



# COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOUTHWEST REGIONAL OFFICE

355 Deadmore Street, P.O. Box 1688, Abingdon, Virginia 24212  
(276) 676-4800 Fax (276) 676-4899  
www.deq.virginia.gov

L. Preston Bryant, Jr.  
Secretary of Natural Resources

David K. Paylor  
Director

Dallas Sizemore  
Regional Director

**STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION  
ORDER BY CONSENT  
ISSUED TO  
Reline America Inc.  
Registration No. 11199**

## **SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code §§ 10.1 – 1309 and 10.1-1316, between the State Air Pollution Control Board and Reline America Inc. for the purpose of resolving certain violations of Virginia Air Pollution Control Law 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 collegial body of the Commonwealth of Virginia as described in § 10.1-1184 and § 10.1-1301 of the Code.
2. “C.F.R.” means the Code of Federal Regulations.
3. “Department” or “DEQ” means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Code § 10.1-1183.
4. “Director” means the Director of the Department of Environmental Quality.
5. “Facility” means Reline America Inc, located at 116 Battleground Avenue, Saltville Virginia 24370.
6. “Order” means this document, also known as a Consent Order.
7. “Permit” means Reline America Inc.’s Stationary Source Permit to Construct and Operate,

Operate, dated November 2, 2006.

8. "Regional Office" means the Southwest Regional Office of the Department.
9. "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.*
10. "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 Facts and Conclusions of Law**

1. Reline America Inc. is a synthetic minor source permitted to operate a resin liner manufacturing facility in Saltville, Virginia.
2. On March 6, 2008, Reline America Inc. conducted stack testing as required by its current operating permit dated November 2, 2006. Stack testing was conducted to quantify both Volatile Organic Compounds ("VOCs") and styrene emissions using 40 C.F.R. Part 60 Appendix A, Method 25A (instrumental for VOCs) and Method 18 (sorber tubes for styrene).
3. On April 24, 2008, the Department reviewed the March 6, 2008, stack test results, which were evaluated for compliance with the issued permit and 40 C.F.R. Part 60 Appendix A methodology.
4. The stack test results for the VOCs were above the current permitted lb/hr limit. However, the styrene results were invalid, due to a failure of the paired train recovery test (R value fell outside specified Method 18 limits) and the occurrence of post-test leak checks.
5. On June 6, 2008, the DEQ issued Reline America Inc. a Notice of Violation (NOV No. 06-02-SWRO-2008) which set forth the following violations:
  - a. Violation of Permit Condition 4 for exceeding the emissions limits for VOCs. The stack test results indicated an average VOC emissions limit of 7.99 lb/hr, which is above the permitted level of 6.69 lbs/hr.
  - b. Violation of Permit Condition 25 for failing to conduct stack testing consistent with the Federal Reference Methods. The stack test results reported a spiked compound recovered (R) value of 2.55, which is above the required range of 0.70 – 1.30. Additionally, the stack test results indicated post-test leak checks were performed, which is not allowed since this can result in sample contamination.

6. The corrective actions, as required in Appendix A of this Order, will better ensure that Reline America Inc. operates in compliance with the DEQ permits and all applicable regulations.

#### **SECTION D: Agreement and Order**

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

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of Reline America Inc. for good cause shown by Reline America Inc., or on its own motion after notice and opportunity to be heard.
2. Nothing herein shall be construed as altering, modifying, or amending any term or condition contained in Reline America's Stationary Source Permit to Construct and Operate, approved November 2, 2006.
3. This Order addresses only those violations specifically identified herein. This Order shall not preclude the Board or 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 Reline America Inc. as may be authorized by law; and/or (3) taking subsequent action to enforce the terms of this Order. Nothing herein shall affect appropriate enforcement actions by other federal, state, or local regulatory authority, whether or not arising out of the same or similar facts.
4. By entering into this Order, Reline America Inc. admits the jurisdictional allegations herein. Reline America Inc. neither admits nor denies the factual findings and conclusions of law contained herein.
5. Reline America 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.
6. Reline America Inc. declares it has received fair and due process under the Administrative Process Act, Code §§ 2.2-4000 *et seq.*, 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 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 or Director to enforce this Order.

7. Failure by Reline America 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.
8. 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.
9. Reline America 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 act of God, war, strike, or such other occurrence. Reline America Inc. must show that such circumstances resulting in noncompliance were beyond its control and not due to a lack of good faith or diligence on its part. Reline America Inc. shall notify the Director, Southwest Regional Office of DEQ within 24 hours with a follow-up in writing within seven days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of this Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of 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 Director, Southwest Regional Office, within 24 hours of learning of any condition listed above, which the parties intend to assert will result in the impossibility of compliance, shall constitute waiver of any claim of inability to comply with a requirement of this Order.

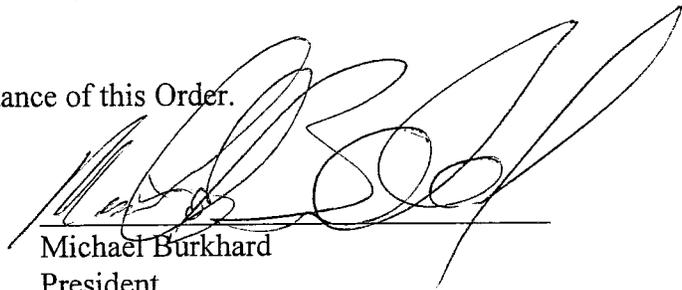
10. This Order is binding on the parties hereto, their successors in interest, designees, and assigns, jointly and severally.
11. This Order shall become effective upon execution by both the Director or his designee and Reline America Inc. Notwithstanding the foregoing, Reline America Inc. agrees to be bound by any compliance date, which precedes the effective date of this Order.
12. This Order shall continue in effect until the Director or the Board terminates the Order in his or its sole discretion upon 30 days written notice to Reline America Inc. Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve Reline America Inc. from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

13. By its signature below, Reline America Inc. voluntarily agrees to the issuance of this Order.

And it is ORDERED this 5<sup>th</sup> day of August, 2008

Dallas, Virginia  
Dallas Sizemore, Regional Director  
Department of Environmental Quality

Reline America Inc. voluntarily agrees to the issuance of this Order.

  
Michael Burkhard  
President  
Reline America Inc.

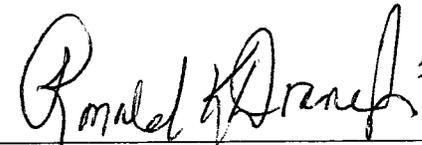
Date: 7/31/08

Commonwealth of Virginia

City/County of Smyth

The foregoing document was signed and acknowledged before me this 31 day  
of July, 2008 by MICHAEL BURKHARD on behalf of

Reline America Inc.

 #167140  
Notary Public

My commission expires: 6/30/12

**APPENDIX A**

Reline America Inc. shall:

1. Within 90 days of the effective date of this Order, Reline America Inc. shall install both resin storage tanks and each shall be operational. Within five days of the resin storage tanks becoming operational, Reline America Inc. shall notify the Director, Southwest Regional Office, in writing the exact day the resin storage tanks became operational.
2. Within 60 days of the resin storage tanks becoming operational, Reline America Inc. shall conduct performance retesting of the resin liner manufacturing facility for VOC and styrene emissions in accordance with Federal Reference Methods or other methods approved by the Director, Southwest Regional Office. Details of the retest shall include the following:
  - a. For the stack retest, Reline America Inc. shall submit a test protocol to the Director, Southwest Regional Office, at least 30 days prior to retesting.
  - b. For the stack retest, Reline America Inc. shall notify the Director, Southwest Regional Office, at least 15 days prior to the scheduled date of the stack retest.
  - c. The VOC and styrene performance tests shall run concurrently.
  - d. Reline America Inc. shall submit two copies of the performance retest results to the Director, Southwest Regional Office, within 45 days after retest completion and shall conform to the test report format as outlined in Reline America's approved permit.

Documents to be submitted to the Department shall be sent to:

Crystal Bazyk  
Air Compliance Manager  
Southwest Regional Office  
Virginia Department of Environmental Quality  
P.O. Box 1688  
Abingdon, Virginia 24212