



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

VALLEY REGIONAL OFFICE

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STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO

INTRAPAC (HARRISONBURG) INC.

Registration No. 81710

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 Intrapac (Harrisonburg) Inc., for the purpose of resolving certain violations of the Virginia Air Pollution Control Law, the Permit and 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 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 Intrapac (Harrisonburg) Inc. tin tube manufacturing facility located at 4850 Crowe Drive, in Mount Crawford, Virginia.

5. "Intrapac" means Intrapac (Harrisonburg) Inc., a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Intrapac 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 Partial Compliance Evaluation conducted by DEQ staff.
9. "Permit" means the New Source Review (NSR) Permit, which was issued under the Virginia Air Pollution Control Law and the Regulations to Intrapac on December 10, 2014.
10. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" means 9 VAC 5 chapters 10 through 80.
11. "Va. Code" means the Code of Virginia (1950), as amended.
12. "VAC" means the Virginia Administrative Code.
13. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. Intrapac (Harrisonburg) Inc. (Intrapac) owns a tin tube manufacturing facility (Facility) located at 4850 Crowe Drive in Mount Crawford, Virginia.
2. On January 12, 2015, DEQ staff conducted a Partial Compliance Evaluation (PCE) of file records and observed that Intrapac reported that construction began at the Facility on August 15, 2014. The Facility applied for a permit on October 8, 2014 and was issued a New Source Review permit to construct and operate on December 10, 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: "Any owner who constructs or operates a new or modified source not in accordance with the terms and conditions of any permit to construct or operate, or any owner of a new or modified source subject to this article 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 January 20, 2015, based on the January 12, 2015, PCE, DEQ issued Notice of Violation (NOV) No. AVRO000023-001 to Intrapac.
6. On January 23, 2015, Intrapac responded to the NOV by telephone. They stated that they were under the impression that notification was required prior to relocation of the equipment to their new facility and that they did not realize that modifying the new building was included in the definition of construction.
7. DEQ issued a minor New Source Review permit to construct and operate a metal tube and container manufacturing facility on December 10, 2014.
8. Based on the results of January 12, 2015 PCE, the Board concludes that Intrapac has violated 9 VAC 5-80-1120(A) as described in paragraphs C(2) through C(4) above.

SECTION D: Agreement and Order

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

1. Pay a civil charge of **\$1,642.00** 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

Intrapac shall include its Federal Employer Identification Number (54-1555978) 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 Intrapac for good cause shown by Intrapac, 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.

3. For purposes of this Order and subsequent actions with respect to this Order only, Intrapac admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Intrapac consents to venue in the Circuit Court of the City of Richmond, Virginia for any civil action taken to enforce the terms of this Order.
5. Intrapac 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 Intrapac 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. Intrapac 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 occurrence. Intrapac shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Intrapac 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 Intrapac intends 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.

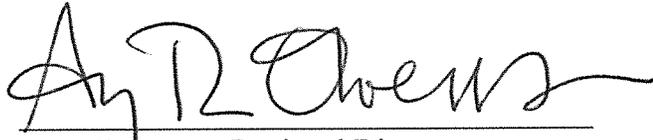
9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Intrapac. Nevertheless, Intrapac agrees to be bound by any compliance date which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Intrapac has completed all of the requirements of the Order;
 - b. Intrapac 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 Intrapac.

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

And it is so ORDERED this 4th day of March, 2015



Amy T. Owens, Regional Director
Department of Environmental Quality

Intrapac (Harrisonburg) Inc. voluntarily agrees to the issuance of this Order.

Date: 3/4/2015 By: Randy W Churchill, Plant Manager
Randy Churchill Title
Intrapac (Harrisonburg) Inc.

Commonwealth of Virginia
City/County of Rockingham

The foregoing document was signed and acknowledged before me this 4th day of March, 2015, by Randall Churchill who is Plant Manager of Intrapac (Harrisonburg) Inc., on behalf of the corporation.



Notary Public

329867
Registration No.

My commission expires: 1/31/2018

Notary seal:

