



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

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Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Michael P. Murphy
Regional Director

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO BLEACH TECH, LLC Registration Number 52481

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 Bleach Tech, LLC, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable Permit and regulations.

SECTION B: Definitions

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

1. "Bleach Tech" means Bleach Tech, LLC, a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Bleach Tech 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. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.

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4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
5. "Facility" means Bleach Tech, LLC, a chlor-alkali production facility, located at 2020 Bessemer Road, Petersburg, Virginia.
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 New Source Review (NSR) Permit to construct and operate a 35% HCL Loading Operation, which was issued under the Virginia Air Pollution Control Law and the Regulations to Bleach Tech, Inc. on January 6, 2014.
10. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
11. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
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.

SECTION C: Findings of Fact and Conclusions of Law

1. Bleach Tech owns and operates the Facility in Petersburg, Virginia. The Facility produces hydrochloric acid (HCL), sodium hypochlorite (NaClO), and sodium hydroxide (NaOH). The NaClO and NaOH were not evaluated as they are not regulated pollutants. The Facility stores the HCL in tanks, and then transfers it from the tanks into rail cars and trucks. There is the potential to emit gases from the production and transfer of HCL.
2. On February 4, 2013, EPA's Emergency Planning and Community Right to Know Act conducted an inspection of the Facility. The inspection was in response to a reported release of Chlorine on June 26, 2012. Due to this inspection by EPA, the Department requested that Bleach Tech submit an air permit application for review.

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3. On March 27, 2013, Bleach Tech submitted an air permit application for review and evaluation to construct and operate a 35% HCL loading operation at 2020 Bessemer Road in Petersburg, Virginia.
4. The Department's review of the application showed that the hydrochloric acid loading operation was subject to a minor NSR permit under 9 VAC 5-80-1210.E.
5. On December 19, 2013, Department staff conducted a PCE of the Facility, without a site inspection. Based on the PCE of the Facility records, Department staff made the following observation:
 - a) Bleach Tech was producing bleach on April 17, 2010, and started the production of HCL in November 2010. The records showed that a scrubber had been installed and was in operation when the HCL production was started.
6. Regulation 9 VAC 5-80-1120 states that 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.
7. On January 6, 2014, the Department issued a Permit to Bleach Tech. The Facility is subject to the Permit which authorizes the construction and operation of the HCL loading operation. The Permit subjects the Facility to National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources.
8. On March 12, 2014, the Department issued Notice of Violation No. APRO8875, for the violations as described above.
9. On March 26, 2014, Department staff met with Bleach Tech representatives to discuss the violations, including the corrective actions the company had taken.
10. Based on the results of the December 19, 2013 PCE, records review, and March 26, 2014 meeting with representatives of the Facility, the Board concludes that Bleach Tech violated 9 VAC 5-80-1120, as described in Section C, above.
11. Bleach Tech has completed the corrective actions by applying for a Permit, and was issued an NSR Permit on January 6, 2014, to construct and operate the 35% HCL loading operation. Bleach Tech has made the corrective actions that demonstrate the violations described in Section C above, have been addressed.

SECTION D: Agreement and Order

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

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1. Pay a civil charge of \$7,826 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", delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Bleach Tech 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).

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Bleach Tech, for good cause shown by Bleach Tech, 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, Bleach Tech admits the jurisdictional allegations, the findings of fact, and conclusions of law in this Order.
4. Bleach Tech 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. Bleach Tech declares it has received fair and due process under the Administrative Process Act and 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.

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6. Failure by Bleach Tech 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. Bleach Tech 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. Bleach Tech shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Bleach Tech 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 Bleach Tech. Nevertheless, Bleach Tech agrees to be bound by any compliance date, which precedes the effective date of this Order.
11. This Order shall continue in effect until:

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- a. The Director or his designee terminates the Order after Bleach Tech has completed all of the requirements of the Order; or
- b. Bleach Tech 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 Bleach Tech.

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

And it is so ORDERED this 8th day of July, 2014.



Michael P. Murphy, Regional Director
Department of Environmental Quality

T. J. W.

Bleach Tech, LLC, voluntarily agrees to the issuance of this Order.

Date: 6/30/2014 By: Thomas J. Navin, Director Ops & Eng.
(Person) (Title)
Bleach Tech, LLC

State of Ohio

City/County of MEDINA

The foregoing document was signed and acknowledged before me this 30th day of
JUNE, 2014, by THOMAS J. NAVIN JR, who is
(name)
DIRECTOR OPS & ENG of Bleach Tech, LLC, on behalf of the company.

[Signature]
Notary Public

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Registration No.

My commission expires: FEB 7 2018

Notary seal:

