

CLERK'S OFFICE U.S. DIST. COURT  
AT HARRISONBURG, VA  
FILED  
for Roanoke  
JUL 08 2010  
JOHN F. CORCORAN, CLERK  
BY: [Signature]  
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

UNITED STATES OF AMERICA )  
 )  
 And )  
 )  
 COMMONWEALTH OF VIRGINIA )  
 )  
 Plaintiffs, )  
 )  
 v. )  
 )  
 DEGS of NARROWS, LLC )  
 )  
 Defendant. )

Civil Action No. 7:10-cv-00085

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**ORDER GRANTING JOINT STIPULATION TERMINATING CONSENT DECREE**

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The United States of America, the Commonwealth of Virginia and DEGS of Narrows, LLC have filed a Joint Stipulation Terminating Consent Decree, which jointly stipulates that DEGS of Narrows, LLC has complied with the requirements for termination of the Consent Decree entered by this Court on April 12, 2010 and that the Consent Decree is hereby terminated. Such Joint Stipulation is hereby approved by the Court this 8<sup>th</sup> day of JULY, 2010.

IT IS SO ORDERED

[Signature]  
UNITED STATES DISTRICT JUDGE  
Western District of Virginia

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

UNITED STATES OF AMERICA	)	
	)	
And	)	
	)	Judge Conrad
COMMONWEALTH OF VIRGINIA	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Civil Action No. 7:10-cv-00085
	)	
DEGS of NARROWS, LLC	)	
	)	
Defendant.	)	
_____	)	

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**JOINT STIPULATION TERMINATING CONSENT DECREE**

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For the reasons set forth herein and pursuant to Paragraph 59 of the Consent Decree that was entered in this action on April 12, 2010, the United States of America, the Commonwealth of Virginia and DEGS of Narrows, LLC hereby file a Joint Stipulation Terminating Consent Decree and request the Court to approve such termination by entering the Order attached hereto as Exhibit A.

The Consent Decree was negotiated by the United States of America (“United States”), on behalf of the United States Environmental Protection Agency (“EPA”), the Commonwealth of Virginia (“Commonwealth”), on behalf of the Virginia Department of Environmental Quality (“VADEQ”) and DEGS of Narrows, LLC (“DEGS” or “Defendant”), and was entered by the Court on April 12, 2010 to resolve alleged violations by DEGS of the Clean Air Act (“Act”), 42 U.S.C. §§ 7401-7671q, including the requirements established in the Commonwealth of Virginia’s State Implementation Plan (“SIP”) developed pursuant to Section 110(a) of the Act,

42 U.S.C. § 7410(a), requirements established in the operating permit issued to DEGS pursuant to Title V of the Act, 42 U.S.C. §§ 7661-7661f, and requirements in the National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline) at 40 C.F.R. Part 63, Subpart EEEE (the “OLD MACT”) pursuant to Section 112 of the Act, 42 U.S.C. § 7412.

Paragraph 58 of the Consent Decree provides that after the Defendant has completed the requirements of Section V (Compliance Requirements) and has paid the civil penalty to the United States and to the Commonwealth, Defendant may submit to the United States and the Commonwealth a Request for Termination stating that Defendant has satisfied those requirements, together with all necessary supporting documentation. By letter dated May 21, 2010, DEGS submitted a Request for Termination to the United States and the Commonwealth, along with supporting documentation, demonstrating that it had complied with the applicable requirements in the Consent Decree.

With respect to Section V of the Consent Decree, on May 4, 2010, DEGS transferred 450 NO<sub>x</sub> allowances by electronic transfer to the CAIR Enforcement Surrender Account in accordance with Paragraph 15 of the Consent Decree. Notices of such electronic transfer were submitted to the parties as required by the Consent Decree.

With respect to the civil penalty, DEGS submitted a payment in the amount of \$155,000 to the United States by electronic funds transfer on April 30, 2010 and a payment in the amount of \$155,000 to the Commonwealth by cashier’s check on May 5, 2010. Notices of such payments were submitted to the parties as required by the Consent Decree.

After review of DEGS’ letter and supporting documentation, the United States, EPA and the Commonwealth indicated their agreement that DEGS has satisfied the requirements of the

Consent Decree and their agreement to enter a Joint Stipulation Terminating Consent Decree as provided for in Paragraph 59 of the Consent Decree.

For the above reasons, the parties submit for Court approval a Joint Stipulation Terminating the Consent Decree. A proposed Order is attached as Exhibit A.

Respectfully submitted,

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**EXHIBIT A**

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

UNITED STATES OF AMERICA            )  
  )  
                  And                            )  
  )  
COMMONWEALTH OF VIRGINIA         )  
  )  
                          Plaintiffs,         )  
  )  
                  v.                             )  
  )  
DEGS of NARROWS, LLC                )  
  )  
                          Defendant.         )  
  )

Civil Action No. 7:10-cv-00085

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IT IS SO ORDERED

\_\_\_\_\_  
UNITED STATES DISTRICT JUDGE  
Western District of Virginia

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