

TENTATIVE AGENDA AND MINIBOOK

**WASTE MANAGEMENT BOARD MEETING
MONDAY, JUNE 10, 2019**

**BANK OF AMERICA BUILDING
3RD FLOOR CONFERENCE ROOM
1111 E. MAIN STREET
RICHMOND, VIRGINIA**

CONVENE – 10:30 A.M.

		T A B
I. Board Business		
Minutes (December 13, 2018)		A
II. Regulations – Final Exempt		
Annual Update 2018, Regulations Governing the Transportation of Hazardous Materials (9VAC20-110)	Harris	B
Annual Update 2018, Virginia Hazardous Waste Management Regulations (9VAC20-60)	Harris/Ellis	C
III. Significant Noncompliance Report	Williams	D
IV. Public Forum (not to exceed 45 minutes)		
V. Other Business		
Division Director's Report	Williams	
Future Meetings		

ADJOURN

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, 1111 E. Main Street, Suite 1400, P.O. Box 1105, Richmond, Virginia 23218, phone (804) 698-4209; fax (804) 698-4346; [e-mail: Debra.Harris@deq.virginia.gov](mailto:Debra.Harris@deq.virginia.gov)

Additional Meeting Information

- Attendees are not entitled to be disorderly or disrupt the meeting from proceeding in an orderly, efficient, and effective fashion. Disruptive behavior may result in a recess or removal from the meeting.
 - Possession or use of any device that may disrupt the conduct of business is prohibited, including but not limited to: voice-amplification equipment; bullhorns; blow horns; sirens, or other noise-producing devices; as well as signs on sticks, poles or stakes; or helium-filled balloons.
 - Attendees shall not block or gather in exits, doors, or aisles.
 - All attendees are asked to be respectful of all speakers.
 - Campaign signs, banners, posters and other materials advocating the election or defeat of any candidate for public office may NOT be displayed at any time in any public space in the Building.
 - Rules will be enforced fairly and impartially enforced, not only to ensure the participation and enjoyment of all meeting attendees, but for those persons working in the building so that they are able to perform their responsibilities.
 - All violators are subject to removal.
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Final Exempt Amendment - Annual Update 2018, Regulations Governing the Transportation of Hazardous Materials (9VAC20-110)

This regulatory amendment will be presented to the Board for their consideration for adoption. The 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 49 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, 2018 annual edition. 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. If adopted, this regulatory amendment will be effective 30 days after publication in the *Virginia Register*.

Final Exempt Amendment - Annual Update 2018, Virginia Hazardous Waste Management Regulations (9VAC20-60)

This regulatory amendment will be presented to the Board for their consideration for adoption. The final exempt action amends the Virginia Hazardous Waste Management Regulations (VHWMR) under 9VAC20-60. The VHWMR include citations and requirements in the form of incorporated federal regulatory text at Title 40 of the Code of Federal Regulations (40 CFR). This regulatory amendment, Annual Update 2018, will bring the 40 CFR citations up to date and incorporate the 2018 annual edition of 40 CFR published on the July 1, 2018. However, this incorporation by reference will not include the provisions of EPA’s Response to Vacatur of Certain Provisions of the Definition of Solid Waste Rule , 83 FR 24664, 05/30/2018 (2018 DSW Rule). As the VHWMR already incorporate by reference EPA’s Definition of Solid Waste Rule, 80 FR 1694, 01/13/2015 (2015 DSW Rule), EPA is not requiring Virginia to adopt the 2018 DSW Rule as the 2015 DSW Rule is protective of human health and the environment. The 2015 DSW Rule was incorporated into the VHWMR by the Board as part of the Annual Update 2015 amendment. The 2015 DSW Rule has been in effect since January 27, 2016. Annual Update 2018 will also incorporate by reference two EPA rules promulgated after July 1, 2018. The EPA rules to be incorporated by this amendment are: (i) *Confidentiality Determinations for Hazardous Waste Export and Import Documents* (82 FR 60894, 12/26/2017); (ii) *Hazardous Waste Management System; User Fees for the Electronic Hazardous Waste Manifest System and Amendments to Manifest Regulations* (83 FR 420, 01/30/2018); (iii) *Safe Management of Recalled Airbags* (83 FR 61552, 11/30/2018); and, (iv) *Management Standards for Hazardous Waste Pharmaceuticals and Amendment to the P075 Listing for Nicotine* (84 FR 5816, 02/22/2019). In addition to the conforming changes incorporating the EPA rules, additional changes have been made in order to correct citations, update nomenclature, and fix grammatical errors. Sections 2.2-4006 A 3 and A 4 (c) of the Code of Virginia allow the Board to adopt this regulatory amendment to the VHWMR as a final exempt regulatory action as the changes are necessary to correct certain errors and to conform to changes in the federal regulations. If adopted, this regulatory amendment will be effective 30 days after publication in the *Virginia Register*.

Significant Noncompliance Report

Active HW SNC Cases – Table A

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Pittsylvania (BRRO)	A.C. Furniture Inc.	Failure to make HW determination. Burying waste without a permit. Improper disposal of hazardous waste. UW violations.	Consent Order under development.
Richmond City (PRO)	AVAIL Vapor, LLC	Failure to notify of waste activity and LQG status. Failure to pay LQG fee. Failure to submit biennial report. Accumulation timeframe violation. Failure to properly identify wastes. Container violations. Training and contingency violations. Manifest violations.	Consent Order under development.

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Lynchburg City (BRRO)	Bohling Steel, Inc.	Failure to notify as LQG, pay fee, and submit biennial report. Manifest violations. Container violations.	Consent Order under development.
Roanoke (BRRO)	Budget Signs	Used Oil and Universal Waste violations.	Consent Order under development.
Clarke (VRO)	C2 Management	Failure to notify as LQG. Manifest violations. Universal Waste Violations.	Consent Order under development.
Amherst (BRRO)	Cooper Steel of Virginia/Lynchburg Steel Company, LLC	Failure to make HW determination. Exceeding HW accumulation time. Container labeling violations. Treatment standards violation. Manifest violations.	Consent Order under development.
Nottoway (PRO)	Cox Wood of Virginia, LLC	Failure to notify as LQG, pay fee, and submit biennial report. Manifest violations. Container violations. Universal Waste.	Consent Order under development.
Lynchburg (BRRO)	DNA Enterprise, LLC	Accumulation Violations. Container Violations. Manifest Violations. Contingency Violations.	Consent Order under development.
Henrico (PRO)	Epacoat, Inc.	Failure to make HW determination. Failure to notify as LQG, pay fee, and submit biennial report. Manifest violations. Container violations. Accumulation time limits violation. Labeling violations. Contingency violations	Consent Order in public notice. \$37,500 civil charge proposed.
Essex (PRO)	FDP Brakes	Failure to make HW determination. Accumulation time limits violation. Container violations. Inspection violations. Contingency plan violations. Universal Waste violations.	Consent Order under development.
Chesterfield (PRO)	HCA Chippenham Hospital	Training Violations. Container Violations. Universal Waste Violations.	Consent Order under development.
Henrico (PRO)	HCA Henrico Doctors Hospital	HW storage violations. Container Violations. Universal Waste Violations. Contingency Violations.	Consent Order under development.
Hopewell (PRO)	HCA John Randolph Medical Center	Training Violations. Manifest Violations. Failure to pay fee and submit biennial report. Contingency Violations. Universal Waste Violations.	Consent Order under development.

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Caroline (NRO)	Hoover Treated Wood Products	Drip pad violations. Failure to make HW determination. Failure to notify as LQG. Inspection violations. Universal Waste violations.	Consent Order under development.
Loudon (NRO)	Hyper Auto Colors	Failure to make HW determination. Transport violations. Proper disposal violations.	Consent Order under development.
Sussex (PRO)	IndMar Coatings Corporation	Container Violations. Universal Waste Violations. Manifest Violations. Biennial Report Violations. Contingency Violations.	Consent Order under development.
Arlington (NRO)	Joint Base Meyer- Henderson Hall	Failure to make HW determination. Container Violations. Manifest Violations. Training Violations.	Consent Order under development.
Salem (BRRO)	Lake Ridge Medical Center	Failure to notify as LQG, pay fee and submit biennial report. Contingency Violations. Training Violations.	Consent Order under development.
Richmond City (PRO)	Magellan Terminals Holdings, LP – Richmond Terminal	Exceeding HW accumulation time limits. Notification violations. Failure to pay annual fee. HW management violations. Contingency plan and inspection violations.	Consent Order in public notice. \$29,500 proposed civil charge.
Prince William (NRO)	Preferred Services	Failure to notify as LQG, pay fee, and submit biennial report. Training violations. Container violations. Universal waste violations.	Consent Order under development.
Rockingham (VRO)	Sentara RMH Medical Center	Failure to notify as LQG. Manifest violations. Labeling violations. Contingency plan violations.	Consent Order under development.
Augusta (VRO)	Target Distribution Center	Contingency plan violations. Manifest violations. Container violations. Inspection violations.	Consent Order under development.
Bedford (BRRO)	Utility One Source Forestry Equipment LLC	Failure to notify of waste activity and LQG status. Universal Waste Violations.	Consent Order in public notice. \$13,685 proposed civil charge.
Henrico (PRO)	W. W. Enroughty & Son, Inc.	Failure to have EPA ID number. Failure to make HW determination. Storage Violations. Contingency plan violations. Inspection violations.	To be addressed with proposed EPACoat Consent Order.

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Arlington Co. (NRO)	Virginia Hospital Center	Failure to make HW determination. Failure to notify as LQG, pay fee, and submit biennial report. Manifest Violations. Container Violations. Recordkeeping Violations. Training Violations. Universal Waste Violations.	Consent Order under development.
Halifax (BRRO)	Voestalpine High Performance Metals Corp.	Container violations. Inspection violations. Satellite accumulation violations. Contingency plan violations. Failure to notify as LQG. Universal waste violations.	Consent Order under development.
Prince William (NRO)	Zestron Americas	Failure to make HW determination. Manifest violations. Labeling violations. Contingency plan violations. Universal waste violations.	Consent Order under development.

Resolved HW Cases FFY 2018 – Table B

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Richmond City (PRO)	AI Biotech	Failure to make HW determination. Failure to notify as LQG and pay fee. Exceeded HW accumulation time. Manifest violations. Labeling violations. Training, inspection, emergency planning, and UW violations.	Consent order effective November 30, 2017. \$32,500 civil charge.
Gloucester (PRO)	Advanced Finishing Systems, Inc.	HW accumulation violations. Failure to evaluate tank structural integrity. Manifest violations. Contingency and safety violations. Training violations.	Consent Order effective May 15, 2018. \$10,000 civil charge.
Fairfax City (NRO)	Collision Specialists of Fairfax	Exceed HW accumulation time. Failure to provide notification updating info for EPA ID. Labeling violations. Open containers. Emergency response violations. Inspection violations.	Consent Order effective January 3, 2018. \$15,000 civil charge.
Wytheville City (SWRO)	Coperion Corporation	Failure to make HW determination; failure to date and label waste	Consent Order effective August 21, 2018. \$7,525 civil charge.
Roanoke City (BRRO)	Custom Wood Products	Container labeling violations. UW lamp violations. Manifest violations. Training violation. Failure to submit Biennial reports.	Consent Order effective March 13, 2018. \$4,000 civil charge.
Rockingham (VRO)	Dynamic Aviation	Improper HW disposal and storage. HW management violations.	Consent Order effective January 31, 2018. \$75,000 civil charge.

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Henrico (PRO)	Hauni Richmond, Inc.	Failure to make a HW determination. Failure to notify LQG status, pay fee, or submit biennial report. Labeling violations. Container violations. Inspection violations. Emergency arrangement violations. UW violations.	Consent Order effective January 29, 2018. \$22,140 civil charge.
Richmond City (PRO)	Integrated Global Services Inc.	Failure to properly determine generator status and notify as LQG. Labeling violations. Training violations. Contingency plan violations. Failure to conduct inspections. LDR/manifest violations.	Consent Order effective August 2, 2018. \$43,140 civil charge.
Chesterfield (PRO)	Johnston-Willis Hospital	Accumulation time violation. LDR violation. Accumulation area violations. Labeling violations. Failure to conduct weekly inspections. UW lamp violations.	Consent Order effective March 9, 2018. \$15,663 civil charge.
Virginia Beach (TRO)	Naval Air Station Oceana	Failure to make a HW determination.	Consent Order effective August 27, 2018. \$6,000 civil charge.
Smyth (SWRO)	Reline America, Inc.	Incorrect HW characterization. LDR/treatment violations. HW and UW container management violations. Failure to notify of accumulation areas. Failure to conduct weekly inspections. Failure to develop a written training program, failure to develop a contingency plan, or make arrangements with local authorities.	Consent Order effective July 31, 2018. \$35,525 civil charge.
Lexington City (BRRO)	Virginia Military Institute	Failure to conduct weekly inspections. No biennial report for 2013. No contingency plan or documentation of personnel training. Bulb crusher violations.	Executive Compliance Agreement effective January 4, 2018.
Richmond City (PRO)	Virginia Commonwealth University	SAA violations. Containers not labeled with "Haz Waste" or identifying words. Missing inspections. Training violations. Emergency response/contingency plan violations. UW violations.	Executive Compliance Agreement effective March 5, 2018.

Total FFY 18 Final Hazardous Waste Consent Orders = 11; Executive Compliance Agreements = 2;
Total FFY 18 Final Civil Charges = \$266,493

Resolved HW Cases FFY2019 (Year To Date)– Table C

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Richmond City (PRO)	Colonial Ford Truck Sales, Inc.	Failure to make HW determination. Failure to notify as LQG and pay fee. Labeling violations. Training, inspection, emergency planning, and UW violations.	Consent order effective November 6, 2018. \$32,000 civil charge.
Alexandria (NRO)	Goodwin House	Failure to notify as LQG, pay fee, and submit biennial report. Contingency Violations. Training Violations. Universal Waste Violations.	Consent Order effective May 7, 2019. \$6,510 civil charge.
Alleghany (BRRO)	HCA Lewis Gale Hospital Alleghany	Failure to notify as LQG, pay fee, and submit biennial report. Land Disposal Restrictions (LDR) Violations. Contingency plan Violations. Accumulation Violations. Universal Waste Violations.	Consent Order effective April 26, 2019. \$13,050 civil charge.
Wythe Co. (SWRO)	MEC	Failure to make HW determination. Labeling Violations. Contingency Violations. Container Violations. Violations at two separate sites.	Consent Order effective March 5, 2019. \$36,015 civil charge.
Montgomery (BRRO)	Radford Army Ammunition Plant	Failure to make HW determination and improper disposal.	Consent Order effective January 4, 2019. \$76,086 civil charge.
Martinsville City (BRRO)	Southern Finishing Company, Inc.	Transportation Violations. Labeling Violations. Contingency Violations. Container Violations.	Consent Order effective October 4, 2018. \$23,012 civil charge.

YTD FFY 19 Final Hazardous Waste Consent Orders = 6

YTD FFY 19 Final Civil Charges = \$186,673

Resolved Solid Waste Cases FFY 2018 – Table D

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Amherst (BRRO)	Amherst County Landfill	Daily cover and stormwater management issues.	Consent Order effective January 30, 2018. \$19,791 civil charge.
Accomack (TRO)	Lance G. Fisher	Unpermitted disposal and storage of solid waste.	Consent Order effective April 23, 2018. No proposed penalty due to inability to pay.
Washington (SWRO)	Clifton-Stewart Developers	Improper disposal of solid waste.	Consent Order effective July 31, 2018. \$12,452.50 civil charge.
Amelia (PRO)	Dick's Place	Improper waste tire storage and processing.	Special Order issued July 27, 2018. \$10,000 civil penalty.
Fauquier (NRO)	Fauquier County Solid Waste Management Facility	Leachate violations.	Consent Order effective November 30, 2017. \$18,375 civil charge.
Frederick (VRO)	Frederick County Landfill	Leachate discharge.	Consent Order effective June 26, 2018. \$11,250 civil charge.

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Bristol City (SWRO)	Reclaimed Resources	Improper waste tire storage and processing.	Special Order issued September 10, 2018. \$10,000 civil penalty.

Total FFY 18 Final Solid Waste Orders = 7

Total FFY 18 Final Civil Charges = \$81,868.50

Resolved Solid Waste Cases FFY 2019 (Year To Date) – Table D

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Farmville (PRO)	Finch Excavation, Inc.	Improper vegetative waste pile.	Consent Order effective October 10, 2018. \$3,000 civil charge.

Total FFY 18 Final Solid Waste Orders = 1

Total FFY 18 Final Civil Charges = \$3,000