



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTH CENTRAL REGIONAL OFFICE

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Regional Director

September 30, 2008

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION ORDER BY CONSENT ISSUED TO CARLISLE MOTION CONTROL INDUSTRIES, INC. REGISTRATION NUMBER 32006

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1309 and 10.1-1316, between the State Air Pollution Control Board and Carlisle Motion Control Industries, Inc. for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the Regulations for the Control and Abatement of Air Pollution.

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 collegial body of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1301 and 10.1-1184.
2. "Carlisle Motion Control Industries, Inc." means Carlisle Motion Control Industries, Inc., certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.
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.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Facility" means the Carlisle Motion Control Industries, Inc. facility, located in Mecklenburg County, Virginia.
6. "O & M" means operations and maintenance.

7. “Order” means this document, also known as a Consent Order.
8. “Regulations” mean the Regulations for the Control and Abatement of Air Pollution, located in the Virginia Administrative Code (“VAC”), 9 VAC 5-10-10 *et seq.*
9. “SCRO” means the South Central Regional Office of DEQ, located in Lynchburg, Virginia.
10. “Va. Code” means the Code of Virginia (1950), as amended.
11. “Virginia Air Pollution Control Law” means the laws located in the Virginia Code (“Va. Code”) (1950), as amended, Va. Code § 10.1-1300 *et seq.*

SECTION C: Findings of Fact and Conclusions of Law

1. Carlisle Motion Control Industries, Inc. owns and operates a facility in South Hill, Virginia. The Facility is the subject of a Stationary Source Permit to Construct and Operate a brake lining manufacturing facility dated January 5, 2005.
2. On January 14, 2008, a Form 7 permit application was received at DEQ South Central Regional Office (SCRO) for the installation of additional manufacturing equipment.
3. DEQ issued a Notice of Violation on July 22, 2008, because of an onsite inspection conducted June 17, 2008. During this inspection, it was discovered that several pieces of equipment had been installed prior to obtaining an air permit. The equipment installed is as follows: Twelve (12) cure presses to replace twelve (12) existing cure presses, Two (2) Bach Grinders, One (1) Littleford Mixer, Four (4) Auto Pre-forming machines to replace manual machines, Two (2) automatic drills, Five (5) dust collectors and One (1) Leinweber production line. Source contact, Mr. Glen McDaniels, stated that the South Hill Facility began construction of the equipment on November 12, 2007.
4. The Facility is subject to State Regulation 9 VAC 5-80-1120A, which requires the Facility to obtain a permit prior to construction.
5. An enforcement meeting was held with representatives from Carlisle Motion Control Industries, Inc. on August 22, 2008 to discuss the Notice of Violation.
6. Carlisle Motion Industries, Inc. was issued an amended Stationary Source Permit to Modify and Operate a brake lining manufacturing facility on July 16, 2008.
7. In order to resolve this violation, Carlisle Motion Control Industries, Inc. has agreed to pay a civil charge, as required in Section D of this Order.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code §§10.1-1307 D, 10.1-1309, 10.1-1184, 10.1-1316 C., and 10.1-1186.2 orders Carlisle Motion Control Industries, Inc., and Carlisle Motion Control Industries, Inc. voluntarily agrees, to pay a civil charge of \$34,840.00 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 payable to the “Treasurer of Virginia,” delivered to:

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

Carlisle Motion Control Industries, Inc. shall include its Federal Identification Number with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this paragraph.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Carlisle Motion Control Industries, Inc., for good cause shown by Carlisle Motion Control Industries, Inc., or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to Carlisle Motion Control Industries, Inc. by DEQ on July 22, 2008. 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 as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Carlisle Motion Control Industries, Inc. admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Carlisle Motion Control Industries, Inc. 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. Carlisle Motion Control Industries, Inc. declares it has received fair and due process under the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, 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 enforce this Order.

6. Failure by Carlisle Motion Control Industries, Inc. 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. Carlisle Motion Control Industries, Inc. 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. Carlisle Motion Control Industries, Inc. shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Carlisle Motion Control Industries, Inc. shall notify the DEQ Regional Director in writing 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 within 24 hours 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, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by either the Director or his designee and Carlisle Motion Control Industries, Inc.. Notwithstanding the foregoing, Carlisle Motion Control Industries, Inc. agrees to be bound by any compliance date, which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Carlisle Motion Control Industries, Inc.. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Carlisle Motion Control Industries, Inc., from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. By its signature below Carlisle Motion Control Industries, Inc. voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 15th day of OCTOBER, 2008.

Steven A. Dietrich
Steven A. Dietrich, Regional Director
Department of Environmental Quality

Carlisle Motion Control Industries, Inc. voluntarily agrees to the issuance of this Order.

By: Paul Gottlieb
Date: 10/4/08

Commonwealth of Virginia, City/County of Spotsylvania

The foregoing document was signed and acknowledged before me this 4th day of

October, 2008, by PAUL GOTTLIEB, who is
(name)

PLANT MANAGER of Carlisle Motion Control Industries, Inc. on behalf of the
(title)

Corporation.

[Signature]
Notary Public

My commission expires: 11-30-2010

