

N.C. Department of Environment and Natural Resources

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STATE FINES EQ NORTH CAROLINA, PROPOSES PERMIT TERMINATION

RALEIGH — The Division of Waste Management has cited the EQ North Carolina facility – site of a fire in Apex last October – for violations of the state’s Solid Waste Management Act and Hazardous Waste Management Rules. DWM is also proposing to terminate the company’s hazardous waste permit.

The compliance order, which comes with an administrative penalty of \$553,225, states that EQ North Carolina did not comply with certain permit conditions associated with general facility standards, preparedness and prevention, contingency plan and emergency procedures and recordkeeping and reporting. In addition, the order states that EQ did not comply with permit conditions associated with prohibitions on storage and certain groundwater monitoring provisions. According to the compliance order, incidents involving chemical reactions, fires and waste releases occurred at the EQ facility prior to the Oct. 5 fire, and none of the events were reported to the Division of Waste Management or entered into EQ’s operating record, as required by state regulations.

EQ may contest the compliance order by filing a written petition for a contested case hearing. If no contested case petition is filed, the administrative penalty must be paid by EQ within 60 days of receipt of the compliance order.

A Proposed Permit Termination has also been issued, with a public notice about this topic and a related public hearing to be published in *The News & Observer* on March 7, 2007. The Proposed Permit Termination has been prepared for EQ North Carolina under the Federal Resource Conservation and Recovery Act (RCRA). EQ North Carolina must close the hazardous waste-permitted portions of the facility in accordance with associated rules and the facility closure plan included in the permit.

“Our actions today send a clear message that the state of North Carolina will not tolerate non-compliance with rules and non-reporting of incidents that occur at commercial hazardous waste facilities across the state,” said Division Director Dexter Matthews.

The public can respond to the proposed permit termination through April 23, 2007. All comments received during the public comment period or at the related public hearing will be considered in the decision regarding the proposed permit termination. Comments received after the public comment period will not be considered. Rules governing these actions are found in the N.C. Hazardous Waste Management Rules. These rules adopt the requirements of the RCRA as amended by the Hazardous and Solid Waste Amendments of 1984.

A public hearing will be held April 12, 2007, at 7 p.m. in the Apex Town Council Chambers at 73 Hunter Street in Apex. All attendees will have the opportunity to present oral statements regarding the proposed permit termination and/or to submit written comments and data. Written comments can also be sent during the public comment period of March 7, 2007, through April 23, 2007, to the following address:

Elizabeth W. Cannon, Chief
North Carolina Hazardous Waste Section
MSC 1646
401 Oberlin Road, Suite 150
Raleigh, NC 27699-1646

Copies of the fact sheet outlining the basis for the determination to propose permit termination are available at the Hazardous Waste Section, located at 401 Oberlin Road, Suite 150 in Raleigh. A copy of the fact sheet can also be found online at <http://www.enr.state.nc.us/html/apex.html>.

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