



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

5636 Southern Boulevard, Virginia Beach, Virginia 23462

(757) 518-2000 Fax (757) 518-2103

www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Francis L. Daniel
Regional Director

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION ORDER BY CONSENT

ISSUED TO

Vanwin Coatings of Virginia, L.L.C.

Registration No. 61425

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 Vanwin Coatings of Virginia, L.L.C. for the purpose of resolving certain violations of the 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 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.
4. "Order" means this document, also known as a Consent Order.
5. "Permit" means the State Operating Permit issued by the Department to Vanwin Coatings of Virginia, L.L.C. on December 19, 2003.
6. "Regulations" or "Regulations for the Control and Abatement of Air Pollution"

means 9 VAC 5 Chapters 10 through 80.

7. "TRO" means the Tidewater Regional Office of DEQ, located in Virginia Beach, Virginia.
8. "Vanwin" means Vanwin Coatings of Virginia, L.L.C., certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.
9. "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 Fact and Conclusions of Law

1. Vanwin owns and operates an industrial abrasive blasting and coatings facility ("Facility") located at 2601-A Trade Street in Chesapeake, Virginia.
2. Vanwin operated under the Permit issued for the installation and operation of various equipment used in its coatings processes such as blast rooms and paint booths. The Permit included a structural blast machine with cartridge filters.
3. DEQ compliance staff inspected the Facility on October 12, 2007 and observed that an unpermitted abrasive blast room and dust collector had been installed and was in operation. Reportedly, the new abrasive blast room was installed and had been in operation since 2006 as a replacement for the larger structural abrasive blast machine with cartridge filters, which was listed in the Permit and removed prior to installation of the new abrasive blast room.
4. On December 28, 2007, at the request of DEQ, Vanwin submitted a "Form 7" air permit application for the new abrasive blast room and the removal of the structural abrasive blast machine. A review of the air permit application by DEQ permitting staff indicated that an air permit was required for the new abrasive blast room.
5. On August 18, 2008, DEQ issued Vanwin a Stationary Source Permit to Construct and Operate an abrasive metal blasting and metal coating facility that included the new abrasive blast room.
6. On August 19, 2008, DEQ issued Vanwin a Notice of Violation ("NOV") for the installation and operation of the new abrasive blast room prior to obtaining an air permit.
7. Vanwin violated 9 VAC-5-80-1120(A) and (D) of the Regulations by installing and operating the new abrasive blast room without a permit.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code §10.1-1309 and -1316 (C), orders Vanwin Coatings of Virginia, L.L.C. and Vanwin Coatings of Virginia, L.L.C. voluntarily agrees, to pay a civil charge of \$4,100.00 within 30 days of the effective date of this Order in settlement of the violations cited in this Order. Payment shall be made by check payable to the "Treasurer of Virginia," and shall be sent 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, Vanwin Coatings of Virginia, L.L.C. shall indicate that this submission of Payment is pursuant to this Order, which shall include Vanwin Coatings of Virginia, L.L.C. Federal Identification Number.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Vanwin Coatings of Virginia, L.L.C., for good cause shown by Vanwin Coatings of Virginia, L.L.C., or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those alleged violations specifically identified herein, including those matters addressed in the Notice of Violation issued to Vanwin Coatings of Virginia, L.L.C., 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 for matters not addressed herein.
3. For the purposes of this Order and subsequent actions with respect to this Order, Vanwin Coatings of Virginia, L.L.C. admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Vanwin Coatings of Virginia, L.L.C. 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. Vanwin Coatings of Virginia, L.L.C. declares it has received fair and due process under the Administrative Process Act, Va. 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 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 Vanwin Coatings of Virginia, L.L.C. 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. Vanwin Coatings of Virginia, L.L.C. 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. Vanwin Coatings of Virginia, L.L.C. shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Vanwin Coatings of Virginia, L.L.C. shall notify the TRO 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 TRO 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 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 Vanwin Coatings of Virginia, L.L.C. Notwithstanding the foregoing, Vanwin Coatings of Virginia, L.L.C. 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 Vanwin Coatings of Virginia, L.L.C. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Vanwin Coatings of Virginia, L.L.C. 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, Vanwin Coatings of Virginia, L.L.C. voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 27th day of April, 2009.

Francis L. Daniel
Francis L. Daniel

Vanwin Coatings of Virginia, L.L.C. voluntarily agrees to the issuance of this Order.

By: [Signature]

Date: 4/21/09

Commonwealth of Virginia

City/County of CHESAPEAKE

The foregoing document was signed and acknowledged before me this 21st day of APRIL, 2009, by FARRAH FLORES, who is
(month) (name)

_____ of Vanwin Coatings of Virginia, L.L.C. on behalf of Vanwin Coatings of Virginia, L.L.C.

[Signature]
Notary Public

My commission expires: 5/31/2012

**Notary Public
Commonwealth of Virginia
Farrah Elizabeth Flores
My Commission Expires: May 31, 2012
Registration No. 7219718**