COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
Blue Ridge Regional Office
www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

Robert J. Weld
Regional Director

Lynchburg Office
7705 Timberlake Road
Lynchburg, Virginia 24502
(434) 582-5120
Fax (434) 582-5125

Roanoke Office
3019 Peters Creek Road
Roanoke, Virginia 24019
(540) 562-6700
Fax (540) 562-6725

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION ORDER BY CONSENT ISSUED TO BLUE RIDGE FIBERBOARD, INC. Registration Number 30330

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 Fiberboard, Inc., regarding Blue Ridge Fiberboard, Inc., for the purpose of resolving certain violations of the Virginia Air Pollution Control Law 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. "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. "BRRO" means the Blue Ridge Regional Office of DEQ, located in Lynchburg, Virginia.

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

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

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

6. "Facility" means the Blue Ridge Fiberboard, Inc. facility, located at 250 Celotex Drive in Pittsylvania County, Virginia. The Facility produces various sizes of fiberboard.

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

8. "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.

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

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

11. "VAC" means the Virginia Administrative Code.

12. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

13. "VEE" means a Visible Emissions Evaluation, as determined by EPA Method 9 (see 40 CFR 60, Appendix A).

SECTION C: Findings of Fact and Conclusions of Law

1. Blue Ridge Fiberboard owns and operates the Facility in Pittsylvania County, Virginia. The Facility manufactures soft fiberboard, some of which has an asphalt coating.

2. On August 26, 2010 and August 30, 2010, Department staff conducted a Full Compliance Evaluation of the Facility for compliance with the requirements of the Virginia Air Pollution Control Law and the Regulations. Based on the inspection and follow-up information, Department staff made the following observations:

    a. During the August 30, 2010, site visit, visible emissions from the dry kiln board dryer exhaust stack was above 20% opacity. An 18-minute VEE was conducted. The greatest six-minute average was 51.46% opacity with the next highest six-minute average at 51.25% opacity.

3. 9 VAC 5-40-80 states that "Unless specified otherwise in this part, no owner or other person shall cause a permit to be discharged into the atmosphere from any affected facility any visible emissions which exhibit greater than 20% opacity, except for one six-minute period in any one hour of not more than 60% opacity. Failure to meet the requirements of this section because of the presence of water vapor shall not be a violation of this section."

4. On October 7, 2010, based on the inspection and follow-up information, the Department issued Notice of Violation AWCRO No. 7746 to Blue Ridge Fiberboard for the violations described in paragraphs C(2) and C(3), above.

5. On October 14, 2010, Blue Ridge Fiberboard submitted a written response to the NOV.

6. On November 30, 2010, Department staff met with Dave Carey of Blue Ridge Fiberboard.to discuss the violations.

7. Based on the results of August 26, 2010, inspection, the November 30, 2010, meeting, and the documentation submitted on October 14, 2010, the Board concludes that Blue Ridge Fiberboard has violated 9 VAC 5-40-80, as described in paragraphs C(2) and C(3), above.

8. In order for Blue Ridge Fiberboard, Inc. to complete its return to compliance, Department staff and representatives of Blue Ridge Fiberboard have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

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

1. Perform the actions described in Appendix A of this Order, and

2. Pay a civil charge of $5,949 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

Blue Ridge Fiberboard 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 the Order with the consent of Blue Ridge Fiberboard for good cause shown by Blue Ridge Fiberboard, 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 Fiberboard admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.

4. Blue Ridge Fiberboard 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 Fiberboard 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 Fiberboard 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 Fiberboard 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 Fiberboard 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 Fiberboard 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 Blue Ridge Fiberboard 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 Blue Ridge Fiberboard. Nevertheless, Blue Ridge Fiberboard 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 Fiberboard 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 Fiberboard.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Blue Ridge Fiberboard 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 Blue Ridge Fiberboard 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 Blue Ridge Fiberboard 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 Blue Ridge Fiberboard to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Blue Ridge Fiberboard.

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, Blue Ridge Fiberboard voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 28th day of January, 2011.

Robert J. Weld, Regional Director
Department of Environmental Quality

Blue Ridge Fiberboard, Inc. voluntarily agrees to the issuance of this Order.

Date: 1-20-11 By: _____, General Manager
(Person) (Title)

Commonwealth of Virginia,
City/~~County~~ of Danville

The foregoing document was signed and acknowledged before me this 20th ~~day~~ of

January, 2011, by James J. Pieczynski, who is
(name)

General Manager of Blue Ridge Fiberboard, Inc. on behalf of the Corporation.
(title)

A. Lydia Yeatts
Notary Public

199327
Registration No.

My commission expires: 04-30-2013

Notary Seal:

A. LYDIA YEATTS
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #199327
My Commission Expires 04-30-2013

APPENDIX A
SCHEDULE OF COMPLIANCE

1. Blue Ridge Fiberboard shall:

   (a) By January 1, 2012, reduce visible emissions below 20% opacity from the kiln board dryer exhaust stacks.

   (b) Submit quarterly progress reports by:

April 30, 2011	(for the period of January 1 to March 31, 2011),
July 31, 2011	(for the period of April 1 to June 30, 2011),
October 31, 2011	(for the period of July 1 to September 30, 2011), and
January 31, 2012	(for the period of October 1 to December 31, 2011).

   Each quarterly status report shall include the current measures taken to determine the cause of the excess visible emissions and the corrective actions implemented to reduce the visible emissions from the dry kiln board dryer exhaust stacks to below 20% opacity. This may include submitting appropriate, completed permit application(s), and completing facility modifications, if applicable.

2. Certification of Documents and Reports

In accordance with 9 VAC 5-20-230(A), in all documents or reports, including, without limitation, the SEP Completion Report, submitted to DEQ pursuant to this Consent Order, Blue Ridge Fiberboard, shall by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

3. DEQ Contact

Unless otherwise specified in this Order, Blue Ridge Fiber Board shall submit all requirements of Appendix A of this Order to:

James D. Puckett, Jr.
Compliance/Enforcement Specialist Sr.
VA DEQ-BRRO Lynchburg
7705 Timberlake Road
Lynchburg, VA 24502
(434) 582-6231
james.puckett@deq.virginia.gov