



COMMONWEALTH of VIRGINIA

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Secretary of Natural Resources

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David K. Paylor
Director

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Regional Director

**VIRGINIA WASTE MANAGEMENT BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
TIGHT LINES HOLDINGS GROUP, INC.
FOR THE
BUDGET SIGNS ROANOKE, VA FACILITY
EPA ID No. VACESQG21801**

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 Tight Lines Holdings Group, Inc., regarding the Budget Signs Roanoke, Virginia facility, 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. "BRRO" means the Blue Ridge Regional Office of DEQ, located in Salem, Virginia.
3. "CESQG" means a conditionally exempt small quantity generator of hazardous waste, a generator of less than 100 kilograms of hazardous waste in a month and meeting the other restrictions of 40 CFR § 261.5 and 9 VAC 20-80-120(A). CESQG is now referred to as a very small quantity generator of hazardous waste or "VSQG".

4. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.
5. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
6. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
7. "Facility" or "Site" means the Budget Signs facility located at 3148 Williamson Road, Roanoke, Virginia and referred to as Budget Sign's Roanoke, VA facility.
8. "Generator" means person who is a hazardous waste generator, as defined by 40 CFR § 260.10.
9. "Hazardous Waste" means any solid waste meeting the definition and criteria provided in 40 CFR § 261.3.
10. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.
11. "Order" means this document, also known as a "Consent Order" or "Order by Consent."
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. "TLHG" means Tight Lines Holdings Group, Inc., a corporation authorized to do business in Virginia and its members, affiliates, partners, and subsidiaries. TLHG 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.

SECTION C: Findings of Fact and Conclusions of Law

1. TLHG d/b/a Budget Signs is a business in Roanoke, Virginia that provides service, installation and removal of lighted signs. The business also custom builds and manufactures lighted signs and custom designs vehicle graphics. Operations at the Facility are subject to the Virginia Waste Management Act and the Regulations.
2. At the Facility, TLHG generates hazardous wastes that include waste paint, solvent waste, adhesive remover waste, solvent contaminated rags, and spent aerosol cans. Regulated wastes generated at the Facility include used oil, used oil filters, paint booth filters, spent lead-acid batteries, scrap metal and scrap plastics. Universal wastes generated at the Facility include spent fluorescent lamps and spent batteries.
3. On October 19, 2017, 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.
4. At the time of the inspection a lamp crushing operation of spent mercury containing fluorescent lamps and neon tubes that are generated from off-site maintenance and repair activities was conducted at the business. The lamps are stored prior to crushing. The Facility has not been issued a permit for the storage or treatment of hazardous or universal waste. 40 CFR 270.1(c) requires a permit for the “treatment”, “storage”, and “disposal” of any “hazardous waste” as identified or listed in 40 CFR part 261.
5. At the time of the inspection, TLHG had not obtained an EPA Identification Number as required by 9 VAC 20-60-262.
6. At the time of the inspection, spent lamps are stored on a metal rack, located outside the building. The spent lamps and neon tubes are exposed to the environment and are not stored in a manner to prevent a release or breakage. 9VAC 20-60-273 requires that a small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.
7. At the time of the inspection, DEQ staff observed a significant amount of broken lamps in the storage area, fabrication shop, outside where the lamp crusher is operated, and in the parking lot. Facility personnel do not immediately clean up broken lamps. 9 VAC 20-60-273 requires that a small quantity handler of universal waste must immediately clean up and place in a container any lamp that is broken and also requires that a small

quantity handler of universal waste must immediately contain all releases of universal waste and other residues from universal wastes. 40 CFR 273.17(b) requires that a generator must determine whether any material resulting from the release is hazardous and manage as hazardous waste and 9 VAC 20-60-268 requires that a generator must determine if treatment is required before land disposal.

8. Spent fluorescent lamps generated during maintenance or repair activities at client businesses are transported to the Facility in company vehicles. 40 CFR 293.9 defines a universal waste transporter as a person engaged in the off-site transportation of universal waste by air, rail, highway, or water. 40 CFR 273.18(b) requires that if a small quantity handler of universal waste self-transportes universal waste off-site, the handler becomes a universal waste transporter for those self-transportation activities and must comply with the transporter requirements of subpart D of this part while transporting the universal waste. TLHG is a universal waste transporter.
9. Facility staff stated that a majority of spent fluorescent lamps are already broken at the client's off-site location and it is common for the lamps to break during transportation. 40 CFR 273.54(a) requires that a universal waste transporter must immediately contain all releases of universal wastes and other residues from universal wastes and 40 CFR 273.54(b) requires that a universal waste transporter must determine whether any material resulting from the release is hazardous waste, and if so, it is subject to all applicable requirements of 40 CFR parts 260 through 272. If the waste is determined to be a hazardous waste, the transporter is subject to 40 CFR part 262.
10. The spent fluorescent lamps transported from client sites are stored at the Facility for more than ten days. 40 CFR 273.53(a) allows a universal waste transporter to store the universal waste at a universal waste transfer facility for ten days or less.
11. The spent fluorescent lamps and neon tubes transported to the Facility from off-site are crushed in a lamp crushing unit. 40 CFR 273.51(b) states that a universal waste transporter is prohibited from ... treating universal waste, except by responding to releases as provided in 40 CFR 273.54.
12. TLHG does not keep an inventory or record of the spent lamps that are generated from off-site. 9 VAC 20-60-273 requires that the owner or operator of a destination facility must keep a record of each shipment of universal waste received at the facility. The record may take the form of a log, invoice, manifest, bill of lading, or other shipping document and also requires the owner or operator of a destination facility must retain the records described in paragraph (a) of this section for at least three years from the date of receipt of a shipment of universal waste.
13. At the time of the inspection, spent fluorescent lamps were not labeled. 9 VAC 20-60-273 requires that each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: "Universal Waste – Lamp(s)," or "Waste Lamp(s)," or "Used Lamp(s)."

14. At the time of the inspection, hazardous waste determinations have not been made on several waste streams. These waste streams are waste oil based paint, waste solvents, and denatured alcohol, waste adhesive remover, contaminated rags, and spent aerosol cans. 9 VAC 20-60-262 requires a person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste.
15. Used oil is generated from routine maintenance of the Facility's trucks. The Facility stores used oil in 55-gallon drums that are kept on spill containment pallets. At the time of the inspection, DEQ staff observed two 55-gallon drums of used oil at the Facility. The drums were not labeled with the words "Used Oil". 9 VAC 20-60-279 requires that containers and aboveground storage tanks used to store used oil at generator facilities must be labeled or clearly marked with the words "Used Oil".
16. On March 7, 2018, based on the inspection and follow-up information, the Department issued NOV No. NOV-18-03-BRRO-002 to Budget Signs for the violations described in paragraphs C(4) through C(15), above.
17. Based on the results of the March 7, 2018 inspection and follow-up information, the Board concludes that TLHG has violated 40 CFR 270.1(c), 9 VAC 20-60-262, 9 VAC 20-60-273, 40 CFR 273.17(b), 9 VAC 20-60-268, 40 CFR 273.54(a), 40 CFR 273.54(b), 40 CFR part 262, 40 CFR 273.53(a), 40 CFR 273.51(b) and 9 VAC 20-60-279, as described in paragraphs C(4) through C(15), above.
18. In order for TLHG to return to compliance, DEQ staff and representatives of TLHG 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 TLHG, and TLHG agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of **\$15,000** in settlement of the violations cited in this Order. The civil charge shall be paid in accordance with the following schedule:

Due Date	Amount
March 1, 2020	\$1,250.00 or balance
June 1, 2020	\$1,250.00 or balance
September 1, 2020	\$1,250.00 or balance
December 1, 2020	\$1,250.00 or balance
March 1, 2021	\$1,250.00 or balance

June 1, 2021	\$1,250.00 or balance
September 1, 2021	\$1,250.00 or balance
December 1, 2021	\$1,250.00 or balance
March 1, 2022	\$1,250.00 or balance
June 1, 2022	\$1,250.00 or balance
September 1, 2022	\$1,250.00 or balance
December 1, 2022	\$1,250.00 or balance

3. 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 TLHG. Within 15 days of receipt of such letter, TLHG 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.
4. 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

5. TLHG shall include its Federal Employer Identification Number (FEIN) 46-5670452 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 TLHG for good cause shown by TLHG, 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.

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3. For purposes of this Order and subsequent actions with respect to this Order only, TLHG admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. TLHG 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. TLHG 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 TLHG 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. TLHG 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. TLHG shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. TLHG 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 TLHG. Nevertheless, TLHG 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 TLHG has completed all of the requirements of the Order;
 - b. TLHG 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 TLHG.

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

And it is so ORDERED this 21st day of January, 2020.



Robert J. Weld, Regional Director
Department of Environmental Quality

Tight Line Holdings Group, Inc. voluntarily agrees to the issuance of this Order.

Date: 2/17/19 By: , President
Don Smith
Tight Line Holdings Group, Inc.

Commonwealth of Virginia
City/County of Roanoke

The foregoing document was signed and acknowledged before me this 17th day of February, 2019, by Don Smith, who is the President of Tight Line Holdings Group, Inc., on behalf of the corporation.

Wendy D. Nadler

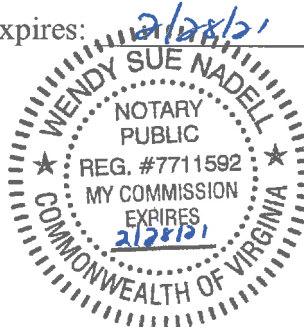
Notary Public

7711592

Registration No.

My commission expires: 2/28/21

Notary seal:



**APPENDIX A
SCHEDULE OF COMPLIANCE**

TLHG shall:

1. Obtain an EPA Identification Number, if determined applicable, no later than April 1, 2020.
2. Make hazardous waste determinations on all waste streams at the Facility including but not limited to waste oil based paint, waste solvents, denatured alcohol, waste adhesive remover, contaminated rags and spent aerosol cans. The hazardous waste determination shall be completed and the results shall be submitted to no later than April 1, 2020.
3. Develop a sampling and analysis plan to define the areas of the Facility that require remediation as a result of the lamp crushing operation and other mishandling of spent fluorescent lamps. An approvable sampling and analysis plan shall be submitted no later than March 1, 2020.
4. Submit to the Department, no later than September 1, 2020, the results of the sampling and analysis plan and an approvable work plan to complete remediation of the areas of the Facility that have been identified in Item #4, above.
5. Complete remediation of the areas of the Facility that have been identified in Item #4, above, no later than December 31, 2020.
6. Documents to be submitted to the Department, other than the civil charge payment described in Section D of the Order, shall be sent to:

**Jerry Ford, Jr.
VA DEQ - Blue Ridge Regional Office
901 Russell Drive
Salem, VA 24153
Phone: (540) 562-6817
e-mail: Jerry.Ford@deq.virginia.gov**