

SUMMARY SHEET
 BOARD OF HEALTH AND ENVIRONMENTAL CONTROL
 May 14, 2009

_____ ACTION/DECISION

 X INFORMATION

- I. **TITLE:** Administrative and Consent Orders issued by Environmental Quality Control (“EQC”).
- II. **SUBJECT:** Administrative and Consent Orders issued during the period March 1, 2009 – March 31, 2009.
- III. **FACTS:** For the period March 1, 2009 through March 31, 2009 EQC issued thirty-five (35) Consent Orders with total assessed civil penalties in the amount of \$120,508.00.

Unless otherwise specified, “Previous Orders” as listed in this report include orders issued by Environmental Quality Control programs within the last five (5) years.

| <u>Bureau</u> | <u>Administrative Orders</u> | <u>Assessed Penalties</u> | <u>Consent Orders</u> | <u>Assessed Penalties</u> |
|------------------------------------|----------------------------------|-------------------------------|---------------------------|-------------------------------|
| Land & Waste Management | | | | |
| UST Program | 0 | \$ 0 | 6 | \$ 4,600.00 |
| *Solid Waste | 0 | 0 | 3 | 13,500.00 |
| Hazardous Waste | 0 | 0 | 2 | 23,645.00 |
| SUBTOTAL | 0 | 0 | 11 | \$ 41,745.00 |
| Water | | | | |
| Drinking Water | 0 | \$ 0 | 14 | \$ 26,865.00 |
| Water Pollution | 0 | \$ 0 | 5 | 23,118.00 |
| SUBTOTAL | 0 | \$ 0 | 19 | \$ 49,983.00 |
| Air Quality | | | | |
| SUBTOTAL | 0 | \$ 0 | 5 | \$ 28,780.00 |
| TOTAL | 0 | \$ 0 | 35 | \$ 120,508.00 |

***During the reporting period, Solid Waste Enforcement and Water Pollution Enforcement entered into a Joint Consent Order. Solid Waste Enforcement was given credit for the Order.**

ANALYSIS: During the reporting period, Solid Waste Enforcement and Water Pollution Enforcement entered into a Joint Consent Order with Carolina Ceramics, LLC (Respondent), who operates Dry Branch Mine (Mine). The Respondent conducted mining activities outside the permitted area; failed to follow the Mine Operations Maps in the operating permit; mined sand without a permit; failed to prevent discharge of sediment to waters of the State; and, failed to submit Discharge Monitoring Reports. The Respondent will stabilize the Mine site to

prevent discharge of sediment; submit remediation plans for portions of the Mine; and, modify the operating permit to include the sand excavation and future dewatering practices. A civil penalty in the amount of twelve thousand five hundred dollars (\$12,500.00) was assessed.

Air Quality Enforcement entered into a Consent Order with RPM & Associates, Inc. (Respondent), a general contractor. The Respondent failed to provide written notice 10 days prior to starting a regulated asbestos project; failed to obtain an asbestos project license before beginning the project; allowed unlicensed workers to work the asbestos project that involved regulated asbestos containing materials (RACM); failed to follow the required work practice requirements involving RACM; and, discharged visible emissions to the outside air during collection of the asbestos containing waste material. In the future, the Respondent will apply for all licenses prior to the start of an asbestos project involving RACM; to only use licensed workers; follow the work practice requirements; and not allow visible emissions to be discharged to the outside air. A civil penalty in the amount of sixteen thousand four hundred dollars (\$16,400.00) was assessed.

Submitted by:

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