



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

4949-A Cox Road, Glen Allen, Virginia 23060

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[www.deq.virginia.gov](http://www.deq.virginia.gov)

**STATE WATER CONTROL BOARD ENFORCEMENT ACTION –  
AMENDMENT TO ORDER BY CONSENT  
ISSUED TO  
IR ENGRAVING, LLC  
FOR  
STANDEX SANDSTON FACILITY  
Registration No. VAR051142**

## **SECTION A: Purpose**

This is an Amendment of an Order by Consent (Amendment) issued under the authority of Va. Code §§ 62.1-44.15 (8a), between the State Water Control Board (Board) and IR Engraving, LLC, regarding the Standex Sandston facility, for the purpose of revising certain provisions of the Order by Consent (Order) issued by the Board to Standex Engraving, LLC on October 30, 2009 and for resolving stormwater permit benchmark exceedance issues at the Site.

## **SECTION B: Basis for Amendment**

1. Standex currently owns the Site and has operated a rotogravure plating and engraving operation at the Site since June 24, 2003. Until May 8, 2009, the Site was owned by Vantec; which, prior to June 24, 2003, conducted rotogravure plating and engraving operations at the Site.
2. Standex discharges stormwater associated with industrial activity (SIC Codes 3471, 3479 and 3569) to an unnamed tributary to White Oak Swamp Creek, which is a State water. Va. Code §62.1-44.5.A prohibits such discharges, except when authorized by and in compliance with a certificate issued by the Board. Va. Code § 62.1-44.15(5a) states that a VPDES permit is a "certificate" under the statute. Standex's most recent registration statement for the Permit was accepted by the Director on September 2, 2014 as evidenced by registration number VAR051142. According to Va. Code §62.1-44.5.A and 9 VAC 25-151-70, Standex must comply with the conditions of the Permit order to discharge its stormwater to State waters, and Standex is subject to the Regulation.

3. The State Water Control Board entered into the Order with Standex, effective October 30, 2009, for the resolution of stormwater permit benchmark exceedance issues at the Site.
4. Standex has transferred ownership of the Site and coverage under the Permit to IR Engraving, LLC. Standex has requested that responsibility for completing the requirements of the Order be transferred to IR Engraving, LLC and IR Engraving, LLC has agreed to accept such responsibility.
5. Based on the information available to DEQ to date, Standex is otherwise in compliance with the Order and is current with all monitoring and reporting requirements.

**SECTION C: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. §§ 62.1-44.15, the Board orders IR Engraving LLC, and IR Engraving, LLC agrees to:

1. Perform the uncompleted requirements of Appendix A and B of the Order. Both the State Water Control Board and IR Engraving, LLC understand and agree that this Amendment does not alter, modify or amend any other provision of the Order and that the unmodified provisions of the Order remain in effect by their own terms; and

And it is so ORDERED this 1<sup>ST</sup> day of July, 2016.

  
\_\_\_\_\_  
Michael P. Murphy, Regional Director  
Department of Environmental Quality

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IR Engraving, LLC voluntarily agrees to the issuance of this Order.

Date: 6-29-16 By: ARB Andrew Bushell Vice President  
(Person) (Title)  
IR Engraving, LLC

Commonwealth of Virginia  
City/County of \_\_\_\_\_

The foregoing document was signed and acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_, by \_\_\_\_\_ who is  
\_\_\_\_\_ of IR Engraving LLC, on behalf of the company.

**SEE ATTACHED  
NOTARIAL  
CERTIFICATE**

  
6-29-16

\_\_\_\_\_  
Notary Public

\_\_\_\_\_  
Registration No.

My commission expires: \_\_\_\_\_

Notary seal:

# ALL- PURPOSE CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California \_\_\_\_\_ }

County of Los Angeles \_\_\_\_\_ }

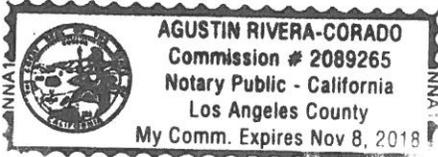
On June 29<sup>th</sup> 2016 before me, Agustin Rivera Corrado, Notary Public  
(Here insert name and title of the officer)

personally appeared Andrew Bushell,  
 who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~ are subscribed to the within instrument and acknowledged to me that ~~he~~ she/they executed the same in ~~his~~ her/their authorized capacity(~~ies~~), and that by ~~his~~ her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

\_\_\_\_\_  
 Notary Public Signature (Notary Public Seal)



### ADDITIONAL OPTIONAL INFORMATION

DESCRIPTION OF THE ATTACHED DOCUMENT

\_\_\_\_\_  
 (Title or description of attached document)

\_\_\_\_\_  
 (Title or description of attached document continued)

Number of Pages \_\_\_\_\_ Document Date \_\_\_\_\_

CAPACITY CLAIMED BY THE SIGNER

Individual (s)

Corporate Officer

\_\_\_\_\_ (Title)

Partner(s)

Attorney-in-Fact

Trustee(s)

Other \_\_\_\_\_

### INSTRUCTIONS FOR COMPLETING THIS FORM

*This form complies with current California statutes regarding notary wording and, if needed, should be completed and attached to the document. Acknowledgments from other states may be completed for documents being sent to that state so long as the wording does not require the California notary to violate California notary law.*

- State and County information must be the State and County where the document signer(s) personally appeared before the notary public for acknowledgment.
- Date of notarization must be the date that the signer(s) personally appeared which must also be the same date the acknowledgment is completed.
- The notary public must print his or her name as it appears within his or her commission followed by a comma and then your title (notary public).
- Print the name(s) of document signer(s) who personally appear at the time of notarization.
- Indicate the correct singular or plural forms by crossing off incorrect forms (i.e. ~~he~~/she/~~they~~, ~~is~~ /are ) or circling the correct forms. Failure to correctly indicate this information may lead to rejection of document recording.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different acknowledgment form.
- Signature of the notary public must match the signature on file with the office of the county clerk.
  - ❖ Additional information is not required but could help to ensure this acknowledgment is not misused or attached to a different document.
  - ❖ Indicate title or type of attached document, number of pages and date.
  - ❖ Indicate the capacity claimed by the signer. If the claimed capacity is a corporate officer, indicate the title (i.e. CEO, CFO, Secretary).
- Securely attach this document to the signed document with a staple.

## APPENDIX A SCHEDULE OF COMPLIANCE

**IR Engraving LLC shall:**

1. IR Engraving LLC shall implement the Supplemental Plan previously approved by DEQ in accordance with the schedule therein, unless otherwise authorized in advance:
  - a. IR Engraving LLC shall provide a report to DEQ on the Supplemental Plan investigations / activities within 30 days of completion.
  - b. Supplemental Plan stormwater sampling shall be conducted in accordance with the Phase I sampling plan and schedule previously approved by DEQ, and the methods outlined in Item 3, below, unless otherwise authorized by DEQ. Sampling shall monitor for the benchmark parameters that were exceeded, as well as those parameters that could be affected by Supplemental Plan activities.
2. If a Supplemental Plan sample exceeds any of the benchmarks defined in Appendix B, Item 2 of this Order, IR Engraving LLC must complete the following:
  - a. No later than 30 days after learning of a benchmark exceedance, IR Engraving LLC shall submit a further Supplemental Plan to DEQ to address the parameters for which the exceedance was detected. The Supplemental Plan shall include a proposed schedule, work plan, and sampling plan for commencing, completing, and monitoring supplemental activities from the following list or other activities as IR Engraving LLC proposes or DEQ requires:
    1. Evaluate and propose best management practices to reduce or eliminate contact of stormwater with equipment, materials or processes as may be appropriate to respond to exceedances of benchmark parameters in sampling; and:
    2. Evaluate and propose changes to roof run off as may be appropriate to respond to exceedances of benchmark parameters in sampling.
  - b. IR Engraving LLC shall repeat the steps set forth above until a) IR Engraving LLC has satisfied the requirement for 12 consecutive sampling events, meeting each benchmark parameter contained in Appendix B, OR b) IR Engraving LLC elects, or DEQ directs IR Engraving LLC, to submit a VPDES Individual Permit application in accordance with Items 6 or 7, below.
3. All stormwater samples (except snowmelt samples) shall be collected from the discharge resulting from a storm event that results in actual discharge from the site ("measurable storm event"), provided the interval from the preceding measurable storm event is at least 72 hours. The 72-hour storm interval is waived if IR Engraving LLC is able to document that less than a 72-hour interval is representative for local storm events during the sampling period. In the case of snowmelt, the monitoring must be performed at a time

when a measurable discharge occurs at the site. Monitoring shall be accomplished by grab samples collected within the first 30 minutes of discharge. If it is not practical to take the sample within the first 30 minutes, the sample may be taken during the first hour of discharge provided IR Engraving LLC explains why a grab sample during the first 30 minutes was impracticable and submits the explanation with the sample results in the next quarterly update. Samples must be taken no more frequently than once per month. Along with storm water discharge monitoring (except snowmelt monitoring), IR Engraving LLC shall document and provide the date and duration (in hours) of the storm event(s) sampled; rainfall total (in inches) of the storm event that generated the sampled runoff; the duration between the storm event sampled and the end of the previous measurable storm event; and an estimate of the total volume (in gallons) of the discharge sampled. Data for all sampling events in a quarter shall be submitted to DEQ in the next quarterly update, in accordance with the provisions of Item 10 below. IR Engraving LLC shall submit an analysis and discussion of the relevance of all data, with respect to question of the adequacy of actions taken by IR Engraving LLC to control stormwater pollution, with the final quarterly data submittal.

4. IR Engraving LLC shall submit written quarterly updates to DEQ regarding implementation of the remedial activities associated with all phases, as applicable during that quarter. Quarterly updates shall be due the 10th day of the month following the close of each quarter and shall include a statement of work performed, representative photographs of work performed, analytical data for all discharge samples and rainfall data collected during that quarter, and (where applicable) statements and explanations that no samples were collected or no samples were collected within the first 30 minutes of discharge from a qualifying storm event.
5. IR Engraving LLCs' compliance with the sampling, testing, reporting and benchmark exceedance response requirements as provided herein shall be deemed satisfactory for meeting the sampling, testing, reporting and benchmark exceedance requirements under Industrial Storm Water VPDES General Permit (VAR05) Parts I, ILA, and II.C, IV.0 for the parameters listed in Appendix B while governed by this Order. This Order shall not be construed to relieve IR Engraving LLC of any other requirements of the VAR05.
6. At any time, IR Engraving LLC may elect to apply for VPDES Individual Permit for its stormwater discharges.
7. If IR Engraving LLC is unable to achieve 12 consecutive sampling events showing no exceedances of any benchmark (as defined in Appendix B, Item 2) within 4 years of the original date that this Order was executed by DEQ, DEQ may direct, or IR Engraving LLC may elect, that IR Engraving LLC seek a VPDES Individual Permit for its stormwater by written notice to the other. IR Engraving LLC shall submit a complete individual VPDES Individual Permit application for its storm water discharges associated with industrial activity no later than 90 days after the receipt of or providing notice pursuant to this Item 13. IR Engraving LLC shall respond to any requests for additional information or deficiency notices from DEQ, with respect to the sufficiency of the application, in accordance with the terms of each notice.

8. All required information shall be submitted to:

Frank Lupini  
Enforcement Representative  
VA DEQ—PRO  
4949-A Cox Rd.  
Glen Allen, VA 23060

APPENDIX B  
BENCHMARKS

1. Stormwater samples collected in accordance with Appendix A shall be analyzed using DEQ-approved methodology for the following parameters:

Aluminum, total recoverable (ug/L)  
Arsenic, dissolved (ug/L)  
Cadmium, dissolved (ug/E)  
Chromium-III, dissolved (ug/L)  
Chromium-VI, dissolved (ug/L)  
Copper, dissolved (ug/L)  
Iron, total recoverable (ug/L)  
Lead, dissolved (ug/L)  
Silver, dissolved (ug/L)  
Zinc, total recoverable (ug/L)  
Zinc, dissolved (ug/L)  
Hardness, as calcium carbonate (CaCO<sub>3</sub>) (mg/L)  
pH (Standard Units)

2. Benchmarks for these parameters shall be defined as the following:
  - a. Aluminum, iron, and total recoverable zinc: the benchmark monitoring cut-off concentrations for fabricated metal products facilities (Sector AA) as found in 9 VAC 25-151;
  - b. Arsenic and chromium VI: twice the freshwater acute criterion as found in 9 VAC 25-260-140;
  - c. Cadmium, chromium III, copper, lead, silver, and dissolved zinc: twice the freshwater acute criterion as calculated for each individual sample using the formulae found in 9 VAC 25-260-140 and the sample hardness value collected on the same sample day. If the hardness value is less than 25 mg/L, then 25 mg/L shall be used in the acute criterion calculation; if the hardness value is greater than 400 mg/L, then 400 mg/L shall be used in the calculation.
  - d. pH: numerical criteria for Class III waters as found in 9 VAC 25-260-50.
3. IR Engraving LLC agrees that calculation of the benchmarks shall utilize the criteria at 9 VAC 25260-140 and monitoring cut-off concentrations at 9 VAC 25-151 that are in effect at the time that the samples are analyzed.
4. IR Engraving LLC agrees that the absence of PCB benchmarks or monitoring criteria in this Order does not preclude DEQ from requiring PCB monitoring under the Total Maximum Daily Load Program or any other applicable program not addressed under this Order.