

RCRA Inspection Report

1) Inspector and Author of Report

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U.S. Environmental Protection Agency, Region 4
Enforcement and Compliance Assurance Division
Chemical Safety and Land Enforcement Branch
RCRA Enforcement Section
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2) Facility Information

Department of Defense - Harvey Point
Defense Testing Activity (Harvey Point
Defense)
2835 Harvey Point Road
Hertford, NC 27944
Perquimans County

EPA ID#: NC5690308247
NAICS #: 928110 - National Security

3) Responsible Officials

Stephen Oltjen
Environmental and Safety Program
Manager
Stephen.b.oltjen.civ@army.mil
252-426-4360

4) Inspection Participants

Stephen Oltjen, Harvey Point Defense
Todd Mowey, EHS, Boeing

Andrea Stermer, NCDEQ
Alan Newman, USEPA

5) Date of Inspection

March 22, 2023, 8:20 a.m. to 3:00 p.m.

6) Applicable Regulations¹

Resource Conservation and Recovery Act (RCRA) Sections 3002 (42 U.S. Code – Annotated U.S.C.A. 6925 and 6927), and 40 Code of Federal Regulation (C.F.R.) Parts 260 - 270, 273, 278, & 279; [15A NCAC 13A .0101 to .0119].

The North Carolina Solid Waste Management Law, N.C.G.S. § § 130A-17 to -28 and 130A-290 to - 310.22, and North Carolina Hazardous Waste Management Rules, 15A NCAC 13A .0101 to .0119.

¹ As the State's authorized hazardous waste program operates in lieu of the federal RCRA program, the citations of those authorized provisions will be to the authorized State program. However, for ease of reference, the federal citations will follow in brackets.

Pursuant to 15A NCAC 13A .0119 [40 C.F.R. § 273.9], a small quantity handler of universal waste (SQHUW) is a universal waste handler who does not accumulate 5,000 kilograms or more of universal waste (batteries, pesticides, mercury-containing equipment, lamps, or aerosol cans, calculated collectively) at any time.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.15(a)], a generator may accumulate as much as 55 gallons of non-acute 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, without a permit or without having interim status, as required by 130A-294(c) and (g) of the NCSWML, N.C.G.S. § 130A-294(c) and (g) [Section 3005 of RCRA, 42 U.S.C. § 6925], and without complying with 15A NCAC 13A .0107(a) [40 C.F.R. § 262.16(b) or § 262.17(a)], except as required in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.15(a)(7) and (8)], provided that the generator complies with the satellite accumulation area conditions listed in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.15(a)] (hereinafter referred to as the “SAA Permit Exemption”).

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.16)], SQG may accumulate hazardous waste on-site for 180 days or less without a permit or without having interim status, as required by 130A-294(c) and (g) of the NCSWML, N.C.G.S. § 130A-294(c) and (g) [Section 3005 of RCRA, 42 U.S.C. § 6925], provided that the generator complies with the conditions listed in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.16] (hereinafter referred to as the “SQG Permit Exemption”).

Resource Conservation and Recovery Act (RCRA) Sections 3002 (42 U.S. Code – Annotated U.S.C.A. 6925 and 6927), and 40 Code of Federal Regulation (C.F.R.) Parts 260 - 270, 273, 278, & 279; [15A NCAC 13A .0101 to .0119].

7) Purpose of Inspection

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection to determine Harvey Point Defense compliance with the applicable requirements of RCRA and the corresponding North Carolina regulations. This was an EPA lead inspection.

8) Facility Description

The Harvey Point Defense Testing Activity facility is owned and operated by the U.S. Department of Defense (DoD). The facility is located on a peninsula in Perquimans County along the Albemarle Sound, near the city of Hertford. It was established in the early 1900's as an operating base for sea planes conducting anti-submarine surveillance of the Atlantic coast. It is now used by DoD as a training facility, including testing of ordinances and gun ranges for long and short guns.

Harvey Point Defense initially notified as a small quantity generator (SQG) on August 28, 1995. Although they have periodically changed their generator status over the years, since January 10, 2018, they have notified as notified as an SQG. Additionally, Harvey Point Defense has notified EPA of four planned episodic events for the cleanout of contaminated solids from the gun range on November 13, 2019, December 1, 2020, March 22, 2021, and April 26, 2022.

Hazardous waste is generated primarily from gun range cleanouts, contaminated wipes from gun cleaning, and lab waste. Based on the amount of hazardous waste observed onsite and manifest review, the facility was operating as an SQG at the time of inspection.

Harvey Point Defense has approximately 200 employees working four rotating shifts across the 3,000-acre site. The facility utilizes approximately 100 ground water monitoring wells onsite, a portion of which assist in monitoring a previous spill of oil.

Waste Description:	EPA Waste Codes:	Source of Waste:
Damaged batteries	D002, D008	Lead-acid batteries
Hazardous waste, liquid (lab waste, acetone)	F003	Lab waste
Hazardous waste, solid (lead)	D008	Gun range cleanouts
Hazardous waste, solid (trace lead, absorbents)	D008	Gun cleaning
Waste corrosive liquids	D002	Lab pack
Waste flammable liquids, corrosive	D001, D002	Lab waste
Waste petroleum distillates	D001	Painting activities

9) Previous Inspection History

NCDEQ conducted one RCRA CEI at the subject facility between 2009 and 2023 and found no violations during this inspection.

10) Opening Conference

On March 22, 2023, EPA inspector Alan Newman, accompanied by NCDEQ inspector Andrea Stermer, arrived at Harvey Point Defense at approximately 8:20 a.m. Stephen Oltjen, Environmental and Safety Program Manager, immediately received the inspectors. No additional personnel were present for the opening conference. The inspectors introduced themselves, showed their credentials to Stephen Oltjen, and explained the purpose of the visit.

The inspectors described the anticipated use of equipment (digital camera) during the inspection and provided a request for records. The EPA inspector explained that the Small Business Regulatory Enforcement Fairness Act's classification of a "small business" is generally set by the Small Business Administration using the business' SIC/NAICS code and annual receipts or number of employees. A copy of the EPA's information sheet for small businesses can be found at <https://www.epa.gov/sites/production/files/2017-06/documents/smallbusinessinfo.pdf>. The EPA inspector also discussed the company's ability, pursuant to 40 C.F.R. § 2.203, to assert a business confidentiality claim for information submitted to EPA. The company asserted a business confidentiality claim such that certain areas of the facility were unable to be photographed.

Stephen Oltjen provided an overview of the facility's history and current operations during the opening conference. The inspection participants also discussed health and safety protocols and

required personal protective equipment before Stephen Oltjen led the inspectors on a tour of the Facility operations.

11) **Inspection Observations**

- SAA's

There are five SAA's located throughout the base (Photographs 1-4). Below are the ones targeted for inspection.

Harvey Point Defense was managing hazardous waste in the SAA's in the following areas:

Building/Shop	Areas	Waste Types
3-32	Security	Waste wipes (D008)
5-20	Paint Shop	Waste paint (D001)*
6-40	Lab	Acetonitrile/Water (D001/D002)*
8-70	ENF Range Admin	Waste wipes (D008)
6-30	G Range Admin	Waste wipes (D008)

Unless otherwise noted below, each SAA container was closed, in good condition, and labeled with the words "Hazardous Waste" and with an indication of the hazard.

In the Paint Shop (Building 5-20), there was one 55-gallon container of waste paint (D001). This container was marked with the words Hazardous Waste and as an ignitable and toxic waste. This container had a funnel placed into the large bung hole of the drum top (Photograph 1-2). The funnel was not threaded into the bung hole; therefore, the inspection team considered this container to be open.

In the Lab (Building 6-40), there was one 1-liter and two 4-liter containers of acetonitrile waste (D001/D002). Neither the 1-liter nor one of the 4-liter containers were marked with the words hazardous waste. None of the three containers were labeled with an indication of the hazard. The 1-liter container was open on the day of the inspection.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.15(a)(5)], which is a condition of the SAA Permit Exemption, a generator is required to mark or label its containers (i) with the words "Hazardous Waste" and (ii) with an indication of the hazards of the contents.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.15(a)(4)], which is a condition of the SAA Permit Exemption, a generator is required to keep containers of hazardous waste closed at all times during accumulation, except when adding, removing, or consolidating waste; or when temporary venting of a container is necessary for the proper operation of equipment, or to prevent dangerous situations, such as build-up of extreme pressure.

- **Central Accumulation Areas (CAAs)**

Harvey Point Defense manages a hazardous waste CAA in a U.S. Chemical Storage Locker at the Recycling Center. The CAA is comprised of a 12' by 30' metal building with a locking door

which incorporates a grated floor to capture potential spills. The area was identified with a sign which read “Danger, Hazardous Waste Storage Area Unauthorized Persons Keep Out.” Harvey Point Defense manages ignitable waste in this CAA; and the inspectors observed “No Smoking” signs (Photographs 5-12).

Harvey Point Defense utilizes two-way radios for communication across the base. The CAA is equipped with portable fire extinguishers, fire control equipment, and spill control equipment; and it is equipped with water to supply water hose streams. The inspection team noted emergency equipment which included a broom, dustpan, spill control materials, and a portable ABC-type fire extinguisher. This fire extinguisher was not marked with an inspection tag. The inspection team suggested that an eye wash unit be added to this area. These were noted as areas of concern.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.16(b)(8)(ii)(C)], which is a condition of the SQG Permit Exemption, a generator is required to equip all areas where hazardous waste is either generated or accumulated with decontamination equipment.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.16(b)(8)(iii)], which is a condition of the SQG Permit Exemption, a generator is required to test and maintain as necessary all communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, to assure its proper operation in time of emergency.

Harvey Point Defense was managing the following waste on the day of the inspection:

Number of Containers	Size of Containers	Waste Type	ASD
2	55-gallon	Shredded Rubber with Lead (D008)	1/19/2023
2	55-gallon	6-18 Wash Waste (D002)	11/17/2022
1	55-gallon	Gun Cleaner (D008)	12/16/2022
1	55-gallon	ACN Lab Waste (D001/D002)	3/6/2023
1	5-gallon	ACN Lab Waste (D001/D002)	1/18/2023
1	5-gallon	CTEC waste pending analysis	2/7/2023
1	5-gallon	Part A Green Paint (D001)	2/7/2023
1	5-gallon	Part W White Paint (D001)	2/7/2023
1	1-quart	Methyl Ethyl Ketone (U159)	2/7/2023

Unless otherwise noted below, each CAA container was closed, in good condition, and labeled with the words “Hazardous Waste,” with an indication of the hazard, and with an accumulation start date. Harvey Point Defense was also storing multiple containers of non-hazardous waste which were in good condition and labeled (Photographs 13-14).

The 5-gallon containers of ACN Lab Waste, Part A Green Paint, and Part W White Paint were each missing either some or all the indications of the hazards. The quart-sized container of MEK was in poor condition and was missing the indication of the hazard. The 5-gallon container from CTEC was not labeled as hazardous waste while awaiting pending analysis. Facility representatives labeled each container with the indication of the hazard during the inspection and overpacked the quart container.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.16(b)(6)(i)], which is a condition of the SQG Permit Exemption, a generator must mark or label its containers with the following: the words “Hazardous Waste”; an indication of the hazards of the contents; and the date upon which each period of accumulation begins clearly visible for inspection on each container.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.16(b)(2)(i)], which is a condition of the SQG Permit Exemption, if a container holding hazardous waste is not in good condition, or if it begins to leak, the generator must immediately transfer the hazardous waste from this container to a container that is in good condition, or immediately manage the waste in some other way that complies with the SQG Permit Exemption.

- **Universal Waste and Used Oil Storage**

Harvey Point Defense manages universal waste batteries, lamps, and aerosol cans at the Recycling Center (Photographs 15-19). The universal wastes were stored under a three-sided shed with a concrete floor and shelving to support containers storing universal waste (Photograph 15). Unless otherwise noted, all universal waste containers were closed, structurally sound, in good condition, properly marked, and were within the 1-year allowable time limit for universal waste.

According to the records provided during the inspection, the facility sent three shipments of universal waste offsite during calendar year 2022. The most recent shipment of universal waste lamps was sent to Cycle Chem, Inc. (PAD067098822) on November 3, 2022. The oldest accumulation start date was August 24, 2022. The inspectors noted one 8-foot container of universal waste lamps that was open on the day of the inspection (Photograph 16). The facility representatives closed this container immediately. Two universal waste nickel-cadmium batteries were not marked “Universal Waste Battery(ies)”, “Waste Battery(ies)”, or “Used Battery(ies)”. Facility representatives immediately placed the batteries into a container that was marked.

Pursuant 15A NCAC 13A .0119(b) [40 C.F.R. § 273.13(d)], a SQHUW must manage universal waste lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment.

Pursuant to 15A NCAC 13A .0119(b) [40 C.F.R. § 273.14(a)], a SQHUW must label or mark each Universal Waste battery or container or tank in which the batteries are contained clearly with one of the following phrases: “Universal Waste - Battery(ies),” or “Waste Battery(ies),” or “Used Battery(ies).”

Harvey Point Defense was storing used pump oil in six 1-liter containers in the Lab (Building 6-40). These containers were in good condition and marked with the words “Used Oil.”

12) Records Review

The inspection team reviewed records after the facility walk through. These records included hazardous waste manifests, inspection records, emergency procedures, a contingency plan, training, and episodic waste generation documentation.

Harvey Point Defense notified as a SQG on April 26, 2022, and as an episodic waste generation facility. The facility notified for three planned episodic generation events on December 28, 2020, April 22, 2021, and April 26, 2022. Hazardous waste manifests associated with the events (#022282665JJK, #022043046JJK, and #023966018JJK), along with the notifications to the Hazardous Waste Section were reviewed, documenting the events.

During the review of the hazardous waste manifests, the inspection team noted a shipment of 30 pounds of waste cyanide solids (D003/P098/P108) and 30 gallons of waste cyanide solution (D003/P098/P108) on December 17, 2020, on manifest #020671721JJK that was not associated with an episodic disposal event. After the inspection, Harvey Point Defense notified the inspection team that these waste determinations were incorrect.

Pursuant to 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11], a person who generates a solid waste, as defined in 15A NCAC 13A .0107(a) [40 C.F.R. § 261.2], must make an accurate determination as to whether that waste is a hazardous waste in order to ensure wastes are properly managed according to applicable RCRA regulations articulated in 15A NCAC 13A .0107(a) [40 C.F.R. § 262.11].

The inspectors reviewed Harvey Point Defense's available records of inspections of the hazardous waste central accumulation area (CAA) since 2021. The inspection log includes a checklist to record observations about leaking containers and for deterioration of containers caused by corrosion or other factors. The records include the date and time of the inspection and the name, signature and initials of the employee conducting the inspection. Employees, Anna Ray and Todd Mowery, do routinely record inspection observations and subsequent follow-up actions on the inspection log. The January 2022 documentation was missing from the forms; however, it was provided by Stephen Oltjen by email on March 23, 2023.

Harvey Point Defense maintains communication for emergencies by utilizing two-way radios and landlines at the CAA in case of an emergency. The required emergency procedures were posted in the CAA. The emergency coordinator is listed as the Security Operations Center. Harvey Point Defense maintains a contingency plan which appears to meet the requirements of a large quantity generator. The facility sent letters of arrangement to local emergency authorities including Perquimans County Emergency Services, Sentara Albemarle Medical Center, and Bethel Volunteer Fire Department on October 12, 2018, which were reviewed.

Facility representatives stated that their waste minimization efforts centered on recycling of lead bullets and solar panels. All personnel receive initial waste disposal/spill response training which is reviewed annually. All persons were trained in 2022.

Stephen Oltjen and the inspection team discussed the applicability of 40 CFR 266 Subpart P. This regulation applies to facilities if they have a healthcare facility and generates any hazardous waste pharmaceuticals. If these two conditions exist, then the facility must comply with Subpart P requirements and notify the NCDEQ of their activity as a healthcare facility.

13) Closing Conference

The inspectors conducted the exit meeting at 2:45 pm with Stephen Oltjen. During this meeting, the inspectors stated their preliminary conclusions of the inspection. Harvey Point Defense agreed to provide missing inspection records within a week of the inspection. On March 23, 2023, Stephen Oltjen provided the missing records in an email to Alan Newman.

14) List of Appendices

Appendix 1 – Photo Log:

15) Signed

ARACELI CHAVEZ

 Digitally signed by ARACELI CHAVEZ
Date: 2023.05.25 17:49:58 -04'00'

For Alan Newman
Environmental Engineer

16) Concurrence

ARACELI CHAVEZ

 Digitally signed by ARACELI CHAVEZ
Date: 2023.05.25 17:50:25 -04'00'

Araceli B. Chavez
Chief
RCRA Enforcement Section

Appendix 1 – Photo Log

20 Photos taken on: March 22, 2023

Photos taken by: Alan Newman

Photographs taken with Lumix Digital

EPA Property Tag: S75870

Appendix 1

Photograph Log:

Photographs taken by Alan Newman
Photographs taken with Lumix Digital
EPA Property Tag: S75870



Photograph 1: Base SAA.



Photograph 2: Base SAA.



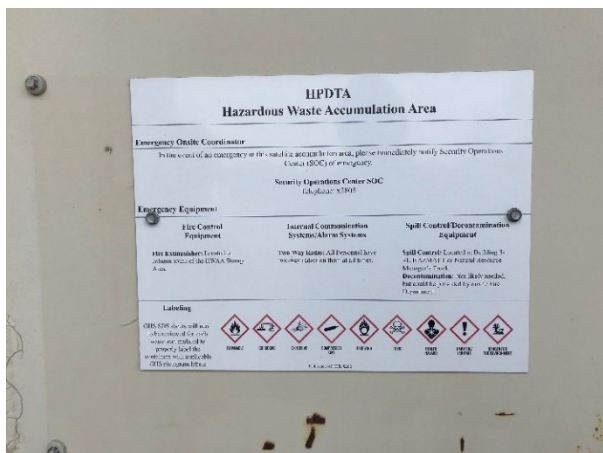
Photograph 3: Base SAA.



Photograph 4: Base SAA.



Photograph 5: Base CAA.



Photograph 6: Base CAA.



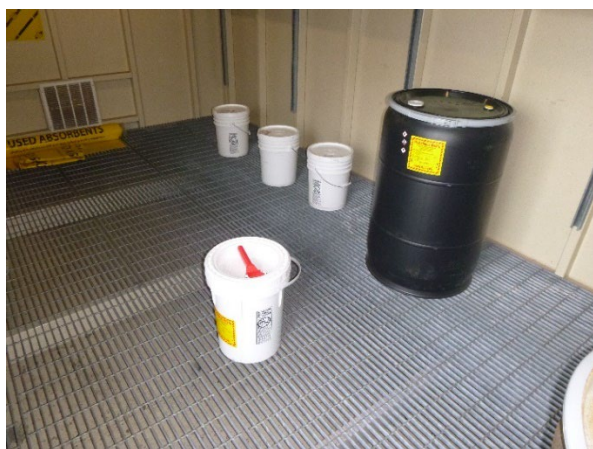
Photograph 9 Base CAA.



Photograph 7: Base CAA.



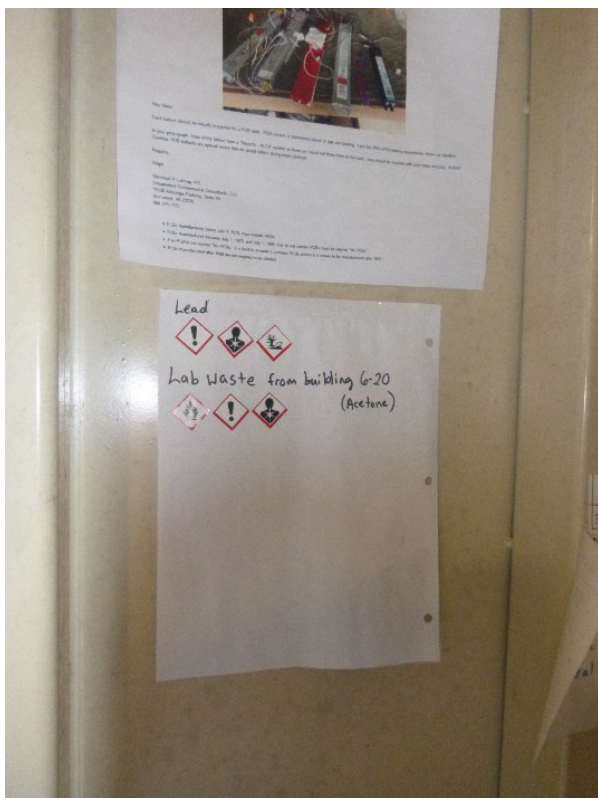
Photograph 10: Base CAA.



Photograph 8: Base CAA.



Photograph 11: Base CAA.



Photograph 12: Base CAA.



Photograph 13: Base Non-hazardous Waste.



Photograph 14: Base Non-hazardous Waste.



Photograph 15: Base Universal Waste.



Photograph 16: Base Universal Waste.



Photograph 18: Base Universal Waste.



Photograph 19: Base Universal Waste.



Photograph 17: Base Universal Waste.

HAZARDOUS WASTE CONTAINER STORAGE AREA INSPECTION CHECKLIST

North Carolina, Year 2023

Instructions: Weekly, place a "Yes" next to all applicable items that meet facility rules. Place a "No" next to all inspection items that do not meet the rules. Please provide specific comments on all "No" marked items. If an weekly inspection is completed, initial or sign initial at the bottom of the table. Report all "No" marked items to appropriate supervisor.

Inspection Item	Inspection Period				Comments on Inspection Item
	2nd	3rd	4th	Date	
Number of Containers in 50k	24	24	24	24	
Containers (Material) sealed	Yes	Yes	Yes	Yes	
Properly	Yes	Yes	Yes	Yes	
Containers Piled Properly	Yes	Yes	Yes	Yes	
Containers Sealed 180 Days or Less	Yes	Yes	Yes	Yes	
Containers Covered to the Top or Lead-2000-2.0	Yes	Yes	Yes	Yes	
Containers Covered with Ground	Yes	Yes	Yes	Yes	
Truck or Trailer	Yes	Yes	Yes	Yes	
Containers observed without	Yes	Yes	Yes	Yes	
Signs of Corrosion	Yes	Yes	Yes	Yes	
Appropriate Aisle Space	Yes	Yes	Yes	Yes	
Measurement	Yes	Yes	Yes	Yes	
Containers Sealed 180 Days or Less	Yes	Yes	Yes	Yes	
Inspector's Initials	TM	TM	TM	TM	

Container Conditions
 Severely Damaged? ☒ No
 Damaged? ☒ No

Accumulation Point:
 Telephone in working order? ☒ Radio
 Spill Equipment Present? ☒ Yes
 Fire Extinguisher Present? ☒ Yes

Overall Comments: _____ Date: 2-24-23

Reviewed by: Todd Mowery

Note: State and Federal regulations require that this inspection be performed weekly.
 Form (revised 9-0-0) Environmental Compliance & Waste Management/Condition Waste Inspection

Photograph 20: Inspection sheet.