

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

FRIDAY, DECEMBER 13, 2013
DEPARTMENT OF ENVIRONMENTAL QUALITY
2ND FLOOR CONFERENCE ROOM
629 E. MAIN STREET
RICHMOND, VIRGINIA

CONVENE – 10:30 a.m.

			TAB
I. Board Business			
Election of Officers			
Minutes (May 3, 2013)			A
II. Regulations – Final Exempt			
Regulations Governing the Transportation of Hazardous Materials, 9VAC20-100	Harris		B
Annual Update 2013 – CFR Update			
Virginia Hazardous Waste Management Regulations, 9VAC20-60	Harris		C
Annual Update 2013 – CFR Update			
III. Regulations – Fast Track Process			
Virginia Hazardous Waste Management Regulations, 9VAC20-60	Harris		D
Accumulation Criteria Clarification			
IV. Significant Noncompliance Report		Deppe	E
V. Public Forum			
VI. Other Business			
Division Director's Report	Steers		
Director's Report – Celebrating Our Success	Paylor		
Future Meetings			
VII. 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, 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

Final Exempts

Regulations Governing the Transportation of Hazardous Materials, 9VAC20-110 Annual Update 2013

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, 2013 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 December 13, 2013, the DEQ will request that the Board adopt Annual Update 2013 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.

Virginia Hazardous Waste Management Regulations, 9VAC20-60 Annual Update 2013

This final exempt action amends 9VAC20-60. Each year, the U. S. Environmental Protection Agency (EPA) makes changes to the federal regulations regarding the management of hazardous waste in Title 40 of the Code of Federal Regulations. Since 9VAC20-60 incorporate the federal regulations, with certain exceptions, it is necessary to change 9VAC20-60-18 to bring Virginia's regulations up-to-date with the federal changes. This regulatory amendment will bring these citations up to date and incorporate the latest Title 40 of the CFR to the one as published on July 1, 2013. In addition, the conditional exclusions for solvent contaminated wipes as published in the Federal Register on July 31, 2013 (78 FR 46448) will also be

adopted into 9VAC20-60 by this regulatory action. This was requested by affected facilities as adoption by the Board is required for this rule to become effective in Virginia. 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 December 13, 2013, the department will request that the Board adopt Annual Update 2013 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.

Fast Track Process Regulations

Virginia Hazardous Waste Management Regulations, 9VAC20-60

Clarification of the Accumulation Area Notification

This regulatory amendment will be presented to the Board for consideration under the fast-track regulatory process. This regulatory action will amend the Virginia Hazardous Waste Management Regulations, 9VAC20-60, by clarifying the accumulation area notification requirements for generators under 9VAC20-60-262. The notification requirement applies to large quantity generators; however, as currently drafted, this requirement could be incorrectly applied to small quantity generators as well. In order to clarify this requirement and bring it in line with the original intent of the regulation and the historical application, this section has been revised. Section 2.2-4012.1 of the Code of Virginia provides the Board's authority for the use of the fast-track process. The fast-track process is for regulations that are expected to be noncontroversial. After review by the Governor, a notice of a proposed fast-track regulation will be published in the Virginia Register and there will be at least a 30 day comment period. The regulation will become effective 15 days after the close of the comment period provided that (i) no objection to use of the fast-track process is received from 10 or more members of the public, or any member of the applicable standing committee of either house of the General Assembly or the Joint Commission on Administrative Rules, and (ii) the Department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal. At the Board meeting on December 13, 2013, the Department will request that: (1) The Board authorize the Department to promulgate the proposed amendment to 9VAC20-60 for public comment using the fast-track process established in §2.2-4012.1 of the Administrative Process Act for regulations expected to be non-controversial; (2) The Board's authorization also constitute its adoption of the regulation at the end of the public comment period provided that (i) no objection to use of the fast-track process is received from 10 or more members of the public, or any member of the applicable standing committee of either house of the General Assembly or the Joint Commission on Administrative Rules, and (ii) the Department does not find it necessary, based on public comments or for any other reason, to make any changes to the proposal; and, (3i) The Board authorize the Department to set an effective date 15 days after close of the public comment period provided (i) the proposal completes the fast-track rulemaking process as provided in § 2.2-4012.1 of the Administrative Process Act and (ii) the Department does not find it necessary to make any changes to the proposal.

Significant Noncompliance (SNC) Report

The following is an update on the current SNC report.

Active HW SNC Cases – Table A

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 in negotiations.
City of Chesapeake (TRO)	Astro Cleaning & Packaging Corp	Unpermitted treatment and disposal of HW. Failure to ensure universal treatment standards were met.	Consent Order in negotiations.
Warren Co. (VRO)	Axalta Coating Systems, LLC	Violation of HW pretransport requirements. HW management	Pending EPA enforcement action.
Fairfax Co. (NRO)	Blue Ridge Arsenal	Pre transport violations. Management and contingency plan violations.	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. Pending DEQ administrative 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.
City of Hampton (TRO)	Craft Machine Works, Inc.	Failure to make HW determination. Failure to obtain a permit. Labeling and storage violations	Referred for adversarial enforcement action.
City of Roanoke (BRRO)	East West Dyecom, Inc.	Exceeding HW accumulation time limits.	Pending EPA Enforcement Action
City of Richmond (PRO)	Hunter Holmes McGuire Veteran's	Exceeding HW accumulation time limits.	Consent Order under development.

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
	Affairs Medical Center		
City of Hopewell (PRO)	John Randolph Medical Center	Exceeding HW accumulation time limits.	Consent Order under development.
Accomack Co. (TRO)	KMX Chemical Corporation	Exceeding HW accumulation time limits.	Pending EPA enforcement action.
Pulaski Co. (BRRO)	Lewis Gale Hospital	Used oil violations. Manifest violations. Inadequate record keeping.	Consent Order under development.
James City Co. (TRO)	Motiva Enterprises, LLC	Disposal violations.	Consent Order under development. \$134,446 proposed consent order.
Henry Co. (BRRO)	Northpoint Trading, Inc.	Exceeding HW accumulation time limits.	Consent Order under development.
City of Petersburg (PRO)	Pre Con, Inc.	Labeling violations. Manifest violations.	Pending EPA enforcement action.
Caroline Co. (NRO)	R207 LLC.	Lack of EPA number. Manifest violations. HW container violations.	Consent Order under development. Pending EPA removal action.
City of Harrisonburg (VRO)	Rockingham Memorial Hospital	Exceeding generator status. Failure to pay annual fee. UW violations. Unpermitted treatment.	Consent Order under development.
Amherst Co. (BRRO)	Wright's Auto Sales & Body Shop	Failure to make HW determination, used oil violations.	Consent order in negotiations, additional ability to pay information required.

Resolved HW Cases – Table B

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Pittsylvania Co. (BRRO)	Columbia Forest Products	Exceeding HW accumulation time and amount. UW violations.	Consent Order effective June 24, 2013. \$9,012.50 civil charge.
City of Lynchburg (BRRO)	Extended Care Associates	Failure to determine HW streams. Manifest violations. Failure to notify of HW locations and LQG status.	Consent Order effective August 15, 2013. \$20,230 civil charge.
Montgomery Co. (BRRO)	Federal-Mogul Corporation	Failure to make HW determination. HW container violations.	Consent Order effective February 5, 2013. \$11,600 civil charge. 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.
City of Radford (BRRO)	J & J Sales	Failure to make HW determination. HW Container violations.	1186 Order effective December 7, 2012. \$10,000 civil charge. Injunctive relief included.
Henrico County (PRO)	Standex Engraving LLC	Failure to make HW determination. SAA violations. HW management and contingency plan violations.	Consent Order effective November 16, 2013. \$19,600 civil penalty.
Frederick Co. (VRO)	Stowe Woodward, LLC	Labeling violations. Manifest violations. Management violations.	Consent Order in public notice until December 4, 2013. \$23,250 civil penalty.
City of Petersburg (PRO)	Virginia State University	Exceeding HW accumulation time and amount. Labeling and accumulation start date violations. SAA violations.	Executive Compliance Agreement effective July 11, 2013. Schedule of compliance included.
City of Winchester (VRO)	Virginia Tech Alson H. Smith Jr. Agricultural Research and Extension Center	Lack of generator notification, nonpayment of annual fee, acute HW accumulation violations	Executive Compliance Agreement effective April 15, 2013.
Chesterfield County (PRO)	Wako Chemicals USA, Inc.	Failure to determine. Exceeding HW accumulation times. Manifest violations. Contingency plan violations.	Consent order effective April 29, 2013. \$12,300 civil charge. Schedule of compliance included.

Total FFY 13 Hazardous Waste Consent Orders = 7

Total FFY 13 Civil Charges = \$63,142.50

Total FFY 14 YTD Hazardous Waste Consent Orders = 3

Total FFY 14 YTD Civil Charges = \$42,850

Resolved Solid Waste Cases – Table C

Note: SNC status does not apply to Solid Waste cases

Location (DEQ Region)	Case Name	Brief Description of Alleged Violations	Status
Chesterfield Co. (PRO)	Ace Waste Richmond, LLC for Ace Recycling	Exceeding permitted waste limits. Financial Assurance, operations manual and records violations.	Consent Order effective August 7, 2013. \$26,900 civil charge. Schedule of compliance included.
Smyth Co. (SWRO)	American Wood Fibers, Inc.	Unpermitted disposal of solid waste. Height exceedances, leachate seeps.	Consent Order effective July 16, 2013. \$7,500.00 civil charge. Schedule of compliance included.
Buckingham Co. (BRRO)	Mr. Robert E. Bryant	Unpermitted disposal. Burning tires.	Consent Order in public notice until November 25, 2013. \$4,270 civil charge.
Montgomery Co. (BRRO)	Mr. William R. Frye	Unpermitted disposal and management of solid waste.	Consent Order effective September 25, 2013. \$7,000 civil charge. Schedule of compliance included.
Greene Co. (VRO)	Green County Sanitary Landfill	Gas remediation plan deficiencies. Methane exceedances. Groundwater monitoring well deficiencies.	Consent Order effective September 6, 2013. \$11,250 civil charge. Schedule of compliance included.
Rockingham Co. (VRO)	Green Earth LLC	Speculative accumulation of solid waste. Unpermitted disposal of solid waste.	Consent Order effective September 23, 2013. \$1,300 civil charge. Schedule of compliance included.
Prince William Co. (NRO)	Potomac Landfill, Inc. for Potomac Landfill	Exceedance of permitted maximum height of waste. Failure to effectively control odors. Leachate violations. Exposed waste.	Consent Order effective November 7, 2012. \$50,000 civil charge. Schedule of compliance included.
Stafford Co. (NRO)	City of Fredericksburg for Cool Springs Road Closed Landfill	Exceeding methane gas levels. Failure to notify DEQ of exceedances. Failure to comply with Landfill Gas Remediation Plan.	Consent Order effective October 9, 2012. \$13,965 civil charge.
City of Radford (BRRO)	Virginia Casting Industries, LLC for VCI Radford Landfill	FA violations. Insufficient intermediate cover. Lack of adequate closure plan.	Consent Order effective February 5, 2013. Inability to pay determination made. Schedule of compliance included.

Total FFY 13 Solid Waste Consent Orders = 8

Total FFY 13 Civil Charges = \$117,915

Total FFY 14 Solid Waste Consent Orders = 1

Total FFY 14 Civil Charges = \$4,270