COMMONWEALTH of VIRGINIA

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STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO BLUE RIDGE SOLVENTS & COATINGS, INC.

Registration No. 30229

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 Blue Ridge Solvents and Coatings, Inc., regarding the Blue Ridge Solvents and Coatings, Inc. facility, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law, the October 13, 2008 State Operating Permit, and the applicable regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Blue Ridge Solvents & Coatings" means Blue Ridge Solvents & Coatings, Inc., a corporation authorized to do business in Virginia and its affiliates, partners, subsidiaries, and parents. Blue Ridge Solvents & Coatings is a "person" within the meaning of Va. Code § 10.1-1300.

2. "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.

3. "BRRO" means the Blue Ridge Regional Office of DEQ, located in Roanoke, Virginia.

4. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.

5. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

6. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.

7. "Facility" means Blue Ridge Solvents & Coatings, Inc., located at 3800 Original Henry Road, Henry, Virginia.

8. "Notice of Violation" or "NOV" means a type of Notice of Violation under Va. Code § 10.1-1309.

9. "O & M" means operations and maintenance.

10. "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.

11. "Permit" means the State Operating Permit issued to Blue Ridge Solvents & Coatings, Inc. on October 13, 2008.

12. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" means 9 VAC 5 Chapters 10 through 80.

13. "Va. Code" means the Code of Virginia (1950), as amended.

14. "VAC" means the Virginia Administrative Code.

15. "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. Blue Ridge Solvents & Coatings, Inc. owns and operates the Facility in Henry, Virginia. The Facility manufactures paints, varnishes, lacquers and other similar products. In addition, the Facility operates solvent recovery equipment.

2. The Facility is the subject of the Permit which grants authorization to operate a Stationary Source of Air Pollution.

3. On April 7, 2010, Department staff conducted a Full Compliance Evaluation of the Facility for compliance with the requirements of the Virginia Air Pollution Control Law, the Permit and the Regulations. Based on the inspection, Department staff made the following observations:

    a. Several mixing tanks in the production area were uncovered.
    b. The waste container for the thin film evaporator and other waste containers in the plant were uncovered.
    c. The facility failed to maintain the following records: monthly inspections for the fabric filter, logs of monitoring device observations for the thin film evaporator and microwave distillation unit, monthly and annual Hazardous Air Pollutant and Volatile Organic Compound emissions, scheduled and non-scheduled maintenance and operator training.

4. Condition 3 of the Permit states: "Volatile organic compounds and hazardous air pollutant emissions from the mixing tanks shall be controlled by good operations practice such a minimizing the time tanks are open for sampling and inspection."

5. Condition 9 of the Permit states: "At all times the disposal of volatile organic compounds shall be accomplished by taking measures to the extent practicable, consistent with air pollution control practices for minimizing emissions. Volatile organic compounds shall not be intestinally spilled, stored in open containers or handled in any other manner that would result in evaporation beyond that consistent with air pollution practice for minimizing emissions."

6. Condition 10 of the Permit states: "The fabric filter dust collector shall be inspected monthly to ensure that bags are unbroken, the bag cleaning mechanism is operating correctly, and good suction is occurring at the process control hood. The inspection shall be recorded in a bound log book and kept on site for the most recent five year period."

7. Condition 12 of the Permit states: "To ensure good performance, the monitoring devices use to continuously measure the condensate temperatures shall be observed by the permittee with a frequency of not less then once per shift, when the molecular sieve tower, the thin film evaporator or the microwave distillation units are in operation. The permittee shall keep a log of the observations from each of the monitoring devices."

8. Condition 19 of the Permit states: "Total emissions from the solvent and coating facility shall not exceed the limits specified below:

PM-10	1.3 lbs/hr	5.7 tons/yr.
VOC	21.1 lbs/hr	92.5 tons/yr.

These emissions are derived from the estimated overall emission contribution from operating limits. Exceedances of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these limits may be determined as stated n Condition numbers 14 and 15."

9. Condition 20 of the Permit states: Hazardous air pollutant (HAP) emissions, as defined by §112(b) of the Clean Air Act, from the entire facility shall be less than 9.5 tons per year of any individual HAP and less than 24.5 tons per year of any combination, calculated monthly as the sum of each consecutive 12 month period."

10. Condition 24 of the Permit states: "The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Air Compliance Manager, West Central Regional Office. these records shall include, but not be limited to:

    a. Monthly and annual throughputs of paints, varnishes, lacquers, stains, solvents, or other products manufactured on site, calculated monthly as the sum of each consecutive 12 month period.

b. Monthly and annual emissions of Hazardous Air Pollutants and Volatile Organic compounds from the facility to include the storage tanks, calculated monthly as the sum of each consecutive 12 month period.
c. Material Safety Data Sheets (MSDS), Certified Product Data Sheets (CPDS), other vendor information as approved by DEQ showing VOC content, toxic compounds content, HAP content, water content and solids content for each coating, adhesive, ink, thinner, fountain solution, cleaning solution or other product manufactured at the facility.
d. Material Safety Data Sheets (MSDS), Certified Product Data Sheets (CPDS), other vendor information as approved by DEQ showing VOC content, toxic compounds content, HAP content, water content, and solids content for each new material used at the facility.
e. Results of all stack tests, visible emissions evaluations and performance evaluations.
f. Operation and control device monitoring records for the fabric filter dust collector, the molecular sieve tower, the thin film evaporator, and the microwave distillation unit condensers as required in Condition 10 and 12.
g. Records of equipment malfunctions or control device bypass as required in Condition 30.
h. Scheduled and unscheduled maintenance and operator training.

These records shall be available for inspection by the DEQ and shall be current for the most recent five years."

11. Condition 29 of the Permit states: "At all times, including periods of start-up, shutdown, and malfunction, the permittee, to the extent practicable, maintain and operate the affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions:

a. Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance.
b. Maintain an inventory of spare parts.
c. Have available written operating procedures for equipment. These procedures shall be based on the manufacturer recommendations at a minimum.
d. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures, prior to their first operation of such equipment. the permittee shall maintain records of the training provided including the names of trainees, the date of the training and the nature of the training.

Records of maintenance and training shall be maintained on site for the period of five years and shall be made available to DEQ personnel upon request."

12. On May 26, 2010, based upon the results of the inspection, the Department issued a Notice of Violation to Blue Ridge Solvents & Coatings, for the violations listed in paragraphs C3 through C11 above.

13. On June 8, 2010, Department staff met with a representative of Blue Ridge Solvents & Coatings to discuss the violations.

14. Based on the results of April 7, 2010 inspection and the June 8, 2010 meeting, the Board concludes that Blue Ridge Solvents & Coatings has violated Conditions 3, 9, 10, 12, 19, 20, 24 and 29 of the Permit as described in paragraphs C3 through C11 above.

15. In order for Blue Ridge Solvents & Coatings to return to compliance, Department staff and the representative of Blue Ridge Solvents & Coatings have agreed to a payment schedule as outlined in Section D of the Order.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in §§ 10.1-1309 and -1316, the Board orders Blue Ridge Solvents and Coatings and Blue Ridge Solvents and Coatings agrees to:

1. Pay a civil charge of $7,826.00 in settlement of the violations cited in this Order. The first payment of $1,956.50 shall be submitted within 30 days of the effective date of this Order. The subsequent civil charge shall be paid in accordance with the following schedule*:

Due Date	Amount
September 30, 2010	$1,956.50
December 31, 2010	$1,956.50
March 31, 2011	$1,956.50

* Payment may be made in full prior to March 31, 2011

2. If the Department fails to receive a civil charge payment pursuant to the schedule described above, the payment shall be deemed late. If any payment is late, the Department shall have the right to demand in writing full payment of the entire remaining balance under this order by Blue Ridge Solvents and Coatings and the entire remaining balance of the civil charge shall be immediately due and owing. Blue Ridge Solvents and Coatings shall pay the entire remaining balance within 15 days of receipt of the demand letter from the Department. Any acceptance by the Department of a late payment or of a payment of less than the entire remaining balance shall not serve as a waiver of the Department's right to accelerate payment of the balance under this Order.

3. All payments 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

4. Blue Ridge Solvents and Coatings shall include its Federal Employer Identification Number (FEIN) 54-2060898 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); the Virginia Petroleum Storage Tank Fund (VPSTF).

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Blue Ridge Solvents & Coatings for good cause shown by Blue Ridge Solvents & Coatings, 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, Blue Ridge Solvents & Coatings admits the jurisdictional allegations, and agrees not to contest, but neither admits nor denies the findings of fact and conclusion of law in this Order.

4. Blue Ridge Solvents & Coatings 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. Blue Ridge Solvents & Coatings 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 Blue Ridge Solvents & Coatings 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. Blue Ridge Solvents & Coatings 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. Blue Ridge Solvents & Coatings shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Blue Ridge Solvents & Coatings 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 Blue Ridge Solvents & Coatings 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 Blue Ridge Solvents & Coatings hereto, its 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 Blue Ridge Solvent & Coatings. Nevertheless, Blue Ridge Solvents & Coatings 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. Blue Ridge Solvents & Coatings 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

b. The Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Blue Ridge Solvents & Coatings.

12. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Blue Ridge Solvents & Coatings from their obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

13. Any plans, reports, schedules or specifications attached hereto or submitted by Blue Ridge Solvents & Coatings 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.

14 The undersigned representative of Blue Ridge Solvents & Coatings certify 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 Blue Ridge Solvents & Coatings to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Blue Ridge Solvents & Coatings.

15. This Order constitutes the entire agreement and understanding of Blue Ridge Solvents & Coatings 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 Blue Ridge Solvents & Coatings other than those expressed in this Order.

16. By its signature below, Blue Ridge Solvents & Coatings, Inc. voluntarily agree to the issuance of this Order.

And it is so ORDERED this 28th day of June, 2010.

Robert J. Weld, Regional Director, Blue Ridge Regional Office
Department of Environmental Quality

Blue Ridge Solvents & Coatings, Inc. voluntarily agrees to the issuance of this Order.

Date: 6-24-10 By: George Quinlan

George Quinlan, President
Blue Ridge Solvents & Coatings, Inc.

Commonwealth of Virginia
City/County of Franklin

The foregoing document was signed and acknowledged before me this 24th day of June, 2010, by George Quinlan who is President of Blue Ridge Solvents & Coatings, Inc.

Notary Public

TRINA SUE GIVEN NOTARY PUBLIC REG # 335164 MY COMMISSION EXPIRES 07/31/11 COMMONWEALTH OF VIRGINIA

Notary Seal

My commission expires: 7-31-11