



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

W. Tayloe Murphy, Jr.
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 Roanoke Electric Steel Corporation Registration 20131

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 Roanoke Electric Steel 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. "Roanoke Electric Steel Corporation" means the corporation certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.

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8. "Facility" means the structure at 102 Westside Blvd N.W. located in Roanoke, Virginia
9. "WCRO" means the West Central Regional Office of DEQ, located in Roanoke, Virginia.
10. "Permit" means the **Title V Operating Permit**, which became effective January 1, 2002 and expires January 1, 2007.
11. "O&M" means operations and maintenance.

SECTION C: Findings of Fact and Conclusions of Law

1. Roanoke Electric Steel Corporation owns and operates a facility in Roanoke, Virginia.
2. Roanoke Electric Steel Corporation is subject to a Title V permit which contains specific conditions with which the facility is to operate in compliance with. DEQ has noted several apparent violations of the Air Pollution Control Law and Regulations. These problems are noted in a Notice of Violation issued by DEQ, May 19, 2004 and include:
 - a. X.C.9: (X) Facility Wide Conditions, (C) Record keeping, The permittee shall maintain records of all emission data and operating parameters necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the Director, West Central Regional Office. These records shall include, but are not limited to: (9) Records of weekly visible emission observations, Visual Emission Evaluations, if required, and any corrective action taken.
 - b. X.A.2 (X) Facility Wide Conditions, (A) Limitations, (2) The permittee shall have available written operating procedures for the related air pollution control equipment. Operators shall be trained in the proper operation of all such equipment and shall be familiar with the written operating procedures. These procedures shall be based on the manufacturer's recommendations, at minimum. The permittee shall maintain records of training provided including names of trainees, date of training and nature of training.
(9 VAC 5-170-160, 9 VAC 5-80-110 and Condition 35 of 11/6/1998 PSD Permit as amended)

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- c. Roanoke Electric Steel Corporation failed to maintain the records required by condition X.C.9 and failed to conduct training of employees under condition X.A.2 of the January 1, 2002 Title V permit.
 - d. A Notice of Violation (NOV) was issued on May 19, 2004 for the alleged violations cited above.
3. Roanoke Electric Steel Corporation has corrected the problems cited in the Notice of Violation. They took immediate action by conducting the following corrective actions:
 - a. Upon identifying the exceedances in December, the company took immediate actions to block off the malfunctioning portions of the baghouse;
 - b. The company immediately arranged for the total replacement of the LMS baghouse filter media on an expedited basis;
 - c. The company retrained its certified visual inspectors on the follow-up procedures and corrective action requirements;
 - d. Revised the EPA visibility emission observation form language to clarify the requirements for follow-up.
4. Roanoke Electric Steel Corporation is working with DEQ staff to continually improve operations of their plant, interpretation and applicability of Title V permit conditions.

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, and after consideration of the factors set forth in Va. Code § 10.1-1186.2, orders Roanoke Electric Steel Corporation, and Roanoke Electric Steel Corporation agrees, to perform the actions described below. In addition, the Board orders Roanoke Electric Steel Corporation, and Roanoke Electric Steel Corporation voluntarily agrees to pay a civil charge of \$ 2491.27 in settlement of the violations cited in this Order.

1. **\$2491.27** 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

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The payment shall include Roanoke Electric Steel Corporation's Federal ID number or Social Security Number if Roanoke Electric Steel Corporation does not have a 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, for good cause shown by Roanoke Electric Steel 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 addressed in the Notice of Violation issued to Roanoke Electric Steel Corporation by DEQ on May 19 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, Roanoke Electric Steel Corporation neither admits nor denies but agrees not to contest the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Roanoke Electric Steel 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. Roanoke Electric Steel 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 Roanoke Electric Steel 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

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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. Roanoke Electric Steel 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. Roanoke Electric Steel Corporation shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Roanoke Electric Steel 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 Roanoke Electric Steel Corporation. Notwithstanding the foregoing, Roanoke Electric Steel Corporation 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 Roanoke Electric Steel Corporation. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Roanoke Electric Steel Corporation from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

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12. By its signature below, Roanoke Electric Steel Corporation voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of 9-22, 2004.

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

Roanoke Electric Steel Corporation voluntarily agrees to the issuance of this Order.

By: T. Joe Crawford
T. Joe Crawford, President
Roanoke Electric Steel Corporation
Date: 9/07/04

Commonwealth of Virginia

City/County of Roanoke

The foregoing document was signed and acknowledged before me this 7th day of September, 2004, by T. Joe Crawford, who is President of Roanoke Electric Steel Corporation, on behalf of the company.

Carolyn J. Walker
Notary Public

My commission expires: 10/31/06