

## Hazardous Waste Section - Civil Penalties Assessments 2009

#	Name	Violation(s)	Initial Penalty Assessed	Date Issued
1	<p><b>FAS Controls</b></p> <p>1100 Airport Road Shelby, NC 28150 Cleveland County</p> <p>NCD 062 566 047</p>	<p>Failed to:</p> <ul style="list-style-type: none"> <li>• conduct a weekly inspection;</li> <li>• conduct an annual review of the required hazardous waste management training for the employees;</li> <li>• maintain or provide a hazardous waste management job title;</li> <li>• maintain or provide a hazardous waste management job description;</li> <li>• demonstrate that it had made emergency arrangements with local authorities;</li> <li>• demonstrate that it had submitted a copy of the contingency plan to local emergency response agencies; and</li> <li>• close and label boxes of fluorescent lamps.</li> </ul>	<p>9,240.00 in penalty and 589.12 for investigative and inspection costs</p>	<p>3/4/2009</p>
2	<p><b>Goodyear Tire &amp; Rubber Company</b></p> <p>6650 Ramsey Street Fayetteville, NC 28311 Cumberland County</p> <p>NCD 048 958 615</p>	<p>Failed to:</p> <ul style="list-style-type: none"> <li>• listed an alternate emergency coordinator so it failed to update the contingency plan;</li> <li>• have or keep Land Disposal Restrictions forms on-site;</li> <li>• sign a hazardous waste Manifest;</li> <li>• submit an exception report;</li> <li>• close containers of universal waste lamps; and</li> <li>• containers of UW lamps were observed to be without a date.</li> </ul>	<p>2,193.25 in penalty and 880.68 for investigative and inspection costs</p>	<p>3/16/09</p>

3	<p><b>Targacept, Inc.</b>  200 East First Street, Suite 300  Winston-Salem, NC 27101-4165  Forsyth County  NCR 000 137 430</p>	<p>Failed to:</p> <ul style="list-style-type: none"> <li>• take part in an annual review of the initial training;</li> <li>• maintain records that document the training or job experience;</li> <li>• submit the contingency plan to the local authorities;</li> <li>• amend the list of emergency coordinators in the contingency plan;</li> <li>• close satellite containers of hazardous waste; and</li> <li>• mark with the words “Hazardous Waste”, seven satellite accumulation containers of hazardous waste.</li> </ul>	<p>7,395.00 in penalty and 561.00 for investigative and inspection costs</p>	<p>4/30/09</p>
4	<p><b>Southco Industries, Inc.</b>  1840 East Dixon Blvd.  Shelby, NC 28152  Cleveland County  NCD 986 191 385</p>	<p>Failed to:</p> <ul style="list-style-type: none"> <li>• Make waste determination;</li> <li>• Sign a hazardous waste manifest;</li> <li>• conduct weekly inspections;</li> <li>• place waste into containers;</li> <li>• close a container of hazardous waste;</li> <li>• marked or label with the words “Hazardous Waste” or with other words that identified the contents of containers of hazardous waste;</li> <li>• mark containers with the accumulation start date;</li> <li>• provide personnel with access to communication devices in the Hazardous Waste Storage Area;</li> <li>• contain releases from containers; and</li> <li>• containers of used oil were not properly labeled with the words “Used Oil”.</li> </ul>	<p>8,415.00 in penalty and 819.04 for investigative and inspection costs</p>	<p>5/1/09</p>
5	<p><b>Parker &amp; CO. Coastal, Inc.</b>  (d/b/a Maaco Collision Repair &amp;</p>	<p>Failed to:</p>	<p>46,125.00 in penalty and 564.98 for investigative and</p>	<p>5/7/09</p>

	<p><b>Auto Body-Wilmington)</b></p> <p>110 Harley Road Wilmington, NC 28405 New Hanover County</p> <p>NCR 000 002 428</p>	<ul style="list-style-type: none"> <li>• have less than 55 gallons of hazardous waste in the accumulation area;</li> <li>• close containers of hazardous waste;</li> <li>• marked or label with the words “Hazardous Waste” or with other words that identified the contents of containers of hazardous waste did not mark the containers with a date when the excess amount began accumulating;</li> <li>• conduct weekly inspections;</li> <li>• mark containers with the accumulation start date;</li> <li>• have storage area equipped with portable fire extinguishers, fire control equipment, spill control equipment and decontamination equipment;</li> <li>• have emergency signal device or policy stating how emergency assistance would be summoned for the storage area;</li> <li>• make arrangement with local emergency response agencies; and</li> <li>• post the locations of the fire extinguishers, spill control material and fire alarm next to the telephone.</li> </ul>	inspection costs	
6	<p><b>Calera Capital d.b.a. IPS Corporation</b></p> <p>600 Ellis Road Durham, NC Durham County</p> <p>NCD 000 135 509</p>	<p>Failed to:</p> <ul style="list-style-type: none"> <li>• mark with the start date upon which the accumulation in storage of hazardous waste began;</li> <li>• label with the words “Hazardous Waste” containers;</li> <li>• document weekly inspections of the hazardous waste storage area; and</li> </ul>	50,375.00 in penalty and 631.39 for investigative and inspection costs	5/28/09

		<ul style="list-style-type: none"> <li>submit an exception report.</li> </ul>		
7	<p><b>Gerdau Ameristeel US, Inc.</b>  6601 Lakeview Road  Charlotte, NC 28269  Mecklenburg County    NCD 093 340 487</p>	<p>Failed to:</p> <ul style="list-style-type: none"> <li>conduct weekly inspections;</li> <li>keep the emergency coordinator list up to date; and</li> <li>submit an Exception Report for hazardous waste manifest tracking.</li> </ul>	<p>3,800.00 in penalty and 303.10 for investigative and inspection costs</p>	<p>6/16/09</p>
8	<p><b>KobeWieland Copper Products, LLC</b>    3990 Highway 311 N  Pine Hall, NC 27042  Stokes County    NCD 982 124 125</p>	<p>Failed to:</p> <ul style="list-style-type: none"> <li>Make waste determination;</li> <li>place waste in containers;</li> <li>close a container of hazardous waste;</li> <li>conduct weekly inspections;</li> <li>mark containers with the accumulation start date;</li> <li>marked or label with the words “Hazardous Waste” in storage area;</li> <li>marked or label with the words “Hazardous Waste” or with other words that identified the contents of containers of hazardous waste in satellite accumulation area;</li> <li>have a tank system and equipment reviewed by a qualified Professional Engineer attesting that the system has sufficient structural integrity and is acceptable for the storing and treating of hazardous waste;</li> <li>have a qualified installation inspector or a qualified Professional Engineer inspect the system and components prior to placing into use;</li> <li>perform daily inspections of the hazardous waste</li> </ul>	<p>76,900.00 in penalty and 1,164.05 for investigative and inspection costs</p>	<p>6/23/09</p>

		<p>tanks and tank system;</p> <ul style="list-style-type: none"> <li>• determine if the tank system needed to be regulated under the applicable requirements of subparts AA, BB, and CC;</li> <li>• submit Biennial Report for 2007;</li> <li>• pay annual fee for Large Quantity Generator;</li> <li>• pay tonnage fee; and</li> <li>• properly label tanks with the words “Used Oil”.</li> </ul>		
9	<p><b>Nexans, Inc.</b></p> <p>600 South Parker St. Elm City, NC 27822 Wilson County</p> <p>NCD 982 168 924</p>	<p>Failed to:</p> <ul style="list-style-type: none"> <li>• place waste into containers;</li> <li>• mark containers with the accumulation start date;</li> <li>• keep records for three years;</li> <li>• maintain 2 foot aisle space;</li> <li>• post next to telephone location of fire extinguishers, spill control material and if present fire alarm;</li> <li>• ensure that employees were thoroughly familiar with the proper waste handling and emergency procedures;</li> <li>• comply with the requirements of 15A NCAC 13A .0109 by storing hazardous waste for at least 12 months; and</li> <li>• get a permit for a storage facility.</li> </ul>	<p>11,700.00 in penalty, 1,256.19 for investigative and inspection costs; \$1,200 for being a storage facility</p>	<p>7/15/09</p>
10	<p><b>Berry Plastics Corporation, LLC</b></p> <p>1921 Freedom Drive Charlotte, NC 28208 Mecklenburg County</p>	<p>Failed to:</p> <ul style="list-style-type: none"> <li>• pay annual fee;</li> <li>• obtain an EPA identification number and submit an Exception Report for hazardous waste manifest tracking;</li> </ul>	<p>\$11,500.00 in penalty and \$468.64 for investigative and inspection costs</p>	<p>8/12/09</p>

	NCR 000 148 239	<ul style="list-style-type: none"> <li>• mark containers with the words “Hazardous Waste;</li> <li>• close hazardous waste containers;</li> <li>• inspect hazardous waste storage area;</li> <li>• lable or mark satellite hazardous waste containers;</li> <li>• make arrangements with local emergency authorities; and</li> <li>• label or mark container of used oil with the words “Used Oil.”</li> </ul>		
11	<p><b>NuWay Speaker Products, Inc.</b></p> <p>100 Industrial Road Clinton, NC 28328 Sampson County</p> <p>NCD 986 182 442</p>	<p>Failed to:</p> <ul style="list-style-type: none"> <li>• make a waste determination;</li> <li>• place waste into a containers in good condition;</li> <li>• close containers</li> <li>• store containers in a manner that would not cause a rupture or leak;</li> <li>• conduct weekly inspections;</li> <li>• mark containers with accumulation start date;</li> <li>• lable containers as "hazardous waste";</li> <li>• clean hazardous waste release as soon as practible;</li> <li>• have access to internal alarm or emergency communication devices;;</li> <li>• make arrangements with local emergency authorities;</li> <li>• ensure that employees were thoroughly familiar with the proper waste handling and emergency procedures;</li> <li>• storing hazardous waste for extended period of time; and</li> <li>• get a permit to store hazardous waste.</li> </ul>	<p>\$96,500.00 in penalty, \$650.50 for investigative and inspection costs; and \$1,200 for being a storage facility</p>	<p>9/16/09</p>

<p><b>12</b></p>	<p><b>Mumford Restoration LLC</b>        8813 Gulf Ct., Suite B,        Raleigh, NC        Wake County          NCR 000 147 785</p>	<p>Failed to:</p> <ul style="list-style-type: none"> <li>• mark with the date upon which each period of accumulation began ;</li> <li>• lable containers as "hazardous waste";</li> <li>• make arrangements with local authorities;</li> <li>• post the required emergency information next to the telephone;</li> <li>• employees were not familiar with the proper waste handling procedures;</li> <li>• document and keep records of inspections;</li> <li>• stored hazardous waste over their storage limit; and</li> <li>• did not maintain proper aisle space in the storage area.</li> </ul>	<p>\$8,850.00 in penalty,        \$553.83 for investigative and inspection costs</p>	<p>9/30/09</p>
<p><b>13</b></p>	<p><b>Novo Nordisk Pharmaceutical Industries, Inc.</b>        3612 Powhatan Road        Johnston County          NCD 986 231 025</p>	<p>Failed to:</p> <ul style="list-style-type: none"> <li>• keep containers closed in storage area;</li> <li>• keep inspections records for three years;</li> <li>• place waste in containers;</li> <li>• keep container closed in the satellite accumulation area;</li> <li>• lable containers as "hazardous waste";</li> <li>• maintain and operate to minimize releases;</li> <li>• maintain aisle space of at least two feet;</li> <li>• have contingency plan describe arrangements with local authorities;</li> <li>• keep close containers of universal waste lamps; and</li> <li>• inform employees on proper handling of universal waste lamps.</li> </ul>	<p>\$35,602.50 in penalty,        \$1,233.73 for investigative and inspection costs</p>	<p>10/22/09</p>

<p>14</p>	<p><b>Day International, Inc.</b>  95 Glen Bridge Road  Arden, NC 28704  Buncombe County  NCD 986 166 361</p>	<p>Failed to:</p> <ul style="list-style-type: none"> <li>• conduct weekly inspections;</li> <li>• mark containers with the accumulation start date;</li> <li>• label containers as "Hazardous Waste";</li> <li>• have annual training;</li> <li>• have job title for each positions;</li> <li>• have job descriptions for all personnel with hazardous waste duties;</li> <li>• have written description of the type of training provided;</li> <li>• make arrangements with local authorities;</li> <li>• have contingency plan up to date with emergency coordinators addresses;</li> <li>• place waste in containers in the satellite area;</li> <li>• keep close hazardous waste container in the satellite area;</li> <li>• keep close containers of universal waste lamps; and</li> <li>• have universal waste lamps properly labeled "Universal Waste-Lamps," or "Waste Lamp(s)" or "Used Lamp(s)".</li> </ul>	<p>\$37,830.00 in penalty,  \$1,077.65 for investigative  and inspection costs</p>	<p>12/31/09</p>
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