



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

VALLEY REGIONAL OFFICE

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L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Amy Thatcher Owens
Regional Director

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION

ORDER BY CONSENT ISSUED TO

Federal-Mogul Corporation
Registration #: 80430

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1187, -1184, -1307(D), -1309, and -1316(C), between the State Air Pollution Control Board and Federal-Mogul Corporation, for the purpose of resolving certain alleged violations of environmental law and regulations.

SECTION B: Definitions

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

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Code §§ 10.1-1301 and 10.1-1184.
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. "Order" means this document, also known as a Consent Order.

6. "Federal-Mogul" means Federal-Mogul Corporation, a facility that manufactures automobile and truck brake friction products.
7. "Facility" means the Federal-Mogul Corporation located at 2410 Papermill Road Winchester, VA 22601
8. "VRO" means the Valley Regional Office of DEQ, located at 4411 Early Road, P.O. Box 3000, Harrisonburg, Virginia 22801.
9. "CFR" means Code of Federal Regulations.
10. "Permit" means Federal-Mogul Corporation's Stationary Source Permit to Modify and Operate dated March 15, 2007.

SECTION C: Findings of Facts and Conclusions of Law

1. A site inspection of the Federal-Mogul facility was conducted by the Department on October 16, 2007, and additional information was submitted by Federal-Mogul to the Department on October 26, 2007. During the inspection, Department staff observed that certain emissions units were in operation prior to the installation of pollution control equipment required by the Permit.
2. As a result of the inspection and the submittal, the following alleged violations of Federal-Mogul's Stationary Source Permit to Modify and Operate dated March 15, 2007 were discovered and included in the Notice of Violation issued by the Department to Federal-Mogul on November 30, 2007:
 - a. Volatile organic compounds (VOC) emissions from the adhesive applicator (G6-ST-P3) were not being controlled by an afterburner. According to Condition 3 of the Permit, VOC emissions from the adhesive applicator (G6-ST-PC3) shall be controlled by an 80% efficient capture system and an afterburner (PCD28). The afterburner (PCD28) shall be provided with adequate access for inspection and shall be in operation when any of the adhesive applicators (G6-ST-PC1 – G6-ST-PC3) are operating.
 - b. VOC emissions from the B-stage oven (G2-ST-OV18) were not being controlled by an afterburner. According to Condition 5 of the Permit, VOC emissions from the B-stage oven (G2-ST-OV18) shall be controlled by a permanent total enclosure and an afterburner (PCD28). The afterburner (PCD28) shall be provided with adequate access for inspection and shall be in operation when the B-stage oven (G2-ST-OV18) is operating.
 - c. Start-up notifications for the pre-cure oven (G6-ST-OV17), the adhesive applicator (G6-ST-PC3), and the B-Stage Oven (G2-ST-OV18) were not submitted within timeframes specified in the Permit. According to Condition 28, the Permittee shall furnish written notification to the Director of the Valley Region of the actual start-up dates of the despatch oven (G2-ST-

OV12), pre-cure oven (G6-ST-OV17), adhesive applicators (G6-ST-PC1 - G6-ST-PC3), and B-Stage Oven (G2-ST-OV18) within 15 days after the start-up date. In the letter dated October 18, 2007, Federal-Mogul indicated that start-up for the pre-cure oven (G6-ST-OV17), adhesive applicators (G6-ST-PC1 - G6-ST-PC3), and B-Stage Oven (G2-ST-OV18) occurred after an inspection on August 22, 2007, however and exact date was not specified. While a notification was made for these items it does not appear that the notification was made in the required time frame of 15 days after the start-up date.

3. To date, Federal Mogul has not furnished written notification of the actual dates of modification and start-up of the despatch oven (G2-ST-OV12) and the adhesive applicators (G6-ST-PC1 and G6-ST-PC2) as required by Condition 28 of the Permit.

SECTION D: Agreement and Order

By virtue of the authority granted State Air Pollution Control Board pursuant to Va. Code §§ 10.1-1186(2), 10.1-1309, and 10.1-1316(C), orders Federal-Mogul, and Federal-Mogul voluntarily agrees to the following conditions in settlement of the violations cited in this Order:

1. Federal-Mogul agrees to a civil charge of \$24,277.50 in settlement of the violations cited in this Order within 30 days of the effective date of this Order. Payment must indicate that the civil charge is paid pursuant to this Order, and shall include Federal-Mogul's Federal Identification Number. Payment shall be by check, certified check, money order, or cashier's check payable to "Treasurer of the Commonwealth of Virginia" and sent to: Receipts Control, Department of Environmental Quality, Post Office Box 1104, Richmond, Virginia 23218.
2. Federal-Mogul shall comply with the terms and conditions as set out in Appendix A of this Order.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Federal-Mogul, for good cause shown by Federal-Mogul, or on its own motion after notice to Federal-Mogul and its opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified herein. 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 this 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, Federal-Mogul admits to the allegations in Section C of this Order.

4. Federal-Mogul 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. Federal-Mogul declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the 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 of Federal-Mogul to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by Federal-Mogul 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. Federal-Mogul 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. Federal-Mogul shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Federal-Mogul 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.
9. Failure to so notify the Regional Director within 24 hours of learning of any condition above, which Federal-Mogul 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.
10. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.

11. This Order shall become effective upon execution by both the Director or his designee and Federal-Mogul. Notwithstanding the foregoing, Federal-Mogul agrees to be bound by any compliance date which precedes the effective date of this Order.
12. This Order shall continue in effect until Federal-Mogul petitions the Director or his designee to terminate the Order after it has completed all requirements of the Order and the Director or his designee approves the termination of the Order; or the Director or the Board may terminate this Order in his or its whole discretion upon 30 days' written notice to Federal-Mogul.
13. Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve Federal-Mogul from his obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
14. By its signature below, Federal-Mogul voluntarily agrees to the issuance of this Order.

And it is so ORDERED on the 7th day of February, 2008.

Amy Thatcher Owens
Amy Thatcher Owens, Regional Director
Valley Regional Office
Department of Environmental Quality

Federal-Mogul voluntarily agrees to the issuance of this Order.

By: T. Eugene Brunk
Date: 2-6-08

Commonwealth of Virginia
City/County of Frederick

The foregoing document was signed and acknowledged before me on the 6th day of February, 2008, by T. Eugene Brunk, who is
(name)

Plant Manager of Federal-Mogul, on behalf of Federal-Mogul.
(title)

Martha Ann Drake
Notary Public



My commission expires: Aug. 31, 2009

APPENDIX A

In addition to the foregoing, the Virginia State Air Pollution Control Board orders and Federal-Mogul agrees to implement this corrective action plan as an additional provision to this Order.

1. As required by Condition 28 of the Permit, Federal-Mogul shall furnish written notification to DEQ of the actual dates of modification and start-up of the despatch oven (G2-ST-OV12) and the adhesive applicators (G6-ST-PC1 and G6-ST-PC2). Notification shall be made according to the timeframes specified in Condition 28, or within 15 days of the effective date of this Order, whichever is sooner.
2. Regarding the applicability of Best Available Control Technology (BACT) to the adhesive applicators as specified in Conditions 3 and 4 of the Permit, Federal Mogul shall submit a complete Form 7 air permit application with a BACT analysis by February 22, 2008.