



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

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VIRGINIA WASTE MANAGEMENT BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO STANDEX ENGRAVING L.L.C. EPA ID No. VAD980551287

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 Standex Engraving L.L.C., 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. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
5. "Facility" or "Site" means the Standex Facility located at 5901 Lewis Road in Sandston, Virginia.
6. "Generator" means person who is a hazardous waste generator, as defined by 40 CFR § 260.10.

7. "Hazardous Waste" means any solid waste meeting the definition and criteria provided in 40 CFR § 261.3.
8. "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).
9. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.
10. "Order" means this document, also known as a "Consent Order" or "Order by Consent."
11. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
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. "Solid Waste" means any discarded material meeting the definition provided in 40 CFR § 261.2.
14. "Standex" means Standex Engraving L.L.C., a limited liability company authorized to do business in Virginia and its members, affiliates, partners, and subsidiaries. Standex is a "person" within the meaning of Va. Code § 10.1-1400.
15. "Va. Code" means the Code of Virginia (1950), as amended.
16. "VAC" means the Virginia Administrative Code.
17. "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.
18. "WWTP" means waste water treatment plant.

SECTION C: Findings of Fact and Conclusions of Law

1. Standex owns and operates a manufacturing plant (Facility) that produces rotogravure plating and engraving templates used in the flooring industry. The Facility is located at 5901 Lewis

Road in Sandston, Virginia. Operations at the Facility are subject to the Virginia Waste Management Act and the Regulations.

2. Standex submitted an updated RCRA Subtitle C Site Identification Form (received 2/27/04) that gave notice of regulated waste activity at the Facility as a LQG of hazardous waste. Standex inherited EPA ID No. VAD980551287 for the Facility.
3. At the Facility, Standex generates a number of solid waste types that are also hazardous wastes including: chrome sludge (D002), copper trash (D002, D006), solid and aqueous nitric acid (D002, D006, D007), chrome plating waste (D002, D006), a mixture of ink, wax, mineral spirits, nitric acid & ferric chloride (D002, D006), ferric chloride & polypropylene filters (D002, D006), re-treat nitric acid & water (D002, D006), WWTP filter cake (F006), flammable waste liquids with toluene & xylene (D001, F003, F005), combustible waste liquids with petroleum naphtha (D039), flammable waste liquids with naphtha (D001), activated carbon (D001), WWTP filter cake from electroplating operations (F006), WWTP filter cake chrome (D007), waste sulfuric acid (D002), waste glacial acetic acid (D001, D002), waste oxidizing liquid with hydrogen peroxide & nitric acid (D001, D002), waste corrosive liquids containing acidic inorganic ferric chloride (D002), waste isopropyl acetate (D001), waste corrosive liquid containing acidic inorganic nitric acid (D002), liquid hazardous waste containing chrome & lead (D007, D008, F006), liquid hazardous waste containing chromium (F006, D007), solid hazardous waste containing chrome & lead (D007, D008, F006), waste corrosive liquid containing acidic inorganic CPL-100 & nitric acid (D002), solid hazardous waste filter bags (F006), waste corrosive liquids containing acidic inorganic nitric acid & silver nitrate (D002, D011), waste corrosive liquids containing acidic inorganic sodium bifluoride & sodium bisulfate (D002, D007), waste corrosive liquids containing acidic organic acetic acid & nitric acid (D002), waste flammable liquids isopropyl alcohol & mineral spirits (D001, F003, F005), waste chromic acid solution (D002, D007, D008), waste flammable liquids mineral spirits (D001, D002), and waste paint related material (D001). The numbers in parenthesis are the hazardous waste codes as described in 40 CFR §261 Subpart C & D. This hazardous waste is accumulated in containers at the Facility after its generation.
4. On July 13, 2012, Department 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. The following manifests were missing corresponding Treatment, Storage, and Disposal Facility (TSDF) signatures: manifest numbers 3967363JJK (12/13/10); 7994783JJK (4/10/12); 7994934JJK (6/13/12); 7994935JJK (6/13/12); 7994936JJK (6/13/12); 7994938JJK (6/13/12); 7994976JJK (6/13/12); and, 3293683SKS (7/5/12).

40 CFR §262.42(a)(1) (as referenced by 9 VAC 20-60-262) states: “A generator of 1,000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in § 261.31 or § 261.33(e) in a calendar month, who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 35 days of the date the waste was

accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.”

- b. Several wastes generated on site were not properly characterized for a hazardous waste determination including: acid wipes generated and stored in the Engraving Department; “Wash Tank Ajax” drums labeled as hazardous waste in the Large Copper Department; Spent sand blasting material from the Digital Transfer Technology (DTT) area; and aerosol cans.

40 CFR §262.11 (as referenced by 9 VAC 20-60-262) states “A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste...”

- c. Two unlabeled and nearly full 35 gallon drums of spent ink & solvent rags/towels were observed in the Proofing Room. In addition, filter cake from the wastewater pretreatment system (WWPS) is shoveled into an unlabeled “super sack” (Full volume~1yd³ or 202 gallons) that remains open in the WWPS Room until full. Once filled the “super sack” is sealed and placed in the 90 day accumulation area.

40 CFR §262.34(c)(1)(ii) (as referenced by 9 VAC 20-60-262) 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:”...“(ii) Marks his containers either with the words “Hazardous Waste” or with other words that identify the contents of the containers.”

- d. The amount of hazardous waste accumulated in a Satellite Storage Area (SAA) was in excess of that allowed.

40 CFR §262.34(c)(1) (as referenced by 9 VAC 20-60-262) 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...”

- e. The excess amount was not marked with the date the excess amount began accumulating. The generator neither removed the excess amount of hazardous waste within three days of the date that excess accumulation began, nor complied with the requirements for <90-day accumulation areas. The Facility did not notify the Department of the exact locations of all hazardous waste accumulation areas.

40 CFR §262.34(c)(2) (as referenced by 9 VAC 20-60-262) states “A generator who accumulates either hazardous waste or acutely hazardous waste listed in § 261.31 or

§ 261.33(e) in excess of the amounts listed in paragraph (c)(1) of this section at or near any point of generation must, with respect to that amount of excess waste, comply within three days with paragraph (a) of this section or other applicable provisions of this chapter. During the three day period the generator must continue to comply with paragraphs (c)(1)(i) and (ii) of this section. The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating.

9 VAC 20-60-262(B)(4) states “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, a generator who is not otherwise exempted by 40 CFR 261.5 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 accumulation area. In the case of a new generator who creates such accumulation areas after March 1, 1988, he shall notify the department at the time the generator files the Notification of Hazardous Waste Activity that he intends to accumulate hazardous waste in accordance with 40 CFR 262.34. This notification shall specify the exact location of the accumulation area at the site.”

- f. A Land Disposal Restriction (LDR) notification was missing its accompanying manifest (#7994671JJK).

40 CFR §262.40(a) (as referenced by 9 VAC 20-60-262) states “A generator must keep a copy of each manifest signed in accordance with § 262.23(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.”

- g. The owner/operator stated that inspections of weekly accumulation areas are not conducted and therefore inspection records were not kept on site.

40 CFR §265.174 (as referenced by 9 VAC 20-60-262) states “At least weekly, the owner or operator must inspect areas where containers are stored, except for Performance Track member facilities, that must conduct inspections at least once each month, upon approval by the Director. To apply for reduced inspection frequency, the Performance Track member facility must follow the procedures described in § 265.15(b)(5) of this part. The owner or operator must look for leaking containers and for deterioration of containers caused by corrosion or other factors.

- h. The training program did not include procedures for conducting shutdown operations during an emergency response.

40 CFR §265.16(a)(3) (as referenced by 9 VAC 20-60-262) states “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:”... “(vi) Shutdown of operations.”

- i. A copy of the contingency plan has not been submitted to State emergency response teams.

40 CFR §265.53(b) (as referenced by 9 VAC 20-60-262) states A copy of the contingency plan and all revisions to the plan must be:”...(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.”

- j. The contingency plan does not describe arrangements agreed to by local police departments, fire departments, hospitals, or State and local emergency response teams.

40 CFR §265.52(c) (as referenced by 9 VAC 20-60-262) states “The plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to § 265.37.”

- k. The contingency plan does not include provisions to ensure equipment is fit for use before resuming operations.

40 CFR §265.52(a) states that the contingency plan must describe actions to be taken to comply with 40 CFR §265.56, and 40 CFR §265.56(h)(2) (as referenced by 9 VAC 20-60-262) states “The emergency coordinator must ensure that, in the affected area(s) of the facility:”...“(2) All emergency equipment listed in the contingency plan is cleaned and fit for its intended use before operations are resumed.”

- l. The contingency plan does not describe procedures to monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment if the facility stops operation in response to a fire, explosion, or release.

40 CFR §265.52(a) states that the contingency plan must describe actions to be taken to comply with 40 CFR §265.56, and 40 CFR §265.56(f) (as referenced by 9 VAC 20-60-262) states “If the facility stops operations in response to a fire, explosion or release, the emergency coordinator must monitor for leaks, pressure buildup, gas generation, or ruptures in valves, pipes, or other equipment, wherever this is appropriate.”

- m. Agreements with State emergency response teams have not been arranged.

40 CFR §265.37(a)(3) (as referenced by 9 VAC 20-60-262) states “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:”... “(3) Agreements with State emergency response teams, emergency response contractors, and equipment suppliers”

- n. Local hospitals have not been familiarized with the properties of the hazardous wastes handled at the Facility and the types of injuries or illness that could result.

40 CFR §265.37(a)(4) (as referenced by 9 VAC 20-60-262) states “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:”...“(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.”

5. On October 16, 2012, based on the inspection and follow-up information, the Department issued Notice of Violation No. 2012-10-PRO-602 to Standex for the violations described in Section C4. In response to the NOV, Standex requested a meeting to discuss the compliance issues.
6. On November 6, 2012, Department staff met with representatives of Standex to discuss the violations.
7. On March 18, 2013, Standex provided a waste characterization for the waste rags and aerosol cans, documentation that weekly inspections of accumulation areas are being conducted, and a revised contingency plan.
8. On March 19, 2013, Standex provided detailed comments on the violations cited in the NOV and the draft Consent Order. Standex stated that they did not agree with the Department, that all of the inspection observations were actual violations. However, Standex agreed to implement correct action to bring the Facility into full compliance with VHWMR and the Virginia Waste Management Act.
9. Based on the results of the July 13, 2012, inspection, the November 6, 2012, meeting, the Board concludes that Standex has violated 40 CFR §262.42(a)(1), 40 CFR §262.11, 40 CFR §262.34(c)(1)(ii), 40 CFR §262.34(c)(1), 40 CFR §262.34(c)(2), 9VAC 20-60-262(B)(4), 40 CFR §262.40(a), 40 CFR §265.174, 40 CFR §265.16(a)(3)(vi), 40 CFR §265.53(b), 40 CFR §265.52(c), 40 CFR §265.52(a), 40 CFR §265.56(h)(2), 40 CFR §265.56(f), 40 CFR §265.37(a)(3), 40 CFR §265.37(a)(4) of the VHWMR and the Virginia Waste Management Act, as described in paragraph C4 above.
10. In the course of negotiating this Order, Standex completed the injunctive relief, therefore only a civil charge is required in settlement of the violations cited in this Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455, the Board orders Standex, and Standex agrees to pay a civil charge of \$19,600 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

Standex shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, Standex 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 Standex for good cause shown by Standex, 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, Standex admits to the jurisdictional allegations, and agrees not to contest, but neither admits nor denies, the findings of fact and conclusions of law in this Order.
4. Standex 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. Standex 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.

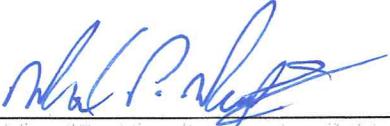
6. Failure by Standex to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such 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. Standex 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. Standex shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Standex 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 Standex 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 Standex.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Standex has completed all of the requirements of the Order;

- b. Standex 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 Standex.

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

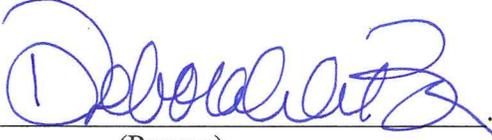
And it is so ORDERED this 2ND day of DECEMBER, 2013.



Michael P. Murphy, Regional Director
Department of Environmental Quality

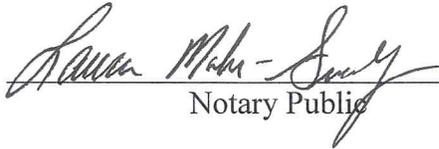
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Standex Engraving L.L.C. voluntarily agrees to the issuance of this Order.

Date: September 16, 2013 By:  Manager
(Person) (Title)
Standex Engraving L.L.C.

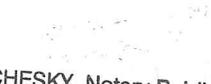
STATE OF NEW HAMPSHIRE
County of Rockingham, S.S.

The foregoing document was signed and acknowledged before me this 16th day of September, 2013, by Deborah A. Rosen, who is the Manager of Standex Engraving, L.L.C., on behalf of the L.L.C.


Notary Public

My Commission Expires: 12/20/2015

Notary seal:


LAURA MAHER-SWERCHESKY, Notary Public
My Commission Expires December 20, 2015