



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
Secretary of Natural Resources

PIEDMONT REGIONAL OFFICE

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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

Pre Con, Incorporated
Registration No. 51028

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 Pre Con, Incorporated, for the purpose of resolving certain alleged violations of environmental laws and regulations and to provide for the payment of civil charges.

SECTION B: Definitions

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

1. "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" 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. "Order" means this document, also known as a Consent Order and appendices attached hereto.
6. "Regulations" mean the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution, 9 VAC 5-10-10 *et seq.*

7. "Pre Con" means Pre Con, Incorporated certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.
8. "Facility" means the Pre Con, Incorporated located at 220 South Perry Street, Petersburg, Virginia.
9. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
10. "Permit" means the Virginia Title V Operating Permit issued to Pre Con, Incorporated on June 1, 2004.

SECTION C: Findings of Facts and Conclusions of Law

1. Pre Con manufactures polyolefin fiber laminates for fabricated body armor and armor panels by applying binder resins to a web of unidirectional industrial fibers. The facility is located at 220 South Perry Street, Petersburg, Virginia. This facility is the subject of a Virginia Title V Operating permit issued on June 1, 2004.
2. On February 28, 2005 an air compliance inspection was performed at Pre Con. As a result of the inspection the facility was alleged to be out of compliance with the following requirements:
 - a.) The facility allegedly failed to install and properly operate air monitoring equipment. (40 CFR 60.744(g))
 - b.) The facility allegedly failed to submit required reports. (40 CFR 60.747(d) and 60.7(a)(3))
 - c.) The facility allegedly failed to conduct initial performance test within required timeframe. (40 CFR 60.8)
3. On June 6, 2005, a Notice of Violation was issued to Pre Con alleging potential violations of the above.

SECTION D: Agreement and Order

1. Accordingly, the Board, by virtue of the authority granted it in Va. Code §10.1-1307.D, 10.1-1184 and §10.1-1316.C, orders Pre Con and Pre Con agrees, to perform the actions described below and in Appendices A of this Order. In addition, the Board orders and Pre Con

voluntarily agrees to pay a civil charge of \$27,700 within 30 days of the effective date of the Order in settlement of the violations cited in this Order. Payment shall be by check, payable to "Treasurer of Virginia", and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 10150
Richmond, Virginia 23240

The payment shall include Pre Con's Federal ID number and shall state that it is being tendered in payment of the civil charges assessed under this Order.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Pre Con, for good cause shown by Pre Con, or on its own motion after notice and opportunity to be heard.
2. This Order addresses only those alleged violations specifically identified herein including those matters addressed in the Notice of Violation issued to Pre Con on June 6, 2005. 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 as may be authorized by law; and/or (3) taking subsequent action to enforce the terms of this 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, Pre Con admits the jurisdictional allegations and neither admits nor denies the factual and legal allegations contained herein.
4. Pre Con 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. Pre Con declares it has received fair and due process under the Administrative Process Act, Code § 2.2-4000 *et seq.*, and the State Air Pollution Control Law, and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation and, solely for purposes of enforcement of this Order but not for any other purpose, 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 to enforce this Order.

6. Failure by Pre Con 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. Pre Con 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. Pre Con 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. Pre Con 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 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 within 24 business 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.
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 Pre Con. Notwithstanding the foregoing, Pre Con 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 Pre Con. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Pre Con from its obligation to comply with any statute, regulation, permit condition, other order, certificate, standard, or requirement otherwise applicable.

12. By its signature below, Pre Con voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of November 9, 2005.


Robert G. Bumley, Director
Department of Environmental Quality

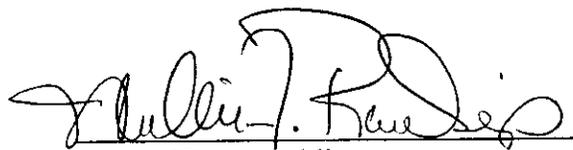
Pre Con, Incorporated voluntarily agrees to the issuance of this Order.

By: Eugene F. Voss
Eugene F. Voss
General Manager

Date: 11/8/05

Commonwealth of Virginia
City/County of Petersburg

The foregoing document was signed and acknowledged before me this 8th day of November, 2005, by Eugene F. Voss, who is General Manager of Pre Con, Incorporated, on behalf of the Corporation.


Notary Public

My commission expires: Jan 1, 2006

Appendix A

Pre Con, Incorporated shall:

1. Install and calibrate a permanent flow meter on PC-63 or an approved alternative monitoring device within 30 days of the execution of this order as required in 40 CFR 60.744(g).
2. Develop a maintenance and operation plan based on the manufacturer's recommendations for the flow meters or approved monitoring devices on PC-30 and PC-63 and submit the plan to the Department within 60 days of the execution of this order.
3. Submit quarterly reports for PC-63 beginning the first quarter after installation of the flow monitor, or approved monitoring device, as required in 40 CFR 60.747(d) .