



DEQ - WCRO

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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 PULASKI FURNITURE CORPORATION

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 and Pulaski Furniture Corporation, 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. "Pulaski Furniture Corporation" means the corporation certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.
7. "Facility" means the structure at 205 5th Street located in Pulaski, Virginia.

8. "WCRO" means the West Central Regional Office of DEQ, located in Roanoke, Virginia.
9. "Permit" means the Virginia Title V Operating Permit, with an effective date of April 14, 2002.
10. "O&M" means operations and maintenance.

SECTION C: Findings of Fact and Conclusions of Law

1. Pulaski Furniture Corporation owns and operates a facility in Pulaski, Virginia. This facility has a Title V permit dated April 14, 2002, to operate a furniture manufacturing operation.
2. In January of 2005, Pulaski Furniture contacted DEQ by telephone to notify of a deviation from the Title V Permit. The deviation was from Condition IV.2.B.3.c of the Title V Permit. The deviation had just been identified by Pulaski Furniture personnel and they indicated it would be included in the Title V Deviation Report for that reporting period.
3. In February 2005 DEQ received and reviewed the Title V Semi-Annual Deviation Report for the period of July 1, 2004 to December 31, 2004. The facility outlined in this report a deviation of Condition IV.2.B.3.c. The deviation included failure to record the temperature reading weekly before and after the catalyst bed at Plant #12, mini plant fume incinerator, from September 1, 2004 to January 22, 2005.
4. On August 8, 2005 DEQ received the Title V Semi-Annual Deviation Report for the period of January 1, 2005 to June 30, 2005. The facility again outlined a deviation that included failure to record the temperature reading weekly before and after the catalyst bed at Plant #12, mini plant fume incinerator, from September 1, 2004 to January 22, 2005. This deviation had occurred during two reporting periods, therefore it was reported in both Semi-Annual Reports.
5. On October 4, 2005 a Notice of Violation was issued to Pulaski Furniture Corporation. The NOV was issued as Pulaski had failed to conduct periodic monitoring outlined in the facility's Title V Permit.
6. The Title V Permit, condition IV.2.B.3.c states Plant #12, mini plant VOC fume incinerator (catalytic oxidizer): Devices shall be installed, maintained and operated to continuously measure the temperature before and after the catalyst bed. The results shall be recorded at least weekly.
7. Pulaski Furniture Corporation is in violation of Condition IV.2.B.3.c. of the Title V Permit.

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 Pulaski Furniture Corporation, and Pulaski Furniture Corporation agrees to pay a civil charge of \$2,100.00 in settlement of the violations cited in this Order.

1. \$2,100.00 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 Pulaski Furniture Corporation, for good cause shown by Pulaski Furniture Corporation, 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 alleged in the Notice of Violation issued to Pulaski Furniture Corporation by DEQ on October 4, 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, Pulaski Furniture Corporation admits the jurisdictional allegations, but does not admit the factual allegations or legal conclusions of law contained herein. DEQ and Pulaski Furniture Corporation agree that the actions undertaken by Pulaski Furniture Corporation in accordance with this Consent Order do not constitute an admission of liability by Pulaski Furniture Corporation. Pulaski Furniture Corporation does not admit, and retains the right to controvert in any subsequent proceedings other than proceedings to implement or enforce this Order, the validity of the Findings of Facts and Conclusions of Law contained in Section C of this Order.
4. Pulaski Furniture 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.

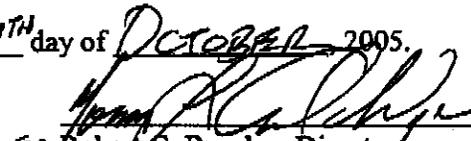
5. Pulaski Furniture Corporation declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 9-6.14:1 *et seq.*, and the Air Pollution Control Law and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, 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 Pulaski Furniture 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. Pulaski Furniture 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. Pulaski Furniture Corporation shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Pulaski Furniture Corporation 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.

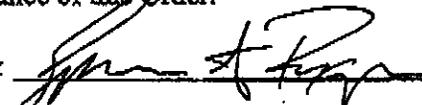
9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.

10. This Order shall become effective upon execution by both the Director or his designee and Pulaski Furniture Corporation.
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 Pulaski Furniture Corporation. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Pulaski Furniture Corporation 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, Pulaski Furniture Corporation agree to the issuance of this Order.

And it is so ORDERED this 27TH day of OCTOBER, 2005.


for Robert G. Burnley, Director
Department of Environmental Quality

Pulaski Furniture Corporation agrees to the issuance of this Order.

By: 
Date: 10.24.05

Commonwealth of Virginia
City/County of Pulaski

The foregoing document was signed and acknowledged before me this 24th day of October, 2005, by Spencer A Rygas, who is
(name)

VP of Admin of Pulaski Furniture Corporation, on behalf of the Corporation.
(title)


Notary Public

My commission expires: 10-31-05