COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
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Regional Director

VIRGINIA WASTE MANAGEMENT BOARD ENFORCEMENT ACTION – AMENDMENT TO ORDER BY CONSENT ISSUED TO WOOD PRESERVERS, INC. EPA I.D. No. VAD003113750

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board ("Board") and Wood Preservers, Inc., regarding the Wood Preservers, Inc. Warsaw facility, for the purpose of ensuring compliance with the Virginia Waste Management Act and the applicable regulations.

SECTION B: Basis for Amendment

1. On September 30, 1994, the Board issued Wood Preservers, Inc. a Consent Order ("1994 Order") regarding post-closure care for the hazardous waste surface impoundments closed as landfills at the Wood Preservers, Inc. Warsaw facility ("Facility"). The order was necessary because at that time, Wood Preservers could not meet its obligation for financial assurance as prescribed by 40 CFR §264 Subpart H. The Order required that Wood Preservers follow a 12 year payment schedule in order to meet its financial assurance obligations. Appendix A of the 1994 Order incorporated the post-closure care plan for the Facility.

2. On September 25, 1998, the Board modified Appendix A of the 1994 Order to incorporate groundwater corrective action requirements for the Facility.

3. On December 21, 2009, the Board modified Appendix A of the 1998 Order to incorporate the modified Attachment L of the Facility's post-closure care plan.

4. On June 16, 2010, Wood Preservers requested a modification to the Facility's post-closure care plan including Attachments A, L, and N. The modification request was made

in accordance with the United States Environmental Protection Agency's Burden Reduction Initiative Final Rule, which has been adopted by the Commonwealth of Virginia.

5. Appendix A of this Amended Order has been updated to reference the approved post-closure care plan rather than incorporating it as part of the Order. All terms of the 1994 Order and all other portions of the modified Appendix A issued on September 25, 1998 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 Wood Preservers, Inc., and Wood Preservers, Inc. agrees to abide by Appendix A of this Amendment, which supersedes Appendix A issued of the issued Order Amendment on December 21, 2009, the modified Appendix A issued on September 25, 1998, and Appendix A of the 1994 Order. Both the Board and Wood Preservers, Inc. understand and agree that this Amendment does not alter, modify, or amend any other provision of the 1994 Order and that the unmodified provisions of the 1994 Order remain in effect by their own terms.

And it is so ORDERED this ____ day of _____, 2010.

_____
Michael P. Murphy, Regional Director
Department of Environmental Quality

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Wood Preservers, Inc. voluntarily agrees to the issuance of this Amendment.

By: _____

Date: November 24, 2010

Commonwealth of Virginia
City/County of Richmond

The foregoing document was signed and acknowledged before me this 24th day of

November, 2010, by W. Morgan Wright, who is
(name)

President of Wood Preservers, Inc., on behalf of Wood Preservers, Inc..
(title)

Cynthia S. Schools
Notary Public

My commission expires: January 31, 2011

CYNTHIA S. SCHOOLS
NOTARY PUBLIC
MY COMMISSION NUMBER 164831
COMMONWEALTH OF VIRGINIA

My Commission Expires January 31, 2011

APPENDIX A

1. Wood Preservers, Inc. shall comply with the post-closure care plan approved for the facility as incorporated in the 1994 Order, the September 25, 1998 Modification, the December 21, 2009 Order Amendment, and the Modified Attachments K, L, N received on June 16, 2010. Wood Preservers, Inc. shall not alter, amend, or change the post-closure care plan without prior DEQ review and approval. If DEQ reviews and approves an amendment to the post-closure care plan for the facility, the Wood Preservers, Inc. shall comply with the amended post-closure care plan.