



# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF ENVIRONMENTAL QUALITY

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## AMENDMENT TO EXECUTIVE COMPLIANCE AGREEMENT

### VIRGINIA DEPARTMENT OF CORRECTIONS FOR VIRGINIA CORRECTIONAL CENTER FOR WOMEN Registration No. 50547

This is an Amendment to an Executive Compliance Agreement ("Agreement") between the Virginia Department of Corrections ("DOC") and the Virginia Department of Environmental Quality ("DEQ") pursuant to the Director's authority, as set forth in §§ 10.1-1186, 10.1-1307.1 and 10.1-1307.3 of the Code of Virginia, to administer and enforce the Air Pollution Control Law, applicable permit requirements and the Regulations for the Control and Abatement of Air Pollution.

DOC owns and operates the Virginia Correctional Center for Women ("VCCW") in Goochland County, Virginia. The VCCW is subject to a New Source Review Permit, Permit No. 50547-2 ("Permit"), issued on March 19, 2007 and amended on September 29, 2008. The Permit authorized DOC to construct and operate three coal-fired boilers, each rated at 14.65 mmbtu/hr heat input, which provide space heat and hot water for prison laundry, showers, and other uses.

Condition 20 of the Permit states that: "Visible emissions from the boilers designated B-01, B-02, and B-03 shall not exceed 20% opacity except during one 6-minute period in any one hour in which visible emissions shall not exceed 30% opacity as determined by the EPA Method 9 (reference 40 CFR 60, Appendix A). This condition applies at all times except during start-up, shutdown, and malfunction. (9 VAC 5-50-80, 9 VAC 5-50-260)." Va. Code 10.1-1322 requires compliance with the conditions of the Permit.

On November 10, 2008, two DEQ inspectors conducted a Partial Compliance Evaluation and performed a Visible Emissions Evaluation ("VEE") on boilers B-01 and B-03 at the VCCW facility. The DEQ inspectors documented opacity values greater than 20% opacity. During the inspection, the VCCW provided the DEQ inspectors with the opacity records of

the boilers for the time period of November 1, 2008 through November 10, 2008. The records indicated that the VCCW had exceeded the opacity standard.

On November 24, 2008, DEQ issued a Notice of Violation (“NOV”) to DOC for the above described violations. DOC met with DEQ on December 9, 2008 and again on January 28, 2009 to discuss resolution of the violations. DOC agreed to take steps to meet opacity standards at the facility by addressing improper combustion control, a highly variable steam demand, and lack of operator training issues with the coal-fired boilers. DOC took the following steps to achieve compliance with the Permit: 1) re-tuned the coal-fired boilers; 2) investigated the steam flow meters and taken corrective action(s) as necessary; 3) inspected, cleaned, and is maintaining the multi-clones as needed; and 4) initiated a coal fired boiler training program in order to consistently comply with the VCCW’s opacity standard. Although DOC took the above described steps to try to improve combustion efficiency and achieve compliance with the opacity standards, records and inspections indicated that VCCW continued to exceed the opacity standard. DOC then agreed to an Executive Compliance Agreement with DEQ that required DOC to submit and implement a Corrective Action Plan (CAP). DOC agreed to convert one of the coal fired boilers to a #2 fuel oil/biodiesel fired boiler. Prior to completion of the conversion to an oil fired boiler, DOC received a grant to convert all three boilers to LP/Natural gas fired boilers.

On October 2, 2011, DOC provided a CAP to bring the VCCW boilers into compliance with the opacity standards and particulate matter (PM) as outlined in Condition 20 of the Permit by converting the boilers, one at a time, to LP/Natural Gas fired boilers. The CAP was modified on October 14, 2011. Until the boilers are converted, they will continue to burn coal until such time that each boiler is shut down for the conversion. The boilers will initially run on 100% LP gas while coordination is completed with the Natural Gas pipeline to extend a line to the VCCW. Upon completion of the extension of the Natural Gas pipeline, the boilers will then run on a combination of LP and Natural Gas depending on price and availability.

To remedy this matter, DOC and DEQ agree to the following schedule of action:

1. Implement the CAP as provided to DEQ on October 14, 2011.
2. By **February 30, 2012**, DOC shall complete the conversion of the three coal burning boilers onsite to LP/Natural gas fired boilers.
3. **By the 10<sup>th</sup> of each month**, submit to DEQ a monthly report on the previous month’s progress of all the above listed items of No. 1, until the final milestone in the CAP has been accomplished.

DOC shall be responsible for implementing the terms and conditions of this Agreement unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. DOC shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. DOC shall notify the DEQ Piedmont Regional Office Director verbally within 24 hours and in writing within 3 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 Agreement. Such notice shall set forth the reasons for the delay or noncompliance; the projected duration of any such delay or noncompliance; the measures taken and to be taken to prevent or minimize such delay or noncompliance; and, the timetable by which such measures will be implemented and the date full compliance will be achieved.

The undersigned representative of the Department of corrections certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Agreement and to execute and legally bind the Department of Corrections to this document. Any documents to be submitted pursuant to this Agreement shall also be submitted by a responsible official of the Department of Corrections.

DEQ expects that all of these items will be completed according to the schedule set forth in this Agreement. This Agreement shall amend the Agreement dated January 6, 2010. This Agreement shall become effective upon the date of its execution by the Director of DEQ or his designee.

  
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Harold W. Clarke, Director  
Department of Corrections

1-5-12  
Date

  
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David K. Paylor, Director  
Department of Environmental Quality

12/20/2011  
Date