DEQ-VALLEY
AUG 03 2009
TO:
FILE:

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
VALLEY REGIONAL OFFICE
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L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Amy Thatcher Owens
Regional Director

VIRGINIA WASTE MANAGEMENT BOARD
AMENDMENT TO
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
Environmental Liability Transfer, Inc.
Solid Waste Permit No. 189 (Revoked)

SECTION A: Purpose

This is an amendment to a Consent Order issued under the authority of Va. Code § 10.1-1455, by the Virginia Waste Management Board to Environmental Liability Transfer, Inc., for the purpose of revising certain provisions of the Order by Consent that was issued by Virginia Waste Management Board to Environmental Liability Transfer, Inc., on November 3, 2008.

SECTION B: Basis for Amendment

1. A Special Order by Consent was issued to Environmental Liability Transfer, Inc. (ELT), effective November 3, 2008 (2008 Order). The purpose of the 2008 Order was to resolve certain violations of environmental law and regulations and to outline the requirements of a closure and monitoring plan for the Reeves Brothers/Mace Industrial Landfill (Landfill) which was permitted as Solid Waste Permit No. 189 and is located at on Long Hollow Road in Rockbridge County, Virginia.

2. The Closure and Monitoring Plan outline, detailed in Appendix A of the 2008 Order, provided dates for the submittal of: quarterly reports documenting the progress of action items in the Appendix, reviews of water and soil sampling data, proposed investigation work, risk assessments, Remediation Investigation Report, Closure-In-Place Certification, Engineering Evaluation and Cost Analysis Report, and a Corrective Measures Study, all pursuant to applicable sections of the Virginia Solid Waste Management Regulation (9 VAC 20-80-210 *et. seq.*)

3. On July 28, 2009, a letter was received from ELT informing DEQ that ELT had contracted with a different company to serve as its solid waste engineer during the closure and monitoring activities at the Landfill. In this same letter, they requested an extension to the Remediation Investigation Report submittal date (August 6, 2009) stipulated in Appendix A of the 2008 Order.

4. Both DEQ and ELT recognize that changing contractors during a landfill closure and monitoring project of this magnitude may warrant additional time not originally planned for in the 2008 Order.

SECTION C: Agreement and Order

Therefore, the Virginia Waste Management Board and Environmental Liability Transfer, Inc., agree that it is appropriate to amend the 2008 Order as described below. Accordingly, the Virginia Waste Management Board, by virtue of the authority granted it in Va. Code §10.1-1455.C and F, orders Environmental Liability Transfer, Inc., and Environmental Liability Transfer, Inc., agrees that:

1. To remedy the situation described above and to assist ELT's compliance with the 2008 Order, the language of Appendix A, Paragraph 12 of the 2008 Order shall be amended as follows:

   "By October 6, 2009, ELT shall submit a Remedial Investigation (RI) Report pursuant to 9 VAC 20-80-210(C)(3) that summarizes the results of the field investigations addressed in paragraph 11, above. Another element of the RI Report will include a Risk Assessment pursuant to 9 VAC 20-80-210(C)(3)(b)(1)(d) and a Closure-In-Place Certification, which if deemed applicable to the Site, will satisfy the requirements of 9 VAC 20-80-210.B.1.c."

   This language supersedes only Paragraph 12 of Appendix A of the 2008 Order.

2. Both the Virginia Waste Management Board and ELT understand and agree that this Amendment does not alter, modify, or amend any other provision of the 2008 Order and that unmodified provisions of the 2008 Order remain in effect by their own terms.

And it is so ORDERED this 9th day of September, 2009.

Amy Thatcher Owens, Regional Director
Department of Environmental Quality

Environmental Liability Transfer, Inc. voluntarily agrees to the issuance of this Order.

Date: 7-31-09 By: Thomas E. Roberts, Secretary
Thomas E. Roberts (Title)
Environmental Liability Transfer, Inc.

STATE OF MISSOURI
~~Commonwealth of Virginia~~

~~City~~/County of ST. LOUIS

The foregoing document was signed and acknowledged before me this 31st day of July, 2009, by Thomas E. Roberts who is Secretary of Environmental Liability Transfer, Inc., on behalf of the corporation.

Notary Public

07535347
Registration No.

My commission expires: April 27, 2011

Notary seal:

MICHELLE D. HAMPTON
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Louis County
My Commission Expires: April 27, 2011
Commission Number: 07535347