



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTH CENTRAL REGIONAL OFFICE

7705 Timberlake Road, Lynchburg, Virginia 24502

(434) 582-5120 Fax (434) 582-5125

www.deq.virginia.gov

Preston Bryant
Secretary of Natural Resources

David K. Paylor
Director

Thomas L. Henderson
Regional Director

June 26, 2006

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION ORDER BY CONSENT ISSUED TO

**Thomasville Furniture Industries, Inc.
Registration Number: 30616**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1300 and 10.1-1185, between the State Air Pollution Control Board and Thomasville Furniture Industries, Inc. for the purpose of resolving certain violations of environmental law and/or regulations, which was described in the Notice of Alleged Violation dated June 21, 2006.

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. "Thomasville" means Thomasville Furniture Industries, Inc., certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.
7. "Facility" means the Thomasville Furniture Industries, Inc. facility, located in Appomattox County, Virginia.
8. "Regulations" means the "State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution," which have been incorporated into Title 9 of the Virginia Administrative Code (VAC).

SECTION C: Findings of Fact and Conclusions of Law

1. The facility is a wood furniture manufacturing plant with a Title V air permit dated November 28, 2005. Condition III.D.1 of the permit states the following:

III.D.1 Testing – Once each permit term, at a frequency not to exceed five years, the permittee shall conduct a stack test for PM from the #2 Keeler boiler (ESBL2) while burning scrap wood to demonstrate compliance with the PM emission limit (lb/MMBtu) contained in Condition III.A.4 of this permit. The test shall be performed within 180 days after the effective date of this permit. The test shall be conducted and reported and data reduced as set forth in 9 VAC 5-50-30. The details of the tests shall be arranged with the South Central Regional Office. The permittee shall submit a test protocol at least 30 days prior to testing. Two copies of the test results shall be submitted to the South Central Regional Office within 60 days after test completion and shall conform to the test report format enclosed with this permit.
(9 VAC 5-50-30, 9 VAC 5-80-110, 40 CFR 64, and 5/20/05 CAM Plan)
2. On May 1, 2006, Thomasville submitted a protocol for the required testing.
3. The deadline for conducting the required testing, as outlined in the above mentioned condition, was May 28, 2006.
4. On May 22, 2006, Thomasville met with DEQ to discuss the required PM testing on the #2 Keeler boiler (ESBL2). Thomasville stated that consultants visited the plant in March 2006 to observe and evaluate the combustion process. It was concluded that Thomasville has a very efficient combustion process. The consultants stated that they felt that the close proximity and coupling of the No. 1 collector (multicyclone) to the No. 2 collector (multicyclone) caused the second collector to operate at less than optimum efficiency. A recommendation was also made to install sonic horns and a hopper evacuation system to further improve the efficiency of the collectors. Both of these items were installed during April 2006. Thomasville requested in the May 22, 2006 meeting to conduct some further engineering analyses prior to performing a compliance test. A timeline was developed between DEQ and

Thomasville for conducting further research and completing the required test within a 270 day time period.

5. On May 30, 2006, a letter was received from Thomasville outlining the discussion that took place during the May 22, 2006 meeting and the requested timeline for conducting further analyses and completing the required stack test.
6. On June 21, 2006, a Notice of Alleged Violation was issued to Thomasville.
7. Thomasville is in violation of 9 VAC 5-50-30 and 9 VAC 5-80-110. The test was not completed within 180 days of permit issuance as stated in condition III.D.1.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority of §10.1-1307 D., §10.1-1309, §10.1-1184, §10.1-1316 C., and §10.1-1186.2 orders and Thomasville agrees that:

1. To remedy the violations described in Section C above and bring the facility into compliance with the regulations, Thomasville shall perform the actions described in Appendix A to the Order.
2. Thomasville shall pay a civil charge of \$3,480.00 dollars for the violations described in Section C of this Order.
3. Thomasville shall make a full payment to the Department totaling \$3,480.00 within 30 days of the effective date of this Order. Payment shall be by check, certified check, money order, or cashier check payable to "Treasurer of the Commonwealth of Virginia" and sent to:

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

Thomasville shall include its Federal Identification Number with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this paragraph.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Thomasville, for good cause shown by Thomasville, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein. 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, Thomasville admits the jurisdictional allegations, but neither admits or denies the factual findings, and conclusions of law contained herein.
4. Thomasville 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. Thomasville declares it has received fair and due process under the Administrative Process Act, Va. 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 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 Thomasville 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. Thomasville 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. Thomasville shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Thomasville 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;

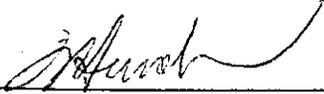
- d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

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 Thomasville. Notwithstanding the foregoing, Thomasville 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 Thomasville. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Thomasville, 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 Thomasville Furniture Industries, Inc. voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of June 29, 2006.



Regional Director
Department of Environmental Quality

Thomasville Furniture Industries, Inc. voluntarily agrees to the issuance of this Order.

By: William W. Gilleland
Date: June 29, 2006

Commonwealth of Virginia
City/County of Appomattox

The foregoing document was signed and acknowledged before me this 29 day of

June, 2006, by William W. Gilleland, who is
(name)

Vice President/Gen Prod. Mng of Thomasville Furniture Industries, Inc. on behalf of the
Corporation.
(title)

Quayne R. Rudder
Notary Public

My commission expires: 5/31/08

Appendix A

1. **Within 90 days** of May 28, 2006, Thomasville will develop and provide DEQ, a conclusive engineering analysis of boiler operations, incorporating milestones for modifications, improvements or installations that may be necessary. Pursuant to this analysis, Thomasville will provide a summary report as each milestone is completed.
2. **Within 150 days** of May 28, 2006, if it is determined that boiler improvements will not involve the installation of a control device, Thomasville will make the necessary improvements, perform compliance testing and submit the test results to DEQ.
3. **Within 180 days** of May 28, 2006, the CAM Plan shall be submitted, if it is determined that a control device will not need to be installed.
4. **Within 270 days** of May 28, 2006, if it is determined that boiler improvements will involve the installation of a control device, Thomasville will install the control device, perform compliance testing and submit the test results to DEQ.
5. **Within 300 days** of May 28, 2006, the CAM Plan shall be submitted, if it is determined that a control device is needed.