



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

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Robert G. Burnley
Director

Gerard Seeley, Jr.
Piedmont Regional Director

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION ORDER BY CONSENT ISSUED TO CARRY-ON TRAILER CORPORATION Registration No. 51988

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 Carry-On Trailer Corporation, for the purpose of resolving certain violations of environmental law and/or regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Air Pollution Control Board, a permanent collegial body of the Commonwealth of Virginia as described in Code §§ 10.1-1301 and 10.1-1184.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.

5. "Order" means this document, also known as a Consent Order.
6. "Carry-On Trailer" means Carry-On Trailer Corporation, certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.
7. "Facility" means the trailer manufacturing facility owned and operated by Carry-On Trailer located in Callao (Northumberland County), Virginia.
8. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
9. "Permit" means State Operating Permit to Construct and Operate, which became effective August 12, 2002. Permit limits the facility to emission below the major source thresholds for VOC and HAPs.
10. "O&M" means operations and maintenance.
11. "VOC" means Volatile Organic Compounds.
12. "HAP" means Hazardous Air Pollutants.

SECTION C: Findings of Fact and Conclusions of Law

1. Carry-On Trailer Corporation owns and operates a facility located at 617 Harry Hogan Road, in Callao, Virginia. This facility was issued a State Operating Permit, which limits the facility to emissions below the major source thresholds for VOC and HAPs on August 12, 2002.
2. A site visit was conducted on 03/19/04 in response to an odor complaint received on 03/15/04. Subsequent to the site visit PRO has received numerous odor complaints concerning Carry-On Trailer. During the site visit operational records were reviewed. Details of the record review are as follows:
 - Carry-On Trailer had modified the composition of the paint used in their small and large dip tanks. This change occurred at the end of October 2003. A permit modification request for the change in paint was received by the Piedmont Regional Office by letter dated October 17, 2003.
 - Annual facility wide throughput limits for ethylbenzene, xylene and 2-butoxyethanol exceeded the amounts specified in Condition 10 of the July 28, 2003 permit.
 - Combined emissions from the large and small dip tanks for ethylbenzene and xylene exceeded the lbs/hr and TPY amounts specified in Condition 11 of the July 28, 2003 permit.

Carry-On trailer Corporation

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3. In a meeting held at the Piedmont Regional Office on May 27, 2004, Carry-On Trailer Corporation and DEQ agreed that Carry-On will develop and submit an odor control plan as part of the response to the Notice of Violation issued to the facility April 13, 2004.
4. In a letter dated August 10, 2004 and received by DEQ on August 11, 2004, Carry-On Trailer submitted a proposed Odor Control Plan to address the potential odor violations noted in the Notice of Violation.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code §10.1-1316(C), orders Carry-On Trailer, and Carry-On Trailer voluntarily agrees, to pay a civil charge of \$10,220 within 30 days of the effective date of the Order in settlement of the violation 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 10150
Richmond, Virginia 23240

Payment shall include the Federal Tax Identification Number for the Facility

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Carry-On Trailer, for good cause shown by Carry-On Trailer, or on its own motion after notice and opportunity to be heard.
2. This Order addresses and resolves those alleged violations specifically identified herein or reported to the Department as of the date of this Order, including those matters addressed in the Notice of Violation issued to Carry-On Trailer by on April 13, 2004. 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 purposes of this Order and subsequent actions with respect to this Order, Carry-On Trailer admits the jurisdictional allegations, factual findings, and conclusions of law

contained herein. In entering into this Order, Carry-On Trailer admits no violation of environmental law and/or regulations.

4. Carry-On Trailer 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. Carry-On Trailer declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the 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 Carry-On Trailer 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. Carry-On Trailer 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. Carry-On Trailer shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Carry-On Trailer shall notify the DEQ 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 the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to 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 Carry-On Trailer.
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 Carry-On Trailer. Carry-On Trailer may request that the Director terminate the order after completion of the requirements of the Order. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Carry-On Trailer 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, Carry-On Trailer voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of September 19, 2005

Robert G. Burnley, Jr. (for)
Robert G. Burnley, Director
Department of Environmental Quality

Carry-On Trailer voluntarily agrees to the issuance of this Order.

By: J. Pearson
J. Pearson
President/CEO

Date: Sept. 14 2005

State of Georgia

City/County of Franklin

The foregoing document was signed and acknowledged before me this 14 day of September, 2005, by _____, who is
(name)

_____ of Carry-On Trailer, on behalf of the Corporation.
President/CEO

Kim Clayton
Notary Public

My commission expires: 2-26-06

Appendix A.

Carry-On Trailer Corporation shall;

1. Implement the odor control plan as submitted to the Department of Environmental Quality - Piedmont Regional Office in the transmittal dated August 10, 2004. The Facility shall address Items 1 - 7 in Section E-2 (page 2) of the Odor Control Plan entitled "Action Plan" and shall report to PRO within 15 days of determination on the effectiveness of each of the proposals contained in those items. Any changes made to the Action Plan shall be communicated in writing to and if approved by DEQ shall become a part of the odor control plan. The Odor Control Plan will be considered an addendum to this Order.
2. Once the facility has completed the Action Plan as outlined in the Odor control Plan, the Facility shall submit to PRO within 30 days, a permit application to PRO incorporating all changes necessary to amend the facility's existing air permit to reflect the actual operation resulting from the Action Plan. The application shall include emissions estimates associated with any new materials used at the Facility as a result of this plan.
3. During the implementation period of the Action Plan, the Facility shall implement a reporting and review procedure that will consist of Facility personnel conducting a facility walk through twice per shift to determine if any objectionable odors are being emitted during the operation of the Facility. The Facility shall keep records as to the results of these walk-through inspections. The Facility shall provide the results of these inspections to the Department upon request by the Board.
4. The Odor Control Plan shall be implemented within 90 days of the issuance of this consent order. Any change to this schedule must be approved by PRO.

Pursuant to this Order correspondence regarding this Order, and its requirements shall be provided as follows:

Charles Turner
Department of Environmental Quality
Piedmont Regional Office
4949-A Cox Road
Glen Allen, Virginia 23060