



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Robert G. Burnley
Director

(804) 698-4000
1-800-592-5482

August 30, 2002

Mr. Ronald Potter, President
MXI Environmental Services LLC
26319 Old Trail Road
Abingdon, VA 24210

**SUBJECT: MXI Environmental Services LLC, Materials Recovery Facility
Permit-by-Rule #180
Washington County, Virginia**

Dear Mr. Potter:

The Department is in receipt of your request dated May 30, 2002 for a Materials Recovery Facility permit – by – rule located in Washington County at 26319 Old Trail Road. The requirements for this application were completed with the receipt of the site certification dated August 21, 2002.

Attached to this letter are two documents, which must not be separated from this letter for compliance purposes. The two documents are:

ATTACHMENT I: CONDITIONS OF THE PERMIT-BY-RULE STATUS

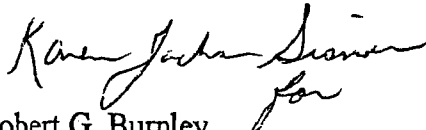
ATTACHMENT II: FACILITY DESCRIPTION

The purposes of this letter are to acknowledge receipt of the documentation submitted in accordance with the requirements of 9 VAC 20-80-480.E.2 of the Virginia Solid Waste Management Regulations (VSWMR, 9 VAC 20-80-10, et seq.) for permit-by-rule facilities, and to notify you that the amendment of Permit-by-Rule #180 is approved. Please note, however, that in accordance with 9 VAC 20-80-480.E.6, and the attached "Conditions of the Permit-by-Rule Status," the Director may require changes in the documents designed to assure compliance with the standards of VSWMR Parts VI and VII, if applicable. Should such changes be accomplished by the facility owner or operator, the Director may require the owner or operator to submit the full application and to obtain a regular solid waste management facility permit.

Mr. Potter
Page 2

Please note that it is the responsibility of MXI Environmental Services LLC, to obtain any other permits or authorizations that may be necessary. If you have any questions regarding this matter, please contact Joseph R. Levine, PE, Environmental Engineer Senior, at (276) 676-4876.

Sincerely,


Robert G. Burnley

Attachments

- c: DEQ - D. Sizemore, Southwest Regional Office (letter only)
- DEQ - L. Stull, Southwest Regional Office
- DEQ - E. Paul Farrell, Jr., Waste Permitting (letter only)
- DEQ - J. Levine, Waste Permitting
- DEQ - P. Kohler, Waste Permitting (letter only)



14 OCT 2005

COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

Street Address: 355 Deadmore Street, Abingdon, Virginia 24210
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Robert G. Burnley
Director

Michael D. Overstreet
Regional Director
(276) 676-4800

October 7, 2005

Mr. Ronald S. Potter
President
MXI Environmental Services, LLC
P.O. Box 262
Somerville, NJ 08876

**RE: MXI Environmental Services, LLC, Material Recovery Facility
Permit-by-Rule #180
Permit Amendment
Washington County, Virginia**

Dear Mr. Potter:

The Department has received your letter requesting an amendment to the Permit-by-Rule for the Material Recovery Facility located in Washington County. The letter requests a change in the operating plan as presented in the new Attachment 9. The amendment also includes a new drawing showing the area assigned to the MRF and a revised closure cost estimate. The Materials Recovery Facility is located on approximately 6.5 acres off State Route 879.

Attached to this letter are two documents, which must not be separated from this letter for compliance purposes. The two documents are:

ATTACHMENT I: CONDITIONS OF THE PERMIT-BY-RULE STATUS

ATTACHMENT II: FACILITY DESCRIPTION

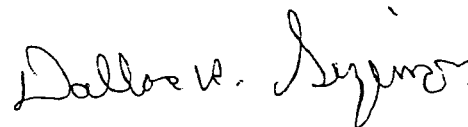
The purposes of this letter are to acknowledge receipt of the documentation submitted in accordance with the requirements of 9 VAC 20-80-485.A.8 of the *Virginia Solid Waste Management Regulations* (VSWMR, 9 VAC 20-80-10, et seq.) for Permit-by-Rule facilities, and to notify you that the amended Permit-by-Rule #180 is approved. Please note, however, that in accordance with 9 VAC 20-80-485.A.6, and the attached "Conditions of the Permit-by-Rule Status," the Director may require changes in the documents designed to assure compliance with

MXI Environmental Services, LLC
Permit By Rule #180
Page 2

the standards of VSWMR Parts VI and VII, if applicable. Should such changes be accomplished by the facility owner or operator, the Director may require the owner or operator to submit the full application and to obtain a regular solid waste management facility permit.

Please note that it is the responsibility of MXI Environmental Services, LLC to obtain any other permits or authorizations that may be necessary. If you have any questions regarding this matter, please contact Jim Stump, Environmental Engineer Senior, at (276) 676-4856.

Sincerely,

A handwritten signature in black ink, appearing to read "Dallas R. Sizemore". The signature is written in a cursive style with a large initial "D".

Dallas R. Sizemore
Deputy Regional Director

Attachments

C: Linda Stull, SWRO

ATTACHMENT I

CONDITIONS OF THE PERMIT-BY-RULE STATUS

I. CHANGE OF OWNERSHIP

A permit-by-rule may not be transferred by the permittee to a new owner or operator. However, when the property transfer takes place without proper closure, the new owner shall notify the Department of the sale and fulfill all the requirements contained in 9 VAC 20-80-480.E.1. through 9 VAC 20-80-480.E.3. of the Virginia Solid Waste Management Regulations (VSWMR, 9 VAC 20-80-10, *et. seq.*) with the exception of those dealing with financial assurance. Upon presentation of the financial assurance proof required by the Financial Assurance Regulations for Solid Waste Facilities (9 VAC 20-70-10, *et. seq.*) by the owner, the Department will release the old owner from his closure and financial responsibilities and acknowledge existence of the new permit-by-rule in the name of the new owner.

II. FACILITY MODIFICATIONS

The owner or operator of a facility operating under a permit-by-rule may modify its design and operation by furnishing the Department a new certificate prepared by the professional engineer and a new operational plan. Whenever modifications in the design or operation of the facility affect the provisions of the approved closure plan, the owner or operator shall also submit an amended closure plan.

III. LOSS OF PERMIT-BY-RULE STATUS

In the event that a facility operating under a permit-by-rule violates any applicable siting, design and construction, or closure provisions of Part VI [9 VAC 20-80-320 - 470], the owner or operator of the facility will be considered to be operating an unpermitted facility as provided for in 9 VAC 20-80-80 of VSWMR and shall be required to either obtain a new permit as required by Part VII [9 VAC 20-80-480 - 620] or close under Part V [9 VAC 20-80-240 - 310] or VI [9 VAC 20-80-320 - 470] of these regulations, as applicable.

IV. TERMINATION

The Director shall terminate permit-by-rule and shall require closure of the facility whenever he finds that:

- a. As a result of changes in key personnel, the requirements necessary for a permit-by-rule are no longer satisfied;
- b. The applicant has knowingly or willfully misrepresented or failed to disclose a material fact in his disclosure statement, or any other report or certification required under this regulation, or has knowingly or willfully failed to notify the Director of any material change to the information in the disclosure statement;
- c. Any key personnel have been convicted of any of the crimes listed in § 10.1 1409 of the Code, punishable as felonies under the laws of the Commonwealth or the equivalent thereof under the laws of any other jurisdiction; or have been adjudged by an administrative agency or a court of competent jurisdiction to have violated the environmental protection laws of the United States, the Commonwealth or any other state and the Director determines that such conviction or adjudication is sufficiently probative of the permittee's inability or unwillingness to operate the facility in a lawful manner.

V. CONDITIONS FOR ISSUANCE

The herein described activity is to be established, modified, constructed, installed, operated, used, maintained, and closed in accordance with the terms and conditions of this permit and the plans, specifications, and reports submitted and cited in the permit. The facility shall comply with all regulations of the Virginia Waste Management Board (Board).

VI. CERTIFIED OPERATOR

In accordance with the Virginia Waste Management Act (Title 10.1, Chapter 14 of the Codes of Virginia), § 10.1-1408.2, this facility must employ a facility operator licensed by the Board of Waste Management Facility Operators (Licensing Regulations, 18 VAC 155-20-10, *et. seq.*).

VII. RIGHT OF APPEAL

As provided by Rule 2A:2 of the Supreme Court of Virginia, you have 30 days from the date of the service of this decision to initiate an appeal of this decision, by filing notice with:

Robert G. Burnley, Director
Virginia Department of Environmental Quality
ATTN: Office of Waste Permitting
Post Office Box 10009
Richmond, Virginia 23240-0009

In the event this decision is served to you by mail, three days will be added to that period. Please refer to Part Two of the rules of the Supreme Court of Virginia, which describes the required content of the Notice of Appeal, including specification of the Circuit Court to which the appeal is taken, and additional requirements governing appeals from decisions of administrative agencies.

VIII. SITE SPECIFIC CONDITIONS

- a. The Hazardous Waste Area delineated on the plan on Page 21 of the report is not included with this permit-by-rule and no materials approved for acceptance with this permit-by-rule shall be stored or handled in this area at any time.
- b. When Universal Wastes (UW) are present in the delineated area shown on the plan on Page 21, the area should be properly contained and marked with signage as such. In addition, when UW are present in the delineated area shown on the plan on Page 21, no materials approved for acceptance with this permit-by-rule shall be stored or handled in this area.
- c. The sign located at the access point(s) should include but is not limited to facility name, facility address, contact number(s), and hours of operation.

**ATTACHMENT II
FACILITY DESCRIPTION**

**COMMONWEALTH OF VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY
DIVISION OF WASTE PROGRAM COORDINATION
OFFICE OF WASTE PERMITTING
Permit-By-Rule #180**

Facility Name: MXI Environmental Services LLC

Facility Type: MATERIALS RECOVERY FACILITY

Latitude: 36°44'18" North

Site Location: Washington County, Virginia

Longitude: 81°54'03" West

Location Description: The materials recovery facility is located on a paved state access road. (SR 879) with an operations area of approximately 6.5 acres. The entrance to the facility is located on State Route 879, Old Trail Road, and approximately 0.5 miles southeast from SR 609. Two gates and a perimeter fence are utilized to limit access to the facility. The access pad is concrete and the site contains a suitable all-weather surface. Adequate queuing and parking capacity is available at the facility.

Background: The facility serves as a central delivery point for non-hazardous solid waste and recyclable material collected by MXI Environmental Services LLC. The facility consists of an office, vehicle repair garage, and operations building. The operation consists of receiving non-hazardous solid waste material that have been collected at the point of generation by MXI vehicles and are packaged either in USDOT-approved shipping containers (drums or carton) or in palletized loads. The incoming collection vehicles contain mixed loads of different categories of containerized wastes. The incoming waste will be sorted at the facility into three waste streams: material to be recycled; material suitable for use as fuel substitutes in approved incinerators; and, material to be disposed of as waste in a permitted landfill. The waste will be unloaded from the collection vehicles, processed at the facility, and loaded into haulage vehicles for transportation to the appropriate final destination. The waste design capacity of the facility is 200 tons.

Submission Highlights: The Department is in receipt of an application that contains the following documents:

1. A notice of intent submitted by Mr. Ronald Potter, President of MXI Environmental Services LLC, and dated November 10, 2001. A Disclosure Statement signed by Mr. Potter, and dated July 11, 2002. A local certification dated September 18, 2000, and signed by Mr. Mark Reeter, Washington County Administrator. The above documents contained in Item A of the report are in accordance with 9 VAC 20-80-500.B of the Virginia Solid Waste Management Regulations (VSWMR, 9 VAC 20-80-10, et seq).;

2. A Site Location Map, dated May 20, 2002, and Facility Site Plan, dated July 3, 2002 (See Item A and Final Page of Operations Plan, respectively);
3. Certification signed by Mr. Robert H. Taylor, P.E., certifying that the facility meets the DEQ waste management siting standards of 9 VAC 20-80-360.B. This is a required submission in accordance with 9 VAC 20-80-480.E.2.b.;
4. Certification signed and stamped by Mr. Robert H. Taylor, P.E., of R.D. Designs, Inc. certifying that the facility has been designed and constructed in accordance with the standards of 9 VAC 20-80-360.C. (See Item B). This is a required submission in accordance with 9 VAC 20-80-480.E.2.c.;
5. An operations plan which meets the requirements of 9 VAC 20-80-360.D. (See Item D with Attachments 1-5). This is a required submission in accordance with 9 VAC 20-80-480.E.2.d.;
6. A closure plan which meets the requirements of 9 VAC 20-80-360.E. (See Item E). This is a required submission in accordance with 9 VAC 20-80-480.E.2.e.;
7. A proof of financial responsibility which meets the requirements of the Financial Assurance Regulations for Solid Waste Facilities, 9 VAC 20-70-10, et seq. This is a required submission in accordance with 9 VAC 20-80-480.E.2.f., (See Item F).
8. Public participation documents which resulted from the public participation effort, in accordance with 9 VAC 20-80-480.E.5. This is a required submission in accordance with 9 VAC 20-80-480.E.2.g. The advertisement was published in the local newspaper, "The Bristol Herald Courier" on June 8, 2000. The public meeting was held on June 28, 2000 at the Maumee Express offices at 17600 Jeb Stuart Highway, Abingdon, VA 24211. No comments regarding the technical merit of the facility were received (See Attachment G).