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COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHWEST REGIONAL OFFICE

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Secretary of Natural Resources

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David K. Paylor
Director

Michael D. Overstreet
Regional Director

**STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION
ORDER BY CONSENT
ISSUED TO
Turman Sawmill
Registration No. 11197**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1 – 1301, 1309, 1316 and 10.1 – 1184, between the State Air Pollution Control Board and the Turman Sawmill for the purpose of resolving certain violations of State Air Pollution Control Board Regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meanings 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 collegial body of the Commonwealth of Virginia described in § 10.1-1301 and § 10.1-1184 of the Code.
3. "Department" or "DEQ" 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. "Regional Office" means the Southwest Regional Office of the Department.
6. "Order" means this document, also known as a Consent Order.
7. "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).
8. "Company" means Turman Sawmill, 555 Expansion Drive, Hillsville, VA 24343.

SECTION C: Findings of Facts and Conclusions of Law

Based on the air compliance inspection conducted by the Virginia Department of Environmental Quality on March 27, 2006 and subsequent records review the following potential non-compliant situations were noted:

1. Permit condition No. 5 of Turman's construct and operate permit dated November 22, 2002 as amended January 15, 2004 states in part "Fugitive emissions from the collection and transferring of collected wood waste shall be controlled by complete enclosure (9 VAC 5-50-260)." The access panel to the baghouse was found open while the baghouse air pulse system was operating. This resulted in excess emissions being created at the unit.
2. Permit condition No. 6 of Turman's construct and operate permit dated November 22, 2002 as amended January 15, 2004 states in part, "Fugitive emissions from the truck load-out operations shall be controlled by partial enclosure. (9 VAC 5-50-260)". The partial enclosure required for the truck load-out had been damaged over time and was not in place. Excess saw dust was piled all around the load-out area.
3. Permit condition No.21 of Turman's construct and operate permit dated November 22, 2002 as amended January 15, 2004 states in part "The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions, with respect to air pollution control equipment and process equipment which affect such emissions: (9 VAC 5-50-20 E)". No maintenance schedule, maintenance records or good operating procedures were in place.
4. 9 VAC 5-80-10.C.1.a (General) States in part "No owner or other person shall begin actual construction, reconstruction or modification of any of the following types of sources without first obtaining from the board a permit to construct and operate or to modify and operate such source: Any stationary source". Turman Sawmill was found to have installed two spray application areas, each with a spray application system.
5. 9 VAC 5-40-5620.A (Open burning prohibitions) states in part "No owner or other person shall cause or permit open burning of refuse". Source was open burning wood waste scrap from Turman's Sawmill and wood processing operations on the yard area.

*9 VAC 5-170-160 (A) – (Conditions on Approvals) of the Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution states in part: "The board may impose conditions upon permits and other approvals which may be necessary to carry out the policy of the Virginia Air Pollution Control Law, and which are consistent with the regulations of the board. Except as otherwise specified, nothing in this chapter shall be understood to limit the power of the board in this regard. If the owner or other person fails to adhere to the conditions, the board may automatically cancel the permit or approvals. This section shall apply, but not be limited, to approval of variances, approval of control programs, and granting of permits."

1. On May 2, 2006, DEQ sent a Notice of Violation Letter (NOV No. 05-03-SWRO-2006) for a permit violation, by Certified Mail-Return Receipt Requested, to Turman Sawmill, informing the Company that DEQ had reason to believe that a violation of Air Pollution Law and Regulations had occurred.

SECTION D: Agreement and Order

1. Accordingly, the Board, by virtue of the authority granted it in Va. Code §10.1 –

1316 (C), orders Turman Sawmill and Turman Sawmill agrees to pay a civil charge of \$6,200.00 within 30 days of the effective date of this Order. Payment shall be

made by check payable to the "Treasurer of Virginia", delivered to:

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

For purposes of properly identifying its payment, Turman Sawmill shall include with the check, a notification of its Registration Number, Federal Identification Number and the fact that payment is being made in accordance with the terms of this Order.

2. Accordingly the Virginia Air Pollution Control Board by virtue of the authoring granted it in Va. Code 10.1-1316, orders the Company, and the Company agrees to perform the actions described in Appendix A of this order.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Turman Sawmill for good cause shown by the Company, or on its own motion after notice and opportunity to be heard.
2. Nothing herein shall be construed as altering, modifying, or amending any term or condition contained in the Company's Virginia Stationary Source Permit to Operate dated January 15, 2004.
3. This Order addresses only those violations specifically identified herein. 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 Turman Sawmill as may be authorized by law; and/or (3) taking subsequent action to enforce the terms of this Order. Nothing herein shall affect appropriate enforcement actions by other federal, state, or local regulatory authority, whether or not arising out of the same or similar facts.
4. By entering into this Order, Turman Sawmill admits jurisdictional allegations, factual findings, or conclusions of law contained herein. For purposes of this Order and subsequent actions with respect to this Order, Turman Sawmill agrees not to challenge the jurisdictional allegations, factual findings, and conclusions of law contained herein.
5. Turman Sawmill consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
6. Turman Sawmill declares it has received fair and due process under the Administrative Process Act, Code §§ 9-6.14:1 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 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 or Director to enforce this Order.

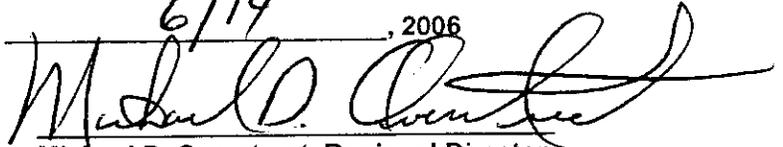
7. Failure by Turman Sawmill to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
8. 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.
9. Turman Sawmill 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. Turman Sawmill 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. Turman Sawmill shall notify the Director, Southwest Regional Office of DEQ within 24 hours with a follow-up in writing within seven days 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 Director, Southwest Regional Office of DEQ within 24 hours of learning of any condition listed above, which the Company 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.

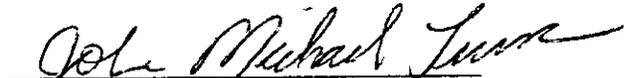
10. This Order is binding on the parties hereto, their successors in interest, designees, and assigns, jointly and severally.
11. This Order shall become effective upon execution by both the Director or his designee and Turman Sawmill. Notwithstanding the foregoing, the Company agrees to be bound by any compliance date, which precedes the effective date of this Order.
12. This Order shall continue in effect until the Director or the Board terminates the Order in his or its sole discretion upon 30 days written notice to Turman Sawmill. Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve Turman Sawmill from its obligation imposed in this Order, shall not operate to relieve Turman Sawmill from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

13. By its signature below, Turman Sawmill voluntarily agrees to the issuance of this Order.

And it is ORDERED this day of 6/14, 2006


Michael D. Overstreet, Regional Director
Department of Environmental Quality

Turman Sawmill voluntarily agrees to the issuance of this Order.


Mr. John Michael Turman,
Owner
Turman Sawmill

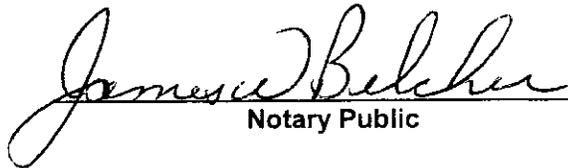
Date: 1 Jun 2006

Commonwealth of Virginia

City/County of Floyd

The foregoing document was signed and acknowledged before me this 1 day of June, 2006 by John Michael Turman on behalf of Turman Sawmill

Date: 1 June 2006


Notary Public

My commission expires: 31 Oct 2010

APPENDIX A

- 1. Develop a maintenance schedule, maintenance log and operating procedures for the baghouse and spray coating operation within 30 days of signature date that includes a section regarding closing the access panel to the baghouse when the baghouse is in operation.**
- 2. Install partial enclosure for the truck load-out area within 60 days of signature date.**
- 3. Submit a corrective action plan, within 10 days of the signature date, detailing actions Turman takes to dispose of their scrap from the sawmill and wood processing operations on the yard area.**
- 4. Submit a permit application for the two spray application areas within 30 days of signature.**

