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North Carolina
Department of Environment and Natural Resources



Division of Waste Management

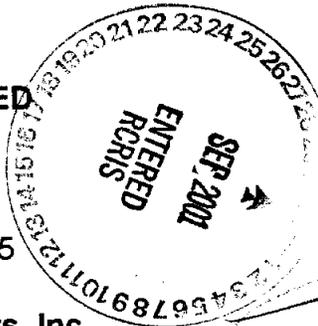
Michael F. Easley, Governor
William G. Ross Jr., Secretary
Dexter R. Matthews, Interim Director

September 27, 2001

2001-197

**CERTIFIED MAIL
RETURN RECEIPT REQUESTED**

David Lynn Autry
2601 Forest Lawn Drive
Matthews, North Carolina 28105



**RE: Filtek Filtration Products, Inc.
NCR 000 000 406**

11-28-01

Dear Mr. Autry:

Enclosed is a Short Form Compliance Order with Administrative Penalties ("Compliance Order") issued to Filtek Filtration Products, Inc. for a violation of the North Carolina Solid Waste Management Act, N.C.G.S. Chapter 130A, Article 9 (the "Act"), and the North Carolina Hazardous Waste Management Rules, 15A NCAC 13A (the "Rules"). The Compliance Order describes both the violation and the action required for compliance with the Act and Rules.

Pursuant to N.C.G.S. 130A-22(a), the Division Director has assessed an administrative penalty in the amount of \$480.00. Filtek Filtration Products, Inc. may appeal this Compliance Order by filing a written petition for a contested case hearing with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714, within 30 days of receipt of the Compliance Order. For the purpose of computing the time limit for filing a petition for contested case hearing, the compliance order will be deemed received on the date it is received by you as Registered Agent for Filtek Filtration Products Inc. The petition must be filed in accordance with N.C.G.S. 150B-23(a). A copy of the petition for a contested case hearing must also be served on Daniel C. Oakley, Process Agent for the Department of Environment and Natural Resources, 1601 Mail Service Center, Raleigh, North Carolina 27699-1601.

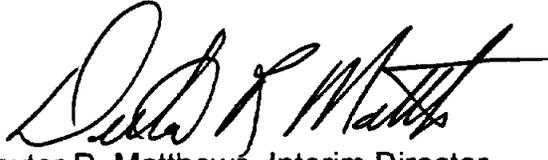
Please be advised that the Department of Environment and Natural Resources has implemented a department-wide policy to release all penalties assessed against facilities to the media. Therefore, the name of the facility and the penalty amount that has been assessed against Filtek Filtration Products Inc. will be released to the media. If no administrative hearing is requested, the administrative penalty must be paid within 60 days of receipt of the Compliance Order. Payment should be made by certified check or money order, payable to the Division of Waste Management, and mailed to

1646 Mail Service Center, Raleigh, North Carolina 27699-1646

Phone: 919-733-4996 \ FAX: 919-715-3605 \ Internet: www.enr.state.nc.us

Jill B. Pafford, Section Chief, Hazardous Waste Section, Division of Waste Management, 401 Oberlin Road Suite 150, Raleigh, North Carolina 27605. If you desire to schedule an informal conference to discuss the Order, please contact Helen Cotton (919) 733-2178 extension 216.

Respectfully,



Dexter R. Matthews, Interim Director
Division of Waste Management

cc:	Central File	Brad Murphy	Mecklenburg County Health Director
	Doug Holyfield	Kathleen Waylett	Kris Lippert, EPA Region 4
	Jesse Wells	Susan Love	
rc:	Bud M ^c Carty	Doug Roberts	Helen Cotton

5. Pursuant to N.C. Gen. Stat. §130A-294.1(j), a person who transports hazardous waste shall pay an annual fee of six hundred dollars (\$600.00).
6. Upon information and belief, Filtek Filtration Products Inc. transported hazardous waste during the year beginning July 1, 2000, and ending June 30, 2001.
7. Pursuant to N.C. Gen. Stat. §130A-294.1(o), Filtek Filtration Products Inc. was required to pay the annual fee by no later than July 31, 2001.
8. By letter dated October 9, 2000, the Division requested payment of the annual activity fee. The Division requested payment a second time by letter dated April 6, 2001.
9. As of the date of this Compliance Order, Filtek Filtration Products Inc. has not paid the annual fee.
10. Filtek Filtration Products Inc. also failed to pay the annual activity fee due for the year beginning on July 1, 1999, and ending on June 30, 2000. Such fee was required to be paid by July 31, 2000.
11. Filtek Filtration Products Inc. is in violation of N.C. Gen. Stat. §130A-294.1(j) and (o), since it failed to pay the annual fee when due.

ADMINISTRATIVE PENALTY

12. N.C.G.S. 130A-22(a) authorizes an administrative penalty of up to \$25,000.00 per day for each violation of the hazardous waste provisions of the Act, rules or any order issued pursuant to the hazardous waste provisions of the Act. N.C.G.S. 130A-22(d) sets forth the factors to be considered in determining the administrative penalty which include the degree and extent of the harm caused by the violation and the cost of rectifying the damage. 15A NCAC 13B .0702 sets forth specific criteria to be considered in addressing the statutory assessment factors that include the type of violation, type of waste involved, duration of the violation, cause of the violation, potential effect on public health and the environment, effectiveness of response measures taken by the violator, damage to private property and the history of non-compliance.
13. After careful consideration of each factor above, a penalty is assessed in the amount of \$480.00.
14. Please be advised that the Department of Environment and Natural Resources

has implemented a Department-wide policy to release notification of all penalties that have been assessed against companies to the media on a monthly basis. Therefore, the name of your company, a list of violations cited and the penalty amount will be released to the media.

CONDITIONS FOR CONTINUED OPERATION

Based upon the foregoing, Filtek Filtration Products Inc. is hereby ordered to take the following actions:

15. Within sixty (60) days submit the amount of the administrative penalty, by check or money order, payable to the Division and mailed to Jill B. Pafford, Section Chief, Hazardous Waste Section, Division of Waste Management, 401 Oberlin Road Suite 150, Raleigh, North Carolina 27605.
16. In order to come into compliance with N.C. Gen. Stat. §130A-294.1, Filtek Filtration Products Inc. must pay all fees which are past due. All past-due fees must be paid on or before October 31, 2001. (An invoice is attached).
17. Please be advised that the failure to come into compliance with the Act may result in the assessment of additional penalties, or the Division may take other enforcement action, including seeking an injunction, to compel compliance with the Act and Rules.

NOTICE OF RIGHT TO APPEAL

18. You have the right to an appeal to contest any matter, of law, material fact, requirements, or penalty set forth in the Compliance Order. To appeal this Compliance Order, Filtek Filtration Products Inc. must file a written petition for a contested case hearing with the Office of Administrative Hearings, P. O. Drawer 27447, Raleigh, North Carolina 27611-7447, within 30 days of the receipt of the Compliance Order by Filtek Filtration Products Inc.'s registered agent. The telephone number is (919) 733-0926. A copy of the petition for a contested case hearing must also be served on the Division by sending a copy of the petition to Daniel Oakley, Process Agent, Department of Environment and Natural Resources, 1601 Mail Service Center, Raleigh, NC 27699-1601.
19. The petition for a contested case hearing must be in accordance with N.C. Gen. Stat. 150B-23(a), and must state facts tending to establish that the Division has deprived the petitioner of property, has ordered the petitioner to pay a fine or civil penalty, or has otherwise substantially prejudiced the petitioner's rights and that the Division:

- a. exceeded its authority or jurisdiction;
- b. acted erroneously;
- c. failed to use proper procedure;
- d. acted arbitrarily or capriciously; or
- e. failed to act as required by law or rule.

20. The petition must be signed by you or your representative and must be filed with a certificate of service stating that a copy of the petition was served on the Division through its process agent. The hearing will be conducted in accordance with Chapter 150B of the North Carolina General Statutes and the Rules of the Office of Administrative Hearings, a copy of which may be obtained from the Office of Administrative Hearings.
21. If no hearing is requested, payment of the administrative penalty becomes due within 60 days after receipt of this notice. If a hearing is requested, payment of the administrative penalty is due within 60 days after service of a written copy of the final agency decision. If payment is not received as required, the Secretary of the Department of Environment and Natural Resources shall request the Attorney General to commence an action to recover the amount of the administrative penalty.

THE SCHEDULING OF AN INFORMAL CONFERENCE WILL NOT RELIEVE YOU OF THE NEED TO FILE A WRITTEN PETITION FOR A CONTESTED CASE HEARING WITH THE OFFICE OF ADMINISTRATIVE HEARINGS WITHIN 30 DAYS OF RECEIPT BY FILTEK FILTRATION PRODUCTS INC'S REGISTERED AGENT OF THE ORDER IF A HEARING IS REQUESTED.

Dated this 27 day of September, 2001.

By: 
Dexter R. Matthews, Interim Director
Division of Waste Management

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing Order to be served upon the person(s) designated below, at the last known address, by causing said copy to be deposited in the U. S. Mail, First Class (certified mail, return receipt requested, postage prepaid) in an envelope addressed to:

David Lynn Autry
2601 Forest Lawn Drive
Matthews, North Carolina 28105

Dated this 27 day of September, 2001.

By: 
Dexter R. Matthews, Interim Director
Division of Waste Management

PENALTY COMPUTATION WORKSHEET-HAZARDOUS WASTE
(Use Separate Sheet for Each Violation)

Name/ID: Filtek Filtration Products Inc./NCR 000 000 406

Regulation Violated: GS 130A-294.1(j)

Part I. Degree or Extent of Harm (actual or potential)

1. Quantity of waste involved ___
2. Toxicity of waste involved ___
3. Is human life or health potentially threatened? yes ___ no ___
Distance to residences ___
Number of people involved ___
Media for exposure: air ___ groundwater ___ surface water ___ direct contact ___
4. Are other organisms potentially threatened? yes ___ no ___
Media for exposure: air ___ ground water ___ surface water ___ direct contact ___
5. Are any environmental media potentially threatened? yes ___ no ___
air ___ groundwater ___ surface water ___ soil ___
6. Is the regulatory program adversely affected? yes X no ___

Harm Cell: Major ___ Moderate X Minor ___

Remarks: Filtek Filtration Products Inc. failed to pay its annual fee.

Part II. Deviation from Regulations

Degree of noncompliance with overall regulations:

Deviation cell: Major X Moderate ___ Minor ___

Remarks: GS 130A-294.1(j) states that a person who transports hazardous waste shall pay an annual fee of six hundred dollars (\$600.00).

MATRIX CELL RANGE: \$ 440.00 to \$ 2,420.00
Penalty amount chosen: \$ 440.00
Per Week Assessment: \$ _____

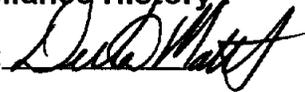
Remarks : \$440.00 was chosen as the penalty amount due to the potential effects Filtek Filtration Products Inc. is imposing on the program's ability for the Section to inspect and enforce compliance with the Hazardous Waste Program.

Part III. Penalty Adjustment (optional)

	Percentage change	Dollar Amount
1. Good faith efforts to comply/ lack of good faith:	_____	_____
2. Degree of willfulness/neglect:	_____	_____
3. History of noncompliance/ compliance:	<u>+10%</u>	<u>\$ 40.00</u>
4. Other unique factors:		
5. Adjusted initial penalty (amount from Part II)		<u>\$440.00</u>
6. Adjusted per-week penalty (amount from Part II)		_____
7. Number of weeks of violation		_____
8. Multi-week penalty (line 6 x line 7)		_____
9. Economic benefit of noncompliance (attach separate worksheet)		_____
10. Total (lines 5 + 8 + 9)		_____
11. Ability to pay adjustment		_____
12. Total Penalty Amount: (may not exceed \$25,000 per day of violation)		<u>\$480.00</u>

Remarks:

Compliance History

Signed: 

Date: 9-27-01



Michael F. Easley, Governor
William G. Ross Jr., Secretary
Dexter R. Matthews, Interim Director

September 26, 2001

DAVID AUTRY
FILTEK FILTRATION PRODUCTS INC (NCR000000406)
2601 FOREST LAWN DR
MATTHEWS, NC 28105

PAST DUE FEES OWED ON OR BEFORE JULY 31, 2001

INVOICE INVOICE INVOICE INVOICE INVOICE INVOICE

CATEGORY	FEE	AMOUNT DUE
Large Quantity Generator	\$ 500	0
Small Quantity Generator	\$ 25	0
Transporter	\$ 600	600
Treater	\$ 1200	0
Storer	\$ 1200	0
Disposer	\$ 1200	0
Generation Fee	\$ 0.50 /ton	0
Amount Past Due		600
TOTAL AMOUNT DUE		\$1,200.00

Note: Amount Past Due is for the fee request from 1999 for the period July 1, 1999 through June 30, 2000.
The generation Fee is based on the amount generated and reported in the 1999 Hazardous Waste Report.

Submit payment no later than October 15, 2001 to:

North Carolina Division of Waste Management
Hazardous Waste Section
ATT: Jim Edwards
1646 Mail Service Center
Raleigh, NC 27699-1646

Checks should be made out to N.C. Hazardous Waste Section. Please include your facility name and EPA Id number on your check.

(over)

1646 Mail Service Center, Raleigh, North Carolina 27699-1646
Phone: 919-733-4996 \ FAX: 919-715-3605 \ Internet: www.enr.state.nc.us