COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
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Regional Director

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION – AMENDMENT TO ORDER BY CONSENT ISSUED TO OMEGA PROTEIN, INC. Registration No. 40278

SECTION A: Purpose

This is an Amendment to a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and Omega Protein, Inc., for the purpose of revising certain provisions of the Consent Order issued by the Virginia Air Pollution Control Board (Board) to Omega Protein, Inc. on March 26, 2010 in order to resolve violations of the Virginia Air Pollution Control Law, the applicable permits and the regulations.

SECTION B: Basis for Amendment

1. Omega Protein, Inc. (Omega) owns and operates a fish processing facility located at 610 Menhaden Road, in Reedville (Northumberland County), Virginia (Facility).

2. The Facility is the subject of the Title V Permit issued on January 30, 2007 (Title V Permit) and the New Source Review permit issued on April 16, 2010 (2010 NSR Permit) which allows Omega to process fish, in strict compliance with the terms and conditions of the permits.

3. On March 26, 2010, the Board entered into a Consent Order (2010 Consent Order) with Omega regarding its failure to control particulate matter emissions, failure to conduct performance testing and submit test protocol, and failure to notify and report deviations at the Facility.

4. On December 30, 2010, Department staff conducted a Partial Compliance Evaluation of Omega's stack test reports from the Facility for compliance with the requirements of the

Virginia Air Pollution Control Law, the Title V Permit, the 2010 NSR Permit, and the Regulations. Based on the evaluation, Department staff made the following observations:

a. The stack test results indicate a 33.3% and an 66.7% destruction efficiency for particulate matter (PM) emissions from boilers BW1 and BW2 respectively.

   Conditions 8 and 36 of the 2010 NSR Permit requires PM emissions from each of the boilers BW1 and BW2 achieve 98% destruction efficiency.

b. The stack test results indicate a combined 99.7% destruction efficiency for volatile organic compound (VOC) emissions from boilers BW1 and BW2.

   Conditions 9 and 35 of the 2010 NSR Permit requires VOC emissions from each of the boilers BW1 and BW2 achieve 98% destruction efficiency.

c. The stack test results indicate a 93.6% destruction efficiency for PM emissions from meal cooler MC2.

   Conditions 10 and 37 of the 2010 NSR Permit requires PM emissions from the meal cooler MC2 achieve 98% destruction efficiency.

d. The stack test results indicate PM emissions of 4.07 lb/hr and 2.58 lb/hr from the Dupps Airless Dryers D1 and D2.

   Conditions 25 and 38 of the 2010 NSR Permit requires PM emissions meet the emission limit of 1.4 lb/hr for the Dupps Airless Dryers D1 and D2.

e. The stack test results indicate PM and PM-10 emissions of 35.75 lbs/hr (average of 3 test runs) from the meal cooler MC2.

   Conditions 27 and 37 of the 2010 NSR Permit requires PM and PM-10 emissions from the meal cooler MC2 meet the emission limit of 18.7 lb/hr.

5. Va. Code § 10.1-1322 states "...[f]ailure to comply with any condition of a permit shall be considered a violation of this chapter and investigations and enforcement actions may be pursued in the same manner as is done with regulations and orders of the Board under the provisions of this chapter."

6. 9 VAC 5-80-1210(H) requires the Facility to comply with all terms and conditions of the Permit.

7. On September 29, 2010, Omega submitted a permit amendment request to address compliance issues identified by the performance tests.

8. Based on the results of the December 30, 2010 evaluation, the Board concludes that Omega has violated 2010 NSR Permit conditions 8, 9, 10, 25, 27, 35, 36, 37, 38 ; Va.

Code § 10.1-1322; and 9 VAC 5-80-1210(H), as described in paragraphs C4 through C6, above.

9. DEQ issued a NSR Permit on February 22, 2011 that included new emission factors and emission limits, which address the compliance issues identified by the performance tests.

10. In order for the Omega to return to compliance, DEQ staff and representatives of the Omega have agreed to a Schedule of Compliance, which are incorporated as Appendix A of this Amendment.

SECTION C: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §10.1-1309 and -1316, the Board orders Omega, and Omega agrees to perform the actions described in Appendix A of this Amendment, in settlement of the violations cited in this Amendment. Both Omega and the Board understand and agree that this Amendment does not alter, amend or modify any other provision of the 2010 Consent Order, including Appendix A of the 2010 Consent Order, and the unmodified provisions of the 2010 Consent Order remain in effect by their own terms.

And it is so ORDERED this 18th day of MAY, 2011.

Michael P. Murphy, Regional Director
Department of Environmental Quality

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Omega Protein, Inc. voluntarily agrees to the issuance of this Amendment.

By: Joseph Kadi

Date: May 10, 2011

Commonwealth of Virginia
City/County of Northumberland

The foregoing instrument was signed and acknowledged before me this 10th day of

May, 2011, by Joseph Kadi, who is
(name)

Sr. VP of Operations of the Omega Protein, Inc., on behalf Omega Protein, Inc.
(title)

Corinne Kahle Naves
Notary Public

Registration No.

CORINNE KAHLE NAVES
Notary Public, State of Texas
My Commission Expires
April 25, 2013

My commission expires:

Notary seal:

APPENDIX A

1. Omega shall conduct testing in accordance with 9 VAC 5-50-30 and the February 22, 2011 NSR Permit. Omega shall:

   a. At least 30 days prior to testing, submit to DEQ for review and approval a test protocol for VOCs contained in the steam dryers (S1, S2, and S3) and the Dupps Airless Dryers D1 and D2 waste evaporator and condenser vent streams as exhausted through boilers BW1 and BW2, to determine the VOC destruction efficiency on a volume basis, using an appropriate EPA Reference Method. Testing shall be completed in accordance with the protocol, as approved by the DEQ Piedmont Regional Office. During the tests, Omega shall be required to operate all the fish processing equipment at a minimum of 80% of their maximum rated capacity.

   b. At least 30 days prior to testing, submit to DEQ for review and approval a test protocol for PM and PM-10 from the fish meal cooler MC2, using an appropriate EPA Reference Method. Testing shall be completed in accordance with the protocol, as approved by the DEQ Piedmont Regional Office. During the tests, Omega shall be required to operate all the fish processing equipment at a minimum of 80% of their maximum rated capacity.

   c. At least 30 days prior to testing, submit to DEQ for review and approval a test protocol for PM from the operation of the Dupps Airless Dryers D1 and D2 as exhausted through Stacks 8 and 9, using an appropriate EPA Reference Method. Testing shall be completed in accordance with the protocol, as approved by the DEQ Piedmont Regional Office. During the tests, Omega shall be required to operate all the fish processing equipment, at a minimum of 80% of their maximum rated capacity.

   d. Arrange the details of the tests with Air Compliance Manager of DEQ's Piedmont Regional Office.

   e. Conduct the tests by no later than July 15, 2011.

   f. Submit the test results to DEQ's Piedmont Regional Office no later than 45 days after completion of the tests.

2. By no later than June 1, 2011, Omega shall submit to the Department for review and approval, a complete and approvable operating and maintenance plan to include provisions for conducting and documenting inspections and maintenance of permitted equipment as well as all necessary recordkeeping requirements. Omega shall implement the plan immediately upon Department approval. Any plan amendments required by the Department shall be immediately implemented upon written notification. In addition, Omega shall notify the Department of any variation from the plan.

3. In accordance with 9 VAC 5-20-230(A), in all documents or reports, submitted to DEQ pursuant to this Amendment, Omega, shall by its officers, sign and certify under penalty of

law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

4. Unless otherwise specified in this Amendment, Omega shall submit all requirements of Appendix A of this Amendment to:

Jennifer Hoeffner
Enforcement Specialist, Sr.
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4949-A Cox Road
Glen Allen, Virginia 23060
804-527-5123
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