notice from the Division that the Remedial Investigation is complete, United Metal Finishing shall submit to the Division a proposed Remedial Action Plan for cleanup of all contaminated media at the Site, developed using the Superfund Section's remediation goals as set out in the current Inactive Hazardous Sites Program Guidelines for Assessment and Cleanup, organized in sections corresponding to the following items and including at least:
1. A statement of objectives for the Remedial Action.
 2. A listing of potentially applicable technologies.
 3. An evaluation of remedial alternatives using the following feasibility study criteria:
 - a. Protection of human health and the environment, including attainment of remediation goals.
 - b. Compliance with applicable federal, State and local regulations.
 - c. Long-term effectiveness and permanence.
 - d. Reduction of toxicity, mobility and volume.
 - e. Short-term effectiveness: effectiveness at minimizing the impact of the site remediation on the environment and the local community.
 - f. Implementability: technical and logistical feasibility, including an estimate of time required for completion.
 - g. Cost.
 - h. Community acceptance.
 4. A detailed description of United Metal Finishing's preferred remedial alternative for each contaminated medium, from among the alternatives evaluated, including an evaluation of potential impact to any sensitive environments identified on or near the Site and construction designs and specifications (any proposed treatment technology may require on-site testing or bench-scale testing of site waste to verify its effectiveness).
 5. A description of all activities that are necessary to ensure that the proposed method(s) of remedial action is (are) implemented in compliance with applicable laws and regulations, that remediation goals established by the Division are met and that the health and safety of nearby residential and business communities will not be adversely affected by activities related to the remedial action. These activities include, but are not limited to, well

- L. United Metal Finishing shall begin implementation of the Remedial Action Plan no sooner than receiving written approval from the Division nor later than sixty (60) days thereafter.
- M. Any requests for modifications of the approved Remedial Action Plan must be submitted in writing to the Division, and may not be incorporated or implemented unless and until approved in writing by the Division.
- N. United Metal Finishing shall provide to the Division:
1. Weekly written or telephone progress reports each Friday during the soil and waste remedial action if less than one (1) month in duration;
 2. Quarterly reports during: (a) groundwater remedial action, (b) any soil and waste remedial action greater than one (1) month in duration, and (c) any necessary post-remedial maintenance;
 3. A final report with confirmatory sample data documenting complete implementation of the approved Remedial Action Plan.

Note 1: The quarterly reports and final report should include, without limitation, complete "as-built" drawings and specifications of all remedial action systems; tabulated laboratory data; the location and depth of samples collected; a description of all field and laboratory quality control/quality assurance procedures; and legible and complete copies of all records of periodic system inspections, laboratory reports, waste manifests and chain of custody documentation generated during the reporting period. Quarterly reports shall be provided by the tenth day after each quarter concludes, with the first quarter commencing on the date of written approval of the Remedial Action Plan by the Division. The final report shall be provided within one (1) month following complete implementation of the approved Remedial Action Plan.

Note 2: Each progress report and the final report shall contain the certifications specified in Sections V.A.21, V.A.22, and V.A.23 of this Agreement.

- O. Within thirty (30) days of receiving notice from the Division of any deficiency in the reports required by paragraph V.N. or in the implementation of the plans required by this Agreement, United Metal Finishing shall submit to the Division information or material sufficient to demonstrate correction of such deficiencies.

installation and abandonment, sampling, run-on/run-off control, dust suppression and discharge of treated waste streams.

6. The results of any treatability studies or site characterization work conducted in support of the proposed Remedial Action Plan.
 7. A description of any proposed treatability studies or additional site characterization work needed to support the remedial design.
 8. A description of methods of post-remedial and confirmatory sampling, and any necessary maintenance.
 9. Equipment and personnel decontamination procedures.
 10. A proposed schedule for completion of remedial design and for Remedial Action construction, implementation and periodic sampling and reporting.
 11. A signed and notarized certification by a corporate official in charge of a principal business function stating: "I certify that, to the best of my knowledge, after thorough investigation, the information contained in or accompanying this certification is true, accurate, and complete."
 12. A signed and notarized certification by the consultant responsible for the day to day remedial activities stating: "I certify that, to the best of my knowledge, after thorough investigation, the information contained in or accompanying this certification is true, accurate, and complete."
 13. If this document includes any work that would constitute the "practice of engineering" as defined by N.C.G.S. 89C, the signature and seal of a professional engineer must be included. If this document includes any work that would constitute the "public practice of geology" as defined by N.C.G.S. 89E, the signature and seal of a licensed geologist is required.
- J. United Metal Finishing shall provide to the Division the number of additional copies of the proposed Remedial Action Plan determined by the Division to be required for distribution to the local health director, register of deeds, and each public library in the county where the Site is located, if requested by the Division. The Division shall also mail notice of the Remedial Action Plan to those who have requested notice that such plans have been developed, as provided in N.C.G.S. 130A-310.4(c)(2). The Division will not approve the Remedial Action Plan until at least thirty (30) days after public notice was provided.
- K. Within thirty (30) days of receiving notice from the Division of any deficiency in the Remedial Action Plan, United Metal Finishing shall submit to the Division information or material sufficient to correct such deficiency.

VI. SAMPLING, ACCESS, AND DATA/DOCUMENT AVAILABILITY

- A. The Division or its representatives may take split or duplicate samples of any samples collected by United Metal Finishing pursuant to this Agreement. United Metal Finishing shall notify the Division not less than ten (10) days in advance of any field activity. This notification may be given verbally in the field by United Metal Finishing to the Division.
- B. The Division or its representatives may conduct any field activity it deems appropriate in relation to the Site. United Metal Finishing may take split or duplicate samples of any samples collected by the Division during such field activity.
- C. While this Agreement is in effect, Division personnel and their representatives may, in addition to exercising any related legal rights, enter the Site without notice at all times and, while present: review the progress of activities required by this Agreement; conduct such tests as the Division deems necessary; verify the data submitted to the Division by United Metal Finishing; inspect and copy any and all records, files, photographs, operating logs, contracts, sampling and monitoring data, and other documents relating in any way to this Agreement; and otherwise assess United Metal Finishing's compliance with this Agreement. All parties with access to the Site pursuant to this paragraph shall comply with all approved health and safety plans.
- D. Unless a confidentiality claim covering information provided under this Agreement is made pursuant to law and adequately substantiated when the information is submitted, such information may be made available to the public by the Division without further notice to United Metal Finishing. United Metal Finishing agrees that under no circumstances shall analytical data generated pursuant to this Agreement be considered confidential.
- E. United Metal Finishing waives any objections to the admissibility into evidence (but not objections as to the weight) of the results of any analyses of sampling conducted by or for United Metal Finishing at the Site or of other data gathered pursuant to this Agreement.
- F. If United Metal Finishing is unable by reasonable efforts to gain access to other property as necessary pursuant to this Agreement, the Division shall assist United Metal Finishing in obtaining access.

VII. DELAY IN PERFORMANCE

As soon as United Metal Finishing is aware of the potential for delay, it shall submit to the Division written documentation of the reasons for the delay and the efforts made by United Metal Finishing to avoid the delay, as well as a time by which such work can be completed. The Division shall review the documentation and shall promptly approve the

new schedule if good cause is shown. Good cause may include, but is not limited to, extraordinary weather, natural disasters and national emergencies. At a minimum, good cause does not include normal inclement weather, increases in the cost of work to be performed under this Agreement, financial difficulty for United Metal Finishing in performing such work, failure by United Metal Finishing to satisfy its obligations under this Agreement (whether evidenced by a notice of deficiency or not), acts or omissions of United Metal Finishing's contractors or representatives not otherwise constituting good cause, and failure by United Metal Finishing or its contractors or representatives to make complete and timely application for any required approval or permit. The burden of demonstrating good cause for delay, and that the delay proposed is warranted, is United Metal Finishing's.

VIII. ADDITIONAL PROVISIONS

- A. All documents submitted to the Division shall be delivered to:

Ms. Mindy Lepard
Guilford County Department of Public Health
Environmental Health Section
400 West Market Street, Suite 300
Greensboro, NC 27401

The Division will direct all correspondence related to this Agreement to:

Mr. Claude Church
United Metal Finishing, Inc. of Greensboro
133 Blue Bell Road
Greensboro, NC 27406

- B. United Metal Finishing shall also submit electronic copies of the Remedial Investigation Plan(s), Remedial Investigation Report(s), Remedial Action Plan, Quarterly Progress Reports and Final Completion Report and any other reports requested by the Division. Electronic documents should be submitted in a format designated by the Division. Currently, electronic documents should be submitted in PDF/A format.
- C. This Agreement shall be binding upon, and inure to the benefit of, United Metal Finishing, its agents, successors and assigns. The signatory for United Metal Finishing to this Agreement certifies that he/she is authorized to execute and legally bind United Metal Finishing as to this Agreement.
- D. United Metal Finishing shall provide a copy of this Agreement to each contractor or other person or entity retained to perform any work under this Agreement within seven (7) days after the effective date of this Agreement or the date of retaining their services, whichever is later. United Metal Finishing shall condition any such contracts upon satisfactory compliance with this Agreement. Notwithstanding the

terms of any contract, United Metal Finishing is responsible for compliance with this Agreement and for ensuring that such contractors or other persons or entities comply with this Agreement.

- E. This Agreement notwithstanding, the Division retains all its authority regarding inactive hazardous substance or waste disposal sites in relation to the Site.
- F. All actions required pursuant to this Agreement shall be in accordance with applicable local, state and federal laws and regulations, unless an exemption regarding particular state or local laws or regulations is specifically provided in this Agreement now or later.
- G. United Metal Finishing agrees to indemnify and save and hold harmless the State of North Carolina, and its agencies, departments, officials, agents, employees, contractors and representatives, from any and all claims or causes of action arising from or on account of acts or omissions of United Metal Finishing or its officers, employees, receivers, trustees, agents, contractors, or assigns in carrying out actions required pursuant to this Agreement. Neither the State of North Carolina nor any agency or representative thereof shall be held to be a party to any contract involving United Metal Finishing relating to the Site excluding, however, this Agreement.
- H. United Metal Finishing shall preserve, for at least six (6) years after termination of this Agreement, all records and documents in its possession or in the possession of its divisions, employees, agents, accountants, contractors or attorneys which relate in any way to this Agreement. After this six (6)-year period, United Metal Finishing shall notify the Division at least thirty (30) days prior to the destruction of any such records and documents. United Metal Finishing shall comply with any written request by the Division, prior to the day set for destruction, to continue to preserve such records and documents or to provide them to the Division. United Metal Finishing may assert any available right to keep particular records and documents, other than analytical data, confidential.
- I. This Agreement may not be modified without the written consent of the parties.
- J. Except for obligations under Section VIII. G. and H. above, this Agreement shall terminate when United Metal Finishing receives written notice from the Division that all activities required pursuant to this Agreement have been completed to the Division's satisfaction.
- K. This is a voluntary agreement. If United Metal Finishing elects to discontinue implementation of work under this Agreement, United Metal Finishing shall notify the Division in writing of such intent, and except for rights and obligations under Sections VI.E. and VIII.G. and H. above, this Agreement shall be dissolved upon the Division's receipt of such written notice. If the Division determines that United Metal Finishing is not complying with the terms of this Agreement in a timely

manner, the Division may notify United Metal Finishing in writing of such determination, and the Agreement shall be dissolved upon United Metal Finishing's receipt of such written notice. Further, should the United States Environmental Protection Agency ("the EPA") list the Site, or any portion of it, on the National Priorities List ("the NPL"), should the Site score high enough for listing on the NPL, or should the Division state in writing to United Metal Finishing that it desires that the EPA not be limited in its authority under any portion of the Comprehensive Environmental Response, Compensation and Liability Act, codified at 42 U.S.C. §§ 9601 to 9675, by the existence of this Agreement, then either party may dissolve this Agreement except of the rights and obligations under Sections IV.E. and VIII.G. and H. above. Dissolution on the basis of NPL scoring or to remove any bar to EPA's authority shall be without prejudice to either party to enter into an Administrative Agreement at a later date if allowed by, and subject to, North Carolina law then existing regarding Administrative Agreements. In any of these events, neither party may seek judicial review of the dissolution of this Agreement or has any right, claim or action for breach of this Agreement. In any of these events, the Division shall retain all its applicable enforcement rights against United Metal Finishing, and United Metal Finishing shall retain all applicable defenses. Notwithstanding the foregoing or the subsequent dissolution of this Agreement, paragraphs VI.E., VIII.G., and VIII.H., and the rights, obligations and duties contained therein, shall survive the dissolution of this Agreement.

The effective date of this Agreement shall be the date on which it is executed by the Secretary or his Authorized Agent.

Date Executed: _____

By: _____
Jack Butler, PE
Superfund Section Chief
Division of Waste Management
North Carolina Department of Environment
and Natural Resources

By: _____
Mr. Claude Church
United Metal Finishing, Inc. of Greensboro

[Form Revised 1/5/2010]

Inactive Hazardous Sites Tracking Data Entry

Always enter ID# and site name. Otherwise, only enter new information/changes.

ID#: nonc00002871 Site Name: United Metal Finishing, Inc.
 Site Address: 133 Blue Bell Road Site City: Greensboro
 Site County: Guilford

Process Code: Residence on Site? Yes No
 Distance to Nearest Water Source Well: > 1/4 mile No Information < 1/4 mile
 Distance to SW Intake (Drinking): > 1/4 mile No Information < 1/4 mile

Coordinates: Latitude: 36.02814 Longitude: 79.78996
[NAD83, Decimal-degrees-fifth order]

Geolocation Method:

- Registered Land Surveyor
- GPS Survey Grade Corrected
- GPS Survey Grade Not Corrected
- GPS Mapping Grade Corrected
- GPS Mapping Grade Not Corrected
- GPS Recreational Grade
- On Screen Placement on Georeferenced Map
- Hard Copy Map
- Geocoding (address match)
- Supplied by others (unsubstantiated)
- Unknown

Inventory Categories: *(*If "Yes," site cannot be in more than one category.)*

SPL*	<input type="checkbox"/>	SPL SCORE	<i>Select these categories only if agency addressing all site contamination.</i>	
Voluntary (AA)*	<input type="checkbox"/>	<input type="checkbox"/>	Solid Waste Lead	<input type="checkbox"/>
Evaluation Pending*	<input type="checkbox"/>	<input type="checkbox"/>	Non-NPL EPA Superfund/DOD Lead	<input type="checkbox"/>
No Further Action*	<input type="checkbox"/>	<input type="checkbox"/>	NPL	<input type="checkbox"/>
NFA - Restricted Use*	<input type="checkbox"/>	<input type="checkbox"/>	RCRA Non-TSD Lead	<input type="checkbox"/>
			TSD	<input type="checkbox"/>
Non-HS Site - Open	<input type="checkbox"/>	<input type="checkbox"/>	DRP Lead	<input type="checkbox"/>
Non-HS Site - NFA	<input type="checkbox"/>	<input type="checkbox"/>	DSCA Lead	<input type="checkbox"/>
Non-HS Site - NFA Restricted Use	<input type="checkbox"/>	<input type="checkbox"/>	UST Lead	<input type="checkbox"/>
			DWQ Lead	<input type="checkbox"/>
			Duplicate	<input type="checkbox"/>

Contaminant Data: *(Based on laboratory detection.)*

	Groundwater	Soil	Surface Water	Sediment
Organics	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metals	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pesticides/Herbicides	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Acids	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bases	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Cyanide	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Inorganics	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Radioactive Constituents	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Known/suspected Contamination *(Check only if no lab data)*



ECS CAROLINAS, LLP

Geotechnical • Construction Materials • Environmental • Facilities NC Registered Engineering Firm F-1078

"Setting the Standard for Service"

March 2, 2010

Ms. Mindy Lepard
Guilford County Department of Public Health
400 West Market Street, Suite 300
Greensboro, North Carolina 27401

Reference: Notice of Regulatory Requirements
United Metal Finishing, Inc.
133 Blue Bell Road
Greensboro, North Carolina
ECS Project G-11981C

Dear Ms. Lepard:

Attached please find the *Site Cleanup Questionnaire* for the United Metal Finishing, Inc. property located in Greensboro. ECS Carolinas, LLP (ECS) completed the Questionnaire on behalf of our client, Mr. Claude Church with United Metal Finishing, Inc. We would like to meet with you at your earliest convenience to discuss this site.

If you have questions or require additional information, please contact us at (336) 856-7150.

Sincerely,

ECS Carolinas, LLP

Denise M. Poulos, LSS
Principal Scientist

Attachments

Randy Cavallier
Senior Geologist

Site Cleanup Questionnaire

Remediating parties interested in volunteering should prepare this form with the assistance of an environmental consultant. All cooperative parties are eligible for Branch-approved remedial actions. Answer all questions, based on current information, and provide written descriptions where needed.

NCDENR Site Name, City and County UNITED METAL FINISHING, INC GREENSBORO, GUILFORD CO.

1. Is the site located on or immediately adjacent to residential property, schools, day-care centers or other sensitive populations? Y N
NO - THE SITE IS LOCATED IN AN INDUSTRIAL AREA OF GREENSBORO.
 If yes, please explain on a separate page.

2. What is the distance (from site property line) to the nearest residence, school or day-care center? Please attach a map showing the site and nearest residence, school or daycare center. ~600 FT SW
 Y N

3. Is the site completely surrounded by a locked fence? Y N
 If no, please explain security measures at the site on a separate page.
SEE SEPARATE SHEET

4. Are site surface soils known to be contaminated? Y N
 If yes, or unknown, describe briefly on a separate page.

5. Is site groundwater known to be contaminated? Y N
 If yes, or unknown, describe briefly on a separate page.
SEE SEPARATE SHEET

6. Is site sediment or surface water known to be contaminated? Y N
 If yes, or unknown, describe briefly on a separate page.

7. Has groundwater contamination affected any drinking water wells? WE ARE NOT AWARE OF DRINKING WATER WELLS THAT HAVE BEEN AFFECTED. Y N
 If yes, or unknown, please explain on a separate page.

8. What is the distance to the nearest downgradient drinking water well? AT LEAST 1,500'
SEE SEPARATE SHEET

9. What is the distance to the nearest downstream surface water intake? AT LEAST 6 MILES
SEE SEPARATE SHEET

10. Are hazardous vapors, air emissions or contaminated dust migrating into occupied residential, commercial or industrial areas? IT IS NOT LIKELY THAT VAPOURS, AIR EMISSIONS OR DUST ARE MIGRATING OFF OF THE PROPERTY Y N
 If yes, or unknown, please explain on a separate page.

11. Have hazardous substances known to have migrated off property at concentrations in excess of Branch unrestricted-use remediation goals? Y N
 If yes, or unknown, please explain on a separate page.

12. Has the local community expressed concerns about contamination at the site? Y N
 If yes, or unknown, please explain on a separate page.

13. Based on current information, are there any sensitive environments located on the property (sensitive environments are identified in the Remedial Investigation Work Plans section of the IHSB "Guidelines for Assessment and Cleanup" at <http://portal.ncdenr.org/web/wm/sf/sfavailabledocs>)? THE SITE IS DEVELOPED WITH BUILDINGS, THE BUILDINGS ARE SURROUNDED BY ASPHALT/GRAVEL COVERED PARKING LOTS AND DRIVEWAYS. Y N
 If yes, or unknown, please explain on a separate page.

14. Based on current information, has contamination from the site migrated into any sensitive environments? Y N

If yes, or unknown, please explain on a separate page.

15. Do site contaminants include radioactive or mixed radioactive and chemical wastes? Y N

If yes, or unknown, please explain on a separate page.

Remediating Party Certification Statement

After first being duly sworn or affirmed, I, Charles Church, hereby state that: I am over the age of eighteen, I am competent to make this certification based upon my own personal knowledge and belief, and, to the best of my knowledge and belief, after thorough investigation, the information contained herein is accurate and complete. I am aware that there are significant penalties for willfully submitting false, inaccurate or incomplete information.

Charles Church
(Signature of Remediating Party Representative)

March 1, 10
(Date)

Charles Church
(Printed Name and Title of Remediating Party Representative)

United Metal Finish Inc
(Printed Name of Company)

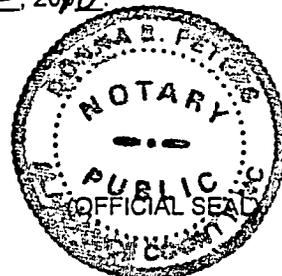
STATE OF North Carolina

COUNTY OF HEMLOCK

I, Donna R. Peters, a Notary Public of said County and State, do hereby certify that Charles T. Church personally appeared before me this day, produced proper identification in the form of DRIVERS LICENSE, was duly sworn and/or affirmed, and declared that he or she is the owner of the property referenced above or is a duly authorized agent of said owner and that, to the best of his or her knowledge and belief, after thorough investigation, the information contained in the above certification is accurate and complete, and he or she then signed this Certification in my presence.

WITNESS my hand and official seal the 1 day of March, 2010.

Donna R. Peters
Notary Public (signature)



My commission expires: 3/24/10

Environmental Consultant Certification Statement

After first being duly sworn or affirmed, I, DEVISE POULOS, hereby state that: I am over the age of eighteen, I am competent to make this certification based upon my own personal knowledge and belief, and, to the best of my knowledge and belief, after thorough investigation, the information contained herein is accurate and complete. I am aware that there are significant penalties for willfully submitting false, inaccurate or incomplete information.

[Signature]
(Signature)

MARCH 2 2010
(Date)

DEVISE M POULOS
(Printed Name)

ECS CAROLINAS LLP
(Printed Name of Environmental Consultant)

STATE OF NORTH CAROLINA

COUNTY OF ALAMANCE

I, DONNA R. PETERS, a Notary Public of said County and State, do hereby certify that DEVISE M POULOS personally appeared before me this day, produced proper identification in the form of DRIVERS LICENSE, was duly sworn and/or affirmed, and declared that he or she is an environmental consultant for the property referenced above and that, to the best of his or her knowledge and belief, after thorough investigation, the information contained in the above certification is accurate and complete, and he or she then signed this Certification in my presence.

WITNESS my hand and official seal the 2 day of March, 2010.

[Signature]
Notary Public (signature)



My commission expires: 3/24/12

Site Cleanup Questionnaire

NCDENR Site Name, City, County United Metal Finishing, Inc., Greensboro, Guilford County

3. Is the site completely surrounded by a locked fence?

A chain link fence is located along the southern, western and northern site boundaries. The eastern boundary is not fenced. However, a chain across the driveway limits vehicle access to this portion of the property during non-business hours. Additionally, buildings are locked during non-business hours.

5. Is site groundwater known to be contaminated?

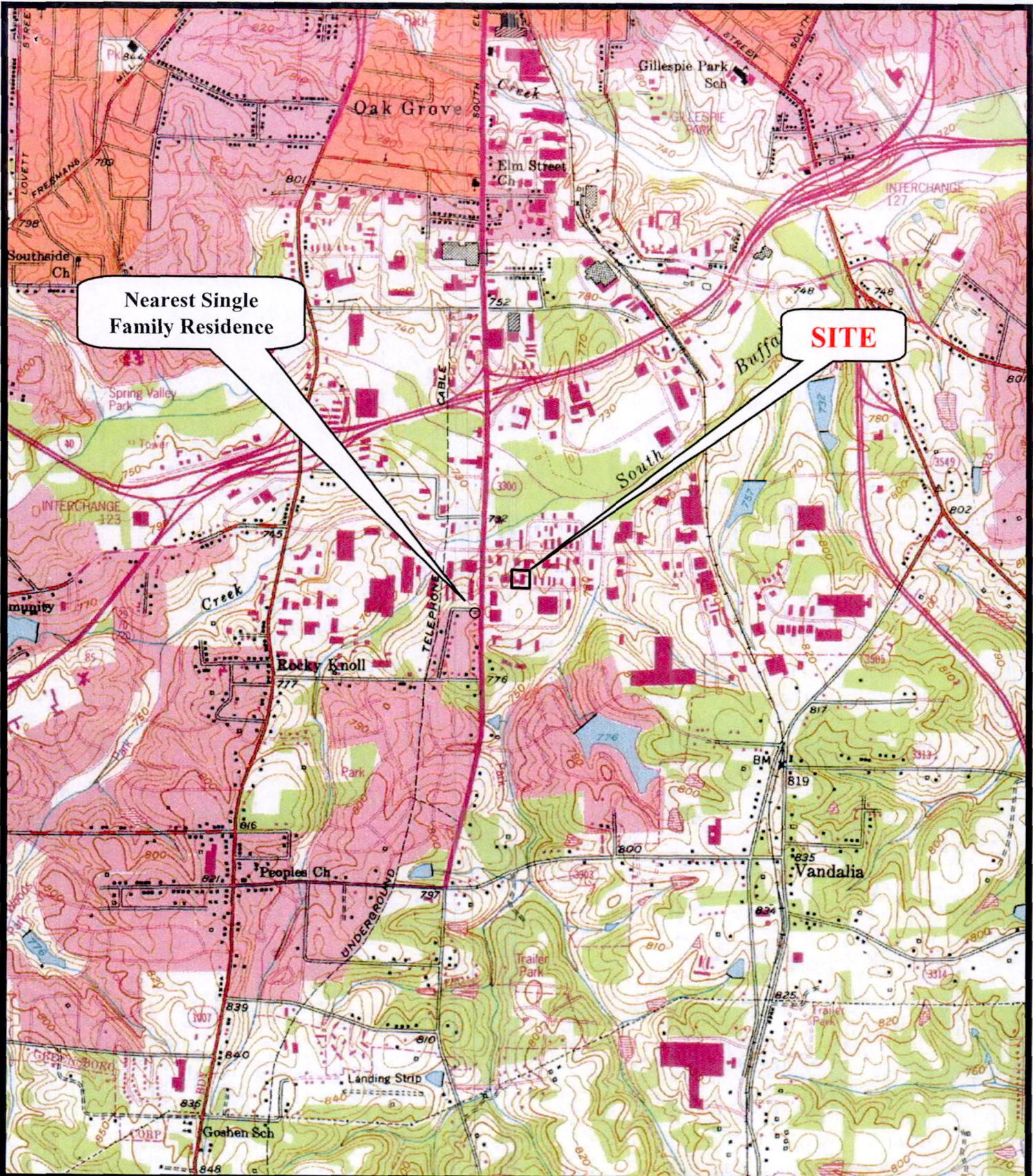
Three temporary monitoring wells were installed and sampled in April 2007. Laboratory analysis detected chromium and arsenic above the NC2L Groundwater Quality Standards in a sample collected from one of the wells. Cadmium and barium were also detected. However, their concentrations were below the NC2L Groundwater Quality Standards.

8. What is the distance to the nearest down gradient drinking water well?

The site is located in an industrial area of Greensboro. Industrial development is present on down gradient properties. We did not observe evidence of drinking water wells on down gradient properties located within approximately 1,500 feet of the site. However, please note that a well survey was not conducted.

9. What is the distance to the nearest downstream surface water intake?

Surface water intakes are located within the watershed lakes. These lakes are located more than six miles from the site.



Nearest Single Family Residence

SITE



SOURCE:

USGS TOPOGRAPHIC MAP
GREENSBORO, NC QUADRANGLE
DATED 1951 AND REVISED 1994

SCALE: 1"=2,000'



ENGINEERING CONSULTING SERVICES, LTD.

FIGURE 1

SITE LOCATION MAP
UNITED METAL FINISHING, INC
133 BLUE BELL ROAD
GREENSBORO, NORTH CAROLINA

ECS PROJECT NO. G-11981C



North Carolina Department of Environment and Natural Resources

Dexter R. Matthews, Director

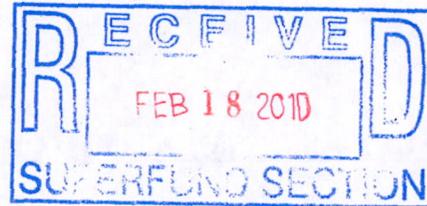
Division of Waste Management

Beverly Eaves Perdue, Governor

Dee A. Freeman, Secretary

February 12, 2010

Mr. Claude Church
United Metal Finishing, Inc.
133 Blue Bell Road
Greensboro, NC 27406



Re: **NOTICE OF REGULATORY REQUIREMENTS FOR CONTAMINANT ASSESSMENT AND CLEANUP**

United Metal Finishing, Inc.
Greensboro, Guilford County, NC

Dear Mr. Church:

We received your Report of Environmental Services, which reports that your site has been contaminated by one or more hazardous substances. Depending on the contaminants involved and whether the contaminants have impacted or may impact groundwater quality, you will be required to assess and cleanup the contamination under one or more cleanup authorities. Regulatory oversight for the assessment and cleanup under all applicable authorities will be provided by the Division of Waste Management through its Superfund Section, Inactive Hazardous Sites Branch ("Branch").

Based on information provided to date, the Inactive Hazardous Sites Response Act ("IHSRA"), codified under N.C. Gen. Stat. § 130A-310, *et seq.*, applies to your site. In addition, initial immediate actions may be required under 15A NCAC 2L, Groundwater Classifications and Standards.

I. ACTIONS REQUIRED AT THIS TIME:

Complete the Site Cleanup Questionnaire.

To comply with the requirements of State law, a Site Cleanup Questionnaire, available on the website noted at the end of this letter, must be completed and returned to this office. The information you provide will be reviewed along with other information to prioritize the site, so please make certain that the information you provide is complete and accurate. Please note that your failure to inform the Branch of any nearby potable wells or other high risk conditions may adversely affect the Branch's ability to identify this site as a higher-risk site.

Take Initial Abatement Actions Required Under 15A NCAC 2L.

If you have not already done so, you must take the initial abatement actions required under 15A NCAC 2L. Pursuant to 15A NCAC 2L .0106(b), any person conducting or controlling an activity which results in the discharge of a waste or hazardous substance to the groundwaters of the State, or in proximity thereto, shall take immediate action to terminate and control the discharge, and mitigate any hazards resulting from exposure to the pollutants. Pursuant to 15A NCAC 2L .0106(c), if groundwater standards have been exceeded, you must take immediate action to eliminate the source or sources of contamination. Beyond initial abatement actions, all assessment and remediation will be done through the IHSRA.

II. FUTURE ASSESSMENT AND CLEANUP ACTIVITIES:

All correspondence regarding this site should be sent to the Branch. Future assessment and cleanup activities (activities conducted after the initial abatement steps required in 15A NCAC 2L) may be conducted through the Voluntary Cleanup Program (discussed below) or pursuant to an Order issued under N.C. Gen. Stat. § 130A-310.3. In addition, if you choose not to conduct a cleanup through the Voluntary Cleanup Program, the site may be referred to the United States Environmental Protection Agency ("EPA"). If so referred, EPA will screen the site for Federal enforcement action under the Federal Superfund Program, established under the Comprehensive Environmental Responsibility, Compensation, and Liability Act ("CERCLA").

III. VOLUNTARY CLEANUP PROGRAM:

Under the IHSRA, persons who move forward to assess and remediate contamination, without being compelled to do so through formal legal action filed against them, are called "volunteers." To participate in the voluntary cleanup program, you will be required to enter into an administrative agreement with the Branch. The voluntary cleanup will proceed through the Registered Environmental Consultant Program or under direct oversight by the Branch Staff, as discussed below:

Agreement to Conduct Assessment and Remediation Through the Registered Environmental Consultant Program.

The Branch has a privatized oversight arm of the voluntary cleanup program known as the Registered Environmental Consultant ("REC") program. Based on the responses provided on the questionnaire (degree of hazard and public interest in the site), the Branch will determine whether a staff person or an REC will perform the oversight and approval of your assessment and cleanup action. Please note that having one or more of the conditions identified on the questionnaire does not necessarily preclude the site for qualifying for an REC-directed cleanup action.

Under the REC program, the volunteer hires an environmental consulting firm, which the State has approved as having met certain qualifications, to implement a cleanup and certify that the work is being performed in compliance with regulations. In other words, the REC's certifications of compliance are in place of direct oversight by the Branch. Details of the REC program can be found at <http://portal.ncdenr.org/web/wm/sf/ih/recprogram>. If you have any questions specific to the REC Program, including how to participate, please contact the REC Program Manager, Kim Caulk, at (919) 508-8451.

Agreement to Conduct Assessment and Remediation Under State Oversight.

If the Branch determines that the site should be assessed and remediated pursuant to direct State oversight, it will not be eligible for a REC-directed cleanup. Rather, the remedial action will receive direct oversight by Branch staff.

IV. FAILURE TO RESPOND:

If we do not receive a completed questionnaire, the Branch will take further action to prioritize the site without your input. Failure to take the initial abatement steps required in 15A NCAC 2L may result in the assessment of a civil penalty against you. In addition, the Branch may seek an injunction compelling compliance with the initial abatement steps required in 15A NCAC 2L. For future work beyond the initial abatement steps required pursuant to 15A NCAC 2L, a unilateral Order may be issued pursuant to § 130A-310.3 to compel assessment and cleanup.

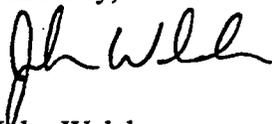
V. ADDITIONAL INFORMATION REGARDING THE IHSRA AND THE BRANCH:

People are often confused by the name of the Inactive Hazardous Sites Response Act and the Branch. By definition, "Inactive Hazardous Sites" are any areas where hazardous substances have come to be located and would include active and inactive facilities and a variety of property types. The term "inactive" simply refers to the fact that cleanup was inactive at large numbers of sites at the time of program enactment. Additional information about the Branch may be found at <http://portal.ncdenr.org/web/wm/sf/ihs/home>.

Submit completed questionnaire to: Mindy Lepard
Guilford County Department of Public Health
400 West Market Street, Suite 300
Greensboro, NC 27401

If you have additional questions about the requirements that apply to your site, please contact Mindy Lepard at (336) 641-5557.

Sincerely,



John Walch
Eastern Unit Supervisor
Inactive Hazardous Sites Branch
Superfund Section

November 20, 2009

MEMORANDUM

To: John Walch
Eastern Unit Supervisor
Inactive Hazardous Sites Branch

Through: Mike Williford *MW*
Compliance Branch Head
Hazardous Waste Section

From: Ted Cashion *TC*
Eastern Region Supervisor
Hazardous Waste Section

Re: United Metal Finishing
133 Blue Bell Road
Greensboro, NC 27406
EPA ID # NCD 986 177 129

Our office received an anonymous complaint that there was soil and groundwater contamination at the subject facility. Jenny Patterson and I conducted a Compliance Evaluation Inspection on August 19, 2009 in conjunction with investigating this complaint. Findings during the inspection resulted in the issuance of a Notice of Violation for several RCRA violations.

The complainant also informed us that soil and groundwater sampling had occurred at the site a couple of years ago. We obtained a copy of the report from the consultant, ECS Carolinas LLP. The report showed soil contamination and groundwater contamination above 2L standards in the vicinity of process areas. Constituents include p-isopropyltoluene, chromium, cadmium, and arsenic.

The source of the contamination appears to be from process areas, and does not appear to be from any RCRA hazardous waste management unit (e.g. container, tank, or surface impoundment). Therefore, the Hazardous Waste Section has no jurisdiction in the remediation of the contamination. However, conditions exist which may warrant a review by your office. Consequently, we respectfully refer this site to your Section for consideration.

A copy of the report from ECS Carolinas LLP was emailed to you earlier for your review. Please let me know if you need this information forwarded to you again.

Please contact me at 919-508-8557 if you need more information or have questions.

Cc: Jenny Patterson

Harvi Cooper
Central Files

Walch, John

From: Walch, John
Sent: Monday, October 12, 2009 1:27 PM
To: John Nantz
Subject: FW: United Metal Finishing Report
Attachments: 09.11981A.pdf; United Metal Finishers CEI 2009.doc; United Metal Finishing Map.doc

John-

Can you please have someone review the attached report that was referred to us from the Hazardous Waste Section. If contamination is present above IHSB remedial goals, then prepare an NORR letter and a data entry form to add the site to the IHSB inventory. Thanks.

*John W. Walch
Eastern Unit Supervisor
Inactive Hazardous Sites Branch
NC DWM - Superfund Section
401 Oberlin Rd. - Suite 150
Raleigh, NC 27605
(919) 508-8485*

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Cashion, Ted
Sent: Monday, October 12, 2009 11:37 AM
To: Walch, John
Cc: Patterson, Jenny; Cooper, Harvi; Williford, Mike
Subject: FW: United Metal Finishing Report

Hi John,

Per our conversation today, here is a copy of the consultants report, compliance inspection report by Jenny Patterson, and map of the United Metal facility in Greensboro. We don't believe there is a definitive RCRA hook for the contamination at the site. The contamination appears to originate from products and processes, and not from a hazardous waste.

Pls review and let me know if this site fits the criteria for your group to provide oversight on the remediation. We can provide a referral memo to you at that time.

Thx
tc

Ted Cashion, CHMM
Eastern Region Compliance Supervisor
Hazardous Waste Section
Division Of Waste Management
NCDENR
401 Oberlin Road, Suite 150

1646 Mail Service Center
Raleigh, NC 27699-1646
ted.cashion@ncdenr.gov

Note: My email account has changed to ted.cashion@ncdenr.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Patterson, Jenny
Sent: Thursday, September 17, 2009 5:25 PM
To: Cooper, Harvi
Cc: Cashion, Ted
Subject: United Metal Finishing Report

Hi Harvi,

Ted requested I send you the attached sampling report. We received a complaint about United Metal Finishing and one of the issues was that several years ago, the facility had sampling done (as part of a Phase I when the owner bought the property) that showed groundwater and soil contamination, but the owner didn't report the contamination. The facility agreed to send the report in to help close out the complaint investigation. The report clearly shows contamination above 2L. Please let me know if you need to go to the site. I'm planning on going back to the site around Oct. 5 to do a CSE for the ticket NOV that was issued from our inspection of the SQG rules, but we could go sooner. I'm not sure whether they will be helpful, but also attached are the inspection report and a map.

Please let me know if you have any questions or need additional information.

Thanks,
Jenny

--
Jenny Patterson, CHMM
Environmental Senior Specialist
Hazardous Waste Section
Division of Waste Management
NCDENR
585 Waughtown Street
Winston-Salem, NC 27107
Phone/Fax: 336-767-0031
jenny.patterson@ncdenr.gov

Note: My email address has changed to: jenny.patterson@ncdenr.gov
and my phone number has changed to: 336-767-0031

E-mail correspondence to and from this address may be subject to the
North Carolina Public Records Law and may be disclosed to third parties.

From: DPoulos [mailto:DPoulos@ecslimited.com]
Sent: Wednesday, September 09, 2009 9:27 AM
To: Patterson, Jenny
Cc: unitedmetalcc@bellsouth.net
Subject:

Jenny,

It was good to talk to you again after all this time! Mr. Church has given ECS permission to release a copy of this report to you. I understand that you are going to review this report and then advise Mr. Church of an appropriate course of action, if any. Please feel free to call me if you have questions.

Thank you,

Denise

Denise M. Poulos, LSS

Principal Scientist/Environmental Department Manager

ECS Carolinas, LLP

4811 Koger Boulevard, Greensboro, NC 27407

T: 336-856-7150 D: 336-478-1631 F: 336-464-2869 C: 336-209-8067

dpoulos@ecslimited.com • www.ecslimited.com



Ranked in ENR's Top 100 Design Firms

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use, or maintain this message, and the contents hereof must not be disclosed to any other person.

**STATE OF NORTH CAROLINA
DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES
DIVISION OF WASTE MANAGEMENT
HAZARDOUS WASTE SECTION**

COMPLIANCE EVALUATION INSPECTION (CEI) REPORT

1. FACILITY INFORMATION:

Facility Name: United Metal Finishing, Inc.
EPA ID Number: NCD 986 177 129
Type of Facility: SQG
Facility Location: 133 Blue Bell Road, Greensboro, NC 27406
Mailing Address: P.O. Box 16623, Greensboro, NC 27406
Telephone Number: 336-272-8107

2. FACILITY CONTACT: Claude Church – Owner, United Metal Finishing, Inc.

3. INSPECTION PARTICIPANTS: Rick Swink - Supervisor (United Metal Finishing), Ted Cashion (NCDENR) and Jenny Patterson (NCDENR)

4. DATE OF INSPECTION: August 19, 2009

5. PURPOSE OF INSPECTION: Unannounced audit to determine compliance with regulations described at 40 CFR 261, 262, 265, 268, 273 and 279. This inspection was in response to a complaint regarding the possible mismanagement of hazardous waste. Specifically, the complaint alleged that the facility had chromium and cadmium contamination that was not reported, that piping from plating tanks and collection sumps were breached and that the outfall of one of the pipes from a sump was unknown, and that there was a hole under the plating tanks.

6. FACILITY DESCRIPTION:

United Metal Finishing, Inc. operates as a metal finisher. The facility takes steel and aluminum from machine shops and plates through the following processes: zinc, nickel, electroless nickel, hard chrome, copper, and silver brush. The facility also performs anodizing and dyeing; zinc phosphating; chem film / iridite and passivation.

United Metal Finishing, Inc. has been in operation at this site since 1985. The facility consists of 2.39 acres and has six buildings on the property. The two main (largest) buildings are used for the following operations/processes: one for Shipping/Receiving, office space, and a small QC laboratory and the other building houses hard chrome, zinc and nickel plating and the wastewater treatment processes. Behind the large plating building are two smaller buildings used for plating. One building is used for aluminum, chem film and anodizing and the other building is used for electroless nickel and zinc phosphating. Behind the building housing the shipping and receiving, is a shed used to store chemicals and a maintenance building.

The facility has operated as a small quantity generator and was inspected for compliance with the small quantity generator regulations.

7. WASTE STREAMS INCLUDE:

The following hazardous waste streams are generated at this facility:
F006 – Hazardous waste sludge containing cadmium hydroxide

Universal waste lamps are also generated on site.

8. AREAS OF REVIEW AND INSPECTION:

- **General Requirements:** Regular type indicates facility requirements. Comments written in *italics* are site specific. The requirements listed below are specific to small quantity generators of hazardous waste.

- 1) **Hazardous waste determinations must be properly performed.** Any testing results must remain on-site for 3 years. Any waste material in which the facility is uncertain of its identity must either be tested/analyzed or identified by generator knowledge. The facility must ensure that waste determinations are performed in a timely manner and that the material is managed properly during the waste determination process.
- 2) **Facility must have an EPA Identification number and pay annual fees.** *The facility currently has an EPA ID number and has notified as a small quantity generator of hazardous waste.*
- 3) **The quantity of hazardous waste accumulated on-site must never exceed 6000 kilograms** (approximately equal to thirty 55-gallon containers). According to 40 CFR 262.34(g), if a small quantity generator generates F006 waste, the facility may store no more than 20,000 kilograms of F006 waste on-site at any one time provided that the F006 waste is legitimately recycled through metals recovery and the generator has implemented pollution prevention practices that reduce the amount of any hazardous substances, pollutant or contaminants entering F006 or otherwise released to the environment prior to recycling.

The facility must ensure that no more than 20,000 kilograms of F006 waste is stored on site at any time. The facility must also ensure that the F006 waste is legitimately recycled through metals recovery and that pollution prevention practices are implemented to reduce the amount of hazardous substances, pollutant or contaminants entering F006 waste.

- 4) **The facility can not store hazardous waste on-site for more than 180 days.** *The facility must ensure that hazardous waste is not stored on site for more than 180 days.*
- **Emergency Preparedness and Prevention:** The facility must be in compliance with the applicable Emergency Preparedness and Prevention requirements described in 40 CFR 262.34(d) and 40 CFR 265 Subpart C.

The facility has internal communications device present in the form of a telephone and a paging system. A telephone is located in the warehouse near the warehouse less than 180 day storage area. The facility must ensure that a communication device is immediately accessible near the storage area near the oven. The facility has spill control equipment (broom and dust pan) available. The facility must maintain 24 inches of aisle space in the hazardous waste storage area. Emergency information (including the name and telephone number of the emergency coordinator(s), the location of the fire extinguishers and spill control equipment and fire alarm, and the telephone number of the fire

department) must be posted by a telephone at the facility. The Fire Department and the Police Department have visited the facility, but the facility must make arrangements with the local emergency authorities (fire department, police department, and hospital) to familiarize them with the facility and the hazardous waste handled at the facility.

- **Waste Minimization:** The facility must have waste minimization techniques in place. By signing a hazardous waste manifest the facility is certifying that they implement waste minimization techniques.

The facility uses a sludge press to reduce the volume of F006 waste generated.

- **Inspection Records:** Weekly inspections of the less than 180-day storage area (looking for leaks and for corrosion) must be performed and documented. The facility must have three years of inspections on file.

The facility must document weekly inspections of the hazardous waste storage areas (both the warehouse area and the sludge oven).

- **Manifests/LDRs:** Hazardous waste must be manifested properly (complete with Land Disposal Restrictions (LDRs)) and signed, returned copy from designated disposal facility must remain on-site for 3 years. Exception reports must be filed if signed manifest is not returned from disposal facility within 60 days of receipt from transporter.

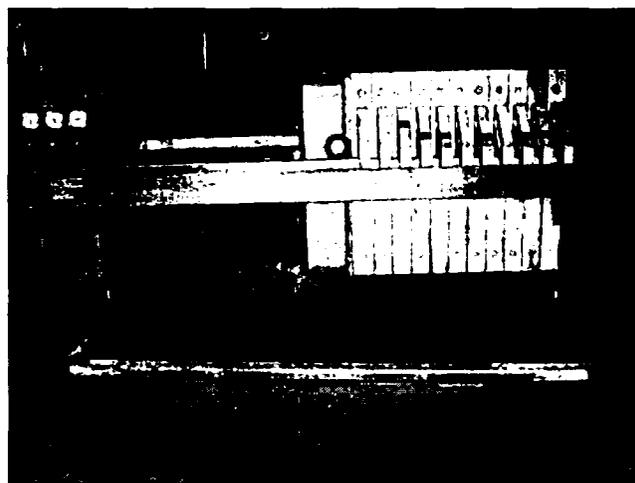
Manifests were reviewed for 2006, 2007 and 2009 and appear correct and are complete. The manifests show that Maumee Express (NJD986607380) and St. Joseph Motor Lines (PAD987358587) transport the hazardous waste to the disposal (reclamation) company - World Resources Co. (PAD981038227). The facility maintains three years worth of manifests on site.

- **Training:** Employees must be thoroughly familiar with proper waste handling and emergency procedures. Employees must also be trained on proper handling and emergency procedures for universal waste.

The facility must ensure that facility personnel are properly trained to meet the hazardous waste regulatory requirements.

- **Satellite Accumulation Areas:** During the inspection, the following satellite accumulation areas were reviewed:

***Sludge Press:** On the day of the inspection, the bin under the sludge press had sludge in it. The sludge bin must either be securely covered or the sludge must be transferred immediately and placed in a cubic yard bag that is closed. The sludge bin must be labeled with the words "Hazardous Waste" or other words that identify the contents of the container. The facility must ensure that no more than 55-gallons of sludge is stored in this area or the area must be maintained as a hazardous waste storage area.*



Hazardous Waste Storage Areas: *The facility has two hazardous waste storage areas since the cubic yard bags of sludge are more than 55-gallons, the sludge oven must be managed as a storage area. One storage area is located near the sludge oven. On the day of the inspection, the cubic yard bag that is stored near the oven was labeled "Hazardous Waste" and marked with an accumulation start date (see below). The bag was closed during the inspection. The facility must ensure that containers of hazardous waste are securely closed unless hazardous waste is being added or removed. The facility must ensure that a communication device is made available in this storage area to summon assistance in the event of an emergency.*

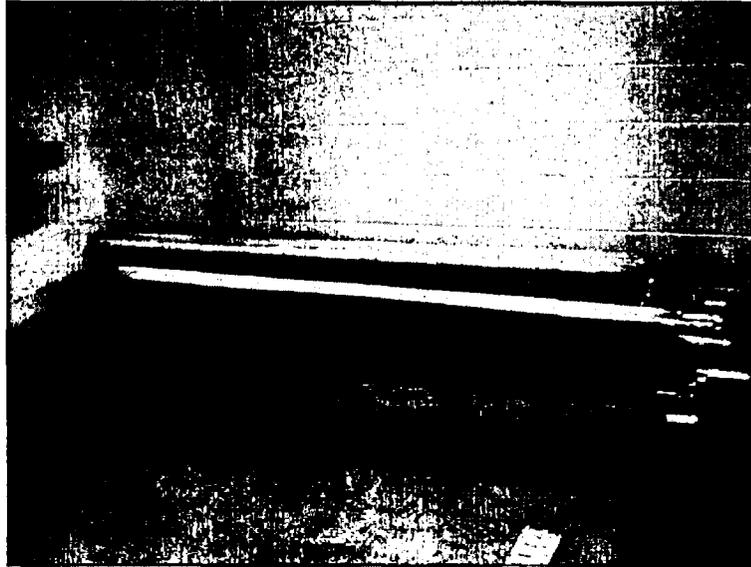
Cubic yard bag located near oven



The other hazardous waste storage area is located in the warehouse. On the day of the inspection, there were five cubic yard bags of F006 waste in this area. All of the containers were labeled with the words "Hazardous Waste" and marked with an accumulation start date. The facility must ensure that two feet of aisle space is available in the hazardous waste storage areas.

- **Universal Waste:** Universal waste regulations, found at 40 CFR 273, apply to used lamps, batteries, mercury containing equipment and pesticides. The facility must ensure compliance with the universal waste regulations if the facility manages these items. The following is a summary (not all inclusive) for the management of universal waste.
 - Universal waste must be stored in a way that prevents releases of any universal waste or component of universal waste.
 - The universal waste must be stored in containers that are kept closed, structurally sound, adequate to prevent breakage and compatible with the contents.
 - The containers must be labeled with the words "Universal Waste ____", "Waste ____" or "Used ____".
 - Universal waste may not be kept on site for more than one year. It is recommended that the containers be marked with an "accumulation start date" so the facility can track the amount of time the universal waste is on site.

- The facility must inform all employees who handle or have the responsibility for managing universal waste about the proper handling and emergency procedure appropriate to the type(s) of universal waste handled at the facility.
- The facility must respond to releases of universal waste immediately. The facility must make a waste determination on the material resulting from the release and if the material is a hazardous waste, the facility must manage the material by the applicable hazardous waste requirements.



On the day of the inspection, used lamps were stored in the maintenance building (see picture, above). The facility must place all used lamps in containers that are structurally sound to prevent breakage of the used lamps. Each container of used lamps must be labeled properly and the used lamps must not remain on site for more than one year.

9. SITE DEFICIENCIES: The following deficiencies were noted during the Compliance Evaluation Inspection conducted on August 19, 2009:

- a) **15A NCAC 13A .0107(d):** A generator shall keep records of weekly inspections of the hazardous waste storage area and results of inspections required by Sections 262.34 for at least three years from the date of inspection.

The facility failed to record the required weekly inspections of the hazardous waste storage areas.

- b) **15A NCAC 13A .0110(c):** The owner or operator must maintain aisle space of at least 2 feet to allow the unobstructed movement of personnel, fire prevention equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency.

The facility failed to maintain 2 feet of aisle space in the warehouse hazardous waste storage area.

- c) **40 CFR 262.34(c)(1)(i) ref. 40 CFR 173(a):** A generator may accumulate as much as 55 gallons of hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, if the container holding hazardous waste is closed, except when it is necessary to add or remove waste.

The facility failed to close the sludge press bin container located under the sludge press.

- d) **40 CFR 262.34(c)(1)(ii):** A generator may accumulate as much as 55 gallons of hazardous waste in containers at or near any point of generation where wastes initially accumulate, which is under the control of the operator of the process generating the waste, provided he marks his containers either with the words "Hazardous Waste" or with other words that identify the contents of the containers.

The facility failed to mark the satellite accumulation container located under the sludge bin with the words "Hazardous Waste" or with other identifying words.

- e) **40 CFR 262.34(d)(5)(ii):** The generator must post the following information next to the telephone:
- A) The names and telephone number of the emergency coordinator.
 - B) Location of fire extinguishers and spill control material and, if present, fire alarm; and
 - C) The telephone number of the fire department unless the facility has a direct alarm.

The facility did not have the required emergency information posted by a telephone at the facility.

- f) **40 CFR 273.13(d) and 40 CFR 273.14(e):** A small quantity handler of universal waste must contain any lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage, or damage, that could cause leakage under reasonably foreseeable conditions. Containers of used lamps must be labeled with the words "Used Lamps", "Waste Lamps", or "Universal Waste Lamps".

On the day of the inspection, universal waste lamps were accumulated in the maintenance building. Some of the lamps were not in boxes. The boxes of lamps were not closed or labeled properly. The facility must ensure that the lamps do not remain on site for more than 1 year.

10. RECOMENDATIONS: There are no recommendations offered as part of the Compliance Evaluation Inspection conducted on August 19, 2009.

Date: _____

Jenny Patterson
Environmental Senior Specialist, NCDENR



United Metal Finishing

Walch, John

From: Walch, John
Sent: Monday, October 12, 2009 1:27 PM
To: John Nantz
Subject: FW: United Metal Finishing Report
Attachments: 09.11981A.pdf; United Metal Finishers CEI 2009.doc; United Metal Finishing Map.doc

John-

Can you please have someone review the attached report that was referred to us from the Hazardous Waste Section. If contamination is present above IHSB remedial goals, then prepare an NORR letter and a data entry form to add the site to the IHSB inventory. Thanks.

*John W. Walch
Eastern Unit Supervisor
Inactive Hazardous Sites Branch
NC DWM - Superfund Section
401 Oberlin Rd. - Suite 150
Raleigh, NC 27605
(919) 508-8485*

E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Cashion, Ted
Sent: Monday, October 12, 2009 11:37 AM
To: Walch, John
Cc: Patterson, Jenny; Cooper, Harvi; Williford, Mike
Subject: FW: United Metal Finishing Report

Hi John,

Per our conversation today, here is a copy of the consultants report, compliance inspection report by Jenny Patterson, and map of the United Metal facility in Greensboro. We don't believe there is a definitive RCRA hook for the contamination at the site. The contamination appears to originate from products and processes, and not from a hazardous waste.

Pls review and let me know if this site fits the criteria for your group to provide oversight on the remediation. We can provide a referral memo to you at that time.

Thx
tc

Ted Cashion, CHMM
Eastern Region Compliance Supervisor
Hazardous Waste Section
Division Of Waste Management
NCDENR
401 Oberlin Road, Suite 150

1646 Mail Service Center
Raleigh, NC 27699-1646
ted.cashion@ncdenr.gov

Note: My email account has changed to ted.cashion@ncdenr.gov

Email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties.

From: Patterson, Jenny
Sent: Thursday, September 17, 2009 5:25 PM
To: Cooper, Harvi
Cc: Cashion, Ted
Subject: United Metal Finishing Report

Hi Harvi,
Ted requested I send you the attached sampling report. We received a complaint about United Metal Finishing and one of the issues was that several years ago, the facility had sampling done (as part of a Phase I when the owner bought the property) that showed groundwater and soil contamination, but the owner didn't report the contamination. The facility agreed to send the report in to help close out the complaint investigation. The report clearly shows contamination above 2L. Please let me know if you need to go to the site. I'm planning on going back to the site around Oct. 5 to do a CSE for the ticket NOV that was issued from our inspection of the SQG rules, but we could go sooner. I'm not sure whether they will be helpful, but also attached are the inspection report and a map.

Please let me know if you have any questions or need additional information.

Thanks,
Jenny

--
Jenny Patterson, CHMM
Environmental Senior Specialist
Hazardous Waste Section
Division of Waste Management
NCDENR
585 Waughtown Street
Winston-Salem, NC 27107
Phone/Fax: 336-767-0031
jenny.patterson@ncdenr.gov

Note: My email address has changed to: jenny.patterson@ncdenr.gov
and my phone number has changed to: 336-767-0031

E-mail correspondence to and from this address may be subject to the
North Carolina Public Records Law and may be disclosed to third parties.

From: DPoulos [mailto:DPoulos@ecslimited.com]
Sent: Wednesday, September 09, 2009 9:27 AM
To: Patterson, Jenny
Cc: unitedmetalcc@bellsouth.net
Subject:

Jenny,

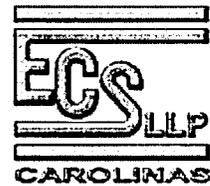
It was good to talk to you again after all this time! Mr. Church has given ECS permission to release a copy of this report to you. I understand that you are going to review this report and then advise Mr. Church of an appropriate course of action, if any. Please feel free to call me if you have questions.

Thank you,

Denise

Denise M. Poulos, LSS
Principal Scientist/Environmental Department Manager

ECS Carolinas, LLP
4811 Koger Boulevard, Greensboro, NC 27407
T: 336-856-7150 D: 336-478-1631 F: 336-464-2869 C: 336-209-8067
dpoulos@ecslimited.com • www.ecslimited.com



Ranked in ENR's Top 100 Design Firms

This message, including any attachment hereto, is confidential and proprietary. If you are not the named recipient, you are kindly requested to notify the sender immediately and to delete this message, including any attachment, from your system. You are not allowed to copy, use, or maintain this message, and the contents hereof must not be disclosed to any other person.



LIMITED LIABILITY COMPANY ANNUAL REPORT

E-Filed Annual Report
-1-0-5286287
For year 2009
Do not data enter manually.

NAME OF LIMITED LIABILITY COMPANY: *Republic Services of Kentucky, LLC*

STATE OF INCORPORATION: *KY*

SECRETARY OF STATE L.L.C. ID NUMBER: *0564998*

NATURE OF BUSINESS: *waste removal services*

REGISTERED AGENT: *CT Corporation System*

REGISTERED OFFICE MAILING ADDRESS: *150 Fayetteville St., Box 1011
Raleigh, NC 27601*

REGISTERED OFFICE STREET ADDRESS: *150 Fayetteville St., Box 1011
Raleigh, NC 27601 Wake County*

PRINCIPAL OFFICE TELEPHONE NUMBER: *(954) 769-2400*

PRINCIPAL OFFICE MAILING ADDRESS: *18500 North Allied Way
Phoenix, AZ 85054*

PRINCIPAL OFFICE STREET ADDRESS: *18500 North Allied Way
Phoenix, AZ 85054*

MANAGERS/MEMBERS/ORGANIZERS:

Name: Republic Services, Inc.

Title: Member

Address:

18500 North Allied Way

Phoenix, AZ 85054

CERTIFICATION OF ANNUAL REPORT MUST BE COMPLETED BY ALL LIMITED LIABILITY COMPANIES

Republic Services, Inc.

03/04/2009

FORM MUST BE SIGNED BY A MANAGER/MEMBER

DATE

Republic Services, Inc.

Member

TYPE OR PRINT NAME

TYPE OR PRINT TITLE

ANNUAL REPORT FEE: \$200 MAIL TO: Secretary of State • Corporations Division • Post Office Box 29525 • Raleigh, NC 27626-0525