



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

VALLEY REGIONAL OFFICE

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Molly Joseph Ward
Secretary of Natural Resources

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Director

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Regional Director

**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
IAC STRASBURG, LLC
FOR
IAC STRASBURG, LLC
Registration No. 80964**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and IAC Strasburg, LLC, regarding IAC Strasburg, LLC, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permit and/or 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 State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.
2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.

4. "Facility" means the IAC Strasburg, LLC facility, located at 806 East Queen Street in Shenandoah County, VA.
5. "IAC" means IAC Strasburg, LLC, a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. IAC Strasburg, LLC is a "person" within the meaning of Va. Code § 10.1-1300.
6. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
7. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.
8. "PCE" means a partial compliance evaluation by DEQ staff.
9. "Permit" means a Stationary Source Permit to Modify and Operate an automotive plastic product manufacturing facility, which was issued under the Virginia Air Pollution Control Law and the Regulations to IAC on January 28, 2015.
10. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
11. "Title V Permit" means a Title V Federal Operating Permit issued to IAC on November 10, 2010 and reissued on January 8, 2014.
12. "Va. Code" means the Code of Virginia (1950), as amended.
13. "VAC" means the Virginia Administrative Code.
14. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.
15. "VRO" means the Valley Regional Office of DEQ, located in Harrisonburg, Virginia.

SECTION C: Findings of Fact and Conclusions of Law

1. IAC Strasburg, LLC (Strasburg) owns and operates an automotive plastic product manufacturing facility located at 806 East Queen Street in Shenandoah County, VA. The facility is subject to a Stationary Source Permit to Modify and Operate (Permit) issued on January 28, 2015 and a Title V Federal Operating Permit (TitleV) reissued on January 8, 2014.

2. On March 5, 2015, Department staff conducted a PCE of the Facility's notification to commence construction and start-up of paint lines SB-1 and SB-2, submitted on February 26, 2015, and observed that the Facility reported that construction of the paint lines commenced on December 27, 2014.
3. 9 VAC 5-80-1120(A), states: "No owner or other person shall begin actual construction of, or operate, any new stationary source or any project subject to this article without first obtaining from the board a permit under the provisions of this article. The owner may not construct or operate the stationary source or project contrary to the terms and conditions of that permit."
4. 9 VAC 5-80-1210(E) states that: "Any owner who constructs or operates a source subject to this section not in accordance with the terms and conditions of any permit to construct or operate, or any owner of a source subject to this section who commences construction or operation without receiving a permit hereunder, shall be subject to appropriate enforcement action including, but not limited to, any specified in this section."
5. On March 16, 2015, based on the evaluation and follow-up information, the Department issued Notice of Violation No. AVRO000096-001 to IAC for the violations described in paragraphs C(2) above. On March 23, 2015, IAC called and requested a meeting in response to the NOV.
6. On April 7, 2015, Department staff met with IAC. IAC stated that the contract was awarded quickly and the timeline for installing the equipment did not meet the permitting timeline. IAC did state that they did not realize that installation of the equipment was a violation, as they did not plan to operate it until after the Permit was issued.
7. Based on the results of the March 5, 2015 PCE, the April 7, 2015 meeting, and the documentation submitted on February 26, 2015, the Board concludes that IAC has violated 9 VAC 5-80-1120(A) and 9 VAC 5-80-1210(E) as described in paragraphs C(2) through C(4), above.
8. IAC has obtained Permit coverage for the Facility on January 28, 2015. The violations described in paragraphs C(2) through C(4), above, have been corrected.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders IAC and IAC agrees to:

1. Pay a civil charge of \$3,354 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment 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

IAC shall include its Federal Employer Identification Number (FEIN) 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). If the Department has to refer collection of moneys due under this Order to the Department of Law, IAC shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of IAC for good cause shown by IAC, 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 and in NOV No. AVRO000096-001 dated March 16, 2015. 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.
3. For purposes of this Order and subsequent actions with respect to this Order only, IAC admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. IAC 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. IAC declares it has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law 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 IAC 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. IAC 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. IAC shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. IAC 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 IAC. Nevertheless, IAC 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 IAC has completed all of the requirements of the Order;
 - b. IAC 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 IAC.

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

And it is so ORDERED this 26th day of May, 2015.



Amy T. Owens, Regional Director
Department of Environmental Quality

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IAC Strasburg, LLC voluntarily agrees to the issuance of this Order.

Date: 5/20/15 By: [Signature] Plant Mgr.
(Person) (Title)
IAC Strasburg, LLC

Commonwealth of Virginia
City/County of SHENANDOAH

The foregoing document was signed and acknowledged before me this 20TH day of MAY, 2015, by CHRISTOPHER GRAY who is PLANT MANAGER of IAC Strasburg, LLC, on behalf of the corporation.

[Signature]
Notary Public

7017283
Registration No.

My commission expires: 12/31/15

Notary seal:

