



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

VALLEY REGIONAL OFFICE

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STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO

MR. RAYMOND E. RINALDO

FOR

FURNITURE MEDIC BY RAY AND TAMMIE RINALDO

Registration No. 81692

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 Mr. Raymond E. Rinaldo, regarding the facility known as Furniture Medic by Ray and Tammie Rinaldo, 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. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.

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 Furniture Medic by Ray and Tammie Rinaldo facility, located at 290 Commerce Road in Staunton, Virginia.
6. "FCE" means a full compliance evaluation by DEQ staff.
7. "Mr. Rinaldo" means Mr. Raymond E. Rinaldo, currently a resident of Staunton, Virginia. Mr. Rinaldo is a "person" within the meaning of Va. Code § 10.1-1300.
8. "Notice of Violation" or "NOV" means a type of Notice of Alleged 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. "PCE" means a partial compliance evaluation by DEQ staff.
12. "Permit" means a NSR permit to construct and operate a furniture repair and restoration facility which was issued under the Virginia Air Pollution Control Law and the Regulations to Mr. Raymond E. Rinaldo on November 21, 2013.
13. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
14. "Va. Code" means the Code of Virginia (1950), as amended.
15. "VAC" means the Virginia Administrative Code.
16. "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. The Facility is owned and operated by Raymond E. Rinaldo. The Facility operates as a furniture repair and restoration business and is located at 290 Commerce Street in Staunton, Virginia. The Facility is subject to the Permit issued to Mr. Rinaldo on November 21, 2013.

2. On February 26, 2016, DEQ received the Facility's 2015 annual report, which indicated that the annual throughput was exceeded for the solvent. The reported throughput was 18 gallons, the Permit limit is 15 gallons.
3. On August 17, 2016, DEQ staff performed a FCE of the Facility. DEQ's observations are as follows:

- a. Filters for the spray coating booth were not present.

Permit Condition 4 states: "Particulate emissions from the spray coating booth shall be controlled by a filter. The filter shall be provided with adequate access for inspection and shall be installed and operating when the spray coating booth is operating."

- b. A differential pressure gauge was attached to the booth but was not hooked up or operational.

Permit Condition 5 states that: "The spray coating booth shall be equipped with a device to continuously measure the differential pressure drop across the filter. The monitoring device shall be installed, maintained, calibrated and operated in accordance with approved procedures which shall include, as a minimum, the manufacturer's written requirements or recommendations. The monitoring device shall be provided with adequate access for inspection and shall be in operation when the filter is operating."

- c. No records were available to support compliance with the following permit conditions.

Permit Condition 6 states that: "To ensure good performance, the monitoring device used to continuously measure the differential pressure drop across the spray coating booth filter shall be observed by the permittee with a frequency of not less than once per day when the booth is in operation and no less than as recommended by the equipment manufacturer. The permittee shall keep a log of the monitoring device observations. The log shall include the name of the observer, the date and time of the observations, and the date, time, and description of any corrective actions taken."

Permit Condition 8 states that: "The materials (i.e. coatings, stains, thinners, cleaning solvents, etc.) throughput to the spray coating booth shall not exceed 0.5 gallons per hour, calculated as a monthly average (gallons of material consumed each month divided by the spray coating booth monthly operating hours) and 150 gallons per year calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently

completed calendar month to the individual monthly totals for the preceding 11 months.”

Permit Condition 10 states: “Emissions from the operation of the spray coating booth shall not exceed the limits specified below: VOC, 0.7 tons/year. Hourly emissions shall be calculated as a monthly average (pounds emitted each month divided by the spray coating booth monthly operating hours). Annual emissions shall be calculated monthly as the sum of each consecutive 12-month period. These emissions are derived from the estimated overall emission contribution from operating limits. Exceedance of the operating limits may be considered credible evidence of the exceedance of emission limits. Compliance with these emission limits may be determined as stated in Condition numbers 4, 5, 6, 7, and 8.”

Permit Condition 13 states: “The permittee shall maintain records of emission data and operating parameters as necessary to demonstrate compliance with this permit. The content and format of such records shall be arranged with the DEQ. These records shall include, but are not limited to: Material Safety Data Sheets (MSDS), Certified Product Data Sheets (CPDS), or other vendor information as approved by DEQ showing the contents for each material used in the spray coating booth; The spray coating booth operating hours and gallons of materials consumed, calculated on a monthly basis; Hourly material throughput (gallons) for the spray coating booth (i.e. coatings, stains, thinners, cleaning solvents, etc.) and top coat removal chemical stripping operation, each calculated as a monthly average (gallons of material consumed each month divided by the monthly operating hours for the respective operation); Annual material throughput (gallons) for the spray coating booth (i.e. coatings, stains, thinners, cleaning solvents, etc.) and top coat removal chemical paint stripping operation. Annual throughput shall be calculated monthly as the sum of each consecutive 12-month period; Manufacturer’s or vendor information, as approved by DEQ, showing the particulate removal efficiency (percent) of the spray coating booth filter for the purpose of calculating emissions; Operation, control device monitoring, and corrective action log records for the spray coating booth filter as required in Condition 6; Visible emission evaluation test results as required in Condition 14; Records of maintenance, operating procedures, and training as required in Condition 17; and Records of bypass, malfunction, shutdown or failure of the facility or its associated air pollution control equipment as required in Condition 18. These records shall be available for inspection by the DEQ and shall be current for the most recent five years.”

Permit Condition 17 states: “At all times, including periods of start-up, shutdown, and malfunction, the permittee shall, to the extent practicable, maintain and operate the affected source, including associated air pollution control equipment, in a manner consistent with good air pollution control practices for minimizing emissions. The permittee shall take the following measures in order to minimize the duration and frequency of excess emissions,

with respect to air pollution control equipment and process equipment which affect such emissions: Develop a maintenance schedule and maintain records of all scheduled and non-scheduled maintenance; Maintain an inventory of spare parts; Have available written operating procedures for equipment. These procedures shall be based on the manufacturer's recommendations, at a minimum; and train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures, prior to their first operation of such equipment. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training. Train operators in the proper operation of all such equipment and familiarize the operators with the written operating procedures, prior to their first operation of such equipment. The permittee shall maintain records of the training provided including the names of trainees, the date of training and the nature of the training.”

- d. The 2015 Annual Update report, received by DEQ on February 26, 2016, indicates an exceedance, 18 gallons reported for the year, but no other records were available to confirm.

Permit Condition 9 states: “The top coat removal operation chemical stripping compound throughput shall not exceed 0.02 gallons per hour, calculated as a monthly average (gallons of material consumed each month divided by the top coat removal chemical stripping monthly operating hours) and 15 gallons per year calculated monthly as the sum of each consecutive 12-month period. Compliance for the consecutive 12-month period shall be demonstrated monthly by adding the total for the most recently completed calendar month to the individual monthly totals for the preceding 11 months.”

4. On September 30, 2016, DEQ issued NOV No. AVRO000506-001 to Mr. Rinaldo for the above noted violations at his Facility.
5. On November 2, 2016, DEQ staff met with Mr. Rinaldo to discuss the NOV and missing records. Mr. Rinaldo explained that the filters were replaced, the pressure gauge was repaired, and that records would be updated.
6. The Facility has been nonresponsive to DEQ’s multiple requests for return to compliance documentation.
7. Based on the results of the August 17, 2016 FCE, the November 2, 2016 meeting, and the documentation submitted on February 27, 2017, the Board concludes that Mr. Rinaldo has violated Permit conditions 4, 5, 6, 8, 9, 10, 13, and 17 as described in paragraphs C(2) through C(5) above.
8. In order for Mr. Rinaldo to complete his return to compliance, DEQ staff and Mr. Rinaldo 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 Mr. Rinaldo to and Mr. Rinaldo agrees to:

1. Pay a civil charge of \$7,262.50 in settlement of the violations cited in this Order. The civil charge shall be paid in accordance with the following schedule:

Due Date	Amount
July 1, 2018	\$ 1,815.63 or balance
October 1, 2018	\$ 1,815.63 or balance
January 1, 2019	\$ 1,815.63 or balance
April 1, 2019	\$ 1,815.61 or balance

2. If the Department fails to receive a civil charge payment pursuant to the schedule described above, the payment shall be deemed late. If any payment is late by 30 days or more, the entire remaining balance of the civil charge shall become immediately due and owing under this Order, and the Department may demand in writing full payment by Mr. Rinaldo. Within 15 days of receipt of such letter, Mr. Rinaldo shall pay the remaining balance of the civil charge. Any acceptance by the Department of a late payment or of any payment of less than the remaining balance shall not act as a waiver of the acceleration of the remaining balance under this Order.
3. 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

Mr. Rinaldo 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, Mr. Rinaldo 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 Mr. Rinaldo for good cause shown by Mr. Rinaldo or on his 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, Mr. Rinaldo admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Mr. Rinaldo 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. Mr. Rinaldo declares he has received fair and due process under the Administrative Process Act and the Virginia Air Pollution Control Law and he 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 Mr. Rinaldo 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. Mr. Rinaldo 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 his control and not due to a lack of good faith or diligence on his part. Mr. Rinaldo shall demonstrate that such circumstances were beyond his control and not due to a lack of good faith or diligence on his part. Mr. Rinaldo 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 Mr. Rinaldo. Nevertheless, Mr. Rinaldo 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 Mr. Rinaldo has completed all of the requirements of the Order;
 - b. Mr. Rinaldo petitions the Director or his designee to terminate the Order after he 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 Mr. Rinaldo.

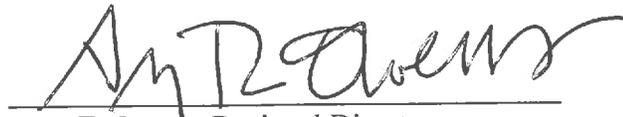
Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Mr. Rinaldo from his obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by Mr. Rinaldo 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, Mr. Rinaldo, certifies that he is authorized to enter into the terms and conditions of this Order and to execute and legally bind himself to this document. Any documents to be submitted pursuant to this Order shall be submitted by Mr. Rinaldo or an authorized representative of Mr. Rinaldo.

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, Mr. Rinaldo voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 29th day of June, 2018.



Amy T. Owens, Regional Director
Department of Environmental Quality

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Mr. Raymond E. Rinaldo agrees to the issuance of this Order.

Date: 29 June 18 By: [Signature]
(Person)
Mr. Raymond E. Rinaldo

Commonwealth of Virginia
City/County of Rockingham

The foregoing document was signed and acknowledged before me this 29 day of
June, 2018, by Raymond E. Rinaldo

[Signature]
Notary Public

329867
Registration No.

My commission expires: 6/31/2022

DIANA L. ADAMS
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #329867
My Commission Expires January 31, 2022