



NORTH CAROLINA
Environmental Quality

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

MICHAEL SCOTT

Director

February 04, 2020

CERTIFIED MAIL 9414811899561778946216

RETURN RECEIPT REQUESTED

Diane B Davis, Registered Agent
J. M. Davis Industries, Inc.
812 Arendall St
Morehead City, NC 28557

Re: NOTICE OF VIOLATION OF 15A NCAC 2N .0502(LD12), .0504(LD17), .0505(LD18)
Jim Dandy #1
5035 Hwy 70, Morehead City, NC 28557-4503
Carteret County
Facility ID#: 00-0-0000021591

Dear Diane B Davis:

On January 09, 2020, I conducted a compliance inspection at the above-referenced facility. I observed that underground storage tanks (USTs) at Jim Dandy #1 are not in compliance with North Carolina UST regulations (North Carolina Administrative Code [NCAC] 2N "Criteria and Standards Applicable to Underground Storage Tanks). According to those rules (15A NCAC 2N .0203) J. M. Davis Industries, Inc. is identified as the owner and/or operator of UST(s) at Jim Dandy #1.

The following violations of the state rules (15A NCAC 2N) were observed on January 09, 2020 at Jim Dandy #1. Following each violation are the actions required to correct the violations:

Violation 1: 15A NCAC 2N .0502 LD12; Failure to provide leak detection for pressurized piping systems associated with regulated tanks in accordance with federal regulation 40 CFR 280.41(b)(1)(ii) (as incorporated by 15A NCAC 2N .0502).

Corrective Action(s):

Leak detection must be provided for pressurized piping systems. Please complete one of the following requirements:
1) Conduct a line tightness test for each piping system associated with the regulated tank(s). Line tightness testing is required annually for pressurized piping systems. OR Conduct a line tightness test and apply an acceptable method of monthly monitoring for each piping system associated with the regulated tank(s). Within 30 days of receipt of this notice, please submit a copy of the line tightness test results to the inspector at the address provided. If you choose to implement monthly monitoring then you must also submit, within 30 days of receipt of this notice, copies of the results of your monthly monitoring for the month following the date of receipt of this notice to the inspector at the address provided.

Comment: No current line or leak detector testing.

Violation 2: 15A NCAC 2N .0504 LD17; Failure to conduct 0.2 gallons per hour leak rate tests, according to the automatic tank gauge requirements of federal regulation 40 CFR 280.43(d)(1) (as incorporated by 15A NCAC 2N .0504) at least every 30 days as required by federal regulation 40 CFR 280.41(a) (as incorporated by 15A NCAC 2N .0502).



North Carolina Department of Environmental Quality | Division of Waste Management
217 West Jones Street | 1646 Mail Service Center | Raleigh, North Carolina 27699-1646
919.707.8171

Corrective Action(s):

1) The Division of Waste Management UST Section has determined that the 0.2 gallons per hour leak rate tests have not been conducted for the subject tank(s). The 0.2 gallons per hour leak rate tests are required to be conducted at least once a month. Within 30 days of receipt of this notice, submit copies of the tests for the month following the date of receipt of this notice to the inspector at the address provided. Please include in your response the date that monthly automatic tank gauge testing has been initiated. The Division of Waste Management UST Section recommends that you conduct tests as often as possible during the month to ensure that you will obtain tests that are conducted within the testing parameters established by the automatic tank gauge system's third party standard evaluation.

Comment: The Reg was missing tank leak detection for May 2019. Submit current month of tank leak detection for Tank 2 Reg.

Violation 3: 15A NCAC 2N .0505 LD18; Failure to conduct an annual test of the operation of an automatic line leak detector (MLLD or ELLD) of a pressurized piping system associated with a regulated tank in accordance with federal regulation 40 CFR 280.44(a) (as incorporated by 15A NCAC 2N .0505).

Corrective Action(s):

1) Please conduct a test of the operation of the automatic line leak detector and submit a copy of the results (on a UST-22B, Annual Leak Detection Equipment Operability Check, or equivalent form) within 30 days of receipt of this notice to the inspector at the address provided.

Comment: No line and leak detector testing.

Inspection Comment: NO UST-27. NO UST-23A. NO UST-22A. NO UST-22C. NO RECORDS SUBMITTED PRIOR TO INSPECTION.

Notice of Deficiency:

Deficiency 1: 15A NCAC 2N .0405 RCD1; Failure to notify or provide the Division of Waste Management UST Section with records of compliance with leak detection, periodic inspections, testing and/or upgrading requirements as required by federal regulation 40 CFR 280.34 (as incorporated by 15A NCAC 2N .0405).

Corrective Action(s):

The Division of Waste Management UST Section has noted the following deficiencies with your sites required notifications or record-keeping:

- 1) By June 1, 2020, please submit documentation of the spill bucket integrity test (Form UST-23A), to the inspector at the address provided.
- 2) By June 1, 2020, please submit documentation of the overfill operability check (Form UST-22A), to the inspector at the address provided.

Within 14 days of receipt, or other time frame mentioned above, of this notice, please complete and submit the form(s) checked above and/or provide copies of the records needed to complete the inspection to the inspector at the address provided. In addition you need to submit a copy of any forms listed above to the address located on the form(s). It is recommended that you also keep a copy for your records.

Comment: Tank #D: NO RECORDS SUBMITTED PRIOR TO INSPECTION OR AVAILABLE AT INSPECTION. NO UST-23A or UST-22A.

Deficiency 2: 15A NCAC 2N .0406 MT5; Failure to check the operability, proper operating condition, and proper calibration of overfill prevention equipment every three years, in accordance with the manufacturer's written guidelines and as required by federal regulation 40 CFR 280.35 (as incorporated by 15A NCAC 2N .0406).

Corrective Action(s):

- 1) Check overfill prevention equipment for operability, proper operating condition, and proper calibration in

accordance with the manufacturer's written guidelines and PEI RP 1200 "Recommended Practice for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities". Document the results on the UST-22A form.

By June 1, 2020, please submit a copy of the results of the annual check and other supporting documentation of the completed work on form UST-22A, Overfill Prevention Equipment Operability Check, to the inspector at the address provided.

Comment: NO UST-22A

Deficiency 3: 15A NCAC 2N .0406 MT6; Failure to perform a tightness test of a spill bucket every 3 years as required by federal regulation 40 CFR 280.35 (as incorporated by 15A NCAC 2N .0406).

Corrective Action(s):

1) Conduct a tightness test of the spill bucket for the listed tank(s) in accordance with the manufacturer's written guidelines and PEI RP 1200 "Recommended Practice for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities". Document results on a UST-6D/23A, "Triennial UST Spill Bucket Integrity Testing", form.

By June 1, 2020, please submit the test results on form UST-23A, Triennial UST Spill Bucket Integrity Testing, to the inspector at the address provided.

Comment: No UST-23A

Deficiency 4: 15A NCAC 2N .0407 MT8; Failure to perform periodic operation and maintenance walkthrough inspections as required by federal regulation 40 CFR 280.36 (as incorporated by 15A NCAC 2N .0407)

Corrective Action(s):

Periodic operation and maintenance walkthrough inspections must be conducted for the following:

- 1) Conduct a monthly inspection of your leak detection equipment (e.g. ATG console operation and leak detection records) in accordance with PEI RP 900, "Recommended Practices for the Inspection and Maintenance of UST Systems" and document the results on form UST-27, "Monthly Walkthrough Inspections".
- 2) Inspect the sump, whether or not they have containment, at the tank(s) and/or dispenser(s) for the presence of water or a regulated substance in accordance with PEI RP 900, "Recommended Practices for the Inspection and Maintenance of UST Systems" and document the condition on an annual sump inspection log (UST-22C, "Annual Sump Visual Inspections").

By June 1, 2020, please submit the inspection results on one of the following applicable forms: UST-22B, Annual Leak Detection Equipment Operability Check; UST-22C, Annual Sump Visual Inspections; and/or UST-27, Monthly Walkthrough Inspections, to the inspector at the address provided.

Comment: NO MONTHLY INSPECTION OF SPILL BUCKETS AND LEAK DETECTION. NO UST-22B, 22C, 27

Deficiency 5: 15A NCAC 2N .0407 RCD6; Failure to provide records demonstrating operation and maintenance walkthrough inspections have been completed as required by federal regulation 40 CFR 280.36 (as incorporated by 15A NCAC 2N .0407)

Corrective Action(s):

1) Provide records demonstrating that the operation and maintenance walkthrough inspections have been completed.

By June 1, 2020, please submit the operation and maintenance walkthrough inspection results on one of the following applicable forms: UST-22B, Annual Leak Detection Equipment Operability Check; UST-22C, Annual Containment Sump Visual Inspections; and/or UST-27, Monthly Walkthrough Inspections, to the inspector at the address provided.

Comment: NO MONTHLY INSPECTION OF SPILL BUCKETS AND LEAK DETECTION. NO UST-

22B, 22C, 27

Deficiency 6: 15A NCAC 2N .0501 MT9; Failure to check the operability, proper operating condition, and proper calibration of leak detection monitoring equipment annually in accordance with the manufacturer's written guidelines and as required by federal regulation 40 CFR 280.40 (as incorporated by 15A NCAC 2N .0501).

Corrective Action(s):

1) Check the leak detection equipment for operability, proper operating condition, and proper calibration in accordance with the manufacturer's written guidelines and PEI RP 1200 "Recommended Practice for the Testing and Verification of Spill, Overfill, Leak Detection and Secondary Containment Equipment at UST Facilities".

By June 1, 2020, please submit a copy of the results of the annual check and other supporting documentation (e.g. alarm reports, invoice, repair records) of the completed work on form UST-22B, Annual Leak Detection Equipment Operability Check, to the inspector at the address provided.

Comment: NO UST-22B FOR ANNUAL CHECK OF LEAK DETECTION EQUIPMENT

Deficiency 7: NCGS 143-215.94NN-SS OPTR4; Failure to maintain compliance with UST regulations which requires Primary Operator retraining as required by NCGS 143-215.94NN - 143.215.94SS.

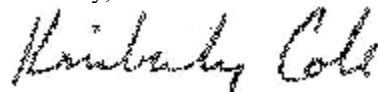
Corrective Action(s):

Please perform the following corrective action:

1) Within 30 days of receipt of this notice, the Primary Operator designated for this facility must go to the following website <http://tankschool.nc.gov> and register for one of the next Tank School courses being conducted over the next 90 days or take the NC DEQ on-line course for retraining. Retraining as a Primary Operator must be completed and a Primary Operator training certificate achieved within 90 days of receipt of this notice.

Corrective actions must be completed and reported to the inspector at the address provided **within 30 days** of receipt of this notice, unless otherwise noted in one of the corrective actions listed above. Assessment of civil penalties may be recommended for violations described in this NOV, as well as, operating permit revocation/denial unless the violations are corrected. If J. M. Davis Industries, Inc. believes that the inspection findings are in error, or if J. M. Davis Industries, Inc. has any questions pertaining to this NOV and/or corrective actions please have it contact me at (252) 975-1580 or kim.d.cole@ncdenr.gov.

Sincerely,



Kim Cole, Environmental Specialist
Division of Waste Management, NC DEQ

Enclosures

cc: Steve Booe w/ Enclosures (electronic)
Files (electronic)