



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

TIDEWATER REGIONAL OFFICE

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Molly Joseph Ward
Secretary of Natural Resources

David K. Paylor
Director

Craig Nicol
Regional Director

**STATE AIR POLLUTION CONTROL BOARD
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
Tecnico Corporation
FOR
Tecnico Corporation's Chesapeake Facility
Registration No. 61553**

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 Tecnico Corporation, regarding Tecnico Corporation's Chesapeake Facility, 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. "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 Tecnico Corporation facility, located at 831 Industrial Avenue in Chesapeake, Virginia.

5. "FCE" means a full compliance evaluation by DEQ staff.
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 New Source Review permit to modify and operate a miscellaneous metal parts and products coating facility, which was issued to Tecnico under the Virginia Air Pollution Control Law and the Regulations on July 3, 2012 under Air Registration No. 61553. DEQ is in the process of issuing to Tecnico a 2017 New Source Review permit to modify and operate, which will replace the 2012 permit.
9. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.
10. "Tecnico" means Tecnico Corporation, a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Tecnico is a "person" within the meaning of Va. Code § 10.1-1300.
11. "TRO" means DEQ's Tidewater Regional Office located in Virginia Beach, 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 Fact and Conclusions of Law

1. Tecnico owns and operates the Facility located in Chesapeake, Virginia. The Facility is the subject of the Permit, which allows Tecnico to modify and operate a metal parts and products coating facility.
2. On January 5, 2017, Department staff conducted a FCE 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. Tecnico had constructed a new paint line with multiple emission units that vent to the outside environment. The paint lines, or associated emission units, were neither listed as "exempt" nor "permitted" in the Permit.

- b. A review of DEQ files did not find a notification of construction or startup for the new paint line.
3. Condition 1 of the Permit provides that any changes in the permit application specifications or any existing facilities, which alter the impact of the facility on air quality, may require a permit.
4. 9 VAC 5-80-1120(A) provides that no owner or operator shall begin actual construction, or operate, any stationary source without first obtaining from the Board a permit to construct and operate the source.
5. 9 VAC 5-50-50(A) requires that Tecnico notify DEQ of a new or modified source no later than 30 days after such date.
6. On January 20, 2017, based on the evaluation and follow-up information, the Department issued to Tecnico Notice of Violation No. ATR0000572 for the violations described in paragraphs C(2) through C(5), above.
7. On January 23, 2017, Tecnico responded to the NOV by scheduling a meeting with DEQ.
8. On January 30, 2017, Department staff met with representatives of Tecnico to discuss the violations.
9. Based on the results of the January 5, 2017 evaluation and the January 30th meeting, the Board concludes that Tecnico has violated Permit Condition 1, 9 VAC 5-80-1120(A), and 9 VAC 5-50-50(A), as described in paragraphs C(2) through C(5), above.
10. Tecnico has submitted documentation that verifies that the violations described in paragraphs C(2) through C(5), above, have been corrected. On January 11, 2017, Tecnico submitted a Form 7 air application for the new paint line and notified DEQ of its construction and startup dates. DEQ is in the process of issuing to Tecnico a new 2017 Permit.

SECTION D: Agreement and Order

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Board orders Tecnico, and Tecnico agrees to pay a civil charge of \$9,237 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," and delivered to:

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

Tecnico shall include its Federal Employer Identification Number (FEIN) 54-1571418 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, Tecnico 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 Tecnico for good cause shown by Tecnico, 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. ATRO000572 dated January 20, 2017. 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, Tecnico admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Tecnico 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. Tecnico 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 Tecnico 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. Tecnico 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. Tecnico shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Tecnico 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 Tecnico. Nevertheless, Tecnico agrees to be bound by any compliance date that 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 Tecnico has completed all of the requirements of the Order;
 - b. Tecnico 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 Tecnico.

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

And it is so ORDERED this 22nd day of February, 2017.



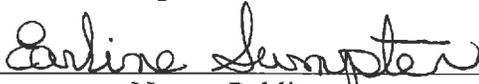
Craig R. Nicol, Regional Director
Department of Environmental Quality

Tecnico Corporation voluntarily agrees to the issuance of this Order.

Date: 2/20/17 By: Larry E. Torrech, VP
(Person) (Title)
Tecnico Corporation

Commonwealth of Virginia
City/County of Chesapeake

The foregoing document was signed and acknowledged before me this 20 day of
February, 2017, by Larry E. Torrech who is
Vice President of Tecnico Corporation, on behalf of the corporation.



Notary Public

240321

Registration No.

My commission expires: December 31, 2017

Notary seal:

