



COMMONWEALTH of VIRGINIA

Matthew J. Strickler
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHWEST REGIONAL OFFICE
355-A Deadmore Street, Abingdon, Virginia 24210
Phone (276) 676-4800 Fax (276) 676-4899
www.deq.virginia.gov

David K. Paylor
Director

Jeffrey Hurst
Regional Director

VIRGINIA WASTE MANAGEMENT BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO

Reline America, Inc.

FOR THE

**Reline America, Inc. Facility at 116 Battleground Avenue, Saltville, VA
EPA ID No. VAR000002352**

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 Reline America, Inc., regarding the Reline America, Inc. Facility located at 116 Battleground Avenue, Saltville, Virginia, 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. "CESQG" means a conditionally exempt small quantity generator of hazardous waste, a generator of less than 100 kilograms of hazardous waste in a month and meeting the other restrictions of 40 CFR § 261.5 and 9 VAC 20-81-10.
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 Reline America, Inc. Facility located at 116 Battleground Avenue, in Saltville, Virginia.
7. "Generator" means a 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 a 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. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.
11. "Order" means this document, also known as a "Consent Order" or "Order by Consent."
12. "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.
13. "Reline" or "Reline America" means Reline America, Inc., a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Reline America, Inc. is a "person" within the meaning of Va. Code § 10.1-1400.
14. "Solid Waste" means any discarded material meeting the definition provided in 40 CFR § 261.2.
15. "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).
16. "SWRO" means the Southwest Regional Office of DEQ, located in Abingdon, Virginia.
17. "Va. Code" means the Code of Virginia (1950), as amended.
18. "VAC" means the Virginia Administrative Code.

19. "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. Reline owns and operates the Facility. The Facility operates as a resin liner manufacturing plant (NAICS Code 32610, Plastics Products Manufacturing). Operations at the Facility are subject to the Virginia Waste Management Act and the Regulations.
2. Reline submitted a RCRA Subtitle C Site Identification Form to DEQ March 8, 2007 that gave notice of regulated waste activity at the Facility as a CESQG of hazardous waste. Reline was issued EPA ID No. VAR000002352 for the Facility. Reline subsequently notified as a large quantity generator ("LQG") on March 30, 2012.
3. At the Facility, Reline generates the following hazardous wastes which are also solid wastes. Each listed waste has associated waste code(s) as described in 40 CFR §§ 261.21, 261.24 and 261.31. These hazardous wastes are accumulated in containers at the Facility after each is generated.

Expired vinylester resin (D001)

Resin Waste #1: Styrene Polyester Resin and Luvatol EK (D001)

Resin Waste #2: Resin, Luvatol EK, and Haku Solvent mixture from impregnation machines (D001, D035, F003, F005)

Resin Waste #2/3: Contaminated Solids: Haku Solvent, Resin, and Luvatol EK, mixture (D001, D035, F003, F005)

Resin Waste #3: Resin, Luvatol EK, and Haku Solvent mixture from mixing tank and piping (Resin, Luvatol EK, and Haku Solvent) (D001, D035, F003, F005)

Solvent Still Bottoms (Resin, Luvatol EK, and Haku Solvent) (D001, D035, F003, F005)

Aerosol Cans (D001)

Expired MEK Ink (D001, D035, U159)

Used printing solvent waste MEK ink, MEK/Acetone makeup fluid, and MEK solvent (D001, D035, F003, F005)

Triethanolamine used coolant (non haz)

Expired Luvatol EK thickener Product (non haz)

Luvatol EK wipes (non haz)

Expired B side Resin Thickener product (non Haz)

UW Lamps (UW)

4. On April 21, 2017, DEQ's SWRO hazardous waste inspector conducted a Compliance Evaluation Inspection ("CEI") at the Facility. Based on the CEI and follow-up information, Department staff made the following observations:
 - a. Waste characterization documentation was requested for all hazardous wastes generated in the last three years. Reline personnel did not have adequate records available onsite for the generated wastes. Waste characterization forms for identified waste streams provided subsequent to the inspection contained inaccurate/incomplete waste codes.

Shipment of expired MEK ink as a hazardous waste on Manifest No. 001056954VES on August 31, 2016 listed only D001 waste codes. This unused expired product was inadequately characterized, as waste codes D035 and U159 were also applicable.

A review of the 2016 biennial Hazardous Waste Report documented disposal in 2015 of 2,000 pounds of hazardous waste off-site at a hazardous waste disposal facility. The correlating manifest (00201138GRR), dated January 6, 2015, indicated that the waste was shipped as non-hazardous waste.

During the CEI, Reline personnel indicated that no analysis of Facility waste streams had been performed.

Characterization of all hazardous waste streams was completed with submittal of documentation to DEQ on August 4, 2017. Correct LDR notifications were received by DEQ on October 10, 2017. The 2016 biennial Hazardous Waste Report was corrected by submittal received by DEQ October 10, 2017 (the 2,000 pound shipment on January 6, 2015 was removed from the Biennial Report).

40 CFR §262.11 states, "A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste using the following method: (a) He should first determine if the waste is excluded from regulation under 40 CFR 261.4. (b) He must then determine if the waste is listed as a hazardous waste in subpart D of 40 CFR part 261. NOTE: Even if the waste is listed, the generator still has an opportunity under 40 CFR 260.22 to demonstrate to the Administrator that the waste from his particular facility or operation is not a hazardous waste.(c) For purposes of compliance with 40 CFR part 268, or if the waste is not listed in subpart D of 40 CFR part 261, the generator must then determine whether the waste is identified in subpart C of 40 CFR part 261 by either: (1) Testing the waste according to the methods set forth in subpart C of 40 CFR part 261, or according to an equivalent method approved by the Administrator under 40 CFR 260.21; or (2) Applying knowledge of the hazard characteristic of the waste in light of the materials or the processes used."

40 CFR §261.20(a) states, "A solid waste, as defined in §261.2, which is not excluded from regulation as a hazardous waste under §261.4(b), is a hazardous waste if it exhibits any of the characteristics identified in this subpart. (b) A hazardous waste which is identified by a characteristic in this subpart is assigned every EPA

Hazardous Waste Number that is applicable as set forth in this subpart. This number must be used in complying with the notification requirements of section 3010 of the Act and all applicable recordkeeping and reporting requirements under parts 262 through 265, 268, and 270 of this chapter.”

40 CFR §268.7(a)(2) states “If the waste or contaminated soil does not meet the treatment standards, or if the generator chooses not to make the determination of whether his waste must be treated, with the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste, and place a copy in the file. The notice must include the information in column “268.7(a)(2)” of the Generator Paperwork Requirements Table in paragraph (a)(4) of this section. (Alternatively, if the generator chooses not to make the determination of whether the waste must be treated, the notification must include the EPA Hazardous Waste Numbers and Manifest Number of the first shipment and must state “This hazardous waste may or may not be subject to the LDR treatment standards. The treatment facility must make the determination.”) No further notification is necessary until such time that the waste or facility change, in which case a new notification must be sent and a copy placed in the generator's file.”

40 CFR §268.7(a)(8) states, “Generators must retain on-site a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this section for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator. The requirements of this paragraph apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 40 CFR 261.2 through 261.6, or exempted from Subtitle C regulation, subsequent to the point of generation.”

- b. Reline personnel stated that the Facility was using the POLYM method of treatment in containers to treat liquid waste resin and waste solvent/resin mixtures (still bottoms), associated contaminated solids and smaller amounts of MEK ink cleaning solvent waste. Treatment involved containerizing waste into plastic bags, sealing the bags, then laying the bags on outside pavement for curing (solidification) by exposure to UV light (sunlight).

The POLYM treatment standard is only approved for high-TOC D001 non-wastewater waste codes. “F” listing waste codes may not be removed from wastes through treatment by generators in containers in 90-day accumulation areas. Treatment of wastes via methods such as POLYM is only permitted in tanks, containers or containment buildings. The waste in question did not qualify for on-site treatment.

Documents regarding compatibility and use of plastic bags as containers for POLYM treatment of waste resin and resin/solvent wastes were received by DEQ on August 4, 2017. Additionally, Reline submitted an alternative proposal to place filled bags in a cure container prior to placement outside for curing and is working on the design of the cure container.

40 CFR § 268.40 (a) states, “A prohibited waste identified in the table “Treatment Standards for Hazardous Wastes” may be land disposed only if it meets the requirements found in the table. For each waste, the table identifies one of three types of treatment standard requirements:...(3) The waste must be treated using the technology specified in the table (“technology standard”), which are described in detail in § 268.42, Table 1 - Technology Codes and Description of Technology-Based Standards.”

40 CFR §268.7(a)(1) states, “A generator of hazardous waste must determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in §268.40, 268.45, or §268.49. This determination can be made concurrently with the hazardous waste determination required in §262.11 of this chapter, in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing would normally determine the total concentration of hazardous constituents, or the concentration of hazardous constituents in an extract of the waste obtained using test method 1311 in “Test Methods of Evaluating Solid Waste, Physical/Chemical Methods,” EPA Publication SW-846, (incorporated by reference, see §260.11 of this chapter), depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste's extract. (Alternatively, the generator must send the waste to a RCRA-permitted hazardous waste treatment facility, where the waste treatment facility must comply with the requirements of §264.13 of this chapter and paragraph (b) of this section.) In addition, some hazardous wastes must be treated by particular treatment methods before they can be land disposed and some soils are contaminated by such hazardous wastes. These treatment standards are also found in §268.40, and are described in detail in §268.42, Table 1. These wastes, and soils contaminated with such wastes, do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards would have to be tested). If a generator determines they are managing a waste or soil contaminated with a waste, that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, they must comply with the special requirements of §268.9 of this part in addition to any applicable requirements in this section.(2) If the waste or contaminated soil does not meet the treatment standards, or if the generator chooses not to make the determination of whether his waste must be treated, with the initial shipment of waste to each treatment or storage facility, the generator must send a one-time written notice to each treatment or storage facility receiving the waste, and place a copy in the file. The notice must include the information in column “268.7(a)(2)” of the Generator Paperwork Requirements Table in paragraph (a)(4) of this section. (Alternatively, if the generator chooses not to make the determination of whether the waste must be treated, the notification must include the EPA Hazardous Waste Numbers and

Manifest Number of the first shipment and must state “This hazardous waste may or may not be subject to the LDR treatment standards. The treatment facility must make the determination.”) No further notification is necessary until such time that the waste or facility change, in which case a new notification must be sent and a copy placed in the generator's file. (3) If the waste or contaminated soil meets the treatment standard at the original point of generation:(i) With the initial shipment of waste to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in the file. The notice must include the information indicated in column “268.7(a)(3)” of the Generator Paperwork Requirements Table in §268.7(a)(4) and the following certification statement, signed by an authorized representative: I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 40 CFR part 268 subpart D. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.(ii) For contaminated soil, with the initial shipment of wastes to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each facility receiving the waste and place a copy in the file. The notice must include the information in column “268.7(a)(3)” of the Generator Paperwork Requirements Table in §268.7(a)(4). (iii) If the waste changes, the generator must send a new notice and certification to the receiving facility, and place a copy in their files. Generators of hazardous debris excluded from the definition of hazardous waste under §261.3(f) of this chapter are not subject to these requirements. (4) For reporting, tracking, and recordkeeping when exceptions allow certain wastes or contaminated soil that do not meet the treatment standards to be land disposed: There are certain exemptions from the requirement that hazardous wastes or contaminated soil meet treatment standards before they can be land disposed. These include, but are not limited to case-by-case extensions under §268.5, disposal in a no-migration unit under §268.6, or a national capacity variance or case-by-case capacity variance under subpart C of this part. If a generator's waste is so exempt, then with the initial shipment of waste, the generator must send a one-time written notice to each land disposal facility receiving the waste. The notice must include the information indicated in column “268.7(a)(4)” of the Generator Paperwork Requirements Table below. If the waste changes, the generator must send a new notice to the receiving facility, and place a copy in their files. (5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 40 CFR 262.15, 262.16, and 262.17 to meet applicable LDR treatment standards found at §268.40, the generator must develop and follow a written waste analysis plan which describes the procedures they will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table 1 to §268.45, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met: (i) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this

part, including the selected testing frequency. (ii) Such plan must be kept in the facility's on-site files and made available to inspectors. (iii) Wastes shipped off-site pursuant to this paragraph must comply with the notification requirements of §268.7(a)(3). (6) If a generator determines that the waste or contaminated soil is restricted based solely on his knowledge of the waste, all supporting data used to make this determination must be retained on-site in the generator's files. If a generator determines that the waste is restricted based on testing this waste or an extract developed using the test method 1311 in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods," EPA Publication SW-846, as referenced in §260.11 of this chapter, and all waste analysis data must be retained on-site in the generator's files. (7) If a generator determines that he is managing a prohibited waste that is excluded from the definition of hazardous or solid waste or is exempted from Subtitle C regulation under 40 CFR 261.2 through 261.6 subsequent to the point of generation (including deactivated characteristic hazardous wastes managed in wastewater treatment systems subject to the Clean Water Act (CWA) as specified at 40 CFR 261.4(a)(2) or that are CWA-equivalent, or are managed in an underground injection well regulated by the SDWA), he must place a one-time notice describing such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the waste, in the facility's on-site files. (8) Generators must retain on-site a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this section for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Administrator. The requirements of this paragraph apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 40 CFR 261.2 through 261.6, or exempted from Subtitle C regulation, subsequent to the point of generation."

40 CFR §265.172 states, "Compatibility of waste with container. The owner or operator must use a container made of or lined with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired."

- c. The outside pavement noted in Item b. above was not identified as a 90-day accumulation area. Based on conversations with Facility personnel and the lack of any records, weekly inspections of the "containers" (plastic bags) for leaks or deterioration were not conducted.

Identification of the outside pavement as a 90-day accumulation area and weekly inspection logs of the accumulation storage area were received by DEQ on April 26, 2017.

9VAC20-60-262. Adoption of 40 CFR Part 262 by Reference. B. In all locations in these regulations where 40 CFR Part 262 is incorporated by reference, the following additions, modifications, and exceptions shall amend the incorporated text for the

purpose of its incorporation into these regulations: 4. For accumulation areas established before March 1, 1988, all large quantity generators shall notify the department of each location where he accumulates hazardous waste in accordance with 40 CFR 262.34 by March 1, 1988. 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 90-day accumulation area. In the case of a new large quantity 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 90-day accumulation area at the site.

40 CFR 265.174, as referenced in 9 VAC 20-60-265, states in part: “At least weekly, the owner or operator must inspect areas where containers are stored” and “must look for leaking containers and for deterioration of containers caused by corrosion or other factors.”

- d. As a result of not including all applicable waste codes on wastes generated, resin related wastes have been shipped for disposal with no LDR notifications having been provided to the solid waste facility.

Waste characterization forms subsequently submitted by Reline incorrectly stated that LDR requirements were not applicable. Corrected LDR forms were provided to DEQ on October 10, 2017.

- e. Seven drums of discarded resin waste stored in a 90-day accumulation area were not marked with accumulation start dates.

Documentation regarding labelling of containers with the accumulation start date was subsequently received by DEQ on April 26, 2017.

40 CFR 262.34(a)(2), as referenced by 40 CFR 262.34(d)(4), and incorporated by reference in 9 VAC 20-60-262, states, “The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container.”

- f. Seven drums of discarded resin waste stored in a 90-day accumulation area were not marked clearly with the words “Hazardous Waste” while being accumulated.

Documentation regarding labelling of containers with the words “hazardous waste” was subsequently received by DEQ on April 26, 2017.

40 CFR 262.34(a)(3), as referenced by 40 CFR 262.34(d)(4), and incorporated by reference in 9 VAC 20-60-262, states: “While being accumulated on-site, each container and tank is labeled or marked clearly with the words ‘Hazardous Waste’”.

- g. Two containers of resin and Haku solvent waste from daily cleaning activities were open and without labeling in a satellite storage area.

Documentation showing closing and labeling of the containers in question was subsequently received by DEQ on April 26, 2017.

40 CFR 265.173(a), as referenced by 40 CFR 262.34(d)(2), and incorporated by reference in 9 VAC 20-60-265, state: “(a) A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste”.

40 CFR 262.34(c)(1) states, “A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in §261.31 or §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: (i) Complies with §§265.171, 265.172, and 265.173(a) of this chapter; and(ii) Marks his containers either with the words “Hazardous Waste” or with other words that identify the contents of the containers.”

- h. No waste analysis plan was developed or followed for treatment of hazardous waste in 90- or 180-day accumulation units for the purpose of meeting LDR treatment standards.

A Waste Analysis Plan (WAP) was subsequently received by DEQ on October 10, 2017. The plan submitted was not adequate to satisfy regulatory requirements and is being revised by Reline.

40 CFR 268.7(a)(5) states, “If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 40 CFR 262.34 to meet applicable LDR treatment standards found at § 268.40, the generator must develop and follow a written waste analysis plan which describes the procedures they will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table 1, § 268.45, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met: (i) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this part, including the selected testing frequency. (ii) Such plan must be kept in the facility's on-site files and made available to inspectors. (iii) Wastes shipped off-site pursuant to this paragraph must comply with the notification requirements of § 268.7(a)(3).”

40 CFR §268.7 states, “Testing, tracking, and recordkeeping requirements for generators, treaters, and disposal facilities. (a) Requirements for generators: (5) If a generator is managing and treating prohibited waste or contaminated soil in tanks,

containers, or containment buildings regulated under 40 CFR 262.15, 262.16, and 262.17 to meet applicable LDR treatment standards found at §268.40, the generator must develop and follow a written waste analysis plan which describes the procedures they will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table 1 to §268.45, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met: (i) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited waste(s) being treated, and contain all information necessary to treat the waste(s) in accordance with the requirements of this part, including the selected testing frequency. (ii) Such plan must be kept in the facility's on-site files and made available to inspectors. (iii) Wastes shipped off-site pursuant to this paragraph must comply with the notification requirements of §268.7(a)(3).”

- i. The Facility did not have a written training program meeting the requirements of 40 CFR 265.16(d)(3).

Reline submitted written but inadequate training plans on May 4, 2017 and August 4, 2017. A training event for Facility personnel was held July 31, 2017. Reline submitted additional information on December 1, 2017, February 1, 2018 and February 26, 2018 which, in conjunction with documentation submitted previously, satisfied this requirement.

Additionally, documentation submitted on March 29, 2018 (a Safety Action Plan, created July 23, 2015), indicated that Reline did have a training program in place at the time of the inspection which did address certain aspects of a hazardous waste training program.

40 CFR §265.16 states, “Personnel training. (a)(1) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their [hazardous waste] duties in a way that ensures the facility's compliance with the requirements of this part. The owner or operator must ensure that this program includes all the elements described in the document required under paragraph (d)(3) of this section. 2) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. (3) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including where applicable: (i) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; (ii) Key parameters for automatic waste feed cut-off systems; (iii) Communications or alarm systems; (iv) Response to fires or explosions; (v) Response to ground-water contamination incidents; and (vi) Shutdown of operations. (b) Facility

personnel must successfully complete the program required in paragraph (a) of this section within six months after the effective date of these regulations or six months after the date of their employment or assignment to a facility, or to a new position at a facility, whichever is later. Employees hired after the effective date of these regulations must not work in unsupervised positions until they have completed the training requirements of paragraph (a) of this section. (c) Facility personnel must take part in an annual review of the initial training required in paragraph (a) of this section. d) The owner or operator must maintain the following documents and records at the facility: 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. (e) 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.”

- j. The Facility did not have a contingency plan meeting the requirements of 40 CFR 265.51.

Reline subsequently submitted an “Emergency Action Plan” on August 14, 2017, which satisfied the contingency plan requirement.

Additionally, documentation submitted on March 28, 2018 (an Emergency Action Plan, created July 23, 2015), indicated that Reline did have a contingency plan in place at the time of the inspection which did address certain aspects of 40 CFR 265, Subpart D (Contingency Plan and Emergency Procedures).

40 CFR § 265.51(a) states, “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. (b) The provisions of the plan must be carried out immediately whenever there is a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.”

40 CFR § 265.53 states “A copy of the contingency plan and all revisions to the plan must be: (a) maintained at the facility; and (b) submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services.”

- k. The Facility did not make arrangements to familiarize local authorities with the layout of the Facility and associated hazards and did not have documentation to show that these authorities have declined to enter into such an agreement.

Reline subsequently submitted documentation regarding contact with local authorities on July 31, 2017. Submittal of additional information on August 14, 2017 satisfied this requirement.

Additionally, documentation submitted on March 28, 2018 (an Emergency Action Plan, created July 23, 2015), indicated that all rescue and medical duty assignments “are the responsibility of the Saltville Volunteer Fire Department and Rescue Squad”. This document, in conjunction with a letter from the Saltville Rescue Squad, Inc. to Reline, noting recent contact and request by Reline for assistance (Screenshot date of March 25, 2016 and submitted March 28, 2018), indicates that Reline had contacted and worked with local authorities prior to the date of the inspection.

40 CFR §265.37 states, “Arrangements with local authorities.(a) The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations:(1) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes;(2) Where more than one police and fire department might respond to an emergency, agreements designating primary emergency authority to a specific police and a specific fire department, and agreements with any others to provide support to the primary emergency authority;(3) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers; and (4) Arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions, or releases at the facility. (b) Where State or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record.”

1. Reline had three boxes of used UW lamps stored on an upper atrium and one box of metal halide UW lamps in open, unlabeled, undated cardboard boxes. The boxes were documented as being returned to compliance on May 5, 2017.

40 CFR 273.13(d) states: “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: (1) 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. (2) A small quantity handler of universal waste must immediately clean up and place in a container any lamp that is broken and must place in a container any lamp that shows evidence of breakage, leakage, or damage that could cause the release of mercury or other hazardous constituents to the environment. Containers must be closed, structurally sound, compatible with the contents of the lamps and must lack evidence of leakage, spillage or damage that could cause leakage or releases of

mercury or other hazardous constituents to the environment under reasonably foreseeable conditions.”

40 CFR 273.14 states, “A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below: ...

(e) Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: “Universal Waste—Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s)”.

40 CFR §273.15(c) states, “A small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received. The handler may make this demonstration by: (1) Placing the universal waste in a container and marking or labeling the container with the earliest date that any universal waste in the container became a waste or was received; (2) Marking or labeling each individual item of universal waste (e.g., each battery or thermostat) with the date it became a waste or was received; (3) Maintaining an inventory system on-site that identifies the date each universal waste became a waste or was received; (4) Maintaining an inventory system on-site that identifies the earliest date that any universal waste in a group of universal waste items or a group of containers of universal waste became a waste or was received; (5) Placing the universal waste in a specific accumulation area and identifying the earliest date that any universal waste in the area became a waste or was received; or (6) Any other method which clearly demonstrates the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.”

5. On July 25, 2017, based on the inspection and follow-up information, the Department issued Notice of Violation No. NOV-011-0717-HW to Reline America for the violations described in paragraphs C(4)(a) through C(4)(l), above.
6. On July 31, 2017, Department staff met with representatives of Reline America to discuss the violations. At that meeting, Reline submitted documentation regarding the Facility’s training program, contingency plan and contacts with local authorities. On February 8, 2018, Department staff met again with representatives of Reline America.
7. Based on the results of the April 21, 2017 CEI, the July 31, 2017 and February 8, 2018 meetings, and documentation submitted on April 26, 2017, May 4, 2017, May 5, 2017, July 31, 2017, August 4, 2017, August 14, 2017, October 10, 2017 March 28, 2018 and March 29, 2018, the Board concludes that Reline America has violated 40 CFR § 262.11, 40 CFR § 261.20, 40 CFR § 268.7(a)2, 40 CFR § 268.7(a)8, 40 CFR § 268.40, 40 CFR § 268.7, 40 CFR § 265.172, 9 VAC 20-60-262(B)(4), 40 CFR § 265.174, 40 CFR § 262.34(a)(2), 40 CFR § 262.34(a)(3), 40 CFR § 265.173(a), 40 CFR § 262.34(c)(1), 40 CFR § 268.7(a)(5), 40 CFR § 265.16, 40 CFR § 273.13(d), 40 CFR § 273.14(e) and 40 CFR § 273.15(c), as described in paragraphs C(4)a through C(4)l, above.

8. In order for Reline to complete its return to compliance, DEQ staff and representatives of Reline 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 Reline America, Inc., and Reline America, Inc. agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$35,525.00 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

Reline America, Inc. shall include its Federal Employer Identification Number (FEIN), 20-2706540, 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, Reline America, Inc. 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 Reline for good cause shown by Reline, 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 No. NOV-011-0717-HW dated July 25, 2017. 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, Reline admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.

4. Reline 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. Reline 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 Reline 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. Reline 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. Reline shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Reline 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.

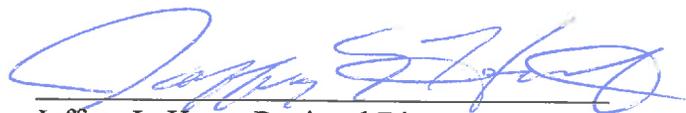
9. This Order is binding on the parties hereto and any successors in interest, designees and assigns, jointly and severally.

10. This Order shall become effective upon execution by both the Director or his designee and Reline.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Reline has completed all of the requirements of the Order;
 - b. Reline 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 Reline.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Reline 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 Reline 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 Reline 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 Reline to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Reline.
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, Reline voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 31st day of July, 2018.


Jeffrey L. Hurst, Regional Director
Department of Environmental Quality

Reline America, Inc. voluntarily agrees to the issuance of this Order.

Date: 5/24/2018 By: [Signature], Vice President
(Person) (Title)
Reline America, Inc.

Commonwealth of Virginia

City/County of Smyth

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

May, 2018, by Timothy E. Cook who is
Vice President / General Manager
of Reline America, Inc., on behalf of the corporation.

Katherine H. Rollins
Notary Public

7558484
Registration No.

My commission expires: 10/31/2021

Notary seal:



APPENDIX A SCHEDULE OF COMPLIANCE

In order to comply with the provisions of the Virginia Waste Management Act and the Virginia Hazardous Waste Management Regulations, Reline agrees to implement the following actions by the dates noted below:

1. **Waste Analysis Plan***

To treat resin wastes on-site, by May 15, 2018, Reline shall provide all documentation required to satisfy 40 CFR 268.7(a), as referenced in 9 VAC 20-60-262 and 40 CFR 262.34(a)(4), related to development of a written waste analysis plan, which describes the procedures to be carried out to comply with the treatment standards.

2. **Design of Cure Container***

To treat resin wastes on-site, by May 15, 2018, Reline shall provide all documentation required to satisfy 40 C.F.R. § 268.40, 40 C.F.R. § 268.7 and 40 C.F.R. § 265.172 regarding treatment and the design of the cure container to be utilized for treatment of D001 waste on-site utilizing POLYM treatment.

3. **Contact**

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

Ralph T. Hilt
Enforcement/Compliance Specialist, Sr.
Virginia DEQ – Southwest Regional Office
355-A Deadmore Street
Abingdon, Virginia 24210
phone: (276) 676-4878; fax: (276) 676-4899
e-mail: ralph.hilt@deq.virginia.gov

- * If documentation submitted by Reline is found by the Department to be inaccurate or deficient, Reline shall respond and correct any inaccuracies or deficiencies regarding the waste analysis plan within 10 days from receiving the notice of the inaccuracy or deficiency.