



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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VIRGINIA WASTE MANAGEMENT BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO SANFACON VIRGINIA INC. EPA ID No. VAD 000651042

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 Sanfacon Virginia Inc. 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. "Administrative Process Act" or "APA" means Chapter 40 (§ 2.2-4000 *et seq.*) of Title 2.2 of the Va. Code.
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. "BRRO" means the Blue Ridge Regional Office of DEQ, located in Roanoke, Virginia.
4. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.
5. "Container" means any portable device in which a material is stored, transported, treated, disposed of, or otherwise handled, as defined by 40 CFR § 260.10.
6. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.

7. "Designated Facility" means (1) A hazardous waste treatment, storage, or disposal facility which: (i) has received a permit (or interim status) in accordance with the requirements of 40 CFR Parts 270 and 124; (ii) has received a permit (or interim status) from a State authorized in accordance with 40 CFR Part 271; or (iii) is regulated under 40 CFR § 261.6(c)(2) or 40 CFR § 266, Subpart F; and (iv) that has been designated on the manifest by the generator pursuant to 40 CFR § 262.20.
8. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
9. "Facility" or "Site" means the Sanfacon Virginia Inc. manufacturing facility, located at 18097 US Highway 501 in Brookneal, Virginia.
10. "Generator" means person who is a hazardous waste generator, as defined by 40 CFR § 260.10.
11. "Hazardous Waste" means any solid waste meeting the definition and criteria provided in 40 CFR § 261.3.
12. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.
13. "Order" means this document, also known as a Consent Order.
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. "Sanfacon" means Sanfacon Virginia Inc., a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Sanfacon is a "person" within the meaning of Va. Code § 10.1-1400.
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. "Storage" means the holding of solid or hazardous waste for a temporary period, at the end of which the waste is treated, disposed of, or stored elsewhere, as defined by 40 CFR § 260.10 and 9 VAC 20-81-10, as applicable.
19. "Va. Code" means the Code of Virginia (1950), as amended.
20. "VAC" means the Virginia Administrative Code.
21. "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. Sanfacon owns and operates the Facility, which is located in Brookneal, Virginia. The Facility does offset printing of paper products such as placemats, tray liners, filters, wraps and bags. It also prints moist towelette and disinfectant wipes packages. Operations at the Facility are subject to the Virginia Waste Management Act and the Regulations.
2. On August 15, 1980 Thomasville Furniture Industries registered a plant (now the Facility) at 18097 US Highway 501 in Brookneal, Virginia, as a large quantity generator and received EPA ID No. VAD000651042. Sanfacon purchased that plant in 2005 and began manufacturing operations in 2007 but did not update the registration of the facility.
3. At the Facility, Sanfacon generates solid wastes which are also hazardous wastes. Hazardous wastes generated at the Facility include wastes with the waste codes D001 as described in 40 CFR § 261.21. These hazardous wastes are accumulated in containers at the Facility after generation.
4. On January 6 and May 11, 2015, DEQ-BRRO staff inspected the Facility for compliance with the Virginia Waste Management Act and the Regulations. Based on the inspections and follow-up information, the Department made the following observations:
 - a. Sanfacon did not obtain its own EPA ID number upon beginning operations at the Facility.
 - b. Sanfacon exceeded the accumulation period for SQGs in approximately 2012-2013 for at least 2,200 pounds of hazardous waste.
 - c. On January 6, 2015, thirteen 55-gallon containers of hazardous waste were not labeled with the words "hazardous waste" and these containers were not labeled with an accumulation start date. On May 11, 2015, the thirteen 55-gallon containers observed on January 6 had been properly labeled, but ten new containers containing hazardous waste were not labeled with either the words "hazardous waste" or an accumulation start date.

- d. Sanfacon had not conducted weekly inspections of the hazardous waste accumulation area.
 - e. Sanfacon had not provided training to employees in proper waste handling and emergency procedures.
 - f. Sanfacon had not designated one employee as the emergency response coordinator. During the May 11, 2015 inspection, a Sanfacon representative indicated that Mr. Richard Sanfacon had been designated as the emergency response coordinator. This statement has not been verified in writing.
 - g. Prior to the inspections, Sanfacon had performed open burning of solid waste at the Facility.
5. On March 10, 2016, DEQ-BRRO staff inspected the Facility for compliance with the Virginia Waste Management Act and the Regulations. Based on the inspections and follow-up information, the Department made the following observations:
- a. By storing two 55-gallon drums of hazardous waste for more than 270 days, Sanfacon exceeded the accumulation period for SQGs.
 - b. Two 55-gallon drums containing hazardous waste in an accumulation area were not kept closed.
 - c. Two fire extinguishers were either missing or in poor condition.
 - d. Sanfacon had not conducted weekly inspections of the hazardous waste accumulation area.
 - e. Sanfacon had not provided training to employees in proper waste handling and emergency procedures.
 - f. Sanfacon did not have a documented description of the process used to ensure that solvent-contaminated wipes contain no free liquids when they are shipped off-site for laundering.
 - g. Facility employees utilize a portion of the designated hazardous waste accumulation area as a smoking area.
6. 40 CFR § 261.4(a)(26)(v)(C) states that solvent-contaminated wipes that are sent for cleaning and reuse are not solid wastes from the point of generation provided that: . . . (v) Generators must maintain at their site the following documentation: . . . (C) Description of the process the generator is using to ensure the solvent-contaminated wipes contain no free liquids at the point of being laundered or dry cleaned on-site or at the point of being

transported off-site for laundering or dry cleaning.

7. 40 CFR § 262.12(a) requires hazardous waste generators to obtain an EPA identification number.
8. 40 CFR § 262.34(a) requires hazardous waste generators to label hazardous waste containers with the words "hazardous waste" and to mark the accumulation start date on each hazardous waste container in the <180-day accumulation area.
9. 40 CFR § 262.34(d)(4) requires SQGs to comply with paragraphs (a)(2) and (a)(3) of 40 CFR § 262.34 and the requirements of subpart C of Part 265.
10. 40 CFR § 262.34(f) requires SQGs to accumulate hazardous waste for less than 180 days (or less than 270 days if the waste must be transported more than 200 miles for proper treatment, storage or disposal) in order to avoid the requirements of 40 CFR parts 264 and 265 and the permit requirements of 40 CFR part 270.
11. 40 CFR § 265.174 requires hazardous waste generators to inspect areas where hazardous waste containers are stored, at least weekly, looking for leaks and for deterioration caused by corrosion or other factors.
12. 40 CFR § 262.34(d)(5)(iii) requires hazardous waste generators to ensure that all employees are thoroughly familiar with proper waste handling and emergency procedures relevant to their responsibilities.
13. 40 CFR § 262.34(d)(5)(i) requires hazardous waste generators to designate an emergency coordinator.
14. 40 CFR § 265.31 requires facilities to be maintained and operated to minimize the possibility of a fire, explosion, or an unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment.
15. 40 CFR § 265.33 requires that all facility communications or alarm systems, fire protection equipment, spill control equipment, and decontamination equipment, where required, must be tested and maintained as necessary to assure its proper operation in time of emergency.
16. 40 CFR § 265.173(a) requires that a container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste.
17. 9 VAC 20-81-40 prohibits unpermitted disposal of solid waste.
18. On February 23, 2015, based on the January 6, 2015 inspection and follow-up information, the Department issued NOV No. 15-01-BRRO-05 to Sanfacon for the violations described in Paragraph C(4) above.

19. On April 11, 2016, based on the March 10, 2016 inspection and follow-up information, the Department issued a NOV to Sanfacon for the violations described in Paragraph C(5) above.
20. On March 26, 2015 and June 8, 2016, DEQ staff met with representatives of Sanfacon to discuss the NOV. Based on the results of the January 6, 2015, May 11, 2015, and March 10, 2016 inspections, and the documentation submitted by Sanfacon, the Board concludes that Sanfacon has violated 40 CFR 262.34(F), 40 CFR 262.12(a), 40 CFR § 262.34(a), 40 CFR § 265.174, 40 CFR § 262.34(d)(5)(iii), 40 CFR § 262.34(d)(5)(i), 9 VAC 20-81-40, 40 CFR § 265.173(A), 40 CFR § 265.33, 40 CFR § 261.4(a)(26)(v)(C), 40 CFR § 262.34(d)(4), and 40 CFR § 265.31, as described in paragraphs C(4) and C(5), above.
21. Sanfacon has submitted documentation that verifies that the violations described in Paragraphs C(4) and C(5), above, have been corrected.

SECTION D: Agreement and Order

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

1. Pay a civil charge of \$40,000.00 in settlement of the violations cited in this Order. The civil charge shall be paid in accordance with the following schedule:

Due Date	Amount
The effective date of this Order	\$3,333.34 or balance
August 15, 2017	\$3,333.34 or balance
November 15, 2017	\$3,333.34 or balance
February 15, 2018	\$3,333.34 or balance
May 15, 2018	\$3,333.33 or balance
August 15, 2018	\$3,333.33 or balance
November 15, 2018	\$3,333.33 or balance
February 15, 2019	\$3,333.33 or balance
May 15, 2019	\$3,333.33 or balance
August 15, 2019	\$3,333.33 or balance
November 15, 2019	\$3,333.33 or balance
February 15, 2020	\$3,333.33 or balance

2. If the Department fails to receive a civil charge payment pursuant to the schedule described above, the payment shall be deemed late. If any payment is late by 30 days or more, the entire remaining balance of the civil charge shall become immediately due and owing under this Order, and the Department may demand in writing full payment by Sanfacon. Within 15 days of receipt of such letter, Sanfacon shall pay the remaining balance of the civil charge. Any acceptance by the Department of a late payment or of any payment of less than the remaining balance shall not act as a waiver of the

acceleration of the remaining balance under this Order. If the Department has to refer collection of moneys due under this Order to the Department of Law, Sanfacon Virginia Inc. shall be liable for attorneys' fees of 30% of the amount outstanding.

3. All payments 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

4. Sanfacon 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).

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Sanfacon for good cause shown by Sanfacon, 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. 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, Sanfacon admits to the jurisdictional allegations, and agrees not to contest, but does not admit, the findings of fact and conclusions of law in this Order.
4. Sanfacon 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. Sanfacon declares that 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 Sanfacon 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. Sanfacon 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 occurrence. Sanfacon shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Sanfacon 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 Sanfacon intends 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, their 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 Sanfacon.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Sanfacon has completed all of the requirements of the Order;

- b. Sanfacon 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 Sanfacon.

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

And it is so ORDERED this 16th day of July.



Jefferson D. Reynolds, Director of Enforcement
Department of Environmental Quality

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Sanfacon Virginia Inc. voluntarily agrees to the issuance of this Order.

Date: 05.11.17 By: R. Sanfacon

Commonwealth of Virginia
City/County of Campbell

The foregoing document was signed and acknowledged before me this 11th day of

May 2017, by Richard Sanfacon.

Amy Lynn Barber
Notary Public

7634812
Registration No.

My commission expires: 02-28-2019

Notary seal:

