

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

**Monday, December 5, 2011**  
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 (May 27, 2011)	A
<b>II. Regulations - Final Exempt</b>	
Virginia Hazardous Waste Management Regulations, 9VAC20-60	
Hazardous Waste Regulatory Update - Immediate Final Rule 2011	Norris      B
Regulations Governing the Transportation of Hazardous Materials, 9VAC20-110	
Transportation of Hazardous Materials - Immediate Final Rule 2011	Norris      C
<b>III. Significant Noncompliers Report</b>	Deppe      D
<b>IV. Public Forum</b>	
<b>V. Other Business</b>	
Enforcement 101	Deppe
Division Director's Report	Steers
Future Meetings	
<b>VI. ADJOURN</b>	

NOTE: 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 should be directed to Debra A. Miller at (804) 698-4206.

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. Miller, Policy 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.miller@deq.virginia.gov](mailto:debra.miller@deq.virginia.gov)

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**Tab B - Regulations - Final Exempt**

*Virginia Hazardous Waste Management Regulations, 9VAC20-60, Hazardous Waste Regulatory Update - Immediate Final Rule 2011*

The regulatory amendment, Hazardous Waste Regulatory Update - Immediate Final Rule 2011, is presented to the Board for consideration as a final regulation to amend the Virginia Hazardous Waste Management Regulations, 9VAC20-60. Each year the U. S. Environmental Protection Agency (USEPA) makes several changes to the federal rules regarding the management of hazardous waste in Title 40 of the Code of Federal Regulations. Since Virginia regulations incorporate the federal regulations, with certain exceptions, it is only necessary to change one item to bring Virginia's regulations up-to-date with the federal changes. The item that must be amended is 9VAC20-60-18, which specifies the date of the federal regulations that are incorporated into Virginia regulations. This date is most often July 1; however, each year the text is amended to change the year of the date to the current year, thus incorporating federal changes from July 1 of the previous year through June 30 of the current year. § 2.2-4006 A 4 (c) of the Code of Virginia allows the Board to adopt the rule as a final regulation without previous consideration, announcement or public participation. The regulations would be final 30 days after publication in the *Virginia Register*. In addition to changes that "remove saccharin and its salts from the lists of hazardous constituents" and "make technical corrections to Subpart K, 40 CFR Part 262 related to certain laboratories" the changes to the federal regulations under 40CFR261 granted a one-time delisting petition from Babcock & Wilcox for certain solid waste generated (wastewater treatment sludge) at its Mt. Athos facility near Lynchburg, Virginia. At the Board meeting on December 5, 2011, the department will request that the Board adopt as a final regulation the amendment, Hazardous Waste Regulatory Update - IFR2011, to the Virginia Hazardous Waste Management Regulations, 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.

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**Tab C - Regulations - Final Exempt**

*Regulations Governing the Transportation of Haz Materials, 9VAC20-110, Transportation of Haz Materials - Immediate Final Rule 2011*

For consideration as a final regulation is Transportation of Hazardous Materials - Immediate Final Rule 2011 (IFR2011) related to the Board's regulations governing the transportation of hazardous materials, 9VAC20-110. Each year the U.S. Department of Transportation makes several changes to the federal rules regarding the transportation of hazardous materials in Title 49 of the Code of Federal Regulations. Since Virginia regulations incorporate the federal regulations, with certain exceptions, it is only necessary to change one item to bring Virginia's regulations up-to-date with these federal

changes. The item that must be amended is 9VAC20-110-110, which specifies the date of the federal regulations that are incorporated into Virginia regulations. For the ease of use by the regulated community, this date is always October 1; however, the text is amended to change the year, thus incorporating federal changes from October 1 of the previously incorporated year (2010) through September 30 of the newly specified year (2011). This amendment covers one year, October 1, 2010 through September 30, 2011, and includes a total of ten (10) changes. § 2.2-4006 A 4 (c) of the Code of Virginia allows the Board to adopt the rule as a final regulation without previous consideration, announcement or public participation. The regulations would be final 30 days after publication in the *Virginia Register*. At the Board meeting on December 5, 2011, the department requests that the Board adopt the amendment, Transportation of Hazardous Materials - IFR2011, to the Regulations Governing the Transportation of Hazardous Materials, 9VAC20-110, and 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.

**Tab D – Significant Non-Compliers Report**

**Active HW SNC Cases – Table A**

<b>Location (DEQ Region)</b>	<b>Case Name</b>	<b>Brief Description of Alleged Violations</b>	<b>Status</b>
Gloucester Co. (PRO)	Advanced Finishing Systems, Inc.	Violations are undetermined.	Pending U.S. Environmental Protection Agency (“EPA”) enforcement action.
Rockingham Co. (VRO)	Atlantic Fabritech	Failure to make HW determination. Improper labeling and failure to complete weekly inspections.	Consent Order under development.
City of Roanoke (BRRO)	Chemicals and Solvents, Inc.	Failure to adhere to HW generator and transporter requirements. Possible releases.	Pending EPA enforcement action.
City of Martinsville (BRRO)	Commonwealth Laminating and Coating, Inc.	Failure to make HW determination. HW Satellite Accumulation violations. Universal Waste (“UW”) violations.	Pending EPA enforcement action.
City of Hampton (TRO)	Craft Machine Works, Inc.	Failure to make HW determination. Failure to obtain a permit. Labeling and storage violations	Consent Order under development.
Sussex Co. (PRO)	Indmar Coatings (2)	Unpermitted storage of HW. Container violations. Failure to do HW training. Other violations.	Matter referred for adversarial action.
Botetourt Co. (BBRO)	ISR Environmental Services (2)	Used oil violations	Consent Order under development.
City of Radford (BRRO)	J & J Sales	Failure to make HW determination. HW Container violations.	Matter referred for adversarial action.
Accomack Co. (TRO)	KMX	LDR violations.	Pending EPA enforcement action.
City of Portsmouth (TRO)	Maryview Medical Center	Manifest violations. LDR violation.	Pending EPA enforcement action.
Henry Co. (BRRO)	Northpoint Trading, Inc.	Exceeding HW accumulation time limits.	Consent Order under development.
City of Richmond (PRO)	Richmond Powder Coating, Inc.	Failure to make HW determination. Exceeding HW accumulation time limits. Labeling and notification violations.	Consent Order in public notice until December 7, 2011. Inability to pay civil charge.
City of Norfolk (TRO)	Sentara Norfolk General Hospital	Failure to make HW determination. UW violation.	Pending EPA enforcement action.
City of Harrisonburg (VRO)	Transprint USA, Inc.	Air emission violations under HW requirements. Improper labeling, managing, and contingency plan violations.	Pending EPA enforcement action.
Amherst Co. (BRRO)	Wright’s Auto Sales & Body Shop	Failure to make HW determination, used oil violations.	Consent order under development.

**Resolved HW Cases – Table B (FY2011)**

<b>Location (DEQ Region)</b>	<b>Case Name</b>	<b>Brief Description of Alleged Violations</b>	<b>Status</b>
Chesterfield Co. (PRO)	Atlantic Industrial Services, Inc.	Transporting HW with an expired HW transporter permit.	Consent Order effective October 6, 2010. \$3,500 civil charge.
City of Lynchburg (BRRO)	Banker Steel Co., LLC	Involves two facilities. Failure to make Hazardous Waste (“HW”) determination. Small Quantity Generator (“SQG”) violations. Land Disposal Restrictions (“LDR”) violations.	Consent Order effective September 23, 2011. \$49,700 civil charge.
Franklin Co. (BRRO)	Blue Ridge Solvents & Coatings, Inc.	Manifest, record keeping and training violations. Unpermitted storage of HW. Failure to obtain EPA ID number.	Consent Order effective May 24, 2011. \$8,820 civil charge.
Rockbridge Co. (VRO)	Des Champs Labs	Failure to notify Department of change in generator status to Large Quantity Generator (“LQG”). Exceeding HW accumulation time limits.	Consent Order effective August 16, 2011. \$7,439 civil charge. Schedule of Compliance included.
City of Richmond (PRO)	Dominion Packaging, Inc.	Storage and labeling violations. Manifest, record keeping and training violations.	Consent Order effective December 14, 2010. \$9,450 civil charge. Schedule of Compliance included.
Fauquier Co. (NRO)	Fiberglass Engineering Co.	Failure to make proper HW determination. SQG violations.	Consent Order effective February 7, 2011. \$3,000 civil charge.
City of Lynchburg (BRRO)	Griffin Pipe Products	Failure to make a HW determination. Labeling and storage violations. LDR violation.	Consent Order effective November 2, 2010. \$8,000 civil charge. Schedule of Compliance included.
Fauquier Co. (NRO)	Kelmar, Inc.	Failure to make HW determination. Labeling and storage violations. Unpermitted HW management.	Consent Order effective October 28, 2010. \$4,716 civil charge. Schedule of Compliance included.
City of Norfolk (TRO)	Metro Machine Corp.	Manifest. No designation of permitted HW facility on manifest, improper HW storage, improper labeling, failure to make HW determination	Consent Order effective September 19, 2011. \$19,600 civil charge.
Henrico Co. (PRO)	Millwork Specialist, LLC	Failure to make HW determination. Labeling, and storage violations. Container violations.	Consent Order effective April 1, 2011. \$20,000 civil charge. Schedule of Compliance included.
City of Lynchburg (BRRO)	Norcraft Companies L.P.	Failure to make HW determination.	Consent Order effective July 5, 2011. \$6,000 civil charge.
City of Norfolk (TRO)	Norfolk Redevelopment and Housing Authority (former Liberty Cleaners)	Unpermitted storage of HW.	Consent Order effective April 3, 2011. \$9,656 civil charge.
City of Roanoke (BRRO)	Pragmatic Environmental Solutions Co.	Failure to make HW determination. HW container violations. Failure to perform HW training.	Consent order effective October 18, 2010. \$7,100 civil charge. Schedule of Compliance included.
City of Roanoke (BRRO)	Steel Dynamics	Failure to notify of HW accumulation area. Failure to update contingency plan. Used oil violations.	Consent Order effective August 25, 2011. \$5,500 civil charge. Schedule of compliance included.

Total FFY 11 YTD Hazardous Waste Consent Orders=14

Total FFY 11 YTD Civil Charges=\$162,481

**Resolved HW SNC Cases – Table B (FY 2012)**

<b>Location (DEQ Region)</b>	<b>Case Name</b>	<b>Brief Description of Alleged Violations</b>	<b>Status</b>
Henry Co. (BRRO)	West Imports Metal Recyclers	Used oil violations. UW violations	Consent Order effective October 20, 2011. \$1,287 civil charge.

Total FFY 12 YTD Hazardous Waste Consent Orders=1

Total FFY 12 YTD Civil Charges=\$1,287

**Resolved Solid Waste Cases – Table C**

*Note: SNC status does not apply to Solid Waste cases*

<b>Location (DEQ Region)</b>	<b>Case Name</b>	<b>Brief Description of Alleged Violations</b>	<b>Status</b>
City of Norfolk (TRO)	B & H Sales Corp.	Unpermitted materials recovery facility operation.	Consent Order effective April 25, 2011. Inability to pay civil charge. Schedule of Compliance included.
Brunswick Co. (PRO)	Brunswick Waste Management, LLC	Unauthorized discharge to state waters from sediment basin.	Consent Order effective October 29, 2010. \$6,000 civil charge.
Town of Farmville (BRRO)	Town of Farmville	Violation of 2007 Consent Order.	Consent Order effective July 6, 2011. \$6,300 civil charge. Schedule of Compliance included.
King George Co. (NRO)	King George County	Litter and windblown waste materials along road leading to active areas; areas of exposed waste that were neither compacted nor covered.	Consent Order effective May 23, 2011. \$15,000 civil charge. Schedule of Compliance included.
Middlesex Co. (PRO)	Middlesex Co.	Groundwater Corrective Action.	Consent Order effective March 22, 2011. Consent Order to address groundwater corrective action at the facility.
Orange Co. (NRO)	Orange Co.	Leachate seeps; severe erosion rills.	Consent Order effective May 2, 2011. \$7,665 civil charge.
Northumberland Co. (PRO)	Raymond & Dinah Fife	Unpermitted solid waste management facility.	Inability to pay civil charge. Schedule of Compliance included.
Spotsylvania Co. (NRO)	Spotsylvania County	Discharge of leachate to nearby surface water.	Consent Order effective October 29, 2010. \$6,300 civil charge.
Sussex Co. (PRO)	Sussex County	Failure to complete groundwater corrective action requirements. Failure to maintain final cap.	Consent Order Amendment effective October 20, 2010. Schedule of compliance to address corrective action at the facility.
Mecklenburg Co. (BRRO)	Town of Chase City	Failure to complete groundwater corrective action requirements. Failure to maintain financial assurance.	Consent Order effective January 31, 2011. \$5,100 civil charge. Schedule of Compliance to address corrective action at the facility.

Total FFY 11 YTD Solid Waste Consent Orders=10

Total FFY 11 YTD Civil Charges=\$46,365