COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
NORTHERN REGIONAL OFFICE
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STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION
AND
VIRGINIA WASTE MANAGEMENT BOARD
ENFORCEMENT ACTION
ORDER BY CONSENT
ISSUED TO

PAUL DECORATIVE PRODUCTS, INC.

Air Registration No. 40973

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1307.D, 10.1-1316, and 10.1-1309 by the State Air Pollution Control Board (SAPCB) and under the authority of VA Code § 10.1-1455 by the Virginia Waste Management Board to Paul Decorative Products, for the purpose of resolving certain alleged violations of the air permit and regulations as specified in SECTION C of this Order.

SECTION B: Definitions

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

1. "Boards" 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 and the Virginia Waste Management Board, a permanent citizen's board of the Commonwealth of Virginia as described in Code §§ 10.1-1401 and 10.1-1184.

2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.

3. "Director" means the Director of the Department of Environmental Quality.

4. "Facility" means Paul Decorative Products.

5. "Paul Decorative Products" means the facility located on Duke Street in Louisa, Virginia.

6. "MNSR" means Minor new Source Review.

7. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.

8. "Order" means this document, also known as a Consent Order.

9. "Regulations" refers to the Regulations for the Control and Abatement of Air Pollution for the Commonwealth of Virginia.

10. "VAC" means Virginia Administrative Code.

11. "Va. Code" means the Code of Virginia (1950), as amended.

12. "VOC" means Volatile Organic Compounds.

13. "VTC" means Volatile Toxic Compounds.

SECTION C: Findings of Fact

Air Quality Violations

1. Paul Decorative Products (hereinafter referred to as Paul) is a decorative chrome electroplating facility located at 195 Duke Street in Louisa, Virginia, that manufactures faucets, bath accessories and hardware. Paul owns a batch vapor degreaser, a number of decorative chromium electroplating tanks, and various lacquer, stripping, spraying, dipping and rinsing tanks which are permitted under a September 15, 1999, Stationary Source Permit to Construct and Operate and subject to 40 CFR Part 63, Subparts N and T for the Chrome MACT and degreasers, respectively. Paul Decorative Products' EPA ID# for RCRA is VAR000500884.

2. On September 14, 2007, DEQ - Fredericksburg Satellite Office (FSO) Air Compliance Personnel issued a Warning Letter to Paul Decorative Products for deficiencies noted during site visits conducted August 29, 2007, and September 13, 2007. Paul Decorative

Products responded to the Warning Letter via e-mail on October 2, 2007, in which they stated they would correct all deficiencies noted in the Warning Letter by December 1, 2007. On December 18, 2007, DEQ conducted a follow-up site inspection at Paul Decorative Products. A number of violations were noted during the follow-up inspection and a Notice of Violation (NOV) was issued to the facility on January 25, 2008, and the facility was referred to enforcement. The violations noted in the NOV are as follows:

a. Condition 8 of the Permit limits the use of Volatile Toxic Compounds (VTCs) to the following: Chromium III, Chromium IV, Cyanide, 1,4-Dioxana, Methyl ethyl ketone, nickel (insoluble and soluble), 1,1,1-Trichloroethane, Trichloroethylene, and Xylene and in a follow-up letter allows the use of Phenol and Methylene Chloride. However, the facility also appears to be using formaldehyde and methanol in its process and did not notify DEQ in writing of the use of these VTCs.
b. 40 CFR § 63.343(c)(5)(iii) requires that the surface tension of the electroplating bath is monitored every four hours. Prior to September 25, 2007, the facility was not monitoring the surface tension and once monitoring commenced, the source did not adhere to the required monitoring frequency. In addition, condition 10 of the Permit and 40 CFR § 63.342(d) limit the surface tension of the electroplating bath to under 45 dynes/cm as measured by a stalagmometer when a chemical fume suppressant containing a wetting agent is used. Records provided by the source indicate that the surface tension exceeded the 45 dynes/cm limit numerous times over a four month period in 2007.
c. Condition 11 of the Permit requires the source to operate according to the work practice standards in 40 CFR § 63.342(f)(3), which requires that the facility prepare an operation and maintenance (O&M) plan. The facility has not provided any evidence that an O&M plan exists.
d. Condition 19 of the Permit requires the facility to develop a maintenance schedule and maintain records of scheduled and unscheduled maintenance as well keep records of training on the operation of equipment for a period of five years. The facility did not provide any records of a maintenance schedule or records during the inspection. The facility did provide some training records for the equipment during the enforcement meeting following the inspection but there were still records missing.
e. 40 CFR § 63.347(e) Subpart N requires that the facility submit a Notification of Compliance Status each time that it becomes subject to the requirements of this subpart and that the notification include a number of requirements set forth in this section. No records of a Notification of Compliance Status were found in the facility's files.
f. 40 CFR § 63.463(d)(11) requires that waste solvent, still bottoms, and sump bottoms be collected and stored in closed containers. However, during the December 18, 2007, inspection, DEQ observed two uncovered 5-gallon buckets containing still bottoms from the vapor degreaser.
g. 40 CFR § 63.463 requires the owner or operator of a batch vapor cleaning machine to use one of the control combination options listed in Subpart T to

comply with the standards and to comply with the associated monitoring requirements for the control combination that is selected. The facility did not choose a control combination option for its degreaser and did not have any records to indicate compliance with the monitoring requirements.

h. 40 CFR § 63.467 requires owner or operators of batch vapor cleaning machines to keep records that include the operating procedures for the cleaning machine and control equipment, the date of installation for the machine, records of the halogenated HAP solvent content for each solvent used, the results of control device monitoring, maintenance and repair records for the machine, and estimates of annual solvent consumption for each solvent cleaning machine. During the December 18, 2007, inspection, the facility could only provide the operating manual for the batch vapor degreaser but did not have any other required records.

i. 40 CFR § 63.468(b), (d), (f) requires that the owner or operator of a solvent cleaning machine submit an initial notification report, a compliance report within 150 days after startup and an annual compliance report by February 1 of each year. Facility records indicate that the facility failed to submit any of the compliance reports.

3. Gary Paul, President of Paul Decorative Products, and Robert Andris, Vice President, met with DEQ NRO staff on February 21, 2008, in order to discuss the violations and the necessary actions for the facility to return to compliance. Paul stated that prior to the September 13, 2007, inspection; the facility was only tracking purchases but since then has been tracking usage of all materials. Paul provided some records to DEQ and was able to show that it had these records in other formats during the inspection. Paul will begin recording all required usage and emissions as set forth in the permit. In addition, Paul will provide notification to DEQ NRO of the two new VTC's that it is using – formaldehyde and methanol. Paul also provided DEQ with copies of training protocols and checklists that it will include in their O&M Manual. Finally, Paul will begin monitoring the surface tension three times per day in accordance with the regulations that require testing every four hours. Paul will take action on other violations as set forth in Appendix A of this Consent Order.

Hazardous Waste Violations

4. On February 14, 2008, DEQ issued a Notice of Violation (NOV) to Paul Decorative Products for various violations found during a compliance inspection performed on December 18, 2007. The December 18, 2007, inspection was as a result of a previous inspection in January 2007 and Warning Letter issued to the facility on March 7, 2007. Paul Decorative Products had responded to the March 2007 Warning Letter on March 23, 2007, and stated that corrective action would be taken to resolve the violations by June 1, 2007. A number of the same violations found in the January 2007 inspection were identified again during the December 2007 inspection and had not been corrected.

5. The violations identified in the February 2008 NOV are as follows:

a. 40 CFR 262.11 requires that a person who generates a solid waste, as defined in 40 CFR 216.2, must determine if that waste is a hazardous waste. There were several open, unlabeled five gallon buckets with waste in them that could not be identified during the inspection.
b. 40 CFR 262.34 requires that the date upon which each period of accumulation begins in clearly marked on the container as well as a label that is clearly marked "hazardous waste." The facility failed to ensure that all containers storing hazardous waste are properly closed, labeled with the words "hazardous waste," and marked with the dates of accumulation.
c. 40 CFR 262.34(c)(2) requires that generators of hazardous waste that accumulates it in excess of the amounts listed under paragraph (c)(1) of this section, or near the generation point, must label it as hazardous waste and comply with paragraph (a) of this section within three days. The facility appeared to be using part of the filter press system as a satellite accumulation container for the hazardous waste and had not labeled it properly nor kept it below the amounts listed under paragraph (c)(1).
d. 40 CFR 262.34(d)(5)(ii) requires that the name and telephone number of the emergency coordinator; the locations of fire extinguishers, spill control equipment and fire alarms; the telephone number of the fire department be posted by the telephone. The facility did not have this information posted by the phone but resolved this violation during the inspection.
e. 40 CFR 262.34(d)(5)(iii) requires that all employees are familiar with the proper waste handling and emergency procedures relevant to their responsibilities during normal facility operations and emergencies. Based on employee responses, conditions observed at the site, and the lack of required documentation and training records, it appears that the facility employees are not familiar with the proper waste handling and emergency procedures.
f. 40 CFR 262.34(f) requires that the facility not keep waste on site for more than 270 days before transporting his waste to a storage facility unless permitted to do so. The facility appears to have kept waste on site for more than 270 days, without a permit, according to disposal documentation and the dates on storage containers.
g. 40 CFR 265.37 requires that arrangements be made with local authorities to familiarize police and emergency response teams with the layout of the facility, the hazardous waste handled at the facility, the typical location of facility workers, and possible evacuation routes. In addition, the facility is required to familiarize the local hospital with the hazardous wastes handled at the facility and the types of injuries or illnesses that may result from handling these wastes. At the time of the inspection, the facility had not made arrangements with the local authorities or hospitals to familiarize them with the types of wastes handled at the facility and the associated hazards.
h. 40 CFR 265.173 requires that hazardous waste containers remain closed during storage, except when it is necessary to add or remove waste. Numerous hazardous waste containers that were not closed were found throughout the facility.

i. 40 CFR 265.174 requires that the owner or operator inspect areas where containers are stored, at least weekly, to look for leaks and deterioration. Based on statements by facility personnel and the lack of documentation, it appears that the facility does not perform weekly inspections.
j. 9 VAC 20-60-262(b)(4) requires that the facility notify DEQ specifying the exact location where hazardous waste will be accumulated on site. At the time of the inspection, the facility had failed to notify DEQ.

6. Gary Paul and Robert Andris met with NRO DEQ staff on March 14, 2008, in order to discuss the violations and the necessary actions for the facility to return to compliance. Mr. Paul stated that they have a new process to clean the equipment and automatically transfer any wastes to the 55-gallon storage drums and no longer have any buckets sitting around the facility with waste accumulating in them. In addition, all containers have been labeled properly and are kept closed at all times. The facility will provide pictures to the inspector to depict the corrective actions taken. Also, Clean Harbors took shipment on March 7, 2008, of one 55-gallon drum of TCE waste and one 55-gallon drum of lacquer solution. Copies of the disposal manifests were given to the inspector. Paul Decorative Products has also instituted weekly inspections of the facility to ensure that all wastes are being stored properly and are keeping a log of these inspections. The facility has notified the local hospital of their handling of hazardous waste and is in the process of notifying other local authorities. The facility also provided DEQ staff with notification of the location of the storage of hazardous waste at their facility and has contracted with Clean Harbors to be their emergency cleanup contractor. Although the facility provides training verbally, they do not have any records of training. DEQ staff suggested that they start a training program where they keep track of attendees and an agenda of items covered at the training. Finally, DEQ staff explained to the facility that their filter press hopper can not be used as a waste storage container but rather the process is considered complete once the waste drops out of the filter. Therefore, the waste must be transferred from the hopper and into properly labeled storage containers and shipped accordingly. The facility stated that they will begin a new procedure whereby the waste is immediately transferred from the hopper and into properly labeled T-sacs and stored in the satellite area for disposal within 270 days of first placing waste into the T-sac.

SECTION D: Agreement and Order

Paul Decorative Products and DEQ agree that a civil charge was assessed, however, an ability to pay analysis performed by DEQ supports a finding that Paul Decorative Products cannot afford to pay the assessed civil charge.

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1316(C), 10.1-1182, 10.1-1402, 10.1-1405 and 10.2-1455, the Boards order Paul Decorative Products and Paul Decorative Products voluntarily agrees, to perform the actions described in Appendix A of this Order.

SECTION E: Administrative Provisions

1. The Boards may modify, rewrite, or amend the Order with the consent of Paul Decorative Products, for good cause shown by Paul Decorative Products, 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 January 25, 2008 and February 14, 2008. This Order shall not preclude the Boards 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, Paul Decorative Products admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.

4. Paul Decorative Products 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. Paul Decorative Products declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, the Virginia Waste Management Act, 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 Boards to enforce this Order.

6. Failure by Paul Decorative Products to comply with any of the terms of this Order shall constitute a violation of an order of the Boards. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Boards 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. Paul Decorative Products 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. Paul

earthquake, flood, other acts of God, war, strike, or such other occurrence. Paul Decorative Products shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Paul Decorative Products 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 or has resulted in the impossibility of compliance, shall constitute a 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 Paul Decorative Products. Notwithstanding the foregoing, Paul Decorative Products agrees to be bound by any compliance date that precedes the effective date of this Order.

11. This Order shall continue in effect until the Director or Boards terminate the Order in his or their sole discretion upon 30 days written notice to Paul Decorative Products. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Paul Decorative Products 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, Paul Decorative Products voluntarily agrees to the issuance of this Order.

13. The undersigned representative of Paul Decorative Products certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Paul Decorative Products to this document. Any documents submitted pursuant to this Order shall also be submitted by a responsible official of Paul Decorative Products.

And it is so ORDERED this day of _____, 2009.

_____
Thomas A. Faha, Northern Regional Director
Department of Environmental Quality

Paul Decorative Products voluntarily agrees to the issuance of this Order.

By: _____

Date: 4/13/09

Commonwealth of Virginia
City/County of Louisa

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

April 13, 2009, by Gary A. Paul, who is
(name)

President of Paul Decorative Products on behalf of the Organization.
(title)

J. Whitney Southall
Notary Public

My commission expires: 9/30/2011

J. WHITNEY SOUTHALL
NOTARY PUBLIC
REG. #
MY COMMISSION EXPIRES
9/30/11
COMMONWEALTH OF VIRGINIA

APPENDIX A

Paul Decorative Products shall:

1. Retain an O&M Manual onsite for DEQ review that shall include:
    a. O&M for equipment subject to the Chrome MACT regulations, 40 CFR § 63.342(f)(3),
    b. O&M for all other permitted equipment and associated pollution control equipment,
    c. Written procedure and training for monitoring the surface tension of the electroplating bath,
    d. Training records for all equipment,
    e. Maintenance records, and
    f. Procedures to prevent malfunctions and to address malfunctions through corrective action.

2. Store all waste in labeled, closed containers at all times and place signs near the containers directing employees to keep them closed. In addition, create a protocol for the storage of waste from the batch vapor degreaser which shall be retained onsite and available to DEQ for review.

3. Record the date of installation of the solvent cleaning machine and control devices; the halogenated HAP solvent content for each solvent used; any orders for replacement parts, maintenance and repairs; estimates of annual solvent consumption for each solvent used; and the results of control device monitoring and make the records available for DEQ review upon request.

4. Ensure that wastes are not stored on site in excess of 270 days.

5. Immediately begin storing hazardous waste in the properly labeled and closed containers and make weekly inspections to ensure they are being stored properly. Keep records of the weekly inspections and make those records available to DEQ upon request.

6. Begin a training program for all employees handling hazardous waste in the correct procedures for handling waste and relevant emergency procedures. Any new employees shall be trained in handling hazardous waste and relevant emergency procedures within 15 days of starting work. Keep record of those employees that have attended training and the context of the subjects covered in the training for review by DEQ upon request.