Hazardous Waste Section

File Room Document Transmittal Sheet

Your Name:	Scott Ross
EPA ID:	NCR000136671
Facility Name:	Environmental Hydrological Consultants Inc
Document Group:	Enforcement (E)
Document Type:	Settlement Agreement (SA)
Description:	
Date of Doc:	10/17/2012
Author of Doc:	Liz Cannon

File Room Use Only

NCR000136671

	Month	Day	Year
Date Recieved by File Room:			
Date Scanned:			

Scanner's Initials:

Hazardous Waste Section

File Room Document Transmittal Sheet

17

Your Name:	JIM EDWARDS
EPA ID:	N C R 0 0 0 1 3 6 6 7 1
Facility Name:	ENVIRONMENTAL HYDROLOGICAL CONSULTANTS INC
Document Group:	Enforcement (E)
Document Type:	Settlement Agreement (SA)
Description:	
Date of Doc:	10/17/2011
Author of Doc:	LIZ CACCON

Settlement Agreement is in CARA but the Compliance Order that is attached is not

Document Date 7/11/2011

File Room Use Only

NCR000136671

	Month	Day	Year
Date Recieved by File Room:	12	23	11
Date Scanned:	12	23	11

Scanner's Initials: RHD

In Re: Environmental Hydrogeological Consultants, Inc.
NCD 000 136 671
DOCKET # 2011-018

SETTLEMENT AGREEMENT

The North Carolina Department of Environment and Natural Resources ("the Department") and Environmental Hydrogeological Consultants, Inc. ("EHC") enter into this Settlement Agreement in order to amicably resolve matters in controversy between them. This matter arose out of the issuance of a Compliance Order with Administrative Penalty by the Department's Division of Waste Management ("Division") against EHC on July 11, 2011, Docket # 2011-018 ("the Compliance Order"), for alleged violations of the laws and rules governing the management of hazardous waste, as contained in Article 9 of Chapter 130A of the North Carolina General Statutes and the State Hazardous Waste Rules, codified at 15A N.C. Admin. Code 13A.

Based on informal settlement discussions between the parties, and the Division's consideration of additional information, and without any trial of fact or law in a contested case hearing, the Division and EHC have agreed to settle their dispute on the following terms:

1. EHC acknowledges the violations of the North Carolina Hazardous Waste Management Rules cited in the Compliance Order, and stipulates to the facts on which the penalty assessment was based.
2. EHC shall pay to the Division a recomputed penalty in the amount of nine hundred thirty dollars ($930.00) in settlement of the penalty assessed in the Compliance Order. The Division agrees to accept the payment of the recomputed penalty in complete satisfaction of the original penalty assessed in the Compliance Order with Administrative Penalty. The recomputed penalty shall be paid to the Division in one

installment within thirty (30) days of the execution of this Agreement.

3. EHC shall pay to the Division investigative and inspection costs totaling nine hundred forty-four dollars and fifty-five cents ($944.55) noted in Paragraph 2. of the Conditions for Continued Operation section of the Compliance Order in one installment within thirty (30) days of the execution of this Settlement Agreement.
4. The payments required under paragraphs 2. and 3. of this Settlement Agreement shall be made by two (2) separate certified checks or money orders, one for the recomputed penalty and one for the investigative and inspection costs, payable to the Division of Waste Management, and mailed to Elizabeth W. Cannon, Chief, Hazardous Waste Section, 401 Oberlin Road, Suite 150, Raleigh, NC 27605 (or 1646 Mail Service Center, Raleigh, NC 27699-1646).
5. The Division acknowledges that in light of additional information provided by EHC during settlement discussions, EHC owes no annual activity fee as noted due in Paragraph 3. of the Conditions for Continued Operation section of the Compliance Order.
6. EHC did not file a petition for contested case hearing with the Office of Administrative Hearings, and by entering this Settlement Agreement, expressly waives its right to an administrative hearing with respect to the Compliance Order.
7. Nothing in this Settlement Agreement shall restrict the right of the Division to inspect EHC and take enforcement action against EHC for any new, subsequent or repeat violations of Article 9 of Chapter 130A of the North Carolina General

Agreement, but this Agreement shall be construed as if such invalid, illegal, or unenforceable provision had not been contained therein.

13. The Agreement shall be binding upon and inure to the benefit of the assigns, heirs, executors, and administrators of EHC and to the Division, its officials, managers, employees, assigns, predecessors, and successors.

14. This Agreement shall be binding upon the Parties upon execution by the undersigned. The Agreement becomes effective on the last date of the signatures of the undersigned.

15. The undersigned representative of EHC hereby acknowledges that he has read this Settlement Agreement, conferred with his attorney, fully understands the contents of the Agreement, consents to the settlement of claims on the terms set forth herein, and does so in reliance upon his own judgment and advice of his attorney and not in reliance on any other representations or promises of the Division, its representatives, or its attorneys.

Statutes or the Hazardous Waste Management Rules. It is further understood that EHC may contest any subsequent enforcement action based on allegations of new, subsequent or repeat violations, to the extent such right is provided in Chapter 130A of the North Carolina General Statutes.

8. EHC and the Division agree that each shall bear its own costs related to any disputes covered by this Settlement Agreement. EHC shall not apply for attorney fees or costs under any rule or law, and the Division shall not be liable for any attorney fees, costs, or expenses incurred by EHC.
9. EHC and the Division agree that the consideration for this settlement is in the promises contained herein, that this Settlement Agreement contains the whole agreement between them, and that there are no understandings, or agreement, verbal or otherwise, regarding this Agreement except as expressly set forth herein.
10. This Settlement is contractual in nature and not just a recitation of terms. The language of this Agreement shall be construed, enforced, and governed by the laws of the State of North Carolina.
11. The corporate officer singing on behalf of EHC hereby warrants that he is competent to enter into this Agreement and that no court or tribunal of competent jurisdiction has found him to be incompetent or otherwise incapable of handling his business affairs or entering into a binding agreement or contract.
12. Each provision of this Agreement is intended to be severable, and if any provision is held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect or impair any other provision of this

THE PARTIES ACKNOWLEDGE THAT EACH HAS CAREFULLY READ THIS ENTIRE AGREEMENT AND FULLY UNDERSTANDS ITS CONTENTS AND ITS LEGAL AND BINDING EFFECT. EACH PARTY FURTHER ACKNOWLEDGES THAT EACH MAKES A KNOWING AND VOLUNTARY WAIVER OF THEIR RIGHTS IN EXCHANGE FOR THE CONSIDERATION SPECIFIED IN THIS AGREEMENT.

IN WITNESS WHEREOF, this Settlement Agreement is executed in duplicate originals:

FOR THE NORTH CAROLINA DEPARTMENT OF ENVIRONMENT AND NATURAL RESOURCES:

Elizabeth W. Cannon

Elizabeth W. Cannon
Chief, Hazardous Waste Section
Division of Waste Management

Oct. 17, 2011
Date

NORTH CAROLINA
County of WAKE

I, Kelly B. Galantis, A Notary Public for said County and State, do hereby certify that Elizabeth W. Cannon personally appeared before me this day, is personally known to me or provided official identification in the form of _____, and acknowledged the due execution of the foregoing instrument.

Witness my hand official seal, this the 17 day of October, 2011.

Kelly B. Galantis
Notary Public

(Official Seal) KELLY B. GALANTIS
Notary Public
Johnston County, NC
My Commission Expires 8-27-13

My Commission expires: 8-27-13

FOR ENVIRONMENTAL HYDROGEOLOGICAL CONSULTANTS, INC.:

Thomas Ammons

Name:
Title: Manager/VP

10-3-11
Date

NORTH CAROLINA
County of Robeson

I, Lisa S. Hendren, A Notary Public for said County and State, do hereby certify that Thomas Ammons personally appeared before me this day, is personally known to me or provided official identification in the form of _____, and acknowledged the due execution of the foregoing instrument.

Witness my hand official seal, this the 3rd day of October, 2011.

Lisa S. Hendren
Notary Public

(Official Seal) LISA S. HENDREN NOTARY PUBLIC ROBESON COUNTY, NC

My Commission expires: Sept. 1, 2015

LSE 10-27-11

ch 9-12-11

pd 12-7-11

00830808 930 penalty

00830807 944 I+I

CJE
10-27-11

NCDENR

North Carolina Department of Environment and Natural Resources
Division of Waste Management

Beverly Eaves Perdue
Governor

Dexter R. Matthews
Director

Dee Freeman
Secretary

July 11, 2011

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

EHC

Carrol J Bright, President
Environmental Hydrogeological Consultants, Inc.
207 West Fourth Avenue
Red Springs, NC 28377

RE: Short Form Compliance Order with Administrative Penalty
Environmental Hydrogeological Consultants, Inc.
NCR 000 136 671
Docket # 2011-018

Dear Ms. Bright:

Enclosed is a Short Form Compliance Order with Administrative Penalty ("Compliance Order") issued to Environmental Hydrogeological Consultants, Inc. for certain violations 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 Subchapter 13A (the "Rules"). The Compliance Order describes the violations at your facility.

As a result of the violations of the Act and the Rules, pursuant to N.C.G.S. 130A-22(a), an administrative penalty of $2,115.00 is imposed in the Compliance Order. Environmental Hydrogeological Consultants, Inc. may contest this Compliance Order by filing a written petition for a contested case hearing in accordance with N.C.G.S. 150B-23(a) and 150B-23.2. See the section entitled "Notice of Rights to a Contested Case" in the attached Compliance Order. In addition, Environmental Hydrogeological Consultants, Inc. is assessed $944.55 for investigative and inspection costs associated with the assessment of the civil penalty as noted in North Carolina General Statute 130A-22(j). These investigative and inspection cost assessments are due within 60 days of receipt of the Compliance Order and are not contestable.

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 your company and the penalty amount that has been assessed against the facility may be released to the media.

If no contested case petition is filed, the administrative penalty must be paid by Environmental Hydrogeological Consultants, Inc. within 60 days of receipt of the Compliance Order by certified check or money order, payable to the Division of Waste Management, and mailed to:

Elizabeth W. Cannon, 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 Compliance Order, please contact Doug Roberts at (919) 508-8563. (Scheduling an informal conference will not extend the time limit for filing a contested case petition.)

Respectfully,

Elizabeth W. Cannon

Elizabeth W. Cannon, Chief
Hazardous Waste Section

Enclosures: Short Form Compliance Order with Administrative Penalty, Penalty Summary Worksheets and Hazardous Waste Fee Invoice

cc: William J. Smith, Robeson County Director of Public Health
Ricky Harris, Interim Robeson County Manager
Nancy McKee, EPA Region 4
Barbara Scanting Moore, Fayetteville Regional Office
Tony White, Red Springs City Manager
Steven H. Gillikin, Interim Red Springs Police Chief
Kenneth Sealey, Robeson County Sheriff
Charles M. Britt, Jr., Fire Marshal/ Emergency Services Director, Robeson County
Marvin McDonald, Red Springs Fire Chief

North Carolina Department of Environment and Natural Resources
Division of Waste Management
Hazardous Waste Section

In Re:	**Environmental Hydrogeological Consultants, Inc.**	**) SHORT FORM COMPLIANCE**
	NCR 000 136 671	**) ORDER WITH**
	Docket # 2011-018	**) ADMINISTRATIVE PENALTY**

PRELIMINARY STATEMENT

This Short Form Compliance Order with Administrative Penalty ("Compliance Order") is issued by the North Carolina Department of Environment and Natural Resources, Division of Waste Management under 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"). Based upon information received by the Division of Waste Management, the Division of Waste Management has determined that Environmental Hydrogeological Consultants, Inc. violated certain requirements of the Act and Rules as set forth in this Compliance Order.

STATEMENT OF FACTS AND LAW

1. The North Carolina Department of Environment and Natural Resources ("the Department") is required to enforce the Act and the Rules, which govern the management of hazardous waste. This authority, including the authority to assess and recover administrative penalties in accordance with N.C.G.S. 130A-22, has been delegated to the Director of the Division of Waste Management ("the Division"). The Director has issued a sub-delegation of this authority, including the authority to assess and recover administrative penalties for violations of the Act and Rules, to the Chief of the Hazardous Waste Section, Elizabeth W. Cannon.

2. The United States Environmental Protection Agency has authorized North Carolina to operate the State Hazardous Waste Program in accordance with the Act and the Rules, in lieu of the federal Resource Conservation and Recovery Act (RCRA) program.

3. Environmental Hydrogeological Consultants, Inc. (EHC Inc.) is a corporation authorized to do business in North Carolina and is a person as defined in N.C.G.S. 130A-290(a)(22).

4. EHC Inc. notified the Division that it was the owner and operator of a hazardous waste transporter facility located at 207 West Fourth Street, Red Springs, Robeson County, North Carolina. EHC Inc. is an environmental consulting company and a hazardous waste transporter and a used oil transfer facility.

5. EHC Inc. is listed with the Division as a transporter of hazardous waste. However, the facility was operating as a storage facility at the time of the inspection. EHC Inc. is required to comply with all Rules applicable to transporters of hazardous waste and storage facilities as noted in 40 CFR 263, 264 and 270 as adopted by reference at 15A NCAC 13A .0108, 0109 and .0113.

6. EHC Inc. stored hazardous waste as defined in N.C.G.S. §130A-290(a)(8) and 15A NCAC 13A .0106. The hazardous waste stored by EHC Inc. is identified by Environmental Protection Agency (EPA) Hazardous Waste number D001.

7. On November 23, 2010, Robert K. Nelms, Environmental Senior Specialist and Mike Williford Compliance Branch Head with the Division, conducted a Comprehensive Evaluation Inspection (CEI) at EHC Inc. for compliance with the Rules. At the time of the CEI the facility was operating as a transporter, transfer station and a storage facility.

8. EHC Inc. maintains a "Drum Storage Shed" that was used as a hazardous waste storage area located behind the equipment shed.

9. As a result of the November 23, 2010 CEI, the Division has determined that EHC Inc. violated the following Rules:

   a. 40 CFR 263.12:

      i. Pursuant to 40 CFR 263.12, adopted by reference at 15A NCAC 13A .0108(a), a transporter who stores manifested shipments of hazardous waste in containers meeting the requirements of 40 CFR 262.30 adopted by reference at 15A NCAC 13A .0107(c) at a transfer facility for a period of ten days or less is not subject to regulation under parts 270, 264, 265, 267, and 268 of this chapter with respect to the storage of those wastes.

      ii. EHC Inc. violated 40 CFR 263.12 in that two hundred and sixty three pounds (as stated on manifest number 0022702862JJK) of hazardous waste was held at the facility for twenty nine days over the ten days allowed. Manifest number 0022702862JJK shows the hazardous waste shipment arrived at EHC Inc. on October 7, 2010. Manifest number 002702862JJK was used to ship the hazardous waste from EHC Inc. to the designated facility on November 15, 2010.

   b. 40 CFR 263.20(a)(1):

      i. Pursuant to 40 CFR 263.20(a)(1), adopted by reference at 15A NCAC 13A .0108(b), a transporter may not accept hazardous waste from a generator unless the transporter is also provided with a manifest signed in accordance with the requirements of 40 CFR 262.23 adopted by reference at 15A NCAC 13A .0107(b).

      ii. EHC Inc. violated 40 CFR 263.20(a)(1) in that no manifests could be produced for the waste in five, 8-gallon containers of which four were labeled "Hazardous Waste."

   c. 40 CFR 263.20(b):

      i. Pursuant to 40 CFR 263.20(b), adopted by reference at 15A NCAC 13A .0108(b), before transporting the hazardous waste, the transporter must sign and date the manifest acknowledging acceptance of the hazardous

waste from the generator. The transporter must return a signed copy to the generator before leaving the generator's property.

ii. EHC Inc. violated 40 CFR 263.20(b) in that the generator's initial copy of manifest number 002702862JJK dated October 7, 2010 was not signed by the transporter on line 17 of the manifest as required.

d. 15A NCAC 13A .0109(a):

i. Pursuant to 15A NCAC 13A .0109(a), any person who treats, stores or disposes of hazardous waste shall comply with the requirements set forth in this Section. The treatment, storage or disposal of hazardous waste is prohibited except as provided in this section.

ii. EHC Inc. violated 15A NCAC 13A .0109(a), in that it failed to obtain a storage permit for the storage of hazardous waste received from offsite facilities. Specifically, EHC Inc. received and stored two hundred and sixty three pounds of D001 hazardous waste in fiscal year 2010 for greater than 10 days.

e. 40 CFR 270.10(a)(3):

i. Pursuant to 40 CFR 270.10(a)(3), adopted by reference at 15A NCAC 13A .0113(b), any person who is required to have a permit shall complete, sign and submit an application to the Hazardous Waste Section which meets the requirements of 270.10 and 270.70 through 270.73. 40 CFR 270.1(c), adopted by reference in 15A NCAC 13A .0113(a), provides, in pertinent part, that "RCRA requires a permit for the 'treatment,' 'storage,' and 'disposal' of any 'hazardous waste' as identified or listed in 40 CFR Part 261."

ii. EHC Inc. violated 40 CFR 270.10(a)(3), in that it operated as a storage facility without applying for and obtaining a permit. EHC Inc. stored two hundred and sixty three pounds of D001 hazardous waste received from offsite facilities for greater than 10 days,

ADMINISTRATIVE PENALTY

N.C.G.S. 130A-22(a) authorizes an administrative penalty of up to $32,500.00 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 which 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.

After careful consideration of each factor above, penalties are assessed as follows against EHC Inc. for the violations set out in this Compliance Order, as follows: for the violations set forth in paragraph 9.b. and 9.c. combined $465.00 and for the violations set forth in paragraph 9.a, 9.d. and 9.e. combined $1,650.00. Accordingly, a total penalty is imposed in the amount of $2,115.00.

CONDITIONS FOR CONTINUED OPERATION

Based upon the foregoing, EHC Inc. is hereby ordered to take the following actions:

1. Within sixty (60) days submit the amount of the administrative penalty, by certified check or money order, payable to the Division of Waste Management. The payment should be mailed to:

   Elizabeth W. Cannon, Chief
   Hazardous Waste Section
   401 Oberlin Road, Suite 150
   Raleigh, NC 27605

2. Within sixty (60) days submit $944.55 for investigative and inspection costs associated with the assessment of the civil penalty by certified check or money order, payable to the Division of Waste Management. The payment should be mailed to:

   Elizabeth W. Cannon, Chief
   Hazardous Waste Section
   401 Oberlin Road, Suite 150
   Raleigh, NC 27605

3. In addition to the above, EHC Inc. is also subject to the provisions of GS 130A-294.1(k) which requires that a person who operates as a storage, treatment or disposal facility shall pay an annual activity fee of one thousand six hundred and eighty dollars ($1,680). For fiscal year 2010 EHC Inc. is required to pay a total of $1,680.00 for operating as a storage facility. This fee must be paid within sixty (60) days of receipt of this Compliance Order (an invoice is attached).

POTENTIAL CONSEQUENCES OF FAILURE TO COMPLY

EHC Inc. is hereby advised that, pursuant to N.C.G.S. 130A-22, each day of continued violation of any requirement of the Act or the Rules constitutes a separate violation for which an additional penalty of up to $32,500.00 per day may be imposed. If the violation continues, EHC Inc. may also be subject to further enforcement, including injunctive action, to prohibit any further generation of hazardous waste and such further relief as may be necessary to achieve compliance with the Act and Rules.

NOTICE OF RIGHT TO FILE CONTESTED CASE PETITION

EHC Inc. has the right to file a contested case petition regarding a matter of law, material fact, requirement, or the penalty set forth in this Compliance Order as allowed by N.C.G.S. 150B-23. Any petition for a contested case hearing must be filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, NC 27699-6714, along with the appropriate filing fee as set by the Office of Administrative Hearings in accordance with N.C.G.S. 150B-23.2, within 30 days of receipt of the Compliance Order. 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:

Mary Penny Thompson
Process Agent for the N.C. Department of Environment and Natural Resources
1601 Mail Service Center
Raleigh, NC 27699-1601

Additional information concerning the Office of Administrative Hearings filing fees for a contested case petition and the appeal process may be found on the official website for the Office of Administrative Hearings, located at **www.oah.state.nc.us.** The telephone number for the Office of Administrative Hearings is (919) 431-3000.

If a petition for contested case is not timely filed with the Office of Administrative Hearings and served on the Department, the penalty amount cannot be reduced and payment of the administrative penalty becomes due within 60 days after receipt of the Compliance Order. If a contested case petition is timely filed and served, payment of the administrative penalty is due within 60 days of receipt 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 a civil action in Superior Court to recover the amount of the administrative penalty.

This the 11th day of July, 2011

By: Elizabeth W. Cannon
Elizabeth W. Cannon, Chief
Hazardous Waste Section

Division of Waste Management
Hazardous Waste Section
Penalty Summary Worksheet

Facility Name:	Environmental Hydrogeological Consultants, Inc. (EHC Inc.)
EPA Id. Number:	NCR 000 136 671
Docket #:	2011-018
Regulation(s) Violated:	Refer to 9.b. and 9.c. of the Compliance Order
Site Information:	Hazardous waste code: D001 Toxicity of waste involved: ignitable Distance to residences: one home approximately one hundredth of a mile and 100 homes within one quarter of a mile Number of people involved: 12 employees

15A NCAC 13B .0702 - Civil Penalty Standards:

Consider: (1) Nature of the violation and degree and extent of harm, including at least the following:

(i) Type of violation: no manifests could be produced for the waste in five, 8-gallon containers and an Initial Copy of manifest number 002702862JJK dated October 7, 2010 was not signed by the transporter on line 17 of the manifest as required;

(ii) Type of waste involved: D001 hazardous wastes naphthalene;

(iii) Duration and gravity of the violation: the duration is forty seven days, from October 7, 2010 until November 18, 2010, failure to have properly signed manifests and to store hazardous waste for more than ten days increases the risk of mismanagement of hazardous wastes;

(iv) Cause: (whether resulting from a negligent, reckless or intentional act or omission): negligence;

(v) Potential effect on public health and the environment:
Media for exposure: direct contact, air, surface water, groundwater and soil.
Human health effects: exposure to naphthalene can cause adverse effects such as nausea, vomiting, abdominal pain, diarrhoea, headache, confusion, profuse sweating, fever, tachycardia, tachypnoea and agitation which may lead to convulsions and coma. Naphthalene is considered to be a possible human carcinogen.
Effects on the environment: napthalene is very toxic to aquatic organisms, although when released into the local environment it is broken down quickly by moisture and sunlight. It can bind weakly to soil and sediment, some will dissolve in rivers and lakes but will be broken down by bacteria. It does not accumulate in fish or animals.

Penalty Summary Worksheet

Facility Name: Environmental Hydrogeological Consultants, Inc. (EHC Inc.)
EPA Id. Number: NCR 000 136 671
Docket #: 2011-018

(vi) **Effectiveness of responsive measures taken by the violator:** unknown

(vii) **Damage to private property:** n/a

(2) **Cost of rectifying any damage:** n/a

(3) **Previous record:** n/a

ASSESSMENT MATRIX		Degree of Deviation from Requirements		
		MAJOR	MODERATE	MINOR
Nature and Degree of Harm	MAJOR	$6,500-$1,300	$5,200-$1,000	$3,800-$700
	MODERATE	$2,800-$500	$2,000-$300	$1,300-$200
	MINOR	**$800-$130**	$400-$130	$130

Value from Assessment Matrix **= $465.00**
+
Multi-week/Event
# of weeks/events x penalty **=**

Compliance History
+ 10% per repeat violation **=**

Any other notations:

Total penalty assessed **= $465.00**

Elizabeth W. Cannon July 11, 2011
Signature **Date**

Division of Waste Management
Hazardous Waste Section
Penalty Summary Worksheet

Facility Name: Environmental Hydrogeological Consultants, Inc. (EHC Inc.)
EPA Id. Number: NCR 000 136 671
Docket #: 2011-018
Regulation(s) Violated: Refer to 9.a., 9.d. and 9.e. of the Compliance Order
Site Information: Hazardous waste code: D001
Toxicity of waste involved: ignitable
Distance to residences: one home approximately one hundredth of a mile and 100 homes within one quarter of a mile
Number of people involved: 12 employees

15A NCAC 13B .0702 - Civil Penalty Standards:
Consider: (1) Nature of the violation and degree and extent of harm, including at least the following:

(i) Type of violation: EHC Inc. held 263 pounds of hazardous waste for 29 days over the 10day limit allowed for a transfer facility and failed to apply for and obtain a storage permit for the storage of hazardous waste received from offsite facilities;

(ii) Type of waste involved: D001 hazardous waste naphthalene;

(iii) Duration and gravity of the violation: the duration is 29 days, failure to apply for and obtain a storage permit for the storage of hazardous waste increases the risk of mismanagement of hazardous wastes;

(iv) Cause: (whether resulting from a negligent, reckless or intentional act or omission): negligence;

(v) Potential effect on public health and the environment:
Media for exposure: direct contact, air, surface water, groundwater and soil.
Human health effects: exposure to naphthalene can cause adverse effects such as nausea, vomiting, abdominal pain, diarrhea, headache, confusion, profuse sweating, fever, tachycardia, tachypnoea and agitation which may lead to convulsions and coma. Naphthalene is considered to be a possible human carcinogen.
Effects on the environment: naphthalene is very toxic to aquatic organisms, although when released into the local environment it is broken down quickly by moisture and sunlight. It can bind weakly to soil and sediment, some will dissolve in rivers and lakes but will be broken down by bacteria. It does not accumulate in fish or animals.

Penalty Summary Worksheet

Facility Name: Environmental Hydrogeological Consultants, Inc. (EHC Inc.)
EPA Id. Number: NCR 000 136 671
Docket #: 2011-018

(vi) Effectiveness of responsive measures taken by the violator: unknown

(vii) Damage to private property: n/a

(2) Cost of rectifying any damage: n/a

(3) Previous record: n/a

ASSESSMENT MATRIX		**Degree of Deviation from Requirements**		
		MAJOR	**MODERATE**	**MINOR**
Nature and Degree of Harm	**MAJOR**	$6,500-$1,300	$5,200-$1,000	$3,800-$700
	MODERATE	**$2,800-$500**	$2,000-$300	$1,300-$200
	MINOR	$800-$130	$400-$130	$130

Value from Assessment Matrix **= $1,650.00**
+
Multi-week/Event
# of weeks/events x penalty **=**

Compliance History
+ 10% per repeat violation **=**

Any other notations:

Total penalty assessed **= $1,650.00**

Elizabeth W. Cannon July 11, 2011
Signature **Date**

North Carolina Department of Environment and Natural Resources
Division of Waste Management
Hazardous Waste Section

2010 INVOICE

FACILITY LOCATION ADDRESS:

ATTENTION: ACCOUNTS PAYABLE
EHC INC
P O BOX 902
RED SPRINGS, NC 28377

THOMAS AMMONS
EHC INC
207 W FOURTH AVE
RED SPRINGS, NC 28377

FACILITY EPA ID #	INVOICE #	INVOICE DATE	AMOUNT DUE	DUE DATE	ENTER AMOUNT PAID
NCR000136671	HW51382	7/7/2011	$1,680.00	09/05/2011	

A. **Fee Requirements:** Pursuant to North Carolina General Statute 130A-294.1 you are required to pay fee(s) based on your hazardous waste management activities. The fee(s) are used to support government programs that ensure the safe management of hazardous waste. Failure to pay the required hazardous waste fee could result in an enforcement action with a penalty.

B. **Explanation of Invoice Amount is Based on Facility's Current Status as of July 1,2010 :**

FACILITY STATUS	FEE	TONNAGE	AMOUNT DUE
TRANSPORTER	$840.00	---------	$840.00
STORER	$1680.00	---------	$1,680.00
		PAST DUE	$0.00
		CREDIT	$-840.00
		TOTAL AMOUNT DUE	$1,680.00

C. **Remit Payment (include a copy of this invoice):**

Make checks payable to ***N.C. Hazardous Waste Section***, include ***EPA ID#*** and ***Invoice #*** on check. If you are paying by electronic transfer, include the invoice number with your electronic transfer. Please note per NC General Statute (G.S. 25-3-506), a $25.00 processing fee will be charged on all returned checks. Please return a copy of this invoice with your payment to:

ATTN: **PATRICIA DAVALOS**
NC HAZARDOUS WASTE SECTION
401 OBERLIN RD, SUITE 150
RALEIGH, NC 27605

D. **Hazardous Waste Contacts:**

1. BILLING

Purnima Kotiya	(919) 508-8547
Ray Strawbridge	(919) 508-8569
Patricia Davalos, Supervisor	(919) 508-8541

2. TECHNICAL ASSISTANCE

Doug Roberts	(919) 508-8563
Ann Preson	(919) 508-8559
Lebeed Kady	(919) 508-8546