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Hazardous Waste Enforcement: United States Environmental Protection Agency and Henry, Virginia Paint Manufacturer/Solvent Blender Enter into Consent Agreement

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The United States Environmental Protection Agency ("EPA") and Blue Ridge Solvents & Coatings, Inc. ("Blue Ridge") entered into a February 9th Consent Agreement ("CA") addressing alleged violations of Resource Conservation and Recovery Act ("RCRA") Hazardous Waste Regulations. See Docket RCRA-03-2018-0051.

Blue Ridge is stated to operate a Henry, Virginia facility ("Facility") that:

... manufactures custom paints and coatings, as well as conducts re-blending, recovery, and redistribution of solvents and other chemicals. The Facility is located on approximately 9.5 acres, in a building of approximately 123,000 square feet. . .

Blue Ridge is stated to have submitted a Notification of Hazardous Waste Activity for the Facility to the Virginia Department of Environmental Quality and EPA Region III, pursuant to Section 3010 of RCRA identifying the Facility as a conditionally exempt small quantity generator of hazardous waste. The Facility was assigned a RCRA ID and Transporter Number.

The Facility subsequently notified the Virginia Department of Environmental Quality that it would be reporting as a RCRA Large Quantity Generator. It is stated to lack a permit for the treatment, storage or disposal of hazardous waste at the Facility.

Two EPA inspectors and three inspectors from the Virginia Department of Environmental Quality are stated to have conducted a Compliance Evaluation Inspection ("CEI") on May 10, 2016, to examine compliance with Subtitle C of RCRA and the relevant Virginia regulations. The CEI is stated to have identified various "hazardous waste" in "storage" in containers at the Facility as described in paragraph 24 of the CA.

EPA subsequently sent Blue Ridge a Request to Show Cause advising of the federal agency's preliminary findings of violations at the Facility and offering Blue Ridge the opportunity to provide such additional information as it believed should be reviewed and considered before reaching any final conclusions as to compliance issues.

The CA alleges the following violations:

- Operating a Treatment, Storage, and Disposal Facility without a Permit or Interim Status
- Failure to Make a Hazardous Waste Determination
- Failure to Keep Hazardous Containers Closed Except when it is Necessary to Add or Remove Waste
- Failure to Maintain Signed Manifests or File Exception Reports

The CA provides that Blue Ridge neither admits nor denies the specific factual allegations or the conclusions of law contained in the CA except as to jurisdiction.

The CA assesses a civil penalty of \$35,000.

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