



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

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L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Gerard Seeley, Jr.
Regional Director

WASTE MANAGEMENT BOARD

ENFORCEMENT ACTION

ORDER BY CONSENT

ISSUED TO

HONEYWELL INTERNATIONAL, INC.

EPA ID No. VAD042198119

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Waste Management Board and Honeywell International, Inc. for the purpose of resolving certain alleged violations of the Virginia Waste Management Act and the Virginia Hazardous Waste Management Regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the Virginia Waste Management Board, a permanent collegial body of the Commonwealth of Virginia as described in Code §§ 10.1-1401 and 10.1-1184.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Order" means this document, also known as a Consent Order.
6. "Honeywell" means Honeywell International, Inc., a corporation certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.

7. "Facility" means the Colonial Heights Facility, located at 15801 Woods Edge Road in Chesterfield County, Virginia.
8. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
9. "VHWMR" means the Virginia Hazardous Waste Management Regulations 9 VAC 20-60-12 *et seq.*

SECTION C: Findings of Fact and Conclusions of Law

1. Honeywell International, Inc. ("Honeywell") owns and operates the Colonial Heights Facility ("Facility"), located at 15801 Woods Edge Road, in Chesterfield County, Virginia. Two streams generated at this Facility, oil/water cuttings and filters, were addressed during an inspection conducted by DEQ staff on October 13, 2005.
2. Certain excess oil/water cuttings, which were not reused in the production process, were sent off-site to a used oil processor. These excess oil/water cuttings are referred to hereafter as "excess oil." The excess oil was not classified as "used oil," as that term is defined in 40 CFR §279.1, because it is considered process oil. The excess oil was discarded by Honeywell and therefore constitutes a "solid waste" as that term is defined in 40 CFR §261.2.
3. Analysis of the excess oil showed total organic halogens ("TOX") concentrations in excess of 1,000 ppm. The pure solvent that contaminated the excess oil and caused the elevated TOX concentrations was Digen™ ("Solvent"). This Solvent was used for its solvent properties in the production process and is listed under its IUPAC name as an F002 hazardous waste by 40 CFR 261.31(a) (Subpart D - Lists of Hazardous Wastes).
4. The waste filters were drained and sent to a solid waste incinerator. The filters were also contaminated with the pure Solvent described in Paragraph 2, above, which was used for its solvent properties during the production process. Because the filters were discarded by Honeywell, they constitute a "solid waste" as that term is defined in 40 CFR §261.2.
5. Because the excess oil and the filters constitute "solid waste", as that term is defined in 40 CFR §261.2, and contain F002 spent Solvent listed in 40 CFR §261.31 (Subpart D- Lists of Hazardous Wastes), the excess oil and filters constitute "hazardous wastes", as that term is defined in 40 CFR §261.3(a)(2). Accordingly, the following violations were observed during the October 13, 2005 inspection:
 - a. Upon generation, Honeywell did not correctly characterize the excess oil and filters and did not refer to parts 261, 264 through 266, 268, and 273 for

- possible exclusions or restrictions pertaining to management of this waste, as required by 40 CFR §262.11.
- b. Honeywell did not properly manifest this waste, as required by 40 CFR §262.20.
 - c. Honeywell did not use testing or knowledge to determine if this waste met applicable treatment standards, as required by 40 CFR 268.7(a)(1). Although there was no documentation that the waste met the treatment standards, this waste was not accompanied by a Land Disposal Restriction form when it was sent off-site for disposal, as required by 40 CFR §268.7(a)(2).
6. DEQ staff also observed the following unrelated violations during the October 13, 2005 inspection:
- a. Honeywell did not notify DEQ and document in the operation record its intent to accumulate hazardous waste in accordance with 40 CFR §262.34 prior to or immediately upon the establishment of a hazardous waste accumulation area. Such notification is required by 9 VAC 20-60-266.B of the VHWMR.
 - b. Honeywell accumulated laboratory waste in satellite containers at the point of generation and then transferred the waste to a 55-gallon drum that was also maintained as a satellite accumulation area. The drum was not being maintained as a less-than-90-day accumulation area and it is not near the point of generation. 40 CFR §262.34(c)(1) allows a generator to accumulate up to 55 gallons of hazardous waste in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste without a permit.
 - c. Containers holding hazardous wastes were not kept closed, as required by 40 CFR §265.173(a). Bags containing non-liquid hazardous waste were unlabeled, as required by 40 CFR 262.34(4)(c)(1)(ii).
 - d. Job descriptions were not current for all employees and did not include initial and annual training requirements, as required by 40 CFR 265.16(d).
 - e. Training documentation for 2003 was not available, therefore DEQ could not ensure that year's compliance with 40 CFR §265.16(a), which requires sufficient training, during 2003. Documentation of training was available for training completed in 2004 and 2005.
7. On January 24, 2006, Notice of Violation (NOV) No. 2006-01-PRO-601 was issued for the alleged violations described in paragraphs 5 and 6, above.
8. A meeting between DEQ staff and Honeywell representatives was held on February 6, 2006 to discuss the violations listed in the NOV. The violations described in Paragraphs 6a through 6e, above, were resolved prior to the meeting.
9. Honeywell contends that the waste oil/water cuttings and the filters do not constitute "hazardous waste" as defined by 40 CFR §261.3(a)(2). Nonetheless, Honeywell has revised its waste characterization and management practices as reflected in Appendix A of this Order, in the list of residues provided by Honeywell, entitled "Common

Names of Residues at Colonial Heights Plant” dated July 5, 2006 (“Residue List”), and in the process flow diagram provided by Honeywell entitled “Simplified Fiber Production and Solvent Recovery Processes and Associated Waste and Recovered Materials dated July 5, 2006 (“PFD”). The revised waste characterization and management practices described in these documents achieve compliance with the Virginia Hazardous Waste Management Regulation and resolve compliance issues.

10. DEQ accepts Honeywell’s 40 CFR Part 261 and 262.11 characterization and management of wastes as meeting current regulatory requirements for all wastes that are identified in Appendix A of this Order, the Residue List, and the PFD and that are managed in accordance with Appendix A of this Order, the Residue List, and the PFD.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code §10.1-1455(F), orders Honeywell, and Honeywell voluntarily agrees to perform the actions described in Appendix A of this Order. In addition, the Board orders Honeywell, and Honeywell voluntarily agrees, to pay a civil charge of \$9,600 within 30 days of the effective date of the Order in settlement of the violations and alleged violations cited in this Order. Payment shall be made by check payable to the “Treasurer of Virginia” and shall be delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 10150
Richmond, Virginia 23240

Either on a transmittal letter or as a notation on the check, Honeywell shall include its Federal Identification Number.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Honeywell for good cause shown by Honeywell, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to Honeywell by DEQ on January 24, 2006 and the matters addressed in Paragraph C.9 arising on or before the date of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate

enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.

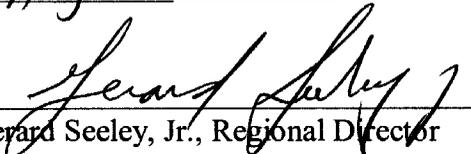
3. Solely for purposes of this Order and subsequent actions by DEQ to enforce this Order, Honeywell admits the jurisdictional allegations, factual findings, and conclusions of law contained herein, except Honeywell does not admit the last sentence in Paragraph C2 or any of Paragraph C5.
4. Honeywell consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. Honeywell declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the Waste Management Act and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Honeywell to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Honeywell shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Honeywell shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Honeywell shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
 - a. the reasons for the delay or noncompliance;
 - b. the projected duration of any such delay or noncompliance;
 - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and

- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

- 9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
- 10. This Order shall become effective upon execution by both the Director or his designee and Honeywell. Notwithstanding the foregoing, Honeywell agrees to be bound by any compliance date which precedes the effective date of this Order.
- 11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Honeywell. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Honeywell from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
- 12. By its signature below, Honeywell voluntarily agrees to the issuance of this Order.

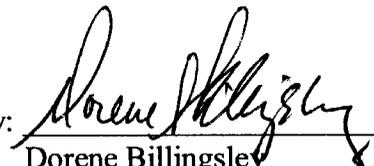
And it is so ORDERED this August 22, 2006.



Gerard Seeley, Jr., Regional Director
Department of Environmental Quality

Honeywell voluntarily agrees to the issuance of this Order.

Date: 7/14/2006

By: 

Dorene Billingsley
Plant Manager

Commonwealth of Virginia
City/County of Chesterfield

The foregoing document was signed and acknowledged before me this 14th day of
July, 2006, by Dorene S. Billingsley, who is
(Name)

Plant Manager of Honeywell, on behalf of the Corporation.
(Title)

Brenda J. Smith
Notary Public
My Commission Expires **10/31/06**

My commission expires: _____.

APPENDIX A

1. **No later than 30 days from the date of this Order**, Honeywell shall incorporate the following language into its standard procedure for waste characterization:
 - a. All recovered oil from the solvent recovery unit (“SRU”) must be reused in the gel line to be considered excluded from RCRA regulation. If any excess oil from the SRU is sent off-site for fuel blending or disposal, such oil and all bulk adsorbent used to refine such oil will be managed as F002 listed hazardous waste. If any excess “gel oil” from the gel line is sent off-site for fuel recovery, it will not be managed as F002 hazardous waste.
 - b. All discarded filters, strainer residues, pigs, absorbents, and rags that contain or come in contact with the spent solvent or spent solvent-contaminated oil cuttings from the SRU will be managed as F002 listed hazardous waste.
 - c. All bulk adsorbent (except bulk adsorbent used to refine excess oil from the SRU that is sent off-site as noted in 1.a. above) and all residues from the gel line will not be managed as F002 hazardous waste, including pre-gel slurry waste, gel, solid gel, drained gel, fibers, mist eliminator oil, coalescer oil, quench water and oil, filters, absorbents, pigs and rags.

2. Evidence of the completing Number 1, above, shall be submitted to DEQ **no later than 45 days from the date of this Order**.