Message

From: Burch, Brent [brent.burch@ncdenr.gov]
Sent: 7/2/2019 6:33:19 PM
To: Lamberth, Larry [Lamberth.Larry@epa.gov]
CC: Buso, Roberto X [Buso.Roberto@epa.gov]
Subject: RE: [External] AZR

Hi Larry,

The warehouse owner is cc'd on the IANOV but is not being cited or enforced against.

We discussed a compliance schedule yesterday, on our internal call, and whether we wanted to require one as part of the IANOV or if the RTC within 30-days would bring them to the table with a compliance schedule. There were no strong opinions either way so it is currently staying as 30-days, with a compliance schedule to follow.

We have always used language that says, "to a facility permitted to receive the waste," but have not required any pre-approval.

I had heard Region III was having a call with you today. Sounds like they are going to join us in this enforcement issue and I am grateful for that!

Brent G. Burch
Compliance Branch Head, Hazardous Waste Section
Division of Waste Management
N.C. Department of Environmental Quality
P.O. Box 1427
Andrews, NC 28901

Direct Telephone: 828.321.9585
Cellphone: 919.270.2049
Email Address: Brent.Burch@ncdenr.gov

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From: Lamberth, Larry <Lamberth.Larry@epa.gov>
Sent: Tuesday, July 02, 2019 12:57 PM
To: Burch, Brent <brent.burch@ncdenr.gov>
Cc: Buso, Roberto X <Buso.Roberto@epa.gov>
Subject: RE: [External] AZR

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Hi Brent

Couple of questions/suggestions: What about the warehouse owner? Are they being put on notice?

Suggest adding a compliance schedule… I assume this will happen after they receive it.

Approval of destination facilities and copies of manifests.

As for R3 – they are writing a new CD, the current violations will be addressed through stipulated penalties.

Larry L. Lamberth, Chief
Chemical Safety and Land Enforcement Branch
Enforcement and Compliance Assurance Division
United States Environmental Protection Agency
10th Floor Sam Nunn Federal Center
61 Forsyth Street
Atlanta, Georgia 30303

Telephone: 404-562-8590
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From: Burch, Brent <brent.burch@ncdenr.gov>
Sent: Monday, July 1, 2019 4:22 PM
To: Lamberth, Larry <Lamberth.Larry@epa.gov>
Subject: RE: [External] AZR

Hi Larry,

We just finished up our internal call. Hill Davis, with the NC Attorney General's Office, is going to reach out to Joyce Howell, with EPA Region III, but it will be next week before that will happen. Hill wants to confirm our interpretation of the Consent Decree, in that the lead chloride going to any other facility besides "Equidae" should have been sent on a hazardous waste manifest (not protective), and managed as, at a minimum, a D006/D008 hazardous waste.

There were no questions related to the content of our IANOV. The entire discussion revolved around if we want to fight the K061 battle now, and how confident we are that it could not have been shipped/stored at the Mayse Warehouses per the 1995 Consent Decree.

All the call participants are expecting EPA Region III to push AZP from the other side in enforcing the requirements spelled out in the Consent Decree. I suspect that will be part of the discussion between Hill and Joyce.

Anyway, it will be next week before any movement occurs, and I will update you on any decisions made as soon as possible.

Thanks again for all the help you, Alan, Laurie, and Paula provide on these situations.

Enjoy your 4th…Brent

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From: Lamberth, Larry <Lamberth.Larry@epa.gov>
Sent: Monday, July 01, 2019 9:59 AM
To: Burch, Brent <brent.burch@ncdenr.gov>
Subject: RE: [External] AZR

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Hey.

Can u do 10:30 ?

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Sent: Monday, July 1, 2019 9:22 AM
To: Lamberth, Larry <Lamberth.Larry@epa.gov>
Subject: RE: [External] AZR

About 10:00?

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From: Lamberth, Larry <Lamberth.Larry@epa.gov>
Sent: Monday, July 01, 2019 8:54 AM
To: Burch, Brent <brent.burch@ncdenr.gov>
Subject: [External] AZR

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Hey can you talk this am ?

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