



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE

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Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Thomas A. Faha
Regional Director

**VIRGINIA WASTE MANAGEMENT BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
MARY WASHINGTON HOSPITAL, INC.
FOR
MARY WASHINGTON HOSPITAL
EPA ID NO. VAR000000661**

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 Mary Washington Hospital, Inc., regarding the Mary Washington Hospital, for the purpose of resolving certain violations of the Virginia Waste Management Act and the applicable 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 §§ 10.1-1184 and -1401.
2. "CAA" means Central Accumulation Area.
3. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.
4. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
5. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.

6. "Facility" or "Site" means the Mary Washington Hospital Facility located at 1001 Sam Perry Boulevard in Fredericksburg, Virginia.
7. "Generator" means person who is a hazardous waste generator, as defined by 40 CFR § 260.10.
8. "Hazardous Waste" means any solid waste meeting the definition and criteria provided in 40 CFR § 261.3.
9. "LQG" means large quantity generator, a hazardous waste generator that generates 1000 kilograms (2200 pounds) or greater of hazardous waste in a calendar month and meets other restrictions. *See* 40 CFR § 262.34(a)-(b) and (g)-(l).
10. "MWH" means Mary Washington Hospital, Inc. a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Mary Washington Hospital, Inc. is a "person" within the meaning of Va. Code § 10.1-1400.
11. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.
12. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
13. "Order" means this document, also known as a "Consent Order" or "Order by Consent."
14. "Regulations" or "VHWMR" means the Virginia Hazardous Waste Management Regulations, 9 VAC 20-60-12 *et seq.* Sections 20-60-14, -124, -260 through -266, -268, -270, -273, and -279 of the VHWMR incorporate by reference corresponding parts and sections of the federal Code of Federal Regulations (CFR), with the effective date as stated in 9 VAC 20-60-18, and with independent requirements, changes, and exceptions as noted. In this Order, when reference is made to a part or section of the CFR, unless otherwise specified, it means that part or section of the CFR as incorporated by the corresponding section of the VHWMR. Citations to independent Virginia requirements are made directly to the VHWMR.
15. "SAA" means Satellite Accumulation Area.
16. "Solid Waste" means any discarded material meeting the definition provided in 40 CFR § 261.2.
17. "SQG" means a small quantity generator, a hazardous waste generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and meets other restrictions. *See* 40 CFR § 262.34(d)-(f).
18. "Va. Code" means the Code of Virginia (1950), as amended.
19. "VAC" means the Virginia Administrative Code.

20. "Virginia Waste Management Act" means Chapter 14 (§ 10.1-1400 *et seq.*) of Title 10.1 of the Va. Code. Article 4 (Va. Code §§ 10.1-1426 through 10.1-1429) of the Virginia Waste Management Act addresses Hazardous Waste Management.

SECTION C: Findings of Fact and Conclusions of Law

1. MWH owns and operates the Facility in Fredericksburg, Virginia. The Facility is a 427-bed medical/surgical healthcare facility offering general and acute care services. The Facility generates solid waste including hazardous, non-hazardous, and universal waste. Operations at the Facility are subject to the Virginia Waste Management Act and the Regulations.
2. MWH submitted a RCRA Subtitle C Site Identification Form February 22, 1995, that gave notice of regulated waste activity as an SQG of hazardous waste. Following the hospital's relocation from 2300 Fall Hill Avenue to the current location at 1001 Sam Perry Boulevard in Fredericksburg, Virginia, MWH was issued EPA ID No. VAR000000661 for the Facility.
3. At the Facility, MWH generates discarded pharmaceuticals and bulk chemotherapy waste which is a solid waste. Discarded pharmaceuticals and bulk chemotherapy waste is also a hazardous waste – a D, U, and P listed waste as described in 40 CFR § 261.24 and § 261.33. This hazardous waste is accumulated in containers at the Facility after its generation.
4. On February 4, 2015, DEQ conducted a compliance evaluation inspection of the Facility for compliance with the requirements of the Virginia Waste Management Act and the Regulations. Commencing on February 6, 2015, MWH regularly corresponded with DEQ staff member Ms. J. Giggelman, and supplied supplemental information to Ms. Giggelman as requested. On March 9, 2015 Ms. Giggelman provided MWH with a summary of preliminary inspection findings, which identified four (4) items, two of which had been resolved as of February 10, 2015. Correspondence between MWH and DEQ continued until May 26, 2015 when Ms. Giggelman informed MWH that she "had what [she] need[ed] from MWH at this time."

MWH was not contacted by DEQ again until December 30, 2015, at which time MWH was informed that Ms. Giggelman was no longer with the Department, and that the Department would like to schedule a time to discuss the findings of her February 4, 2015 inspection. On January 21, 2016, Department staff met with MWH personnel and walked through the following areas of the Facility: a registered nurse unit, the pharmacy, and the loading dock. During the January 21, 2016, meeting between MWH and DEQ, DEQ staff provided MWH with a list of more than a dozen observations, including some violations that had been corrected or resolved.

During the February 4, 2015 and January 21, 2016, Department staff site visits and based on follow-up information provided to DEQ, Department staff made the following observations:

- a. The hazardous waste manifests used for shipment of pharmaceutical hazardous waste for the prior three years reflected the generator EPA identification number for the former facility location, rather than the generator EPA identification number currently assigned to the Facility (VAR000000661). MWH provided evidence that the EPA identification number was corrected for use on shipping manifests on February 11, 2016 and February 15, 2016.

40 CFR 262.20(a)(1) states that “[a] generator who transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, and disposal facility who offers for transport a rejected hazardous waste load, must prepare a Manifest (OMB Control number 2050-0039) on EPA Form 8700-22, and, if necessary, EPA Form 8700-22A, according to the instructions included in the appendix to this part.”

Form 8700-22, Section 1, Item I states: “Enter the generator’s U.S. EPA twelve digit identification number, or the State generator identification number if the generator site does not have an EPA identification number.”

- b. During December 2012, January 2013, April 2013, March 2014, August 2014, November 2014 and January 2015 MWH generated hazardous waste in an amount triggering an automatic transition to LQG status for such months. MWH did not provide notification of the change in status and did not pay the applicable LQG annual fees to DEQ for 2012, 2013, and 2014. MWH filed EPA Form 8700-12 for 2012, 2013, 2014 and 2015 on October 14, 2016. MWH paid the September 28, 2016 invoice the 2012, 2013 and 2014 LQG annual fees on October 14, 2016.

9 VAC 20-60-315(D), states that “[a]nyone who becomes a large quantity generator shall notify the department in writing immediately of this change in status and document the change in the operating record.”

9 VAC-20-60-1284(A), states that “[t]he operator of the treatment, storage, or disposal facility and each large quantity generator shall pay the correct fees to the Department of Environmental Quality. The department may bill the facility or generator for amounts due or becoming due in the immediate future. All payments are due and shall be received by the department no later than the first day of October 2004 (for the 2003 annual year), and no later than the first day of October of each succeeding year thereafter (for the preceding annual year) unless a later payment date is specified by the department in writing.”

9 VAC-20-60-1284(B), states: “[t]he operator of the facility or the large quantity generator shall send a payment transmittal letter to the Department of

Environmental Quality...a copy of the transmittal letter only shall be maintained at the facility or the site where the hazardous waste was generated.”

- c. DEQ was not provided with notification of the exact location of the hazardous waste accumulation areas. Notification of the central accumulation area location was provided by MWH to DEQ during the February 4, 2015, compliance evaluation inspection.

9 VAC 20-60-262(B)(4), Adoption of 40 CFR Part 262 by Reference states in part: “For accumulation areas established after March 1, 1988, he shall notify the department and document in the operating record that he intends to accumulate hazardous waste in accordance with 40 CFR 262.34 prior to or immediately upon the establishment of each accumulation area. In the case of a new generator who creates such accumulation areas after March 1, 1988, he shall notify the department at the time the generator files the Notification of Hazardous Waste Activity that he intends to accumulate hazardous waste in accordance with 40 CFR 262.34. This notification shall specify the exact location of the accumulation area at the site.”

- d. Upon transition to LQG status stemming from the excess waste generated during the seven (7) months occurring between December 2012 and January 2015, a biennial report was not submitted to DEQ for hazardous waste shipped off-site during calendar year 2013. Hazardous waste manifest documentation demonstrated that MWH was a LQG during the 2013 and 2015 calendar years at the Facility. Initial notification of this observation was made to MWH on January 21, 2016, and the 2013 and 2015 Biennial Reports were filed electronically by MWH as of February 17, 2016.

40 CFR 262.41, states that “[a] generator who ships any hazardous waste off-site to a treatment, storage or disposal facility within the United States must prepare and submit a single copy of a Biennial Report to the Regional Administrator by March 1 of each even numbered year. The Biennial Report must be submitted on EPA Form 8700-13A, must cover generator activities during the previous year...”

- e. Pharmaceutical waste at the Facility, excluding chemotherapy waste, was accumulated in common containers and was not properly quantified, characterized, made subject to a waste determination, and manifested. As of October 1, 2016, MWH engaged a new hazardous waste management/disposal provider to oversee its waste stream management process.

40 CFR 262.10(b), states that “261.5(c) and (d) must be used to determine the applicability of provisions of this part that are dependent on calculations of the quantity of hazardous waste generated per month.”

40 CFR 262.11, states that “[a] person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste...”

40 CFR 261.5(e) states that “[i]f a generator generates acute hazardous waste in a calendar month in quantities greater than set forth below, all quantities of that acute hazardous waste are subject to full regulation under parts 262 through 268, and parts 270 and 124 of this chapter, and the notification requirements of section 3010 of RCRA:

(1) A total of one kilogram of acute hazardous wastes listed in §§ 261.31 or 261.33(e).

(2) A total of 100 kilograms of any residue or contaminated soil, waste, or other debris resulting from the clean-up of a spill, into or on any land or water, of any acute hazardous wastes listed in §§ 261.31, or 261.33(e).

Note to paragraph (e): “Full regulation” means those regulations applicable to generators of 1,000 kg or greater of hazardous waste in a calendar month.”

40 CFR 261.5(f) states that “[i]n order for acute hazardous wastes generated by a generator of acute hazardous wastes in quantities equal to or less than those set forth in paragraphs (e)(1) or (e)(2) of this section to be excluded from full regulation under this section, the generator must comply with the following requirements: [cited in Section 262.11]”

40 CFR 261.5(f)(2) states that “[t]he generator may accumulate acute hazardous waste on-site. If he accumulates at any time acute hazardous wastes in quantities greater than those set forth in paragraph (e)(1) or (e)(2) of this section, all of those accumulated wastes are subject to regulation under parts 262 through 268, and parts 270 and 124 of this chapter, and the applicable notification requirements of section 3010 of RCRA...”

- f. MWH did not maintain a training program for those Facility employees whose duties included hazardous waste management operations. In addition, MWH did not maintain training records for Facility staff engaged in hazardous waste management. Initial notification of this observation was made to MWH on January 21, 2016. MWH provided evidence of completed hazardous materials training on February 17, 2016, and February 19, 2016.

40 CFR 265.16(a)(1), states: “Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility’s compliance with the requirements of this part.”

40 CFR 265.16(d)((1)-(4)), states: “The owner or operator must maintain the following documents and records at the facility:

- (1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job;

(2) A written job description for each position listed under paragraph (d)(1) of this Section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of facility personnel assigned to each position;

(3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (d)(1) of this section;

(4) Records that document that the training or job experience required under paragraphs (a), (b), and (c) of this section has been given to, and completed by, facility personnel.”

40 CFR 265.16(e), states: “Training records on current personnel must be kept until closure of the facility. Training records on former employees must be kept for at least three years from the date the employee last worked at the facility. Personnel training records may accompany personnel transferred within the same company.”

- g. DEQ observed 27 SAA hazardous waste containers open during the February 4, 2015 inspection. MWH submitted photographs to DEQ on February 10, 2015 showing that the container lids were closed.

40 CFR 265.173(a) states “[a] container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.”

- h. MWH staff represented that weekly inspection of the CAA were conducted, but failed to maintain and provide to DEQ inspection records for the CAA during the February 4, 2015 inspection. MWH provided DEQ with the inspection log by email dated February 10, 2015, but was informed in January 2016 that the logs in use needed to be updated. MWH provided to DEQ on February 17, 2016 a copy of the new inspection log in an approved format.

40 CFR 265.174, states “[a]t least weekly, the owner or operator must inspect areas where containers are stored...”

40 CFR 265.15(d), states “owners or operators must record inspections in an inspection log or summary...”

- i. Failure to maintain the required aisle space between the containers of hazardous waste in the CAA.

40 CFR 265.35, states “[t]he owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control

equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.”

- j. Hazardous waste containers in the CAA were not labelled with the generator Environmental Protection Agency (EPA) identification number VAR000000661, assigned to the current Facility. Initial notification of this observation was made to MWH on January 21, 2016, and CAA hazardous waste containers were labeled with the current Facility EPA identification number as of February 15, 2016.

40 CFR 262.32(b), states that “[b]efore transporting hazardous waste or offering hazardous waste for transportation off-site, a generator must mark each container of 119 gallons or less used in such transportation ... in accordance with the requirements of 49 CFR 172.304:...”

- k. MWH staff accumulated all pharmaceutical waste with the exception of chemotherapy waste in common containers. The SAA containers were identified as 19-gallon containers (greater than one quart) which triggered LQG status. As of October 1, 2016, MWH engaged a new hazardous waste management/disposal provider to oversee its waste stream management process.

40 CFR 262.34(c)(1), states that “[a] generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in 40 CFR 261.31 or 40 CFR 261.33(e) 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 or interim status and without complying with paragraph (a) or (d) of this section provided he: ... Complies with §§ 265.171, 265.172, and 265.173(a) of this chapter.”

- l. During the February 4, 2015, inspection DEQ observed that three (3) fiberboard containers used to store universal waste lamps were open. On February 10, 2015, MWH submitted photographs to DEQ showing that the fiberboard boards had been closed.

40 CFR 273.13(d)(1), states that “[a] small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows:

A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.”

- m. Documentation of a contingency plan or other alternative plan which documents the Facility’s emergency response procedures was not made available to DEQ during the February 4, 2015 inspection. Initial notification of this observation was

made to MWH on January 21, 2016, and MWH provided a copy of its response plan, which was in place at the time of the February 4, 2015, inspection, to DEQ on February 18, 2016. On March 21, 2016, DEQ notified MWH that the plan was not hazardous waste specific. MWH filed an updated contingency plan and supporting documentation with the DEQ on May 13, 2016.

40 CFR 265.51(a), as incorporated into 9 VAC 20-60-265, states that “each owner or operator must have a contingency plan for his facility. The contingency plan must be designed to minimize hazards to human health or the environment from fires, explosions, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water.”

5. On February 5, 2016, based on the inspections and follow-up information, the Department issued a Notice of Violation to MWH for the violations described in paragraph C(4) above.
6. On February 22, 2016, Department staff and representatives of MWH met to discuss the violations and the required corrective actions.
7. Based on the results of the February 4, 2015, inspection, the January 21, 2016, follow up-inspection, the February 22, 2016, meeting, and the documentation and supplemental information submitted by MWH, the Board concludes that MWH has violated 40 CFR 261.5, 40 CFR 262.10(b), 40 CFR 262.11, 40 CFR 262.20(a)(1), 40 CFR 262.32(b), 40 CFR 262.34(c)(1), 40 CFR 262.41, 40 CFR 265.173(a), 40 CFR 265.174, 40 CFR 265.15(d), 40 CFR 265.35, 40 CFR 265.51(a), 40 CFR 273.13(d)(1), and 9 VAC 20-60-262(B)(4), 40 CFR 265.16, 9 VAC 20-60-315(D), 9 VAC-20-60-1284(A), 9 VAC 20-60-1284(B), and 9 VAC-20-60-1284(A) as described in paragraph C(4), above.
8. MWH has submitted documentation that verifies that the violations described in paragraphs C(4)(a, b, c, d, f, g, h, i, j, l, and m), above, have been corrected.
9. In order for MWH to complete its return to compliance, DEQ staff and representatives of MWH have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455, the Board orders MWH, and MWH agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$81,960.00 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, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

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

MWH shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, MWH shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of MWH for good cause shown by MWH, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order and in NOV dated February 5, 2016. 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; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, MWH admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. MWH 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. MWH declares it has received fair and due process under the Administrative Process Act and the Virginia 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 modify, rewrite, amend, or enforce this Order.
6. Failure by MWH 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. MWH 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 unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. MWH shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. MWH shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days 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 verbally within 24 hours and in writing within three business days, 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 and any 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 MWH. Nevertheless, MWH agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after MWH has completed all of the requirements of the Order;
 - b. MWH 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

- c. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to MWH.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve MWH 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 MWH 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. The undersigned representative of MWH certifies that he or she is a responsible officer authorized to enter into the terms and conditions of this Order and to execute and legally bind MWH to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of MWH.
- 14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
- 15. By its signature below, MWH voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 26th day of December, 2016.



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

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Mary Washington Hospital, Inc. voluntarily agrees to the issuance of this Order.

Date: 11-21-16 By: M. McDermott President + CEO
(Person) (Title)
Mary Washington Hospital, Inc.

Commonwealth of Virginia
City/County of Fredericksburg

The foregoing document was signed and acknowledged before me this 21 day of
November, 2016, by Michael McDermott who is

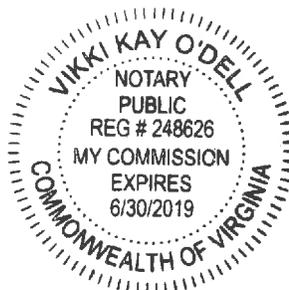
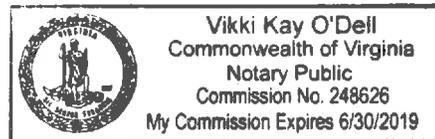
President and CEO of Mary Washington Hospital, Inc., on behalf of the
corporation.

Vikki Kay O'Dell
Notary Public

248626
Registration No.

My commission expires: 6/30/2019

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

A. Submissions

1. No later than within 120 days of the effective date of this Order MWH shall provide three (3) months of proof of the characterizing and manifesting of the hazardous waste generated at the Facility, for DEQ review.

2. No later than within 120 days of the effective date of this Order MWH shall containerize all P-listed waste in accordance with the Virginia Hazardous Waste Management Regulations. The facility shall submit three (3) months of characterizing and manifesting of P-listed waste generated at the Facility, for DEQ review.

B. Contact

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

VA Department of Environmental Quality
Northern Regional Office
Attn: Enforcement
13901 Crown Court
Woodbridge, VA 22193