



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY  
VALLEY REGIONAL OFFICE

Molly Joseph Ward  
Secretary of Natural Resources

P.O. Box 3000, Harrisonburg, Virginia 22801  
(540) 574-7800 Fax (540) 574-7878  
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David K. Paylor  
Director

Amy Thatcher Owens  
Regional Director

## VIRGINIA WASTE MANAGEMENT BOARD ENFORCEMENT ACTION – AMENDMENT TO ORDER BY CONSENT ISSUED TO GREEN EARTH, LLC FOR Solid Waste Permit No. PBR 549

### **SECTION A: Purpose**

This is An Amendment of a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board (Board) and Green Earth, LLC (Green Earth), for the purpose of revising certain provisions of the Consent Order (Order) issued by the Board to Green Earth on September 23, 2013.

### **SECTION B: Basis for Amendment**

1. Green Earth, LLC owns and operates a materials recovery facility (Facility) located at 3330 Kratzer Road in Harrisonburg, Rockingham County, Virginia. The Facility recovers the following waste items from either its curbside or dumpster collection services for either recycling or reuse: wood, glass, plastics and metals. Green Earth was issued Permit-by-Rule PBR549 on November 5, 2008.
2. The Board entered into the Order with Green Earth effective September 23, 2013, for speculatively accumulating wood and glass at the facility, and failing to have adequate financial assurance for the solid waste onsite.
3. Green Earth has made substantial progress removing the accumulated material; however, removal is not complete. Green Earth has requested an extension of the deadline for completing the removal of the wood pile and demonstrating an appropriate financial assurance mechanism for all remaining material onsite.

4. Based on the information available to DEQ to date, Green Earth is otherwise in compliance with the Order and is current with all monitoring and reporting requirements.

**SECTION C: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455, the Board orders Green Earth, and Green Earth agrees to perform the actions described in Appendix A of this Amendment, which supersedes and cancels only Appendix A of the Order. Both the Board and Green Earth understand and agree that this Amendment does not alter, modify or amend any other provision of the Order and that the unmodified provisions of the Order remain in effect by their own terms.

And it is so ORDERED this 3<sup>rd</sup> day of October, 2016.

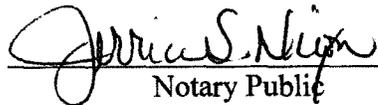
  
Amy T. Owens, Regional Director  
Department of Environmental Quality

Green Earth, LLC voluntarily agrees to the issuance of this Order.

Date: 8-29-16 By: Victoria Simmons, President  
Victoria Simmons (Title)  
Green Earth, LLC

Commonwealth of Virginia  
City/County of Rockingham

The foregoing document was signed and acknowledged before me this 29 day of August, 2016, by Victoria Simmons who is President of Green Earth, LLC, on behalf of the corporation.

  
Notary Public

167755

Registration No.

My commission expires: January 31, 2020

Notary seal:



## **APPENDIX A SCHEDULE OF COMPLIANCE**

### **1. Financial Assurance**

Green Earth shall demonstrate financial assurance for the costs of post-closure care associated with solid waste Permit No. 549, as required by Va. Code § 10.1-1410 and the Financial Assurance Regulations for Solid Waste Disposal.

- a. By October 1, 2016, Green Earth shall provide an appropriate financial assurance mechanism or combination of mechanisms for all remaining material onsite, in addition to the facility, under 9 VAC 20-70-140 through 250, and shall submit a complete and approvable financial assurance demonstration packet to:

Virginia Department of Environmental Quality  
Office of Financial Assurance  
Attention: Leslie Beckwith  
Post Office Box 1105  
Richmond, VA 23218

- b. Green Earth shall respond to any notices of deficiency with respect to its financial assurance cost estimates or mechanisms in accordance with the notice.

### **2. Removal of Speculatively Accumulated Waste**

- a. Green Earth shall submit quarterly reports for the wood waste pile. These reports shall include current volume on site, and the amounts received and shipped during the reporting period. Reports shall include a summary of the Daily Logs required by Item (c.) below that provides the percentage of available working days utilized for wood waste pile reduction during the quarter. Reports shall be submitted within 30 days of each calendar quarter, with the first report due January 30, 2017, and will continue for the duration of the time that this Order is in effect.
- b. Beginning with the effective date of this Order, Green Earth agrees to work at least 75% of the available working days each quarter to reduce the size of the wood waste pile. A working day shall be defined as an 8 hour period during daylight on Monday through Friday (excluding holidays) when weather, equipment operation and/or site conditions are suitable for material to be processed and removed in a reasonably safe manner. Work will continue until the wood pile has been completely removed.
- c. Beginning with the effective date of the Order, Green Earth shall maintain a daily log that will show hours worked on removal of the wood waste pile. Downtime for weather, site conditions, or equipment failure that reduces available operating hours (measured in one

hour increments) will be monitored daily and documented.

- d. Wood waste that has been ground into mulch will be considered a marketable product and not a waste pursuant to 9 VAC 20-81-95(C)(7)(A).

3. **Contact**

Unless otherwise specified in this Order, Green Earth shall submit all requirements of Appendix A of this Order to:

Karen Hensley, Enforcement Team Leader  
VA DEQ - Valley Regional Office  
4411 Early Road  
PO Box 3000  
Harrisonburg, VA 22801  
Office: 540-574-7821 Fax: 540-574-7878  
Email: karen.hensley@deq.virginia.gov