



North Carolina Department of Environment and Natural Resources

Dexter Matthews, Director

Division of Waste Management

Beverly Eaves Perdue, Governor
Dee Freeman, Secretary

May 9, 2012

CERTIFIED MAIL 7008 0150 0000 7473 4899
RETURN RECEIPT REQUESTED

Ray Maxwell, Gaston Co. Public Works Director Address
P.O. Box 1578
Gastonia, NC 28053-1578

SUBJECT: **Notice of Deficiency**
Compliance Inspection Report
Gaston County Household Hazardous Waste Facility
Permit No. 36-09TP
Gaston County

Dear Mr. Maxwell,

On April 30, 2012, Bill Wagner, representing the State of North Carolina, Division of Waste Management Solid Waste Section ("Section"), inspected the above referenced facility for compliance with North Carolina Solid Waste Statutes and Rules. Marcie Smith was present representing the Gaston County Household Hazardous Waste Facility. During this inspection, the following items were noted and/or observed:

A. 15A NCAC 13B .0302 "Any person who maintains or operates a treatment and processing facility shall maintain and operate the facility in accordance with the following practices unless otherwise specified in the permit." Specifically, condition 13 in Part II of Attachment 3 of the Permit to Operate states: "Facility personnel shall inspect the facility's emergency equipment and supplies on a weekly basis." **At the time of the inspection, there were no records of these required weekly inspections available for review.**

B. 15A NCAC 13B .0302 "Any person who maintains or operates a treatment and processing facility shall maintain and operate the facility in accordance with the following practices unless otherwise specified in the permit." Specifically, condition 18 in Part II of Attachment 3 of the Permit to Operate states: "The date upon which each period of accumulation begins shall be clearly marked and visible on each container. Each container shall be labeled or marked clearly with the words "Hazardous Waste" unless the container separately holds recyclable materials." **At the time of the inspection, multiple drums were observed that (1) were not marked with the beginning date of accumulation and / or (2) were not marked with the words "Hazardous Waste".**

C. 15A NCAC 13B .0302 "Any person who maintains or operates a treatment and processing facility shall maintain and operate the facility in accordance with the following practices unless otherwise specified in the permit." Specifically, section 2.3 of the approved operational plan of March 2010 (DIN 9951) states in part: "All facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment will be inspected monthly." **At the time of the inspection, there were no records of these required monthly inspections available for review.**

D. 15A NCAC 13B .0302 “Any person who maintains or operates a treatment and processing facility shall maintain and operate the facility in accordance with the following practices unless otherwise specified in the permit.” Specifically, section 4.4 of the approved operational plan of March 2010 (DIN 9951) states in part: “All containers holding accumulated HHW will be checked at least monthly to ensure that they have not been stored longer than 180 days and also to ensure their integrity.” **At the time of the inspection, there were no records of these required monthly inspections available for review.**

The above deficiencies may have or can compromise the facility’s ability to ensure protection of the public health and the environment and thus require remedial action on behalf of the facility in order to achieve compliance with **15A NCAC 13B .0302**. By [date], the facility must complete the following:

“Corrective Actions”

Gaston County must immediately begin:

- A. Maintaining written records documenting all required weekly inspections of the facility’s emergency equipment and supplies.
- B. Clearly marking all drums / containers that hold household hazardous wastes with the date upon which each period of accumulation begins and marked clearly with the words “Hazardous Waste” unless the container separately holds recyclable materials.
- C. Maintaining written records documenting all required monthly inspections of the facility’s communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment.
- D. Maintaining written records documenting all required monthly inspections of all containers holding accumulated HHW to ensure that they have not been stored longer than 180 days and also to ensure their integrity.

Failure to comply with this schedule may subject the facility and/or all responsible parties to enforcement actions including a notice of violation, civil penalty, injunction from operation of a solid waste management facility or a solid waste collection service and any such further relief as may be necessary to achieve compliance with the North Carolina Solid Waste Management Act and Rules. Pursuant to N.C.G.S. 130A-22(a) and 15A NCAC 13B .0701-.0707, an administrative penalty of up to \$15,000.00 per day may be assessed for each violation of the Solid Waste Laws, Regulations, Conditions of a Permit, or an Order issued under Article 9 of Chapter 130A of the N.C. General Statutes.

If you have any questions, please contact me at (828) 296-4705 or e-mail at bill.wagner@ncdenr.gov.

Sincerely,



Bill Wagner
Environmental Senior Specialist
Solid Waste Section

cc: Mark Poindexter, Field Operations Branch Supervisor – Solid Waste Section
Jason Watkins, Western District Supervisor – Solid Waste Section
Jessica Montie, Compliance Officer – Solid Waste Section
Marcie Smith, Solid Waste & Recycling Administrator – Gaston County (marcie.smith@co.gaston.nc.us)