

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

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VIRGINIA WASTE MANAGEMENT BOARD ENFORCEMENT ACTION – AMENDMENT TO ORDER BY CONSENT ISSUED TO WOOD PRESERVERS, INC. EPA I.D. No. VAD003113750

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board (“Board”) and Wood Preservers, Inc., regarding the Wood Preservers, Inc. Warsaw facility, for the purpose of ensuring compliance with the Virginia Waste Management Act and the applicable regulations.

SECTION B: Basis for Amendment

1. On September 30, 1994, the Board issued Wood Preservers, Inc. a Consent Order (“1994 Order”) regarding post-closure care for the hazardous waste surface impoundments closed as landfills at the Wood Preservers, Inc. Warsaw facility (“Facility”). The order was necessary because at that time, Wood Preservers could not meet its obligation for financial assurance as prescribed by 40 CFR §264 Subpart H. The Order required that Wood Preservers follow a 12 year payment schedule in order to meet its financial assurance obligations. Appendix A of the 1994 Order incorporated the post-closure care plan for the Facility.
2. On September 25, 1998, the Board modified Appendix A of the 1994 Order to incorporate groundwater corrective action requirements for the Facility.
3. On February 10, 2009, Wood Preservers requested a modification to Attachment L of its post-closure care plan. The modification request was made in accordance with the United States Environmental Protection Agency’s Burden Reduction Initiative Final Rule, which has been adopted by the Commonwealth of Virginia.

4. The revised Attachment L of the post-closure care plan is incorporated as Appendix A of this Amended Order. All terms of the 1994 Order and all other portions of the modified Appendix A issued on September 25, 1998 remain in effect.

SECTION C: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455, the Board orders Wood Preservers, Inc., and Wood Preservers, Inc. agrees to abide by Appendix A of this Amendment, which supersedes Attachment L of the modified Appendix A issued on September 25, 1998. Both the Board and Wood Preservers, Inc. understand and agree that this Amendment does not alter, modify, or amend any other provision of the 1994 Consent Order or the modified Appendix A issued on September 25, 1998, and that the unmodified provisions of these documents remain in effect by their own terms.

And it is so ORDERED this 21st day of December, 2009.


Richard F. Weeks, Regional Director
Department of Environmental Quality

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Wood Preservers, Inc. voluntarily agrees to the issuance of this Amendment.

By: William M. Wright CEO

Date: 11-3-09

Commonwealth of Virginia
City/County of Richmond

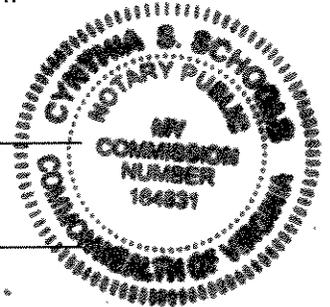
The foregoing document was signed and acknowledged before me this 3rd day of

November, 2009, by William M. Wright, who is
(name)

CEO of Wood Preservers, Inc., on behalf of Wood Preservers, Inc..
(title)

Cynthia S. Schals
Notary Public

My commission expires: January 31, 2011
My Commission Expires January 31, 2011



APPENDIX A

ATTACHMENT L

APPENDIX IX TO 40 CFR PART 264 GROUNDWATER MONITORING CONSTITUENTS AND REQUIRED ANALYTICAL METHODS

<u>PARAMETERS</u>	<u>SW-846, 3RD EDITION METHOD</u>	<u>POL REF</u>
Acenaphthene	8270D	10
Acenaphthylene	8270D	10
Antimony (total)	6010B	100
Arsenic (total)	6010B	1
Benzo [a] anthracene	8270D	0.13
Benzo [b] fluoranthene	8270D	0.18
Benzo [k] fluoranthene	8270D	0.17
Benzo [ghi] perylene	8270D	0.76
Benzo [a] pyrene	8270D	0.23
Beryllium (total)	6010B	10
Cadmium (total)	6010B	10
p-Chloro-m-cresol	8270D	3.6
2-Chlorophenol	8270D	3.1
Chromium (total)	6010B	1
Chrysene	8270D	1.5
Cobalt (total)	6010B	10
Copper (total)	6010B	1
m-Cresol	8270D	10
o-Cresol	8270D	10
p-Cresol	8270D	10
Dibenz (a,h) anthracene	8270D	0.3
2, 4-dichlorophenoxy acetic acid (2, 4-D)	8151A	1.4

<u>PARAMETERS</u>	<u>SW-846, 3RD EDITION METHOD</u>	<u>PQL µg/l</u>
Diphenylamine (Carbazole)	8270D	10
2, 4-Dimethylphenol	8270D	6.3
2, 4-Dinitrophenol	8270D	50
2-sec-Butyl-4, 6-dinitrophenol (Dinoseb; DNBP)	8151A	5.4
Fluoranthene	8270D	2.1
Indeno (1, 2, 3-cd) pyrene	8270D	0.43
Lead (total) ¹	6010B	10
Naphthalene	8270D	0.6
Pentachlorophenol	8151A	5
Phenol	8270D	50
Silvex (2, 4, 5-TP)	8151A	1
2, 3, 4, 6-Tetrachlorophenol	8270D	10
Thallium (total)	6010B	50
2, 4, 5-Trichlorophenol	8270D	10
2, 4, 5-Trichlorophenoxyacetic acid (2, 4, 5-T)	8151A	1

All methods are as described in EPA's SW-846, *Test Methods for Evaluating Solid Waste, Third Edition*.

¹ Only required for Monitoring Well M-12