COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
NORTHERN REGIONAL OFFICE
13901 Crown Court, Woodbridge, Virginia 22193
(703) 583-3800 Fax (703) 583-3821
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Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION
ORDER BY CONSENT
ISSUED TO

Prince William Concrete Recyclers, Inc.
Registration No. 73722

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1307.D and 10.1-1316.C, between the State Air Pollution Control Board (SAPCB) and Prince William Concrete Recyclers, Inc., for the purpose of resolving certain violations of Air Pollution Control Laws and the Regulations for the Control and Abatement of Air Pollution.

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 collegial body of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1301 and 10.1-1184.

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.

4. "NOV" means Notice of Violation dated August 19, 2008.

5. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.

6. "Order" means this document, also known as a Consent Order.

7. "Permit" means minor New Source Review (Minor NSR) Permit, dated October 7, 2008.

8. "Plant" means the Prince William Concrete Recyclers, Inc.'s portable concrete crushing plant, , which includes a Terex 44x32 primary crusher with a 300 horsepower Caterpillar C-9 engine, a single deck Powerscreen Warrior 1400 with a Caterpillar 3054 DIT engine, and two M85 Powerstacker conveyers.

9. Prince William Concrete" means Prince William Concrete Recyclers, Inc., located at 17491 Jefferson Davis Highway, Dumfries, Virginia, (Prince William County).

10. "Regulations" mean the Regulations for the Control and Abatement of Air Pollution, located in the Virginia Administrative Code ("VAC"), 9 VAC 5-10-10 *et seq.*

11. "VAC" means the Virginia Administrative Code.

12. "VEE" means a Visible Emissions Evaluation, as determined by EPA Method 9 (reference 40 CFR 60, Appendix A).

13. "Virginia Air Pollution Control Law" means the laws located in the Virginia Code ("Va. Code") (1950), as amended, Va. Code § 10.1-1300 *et seq.*

SECTION C: Findings of Fact and Conclusions of Law

1. Prince William Concrete operates the Plant currently located at the Prince William County Sanitary Landfill located in Prince William County, Virginia.

2. DEQ staff conducted an inspection of the Plant on August 14, 2008. During the inspection, DEQ staff observed two stockpiles of finished product. The stockpiles appeared to have been generated by the Plant onsite and demonstrate the operation of the Plant.

3. As result of the inspection conducted on August 14, 2008, DEQ issued a Notice of Violation (NOV) to Prince William Concrete on August 19, 2008. The NOV cited the following violations:

    a. Prince William Concrete constructed and operated the plant without a permit in accordance with 9 VAC 5-50-390.
    b. Prince William Concrete failed to submit a construction notification in accordance with 9 VAC 5-50-50.A.

c. Prince William Concrete failed to submit an anticipated date of initial startup in accordance with 9 VAC 5-50-50.A.2.
d. Prince William Concrete failed to submit an actual date of initial startup in accordance with 9 VAC 5-50-50.A.3.

4. While not listed in the August 19, 2008 NOV, Prince William Concrete failed to conduct a Visible Emissions Evaluation (VEE) within 180 days of initial startup of the plant. 9 VAC 5-50-50 and 40 CFR 60, Subpart OOO.

5. On September 10, 2008, Prince William Concrete personnel met with DEQ to discuss the NOV issued to the Facility.

6. Prince William Concrete submitted a complete permit application to DEQ on September 18, 2008, and the Facility was issued a Minor NSR permit on October 7, 2008.

7. As detailed in the findings of fact above, DEQ concludes that Prince William Concrete is in violation of 9 VAC 5-10-10 *et seq*, 9 VAC 5-50-390, and 9 VAC 5-50-50.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code §10.1-1316(C), orders Prince William Concrete Recyclers, Inc., and Prince William Concrete Recyclers, Inc. voluntarily agrees, to perform the actions described in Appendix A of this Order.

In addition, the Board orders Prince William Concrete Recyclers, Inc., and Prince William Concrete Recyclers, Inc. voluntarily agrees to pay a civil charge of $3,500.00 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 payable to the "Treasurer of Virginia" delivered to:

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

Either on a transmittal letter or as a notation on the check Prince William Concrete Recyclers, Inc. shall indicate that this payment is submitted pursuant to this Order and shall include the Federal Identification Number for Prince William Concrete Recyclers, Inc..

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Prince William Concrete Recyclers, Inc., for good cause shown by Prince William Concrete Recyclers, Inc., 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 Prince William Concrete Recyclers, Inc. on August 19, 2008. 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, whether or not arising out of the same or similar facts, for matters not addressed herein.

3. For purposes of this Order and subsequent actions with respect to this Order, Prince William Concrete Recyclers, Inc. admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.

4. Prince William Concrete Recyclers, Inc. 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. Prince William Concrete Recyclers, Inc. 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 Prince William Concrete Recyclers, Inc. 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. Prince William Concrete Recyclers, Inc. 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. Prince William Concrete Recyclers, Inc. shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part Prince William Concrete Recyclers, Inc. shall notify the DEQ-NRO 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 Prince William Concrete Recyclers, Inc. intends to assert will result or has resulted in the impossibility of compliance, shall constitute a waiver of any claim of inability to comply with a requirement of this Order.

9. Any plans, reports, schedules or specifications attached hereto or submitted by Prince William Concrete Recyclers, Inc. 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.

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 Prince William Concrete Recyclers, Inc.. Notwithstanding the foregoing, Prince William Concrete Recyclers, Inc. agrees to be bound by any compliance date that precedes the effective date of this Order.

12. 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 Prince William Concrete Recyclers, Inc. or until Prince William Concrete Recyclers, Inc. 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. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Prince William Concrete Recyclers, Inc. from their obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

13. By its signature below, Prince William Concrete Recyclers, Inc. voluntarily agrees to the issuance of this Order.

14. The undersigned representative of Prince William Concrete Recyc lers, Inc. 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 Prince William Concrete Recyclers, Inc. to this document. Any documents submitted pursuant to this Order shall also be submitted by a responsible official of Prince William Concrete Recyclers, Inc.

And it is so ORDERED this 2nd day of November, 2010.

Thomas A. Faha

Thomas A. Faha, NRO Regional Director
Department of Environmental Quality

Prince William Concrete Recyclers, Inc. voluntarily agrees to the issuance of this Order.

By: _____

Title: Pres

Date: 10/25/10

Commonwealth of Virginia
City/County of Prince William

The foregoing document was signed and acknowledged before me this 25th day of October, 2010, by Julie E. Liffert, who is
(name)

President of Prince William Concrete Recyclers, Inc., on behalf of Prince William
(title) Concrete Recyclers, Inc..

Notary Public

My commission expires: 10/30/11.

OFFICIAL SEAL
EDWARD N. KORMAN
NOTARY PUBLIC - VIRGINIA
REGISTRATION# 121006

APPENDIX A

Prince William Concrete Recyclers, Inc. shall:

1. Submit to DEQ for review and approval a test protocol for a Visible Emissions Evaluations (VEE) at least thirty (30) days prior to testing.
2. Arrange the details of the VEE's with the Regional Air Compliance Manager of the DEQ's NRO (at the address referenced below).
3. Conduct a Visible Emissions Evaluations (VEE) within sixty (60) days of the execution of this Order in accordance with 40 CFR Part 60, Appendix A, Method 9.

   The VEE's shall be conducted by the permittee on the following equipment:

   - primary crusher (Ref. # CE-234),
   - Powerscreen material sorter (Ref. # 81000) and;
   - conveyor transfer points for each Powerstacker (Ref. # CE-238).
4. Submit two copies, one paper copy and one on removable electronic media, of the VEE results to the Regional Air Compliance Manager of the DEQ's NRO within sixty (60) days after completion of the VEE. The VEE results report shall conform to the test report format enclosed with the permit.

Documents to be submitted to the Department, other than the civil charge payment described in Section D of this Order, shall be sent to:

NRO Air Compliance Manager
Department of Environmental Quality
13901 Crown Court
Woodbridge, VA 22193