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COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION – ORDER BY CONSENT ISSUED TO CONSOLIDATED GLASS AND MIRROR CORPORATION

Registration No. 11015

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 Consolidated Glass and Mirror Corporation, regarding Consolidated Glass and Mirror Corporation, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permits and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meanings 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. “Consolidated Glass and Mirror Corporation” means Consolidated Glass and Mirror Corporation, a company authorized to do business in Virginia and its affiliates, partners and subsidiaries. Consolidated Glass and Mirror Corporation is a “person” within the meaning of Va. Code § 10.1 – 1300.
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, as described in Va. Code § 10.1 - 1185.

5. “Facility” means the Consolidated Glass and Mirror Corporation facility located at 305 Lineberry Rd., in Galax City, Virginia.
6. “Notice of Violation” or “NOV” means a type of Notice of Alleged Violation under Va. Code § 10.1 - 1309.
7. “NSR Permit” means a NSR Permit to modify and operate a mirror manufacturing facility which was issued under the Air Pollution Control Law and the Regulations to Consolidated Glass and Mirror Corporation, effective February 2, 2011 (amended August 19, 2011).
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. “PCE” means a partial compliance evaluation by DEQ staff.
10. “Regulations” or “Regulations for the Control and Abatement of Air Pollution” means 9 VAC 5 chapters 10 through 80.
11. “SWRO” means the Southwest Regional Office of DEQ, located in Abingdon, Virginia.
12. “TV Permit” means a Title V Operating Permit to operate a mirror manufacturing facility which was issued under the Air Pollution Control Law and the Regulations to Consolidated Glass and Mirror Corporation, effective March 17, 2012, significantly modified November 27, 2012.
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 Facts and Conclusions of Law

1. Consolidated Glass and Mirror Corporation owns and operates the Facility in Galax City, Virginia. The Facility is the subject of the NSR Permit and TV Permit which allows the company to operate the mirror manufacturing facility.
2. On July 31, 2014, DEQ received electronic correspondence from the Facility containing revisions to the 2013 Facility annual throughput data which included an amended 2013 Annual Update and 2013 Emission Statement.

3. On August 13, 2014, DEQ staff conducted a PCE for the review of the revised 2013 Facility annual throughput data which demonstrated one (1) gallon Guardian Anti-Reflective (AR) Coating AR 11-4-S4.0 was applied in CC3. CC3 is not permitted for throughput of Guardian AR Coating AR 11-4-S4.0 and there is no permitted coating equivalent for Guardian AR Coating AR 11-4-S4.0 for CC3. The usage of one (1) gallon occurred during a one-time trial period in the first half of 2013 which consisted of one run.
4. Condition No. 6 of the NSR Permit and Condition No. VII.A.1. of the TV Permit state, “The three (3) multi-coat curtain coaters (CC2, CC3, and CC4) shall consume no more than the listed quantities of the following materials, or their equivalents:

Approved Coating Materials for CC2, CC3, and CC4	Consumption	Limit
	Hourly	Annual
Fenzi Solarlux 0093, Fenzi Solarlux 0094, Fenzi Solarlux 0095, Valspar Woodlands Green (4201G1300); Valspar Ocean Blue (10L093); Valspar Light Grey (SK3110); Valspar Reddish Leaded (SK9165); Valspar Deco Glass HP White (SK2940)	360.3 lbs	950 tons
Sunoco Xylene Reducer (Product Code 430500)	58.08 lbs	153 tons

...”

5. 9 VAC 5-80-1180 requires that, “...C. Minor NSR permits may contain emissions standards as necessary to implement the provisions of this article and 9VAC5-50-260. The following criteria apply in establishing emission standards to the extent necessary to assure that emissions levels are enforceable as a practical matter:
 - ...3. The standard may prescribe, as an alternative to or a supplement to a limit prescribed under subdivision 1 of this subsection, equipment, work practice, fuels specification, process materials, maintenance, or operational standards, or any combination of them...”
6. 9 VAC 5-170-160(A) - (Conditions on Approvals) of the Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution states in part: “The board may impose conditions upon permits and other approvals which may be necessary to carry out the policy of the Virginia Air Pollution Control Law, and which are consistent with the regulations of the board. Except as otherwise specified, nothing in this chapter shall be understood to limit the power of the board in this regard. If the owner or other person fails to adhere to the conditions, the board may automatically cancel the permit or approvals. This section shall apply, but not be limited, to approval of variances, approval of control programs, and granting of permits.”

7. Va. Code § 10.1-1322(A) gives the Department the authority to issue, amend, revoke or terminate and reissue permits, and failure to comply with any condition of a permit is considered a violation of the Air Pollution Control Law.
8. On August 13, 2014, based on the results of the August 13, 2014, PCE, the Department issued a Notice of Violation No. ASWRO9008 to the Facility for the violations described in paragraph C(2), above.
9. On August 20, 2014, DEQ received a telephone response to the NOV from the Facility.
10. Based on the results of the August 13, 2014, PCE, and the August 20, 2014, response to the NOV, the Board concludes that Consolidated Glass and Mirror Corporation has violated Condition 6 of the NSR Permit and Condition VII.A.1. of the TV Permit and 9 VAC 5-80-1180 as described in paragraphs C(3) and 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 Consolidated Glass and Mirror Corporation and Consolidated Glass and Mirror Corporation agrees to:

1. Pay a civil charge of \$2,275 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

Consolidated Glass and Mirror Corporation shall include its Federal 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). If the Department has to refer collection of moneys due under this Order to the Department of Law, Consolidated Glass and Mirror Corporation shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Consolidated Glass and Mirror Corporation for good cause shown by Consolidated Glass and Mirror Corporation, 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 only those violations specifically identified in Section C of this Order and NOV No. ASWRO9008 dated August 13, 2014. This Order shall not preclude the Board or 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, Consolidated Glass and Mirror Corporation neither admits nor denies the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Consolidated Glass and Mirror Corporation 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. Consolidated Glass and Mirror Corporation 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 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 or Director to modify, rewrite, amend, or enforce this Order.
6. Failure by Consolidated Glass and Mirror Corporation 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. Consolidated Glass and Mirror Corporation 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. Consolidated Glass and Mirror Corporation shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Consolidated Glass and Mirror

Corporation shall notify 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 this Order. Such notice shall set forth:

- a. the reasons for the delay or noncompliance;
- b. the projected duration of 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.

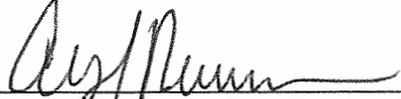
Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition listed above, which the parties intends to assert will result in the impossibility of compliance, shall constitute waiver of any claim of inability to comply with 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 Consolidated Glass and Mirror Corporation. Nevertheless, Consolidated Glass and Mirror Corporation 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 Consolidated Glass and Mirror Corporation has completed all of the requirements of the Order.
 - b. Consolidated Glass and Mirror Corporation 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 Consolidated Glass and Mirror Corporation.

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

And it is ORDERED this 2nd day of December, 2014



Allen J. Newman, P.E. Regional Director
Department of Environmental Quality

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Consolidated Glass and Mirror Corporation voluntarily agrees to the issuance of this Order.

Date: 11/24/14 By: *Dennis Carroll*
Dennis Carroll, ~~President~~ General Manager
Consolidated Glass and Mirror Corporation

Commonwealth of Virginia

City/County of Galax

The foregoing document was signed and acknowledged before me this 24 day of November, 2014, by Dennis Carroll who is General Manager of Consolidated Glass and Mirror Corporation, on behalf of the corporation.

Trudi Morris Jackson
Notary Public

369075

Registration No.

1/31/2018

My commission expires:

Notary Seal:

