



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

4949-A Cox Road, Glen Allen, Virginia 23060

(804) 527-5020 Fax (804) 527-5106

www.deq.virginia.gov

Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director

James J. Golden
Regional Director

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO STEVES & SONS, INC. Registration Number 52628

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and 1316, between the State Air Pollution Control Board and Steves & Sons, Inc. ("Steves") for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable Permit and regulations.

SECTION B: Definitions

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

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1184 and -1301.
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, as described in Va. Code § 10.1-1185.
4. "Facility" means the Steves & Sons, Inc. facility door and millwork plant located at 5640 Lewis Road, Sandston, Virginia.

5. “Notice of Violation” or “NOV” means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.
6. “Order” means this document, also known as a Consent Order or “Order by Consent,” a type of Special Order under the Virginia Air Pollution Control Law.
7. “PRO” means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
8. “Regulations” or “Regulations for the Control and Abatement of Air Pollution” mean 9 VAC 5 chapters 10 through 80.
9. “Steves & Sons, Inc.” or “Steves” is a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Steves is a “person” within the meaning of Va. Code § 10.1-1300.
10. “Va. Code” means the Code of Virginia (1950), as amended.
11. “VAC” means the Virginia Administrative Code.
12. “Virginia Air Pollution Control Law” means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. Steves owns and operates the Facility in Sandston, Virginia. The Facility is a door and millwork manufacturing plant.
2. Steves reportedly purchased the Facility in October 2013, and became operational in November 2014. Steves failed to submit a Form 7 Permit Application for the Facility at the time, resulting in the issuance of NOV APRO000656-001 on June 9, 2017 for constructing and operating the Facility without a permit.
3. DEQ staff conducted an inspection of the Facility on February 28, 2018 based on complaints from adjacent property owners of sawdust deposition. At the time of the inspection, Steves had not submitted a Form 7 Air Permit Application for the Facility. DEQ issued NOV APRO000656-002 on March 28, 2018 for constructing and operating the Facility without a permit.
4. Steves submitted a Form 7 Air Permit Application to DEQ on April 3, 2018. A review of the application by DEQ staff resulted in a determination on May 2, 2018 that the Facility was exempt from, “. . . permitting requirements of Chapter 80, Article 6 of the Virginia Regulations for the Control and Abatement of Air Pollution as long as it is constructed and operated as described in your application.” The exemption was premised on Steves stating in their application that the sawdust collection system is a “closed loop.”

5. DEQ staff conducted an inspection of the Facility on June 24, 2019 based on complaints from adjacent property owners of sawdust deposition. DEQ made the following observations.
6. The Facility commenced operation in November of 2014 and did not submit a permit application until April 3, 2018.

9 VAC 5–80-1120 (A) states, “A. No owner or other person shall begin actual construction of, or operate, any new stationary source or any project subject to this article without first obtaining from the board a permit under the provisions of this article. The owner may not construct or operate the stationary source or project contrary to the terms and conditions of that permit.”

9 VAC 5–80-1210 (E) states, “Any owner who constructs or operates a source subject to this section not in accordance with the terms and conditions of any permit to construct or operate, or any owner of a source subject to this section who commences construction or operation without receiving a permit hereunder, shall be subject to appropriate enforcement action including, but not limited to, any specified in this section.”

7. The permit application received April 3, 2018 stated that the sawdust collection system is a closed loop system. While on-site, DEQ staff observed that the system is not a closed loop system, and that the exhaust from the baghouse was vented to the atmosphere.

9 VAC 5–80-80 (B) states, “For each stationary source, the owner shall submit a timely and complete permit application in accordance with subsections C and D of this section.”

9 VAC 5–80-80 (E) states, “Any applicant who fails to submit any relevant facts or who has submitted incorrect information in a permit application shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. An applicant shall provide additional information as necessary to address any requirements that become applicable to the source after the date a complete application was filed but prior to release of a draft permit.”

8. On August 12, 2019, the Department issued Notice of Violation No. APRO001267-001, for the violations described above.
9. Based on the information and results of the June 24, 2019 inspection, the Board concludes that Steves violated 9VAC5-80-1120(A) and 9VAC5-80-1210(E), and 9 VAC 5-80-80(B) and (E) as described in Section C, above.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §10.1-1309 and -1316, the Board orders Steves, and Steves agrees to:

1. Pay a civil charge of **\$14,450.00** within 30 days of the effective date of the Order in settlement of the violations cited in this Order.
2. Submit a correct and complete Form 7 Air Permit Application to DEQ within 30 days of execution 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 1104
Richmond, Virginia 23218

Steves shall include its Federal Employer Identification Number (FEIN) with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department is required to refer collection of moneys due under this Order to the Department of Law, Steves shall be liable for attorneys' fees of 30% of the amount outstanding.

2. Submit to the Department a complete and accurate Form 7 Air Permit Application within 30 days of the effective date of the Order.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Steves, for good cause shown by Steves, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.* after notice and opportunity to be heard.
3. This Order addresses and resolves only those violations specifically identified in Section C of this Order. 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; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, Steves admits the jurisdictional allegations, the findings of fact, and conclusions of law in this Order.
4. Steves 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. Steves declares it has received fair and due process under the Administrative Process Act and Virginia 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 modify, rewrite, amend or enforce this Order.
6. Failure by Steves 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. Steves 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 unforeseeable circumstances beyond its control and not due to a lack of good faith or diligence on its part. Steves shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Steves shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days 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 verbally within 24 hours and in writing within three business days, 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 and any 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 Steves. Nevertheless, Steves agrees to be bound by any compliance date, which precedes the effective date of this Order.
11. This Order shall continue in effect until:
 - a. The Director or his designee terminates the Order after Steves has completed all of the requirements of the Order; or
 - b. Steves petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or
 - c. the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Steves.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Steves from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Steves and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of Steves 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 Steves to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Steves.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Steves voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 26th day of September, 2020.


James J. Golden, Regional Director
Department of Environmental Quality

Steves & Sons, Inc. voluntarily agrees to the issuance of this Order.

Date: September 21, 2020

By: 
Edward Galt Steves, CEO
Steves & Sons, Inc.

State of Texas

County of Bexar

The foregoing document was signed and acknowledged before me this 21st day of September, 2020, by Edward Galt Steves, who is CEO of Steves & Sons, Inc. on behalf of the company.


Notary Public

3598182

Registration No.

My commission expires: 07-14-2023

Notary seal:

