



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTHWEST REGIONAL OFFICE

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Douglas W. Domenech
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STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION – ORDER BY CONSENT ISSUED TO RELINE AMERICA INCORPORATED

Registration No. 11199

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 Reline America, Inc., regarding Reline 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. “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 Reline America, Inc. facility located at 116 Battleground Avenue, in Smyth County, Virginia.
5. “Notice of Violation” or “NOV” means a type of Notice of Alleged Violation under Va. Code § 10.1 – 1309.

6. "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.
7. "Permit" means a NSR Permit to modify and operate a resin liner manufacturing facility which was issued under the Air Pollution Control Law and the Regulations to Reline America, Inc., effective March 24, 2010.
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. "Reline America, Inc." means Reline America, Inc., a company authorized to do business in Virginia and its affiliates, partners and subsidiaries. Reline America, Inc. is a "person" within the meaning of Va. Code § 10.1 – 1300.
11. "SWRO" means the Southwest Regional Office of DEQ, located in Abingdon, Virginia.
12. "Va. Code" means the Code of Virginia (1950), as amended.
13. "VAC" means the Virginia Administrative Code.
14. "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. Reline America, Inc. owns and operates the Facility in Smyth County, Virginia. The Facility is the subject of the Permit which allows the company to operate the resin liner manufacturing facility.
2. On August 4, 2011, Department staff conducted a PCE at the Facility for compliance with the requirements of the Virginia Air Pollution Control Law, the Permit, and the Regulations. Based on the evaluation and follow-up information, Department staff made the following observations:
 - a) On August 4, 2011, Reline America, Inc. conducted EPA Methods 25A for VOC and EPA Method 18 for styrene on the styrene vent stack at the Facility. Stack test results were received by the SWRO on October 24, 2011.
 - b) The stack test results were received 81 days after the stack test (36 days after the 45 day submittal deadline).

- c) The stack test report indicated the test results were as follows: VOC 15.035 lbs/hr; and Styrene 18.002 lbs/hr.
3. Condition No. 5 of the Permit states in part, "Emissions from the resin liner manufacturing processes shall not exceed the limits specified below: Volatile Organic Compounds 14.95 lbs/hr..."
 4. 9 VAC 5-50-260 requires that, "A. No owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any emissions in excess of that resultant from using best available control technology, as reflected in any condition that may be placed upon the permit approval for the facility..."
 5. Condition No. 12 f. of the Permit states in part, "Two (2) copies of the test results shall be submitted to the Director, Southwest Regional Office, within forty-five (45) days after test completion..."
 6. 9 VAC 5-50-30 requires that, "A. Performance tests for new or modified sources shall be conducted and reported and data shall be reduced as set forth in this chapter and the test methods and procedures contained in each applicable subpart listed in 9VAC 5-50-410..."
 7. 9 VAC 5-80-1200 requires that, "For stationary sources other than those specified in subsection B of this section, compliance with standards of performance shall be determined in accordance with the provisions of 9VAC5-50-20 and shall be verified by performance tests in accordance with the provisions of 9 VAC 5-50-30... Testing required by subsections A and B of this section shall be conducted by the owner within 60 days after achieving the maximum production rate at which the new or modified source will be operated, but not later than 180 days after initial startup of the source; and 60 days thereafter the board shall be provided by the owner with one or, upon request, more copies of a written report of the results of the tests..."
 8. Condition No. 23 of the Permit states in part, "Toxic pollutant emissions from the operation of the resin liner manufacturing process shall not exceed the limits specified below: Styrene 14.95 lbs/hr..."
 9. 9 VAC 5-60-320 requires that, "...Regardless of any provision of any other regulation of the board, no owner or other person shall cause or permit to be discharged into the atmosphere from any affected facility any emissions of toxic pollutants in such quantities as to cause, or contribute to, any significant ambient air concentration that may cause, or contribute to, the endangerment of human health..."

10. 9 VAC 5-80-1120 F requires that, "All terms and conditions of any permit issued under this article shall be federally enforceable except those that are designated state-only enforceable under subdivision 1 of this subsection. Any term or condition that is not federally enforceable shall be designated as state-only enforceable as provided in subdivision 2 of this subsection..."
11. 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.
12. On December 16, 2011, based on the evaluation and follow-up information, the Department issued a Notice of Violation No. ASWRO08225 to Reline America, Inc. for the violations described in paragraphs C(2) through C(10), above.
13. On December 23, 2011, Reline America, Inc. submitted an electronic response to the NOV.
14. On January 12, 30 and March 8, 2012, Department staff met with representatives of Reline America, Inc. to discuss the violations.
15. Based on the results of the August 4, 2011 evaluation, the January 12, 2012 and the January 30, 2012 meetings, and the stack test results submitted on October 24, 2011, the Board concludes that Reline America, Inc. has violated Conditions 5, 12f and 23 of the Permit, 9 VAC 5-50-30, 9 VAC 5-50-260, 9 VAC 5-60-320, 9 VAC 5-80-1120f and 9 VAC 5-80-1200 as described in paragraphs C(3) through C(10), above.
16. In order for Reline America, Inc. to return to compliance, DEQ staff and representatives of Reline America, Inc. 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 Reline America, Inc. and Reline America, Inc. agrees to:

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$3,597 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", delivered to:

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

Reline 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).

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Reline America, Inc. for good cause shown by Reline 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. 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, Reline America, Inc. admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Reline 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. Reline 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 Reline 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. Reline 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 occurrence. Reline America, Inc. shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Reline 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 Reline America, Inc. intends 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 Reline America, Inc.. Nevertheless, Reline 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 Reline America, Inc. has completed all of the requirements of the Order.

- b. Reline 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 Reline America, Inc..

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

And it is ORDERED this 27th day of March, 2012

Dallas S. Sizemore
Dallas Sizemore, Regional Director
Department of Environmental Quality

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

Date: 3.23.12 By: [Signature],
Jay Lanz, General Manager,
Reline America, Inc.

Commonwealth of Virginia

City/County of Washington

The foregoing document was signed and acknowledged before me this 23 day of March, 2012, by Jay Lanz who is General Manager of Reline America, Inc., on behalf of the corporation.

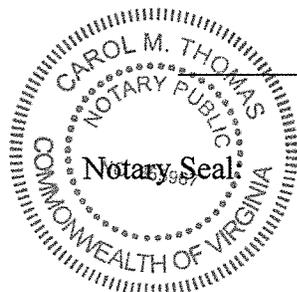
Carol M. Thomas
Notary Public

355967

Registration No.

5-31-2013

My commission expires:



APPENDIX A SCHEDULE OF COMPLIANCE

A. Reline America, Inc. shall:

1. Conduct a performance test for VOC and styrene from the styrene vent stack to determine compliance with the emission limits contained in Condition 5 and 23 of the March 24, 2010 NSR permit no later than September 1, 2012.
2. Submit a test protocol at least 15 days prior to testing for VOC and styrene from the styrene vent stack.
3. Submit the test results for VOC and styrene from the styrene vent stack within 45 days after test completion.

B. Certification of Documents and Reports

In accordance with 9 VAC 5-20-230(A), in all documents or reports, including, without limitation, the SEP Completion Report, submitted to DEQ pursuant to this Consent Order, Reline America, Inc., 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.”

C. DEQ Contact

Unless otherwise specified in this Order, Reline America, Inc. shall submit all requirements of Appendix A of this Order to:

Reline America, Inc.
Reg. No. 11199
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Crystal C. Bazyk
Air Compliance Manager
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