



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

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Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Maria R. Nold
Regional Director

**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
Architectural Graphics, Inc.
FOR
Architectural Graphics, Inc. Crusader Circle Facility
Registration No. 61679**

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 Architectural Graphics, Inc. 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.
4. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
5. "Facility" means Architectural Graphics, Inc. located at 2820 Crusader Circle, Virginia Beach, Virginia.
6. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.

7. “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.
8. “Permit” means the synthetic minor New Source Review permit issued by DEQ to Architectural Graphics, Inc. on March 13, 2014.
9. “Regulations” or “Regulations for the Control and Abatement of Air Pollution” means 9 VAC 5 Chapters 10 through 80.
10. “TRO” means the Tidewater Regional Office of DEQ, located in Virginia Beach, Virginia.
11. “Va. Code” means the Code of Virginia (1950), as amended.
12. “VAC” means the Virginia Administrative Code.
13. “Virginia Air Pollution Control Law” means Chapter 13 (§ 10.1-1300 *et seq.*), of Title 10.1 of the Va. Code.
14. “VOC” means Volatile Organic Compound.

SECTION C: Findings of Fact and Conclusions of Law

1. Architectural Graphics, Inc. (“AGI”) owns and operates a sign and architectural components manufacturing facility (“Facility”) located at 2820 Crusader Circle, Virginia Beach, Virginia. On March 13, 2014, DEQ issued to AGI a synthetic minor New Source Review permit (“Permit”) to construct and operate the Facility under DEQ Air Registration No. 61679.
2. On March 23, 2016, DEQ staff reviewed the AGI Annual Update dated March 15, 2016. During the review, DEQ staff observed the following violations:
 - a. The reported throughput of 399 gal/yr for specialty coatings (VOC > 3.5 lb/gal) was greater than the Permit Condition 8 throughput limit of 300 gal/yr for specialty coatings.
 - b. Given the VOC content supplied by the Facility and the gallons of specialty coatings used, the VOC emissions of 1.29 ton/yr for specialty coatings from the Facility in 2015 were greater than the Permit Condition 9 emission limit of 1.0 ton/yr for specialty coatings.
3. On March 31, 2016, DEQ issued to AGI NOV No. ATRO000372 for exceeding the permitted throughput and emission limits, as described in C(2)(a) and (b).

4. On April 4, 2016, the DEQ TRO Enforcement Manager had a telephone meeting with an AGI representative to discuss the NOV and DEQ enforcement process.
5. On April 6, 2016, DEQ TRO staff visited AGI to discuss the NOV and DEQ enforcement process with the company owner, and review records of coatings applied, as pertained to the NOV. AGI maintained that there might have been recordkeeping errors by AGI paint staff that caused the reported throughput permit limit exceedance.
6. On April 25, 2016, an AGI representative visited TRO to provide updated records.
7. On May 3, 2016, AGI provided an updated Annual Update that reported the following information:
 - a. The revised throughput of specialty coatings was now 340 gal/yr, still greater than the Permit Condition 8 throughput limit of 300 gal/yr for specialty coatings.
 - b. The revised VOC emissions were now 1.105 tons/yr, still greater than the Permit Condition 9 emission limit of 1.0 ton/yr for specialty coatings.
8. 9 VAC 5-170-160(A) states, "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."
9. Va. Code § 10.1322(A) states, "Failure to comply with any condition of a permit shall be considered a violation of the State Air Pollution Control Law and investigations and enforcement actions may be pursued."
10. Based on the results of the March 23, 2016 review and documentation provided by AGI to DEQ on May 3, 2016, the Board concludes that AGI has violated 9 VAC 5-170-160(A) and Va. Code § 10.1-1322, as described in paragraph C(2) and C(7) above.
11. In order for AGI to return to compliance, DEQ staff and representatives of AGI have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

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

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$4,738 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control
Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

AGI shall include its Federal Employer Identification Number (FEIN) *54-0852946* 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 has to refer collection of moneys due under this Order to the Department of Law, AGI shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of AGI, for good cause shown by AGI, 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.
2. 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 the purposes of this Order and subsequent actions with respect to this Order only, AGI admits the jurisdictional allegations, and agrees not to contest, but does not admit, the findings of fact and conclusions of law in this Order.
4. AGI 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. AGI declares it has received fair and due process under the Administrative Process Act, Va. Code and the 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 AGI 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. AGI 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. AGI shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. AGI 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 notify the Regional Director within 24 hours and in writing within three business days, of learning of any condition above, which AGI intends to assert will result 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 AGI. Nevertheless, AGI 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 AGI has completed all of the requirements of the Order;
 - (b) AGI 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 Beach Marine.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve AGI 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 AGI 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 AGI 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 AGI to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of AGI.
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, AGI voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 3 day of October, 2016.

Maria R. Nold
Maria R. Nold, Regional Director
Department of Environmental Quality

Architectural Graphics, Inc. voluntarily agrees to the issuance of this Order.

Date: 09/29/16 By: J. W. Raynor 3, C.O.O.
(Person) (Title)
Architectural Graphics, Inc.

Commonwealth of Virginia
City/County of Virginia Beach

The foregoing document was signed and acknowledged before me this 29th day of September, 2016, by James W Raynor 3, who is COO of Architectural Graphics, Inc. on behalf of Architectural Graphics, Inc.

Michele A Delgado
Notary Public

7536680
Registration No.

My commission expires: 9/30/16
Notary Seal:



APPENDIX A SCHEDULE OF COMPLIANCE

Architectural Graphics, Inc. shall:

- a. Submit to DEQ for approval a corrective action plan (CAP) and schedule by January 1, 2017 that fully examine the cause(s) of throughput limit exceedances and describe actions AGI has taken or plans to take to comply consistently with the VOC emission limits established in the Permit.
- b. Upon DEQ approval of the CAP, AGI shall implement the CAP in accordance with the schedule. Upon its approval, the CAP and schedule shall become a part of and enforceable under the terms of this Order.
- c. Complete the corrective action as expeditiously as possible and in no event later than December 31, 2017.
- d. Unless otherwise specified in this Order, AGI shall submit all requirements of Appendix A of this Order to:

Regional Director
VA DEQ – Tidewater Regional Office
5636 Southern Boulevard
Virginia Beach, VA 23462