



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTH CENTRAL REGIONAL OFFICE

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Preston Bryant
Secretary of Natural Resources

David K. Paylor
Director

Thomas L. Henderson
Regional Director

October 12, 2006

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION ORDER BY CONSENT

ISSUED TO

Intermet Archer Creek Foundry

Registration Number: 30121

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1300 *et seq.* and 10.1-1185, between the State Air Pollution Control Board and Intermet Archer Creek Foundry for the purpose of resolving certain violations of environmental law and/or regulations. This violation was addressed in a Notice of Violations (NOV) dated June 22, 2006.

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 collegial body 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. "Intermet Archer Creek Foundry" means that this is a facility that is located in Campbell County and is certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.

7. “Facility” means the Intermet Archer Creek Foundry facility, located in Campbell County, Virginia.
8. “Regulations” means the “State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution,” which have been incorporated into Title 9 of the Virginia Administrative Code (VAC).

SECTION C: Findings of Fact and Conclusions of Law

1. Intermet Archer Creek Foundry is an automated green sand facility, producing ductile iron castings up to 100 pounds. The facility currently has six valid permits: the June 25, 2001 permit to construct and operate a used/waste sand and baghouse handling system, a September 5, 2001 permit to construct and operate a cupola slag processing plant, an August 19, 2002 permit to operate core machines, a March 16, 2006 permit to modify and operate a gray and ductile iron foundry, an August 23, 2004 permit to construct and operate a paint spraying operation and a Title V permit to operate a gray and ductile iron parts manufacturing facility dated October 7, 2002. An amendment was made to the Title V permit on March 17, 2003.
2. On May 25, 2006, Intermet Archer Creek Foundry conducted a stack test on the TEA Scrubber.
3. On June 15, 2006, source contact, Doug Davis, reported by telephone and by faxing a Prompt Deviation Report, that the TEA Scrubber had been tested on May 25, 2006. Mr. Davis stated that two of the three runs conducted were above the emission limit, which is outlined in condition XI.A.5 of the Title V permit dated March 17, 2003, resulting in the 3-run average being above the permitted limit.
4. Condition XI.A.5 Process Equipment Requirements – Core making operations (ACE26 through ACE35, ACE37, ACE38, and ACT01) of the March 17, 2003, Title V Permit states the following:
 5. Emissions from the operation of the core making operations (ACE26 through ACE35) shall not exceed the limits specified below:

VOC's	2.21 lbs/hr	22.08 tons/yr
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Annual emissions shall be calculated monthly as the sum of each consecutive twelve month period.

(9 VAC 5-80-110 and Condition 23 of the 8/19/02 Permit)

5. On June 17, 2006, source submitted the test results for the TEA Scrubber via email. The results were as follows for each run:

Run 1: 19.61 ppm_{dv}
3.94 lb/hr

Run 2: 11.30 ppm_{dv}
2.19 lb/hr

Run 3: 30.62 ppm_{dv}
6.04 lb/hr

Average: 20.51 ppm_{dv}
4.04 lb/hr

Source stated in the email that Method 26A was used for this test and was not a compliance test and therefore, Internet Archer Creek Foundry was conducting the test for informational purposes. There was no spike and recovery performed, which leads to no QA to validate the data.

6. Internet Archer Creek Foundry has scheduled to retest the scrubber on October 11, 2006. A protocol was submitted via email on September 19, 2006 and Method 25A will be used during the next test.
7. A meeting was held with Internet on October 4, 2006 to discuss the Consent Order and Civil Penalty. Source called DEQ on October 5, 2006 to state that the stack test would be conducted October 12, 2006 instead of October 11, 2006.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority of §10.1-1307 D., §10.1-1309, §10.1-1184, §10.1-1316 C., and §10.1-1186.2 orders and Internet Archer Creek Foundry agrees that:

1. Internet Archer Creek foundry shall pay a civil charge of \$29,018.00 within thirty (30) days of the effective date of this Order. Payment shall be by check, certified check, money order, or cashier check payable to "Treasurer of the Commonwealth of Virginia" and sent to:

Receipts Control
Department of Environmental Quality
PO Box 1104
Richmond, Virginia 23218

Intermet Archer Creek Foundry shall include its Federal Identification Number with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this paragraph.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Intermet Archer Creek Foundry, for good cause shown by Intermet Archer Creek Foundry, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to Intermet Archer Creek Foundry by DEQ on February 8, 2005. 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 the 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, Intermet Archer Creek Foundry admits the jurisdictional allegations, but does not admit factual findings, and conclusions of law contained herein.
4. Intermet Archer Creek Foundry 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. Intermet Archer Creek Foundry declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the State 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 enforce this Order.
6. Failure by Intermet Archer Creek Foundry 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.

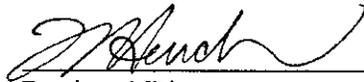
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. Internet Archer Creek Foundry shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. Internet Archer Creek Foundry shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Internet Archer Creek Foundry 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.

Failure to so notify the Regional Director within 24 hours of learning of any condition above, which the parties intend 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 Internet Archer Creek Foundry. Notwithstanding the foregoing, Internet Archer Creek Foundry agrees to be bound by any compliance date, which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Internet Archer Creek Foundry. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Internet Archer Creek Foundry, from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. By its signature below Internet Archer Creek Foundry voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of November 8, 2006.



Regional Director
Department of Environmental Quality

Internet Archer Creek Foundry voluntarily agrees to the issuance of this Order.

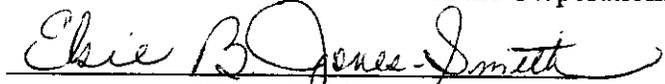
By: William D. Hopkins
Date: 11-7-06

Commonwealth of Virginia, City/County of Campbell

The foregoing document was signed and acknowledged before me this 7 day of

November, 2006, by William D. Hopkins, who is
(name)

General Manager of Internet Archer Creek Foundry on behalf of the Corporation.
(title)



Notary Public

My commission expires: 12-31-2006.