



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
VALLEY REGIONAL OFFICE

Molly Joseph Ward
Secretary of Natural Resources

P.O. Box 3000, Harrisonburg, Virginia 22801
(540) 574-7800 Fax (540) 574-7878
Physical Address: 4411 Early Road, Harrisonburg, VA
www.deq.virginia.gov

David K. Paylor
Director

Amy Thatcher Owens
Regional Director

**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
GREENSTONE MATERIALS LLC
FOR
GREENSTONE MATERIALS
Registration No. 81706**

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 Greenstone Materials LLC regarding Greenstone Materials for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable 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 Greenstone Materials facility, located on Route 29 in Ruckersville, in Greene County, Virginia.
5. "Greenstone" means Greenstone Materials LLC, a limited liability company authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Greenstone is a "person" within the meaning of Va. Code § 10.1-1300.
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 a minor NSR permit to construct and operate a recycling, crushing, and screening plant which was issued under the Virginia Air Pollution Control Law and the Regulations to Greenstone on January 12, 2016.
9. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" means 9 VAC 5 chapters 10 through 80.
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.
13. "VRO" means the Valley Regional Office of DEQ, located in Harrisonburg, Virginia.

SECTION C: Findings of Fact and Conclusions of Law

1. Greenstone owns and operates the Facility in Greene County, Virginia. The Facility is a recycling, crushing, and screening plant. The Facility is the subject of the Permit which allows the construction and operation of the plant.
2. On March 21, 2014, Greenstone submitted a Nonmetallic Mineral Processing (NMMP) General Permit Application to DEQ for the operation of a recycling, crushing, and screening plant in Greene County, VA. Due to lack of activity, on March 25, 2015, DEQ mailed a letter for Application Withdrawal to Greenstone. In response to the DEQ's letter, Greenstone submitted a new NMMP General Permit application on June 15, 2015. Due to the nature of the operation, a Form 7 permit application was requested on July 10, 2015 and was received October 1, 2015. The application was deemed complete on November 12, 2015.

3. On September 15, 2015, DEQ staff conducted a site inspection at the Facility. DEQ observed the operation of a recycling, crushing, and screening plant at the Facility.
4. 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."
5. 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."
6. On November 12, 2015, based on the evaluation and follow-up information, DEQ issued Notice of Violation No. AVRO000257-002 to Greenstone for the violations described in paragraphs C(3) through C(5), above.
7. On December 17, 2015, DEQ staff met with the owner of Greenstone in response to the NOV. At the time of the meeting, Greenstone was awaiting the Permit issuance and reported that the operation date of the Facility was September 1, 2014.
8. Based on the results of the September 15, 2015 evaluation and the December 17, 2015 meeting, the Board concludes that Greenstone has violated 9 VAC 5-80-1120.A and 9 VAC 5-80-1210.E as described in paragraphs C(3) through C(7) above.
9. Greenstone has obtained Permit coverage that verifies that the violations described in paragraphs C(3) through C(5) above, have been corrected.

SECTION D: Agreement and Order

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

1. Pay a civil charge of \$4,726.45 by 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

Greenstone 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 has to refer collection of moneys due under this Order to the Department of Law, Greenstone shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Greenstone for good cause shown by Greenstone, 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 and in NOV No. AVRO000257-002 dated November 12, 2015. 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, Greenstone admits to the jurisdictional allegations, and agrees not to contest, but neither admits nor denies, the findings of fact and conclusions of law in this Order.
4. Greenstone 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. Greenstone 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 Greenstone 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. Greenstone 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. Greenstone shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Greenstone 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.

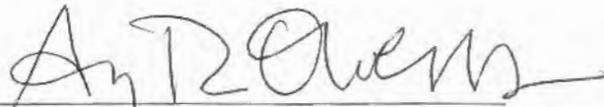
Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the parties intend to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement 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 Greenstone. Nevertheless, Greenstone 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 Greenstone has completed all of the requirements of the Order;
 - b. Greenstone 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 Greenstone.

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

And it is so ORDERED this 20th day of March, 2017.



Amy T. Owens, Regional Director
Department of Environmental Quality

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Greenstone Materials LLC voluntarily agrees to the issuance of this Order.

Date: 3/15/17 By: Brent Hall, managing member
(Person) (Title)
Greenstone Materials LLC

Commonwealth of Virginia
City/County of Albemarle

The foregoing document was signed and acknowledged before me this 15th day of March, 2017, by Brent Hall who is Managing Member of Greenstone Materials LLC on behalf of the company.

Barbara U. Chumley
Notary Public

187406
Registration No.

My commission expires: March 31, 2020

Notary seal:



Barbara U. Chumley
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #187406
My Commission Expires
March 31, 2020