



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN VIRGINIA REGIONAL OFFICE
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L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

~~Jeffery A. Steers~~
Regional Director

VIRGINIA WASTE MANAGEMENT BOARD ENFORCEMENT ACTION

ORDER BY CONSENT ISSUED TO

VSE CORPORATION

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1455 between the Virginia Waste Management Board and VSE Corporation for the purpose of resolving certain violations of environmental laws and regulations.

SECTION B: Definitions

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

1. "Board" means the Virginia Waste Management Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1401 and 10.1-1184.
2. "CESQG" means a Conditionally Exempt Small Quantity Generator pursuant to 40 CFR 261.5.
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. "Facility" means the VSE Ladysmith Blast and Paint Facility located at 17253 Center Drive in Ladysmith, Virginia.
6. "LQG" means a Large Quantity Generator pursuant to 40 CFR 262.34(g) and (h).

7. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
8. "Order" means this document, also known as a Consent Order.
9. "Regulations" means 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.
10. "SQG" means a Small Quantity Generator pursuant to 40 CFR 262.34(d), (e) and (f).
11. "Va. Code" means the Code of Virginia (1950), as amended.
12. "VSE" means VSE Corporation, a corporation registered and authorized to do business in Virginia.

SECTION C: Findings of Fact and Conclusions of Law

1. VSE is a publicly traded professional services company that provides engineering and technical support services to the U.S. Government.
2. The VSE Facility which is the subject of this Order, is the Ladysmith Blast and Paint Facility, located at 17253 Center Drive in Ladysmith, Virginia.
3. At the Facility, VSE generates waste paint and related material, spent blast media, spent solvents, used wipes, and used personal protective equipment as part of its blast and paint operations.
4. VSE notified DEQ of the Facility's status as a CESQG on December 29, 1992, and amended its status as a SQG on August 13, 2007.
5. DEQ staff conducted a hazardous waste compliance evaluation inspection at the Facility on January 25, 2008.
6. Waste generation records reviewed onsite at the January 25, 2008 inspection showed that the Facility has been a LQG for at least three years.
7. VSE notified DEQ by letter dated February 25, 2008, of its current LQG status. VSE also noted in this letter that the Facility had exceeded SQG status in 2005 and 2006, and that VSE was prepared to pay arrearage and current application fees for LQG status at this site as may be stipulated by DEQ.

8. On May 22, 2008, DEQ issued a Notice of Violation (NOV) to VSE that set forth the following violations of the Regulations observed during the January 25, 2008 inspection:

- Failure to make a hazardous waste determination in accordance with 40 CFR 262.11.
- Failure to properly complete a manifest in accordance with 40 CFR 262.20(a).
- Failure to label containers before transportation off-site with the words and information required by 40 CFR 262.32(b).
- Failure to store waste in containers complying with the requirements set forth in 40 CFR 262.34(a)(1)(i) and 265 Subpart CC.
- Failure to label waste containers with the dates that the hazardous waste began accumulating in accordance with 40 CFR 262.34(a)(2).
- Failure to label containers storing hazardous waste with the words “hazardous waste” as required by 40 CFR 262.34(a)(3).
- Violation of 40 CFR 262.34(c)(1) for accumulating more than one 55-gallon container of hazardous waste at or near any point of generation.
- Failure to provide hazardous waste management and emergency procedure training to personnel, failure to make arrangements with local authorities, and failure to have a contingency plan, as required by 40 CFR 262.34(a)(4) and 265 Subparts C and D.
- Failure to properly close containers holding hazardous waste during storage as required by 40 CFR 262.34(a)(1)(i) and 265.173(a).
- Failure to inspect areas where containers are stored at least weekly as required by 40 CFR 262.34(a)(1)(i) and 265.174.
- Failure to label or mark universal waste, and failure to label containers holding universal waste batteries with the date the waste began accumulating in accordance with 40 CFR 273.14 and 40 CFR 273.15(c).
- Failure to notify the Department of the location of hazardous waste accumulation areas as required by 9 VAC 20-60-262.B.4 and 40 CFR 262.34(c).
- Failure to notify the Department of LQG status as required by 9 VAC 20-60-315.D.

9. While not noted in the May 22, 2008 NOV, the Facility failed to pay the LQG annual fees required by 9 VAC 20-60-1283 through 1285 for the years 2005, 2006, and 2007.
10. VSE representatives met with DEQ on June 12, 2008 to discuss the violations noted in the May 22, 2008 NOV, and the current enforcement action.
11. The development and maintenance of a compliance binder as required by Appendix A of this Order, will better ensure that the Facility operates in compliance with the Applicable hazardous waste regulations.

SECTION D: Agreement and Order

Accordingly, the Virginia Waste Management Board, by virtue of the authority granted it in Va. Code §§ 10.1-1402, 10.1-1405, and 10.1-1455, orders VSE Corporation, and VSE Corporation agrees to perform the actions described in Appendix A of this Order. In addition, the Board orders VSE Corporation, and VSE Corporation voluntarily agrees, to pay a civil charge of \$17,400.00 within 30 days of the effective date of the Order in settlement of the violations cited in this Order. Payment shall be made by check payable to the "Treasurer of Virginia", delivered to:

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

The payment shall include VSE Corporation's Federal Tax ID number and shall state that it is being tendered in payment of the civil charges assessed under this Order.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of VSE Corporation for good cause shown by VSE or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those 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; 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. For purposes of this Order and subsequent actions with respect to this Order, VSE admits the jurisdictional allegations, and neither admits nor denies the factual findings, and conclusions of law contained herein.
4. VSE 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. VSE waives the right to any hearing or 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 or action taken by the Board to enforce this Order.
6. Failure by VSE 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. VSE 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. VSE shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. VSE shall notify the NRO 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 NRO Regional Director within 24 hours of learning of any condition above, which VSE intends 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 VSE. Notwithstanding the foregoing, VSE 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 VSE. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve VSE from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
12. Any plans, reports, schedules or specifications attached hereto or submitted by VSE 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.
13. By its signature below, VSE voluntarily agrees to the issuance of this Order.
14. The undersigned representative of VSE 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 VSE to this document. Any documents to be submitted pursuant to this order shall also be submitted by a responsible official of VSE.

And it is so ORDERED this 31 day of October, 2008.



Thomas A. Faha, NRO Regional Director
Department of Environmental Quality

VSE Corporation voluntarily agrees to the issuance of this Order.

By: *Robert W. Rouzer*
Title: VSE CORPORATE SAFETY OFFICER
Date: 8-29-2008

Commonwealth of Virginia

City/County of Fairfax

The foregoing document was signed and acknowledged before me this 29th day of

August, 2008, by ROBERT W. ROUZER, who is
(Name)
CORPORATE
SAFETY OFFICER of VSE Corporation on behalf of the Corporation.
(Title)

E M McHenry
Notary Public #177958

My commission expires: 10/31/2008

**APPENDIX A
SCHEDULE OF COMPLIANCE**

VSE Corporation shall:

Within 30 days of the effective date of this Order, VSE shall demonstrate compliance with all standards and requirements of a LQG by submitting documentation demonstrating compliance to DEQ for review. Said documentation shall include, but shall not be limited to proof of compliance with the following requirements. VSE shall, with respect to:

1. Failure to Characterize Waste

Determine whether solid wastes that it generates are also hazardous wastes, as required by 40 CFR 262.11.

2. Transport and Pre-Transport Requirements

- a. Complete all manifests in accordance with 40 CFR 262.20(a).
- b. Label containers before transportation off-site with the words and information required by 40 CFR 262.32(b).
- c. Store waste in containers that comply with the requirements of 40 CFR 262.34(a)(1)(i) and 265 Subpart CC. Proof of said requirement may be in the form of pictures.
- d. Label all containers storing hazardous waste with words "Hazardous Waste" and the dates that the hazardous waste began accumulating in the containers as required under 40 CFR 262.34(a). Proof of compliance with said requirement may be in the form of pictures.
- e. Ensure that containers of hazardous waste are kept closed during storage, except when adding or removing hazardous waste as required under 40 CFR 262.34(a)(1)(i) and 265.173(a). Proof of compliance with said requirement may be in the form of pictures.
- f. Conduct and document inspections of hazardous waste storage containers on a weekly basis as required under 40 CFR 262.34(a)(1)(i) and 265.174. Proof of compliance with said requirement may include a copy of documented weekly inspections.

3. Accumulation Areas

- a. Accumulate no more than one 55-gallon container of hazardous waste at or near any point of generation as required by 40 CFR 262.34(c)(1) and notify the Department of any accumulation areas as required by 9 VAC 20-60-262.B.4.
- b. Label or mark universal waste, and label containers holding universal waste batteries with the date the waste began accumulating as required by 40 CFR 273.14 and 40 CFR 273.15(c).

4. Personnel Training

Provide hazardous waste management and emergency procedures training to personnel to ensure the Facility's compliance with 40 CFR 262.34(a)(4) and 40 CFR 265.16. Said training shall ensure that all employees are thoroughly familiar with the proper waste handling and emergency procedures relevant to their responsibilities. Proof of compliance with said requirement may be in the form of a training syllabus submitted to DEQ for review. DEQ acknowledges receipt of said syllabus on June 13, 2008.

5. Contingency Plan and Emergency Procedures

- a. Develop and maintain a Contingency Plan including Emergency Procedures as required under 40 CFR 262.34(a)(4) and a designated Emergency Coordinator as required by 40 CFR 265 Subpart D. Said Contingency Plan shall be reviewed and approved by DEQ.
- b. Make arrangements with local authorities as required by 40 CFR 265.37.

6. Annual Fees

Pay the LQG annual fees required by 9 VAC 20-60-1283 through -1285 for the years 2005, 2006, and 2007 (\$3,000 total) by September 8, 2008, and pay the LQG annual fee for 2008 (\$1,000) by October 1, 2008.