



COMMONWEALTH of VIRGINIA

Douglas W. Domenech
Secretary of Natural Resources

DEPARTMENT OF ENVIRONMENTAL QUALITY

Blue Ridge Regional Office

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STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO COMMONWEALTH LAMINATING & COATING INC.

Registration No. 30972

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 Commonwealth Laminating & Coating 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. "BRRO" means the Blue Ridge Regional Office of DEQ, located in Roanoke, Virginia.
3. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.
4. "Commonwealth Laminating" means Commonwealth Laminating & Coating Inc., a corporation authorized to do business in Virginia and its affiliates, partners, subsidiaries, and parents. Commonwealth Laminating & Coating Inc., is a "person" within the meaning of Va. Code § 10.1-1300.
5. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

6. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
7. "Facility" means the Commonwealth Laminating & Coating Inc., facility located at 345 Beaver Creek Drive, Martinsville, VA.
8. "Notice of Violation" or "NOV" means a type of Notice of Violation under Va. Code § 10.1-1309.
9. "O & M" means operations and maintenance.
10. "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.
11. "Permit" means the State Operating Permit to construct and operate a laminating and coating facility, which was issued under the Virginia Air Pollution Control Law and the Regulations to Commonwealth Laminating & Coating Inc., on February 20, 2008 (amended July 31, 2008).
12. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" means 9 VAC 5 Chapters 10 through 80.
13. "Va. Code" means the Code of Virginia (1950), as amended.
14. "VAC" means the Virginia Administrative Code.
15. "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. Commonwealth Laminating & Coating Inc., owns and operates the Facility which manufactures automotive, residential and commercial window films.
2. The Facility is subject to the Permit which allows the operation of 3 coater/laminating lines and one dye line (#4).
3. On May 6, 2010, the facility tested Dye-Line 4 scrubber outlet to demonstrate compliance with the Permit.
4. On June 30, 2010, DEQ staff conducted a Partial Compliance Evaluation of Facility record for compliance with the requirements of the Virginia Air Pollution Control Law, the

Permit, and the Regulations. Based on the inspection and follow-up information, Department staff made the following observations:

- a) The report indicated a VOC rate of 1.64 lbs/hr resulting in a scrubber collection efficiency as 60.25%.
5. Condition 14 of the Permit states: "Emissions Controls- Line 4 Wet Scrubber- VOC emissions from the condenser that controls the emissions from the Dye Uptake Bath, the PTE that captures the emissions from the Dye uptake Bath, NMP Wash and Water Wash and the Oven Drying shall be controlled by a wet scrubber and good operating practices. The wet scrubber shall maintain a collection efficiency of at least 95%. The wet scrubber shall be provided with adequate access for inspection and shall be in operation when the equipment it controls is operating. (9VAC5-260, 9VAC5-80-850C, 9VAC5-80-1180C)."
6. Condition 31 of the Permit requires that emissions from the operations of Line 4 not to exceed 0.4 lbs/hr and 1.5 tons/yr of Volatile Organic Compounds. (9VAC5-50-260, 9VAC5-80-850 and 9VAC5-80-1180)
7. On July 23, 2010, based on the inspection, the Department issued a Notice of Violation to Commonwealth Laminating for the violations described in paragraphs C(4) through C(6), above.
8. On August 3, 2010, Department staff met with representatives of Commonwealth Laminating to discuss the violations.
9. Based on the results of the June 30, 2010 inspection and the August 3, 2010 meeting, the Board concludes that Commonwealth Laminating has violated Condition 14 and Condition 31 of the Permit as described in paragraphs C4 through C6 above.
10. In order for Commonwealth Laminating to return to compliance, DEQ staff and representatives of Commonwealth Laminating 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 it in Va. Code §§ 10.1-1309 and -1316, the Board orders Commonwealth Laminating & Coating Inc. and Commonwealth Laminating & Coating Inc. agrees to:

1. Perform the actions described in Appendix A of this Order, and

2. Pay a civil Charge of \$22,692 within 30 days of the effective date of the Order in settlement of the violation 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

Commonwealth Laminating 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).

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Commonwealth Laminating for good cause shown by Commonwealth Laminating, 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 purposes of this Order and subsequent actions with respect to this Order only, Commonwealth Laminating admits the jurisdictional allegations, and agrees not to contest, but neither admit nor deny the findings of fact and conclusion of law in this Order.
4. Commonwealth Laminating 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. Commonwealth Laminating 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 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.

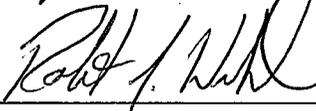
6. Failure by Commonwealth Laminating to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a 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. Commonwealth Laminating 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. Commonwealth Laminating shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Commonwealth Laminating 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 Commonwealth Laminating 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 Commonwealth Laminating hereto, its 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 Commonwealth Laminating. Nevertheless, Commonwealth Laminating 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. Commonwealth Laminating 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
 - b. The Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Commonwealth Laminating.
12. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Commonwealth Laminating from their obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.
13. Any plans, reports, schedules or specifications attached hereto or submitted by Commonwealth Laminating 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.
14. The undersigned representative of Commonwealth Laminating certify 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 Commonwealth Laminating to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Commonwealth Laminating.
15. This Order constitutes the entire agreement and understanding of Commonwealth Laminating 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 Commonwealth Laminating other than those expressed in this Order.
16. By its signature below, Commonwealth Laminating voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 23rd day of September, 2010.



Robert J. Weld, Regional Director
Blue Ridge Regional Office
Department of Environmental Quality

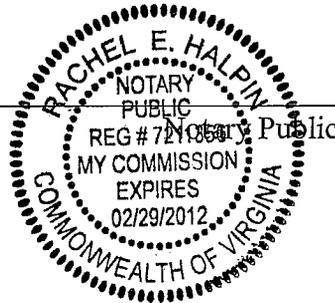
Commonwealth Laminating & Coatings Inc. voluntarily agrees to the issuance of this Order.

Date: 9/22/10 By: [Signature]
Matt Phillips, Vice President
Commonwealth Laminating & Coating Inc.

Commonwealth of Virginia
City/County of _____

The foregoing document was signed and acknowledged before me this ____ day of _____, 2010, by _____ Vice President of Commonwealth Laminating & Coating Inc.

County of Henry
Commonwealth of Virginia
The foregoing instrument was acknowledged before me this 22nd day of September 2010, by Matthew Phillips (name of person seeking acknowledgement) Rachel Halpin
Rachel E. Halpin, Notary Public ID No. 7211356
My Commission Expires: February 29, 2012



Notary Seal

My commission expires: _____

APPENDIX A
SCHEDULE OF COMPLIANCE

Upon execution of this Order, and on a monthly basis thereafter, Commonwealth Laminating shall submit reports describing the progress of each phase of modification listed below. The reports shall be submitted to DEQ by the 15th of the following month. Submission of the reports will no longer be required upon termination of this Order.

All testing performed in the modification program outlined below shall comply with standard EPA protocol test procedures as described in 40 CFR Part 60, Appendix A. Any deviation from standard EPA testing methods shall be submitted to and approved by the Department prior to testing.

Modification Program

Phase I: Scrubber

- a. A new hybrid mist pad will be installed on the dyeline #4 wet scrubber no later than October 31, 2010.
- b. The facility shall submit a test protocol to the DEQ at least 14 days prior to testing.
- c. The facility shall conduct testing the scrubber no later than November 30, 2010.
- d. One copy of the stack test report shall be submitted to the DEQ no later than January 16, 2010.

Should the results of this stack test fail to demonstrate compliance with Conditions 14 and 31 of the Permit, Commonwealth Laminating shall proceed with Phase II identified below.

Phase II: Cooling and Filtering Systems

- a. The Facility shall submit a plan to the DEQ by March 30, 2011, describing the installation of a gas stream cooling system or a second stage filtering system. The plan will include:
 1. Diagrams which indicate where the equipment will be installed.
 2. A determination whether the additional control equipment will be installed simultaneously, or whether installation will be a phased project.
 3. A schedule for construction and proposed operation of the equipment.
- b. Installation of the additional equipment shall be completed by June 15, 2011.
- c. The Facility shall submit a test protocol to DEQ at least 14 days prior to testing.
- d. The Facility shall conduct testing no later than July 15, 2011
- e. One copy of the stack test report shall be submitted to the DEQ no later than August 29, 2011.

Should the results of the Phase II testing fail to demonstrate compliance with Conditions 14 and 31 of the Permit, Commonwealth Laminating shall proceed with Phase III identified below.

Phase III: Vapor Recovery Unit

- a. Install a second vapor recovery unit, prior to the wet scrubber.
- b. Installation of the secondary vapor recovery unit shall be completed by September 15, 2011.
- c. The Facility shall submit a test protocol to DEQ at least 14 days prior to testing.
- d. The Facility shall conduct testing no later than October 15, 2011.
- e. One copy of the stack test report shall be submitted to the DEQ no later than November 29, 2011.

Should the results of the Phase III testing fail to demonstrate compliance with Conditions 14 and 31 of the Permit, then Commonwealth Laminating shall submit a Form 7 permit application to petition DEQ to amend the existing air permit no later than December 20, 2011.

Certification of Documents and Reports

In accordance with 9 VAC 5-20-230(A), in all documents or reports, including, without limitation, submitted to DEQ pursuant to this Consent Order, Commonwealth Laminating, shall by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

“I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

Consent Order
Commonwealth Laminating & Coating Inc.
Registration No. 30972
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DEQ Contact

Unless otherwise specified in this Order, Commonwealth Laminating shall submit all requirements of Appendix A of this Order to:

John F. Lester
Environmental Inspector Sr.
VA DEQ Blue Ridge Regional Office
3019 Peters Creek Road, Roanoke, VA. 24019
(540) 562-6816
john.lester@deq.virginia.gov