



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY Blue Ridge Regional Office

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VIRGINIA WASTE MANAGEMENT BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO SITELINE CABINETRY, LLC EPA ID No. VAR000530162

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 Sitrine Cabinetry, LLC 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. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
8. "Facility" or "Site" means the Siteline facility located at 3930 Horseshoe Bend Road in Keysville, Virginia.
9. "Generator" means person who is a hazardous waste generator, as defined by 40 CFR § 260.10.
10. "Hazardous Waste" means any solid waste meeting the definition and criteria provided in 40 CFR § 261.3.
11. "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).
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. "Siteline" means Siteline Cabinetry, LLC, a limited liability company authorized to do business in Virginia and its members, affiliates, partners, subsidiaries, and parents. Siteline 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. Siteline owns and operates the Facility, which is located in Keysville, Virginia. The Facility manufactures wooden kitchen cabinets. Operations at the Facility are subject to the Virginia Waste Management Act and the Regulations.
2. Siteline submitted an updated RCRA Subtitle C Site Identification Form for the Facility dated March 4, 2015 that gave notice of regulated activity at the Facility as a SQG of hazardous waste. Siteline was issued EPA ID No. VAR000530162 for the Facility.
3. At the Facility, Siteline generates solid wastes which are also hazardous wastes. Hazardous wastes generated at the Facility include wastes with the following waste codes: D001, F003, F005, as described in 40 CFR § 261.21. These hazardous wastes are accumulated in containers at the Facility after generation.
4. On June 28 and July 11, 2016, DEQ-BRRO staff inspected the Facility for compliance with the Virginia Waste Management Act and the Regulations. Based on the inspection and follow-up information, the Department made the following observations:

- a. Siteline failed to notify DEQ of a change in generator status.

9 VAC 20-60-315(D) requires anyone who becomes a large quantity generator to notify the Department in writing immediately of this change in status and document the change in the operating record.

- b. Siteline failed to notify DEQ of the exact location of a <90 day accumulation area.

9 VAC 20-60-262(B)(4) states that for accumulation areas established after March 1, 1988, generators 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. This notification shall specify the exact location of the 90-day accumulation area at the site.

- c. Siteline did not submit a Biennial Report (due March 1, 2016).

40 CFR § 262.41 requires generators who ship any hazardous waste off-site to a treatment, storage or disposal facility within the United States to submit a biennial report by March 1 of each even numbered year.

- d. Siteline failed to make a hazardous waste determination for spray booth filters.

40 CFR § 262.11 requires that a person who generates a solid waste, as defined in 40 CFR § 261.2, determine if that waste is a hazardous waste.

- e. Siteline failed to maintain job titles and descriptions for two of three hazardous waste management positions.

40 CFR § 265.16(d) requires the owner or operator to 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 the job; (2) A written job description for each position listed above; (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 above; (4) Records that document that the training or job experience required above has been given to, and completed by, facility personnel.

- f. No one directing the Siteline hazardous waste training program had had up-to-date training in hazardous waste management.

40 CFR § 265.16(a)(2) requires that a facility's training 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 relevant to the positions in which they are employed.

- g. Siteline failed to submit its contingency plan to some emergency responders (the contingency plan was provided to and approved by the local fire department).

40 CFR § 265.53 requires that a copy of the contingency plan and all revisions to the plan must be 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.

- h. Siteline failed to have an agreement in place with an emergency response team to activate in the event of a hazardous waste-related emergency.

40 CFR § 265.37(a) requires the owner or operator to attempt to make arrangements

regarding emergency preparedness and prevention with local police, fire and emergency response teams, emergency response contractors, and local hospitals.

5. On July 28, 2016, based on the June 28 and July 11, 2016 inspections and follow-up information, the Department issued NOV No. 16-07-BRRO-002 to Siteline for the violations described in Paragraph C(4) above.
6. On October 7, 2016, Siteline submitted a written response to the NOV.
7. Based on the results of the June 28 and July 11, 2016 inspections, and the documentation submitted by Siteline, the Board concludes that Siteline has violated 9 VAC 20-60-315(D), 9 VAC 20-60-262(B)(4), 40 CFR § 262.41, 40 CFR § 262.11, 40 CFR § 265.16(d), 40 CFR § 265.16(a)(2), 40 CFR § 265.53, and 40 CFR § 265.37(a) as described in paragraph C(4), above.
8. Siteline has submitted documentation that verifies that the violations described in Paragraph C(4), 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 Siteline Cabinetry, LLC, and Siteline Cabinetry, LLC agrees to pay a civil charge of \$5,075.00 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

Siteline Cabinetry, LLC shall include its Federal Employer Identification Number (FEIN) (36-4788065) 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 Siteline for good cause shown by Siteline, 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, Siteline admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Siteline 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. Siteline 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 Siteline 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. Siteline 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. Siteline shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Siteline 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 Siteline 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 Siteline.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Siteline has completed all of the requirements of the Order;
 - b. Siteline 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 Siteline.

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

And it is so ORDERED this 11th day of April, 2017.



Robert J. Weld, Regional Director
Department of Environmental Quality

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Siteline Cabinetry, LLC voluntarily agrees to the issuance of this Order.

Date: Mar 7 2017 By: Robert Bitler

Commonwealth of Virginia
City/County of Charlotte

The foregoing document was signed and acknowledged before me this 7th day of

March 2017, by Robert Bitler

Jessica Blair Atkins
Notary Public

7597005
Registration No.

My commission expires: May 31, 2018

Notary seal:

JESSICA BLAIR ATKINS
NOTARY PUBLIC
COMMONWEALTH OF VIRGINIA
MY COMMISSION EXPIRES MAY 31, 2018
COMMISSION # 7597005