AGENDA

ENVIRONMENTAL MANAGEMENT COMMISSION
CIVIL PENALTY REMISSIONS COMMITTEE MEETING

GROUP II

512 North Salisbury Street
Archdale Building – 14th Floor Conference Room
Raleigh, North Carolina

March 10, 2011
(Immediately following EMC Business Session)

DIVISION OF AIR QUALITY / DIVISION OF WASTE MANAGEMENT

Executive Order No. One mandates that the Chair inquire as to whether any member knows of any known conflict of interest or appearance of conflict with respect to matters before the Commission. If any member knows of a conflict of interest or appearance of conflict, please so state at this time.

Charles H. Peterson, Vice Chairman, Presiding

No agenda items are scheduled for oral presentation

The following agenda items are NOT scheduled for oral presentation.

11-03 Request for Remission of Civil Penalty by **Kenneth L. Twisdale Jr.** pp 1-53
(UST #08-028P)
Halifax County

CP: $7,900.00
IC: $401.42
Remit: $0.00
Total: $8301.42

Request for oral presentation: **None**
Note: DWM/UST opposes any remission or mitigation of the penalty and recommends that the original civil penalty assessment of $8,301.42 be upheld. DWM/UST makes this recommendation because no financial data has been submitted and no evidence of compliance with the violations that are the subject of the penalty assessment has been received.

The following agenda items are NOT scheduled for oral presentation.

11-04 Request for Remission of Civil Penalty by **Warren Oil Company** pp 1-59
(UST #07-100P)
Franklin County

CP: $ 11,500.00
IC: $ 284.94
Remit: $10,500.00
Total: $1,284.94

Request for oral presentation: **None**
NOTE: DWM/UST recommends the remaining civil penalty assessment of $10,500.00 be upheld. DWM/UST makes this recommendations because the UST system has been removed from the ground; however, neither the Initial Action Abatement report nor financial data have been received.

11-05 Request for Remission of Civil Penalty by **Warren Oil Company** pp 1-38
(UST #08-055P)
Franklin County

CP: $ 8,900.00
IC: $ 402.16
Remit: $0.00
Total: $9,302.16

Request for oral presentation: **None**
NOTE: DWM/UST recommends that the original civil penalty assessment of $9,302.16 be upheld. DWM/UST makes this recommendation because no evidence of compliance with the violations that are the subject of the penalty assessment has been received.

11-06 Request for Remission of Civil Penalty by **St. George Holdings,** pp 1-48
LLC (UST #09-108P)
Mecklenburg County

CP: $5,100.00
IC: $520.38
Remit: $2,800.00
Total: $2,820.38

Request for oral presentation: **DENIED**
NOTE: DWM/UST recommends that the reduced civil penalty assessment of $2,820.38 be upheld.

The following agenda items are NOT scheduled for oral presentation.

11-07 Request for Remission of Civil Penalty by **Bobby's #2, Inc.** pp 1-42
(UST #08-121P)
Halifax County

CP: $7,400.00
IC: $557.76
Remit: $4,400.00
Total: $3,557.76

Request for oral presentation: **None**
NOTE: DWM/UST recommends that the reduced civil penalty assessment of $3,557.76 be upheld.

11-08 Request for Remission of Civil Penalty by **Anthony Williams, Sr.** pp 1-18
(DAQ 2010-018)
Harnett County – Fayetteville Regional Office

CP: $750.00
IC: $307.00
Remit: $0.00
Total: $1,057.00

Request for oral presentation: **DENIED**

11-09 Request for Remission of Civil Penalty by **Bryan Scott McFalls** pp 1-16
(DAQ 2009-179)
Mitchell County – Asheville Regional Office

CP: $250.00
IC: $250.00
Remit: $0.00
Total: $500.00

Request for oral presentation: **None**

11-10 Request for Remission of Civil Penalty by **Tyler Killian** pp 1-19
(DAQ 2009-198)
Caldwell County – Asheville Regional Office

CP: $750.00
IC: $251.00
Remit: $0.00
Total: $1,001.00

Request for oral presentation: **None**

The following agenda items are NOT scheduled for oral presentation.

11-11 Request for Remission of Civil Penalty by **James Hudler Backhoe Service** pp 1-20
(DAQ 2009-205)
Iredell County – Mooresville Regional Office

CP: $1,500.00
IC: $264.00
Remit: $0.00
Total: $1,764.00

Request for oral presentation: **None**

(THIS ITEM HAS BEEN REMOVED)
11-12 Request for Remission of Civil Penalty by **Sweetwater Concepts, Inc.** pp 1-28
(DAQ 2010-046)
Transylvania County – Asheville Regional Office

CP: $3,000.00
IC: $206.00
Remit: $1,500.00
Total: $1,706.00

Request for oral presentation: **None**

11-13 Request for Remission of Civil Penalty by **J Bar D Construction Company, Inc.** pp 1-16
(DAQ 2010-056)
Davidson County – Winston-Salem Regional Office

CP: $2,000.00
IC: $265.00
Remit: $1,000.00
Total: $1,265.00

Request for oral presentation: **None**

11-14 Request for Remission of Civil Penalty by **Stephen Maynor** pp 1-17
(DAQ 2010-091)
Robeson County – Fayetteville Regional Office

CP: $500.00
IC: $216.00
Remit: $0.00
Total: $716.00

Request for oral presentation: **DENIED**

The following agenda items are NOT scheduled for oral presentation.

11-15	Request for Remission of Civil Penalty by **Gallberry Farms, Inc.** **(DAQ 2010-163)** Halifax County – Raleigh Regional Office	pp 1-39

CP: $2,000.00
IC: $281.00
Remit: $1,000.00
Total: $2,281.00

Request for oral presentation: **DENIED**

11-16	Request for Remission of Civil Penalty by **Troutman Chair Company** **(DAQ-2010-021)** Iredell County – Mooresville Regional Office	pp 1-23

CP: $2,000.00
IC: $211.00
Remit: $500.00
Total: $1,711.00

Request for oral presentation: **None**