



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

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### **WASTE MANAGEMENT BOARD ENFORCEMENT ACTION AMENDMENT TO AN ORDER BY CONSENT ISSUED TO OILFIELD PIPE & SUPPLY, INC. VAD988196747**

#### **SECTION A: Purpose**

This is an Amendment to a Consent Order issued under the authority of Va. Code §§10.1-1455, between the Waste Management Board and Oilfield Pipe & Supply, Inc. for the purposes of resolving certain violations of the Virginia Waste Management Act and applicable regulations and amending the October 6, 2008 Consent Order issued by the Waste Management Board to Oilfield Pipe & Supply, Inc.

#### **SECTION B: Definitions**

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

1. "Amendment" means this document.
2. "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.
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" means the OPS Facility located 10780 Old Washington Highway, Glen Allen (Henrico County), 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. "OPS" means Oilfield Pipe & Supply, Inc., a corporation certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents. Oilfield Pipe & Supply, Inc. is a "person" within the meaning of Va. Code § 10.1-1400.
11. "Order" means this document, also known as a "Consent Order" or "Order by Consent."
12. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.
13. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
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 effected 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. "Solid Waste" means any discarded material meeting the definition provided in 40 CFR § 261.2.
16. "Va. Code" means the Code of Virginia (1950), as amended.
17. "VAC" means the Virginia Administrative Code.
18. "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: Basis for this Amendment**

1. OPS manufactures secondary pipe and structural materials, and manufactures rolled steel shapes at its Facility. The manufacturing process generates waste blast material and blast dust from the Wheelabrator, which has historically been characterized as Hazardous Waste by OPS. General shop maintenance also generates used oil, used oil filters, shop

towels and rags contaminated with used oil, grease, and brake cleaner, and used fluorescent lamps. Operations at the Facility are subject to the Virginia Waste Management Act and the Regulations.

2. OPS submitted a RCRA Subtitle C Site Identification Form dated April 4, 1991 that gave notice of regulated waste activity at the Facility as an LQG of hazardous waste. OPS was issued EPA ID No. VAD988196747 for the Facility. In a subsequent form dated January 14, 2008, OPS gave notice that the Facility was an LQG of hazardous waste.
3. On October 6, 2008, DEQ issued a Consent Order to OPS to resolve violations observed during a January 8, 2008 inspection.
4. On December 2, 2008, DEQ staff inspected the Facility for compliance with the requirements of the Virginia Waste Management Act and the Regulations. Based on the inspection and follow-up information, Department staff made the following observations:
  - a. OPS failed to properly label drums of wheelabrator waste, which was historically considered hazardous and was stored in the satellite accumulation areas for hazardous waste,
  - b. OPS failed to document weekly inspections of hazardous waste accumulation areas, and
  - c. OPS did not conduct an appropriate waste characterization of rags contaminated with used brake cleaner.
5. Labeling of drums containing hazardous waste is required by 40 CFR 262.34 (c)(1)(ii).
6. Weekly inspections of hazardous waste accumulation areas are required by 40 CFR §265.174, compliance with which is required by 40 §CFR 262.34(a)(1)(i).
7. Hazardous waste characterizations are required by 40 CFR §262.11.
8. On February 10, 2009, based on the inspection and follow-up information, the Department issued NOV No. 2009-02-PRO-601 to OPS for the violations described in paragraphs C.4 through C.7, above.
9. OPS responded to the NOV and has corrected all of the violations. In addition to the above responses, and as part of its Environmental Management System development, OPS has a local consultant inspect its facility approximately twice per month to ensure compliance with hazardous waste regulations. The inspections began in December 2008.
10. Based on the results of the December 2, 2008 inspection, the Board concludes that Oilfield Pipe & Supply, Inc. has violated 40 CFR §262.11, 40 CFR §265.174, 40 §CFR 262.34(a)(1)(i), and 40 CFR 262.34 (c)(1)(ii), as incorporated by and 9 VAC 20-60-262 and -264, and as described in paragraphs C.4 through C.7, above.

**SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1402 and 10.1-1455, the Board orders OPS, and OPS agrees to pay a civil charge of \$9,814, in four installments of \$2,453.50 each, due June 30, 2010, September 30, 2010, December 30, 2010, and March 30, 2011, in settlement of the violations cited in this Order. Both OPS and the Board understand and agree that this Amendment does not alter, amend or modify any other provision of the October 6, 2008 Consent Order, and the unmodified provisions of the October 6, 2008 Consent Order remain in effect by their own terms.

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

OPS 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).

And it is so ORDERED this 10<sup>th</sup> day of May, 2010.

  
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Michael P. Murphy, Regional Director  
Department of Environmental Quality

Oilfield Pipe & Supply, Inc., voluntarily agrees to the issuance of this Amendment.

Date: 3-26-10 By: *Doug Bender*

State of Oklahoma  
City/County of Washington

The foregoing document was signed and acknowledged before me this 26th day of

March, 2010, by \_\_\_\_\_, who is  
(Name)

\_\_\_\_\_ of Oilfield Pipe & Supply, Inc., on behalf of the Corporation.  
(Title)

*David M. Marshall*  
Notary Public

My commission expires: 8-30-2012

