



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTHWEST REGIONAL OFFICE

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Secretary of Natural Resources

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Regional Director

### STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION – ORDER BY CONSENT ISSUED TO STRONGWELL CORPORATION

**Registration No. 10211**

#### **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 Strongwell Corporation, regarding Strongwell Corporation – Bristol Division, 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. “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. “FCE” means full compliance evaluation by DEQ staff.

6. “Facility” means the Strongwell Corporation – Bristol Division facility located at 400 Commonwealth Avenue, in Bristol City, Virginia.
7. “Notice of Violation” or “NOV” means a type of Notice of Alleged Violation under Va. Code § 10.1 - 1309.
8. “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.
9. “Permit” means a Title V Permit to operate a reinforced plastics manufacturing facility which was issued under the Air Pollution Control Law and the Regulations to Strongwell Corporation – Bristol Division, effective April 6, 2011 (amended November 7, 2012).
10. “Regulations” or “Regulations for the Control and Abatement of Air Pollution” means 9 VAC 5 chapters 10 through 80.
11. “Strongwell Corporation” means Strongwell Corporation, a company authorized to do business in Virginia and its affiliates, partners and subsidiaries. Strongwell Corporation is a “person” within the meaning of Va. Code § 10.1 – 1300.
12. “SWRO” means the Southwest Regional Office of DEQ, located in Abingdon, Virginia.
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 Facts and Conclusions of Law**

1. Strongwell Corporation owns and operates the Facility in Bristol City, Virginia. The Facility is the subject of the Permit which allows the company to operate the reinforced plastics manufacturing facility.
2. On August 4, 2014, DEQ staff conducted a FCE of Facility records and made the following observations:
  - a. Facility had failed to submit the initial notification for 40 CFR Part 63, Subpart DDDDD.
  - b. Monthly paint usages pound per hour from paint spray booth PB-2 ranged from 16.85 lbs/hr (63 hours of operation) to 38.52 lbs/hr (30 hours of operation) for the 12-month period of July 2013 to June 2014.

c. Facility records indicated VOC emissions from paint spray booth PB-2 were recorded as follows: Nov 2013 (6.88 lbs/hr); Feb 2014 (9.92 lbs/hr); May 2014 (8.79 lbs/hr); and June 2014 (9.33 lbs/hr). The VOC emissions for the 12-month period of July 2013 to June 2014 were 1.06 tons.

d. Facility was not maintaining sufficient recordkeeping for 40 CFR Part 63, Subpart PPPP.

3. Condition No. III.A.6. of the Permit states, “The provisions of 40 CFR Part 63, Subpart DDDDD - National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters applies to emission units, B-1, B-2, B-3, B-4 and WR-1, unless the permittee obtains federally enforceable limits on its facility-wide emissions of hazardous air pollutants to below major source thresholds prior to the first substantive compliance date of the subpart.”
4. 9 VAC 5-80-110 requires that, “...A.1. For major sources subject to this article, the board shall include in the permit all applicable requirements for all emissions units in the major source...”
5. Condition No. IV.A.4. of the Permit states, “Throughput of Sherwin Williams Polane coatings or equivalent, as described in the January 29, 1993 permit application, to spray booth PB-2 shall not exceed 6 pounds per hour...”
6. 9 VAC 5-80-110 requires that, “...B. Each permit shall contain terms and conditions setting out the following requirements with respect to emission limitations and standards:
  1. The permit shall specify and reference applicable emission limitations and standards, including those operational requirements and limitations that assure compliance with all applicable requirements at the time of permit issuance...”
7. Condition No. IV.A.5. of the Permit states, “Emissions from the operation of spray booth PB-2 shall not exceed the limits specified below:

Volatile Organic Compounds	6.7 lbs/hr	4.5 tons/yr
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Annual emissions shall be calculated as the sum of each consecutive 12-month period.”
8. 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 emissions limitations representing best available control technology, as reflected in any term or condition that may be placed upon the minor NSR permit approval for the facility...”

9. Condition No. IV.B.2. of the Permit states, “For each compliance period to demonstrate compliance with the Compliant Material option, the permittee shall:

a. Determine the mass fraction of organic HAP for each material using 40 CFR 63, Appendix A, Method 311, 40 CFR 60, Appendix A, Method 24, information from the material supplier or manufacturer, or an alternative method approved by the Administrator. The mass fraction of organic HAP for solvent blends shall be determined in accordance with 40 CFR 63.4541(a)(5).

b. Determine the mass fraction of coating solids for each coating using 40 CFR 60, Appendix A, Method 24, information from the material supplier or manufacturer, or an alternative method approved by the Administrator.

c. Calculate the organic HAP content of each coating by dividing the mass fraction of organic HAP in the coating by the mass fraction of coating solids.

A compliance period consists of 12 months. Each month is the end of a compliance period consisting of that month and the preceding 11 months.”

10. 9 VAC 5-60-100 requires that, “Designated emission standards...Subpart PPPP – Surface Coating of Plastic Parts and Products. 40 CFR 63.4480 through 40 CFR 63.4581 (application of coating to a substrate using spray guns or dip tanks, including motor vehicle parts and accessories for automobiles, trucks, recreational vehicles; sporting and recreational goods; toys; business machines; laboratory and medical equipment; and household and other consumer products)...”

11. 40 CFR 63.4542 requires that, “...(d) You must maintain records as specified in §§ 63.430 and 63.4531.”

12. Condition No. IV.C. of the Permit states, “The permittee shall maintain records of all emissions data and operating parameters necessary to demonstrate compliance with this permit... These records shall include, but are not limited to:...

9. For the Compliant Material option, calculations of the organic HAP content for each coating...

11. The mass fraction of organic HAP for each coating, thinner and/or other additive, and cleaning material used...

12. The mass fraction of coating solids for each coating used...”

13. 9 VAC 5-50-50 requires that, “...F. The owner of stationary source shall keep records as necessary to determine its emissions...”

14. 9 VAC 5-80-110 requires that, “...each permit shall contain terms and conditions setting out the following requirements with respect to compliance:

1. Compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit...”
15. 40 CFR 63.4530 requires that, ”You must collect and keep records of the data and information specified in this section...(2) For the compliant material option, a record of the calculation of the organic HAP content for each coating, using Equation 1 of §63.4541. (3) For the emission rate without add-on controls option, a record of the calculation of the total mass of organic HAP emission for the coatings, thinners and/or other additives, and cleaning materials used each month using Equations 1, 1A through 1C, and 2 of §63.4551...the calculation of the total mass of coating solids used each month using Equation 2 of §63.4551; and the calculation of each 12-month organic HAP emissions rate using Equation 3 of §63.4551(e)(4)...”
16. 40 CFR 63.4531 requires that, ”...(a) Your records must be in a form suitable and readily available for expeditious review, according to §63.10(b)(1)...”
17. 9 VAC 5-170-160(A) - (Conditions on Approvals) of the Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution states in part: “The board may impose conditions upon permits and other approvals which may be necessary to carry out the policy of the Virginia Air Pollution Control Law, and which are consistent with the regulations of the board. Except as otherwise specified, nothing in this chapter shall be understood to limit the power of the board in this regard. If the owner or other person fails to adhere to the conditions, the board may automatically cancel the permit or approvals. This section shall apply, but not be limited, to approval of variances, approval of control programs, and granting of permits.”
18. 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.
19. On September 19, 2014, based on the results of the August 4, 2014 FCE, the Department issued a Notice of Violation No. ASWRO9042 to the Facility for the violations described in paragraph C(2), above.
20. On September 25, 2014, DEQ received a telephone response to the NOV from the Facility.
21. On October 16, 2014, DEQ received the 40 CFR Part 63, Subpart DDDDD initial notification report from the Facility.
22. On November 3, 2014, Department staff met with representatives of Strongwell Corporation to discuss the violations.

23. On November 3, 2014 and November 6, 2014, the Facility submitted calculations and reports demonstrating the recalculation of the paint throughput and VOC emissions to paint spray booth PB-2. The reports demonstrated that half of the previously reported throughput volume to paint spray booth PB-2 was acetone and the remaining half was paint. Additionally, the Facility documented data for July 2014 through October 2014 which demonstrated paint throughput to the paint spray booth PB-2 of greater than 6 lbs/hr for each additional month.
24. Based on the results of the August 4, 2014 FCE, the September 25, 2014 response to the NOV, the November 3, 2014 meeting and the report submittals on November 3, 2014 and November 6, 2014, the Board concludes that Strongwell Corporation has violated Conditions III.A.6., IV.A.5., IV.B.2., IV.C.9., IV.C.11., and IV.C.12 of the Permit and 9 VAC 5-50-50, 9 VAC 5-50-260, 9 VAC 5-60-100, 9 VAC 5-80-110, 40 CFR 63.4530, 40 CFR 4531 and 40 CFR 4542 as described in paragraphs C(3) through C(6) and C (9) through C(16), above.

**SECTION D: Agreement and Order**

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

1. Perform the action described in Appendix A of this Order, and
2. Pay a civil charge of \$7,160 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

Strongwell Corporation 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, Strongwell Corporation 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 Strongwell Corporation for good cause shown by Strongwell Corporation, 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. ASWRO9042 dated September 19, 2014. 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, Strongwell Corporation admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Strongwell Corporation 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. Strongwell Corporation 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 Strongwell Corporation 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. Strongwell Corporation 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. Strongwell Corporation shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its

part. Strongwell Corporation 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.

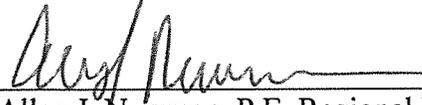
Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition listed above, which the parties intends to assert will result in the impossibility of compliance, shall constitute waiver of any claim of inability to comply with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

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

And it is ORDERED this 22<sup>nd</sup> day of December, 2014

  
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Allen J. Newman, P.E. Regional Director  
Department of Environmental Quality

Strongwell Corporation voluntarily agrees to the issuance of this Order.

Date: 12/18/14 By: *Tracy Wright*  
Tracy Wright, Director, Virginia Operations  
Strongwell Corporation

Commonwealth of Virginia

City/County of Bristol

The foregoing document was signed and acknowledged before me this 18<sup>th</sup> day of  
December, 2014, by Tracy Wright who is  
Director, Operations of Strongwell Corporation,  
on behalf of the corporation.

*Amanda Henegar*  
Notary Public *Amanda Henegar*  
7560550  
Registration No.  
1/31/17  
My commission expires:

Notary Seal:



## **APPENDIX A SCHEDULE OF COMPLIANCE**

### **1. Strongwell Corporation:**

1. Shall submit an application for permit modification within 30 days of the execution of this Order for increase of lb/hr paint usage in paint spray booth PB-2.
2. Shall submit written documentation of changes implemented for recordkeeping and calculation used which are maintained at the facility to demonstrate compliance with 40 CFR Part 63, Subpart PPPP recordkeeping and calculation requirements within 30 days of the execution of this Order.

### **2. 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, Strongwell Corporation, 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.”

### **3. DEQ Contact**

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

Crystal C. Bazyk  
Enforcement and Air Compliance/Monitoring Manager  
VA DEQ – SWRO  
355-A Deadmore Street  
Abingdon, VA 24210  
(276) 676-4829  
crystal.bazyk@deq.virginia.gov