



# **COMMONWEALTH of VIRGINIA**

**DEPARTMENT OF ENVIRONMENTAL QUALITY**

**SOUTHWEST REGIONAL OFFICE**

Douglas W. Domenech  
Secretary of Natural Resources

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

David K. Paylor  
Director

Dallas R. Sizemore  
Regional Director

**STATE AIR POLLUTION CONTROL BOARD  
ENFORCEMENT ACTION – ORDER BY CONSENT  
ISSUED TO  
STRONGWELL CORPORATION  
FOR  
STRONGWELL CORPORATION-HIGHLANDS DIVISION  
Registration No. 11207**

## **SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code §§ 10.1 – 1309, - 1316, between the State Air Pollution Control Board and Strongwell Corporation, regarding Strongwell Corporation - Highlands Division for the purpose of resolving certain violations of the Virginia Air Pollution Control Law, the Permit 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 meanings assigned to them below:

1. “Board” means the State Air Pollution Control Board, a permanent citizens’ board of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1184 and - 1301.
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, as described in Va. Code § 10.1 – 1185.
4. “Facility” means Strongwell Corporation - Highlands Division, located at 26770 Newbanks Road in Abingdon, Washington County, Virginia, which is permitted

to operate a fiberglass reinforced plastics product manufacturing facility.

5. “Notice of Violation” or “NOV” means a type of Notice of Alleged Violation under Va. Code § 10.1 – 1309.
6. “Order” means this document, also known as a “Consent Order” or “Order by Consent,” a type of Special Order under the Virginia Air Pollution Control Law.
7. “Permit” means the New Source Review Permit to modify and operate a fiberglass reinforced plastics product manufacturing facility which was issued under the Virginia Air Pollution Control Law and the Regulations to Strongwell Corporation - Highlands Division on April 1, 2008.
8. “Regulations” mean the Regulations for the Control and Abatement of Air Pollution, means 9 VAC 5 chapters 10 through 80.
9. “Strongwell” or “Storngwell Corporation - Highlands Division” means Strongwell Corporation, a corporation authorized to do business in Virginia and its affiliates, partners, subsidiaries, and parents. Strongwell Corporation is a ‘person’ within the meaning of Va. Code § 10.1 – 1300.
10. “SWRO” means the Southwest Regional Office of DEQ, located in Abingdon, Virginia.
11. “Va. Code” means the Code of Virginia (1950), as amended.
12. “VAC” means the Virginia Administrative Code.
13. “Virginia Air Pollution Control Law” means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

**SECTION C: Findings of Facts and Conclusions of Law**

1. Strongwell owns and operates the Facility in Washington County, Virginia. The Facility is a fiberglass reinforced plastics product manufacturing facility.
2. The Facility is subject of the Permit which allows the company to operate a fiberglass reinforced plastics product manufacturing facility.
3. On March 12, 2010, Department staff conducted a Partial Compliance Evaluation of the Facility records for compliance with the requirements of the Virginia Air Pollution Control Law, the Permit, and the Regulations. Based on the review, Department staff made the following observation:
  - a) The Facility had constructed and operated a manual surface coating

process without first obtaining a permit or providing notification.

4. 9 VAC 5-80-1120.A. states, “No owner or other person shall begin actual construction, reconstruction or modification of any stationary source without first obtaining from the board a permit to construct and operate or to modify and operate the source.”
5. 9 VAC 5-80-1210 (D) states that, “Any owner who constructs or operates a new or modified source not in accordance with the terms and conditions of any permit to construct or operate, or any owner of a new or modified source subject to this article who commences construction or operation without receiving a permit hereunder, shall be subject to appropriate enforcement action including, but not limited to, any specified in this section.”
6. 9 VAC 5-50-50 (A) states that, “Any owner of a new or modified source subject to the provisions of this chapter shall provide written notifications to the board of the following: 1. The date of commencement of construction, reconstruction or modification of a new or modified source postmarked no later than 30 days after such date. 2. The anticipated date of initial startup of a new or modified source postmarked not more than 60 days nor less than 30 days prior to such date. 3. The actual date of initial startup of a new or modified source postmarked within 15 days after such date...”
7. On March 4, 2010, Strongwell Corporation submitted a permit modification request to DEQ to operate the manual surface coating operation.
8. Based on the March 12, 2010 inspection, the Board concludes that Strongwell Corporation has violated 9 VAC 5-80-1120, 9 VAC 5-80-1210 (D) and 9 VAC 5-50-50 (A) as described in paragraphs C3 through C4 above.
9. On March 16, 2010, based on the inspection and follow-up information, the Department issued a Notice of Violation No. 2-1-SWRO-2010 to Strongwell Corporation - Highlands Division for the violations described in paragraphs C(3) through C(6), above.
10. On March 17, 2010, Strongwell Corporation contacted DEQ staff by telephone regarding the NOV.
11. A New Source Review permit was issued to Strongwell Corporation – Highlands Division on March 24, 2010, to modify and operate the manual surface coating operation.

**SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and – 1316, the Board orders Strongwell Corporation and Strongwell Corporation agrees to pay a civil charge of \$6,415 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, certified check, money order or cashier’s check payable to the “Treasurer of Virginia”, delivered to:

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

Strongwell Corporation shall include its Federal Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF).

**SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend the Order with the consent of Strongwell Corporation for good cause shown by Strongwell Corporation, or on its own motion pursuant to the Administrative Process Act Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses only those violations specifically identified in Section C of this Order. 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 the facility; or (3) taking subsequent action to enforce the Order
3. For purposes of this Order and subsequent actions with respect to this Order only, Strongwell Corporation admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Strongwell Corporation 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. Strongwell Corporation declares it has received fair and due process under the Administrative Process Act 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 modify, rewrite, amend, or enforce this Order.

6. Failure by Strongwell Corporation 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. Strongwell Corporation 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. Strongwell Corporation shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Strongwell Corporation shall notify DEQ Regional Director verbally within 24 hours and in writing within three business 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 Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition listed above, which Strongwell Corporation intends 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.

9. This Order is binding on the parties hereto, their successors in interest, designees, and assigns, jointly and severally.

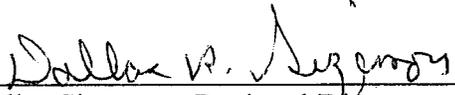
10. This Order shall become effective upon execution by both the Director or his designee and Strongwell Corporation. Nevertheless, Strongwell Corporation agrees to be bound by any compliance date, which precedes the effective date of this Order.
11. This Order shall continue in effect until:
  - a. Strongwell Corporation 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, or
  - b. the Director or the Board terminates the Order in his or its sole discretion upon 30 days written notice to Strongwell Corporation.

Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve Strongwell Corporation from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Strongwell Corporation 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.
13. The undersigned representative of Strongwell Corporation 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 Strongwell Corporation to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Strongwell Corporation.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.

15. By its signature below, Strongwell Corporation voluntarily agrees to the issuance of this Order.

And it is ORDERED this 14<sup>th</sup> day of May, 2010

  
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Dallas Sizemore, Regional Director  
Department of Environmental Quality

Strongwell Corporation voluntarily agrees to the issuance of this Order.

Date: 5-11-2010 By: John Barker,  
John Barker, Manager of Environmental Affairs,  
Strongwell Corporation

Commonwealth of Virginia

City/County of Bristol

The foregoing document was signed and acknowledged before me this 11<sup>th</sup> day of  
May, 2010 by John Barker who is  
Corp. Mgr. of Env. Affairs of Strongwell Corporation,  
on behalf of the corporation.

Karen R. Stanley  
Notary Public

302801  
Registration No.

My commission expires: 3-31-13

Notary Seal: