



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

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Secretary of Natural Resources

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Robert G. Burnley
Director

Steven A. Dietrich
Regional Director

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION A SPECIAL ORDER BY CONSENT ISSUED TO MAPLE LEAF BAKERY

SECTION A: Purpose

This is a Consent Special Order issued under the authority of Va. Code § 10.1-1307.D, 10.1-1309, and 10.1-1184, and § 10.1-1316.C, between the State Air Pollution Control Board, Maple Leaf Bakery, for the purpose of resolving certain violations of State Air Pollution Control Laws and 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. "Maple Leaf Bakery" means the corporation certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.

7. "Facility" means the structure at 1955 Blue Hills Drive located in Roanoke, Virginia.
8. "WCRO" means the West Central Regional Office of DEQ, located in Roanoke, Virginia.
9. "Permit" means the Stationary Source Permit to Construct and operate, dated September 29, 2003.
10. "O&M" means operations and maintenance.

SECTION C: Findings of Fact and Conclusions of Law

1. Maple Leaf Bakery owns and operates a facility in Roanoke, Virginia. This facility is the subject of a stationary source permit, which allows the operation of a bakery.
2. On February 2, 2005, an air inspection was conducted at the Maple Leaf Bakery facility. A review of emissions data was conducted at the time of the inspection. The review indicated that Maple Leaf Bakery had exceeded two conditions of the existing permit. Data reviewed indicated that Maple Leaf had exceeded the bread product throughput limit outlined in Condition #6 by 17 tons. In addition, data reviewed indicated that Maple Leaf had exceeded the VOC limit outlined in Condition #9 by 8.93 tons.
3. On February 10, 2005 a Notice Of Violation was issued to Maple Leaf Bakery for failure to meet Condition #6 and Condition #9 of the facility's Stationary Source Permit to Construct and Operate dated September 29, 2003.
4. On February 17, 2005 at 2:30 pm DEQ had a conference call with representatives of Maple Leaf Bakery. Maple Leaf Bakery stated that the numbers used to calculate the throughput of baked product were incorrect and that they had actually met Condition #6 of the permit. However, the facility had still exceeded Condition #9 of the permit. Maple Leaf Bakery stated that the correct emissions data would be submitted to the DEQ for review.
5. On February 25, 2005, Maple Leaf Bakery submitted by email corrected emissions data to demonstrate compliance with the facility's permit. The data indicates compliance with Condition #6 and non-compliance with Condition #9.
6. Maple Leaf Bakery has failed to meet Condition #9 of the air permit dated September 29, 2003. Condition #9 states "Emissions from the baking oven lines #1-#5 combined shall not exceed the limits specified below:
Volatile Organic Compounds – 98.95 tons"

SECTION D: Agreement and Order

Accordingly the State Air Pollution Control Board, by virtue of the authority granted it pursuant to Va. Code §§10.1-1309 and 10.1-1316, orders Maple Leaf Bakery, and Maple Leaf Bakery voluntarily agree to pay a civil charge of **\$2,640.88** in settlement of the violations cited in this Order.

1. **\$2,640.88** of this civil charge shall be paid within 30 days of the effective date of 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 10150
Richmond, Virginia 23240

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Maple Leaf Bakery, for good cause shown by Maple Leaf Bakery, 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 Maple Leaf Bakery by DEQ on February 10, 2005. 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, Maple Leaf Bakery admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Maple Leaf Bakery 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. Maple Leaf Bakery declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 9-6.14:1 *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 Maple Leaf Bakery 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. Maple Leaf Bakery 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. Maple Leaf Bakery shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Maple Leaf Bakery 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 the Director or his designee and designees from Maple Leaf Bakery. Notwithstanding the foregoing, Maple Leaf Bakery 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 Maple Leaf Bakery. Termination of this Order, or any obligation imposed in this Order, shall

not operate to relieve Maple Leaf Bakery from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. By its signatures below, Maple Leaf Bakery voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 6th day of APRIL, 2005.

Steven A. Dietrich
FOR Robert G. Burnley, Director
Department of Environmental Quality

Maple Leaf Bakery voluntarily agrees to the issuance of this Order.

By: Chris Jaroszewski

Date: 3-29-05

Commonwealth of Virginia

City/County of Roanoke

The foregoing document was signed and acknowledged before me this 29th day of March, 2005, by Chris Jaroszewski, who is
(name)

Plant Accountant of Maple Leaf Bakery, on behalf of the Corporation.
(title)

Kathleen Mitchell
Notary Public

My commission expires: June 30, 2008