

**TENTATIVE AGENDA & MINIBOOK  
WASTE MANAGEMENT BOARD MEETING**

**FRIDAY, JANUARY 9, 2015**  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
2<sup>ND</sup> FLOOR CONFERENCE ROOM  
629 E. MAIN STREET  
RICHMOND, VIRGINIA

**CONVENE – 10:00 a.m.**

		<b>TAB</b>
<b>I. Board Business</b>		
Minutes (June 24, 2014)		A
<b>II. Regulations – Final Exempt</b>		
Virginia Hazardous Waste Management Regulations, 9VAC20-60 Annual Update for 2014	Harris	B
Regulations Governing the Transportation of Hazardous Materials, 9VAC20-110 Annual Update for 2014	Harris	C
<b>III. Regulations – Proposed</b>		
Virginia Hazardous Waste Management Regulations, 9VAC20-60 Amendment 18 – Mercury-Containing Lamps	Romanchik/ Harris	D
<b>IV. Significant Noncompliance Report</b>	Deppe	E
<b>V. Public Forum</b>		
<b>VI. Other Business</b>		
Recycling and Litter Grant Reports	Beckwith	
Division Director's Report	Steers	
Future Meetings		
<b>VII. Adjourn</b>		

NOTES: The Board reserves the right to revise this agenda without notice unless prohibited by law. Revisions to the agenda include, but are not limited to, scheduling changes, additions, or deletions. Questions on the latest status of the agenda or should be directed to Debra A. Harris at (804) 698-4209 or Debra.Harris@deq.virginia.gov.

**PUBLIC COMMENTS AT WASTE MANAGEMENT BOARD MEETINGS**

The Board encourages public participation in the performance of its duties and responsibilities. To this end, the Board has adopted public participation procedures for regulatory action and for case decisions. These procedures establish the times for the public to provide appropriate comment to the Board for its consideration.

For REGULATORY ACTIONS (adoption, amendment or repeal of regulations), public participation is governed by the Administrative Process Act and the Board's Public Participation Guidelines. Public comment is accepted during the Notice of Intended Regulatory Action phase (minimum 30-day comment period) and during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period). Notice of these comment periods is announced in the Virginia Register, by posting to the Department of Environmental Quality and Virginia Regulatory Town Hall web sites and by mail to those on the Regulatory Development Mailing List. The comments received during the announced public comment periods are summarized for the Board and considered by the Board when making a decision on the regulatory action.

For CASE DECISIONS (issuance and amendment of permits), the Board adopts public participation procedures in the individual regulations which establish the permit programs. As a general rule, public comment is accepted on a draft permit for a period of 30 days. If a public hearing is held, there is an additional comment period, usually 45 days, during which the public hearing is held.

In light of these established procedures, the Board accepts public comment on regulatory actions and case decisions, as well as general comments, at Board meetings in accordance with the following:

**REGULATORY ACTIONS:** Comments on regulatory actions are allowed only when the staff initially presents a regulatory action to the Board for final adoption. At that time, those persons who commented during the public comment period on the proposal are allowed up to 3 minutes to respond to the summary of the comments presented to the Board. Adoption of an emergency regulation is a final adoption for the purposes of this policy. Persons are allowed up to 3 minutes to address the Board on the emergency regulation under consideration.

**POOLING MINUTES:** Those persons who commented during the public hearing or public comment period and attend the Board meeting may pool their minutes to allow for a single presentation to the Board that does not exceed the time limitation of 3 minutes times the number of persons pooling minutes, or 15 minutes, whichever is less.

**NEW INFORMATION** will not be accepted at the meeting. The Board expects comments and information on a regulatory action or pending case decision to be submitted during the established public comment periods. However, the Board recognizes that in rare instances new information may become available after the close of the public comment period. To provide for consideration of and ensure the appropriate review of this new information, persons who commented during the prior public comment period shall submit the new information to the Department of Environmental Quality (Department) staff contact listed below at least 10 days prior to the Board meeting. The Board's decision will be based on the Department-developed official file and discussions at the Board meeting. In the case of a regulatory action, should the Board or Department decide that the new information was not reasonably available during the prior public comment period, is significant to the Board's decision and should be included in the official file, the Department may announce an additional public comment period in order for all interested persons to have an opportunity to participate.

**PUBLIC FORUM:** The Board schedules a public forum at each regular meeting to provide an opportunity for citizens to address the Board on matters other than those on the agenda, pending regulatory actions or pending case decisions. Those persons wishing to address the Board during this time should indicate their desire on the sign-in cards/sheet and limit their presentations to 3 minutes or less.

The Board reserves the right to alter the time limitations set forth in this policy without notice and to ensure comments presented at the meeting conform to this policy.

Department of Environmental Quality Staff Contact: Debra A. Harris, Policy and Planning Specialist, Office of Regulatory Affairs, Department of Environmental Quality, 629 East Main Street, P.O. Box 1105, Richmond, Virginia 23218, phone (804) 698-4209; fax (804) 698-4346; e-mail: Debra.Harris@deq.virginia.gov

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## **Regulations - Final Exempts**

### *Regulations Governing the Transportation of Hazardous Materials, 9VAC20-60 Annual Update 2014*

This final exempt action amends the Virginia Hazardous Waste Management Regulations, 9VAC 20-60. The Virginia Hazardous Waste Management Regulations, 9VAC20-60, include citations and requirements in the form of incorporated federal regulatory text at Title 40 of the Code of Federal Regulations (CFR). This regulatory amendment will bring these citations up to date and incorporate the latest Title 40 of the CFR to the one as published in the July 1, 2014 update. As part of this regulatory action, the Board is adopting EPA's Hazardous Waste Electronic Manifest Rule (e-Manifest Rule) which was promulgated on February 7, 2014; however, Annual Update 2014 will not incorporate the subdivisions of the e-Manifest Rule which impose a user fee that EPA may collect for use of the manifest system. EPA has indicated that they will promulgate a subsequent rule which will provide the user fee schedule and compliance date for use of the e-manifest application. Therefore, this regulatory action will not include the provisions for imposition of a user fee by EPA. Section 2.2-4006 A 4 (c) of the Code of Virginia allows the Board to adopt this regulatory amendment to 9VAC20-60 as the changes are necessary to conform to changes in the federal regulations. This regulatory amendment will be effective 30 days after publication in the *Virginia Register*. At the Board meeting on January 9, 2015, the DEQ will request that the Board adopt Annual Update 2014 to 9VAC20-60, authorize its publication, and affirm that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.

### *Regulations Governing the Transportation of Hazardous Materials, 9VAC20-110 Annual Update 2014*

This final exempt action amends the Regulations Governing the Transportation of Hazardous Materials, 9VAC20-110. Each year, the U.S. Department of Transportation makes changes to the federal regulations regarding the transportation of hazardous materials in Title 49 of the Code of Federal Regulations (49 CFR). As 9VAC20-110 incorporates certain parts of Title 49 of the CFR, it is necessary to amend 9VAC20-110 in order to

incorporate the federal changes. This amendment will bring the 49 CFR citations in 9VAC20-110 up to date and incorporate the applicable changes to 49 CFR to the most current CFR published in the October 1, 2014 update. Section 2.2-4006 A 4 (c) of the Code of Virginia allows the Board to adopt this regulatory amendment to 9VAC20-110 as the changes are necessary to conform to changes in the federal regulations. This regulatory amendment will be effective 30 days after publication in the *Virginia Register*. At the Board meeting on January 9, 2015, the DEQ will request that the Board adopt Annual Update 2014 to 9VAC20-110, authorize its publication, and affirm that the Board will receive, consider and respond to requests by any interested person at any time with respect to reconsideration or revision.

### Regulations – Proposed

#### *Virginia Hazardous Waste Management Regulations, 9VAC 20-60*

#### *Amendment 18 – Mercury-Containing Lamp Crushing*

This regulatory action is for approval of a proposed amendment to the Virginia Hazardous Waste Management Regulations, 9VAC20-60, for mercury-containing lamp crushing operations. 9VAC20-60 provides the standards for the definition and management of hazardous waste. These regulations incorporate by reference the federal hazardous waste management regulations as promulgated by the Environmental Protection Agency (EPA). In July 1999 (64 FR 36466), EPA added hazardous waste lamps containing mercury to the list of universal waste regulated under the Resource Conservation and Recovery Act (RCRA). The purpose of the universal waste sections contained in the regulations is to streamline and encourage recycling. Currently, mercury-containing lamps are managed in accordance with the universal waste sections of 9VAC20-60 and crushing of these lamps for size reduction is allowed under the regulations; however, the federal universal waste regulations do not allow crushing. In order to obtain approval for our state program, Virginia submitted a request to EPA for the universal waste lamp requirements in 9VAC20-60 which include crushing. In 2003, EPA proposed Virginia's regulations for crushing for approval but later withdrew that proposal due to adverse comments received. As a result, Virginia's regulations do not operate in lieu of the federal requirements. EPA recommended that Virginia make further changes to its universal waste regulations for mercury-containing lamps in order to address the comments and receive EPA approval for the mercury-containing lamp universal waste program. Over the past years, DEQ has worked with EPA Region III in order to provide additional support for a demonstration of equivalency and to develop reasonable regulatory language. Recently, EPA has indicated that the demonstration of equivalency was adequate and that the proposed regulatory provisions were acceptable. A Notice of Intended Regulatory Action (NOIRA) for this regulation was published in the Virginia Register on April 9, 2012. The comment period ended on May 9, 2012. During the comment period, comments were provided by two commenters. Those comments are provided below.

Commenter	Comment	Agency response
Cheryl Barnett Environmental Program Manager, Department of the Navy (Mid-Atlantic)	The Department of Defense (DoD) encourages VADEQ to seek EPA authorization for the mercury-containing lamp universal waste program. We also support continuation of the lamp crushing provisions of the regulations as outlined in 9VAC20-60-273. Crushing lamps provides DoD with regulatory flexibility in storing, managing and disposing of its universal waste while effectively supporting the DoD mission through facilities sustainment.	Recommendations accepted and taken under consideration during the drafting of the regulation.
Cheryl Barnett Environmental Program Manager, Department of the Navy (Mid-Atlantic)	Each installation that crushes lamps has a written Standard Operating Procedure (SOP). The SOP meets the requirements of 9VAC20-60-273 B.3.c (2). The bulb crushers used at DoD installations meet the air pollution, human health monitoring and operational requirements stated in 9VAC20-60-273 B.3.b. and c. The DoD installations that perform lamp crushing operations crush the lamps at the generating installations and comply with the container management requirements for Universal Waste during accumulation, transportation and off-site disposal. Maintenance activities are routinely conducted and are documented in written logs. Operators are trained on the proper usage of the lamp crushing unit along with the appropriate Personal Protective Equipment to be used during crushing operations ensuring a safe and efficient management method for this waste stream. This training is documented for each operator. Recommendation: No change to this portion of the current regulations is warranted.	Recommendations accepted and taken under consideration during the drafting of the regulation.
Cheryl Barnett Environmental Program Manager, Department of the Navy (Mid-Atlantic)	The Department of Defense (DoD) encourages VADEQ to seek EPA authorization for the mercury-containing lamp universal waste program. The DoD strongly urges VADEQ to seek to retain the lamp crushing provisions provided in the current regulations. Crushing facilitates significant volume reduction, minimizing hazardous waste generation, waste management efforts, transportation and disposal costs, and impact to the environment. For example, 1200 pounds of crushed lamps can be shipped in one triwall <sup>1</sup> container, whereas only 184 pounds of whole (uncrushed) lamps can be shipped in one triwall container. Shipping uncrushed lamps results in additional operator handling, an increased number of containers required, larger storage area requirements, increased shipping costs and greater environmental impact due to the potential for lamp damage during handling and transportation. Conducted in a safe and compliant manner, crushing reduces the potential for unnecessary exposure to	Recommendations accepted and taken under consideration during the drafting of the regulation.

	mercury that can occur during standard container accumulation, storage, and transportation. The DoD has successfully and safely crushed lamps for several years in compliance with the VADEQ's regulations as evidenced by our compliance record.	
Scott Beierwaltes CEO, Air Cycle Corporation	<p>We support the Virginia Department of Environmental Quality in its efforts to more fully define the operational requirements of lamp crushing, especially in the case of destination recycling facilities. Our company has created a nationwide network of lamp recyclers to service our customers, and we fully understand the safety and regulatory concerns that must be in place when processing large quantities of lamps.</p> <p>With regards to lamp crushing units, we also support the development of clear regulatory guidance related to their use and operation. Again, we have designed our device to exceed air quality emissions standards. And we strive to fully educate all of our customers on the importance of properly maintaining and safely operating the device, as well as their regulatory responsibilities related to storage and shipping. We support guidance that reinforces these measures. However, we would recommend against regulatory requirements that cause any undue burden or add additional costs to the operator. Our typical users crush only 2000-4000 lamps a year (average 40-80 per week). Any unnecessary requirements such as air permits, registration fees, reporting, and air quality monitoring would discourage the economical use of these devices.</p>	Recommendations accepted and taken under consideration during the drafting of the regulation

Additionally, DEQ held two stakeholder meetings after publication of the NOIRA. These meetings were held on February 12, 2013 and October 14, 2014. Stakeholders strongly supported the agency's efforts to obtain authorization from EPA for lamp crushing under 9VAC20-60 and the proposed requirements for mercury-containing lamp recycling facilities and retention of the universal waste lamp crushing by universal waste handlers. However, Stakeholders were concerned about the provisions for the secondary filtration units and monitoring. As these requirements were provided as part of the demonstration to EPA, the requirements have been retained. Additional information and recent data can be submitted during the comment period on these issues for further consideration. There were also questions raised regarding the applicability of the requirements for developing a closure plan and providing financial assurance for large quantity handlers. To address this issue, clarifying language was added to state that these requirements only apply to generators who accumulate 5000 kilograms or more of universal waste lamps. At your meeting on January 9, 2015, the Department will request that the Board approve the proposed regulatory amendment, Amendment 18 - Mercury-Containing Lamp Crushing to 9VAC20-60, to proceed to public comment.

**Significant Non-Compliers for Federal Fiscal Years 2014 & 2015 Year-To-Date  
Active HW SNC Cases – Table A**

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Chesterfield Co. (PRO)	AAMCO Transmission	Improper management of HW and petroleum products. Failure to make HW determination.	Consent Order under development.
Gloucester Co. (PRO)	Advanced Finishing Systems, Inc.	HW accumulation violations. Failure to evaluate tank structural integrity.	Consent Order under development.
Warren Co. (VRO)	Axalta Coating Systems, LLC	Violation of HW pre transport requirements. HW management	Pending EPA enforcement action.
City of Portsmouth (TRO)	Columbus Avenue LLC	Exceeding HW accumulation time. Failure to notify of LQG status and pay annual fee.	Consent Order in negotiations.
Various Sites Throughout Commonwealth	CVS Pharmacy	Failure to notify LQG status and pay annual fee. Improper disposal and management of HW.	Consent Order under development.
Henry Co. (BRRO)	Easter's Auto & Bus Sales	Failure to make HW determination. Used oil violations.	Consent Order under development.
Henry Co. (BRRO)	Northpoint Trading, Inc.	Exceeding HW accumulation time limits.	Consent Order under development.
Lunenburg Co. (BRRO)	Virginia Marble Manufacturers, Inc. Plant 2	Failure to make HW determination. Failure to notify change in generator status. Container management violations.	Consent Order under development.

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Lunenburg Co. (BRRO)	Virginia Marble Manufacturers, Inc. Main Plant	Failure to make HW determination. Failure to notify change in generator status. Container management violations.	Consent Order under development.

**Resolved HW Cases FFY 2014 – Table B**

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Chesterfield Co. (PRO)	Alstom Power Inc.	Exceeding accumulation time. Inspection violations. UW violations. Contingency and notification violations	Consent Order effective February 24, 2014. \$9,000 civil penalty.
City of Chesapeake (TRO)	Astro Cleaning & Packaging Corp	Unpermitted treatment and disposal of HW. Failure to ensure universal treatment standards were met.	Consent Order effective February 18, 2014. \$18,025 civil penalty.
Fairfax Co. (NRO)	Blue Ridge Arsenal	Pre transport violations. Management and contingency plan violations.	Consent Order effective August 1, 2014. \$3,511.50 civil penalty.
City of Hampton (TRO)	Craft Machine Works, Inc.	Failure to make HW determination. Failure to obtain a permit. Labeling and storage violations	Consent Order effective May 20, 2014. \$10,000 civil penalty.
Augusta Co. (VRO)	Energizer Holdings, Inc. for Schick Manufacturing, Inc.	Exceeded HW accumulation times. Container labeling violations. Records violations. UW violations.	Consent Order effective September 23, 2014. \$30,087 civil penalty.
Warren Co. (VRO)	Epiphany Studios, Inc.	Failure to make HW determination. Improper disposal of HW.	Consent Order effective July 18, 2014. \$6,825 civil penalty.
City of Roanoke (BRRO)	Foot Leveler	Failure to make HW determination. UW violations. Failure to implement comprehensive training program.	Consent Order effective August 5, 2014. \$15,937 civil penalty. Schedule of Compliance included.
City of Richmond (PRO)	Handcraft Cleaners & Launderers, Inc.	Amendment to require Corrective Action Plan to address groundwater	Amended Consent Order effective October 8, 2013. Schedule of Compliance included.
Pulaski Co. (BRRO)	Lewis Gale Hospital	Used oil violations. Manifest violations. Inadequate record keeping.	Consent Order effective February 10, 2014. \$8,470 civil charge.
James City Co. (TRO)	Motiva Enterprises, LLC	Unpermitted disposal.	Consent Order effective April 21, 2014. \$134,446 civil penalty.
City of Harrisonburg (VRO)	Rockingham Memorial Hospital	Exceeding generator status. Failure to pay annual fee. UW violations. Unpermitted treatment.	Consent Order effective January 27, 2014. \$15,662 civil penalty. Schedule of compliance included.
Henrico County (PRO)	Standex Engraving LLC	Failure to make HW determination. SAA violations. HW management and contingency plan violations.	Consent Order effective December 2, 2013. \$19,600 civil penalty.
Frederick Co. (VRO)	Stowe Woodward, LLC	Labeling violations. Manifest violations. Management violations.	Consent Order effective December 5, 2013. \$23,250 civil penalty.
Amherst Co. (BRRO)	Wright's Auto Sales & Body Shop	Failure to make HW determination, used oil violations.	Consent order effective May 14, 2014. \$2,600 civil penalty. Schedule of compliance included.

Total FFY 14 Final Hazardous Waste Consent Orders = 14

Total FFY 14 Final Civil Charges = \$297,413.50

**Resolved HW Cases FFY 2015 – Table C**

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
City of Roanoke (BRRO)	Chemicals and Solvents, Inc.	Failure to adhere to HW generator and transporter requirements. Possible releases.	Consent Order effective October 7, 2014. \$28,560 civil penalty.
Botetourt Co. (BRRO)	Hugh's Body Shop, Inc.	Exceeding SQG accumulation amount. Failure to properly manifest HW. Labeling violations.	Consent Order in public notice until January 21, 2015. \$5,110 civil penalty.
City of Richmond (PRO)	Hunter Holmes McGuire Veteran's Affairs Medical	Exceeding HW accumulation time limits.	Consent Order effective November 14, 2014. \$11,112 civil penalty. Schedule of Compliance included.

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
	Center		
City of Hopewell (PRO)	John Randolph Medical Center	Exceeding HW accumulation time limits.	Consent Order effective December 8, 2014. \$26,900 civil penalty. Schedule of Compliance included.
Loudoun Co. (NRO)	Orbital Sciences Corp.	Failure to make HW determine. No sampling prior to disposal. Exceeding accumulation time. Improper treatment and disposal of HW. UW violations.	Consent Order effective December 1, 2014. \$99,715 civil penalty.
City of Chesapeake (TRO)	Safety-Kleen Systems, Inc.	Failure to provide exception report. Failure to transport HW under proper manifest. Land Disposal Restriction violations.	Consent Order effective October 17, 2014. \$20,000 civil penalty.

Total FFY 15 YTD Hazardous Waste Consent Orders = 6

Total FFY 15 YTD Civil Charges = \$191,397

**Resolved Solid Waste Cases FFY 2014 – Table D**

Note: SNC status does not apply to Solid Waste cases

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
City of Virginia Beach & City of Chesapeake (TRO)	The "A" Corporation	Regulated Asbestos Containing Material violations.	Consent Order effective September 15, 2014. Inability to pay civil penalty determined. Schedule of Compliance included.
Chesterfield Co. (PRO)	Ace Waste Richmond, LLC for Ace Recycling	Exceeding permitted waste limits. Financial Assurance, operations manual and records violations.	Amended Consent Order effective February 11, 2014. Schedule of compliance included
Roanoke Co. (BRRO)	American Infrastructure – VA, Inc.	Unpermitted disposal of asbestos containing material.	Consent Order effective April 3, 2014. \$36,400 civil penalty.
Buckingham Co. (BRRO)	Mr. Robert E. Bryant	Unpermitted disposal. Burning tires.	Consent Order effective December 12, 2013. \$4,270 civil penalty.
City of Colonial Heights (PRO)	City of Colonial Heights for Unpermitted Solid Waste	Amendment to require quarterly sampling of monitoring wells.	Amended Consent Order effective June 16, 2014. Schedule of compliance included.
City of Chesapeake (TRO)	East Coast Gutterman, LLC	Operating without a permit.	Consent Order effective May 6, 2014. \$5,255 civil penalty. Schedule of compliance included.
Prince Edward Co. (BRRO)	Town of Farmville Sanitary Landfill	Amendment to update schedule of compliance regarding implementation of additional corrective action monitoring of groundwater.	Amended Consent Order effective March 19, 2014. Schedule of compliance included.
Charles City Co. (PRO)	Green Zone Investments, LLC for Tire Recyclers, Inc.	Failure to maintain accurate list of key personnel. Exceeded permitted amount of tires on site.	Consent Order effective September 11, 2014. \$31,690 civil penalty. Schedule of Compliance included.
City of Chesapeake (TRO)	Higgerson-Buchanan, Inc.	Failure to submit reports. Failure to initiate monitoring after exceedence.	Consent Order effective March 12, 2014. \$7,963 civil penalty.
Franklin Co. (BRRO)	Omnisource Southeast, LLC for the Shredded Products Corporation Landfill	Lack of adequate freeboard in leachate collection ponds. Improper leachate management.	Consent Order effective September 11, 2014. \$13,000 civil penalty. Schedule of Compliance included.
Lunenburg Co. (BRRO)	RWG5, LLC	Failure to comply with cover requirements. Failure to limit size of working face of landfill. Failure to report noncompliance.	Consent Order effective May 27, 2014. \$13,500 civil penalty.
Chesterfield Co. (PRO)	Shoosmith Brothers Inc. for the	Failure to control leachate seeps. Failure to comply with cover	Consent Order effective February 12, 2014. \$16,000 civil penalty.

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
	Shoosmith Sanitary Landfill	requirements. Failure to limit size of working face of landfill. Failure to report noncompliance.	
Charles City Co. (PRO)	Waste Management of Virginia, Inc. for the Charles City County Landfill	Failure to control leachate seeps. Failure to maintain daily and intermediate cover of exposed solid waste.	Consent Order effective March 13, 2014. \$28,652 civil penalty. Schedule of compliance included

Total FFY 14 Final Solid Waste Consent Orders = 13

Total FFY 14 Final Civil Charges = \$156,730