



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

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Doug Domenech
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Regional Director

**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
GREYSTONE OF VIRGINIA, INC.
FOR
GREYSTONE TOANO FACILITY
Registration No. 61127**

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 Greystone of Virginia, Inc. regarding the Greystone Toano facility, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permit and 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. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
4. "Facility" means the Greystone facility located at 7992 Richmond Road in Toano, Virginia.

5. "Greystone" means Greystone of Virginia, Inc., a corporation authorized to do business in Virginia and its affiliates, partners, subsidiaries, and parents. Greystone is a "person" within the meaning of Va. Code § 10.1-1300.
6. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
7. "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.
8. "Permit" means a New Source Review permit to construct and operate a hard chrome plating facility, which was issued under the Virginia Air Pollution Control Law and the Regulations to Greystone on June 27, 2007 under Registration No. 61127, and amended July 15, 2009.
9. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
10. "TRO" means the Tidewater Regional Office of DEQ, located in Virginia Beach, Virginia
11. "Va. Code" means the Code of Virginia (1950), as amended.
12. "VAC" means the Virginia Administrative Code.
13. "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 Fact and Conclusions of Law

1. Greystone owns and operates the Facility in Toano, Virginia. The Facility is a hard chrome plating operation.
2. The Facility is the subject of the Permit which allows Greystone to construct and operate a hard chrome plating facility.
3. DEQ staff conducted a file review on Greystone in early 2009 and noted the following Permit-required documents had not been received:
 - a. Notification of the Initial Performance Tests conducted for chromium compounds on the chromium electroplating systems, Proto 1 and Line 3
 - b. The test protocol which was to have been submitted at least 30 days prior to testing
 - c. A copy of the test results within 45 days after test completion
 - d. Notification within 30 days of the actual date on which construction of Line 3 commenced
 - e. Notification within 15 days of the actual start-up date of Line 3

- f. The anticipated date of Initial Performance Tests on Line 3 postmarked at least 30 days prior to such date

These deficiencies were later confirmed by DEQ Staff during an April 10, 2009 Partial Compliance Evaluation of the Facility for compliance with the requirements of the Virginia Air Pollution Control Law, the Permit, and the Regulations.

4. In response to a DEQ request, Greystone was unable to demonstrate that it had conducted Initial Performance Tests for the chromium electroplating system Line 3 or Proto 1.
5. On April 10, 2009 DEQ received notification from Greystone that construction of Line 3 commenced on September 20, 2007 and the start up date was November 26, 2007.
6. 9 VAC 5-80-260 (A) (1) provides that pursuant to § 10.1-1322 of the Code of Virginia, failure to comply with any condition of a permit shall be considered a violation of the Virginia Air Pollution Control Law.
7. The Permit, Condition 20 requires Initial Performance Tests to be conducted for chromium compounds from electroplating systems (Proto 1 and Line 3). Condition 20 states the tests shall be performed, reported and demonstrate compliance within 60 days after achieving the maximum production rate at which the facility will be operated but in no event later than 180 days after start-up of the permitted facility. Further, the permittee shall submit a test protocol at least 30 days prior to testing. One copy of the test results shall be submitted to the Tidewater Regional Office within 45 days after test completion.
8. The Permit, Condition 26 requires the permittee to furnish written notification to the Tidewater Regional Office of the actual date on which construction of Line 3 commenced within 30 days after such date, the actual start-up date of Line 3 within 15 days after such date, and the anticipated date of performance tests of Line 3 postmarked at least 30 days prior to such date.
9. On April 17, 2009, based on the inspection and follow-up information, DEQ issued a Notice of Violation to Greystone for the violations described in paragraphs C.3., C.4., and C.5., above.
10. On May 4, 2009 Greystone met with DEQ staff to review to NOV.
11. On May 27, 2009 DEQ staff met on site with Greystone and inspected the Facility. No additional deficiencies in the Greystone facility were observed.
12. Based on the results of the file review and April 10, 2009 Partial Compliance Evaluation, the May 4 and May 27, 2009 meetings, and documentation submitted April 8 and April 10, 2009, the Board concludes that Greystone has violated 9 VAC 5-80-260 (A) (1) and Permit conditions 20 and 26 as described in paragraphs C.3. through C.8., above.
13. Greystone has submitted documentation to correct the violations described in paragraphs C.3. through C.8, above. Greystone submitted a letter to DEQ on April 24, 2009 requesting DEQ remove the requirement for compliance Initial Performance Tests on

Proto 1 and Line 3, and substitute with a chemical fume suppressant system pursuant to 40 CFR Subpart N in the Permit. The Permit was re-issued July 15, 2009 and included control of chromium emissions by chemical fume suppressants. A chemical fume suppressant system does not require an Initial Performance Test and the re-issued Permit does not include this requirement.

SECTION D: Agreement and Order

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

1. Comply with the terms and conditions of the Permit; and
2. Pay a civil charge of \$7,094 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

Greystone shall include its Federal Employer Identification Number (FEIN) [04-3585746] 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 this Order with the consent of Greystone for good cause shown by Greystone, 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, Greystone admits to the jurisdictional allegations, and agrees not to contest, but neither admits nor denies, the findings of fact and conclusions of law contained in this Order.

4. Greystone 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. Greystone 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 Greystone 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. Greystone 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. Greystone shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Greystone 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 Greystone 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.

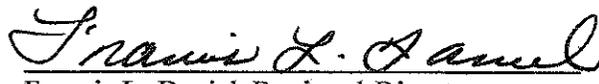
9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.

10. This Order shall become effective upon execution by both the Director or his designee and Greystone. Nevertheless, Greystone 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. Greystone 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 Greystone.

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

And it is so ORDERED this 17th day of March, 2010.


Francis L. Daniel, Regional Director
Department of Environmental Quality

Greystone of Virginia, Inc. voluntarily agrees to the issuance of this Order.

Date: 3/12/2010 By: John Talous, GENERAL MANAGER
(Person) (Title)
Greystone of Virginia, Inc.

Commonwealth of Virginia
City/County of Gloucester

The foregoing document was signed and acknowledged before me this 12th day of
March, 2010, by John Talous who is
General Manager of Greystone of Virginia, Inc., on behalf of the corporation.

Vicky L Wilt
Notary Public

7173629
Registration No.

My commission expires: 7/31/2012

Notary seal:

