



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE

13901 Crown Court, Woodbridge, Virginia 22193

(703) 583-3800 Fax (703) 583-3821

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

August 31, 2012

William Wilson
6308 Hunt Chase Court
Centreville, VA 20120

Bray Wilson
7615 Kincheloe Road
Clifton, VA 20124

RE: Norman Bray Wilson Trucking, LLC Consent Order
Wilson Trucking, Fairfax County

Dear Mr. Wilson:

Enclosed is a copy of the fully executed Consent Order for Norman Bray Wilson Trucking, LLC concerning the Wilson Trucking facility. No comments were received during the 30-day public comment period. The Order was signed by the Regional Director on behalf of the Board on August 31, 2012, and is effective from that date.

Please note that the civil charge of \$7,800.00 is to be sent to the Department within 30 days of the effective date of the order. Please be sure that the check is payable to the Treasurer of Virginia and is otherwise completed as described in Section D of the Consent Order. Additionally, please note that the dates in the Schedule of Compliance (Attachment A of the Consent Order) begin from the date of the Regional Director's signature.

Thank you for your cooperation in this matter. If you have questions, please contact me at 703-583-3850 or Sarah.Baker@deq.virginia.gov.

Respectfully,

A handwritten signature in cursive script that reads "Sarah Baker".

Sarah Baker

Regional Enforcement Manager

Enclosure (1)



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

NORTHERN REGIONAL OFFICE

13901 Crown Court, Woodbridge, Virginia 22193

(703) 583-3800 Fax (703) 583-3821

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

VIRGINIA WASTE MANAGEMENT BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO NORMAN BRAY WILSON TRUCKING, LLC FOR WILSON TRUCKING

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 Norman Bray Wilson Trucking, LLC, regarding Wilson Trucking, for the purpose of resolving 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. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
4. "Facility" or "Site" means the Wilson Trucking facility, located at 15900 Lee Highway in Fairfax County, Virginia, which is owned and operated by Norman Bray Wilson Trucking, LLC.
5. "Wilson Trucking" means Norman Bray Wilson Trucking, LLC, a limited liability company authorized to do business in Virginia and its members, affiliates, partners, and

subsidiaries. Wilson Trucking is a “person” within the meaning of Va. Code § 10.1-1400.

6. “Notice of Violation” or “NOV” means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.
7. “NRO” means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.
8. “Order” means this document, also known as a “Consent Order” or “Order by Consent.”
9. “Regulations” or “VSWMR” means the Virginia Solid Waste Management Regulations, 9 VAC 20-81-10 *et seq.*
10. “Va. Code” means the Code of Virginia (1950), as amended.
11. “VAC” means the Virginia Administrative Code.
12. “Virginia Waste Management Act” means Chapter 14 (§ 10.1-1400 *et seq.*) of Title 10.1 of the Va. Code. Article 2 (Va. Code §§ 10.1-1408.1 through -1413.1) of the Virginia Waste Management Act addresses Solid Waste Management.

SECTION C: Findings of Fact and Conclusions of Law

1. Wilson Trucking owns and operates the Facility in Fairfax County. DEQ has not issued Wilson Trucking a Permit or Permit-by-rule to operate a solid waste management facility at the property.
2. On September 12, 2011, in response to a citizen complaint, Department staff inspected the Facility for compliance with the requirements of the Virginia Waste Management Act and Regulations. Based on the inspection Department staff made the following observations:
 - a. Several bulk piles of composted and mulched waste, bags of vegetative waste, and heavy equipment were found at the site;
 - b. The waste piles appeared to be greater than 500 cubic yards;
 - c. Wilson Trucking did not have a permit authorizing the operation of a solid waste disposal, treatment, or storage facility.
3. Va. Code §§ 10.1-1408.1. states that no person shall operate any sanitary landfill or other facility for the disposal, treatment or storage of nonhazardous waste without a permit from the Director.
4. 9 VAC 20-81-40 prohibits any person from operating a facility for the disposal, treatment, or storage of solid waste without a permit from the director.

5. 9 VAC 20-81-400, in conjunction with 9 VAC 20-81-95 and 9 VAC 20-81-397, requires that any person who constructs, operates, or modifies a solid waste treatment or storage facility shall obtain a permit or permit-by-rule.
6. On October 17, 2011, Department issued a corrective action letter to Mr. William Wilson of Wilson Trucking identifying the observations made by DEQ staff during the site visit. The letter advised Mr. Wilson to cease management of vegetative and yard waste at the site and to remove the existing waste to an appropriate disposal facility.
7. On November 15, 2011, Department staff met with Mr. Wilson and his zoning attorney to discuss the operations at the property. DEQ presented the regulatory requirements for operating a composting facility including the application process for obtaining a permit-by-rule (PBR).
8. On December 16, 2011, Department staff conducted a site visit of the property and observed trucks entering and leaving the property and several vegetative waste piles onsite.
9. On January 18 and January 24, 2012, Department staff conducted site visits of the property and observed vegetative waste piles onsite.
10. On February 10, 2012, based on the inspection and follow-up site visits, the Department issued a Notice of Violation to Wilson Trucking for the violations described in paragraphs C(2) through C(9), above.
11. On February 20, 2012, Environmental Consultants and Contractors, Inc. submitted a written response on behalf of Wilson Trucking to the NOV.
12. Based on the results of the September 12, 2011, inspection, the December 16, 2011, January 18 and January 24, 2012 site visits, the Board concludes that Mr. Wilson has violated Va. Code § 10-1-1408.1, 9 VAC 20-81-40, and 9 VAC 20-81-400, as described in paragraphs C(2) through C(9), above.
13. In order for Wilson Trucking to complete his return to compliance, DEQ staff and Wilson Trucking 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 Wilson Trucking, and Wilson Trucking agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$7,800.00 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

Wilson Trucking 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 Wilson Trucking for good cause shown by Wilson Trucking, 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, Wilson Trucking admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Wilson Trucking 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. Wilson Trucking 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 Wilson Trucking 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. Wilson Trucking 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. Wilson Trucking shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Wilson Trucking 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 Wilson Trucking. Nevertheless, Wilson Trucking agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Wilson Trucking has completed all of the requirements of the Order;
 - b. Wilson Trucking 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 Wilson Trucking.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Wilson Trucking 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 Wilson Trucking 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. Any documents to be submitted pursuant to this Order shall be submitted by Wilson Trucking or an authorized representative of Wilson Trucking.
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, Wilson Trucking voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 31st day of August, 2012.


Thomas A. Faha, Regional Director
Department of Environmental Quality

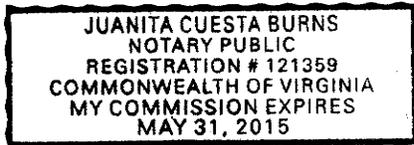
------(Remainder of Page Intentionally Blank)-----

Wilson Trucking, LLC voluntarily agrees to the issuance of this Order.

Date: 7-25-12 By: William Wilson, owner
(Person) (Title)
Wilson Trucking, LLC

Commonwealth of Virginia
City/County of LOUDOUN

The foregoing document was signed and acknowledged before me this 25th day of JULY, 2012, by WILLIAM WILSON who is OWNER of Wilson Trucking, LLC, on behalf of the company.



Juanita C. Burns
Notary Public
121359
Registration No.

My commission expires: 5/31/2015

Notary seal:

APPENDIX A
SCHEDULE OF COMPLIANCE

Wilson Trucking shall:

1. Cease acceptance of solid waste
2. With exception of processing and handling of existing on-site vegetative waste for the purpose of removal from the property, cease management of solid waste on the property.
3. Within 180 days of execution of this Order, remove all existing vegetative waste piles from the facility and properly dispose them in an approved manner.