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Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Front Royal, Virginia Automobile Coatings Manufacturing Facility Enter into Consent Agreement

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The CA provides that ACS is an owner and operator of a facility ("Facility") as those terms are defined in RCRA in Front Royal, Virginia.

The Facility operates as an automobile coatings manufacturing facility. It is stated to be a generator of, and having engaged in the storage in tanks of materials that are solid and hazardous wastes as those terms are defined in 40 C.F.R. § 260.10.

The Facility is stated to generate waste solvent which is a hazardous waste because it exhibits the characteristic of ignitability. Further, more than 1,000 kilograms of hazardous waste in a calendar month is generated rendering the Facility a Large Quantity Generator. In addition, the CA provides from at least May 15, 2018 to the present, certain material was in storage in containers and tanks at the Facility.

Representatives of EPA and the Virginia Department of Environmental Quality are stated to have conducted a Compliance Evaluation Inspection ("CEI") at the Facility on May 15 and 16, 2018.

The CA alleges the following violations:

- Failure to Make Hazardous Waste Determinations
- Failure to Qualify for a Permit Exemption or Obtain Interim Status or a Permit
- Failure to Maintain RCRA Training Records
- Failure to Operate Facility to Minimize the Possibility of Release
- Failure to Provide Adequate Aisle Space
- Failure to Conduct Weekly Inspections of Less-than-90 Day Hazardous Waste Storage Area
- Failure to Conduct Integrity Assessment of Hazardous Waste Tank
- Failure to Maintain Adequate Secondary Containment
- Failure to Conduct and Document Daily Tank Inspections
- Failure to Mark Each Piece of Equipment Subject to 40 C.F.R. Part 264 Subpart BB
- Failure to Monitor Valves Subject to 40 C.F.R. Part 264 Subpart BB Monthly BB
- Failure to Determine Whether Equipment Contains or Contacts Hazardous Waste with Ten Percent or More Organic Concentration
- Failure to Provide 40 C.F.R Part 264 Subpart CC Air Emission Controls

The CA requires at ACS perform certain compliance tests set forth and to bring the Facility to compliance with the relevant RCRA Subtitle C regulations. This includes the submission of certain required records.

A civil penalty of \$140,000 is assessed.

A copy of the CA can be downloaded [here](#).