

RCRA Inspection Report

1) Inspector and Author of Report

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2) Facility Information

AERC Acquisition Corporation d/b/a DART, A Clean Earth Company
4132 Pompano Road
Charlotte, NC 28216 EPA ID# NCD121700777

3) Responsible Officials

Mr. Trent Dilworth, EHS Manager

4) Inspection Participants

Trent Dilworth, AERC Acquisitions	Mark Burnette, NCDEQ
Laurie Benton DiGaetano, USEPA	Jack Kitchen, NCDEQ

5) Date of Inspection

March 5, 2020

6) Applicable Regulations

Resource Conservation and Recovery Act (RCRA) Sections 3002 (42 U.S. Code – Annotated U.S.C.A. 6925 and 6927), Title 15A of the North Carolina Administrative Code (NCAC), Chapter 13; and 40 Code of Federal Regulation (C.F.R.), Parts 260 - 270, 273, 278, & 279.

7) Purpose of Inspection

The purpose of this inspection was to conduct an unannounced compliance evaluation inspection to determine AERC Acquisition Corporation d/b/a DART, A Clean Earth Company's compliance with the applicable requirements of RCRA and the corresponding NCDEQ regulations. This was an EPA lead inspection.

8) **Facility Description**

AERC Acquisitions Corporation d/b/a DART, A Clean Earth Company (Clean Earth) owns and operates a commercial waste management facility on approximately 3 acres at the far north side of Charlotte, North Carolina. The facility is an off-site hazardous and non-hazardous waste storage and treatment facility operating under the NAICS Code 562211 for Hazardous Waste Treatment and Disposal. Clean Earth has eight employees at this location, who operate on a single shift on Monday through Friday. The facility accepts bulk and containerized wastes which include, but are not limited to, organics (including halogenated solvents), oils, paints, pigments, cyanides, corrosives, heavy metal bearing wastes, lab packs, and non-hazardous waste. The facility stores these wastes in containers and tanks; treats waste in containers and tanks; bulks, consolidates, and comingles wastes for transportation; treats wastewaters; blends fuels; and unpackages and repackages laboratory chemical wastes on-site.

In February 1993, Heritage Environmental Services received the Hazardous Waste Management Permit Number NCD121700777 for the subject facility. In 2011, the facility was purchased by DART Acquisitions, LLC, and it was purchased again by Clean Earth in 2018. AERC Acquisitions Corporation d/b/a DART, A Clean Earth Company (Clean Earth) is currently permitted at this location to store and treat RCRA hazardous wastes from a wide variety of off-site sources, including but not limited to manufacturing facilities, remediation sites, other waste treatment and storage facilities, and transporters. In general, hazardous wastes managed at the Clean Earth facility may include solids, liquids, and sludges; contaminated soils and debris; organic waste streams such as inks, paints, solvents and other hydrocarbons; contaminated wasters and leachate; lab packs; and treatment residues from other waste treatment and storage facilities. The facility is also a large quantity generator (LQG) of hazardous waste.

According to the Permit, the facility is completely surrounded by a 6-foot metal chain-link fence topped with three strands of barbed wire. Access to the property by unauthorized persons is limited to a single main entrance vehicle gate and two pedestrian gates. These gates are normally kept in the closed position and can only be opened by Clean Earth personnel using a remote controller or a key. Each access gate has a sign with the legend, "Danger – unauthorized personnel keep out." The typical operating hours of the facility are between the hours of 7:00 am and 5:00 pm Monday through Friday, and the facility incorporates a contracted monitoring company as part of a 24-hour surveillance monitoring program.

Clean Earth operates various waste management systems and programs for managing hazardous wastes at the subject facility. Hazardous wastes that are shipped to Clean Earth for transfer to another treatment, storage or disposal facility (TSDF) may be simply stored on-site before transfer, or they may be combined with similar wastes prior to transfer in shipments of consolidated containers or bulk loads. Containerized waste that is

amenable to chemical and/or physical treatment may be treated on-site in tanks or containers using chemical fixation (stabilization / solidification), metals precipitation, chemical oxidation/reduction, cyanide destruction, or acid/base neutralization treatment activities. Hazardous waste inks, paints, solvents, petroleum hydrocarbons and other appropriate organic waste materials may be treated on-site in the fuels blending process.

The permitted hazardous waste management units (HWMUs) at the Clean Earth facility consist of eight dedicated areas for the storage and treatment of wastes in containers and six dedicated tanks for the storage and treatment of wastes in bulk. Container areas 1A, 1B, 1C, 2, 3 and 3A may be used to store and treat wastes in containers up to 600-gallons. Container areas 4 and 5 may be used to store and treat waste in roll-off boxes or smaller containers. Tanks B, 2, 3, 4, 5 and 6 are bulk hazardous waste management units for the storage and treatment of hazardous waste. The aqueous treatment waste management system is comprised of three 23,000-gallon tanks (#2, 3 and 4) and one 10,000-gallon tank (tank B). Containerized aqueous based wastes are pumped into these storage / treatment tanks for treatment. Bulk shipments of aqueous based waste are typically unloaded into Tanks 2, 3 or 4 prior to treatment in Tank B, but these bulk shipments are occasionally unloaded directly into Tank B. All of the tanks in the aqueous treatment waste management system can be used for either storage and/or treatment. The supplemental fuels blending waste management system is comprised of two 17,000-gallon tanks (#5 and 6).

Prior to accepting the waste on-site, Clean Earth requires generators to provide a waste profile for each hazardous waste stream, and those profiles must be reevaluated on an annual basis. The profiles must also be reevaluated when the process or operation generating the hazardous waste changes in a way that affects the key characteristics of the waste; when Clean Earth determines that the waste received at its facility is not consistent with the current waste stream information; or when the results of an inspection indicate that the waste does not match the waste on the accompanying manifest or shipping paper. Following the reevaluation, the generator must either provide a new waste profile, or certify that the waste stream information in the current profile is still accurate and the process generating the waste has not changed.

Clean Earth operates an on-site laboratory capable of conducting select analysis or screening procedures related to fingerprint testing that is required by the facility's waste analysis plan. In addition to oxidizer screening, water reactive screening, sulfide screening, and compatibility and flammability screening, these procedures also include observing for visual characteristics (such as color and whether the waste is a sludge, solid, or liquid), checking for perceptible odors, and determining pH. The laboratory is also capable of conducting metals, volatiles, semi-volatiles and PCB analyses.

Prior to waste being bulked, consolidated or commingled, Clean Earth employees must conduct a compatibility test by mixing representative portions of the wastes to be bulked, consolidated or commingled together at the same temperature and approximate volume

proportions in a laboratory bench test. The different waste streams are considered to be incompatible if any of the following conditions are observed with the mixture during the laboratory bench test: evolution of gas characterized by intense bubbling or foaming; rapid heat release as evident by the bench container becoming hot to the touch or through physical measurement of the waste's temperature rise of greater than 15° F; the mixture begins to create steam during and after mixing; the mixture begins to smoke, spatter or react in a violent manner; or the mixture produces uncontrolled gases, fumes, mists or dust in sufficient quantities as to pose a health and safety risk.

Clean Earth processes hazardous wastewater in an aqueous wastewater treatment system. Hazardous wastes treated in this system include, but are not limited to aqueous hazardous wastes, acid wastes, caustic wastes, oxidizers, metal plating wastes, cyanide-bearing wastes, organic contaminated wastewaters, groundwater, environmental media, wastewater treatment residues, liquids, and water-soluble sludges and solids. The on-site wastewater treatment processes include acid / base neutralization, metals precipitation, chemical oxidation / reduction, alkaline cyanide destruction, and air stripping and thermal stripping of volatile organics. The storage and treatment tanks (Tanks 2, 3, 4 and B) and the two process units (the Air Stripper and the Thermal Stripper) associated with this system are subject to regulations under 307(b) of the Clean Water Act, permitted by the local Publicly Owned Treatment Works, and exempt from hazardous waste permitting as defined under 40 C.F.R. § 160.10. The facility is authorized to discharge wastewater to the City of Charlotte under the Industrial Pretreatment Program pursuant to Permit Number 1020, which expires on 06/30/2020.

Wastes are treated in the aqueous wastewater treatment system by mixing them with reagents, which are added according to the prescribed treatment protocol. When treatment is complete, the wastewater is allowed to phase separate into its liquid and sludge components. The sludge gravity settles to the bottom of the tank and then it is sent through the facility's filter press for further dewatering. The dewatered sludge, referred to as filter cake, is placed into a roll-off bin located directly under the filter press. The filter cake is characterized as D002 / F006 / F007 / F008 / F009 / F012 / F019 hazardous waste spent toxic, corrosive solids from wastewater treatment of electroplating rinsewaters containing cadmium, chromium, lead, silver and it is shipped to a permitted waste management disposal facility.

Wastewaters contaminated with a low percentage of solvents are treated on-site using a combination of thermal stripping and air stripping. First, these wastewaters are placed into the thermal stripping unit, which elevates the temperature of the wastewater (between 100° and 120° F) while under a constant vacuum. The elevated temperatures increase the vaporization potential of the volatile organics. The wastewater is then sent through an air stripper to remove any residual volatile organics prior to discharge into the sewer system, and the volatilized organic vapors pass thorough a condensing unit where they phase transition back to a liquid state. The distilled and purified liquid can be sold as reclaimed solvent. The Thermal Stripper Unit and Air Stripper Unit are both exempt from

regulatory permitting under RCRA because they are operated as wastewater treatment units as defined under 40 C.F.R. § 160.10 in the aqueous treatment area.

Although thermal stripper and air stripper units are included on the list of process units subject to Subpart AA standards, Clean Earth's on-site units are exempt from Subpart AA regulations because they are operated as wastewater treatment units. The equipment (valves, pumps, flanges, etc.) associated with the thermal stripper unit is also exempt from Subpart BB regulations since it is part of a wastewater treatment unit. The equipment (valves, pumps, flanges, etc.) associated with the condenser unit contacts waste with an organic concentration greater than ten percent by weight but is also exempt from Subpart BB regulations since the entire system is under vacuum service. Similarly, Tanks 2, 3, 4 and B are exempt from Subpart CC regulations because they are operated as wastewater treatment units.

Clean Earth processes ignitable wastes in the supplemental fuel blending program at the subject facility. Hazardous wastes treated in this system typically consist of ignitable spent solvents, paints, inks, etc., or ignitable wastewaters contaminated with volatile organic compounds which are processed first by air/thermal stripping to remove the VOCs. The supplemental fuel blending waste management system is comprised of two 17,000-gallon vertical, cylindrical, dish bottom storage / treatment tanks (#5 and 6).

Tanks 5 and 6 are used to store organics whose concentration will be greater than 10 percent by weight, and all the ancillary equipment pipes, valves, pumps, flanges, sampling ports, etc.) associated with these tanks are subject to Subparts BB and CC regulations. These tanks use Level 2 standards to meet Subpart CC regulations by venting to a control device capable of achieving a 95% or greater removal rate efficiency. The control drive mechanism is a carbon adsorption system with a carbon canister that is not regenerated on-site. The closed-vent system is designed to operate at a pressure below atmospheric pressure, and it is equipped with at least one pressure gauge or other pressure measurement device to verify that negative pressure is being maintained in the closed-vent system when the control device is operating. Pursuant to the Permit, the closed-vent system must be visually inspected by the operator to check for defects that could result in air pollutant emissions. Defects include, but are not limited to, visible cracks, holes, or gaps in ductwork or piping or loose connections. The carbon canisters must be monitored by measuring the concentration levels of the organic compounds in the exhaust vent stream on a regular schedule. The carbon canisters must be immediately replaced with fresh carbon following an indication of carbon breakthrough.

9) Previous Inspection History

NCDEQ has conducted at least one RCRA CEI at the subject facility every year for the past twenty years. The facility also receives frequent RCRA Focused Compliance Inspections (FCIs) under the NCDEQ Resident Inspector Program.

Following a RCRA CEI on 04/05/2016, a RCRA FCI on 10/25/2017, and a RCRA FCI on 12/19/2017, NCDEQ issued an Immediate Action Notice of Violation (IANOV) to the facility for the absence and/or deteriorated condition of the chemical resistant coatings throughout the secondary containment on the floor and trench system in the Supplemental Fuels Blending section of the building, and within the trench system in the Aqueous Treatment Section of the building and for inadequate daily inspections of the secondary containment system due to the presence of waste in the trenches.

10) **Findings**

On 03/05/2020, EPA inspector Laurie Benton DiGaetano, accompanied by NC DEQ inspectors Mark Burnette and Jack Kitchen, arrived at the subject Clean Earth facility at approximately 10:15 a.m. Mr. Trent Dilworth, EHS Manager, received the inspectors. The inspectors introduced themselves, showed their credentials, and explained the purpose of the visit. Following an initial file review, Mr. Dilworth took the inspectors on a tour of the Facility operation.

Container Storage Areas 1A, 1B and 1C: The facility walk-through began in container storage areas 1A (oxidizers), 1B (corrosives) and 1C (corrosive acids), which are located within the same room inside the main building. The base or floor of the containment areas is a six-inch reinforced poured concrete floor, and each area has its own secondary containment designed with a six-inch containment curb, blind sumps and/or trenches. According to the permit, the secondary containment area is coated with a chemical resistant epoxy sufficiently impervious to contain leaks and spills. When liquids from leaks or spills are discovered, they must be immediately removed and cleaned up. If the spill or leak cannot be attended to immediately, it must be removed before the end of the working shift, but no later than 23 hours after discovery.

Container sizes in this area can range from 1-gallon jugs or smaller to 600-gallon totes with various sizes in between. Laboratory packed containers typically hold smaller sizes. Containers used to hold hazardous waste can be new, reused, or reconditioned and must meet applicable DOT specifications as applicable. The inspectors observed that the containers in these areas were identified with a hazardous or non-hazardous waste label, an internal tracking label, and a DOT label; they were compatible with the indicated waste; they were closed; they were not leaking or deteriorated; and they were separated with adequate aisle space of at least two feet. All hazardous waste labels included the words "hazardous waste," an accumulation date, hazardous waste codes, the generator's name and address, and a manifest tracking number. None of the containers in these areas had been stored greater than one year. The inspectors observed stacked 55-gallon drums, totes and some 30-gallon or less type containers stacked. The stacked containers were no more than two-high, and the 55-gallon drums were stacked using wooden pallets.

The inspectors observed dedicated emergency response equipment in each of the container storage areas. This equipment included an evacuation alarm, fire extinguishers, fire blankets, air horns, and an emergency shower and eyewash station.

Loading / Unloading Area: Next, the inspection participants visited the facility's loading and unloading area, where an employee was staging two pallets of flammable hazardous waste for bulking and additional pallets of 55-gallon drums, totes and cubic yard boxes for in-processing.

Container Storage Areas 2, 3 and 3A: Container storage areas 2, 3 and 3A are located within the same room inside the main building. The base or floor of the containment areas is a six-inch reinforced poured concrete floor, and each area has its own secondary containment designed with a six-inch containment curb, blind sumps and/or trenches. According to the Permit, the secondary containment area is coated with a chemical resistant epoxy sufficiently impervious to contain leaks and spills. When liquids from leaks or spills are discovered, they must be immediately removed and cleaned up. If the spill or leak cannot be attended to immediately, it must be removed before the end of the working shift, but no later than 23 hours after discovery.

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The inspectors observed stacked 55-gallon drums and totes in these container storage areas. Area 2 was divided into three rows of containers separated by aisle spacing. Area 3 was divided into four rows, and Area 3A was divided into three rows. Containers were not stacked more than two-high, and 55-gallon drums were stacked using wooden pallets. The inspectors also observed dedicated emergency response equipment in this area. This equipment included evacuation, fire and LEL alarms, fire extinguishers, fire blankets, air horns, and an emergency shower and eyewash station.

Container Storage Areas 4 and 5: Containment Areas 4 and 5 are located outside. Each area has a metal roof completely covering the containment area and each has a secondary containment system. According to the permit, each secondary containment system is capable of containing a 24-hour / 25-year rainfall event. Containment Area 4 is designed to store two twenty cubic yard roll-off boxes next to the south building wall for a

permitted volume capacity totaling 8,000 gallons. Containment Area 5 is designed to store one roll-off box plus an additional 1,000 gallons in smaller type containers (e.g., totes, 55-gallon drums, etc.) for a total permitted volume of 5,000 gallons. Other smaller containers (i.e. totes, drums, etc.) may be stored in lieu of a roll-off box in either Area 4 or Area 5 so long as their equivalent in gallons does not exceed that of the total roll-off boxes capacity or 4,000-gallon equivalent per box. Containers may be placed directly on the floor or on pallets as appropriate.

The inspectors observed two roll-off type boxes in Containment Area 4. Mr. Dilworth explained that these containers are staged here to store treated wastewater before it is discharged to the City of Charlotte. No hazardous waste containers were observed in Containment Area 4. The inspectors observed numerous containers (mostly 55-gallon drums) in Containment Area 5. These containers were either empty or contained non-hazardous waste.

Wastewater Treatment Area: The treatment and disposal of RCRA hazardous wastewaters within the aqueous treatment system is subject to regulations under 307(b) of the Clean Water Act and permitted by the Charlotte POTW to discharge to the city's sanitary sewer system. Because these tanks are wastewater treatment units as defined in 40 C.F.R. § 260.10, they are exempt from RCRA permitting under 40 C.F.R. § 264.1(g)(6). However, four of the tanks (Tanks B, 2, 3 and 4) are permitted for the storage of hazardous waste liquids under the Permit.

Tanks 2, 3 and 4 are 23,000-gallon vertical, cylindrical storage / treatment tanks installed in 1984, and Tank B is a 10,000-gallon vertical, cylindrical storage / treatment tank. Tank B installed in 1993. Although these tanks are all equipped with digital volume level indicators and high-level alarms for spill prevention control, the waste feed system is a manual system monitored by the system operator. After completing the waste acceptance and compatibility testing procedures, the Clean Earth employee verifies that the receiving tank has sufficient volume space to hold the load. Tankers and containers off-loaded into the treatment and/or storage tanks are under the direct control of the operator who must be trained in the loading / unloading, operational and emergency procedures regarding the tank system. The high-level alarms activate when the tank reaches 90% of its fill capacity.

Secondary containment for these tanks is provided by the Aqueous Treatment System section of the building. According to the permit, the base of the containment area is 6" poured, reinforced concrete and is sloped to a dedicated trench and blind sump with water stop barriers located at the construction joints. The concrete floor, curbing, trench and sump must be coated with a chemical resistant epoxy, free of cracks or gaps and sufficiently impervious to contain leaks and spills until the collected material is detected and removed.

The inspectors observed a roll-off container staged beneath the filter press in this area. The filter press was not actively discharging sludge, and the top of the container was closed with a tarp cover. The container was labeled as F006 / F007 hazardous waste solids, it was identified with poison and toxic hazard placards, and it was marked with an accumulation start date of 02/20/2020.

Supplemental Fuel System Area: The treatment and storage of RCRA ignitable hazardous waste within the supplemental fuel blending program is done using Tanks 5 and 6. These tanks are located under a metal roof just outside of container storage areas 2, 3 and 3A in the main building. The facility's air stripper and thermal stripper units are also located in the Supplemental Fuel System area.

Tanks 5 and 6 are 17,000-gallon vertical, cylindrical, dish-bottom storage / treatment tanks. Although these tanks are all equipped with digital volume level indicators and high-level alarms for spill prevention control, the waste feed system is a manual system monitored by the system operator. After completing the waste acceptance and compatibility testing procedures, the Clean Earth employee verifies that the receiving tank has sufficient volume space to hold the load. Tankers and containers off-loaded into the treatment / storage tanks are under the direct control of the operator who must be trained in the loading / unloading, operational and emergency procedures regarding the tank system. The high-level alarms activate when the tank reaches 90% of its fill capacity.

Secondary containment for these tanks is provided by the Supplemental Fuel System section of the building. The base of the containment area is 6" poured, reinforced concrete and is sloped to a trench. Construction joints include the use of water stop barriers. The concrete base of the containment area must be coated with a chemical resistant coating, be free of cracks or gaps and be sufficiently impervious to contain leaks and spills until the collected material is detected and removed.

The inspectors noted that Tanks 5 and 6 were labeled with the words "hazardous waste" and marked with the appropriate NFPA designation. The tanks appeared to be free of structural defects, corrosion, and seam cracks, and no evidence of leakage, wet spots or spills were observed in the Supplemental Fuel System section. According to Mr. Dilworth, Tank 6 is not currently used to store or treat incoming wastes, due to the high level of sludge in the tank.

The air stripping and thermal treatment units were also observed next to the wall in this area. These units also appeared to be free of structural defects and corrosion, and no evidence of leakage, wet spots or spills were observed in the area surrounding the units.

Container Storage Area Inspection Records: The inspectors reviewed records of daily inspections of the container storage areas conducted between 01/01/2019 and 03/04/2020. Daily container storage area inspections are intended to verify that the container lids,

rings and bungs are tightly closed; that containers are free from excessive corrosion, buckling, dents or holes; and that containers do not exhibit any other signs of structural defects, deterioration or over-pressurization. All inspections conducted during a given month are recorded on a single sheet of paper. Inspectors record the date and time of the inspection and sign off for that day. Inspectors indicate whether all containers are labeled “hazardous waste;” are labeled with an accurate DOT label; are properly marked with a waste accumulation date; do not show any visible cracks, holes, or gaps (Subpart CC); do not show evidence of spills or leaking; are properly segregated; are located in correct storage area; and have been in storage less than one year.

Secondary containment areas in which containers are located are also inspected daily during the container area inspections, and the inspectors record any observed damage to the secondary containment system. The inspections focus on the condition of sump pits and trenches to ensure that they are free of cracks or gaps and are sufficiently impervious to contain leaks, spills, and accumulated liquids until the collected material is detected and removed. Inspectors also identify the status of warning signs, availability and accessibility of spill control and PPE, and the adequacy of aisle space and access / egress routes.

Emergency Equipment Inspection Records: The inspectors reviewed records of weekly inspections of the emergency equipment conducted between 01/01/2019 and 03/04/2020. All inspections conducted during a given month are recorded on a single sheet of paper. Inspectors record the date and time of the inspection and sign off for that day. Inspectors indicate whether the fire extinguishers are present, charged and inspected; whether eye wash and safety showers are flushed and operational; whether first aid kits are present and stocked; whether exit lighting is functional and illuminated; whether audible air horns are present and charged; whether toxic gas and LEL monitors are operating; whether the emergency storage shed is properly stocked; whether the evacuation alarm is functional; and whether the fire and sprinkler system is armed and ready.

Security Inspection Records: The inspectors reviewed records of weekly inspections of the security system conducted between 01/01/2019 and 03/04/2020. All inspections conducted during a given month are recorded on a single sheet of paper. Inspectors record the date and time of the inspection and sign off for that day. Inspectors indicate whether the fence is structurally secure and free of large gaps or holes; whether the automated main gate is closed and operational; whether the warning signs are present and visible; whether the hazardous waste storage area locks are present and functional; whether the security alarm is present and functional; whether the pedestrian gates are closed and secured; and whether the facility appears secure and free of signs of vandalism.

Hazardous Waste Tank Inspection Records: The inspectors reviewed records of daily inspections of the hazardous waste storage and treatment tank systems conducted between 01/01/2019 and 03/04/2020. All inspections conducted during a given month are

recorded on a single sheet of paper. Inspectors record the date and time of the inspection and sign off for that day. Inspectors indicate whether evidence of leakage, wet spots or spills are observed; whether the tanks are free of structural defects, corrosion, and seam cracks; whether pumps and valves show evidence of leaking; whether bolts, fittings or connections are loose; whether piping and ancillary equipment shows evidence of damage or leaks; whether the high level alarms are clean and operational; whether the tanks are properly labeled with the words “hazardous waste” and the waste codes; whether the tanks are marked with the appropriate NFPA designation; and whether evidence of damage to the secondary containment is observed.

Secondary containment areas in which hazardous waste storage and treatment tanks are located are also inspected daily during the tank system inspections. These inspections focus on overfill control and equipment condition to detect any signs of corrosion or releases of waste from the tanks or ancillary equipment, and on the condition of the containment surface to ensure that it is free of cracks or gaps and is sufficiently impervious to contain leaks, spills, or accumulated liquids until the collected material is detected and removed. Inspectors also identify the status of warning signs, the availability and accessibility of spill control and PPE, and the adequacy access routes in the tank areas.

Tank Assessment Report: The inspectors reviewed the facility’s most recent tank assessment report, dated 08/29/2011. The report indicated that Superior Services performed API 653 external, ultrasonic thickness and internal inspections on Tanks 2-6 and on Tank B. The tanks received an engineering certification on 10/17/2011, and Superior Services recommended that the ultrasonic thickness inspection be performed again in calendar year 2026.

Subpart BB Monitoring Records: All Subpart BB weekly visual inspections and monthly monitoring of Tanks 5 and 6 conducted during a given month are recorded on a single sheet of paper. The inspectors reviewed records of these weekly inspections and monthly monitoring conducted between 01/01/2019 and 02/14/2020. Each monitoring log includes a Subpart BB equipment tag list, and a space to record the date and time of the inspection / monitoring event and the name of the employee conducting the activity. Records show that employees conduct weekly visual inspections looking for wet spots or drips associated with the identified pumps, valves, and flanges or threaded connections, and verifying that open ended valves and lines are properly capped. Records also show that employees conduct monthly monitoring of pressure relief vents, pumps, and flanges or threaded connections, and that the equipment is calibrated prior to the monitoring event.

Subpart CC Monitoring Records: The inspectors reviewed records of Tank 5 and 6 annual Subpart CC visual inspections and monitoring conducted on 01/22/2020. These tanks are regulated as Level 2 fixed roof tanks vented through a closed-vent system connected to a carbon canister control device. The closed vent system components (welded, flanged, and bolted joints), seams, other connections, and piping or ductwork;

the control device; and the carbon adsorption canisters were all monitored. Employees also performed a visual inspection looking for visible cracks, holes, and gaps on these components, on closure devices, fixed roofs, manways, hatched lids, and pressure relief valves on each of the tanks. Annual Subpart CC monitoring was also conducted on 01/31/2019 and 01/26/2018.

Hazardous Waste Training Records: Section H of RCRA Permit Application includes the job titles, the job duties, the requisite skill, education or other qualifications, and the required initial and annual training for positions related to hazardous waste management at the facility. These positions include the Professional, the Supervisor, and the Hazardous Waste Technician. In addition, the inspectors reviewed records verifying that the employees filling those positions have received the required hazardous waste training. The RCRA Refresher / Annual Review training modules include: the waste analysis plan, universal hazardous waste manifest, land disposal restriction, the contingency plan, preparedness and prevention, container management and storage tanks waste management, storage and waste segregation, universal waste management, satellite accumulation, SPCC plan, and stormwater permit conditions.

Contingency Plan: The facility's contingency plan was submitted with the permit renewal application in April 2013. Records show that the plan was last revised in July 2019 to update the list of emergency coordinators for the facility. Copies of the plan were sent to Charlotte Mecklenburg Emergency Management, Charlotte Mecklenburg Police Department (CMPD), Charlotte Fire Department (CFD), Mecklenburg County Sheriff, Carolinas Medical Center, Shamrock Environmental, EPA Region 4, NCDEQ, Mecklenburg County Manager, Mecklenburg County Land Use and Environmental Services, Mecklenburg County Health Director, City of Charlotte Mayor, City of Charlotte City Manager, Clerk to the Board, and City of Charlotte City Clerk.

The contingency plan includes a list of emergency coordinators and emergency telephone numbers. It describes the emergency alarm system and the actions to be taken in the event of a fire, explosion, container leaks or spills, storage or treatment tank spill, bulk liquid spill, transfer operation spill, or release of toxic vapors, gases or fumes. The plan includes coordination agreements with Charlotte Mecklenburg Emergency Management, CMPD, CFD, Mecklenburg County Sheriff, Carolinas Medical Center, and Shamrock Environmental. It includes an evacuation plan and map, a site map, and a list of available emergency equipment. The equipment list identifies and describes each type of equipment, identifies where it is located and its specific capabilities.

A quick reference guide was added to the contingency plan on 06/07/2019. The quick reference guide identifies the emergency coordinators, the emergency phone numbers, the potential hazards at the facility, and the available emergency equipment at the facility. The guide also includes a site map and an evacuation plan.

Hazardous Waste Manifest Records: Due to the number of hazardous waste manifest records associated with the subject facility, the inspectors randomly selected a number of records from calendar years 2019 and 2020 for review. Destination facilities associated with those records included AES Belleville, EQ Canton, Geocycle, Giant Cement, and Green America. Signed copies of the manifests had been returned from the associated destination facility, and no deficiencies were noted on the selected records.

11) **Out-Briefing**

The inspectors conducted the exit meeting with Mr. Dilworth. During this meeting, the inspectors stated their preliminary conclusions of the inspection.

12) **Conclusion**

Based on the observations made during the inspection, Clean Earth was not apparently deficient with the RCRA requirements.

13) **Signed**

Laurie Benton DiGaetano
Senior Enforcement and Compliance Specialist

Date

Concurrence

Parvez Mallick
Acting Chief, Land, Asbestos and Lead Section
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division

Date