



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

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Molly Joseph Ward  
Secretary of Natural Resources

David K. Paylor  
Director

Michael P. Murphy  
Regional Director

## VIRGINIA WASTE MANAGEMENT BOARD ENFORCEMENT ACTION AMENDMENT TO ORDER BY CONSENT ISSUED TO ACE WASTE RICHMOND LLC FOR ACE RECYCLING Permit-By-Rule No. 543

### **SECTION A: Purpose**

This is an Amendment of an Order by Consent (Amendment) issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board ("Board") and Ace Waste Richmond LLC regarding Ace Recycling, for the purpose of revising certain provisions of the Order by Consent (Order) issued by the Board to Ace Waste Richmond LLC on August 7, 2013, that was amended on February 11, 2014, and for resolving certain violations of the Order ensuring compliance with the Virginia Waste Management Act and the applicable regulations.

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

1. Ace Waste Richmond LLC owns and operates Ace Recycling in Chester, Virginia. Ace Recycling is a materials recovery facility (Facility). Ace Waste Richmond LLC was issued Permit-By-Rule No. 543 (Permit) for the Facility on June 19, 2009, which was amended on April 19, 2011.
2. The Virginia Waste Management Board entered into the Order with Ace Waste Richmond LLC on August 7, 2013, which was amended on February 11, 2014, regarding noncompliance with the Financial Assurance (FA) requirements, and operations and maintenance activities at the Facility.
3. Ace Waste has requested a modification of the requirements in Appendix A of the Order and Amendment to extend the deadline to meet compliance with FA requirements of the

Order, and to complete the removal of stockpiled materials outside of the process building.

4. The revised Appendix A for removal of the stockpiled materials outside the processing building, are incorporated as Appendix A of this Amended Order. All terms of the Order issued on August 7, 2013 remain in effect.

**SECTION C: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455, the Board orders Ace Waste Richmond LLC and Ace Waste Richmond LLC agrees to abide by Appendix A of this Amendment, which supersedes Appendix A of the Order issued on August 7, 2013, and the Amendment issued on February 11, 2014. Both the Board and Ace Waste Richmond LLC understand and agree that this Amendment does not alter, modify, or amend any other provision of the Consent Order.

And it is so ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2015.

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Michael P. Murphy, Regional Director  
Department of Environmental Quality

Ace Waste Richmond LLC voluntarily agrees to the issuance of this Amendment.

By: [Signature]

Date: 4/7/15

Commonwealth of Virginia

City/County of Prince William

The foregoing document was signed and acknowledged before me this 7<sup>th</sup> day of

April, 2015, by Kenneth Moguel, who is  
(name)

member of Ace Waste Richmond LLC, on behalf of Ace Waste Richmond LLC.  
(title)

[Signature]  
Notary Public

My commission expires: February 28, 2018

APPENDIX A  
SCHEDULE OF COMPLIANCE

Ace Waste shall comply with the following regarding the Virginia Waste Management Act:

1. Stockpiles of material (CDD fines, concrete, and vegetative) outside the process building

**By no later than Sept 3, 2015**, Ace Waste Richmond LLC shall complete removal of all stockpiled materials outside of the process building and close the facility.

Failure to complete removal of the stockpiled material and closure of the site by September 3, 2015, shall be sufficient basis for DEQ to demand funds under the Ace Waste Richmond LLC financial assurance mechanism, and to complete closure and remove the use of those funds.

2. Contact

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

Cynthia Akers  
Enforcement Specialist, Sr.  
DEQ, Piedmont Regional Office  
4949-A Cox Road  
Glen Allen, VA 23060  
Phone: (804) 527-5079  
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[Cynthia.Akers@deq.virginia.gov](mailto:Cynthia.Akers@deq.virginia.gov)