



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTHWEST REGIONAL OFFICE

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Molly Joseph Ward
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STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO BECKER GLOBAL AMERICA, INC

Registration No. 10502

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 Becker Global America, Inc., for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permits and regulations.

SECTION B: Definitions

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

1. “Becker Global America, Inc.” means Becker Global America, Inc., a corporation authorized to do business in Virginia and its affiliates, partners, subsidiaries, and parents. Becker Global America, Inc. is a ‘person’ within the meaning of Va. Code § 10.1-1300.
2. “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.
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, as described in Va. Code § 10.1-1185.
5. “Facility” means the Becker Global America, Inc., located at 14660 Industrial Park Rd., Bristol, Washington County, Virginia, which is permitted to operate a miscellaneous metal parts and products manufacturing facility.
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. “PCE” means a partial compliance evaluation by DEQ staff.
9. “Regulations” or “Regulations for the Control and Abatement of Air Pollution”, means 9 VAC 5 chapters 10 through 80.
10. “SWRO” means the Southwest Regional Office of DEQ, located in Abingdon, 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.

SECTION C: Findings of Facts and Conclusions of Law

1. Becker Global America, Inc. owns and operates the Facility in Washington County, Virginia. The Facility operates a miscellaneous metal parts and products manufacturing facility.
2. On April 26, 2017, DEQ staff conducted a PCE of the Facility. During the PCE, DEQ was informed that Becker Global America, Inc. began consolidating multiple U.S. based subsidiary companies and equipment to the Bristol, Virginia facility location in early calendar year 2017. DEQ was informed one of the subsidiary companies, Power Distribution Products, Inc., had been moved from the former Chilhowie, Virginia location (permit #11679) to the Bristol, Virginia location which is the former site of Diecast Connections Co., Inc. (permit #10502). Equipment previously located at the Power Distribution Products, Inc. facility was observed to be installed and placed into service except for the paint

booth and spray gun which was still under construction.

3. 9 VAC 5-80-1120 (A) states, “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.”
4. 9 VAC 5-80-1110 (C) states in part, ““Begin actual construction” means initiation of permanent physical on-site construction of an emissions unit...With respect to the initial location or relocation of a portable emissions unit, this term refers to the delivery of any portion of the portable emissions unit to the site.”
5. Va. Code § 10.1-1322(A) gives the Department the authority to issue, amend, revoke or terminate and reissue permits, and failure to comply with any condition of a permit is considered a violation of the Air Pollution Control Law.
6. On May 10, 2017, based on the April 26, 2017 PCE, the Department issued a Notice of Violation No. ASWRO000638 to Becker Global America, Inc. for the alleged violation described in paragraph C(2) above.
7. On May 2, 2017, the Facility submitted a name change/ownership change form.
8. On May 19, 2017, the Department received a telephone response to the NOV from the Facility.
9. On May 26, 2017, the Department received a permit application for the Bristol, Virginia facility.
10. On June 6 and 8, 2017, Department staff met with representatives of Becker Global America, Inc. to discuss the alleged violations.
11. On June 9, 2017 DEQ received the permit application.
12. Based on the results of the April 26, 2017 PCE, the May 2, 2017 submittal, the May 19, 2017 telephone correspondence, the June 6, 2017 meeting, and the June 6 and 8, 2017 meetings, the Board concludes that Becker Global America, Inc. has violated 9 VAC 5-80-1120(A) as described in paragraph C(2).

SECTION D: Agreement and Order

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

1. Pay a civil charge of \$5,637 according to the payment schedule below in settlement of the violation cited in this Order

The \$5,637 civil charge shall be paid on the following schedule:

<u>DATE DUE</u>	<u>MINIMUM PAYMENT</u>
08/15/17	\$2,818.50 or balance due
02/15/18	\$2,818.50

Each 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

Becker Global America, Inc. shall include its Federal 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 has to refer collection of moneys due under this Order to the Department of Law, Becker Global America, Inc. 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 Becker Global America, Inc. for good cause shown by Becker Global America, Inc. , 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 only those violations specifically identified in Section C of this Order and NOV No.ASWRO000638 dated May 10, 2017. 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 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, Becker Global America, Inc. admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.

4. Becker Global America, Inc. 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. Becker Global America, Inc. declares it has received fair and due process under the Administrative Process Act 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 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 modify, rewrite, amend, or enforce this Order.
6. Failure by Becker Global America, Inc. 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. Becker Global America, Inc. 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. Becker Global America, Inc. shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Becker Global America, Inc. shall notify 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 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 Regional Director verbally within 24 hours and in writing

within three business days, of learning of any condition listed above, which the parties 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.

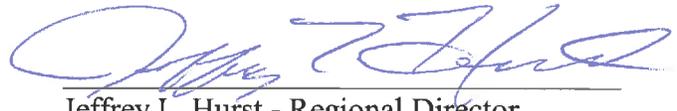
9. This Order is binding on the parties hereto, their successors in interest, designees, and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Becker Global America, Inc. Nevertheless, Becker Global America, Inc. agrees to be 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 Becker Global America, Inc. has completed all of the requirements of the Order.
 - b. Becker Global America, Inc. 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 Becker Global America, Inc..

Termination of this Order, or of any obligation imposed in this Order, shall not operate to relieve Becker Global America, Inc. 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 Becker Global America, Inc. 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 Becker Global America, Inc. 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 Becker Global America, Inc. to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Becker Global America, Inc.

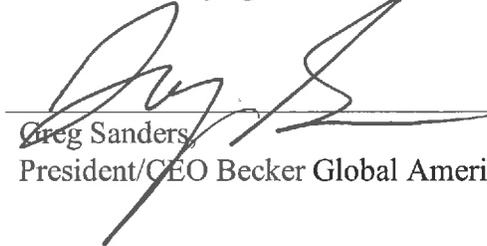
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, Becker Global America, Inc. voluntarily agrees to the issuance of this Order.

And it is ORDERED this 1st day of August, 2017



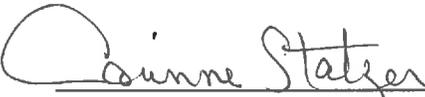
Jeffrey L. Hurst - Regional Director
Department of Environmental Quality

Becker Global America, Inc. voluntarily agrees to the issuance of this Order.

Date: 8-1-17 By: 
Greg Sanders
President/CEO Becker Global America, Inc.

Commonwealth of Virginia
City/County of Washington

The foregoing document was signed and acknowledged before me this 1 day of August, 2017 by Greg Sanders who is President/CEO of Becker Global America, Inc., on behalf of the corporation.


Notary Public

7038230
Registration No.

My commission expires: 8/31/2021

Notary Seal:

