Solid waste file

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
West Central Regional Office
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L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Steven A. Dietrich
Regional Director

COMMONWEALTH OF VIRGINIA
WASTE MANAGEMENT BOARD
CONSENT ORDER
ISSUED TO
MARSHALL CONSTRUCTION CO., INC.

Section A: Purpose

This is a consent order issued under the authority of §§ 10.1-1182 *et seq.* and §§ 10.1-1402, 10.1-1405, and 10.1-1455 of the Code of Virginia (1950), as amended, between the Virginia Waste Management Board and Marshall Construction Co., Inc. to resolve certain alleged violations of environmental laws and/or regulations.

Section B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meanings 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 Va. Code §§ 10.1-1401 and 10.1-1184.

3. "Department" 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. "Regulations" means the Solid Waste Management Regulations, 9 VAC 20-80-10 *et seq.* ("SWMR"), or the Virginia Hazardous Waste Management Regulations, 9 VAC 20-60-12 *et seq.* ("HWMR"). The specific provisions of Title 40 of the Code of Federal Regulations ("CFR") cited herein are incorporated by reference at 9 VAC 20-60-260, 9

VAC 20-60-261, 9 VAC 20-60-262, 9 VAC 20-60-264, 9 VAC 20-60-265, 9 VAC 20-60-268, and 9 VAC 20-60-270.

6. "MCC" means Marshall Construction Co., Inc., a Virginia corporation.

7. "MSGC" means Marshall Sand and Gravel Company, a Virginia corporation.

8. "WCRO" means the West Central Regional Office of DEQ, located in Roanoke, Virginia.

9. "SCRO" means the South Central Regional Office of DEQ, located in Lynchburg, Virginia.

10. "Construction waste", as defined at 9 VAC 20-80-10, means solid waste which is produced or generated during construction, remodeling, or repair of pavements, houses, commercial buildings, and other structures. Construction wastes include, but are not limited to lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, paving materials, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids and garbage are not construction wastes.

11. "Debris waste", as defined at 9 VAC 20-80-10, means wastes resulting from land clearing operations. Debris waste includes, but is not limited to stumps, wood, brush, leaves, soil, and road spoils.

12. "Demolition waste", as defined at 9 VAC 20-80-10, means that solid waste which is produced by the demolition of structures and their foundations and includes the same materials as construction waste.

13. "Main Office Site" means the property located at 2652 Old Richmond Road in Pittsylvania County. MCC owns this property.

14. "2781 Old Richmond Road Site" means the property located at 2781 Old Richmond Road in Pittsylvania County across the street from the MCC Main Office Site. MCC owns this property.

15. "Woodlawn Drive Site" means the property located on Woodlawn Drive in Danville, Virginia at Tax Map No. P163 A 10, Tax I.D. No. 0818-002-000004.000. MSGC owns this property.

16. "Mount Cross Road Site" means the property located across the road from Shemont Baptist Church on Mount Cross Road in Danville, Virginia at Tax Map Nos. P163 44 58

& 61, Tax I.D. Nos. 0708-002-000006.000 and -000007.000. MSGC owns this property.

Section C: Findings of Fact and Conclusions of Law

1. Since 1988, MCC has unlawfully open burned and/or used construction, demolition, and debris waste as fill material at various sites in the City of Danville and the County of Pittsylvania. Those sites that have been investigated by DEQ or the Virginia Department of Waste Management ("DWM") are described in the following paragraphs.

2. Unlawful Disposal of Solid Waste - 1988. On June 7, 1988, DWM staff inspected a site owned by MCC off Route 1195 near its intersection with Route 737 in Danville. In a letter dated June 17, 1988, DWM informed MCC that a permit is required for the operation of a solid waste disposal facility. The letter requested a closure plan for the Route 1195 site. In a letter dated July 5, 1988, Mr. Robert T. Marshall, President of MCC, stated that he did not know that disposal without a permit of debris from construction sites and demolition projects was illegal. That letter also stated that MCC has ceased to use the Route 1195 site and that the site would be covered and seeded. In a follow-up inspection on October 14, 1988, DWM staff observed that "block, bricks, dirt, and asphalt shingles appear to have been added since the first inspection."

3. Unlawful Disposal of Solid Waste - 1995. On June 7 and 27, 1995, DEQ staff inspected the Graystone Apartments property at 224 Parker Avenue in the City of Danville. This property was owned by MCC. Inspection results indicated that the following solid wastes were disposed of in a ravine behind the apartment building: mattresses, white goods, tires, rugs, vegetative waste, scrap metal, and furniture. In letters dated June 9 and July 18, 1995, DEQ requested that MCC remove the solid waste at the Graystone Apartments site for proper disposal. In a letter dated August 18, 1995, MCC provided copies of tipping receipts and stated that the waste had been removed.

4. Unlawful Disposal of Solid Waste - 1997. In response to a complaint, DEQ staff inspected the MCC Main Office Site on May 27, 1997 and observed that demolition and debris waste had been disposed of in a fill area behind the office. DEQ issued a Letter of Noncompliance to MCC May 29, 1997. In a letter dated July 11, 1997, MCC provided copies of landfill tipping receipts and stated that the waste had been disposed of in the landfill.

5. Unlawful Disposal of Solid Waste - 1998. In November 1997, the Cabin Lake condominium complex at Navajo Court in Danville burned. In early October 1998, MCC began removing demolition waste from the Cabin Creek site and transporting it to property on Route 360 ("Rt. 360 Site") owned by MCC in Pittsylvania County. MCC then open burned the demolition waste. DEQ staff inspected the Rt. 360 Site on October

14 and 29, 1998 and observed the remains of drywall, lighting fixtures, carpet, insulation, lumber, bath tubs, and stainless steel sinks. DEQ issued a Notice of Violation ("NOV") to MCC on October 15, 1998. MCC responded to the NOV with a letter dated October 20, 1998. That letter stated that MCC did not know that burning demolition waste was illegal. On January 12, 1999, the Board issued a Consent Order ("1999 Order") to MCC. The 1999 Order settled violations of the SWMR involving operation of an unpermitted solid waste management facility and open burning of demolition waste at the Rt. 360 Site. The 1999 Order included a civil charge of $2,100.00

6. Unlawful Disposal of Solid Waste at the Main Office Site - 2001. In response to a citizen complaint, DEQ staff inspected the Main Office Site on April 10, 2001. Inspection results indicated that demolition and debris wastes were stored on MCC property behind the office building. DEQ staff observed significant areas of petroleum-contaminated soils under and adjacent to the tanks, around abandoned construction equipment, and in open areas where refueling from a tanker truck was performed. On April 23, 2001, DEQ issued a NOV alleging that MCC was operating an unpermitted solid waste disposal unit at this site. DEQ staff performed a follow-up inspection on October 11, 2001. During the October 11 inspection, DEQ staff observed aboveground storage tanks, drums, and other containers at the site. The soil beneath the tanks and drums was saturated with petroleum. A large tanker truck parked at the site was being used for storage of fuel for vehicles and machinery. Soils saturated with petroleum were observed around the tanker truck. MCC had covered some of the petroleum spills that were under tanks and equipment with clean soil.

7. Unlawful Disposal of Solid Waste at the 2781 Old Richmond Road Site - 2001. In response to a citizen complaint, DEQ staff inspected the 2781 Old Richmond Road Site on March 27, 2001. DEQ staff performed follow-up inspections on April 10, 2001. Inspection results indicated that waste used oil tanks and demolition waste, including lumber, metal, and plaster, were stored at this site. On April 23, 2001, DEQ issued a NOV alleging that MCC had improperly disposed of solid waste at this site. In a letter dated April 30, 2001, MCC indicated that it intends to clean up this site. No evidence of solid waste at this site was visible during an inspection performed on March 11, 2004.

8. Unlawful Disposal of Solid Waste at the Woodlawn Drive Site -2001. DEQ staff inspected the Woodlawn Drive Site on September 19, 2001, November 1, 2001, January 15, 2002, and March 11, 2004. The September 19, 2001 inspection documented the disposal by MCC by open burning of demolition waste that MCC brought to the site from a demolition job on West Main Street in Danville, Virginia. On December 20, 2001, DEQ issued a NOV to MCC alleging that MCC had disposed of demolition waste at this site by open burning. Results of the 2002 inspection indicated that the waste had been removed. No evidence of solid waste at the surface of this site was visible during the

March 2004 inspection. MCC staff admitted during the March 2004 inspection that MCC had burned waste at this site in 2001.

9. Unlawful Disposal of Solid Waste at the Mount Cross Road Site -2002. DEQ staff inspected the Mount Cross Road Site on February 6, 2002 and March 11, 2004. Results from the 2002 inspection indicated that demolition waste from the demolition by MCC of two buildings at 181 and 183 South Main Street in Danville had been disposed of at this site in a fill area. Fill material in this area consisted of demolition waste, land clearing debris, and inert waste. DEQ staff observed a pile of demolition waste at the top of the fill area. On February 8, 2002, DEQ issued a NOV to MCC alleging that MCC had improperly disposed of demolition and debris waste at this site. In a letter dated February 12, 2002, MCC stated that it would remove any "unacceptable debris" from the site. No evidence of waste at the surface of this site was visible during the March 2004 inspection. MCC staff admitted during the March 2004 inspection that MCC had disposed of waste at this site.

10. Hazardous Waste Management Violations at the Main Office Site - 2002. In inspections on February 13 and March 9, 2002, DEQ staff observed a used oil tank that had not been labeled as required by 40 CFR § 279.22(c). During that inspection, MCC could not provide any documents demonstrating that MCC had conducted a hazardous waste determination required at 40 CFR § 262.11 and 40 CFR § 261.5 for the used oil burned for heating at the site or that the used oil met the applicable specifications to burn waste oil for heat on site as required by 40 CFR § 279.11. An inspection on March 9, 2002 revealed that MCC had consolidated used oil that was stored in drums into a single waste oil tank that was connected to an indoor burner. On April 30, 2002, DEQ issued a Warning Letter to MCC alleging failure to perform hazardous waste determinations required at 40 CFR § 262.11 and 40 CFR § 261.5, failure to comply with used oil storage and labeling requirements at 40 CFR § 279.22, and failure to determine whether used oil stored on site meets regulatory specifications as required by 40 CFR § 279.11. On June 4, 2002, DEQ issued a NOV to MCC repeating the allegations of the April 30 Warning Letter. During an inspection on March 11, 2004, DEQ staff observed that the used oil tank was properly labeled. ProChem Analytical, Inc., an environmental consultant for MCC, sampled the used oil tank on October 22, 2004. ProChem analyzed the sample for ignitability, metals, and total halides. An analytical report issued by ProChem on November 10, 2004 indicated that none of these constituents exceeded levels allowed by applicable regulations.

11. Excavation at the Main Office Site - 2004. On October 15, 2004, MCC excavated four 15-foot deep exploratory trenches at locations suggested by DEQ staff at the Main Office Site. Most of the materials found in the trenches were broken concrete and soils. A small amount of non-inert waste was found, including wood, charred lumber, tires, and metal.

Some of the excavated soils appeared to be mixed with burned materials.

12. DEQ has not issued a solid or hazardous waste facility permit of any kind to MCC or MSGC.

13. Disposal of solid waste without a permit is prohibited at Va. Code § 10.1-1408.1.A and 9 VAC 20-80-90.A.

14. Disposal of solid waste by open burning defined at 9 VAC 20-80-180.B.7 as operation of an open dump.

15. Disposal of solid waste in open dumps is prohibited at Va. Code § 10.1-1408.1.G and 9 VAC 20-80-80.A.2. Operation of open dumps is prohibited at Va. Code § 10.1-1408.1.H and 9 VAC 20-80-80.A.1.

16. MCC was notified repeatedly of the regulatory requirements applicable to solid waste management through numerous inspections and letters beginning in 1988. In 1999, MCC signed a consent order issued by DEQ which specifically cited MCC with unlawful management of solid waste, including open burning and operating an unpermitted solid waste management facility. Even after these repeated notifications and after issuance of the 1999 consent order, MCC in 2001 landfilled solid waste without a permit at both the Main Office Site and the 2781 Old Richmond Road Site, open burned solid waste at the Woodlawn Drive Site, and in 2002 landfilled solid waste at the Mount Cross Road Site.

17. Accordingly, disposal of solid waste by MCC without a permit at the Main Office Site, the 2781 Old Richmond Road Site, the Woodlawn Drive Site, and the Mount Cross Road Site violated Va. Code §§ 10.1-1408.1.A, 10.1-1408.1.G, and 10.1-1408.1.H, 9 VAC 20-80-80.A, 9 VAC 20-80-90.A, 9 VAC 20-80-180, 9 VAC 20-80-190, 9 VAC 20-80-250.C.8.b. Moreover, the used oil and hazardous waste management practices of MCC at the Main Office Site documented in inspections in 2002 violated 40 CFR § 279.22(c), 40 CFR § 262.11, 40 CFR § 261.5, and 40 CFR § 279.11.

18. Because MCC disposed of solid waste at the Main Office Site without a permit in violation of Va. Code § 10.1-1408.1.A and 9 VAC 20-80-90.A., the Main Office Site is classified as an unpermitted facility in accordance with 9 VAC 20-80-200. Inspection results at that site indicate that a release of a solid waste or constituents of solid waste has occurred. Accordingly, removal of solid waste and or solid waste constituents at this site may be required under 9 VAC 20-80-210.A.

Section D: Agreement and Order

Accordingly, by virtue of the authority granted it pursuant to Va. Code §62.1-44.15(8a) and (8d), and upon consideration of Va. Code § 10.1-1186.2, the Board orders MCC and MCC agrees, to perform the actions described below and in Appendix A of this Order. In addition, the Board orders MCC, and MCC voluntarily agrees, to pay a civil charge of Thirty Eight Thousand Dollars ($38,000.00) in settlement of the violations cited in this Order. **MCC shall pay Three Thousand Dollars ($3,000.00) of this civil charge not later than thirty (30) days after the effective date of this Order**. Payment of Eight Thousand Dollars ($8,000.00) of this civil charge shall be made in **four installments of Two Thousand Dollars ($2,000.00) each**, due on the following schedule:

Installment Number	Amount Due	Due Date
1	$2,000.00	December 1, 2008
2	$2,000.00	February 1, 2009
3	$2,000.00	April 1, 2009
4	$2,000.00	June 1, 2009

Each payment shall be by check, certified check, money order, or cashier's check payable to "Treasurer of Virginia" and sent to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, VA 23218

Each payment shall include MCC's Federal Identification Number and shall state that it is being tendered in payment of the civil charges assessed under this Order.

1. MCC shall satisfy $27,000.00 of the civil charge upon completing the Supplemental Environmental Project ("SEP") described in Appendix B of this Order.

2. The net cost of the SEP to MCC shall not be less than $27,000.00. If it is, MCC shall pay the remaining amount ($27,000.00 minus the amount already paid) in accordance with payment instructions specified above in Section D of this Order, unless otherwise agreed to by the Department. "Net costs" means the costs of the project minus any tax savings, grants and first-year operation cost reductions or other efficiencies realized by virtue of project implementation. If the proposed SEP is for a project for which the party will receive an identifiable tax savings (e.g., tax credits for pollution control or recycling equipment), grants, or first-year operation cost reductions or other efficiencies, the net project cost shall be reduced by those amounts. The costs of those portions of SEPs that are funded by state or

federal low-interest loans, contracts, or grants shall be deducted.

3. By signing this Order, MCC certifies that it has not commenced performance of the SEP before DEQ identified the violations in this Order and approved the SEP.

4. MCC acknowledges that it is solely responsible for completing the SEP project. Any transfer of funds, tasks, or otherwise by MCC to a third party, shall not relieve MCC of its responsibility to complete the SEP as described in this Order.

5. In the event that it publicizes the SEP or the SEP results, MCC shall state in a prominent manner that the project is a part of a settlement for an enforcement action.

6. The Department has sole discretion to:

   a. Authorize any alternate SEP proposed by MCC; and

   b. Determine whether the SEP, or alternate SEP, has been completed in a satisfactory manner.

7. Should the Department determine that MCC has not completed the SEP, or alternate SEP, in a satisfactory manner, the Department shall so notify MCC in writing. Within 30 days of being notified, MCC shall pay the amount specified in Section D above in accordance with payment instructions specified above in that Section.

Section E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of MCC, for good cause shown by MCC, or on its own motion after notice and opportunity to be heard.

2. This Order addresses only those alleged violations specifically identified herein. 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; and/or (3) taking subsequent action to enforce the terms of this Order. Nothing herein shall affect appropriate enforcement actions by other federal, state, or local regulatory authority, whether or not arising out of the same or similar facts.

3. For purposes of this Order and subsequent actions with respect to this Order, MCC admits the jurisdictional allegations, the factual findings and conclusions of law contained herein.

4. MCC 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. MCC declares that it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the Virginia Waste Management Act, Va. Code §§ 10.1-1400 *et seq.*, and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to judicial review of any issue of fact or law contained herein except that MCC reserves its right to a hearing or other administrative proceeding authorized or required by law or to judicial review of any issue of fact or law contained in any subsequent amendments to this Order issued without the consent of MCC. Nothing herein shall be construed as a waiver of the right to any administrative proceeding, or to judicial review of, any action taken by the Board or the Director to enforce this Order.

6. Failure by MCC 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 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. MCC 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, or other act of God, war, strike, or other such occurrences beyond MCC's reasonable control. MCC must show that the circumstances resulting in the noncompliance were beyond its control and were not due to a lack of good faith or diligence on its part. MCC shall notify the Director and the Director of the Department's West Central Regional Office in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of this Order. Such notice shall set forth:

   a. the reasons for the delay or noncompliance;

   b. the projected duration of 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 substantial compliance will be achieved.

Failure to so notify the Director and the Director of the Department's West Central Regional Office within 24 hours of the commencement of the condition causing or anticipated to cause the delay or noncompliance shall constitute a waiver of any claim of 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. Any plans, reports, schedules or specifications attached hereto or submitted by MCC and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.

11. This Order shall become effective upon execution by both the Director or his designee and MCC. Notwithstanding the foregoing, MCC agrees to be bound by any compliance date that precedes the effective date of this Order.

12. This Order shall continue in effect until: a) MCC petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or b) The Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to the MCC. Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve MCC from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable

13. By the signature of an authorized official below, MCC voluntarily agrees to the issuance of this Order.

14. The undersigned representative of MCC certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind MCC to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of MCC, its legal counsel, or its authorized consultant on technical matters.

And it is so ORDERED this 30th day of OCTOBER, 2008.

Steven A. Dietrich

Steven A. Dietrich, Regional Director
West Central Regional Office
Department of Environmental Quality

Seen and Agreed to: Robert T. Marshall

The foregoing instrument was acknowledged before me on September 12, 2008, by Robert T. Marshall, who is President of MCC, in the County/ City of Pittsylvania, Commonwealth of Virginia.

Elizabeth H. Clay Reg. # 199202
Notary Public

My Commission expires: November 30, 2010

APPENDIX A

1. Site Investigation and Removal Plan. Not later than 30 days after the effective date of this Order, MCC shall submit to DEQ for review and approval a site investigation and removal plan ("Plan") prepared by a qualified environmental consultant for the Main Office Site. MCC shall comply with the Plan upon its approval by DEQ. MCC shall notify DEQ at least 10 days prior to commencement of excavation at the Main Office Site so that DEQ staff may have the opportunity to observe excavation and removal activities. At a minimum, the Plan shall include the following:

   - Provisions for excavation and proper disposal of all petroleum contaminated soils at the site. At a minimum, petroleum contaminated soils shall be excavated from the four numbered locations marked in the drawing at Appendix C herein.

   - A schedule of activities and a detailed description of how MCC proposes to excavate, remove, and properly dispose of petroleum contaminated soil at the Main Office Site.

   - A detailed sampling and analysis plan using the analytical methods specified at 9 VAC 20-80-700.C.1 to verify complete removal of the petroleum contaminated soil. The sampling and analysis plan shall describe the number, type, and location of samples and the type of analyses and the data quality objectives and measures necessary to achieve adequate data for use in planning and documenting the removal action.

   - Provisions for investigation of the groundwater contamination at the Main Office Site. The groundwater investigation shall be designed to determine the rate and extent of groundwater contamination at the Main Office Site and establish groundwater protection standards in accordance with the groundwater monitoring standards set out in Part V of the SWMR. A groundwater monitoring network meeting the standards of 9 VAC 20-80-300 shall be established. Sampling and analysis of the constituents specified at Table 5.1 of Part V of the SWMR shall be performed in accordance with the standards specified at 9 VAC 20-80-300. Corrective action, in accordance with 9 VAC 20-80-310, shall be initiated as required by the SWMR.

   The Department will approve or approve and modify the Plan in accordance with the SWMR. MCC shall respond to any Notice of Deficiency ("NOD") regarding the Plan within the time specified in the NOD. MCC shall comply with the timetables specified in the approved Plan.

2. Completion Report. Within 30 days of completion of the requirements of the Plan, MCC shall submit to DEQ a Completion Report which shall include documentation of disposal of all waste removed pursuant to this Order, photographs and a detailed written description of the types and quantities of wastes disposed of, descriptions and data summaries of any analytical work performed, and a determination of whether as of the conclusion of the removal activities any threat to human health or the environment remains.

3. Contingencies. If the results of the sub-surface site survey or removal activities required under the Plan demonstrate that a release of solid waste or solid waste constituents has occurred and that the removal activities performed under the Plan above will not fully address the threat posed by the release, then within 60 days of submittal of the Completion Report, MCC shall submit to DEQ for review and approval a remedial investigation plan in accordance with 9 VAC 20-80-210.C.3.c for performance of a remedial investigation pursuant to 9 VAC 20-80-210.C.3. The remedial investigation plan shall include a schedule for submittal of: a) monthly reports meeting the requirements of Paragraph 4 below; and b) a final report and summary as specified at 9 VAC 20-80-210.C.3.d(2). MCC shall comply with the remedial investigation plan upon its approval by DEQ. If the remedial investigation report submitted pursuant to the remedial investigation plan shows that the site meets any of the criteria specified at 9 VAC 20-80-210.C.4.a for performance of a corrective measure study, then MCC shall submit to DEQ for review and approval a plan for a corrective measure study in accordance with the requirements of 9 VAC 20-80-210.C.4.c. Upon approval by DEQ of the plan for a corrective measure study, MCC shall comply with the approved plan and shall submit a report pursuant to 9 VAC 20-80-210.C.4.d in accordance with the schedule specified in the approved plan. If applicable, MCC shall: a) not later than 60 days after submittal of the corrective measure study report, propose to DEQ for review and approval a remedy pursuant to 9 VAC 20-80-210.C.5; and b) not later than 60 days after the proposed remedy is approved by DEQ, submit a plan and schedule meeting the requirements of 9 VAC 20-80-210.C.6 to implement the remedy.

4. Monthly Reports. MCC shall submit monthly reports to DEQ. Monthly reports shall include:

- Documentation of disposal of all waste removed pursuant to this Order
- A detailed written description of the types and quantities of wastes disposed of
- Descriptions and data summaries of any analytical work performed that month

- Descriptions and schedules for planned future activities
- Documentation of payment of any SEP payments made during the previous month

Monthly reports for the previous month's activities are due by the 14th day of each month. The monthly reporting requirement shall commence with the first calendar month following the month of issuance of this Order.

5. Data Retention. MCC must either submit to DEQ or retain for three years all raw data generated as a result of activities required by this Order. For the purposes of this requirement, raw data includes laboratory reports, drilling logs, and other supporting information generated from the investigations required herein.

6. Submittals. MCC shall submit all documents required under Appendix A of this Order to:

DEQ - South Central Regional Office
7705 Timberlake Road
Lynchburg, VA 24502

APPENDIX B

Supplemental Environmental Project

1. The SEP to be performed by MCC is to make the following donations to volunteer fire and rescue departments for the purpose of purchasing hazardous materials response equipment and supplies:

    a. Donate Four Thousand Five Hundred Dollars ($4,500.00) to the Danville Life Saving Crew not later than 30 days after the effective date of this Order for the purpose of purchasing hazardous materials response equipment and supplies.

    b. Donate Five Thousand Dollars ($5,000.00) to Mount Hermon Volunteer Fire & Rescue not later than 30 days after the effective date of this Order for the purpose of purchasing hazardous materials response equipment and supplies.

    c. Donate Four Thousand Five Hundred Dollars ($4,500.00) to the Kentuck Volunteer Fire Department, Inc. not later than 30 days after the effective date of this Order for the purpose of purchasing hazardous materials response equipment and supplies.

    d. Donate Four Thousand Five Hundred Dollars ($4,500.00) to the Blairs Fire Department not later than November 1, 2008 for the purpose of purchasing hazardous materials response equipment and supplies.

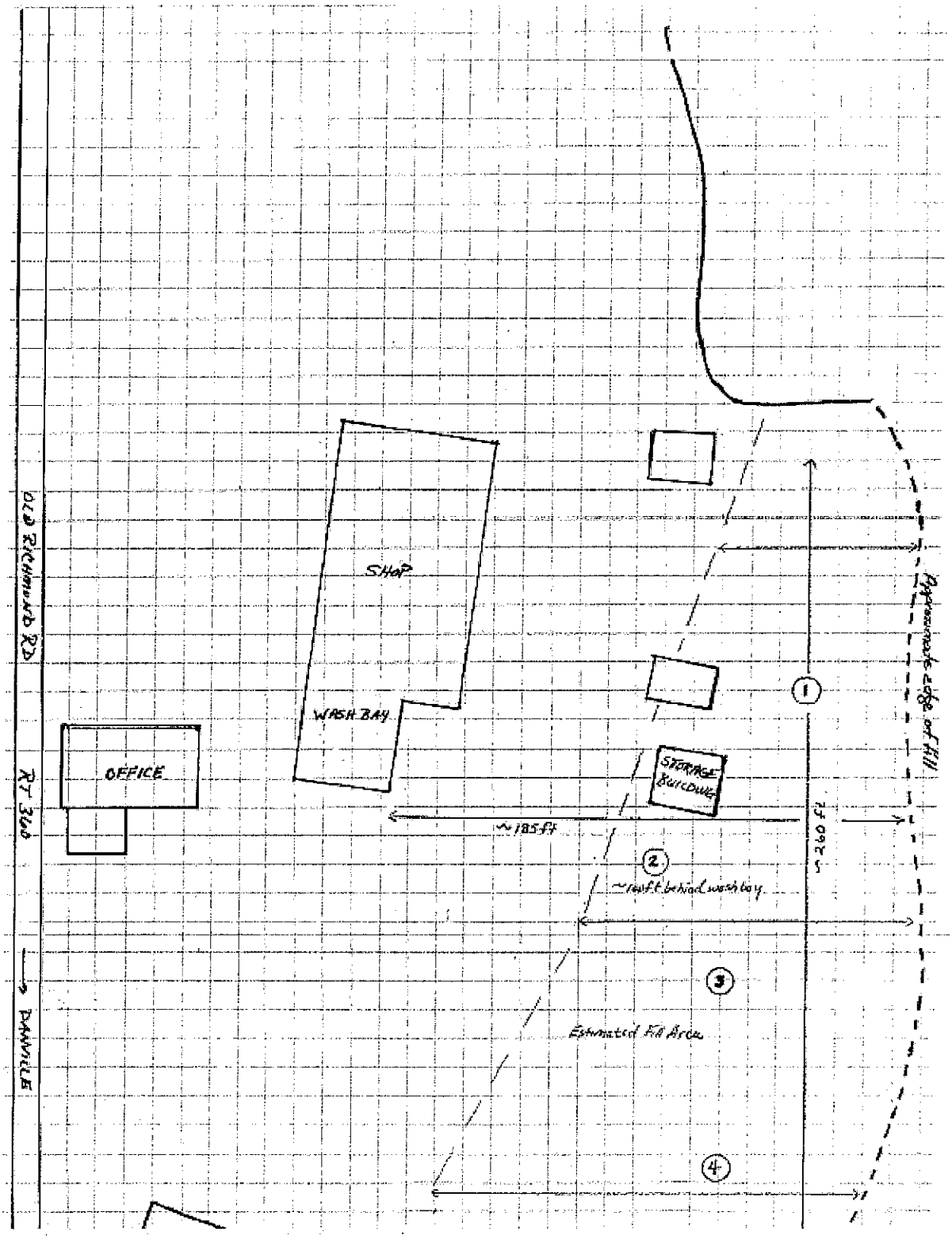
    e. Donate Four Thousand Five Hundred Dollars ($4,500.00) to the Riverbend Fire Department not later than January 1, 2009 for the purpose of purchasing hazardous materials response equipment and supplies.

    f. Donate Four Thousand Dollars ($4,000.00) to Ringgold Volunteer Fire and Rescue Department, Inc. ("Ringgold VFRD") not later than March 1, 2009 for the purpose of purchasing hazardous materials response equipment and supplies.

2. MCC shall supply proof to DEQ that all of the funds donated to the recipients specified above were used for the purchase of such equipment and supplies in a report described in Paragraph 2 below.

3. MCC shall provide the Department with written verification of completion of the SEP by providing a final written report to DEQ not later than April 1, 2009. The final written report shall include copies of the cancelled checks from MCC documenting payment required under Paragraph 1 above and a letter from each recipient of these checks to MCC acknowledging receipt of payment and itemizing all purchases made with funds donated by MCC.

4. Documents to be submitted to the Department regarding the SEP shall be sent to:

   DEQ - South Central Regional Office
   7705 Timberlake Road
   Lynchburg, VA 24502

APPENDIX C
Petroleum Contaminated Soil Locations