Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTHWEST REGIONAL OFFICE
355-A Deadmore Street, Abingdon, Virginia 24210
(276) 676-4800 FAX (804) 698-4178
www.deq.virginia.gov

Travis A. Voyles
Acting Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus
Director
(804) 698-4020

Jeffrey Hurst
Regional Director

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO RAMSEY INDUSTRIAL COMPANY FOR RAMSEY INDUSTRIAL COMPANY FACILITY Registration No. 11806

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the Virginia Department of Environmental Quality and Ramsey Industrial Company, regarding the Ramsey Industrial Company 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. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

2. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.

3. "Facility" means the Ramsey Industrial Company facility, located at 1975 Hockman Pike, Bluefield, in Tazewell County, Virginia.

4. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.

5. "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.

6. "PCE" means a partial compliance evaluation by DEQ staff.

7. "Permit" means a minor New Source Review (NSR) permit to construct and operate a steel fabrication facility, which was issued under the Virginia Air Pollution Control Law and the Regulations to Ramsey on October 19, 2018.

8. "Ramsey" means Ramsey Industrial Company, a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. Ramsey is a "person" within the meaning of Va. Code § 10.1-1300.

9. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.

10. "SWRO" means the Southwest Regional Office of DEQ, located in Abingdon, Virginia.

11. "Va. Code" means the Code of Virginia (1950), as amended.

12. "VAC" means the Virginia Administrative Code.

13. "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. Ramsey owns and operates the Facility in Tazewell County, Virginia. The Facility is the subject of the Permit which allows Ramsey to construct and operate a steel fabrication facility.

2. On August 4, 2022, SWRO staff conducted a PCE for review of the 2021 Annual Update, initially submitted by Ramsey on March 1, 2022 and revised on March 10, 2022. The revised 2021 Annual Update documented that 234 gallons of thinners and reducers were consumed in the spray coating operation from January 1, 2021 to December 31, 2021. Subsequent electronic correspondence, submitted by Ramsey on March 10, 2022, indicated thinners/cleaners had been utilized to mix and/or thin paints.

3. Condition No. 5 of the Permit states that the spray coating operation shall consume no more than 140 gallons per year of thinners and reducers.

4. Condition No. 5 of the Permit states, in part: "Thinners/cleaners are used only for cleaning the spray gun."

5. 9 VAC 5-80-1180(D) states, in part: "Minor NSR permits will contain, but need not be limited to, any of the following elements as necessary to ensure that the permits are enforceable as a practical matter: 1. Emission standards. 2. Conditions necessary to enforce emission standards. Conditions may include, but not be limited to, any of the following: a. Limits on fuel sulfur content. b. Limits on production rates with time frames as appropriate to support the emission standard. c. Limits on raw material usage rate…".

6. On August 10, 2022, SWRO issued NOV No. ASWRO002256 to Ramsey regarding the violations described above. On August 23, 2022, Ramsey provided a written response to the NOV, which indicated that it had obtained the services of a consultant to prepare a permit modification for submittal to DEQ.

7. Based on the results of the August 4, 2022 PCE and the August 23, 2022 NOV response, the Department concludes that Ramsey has violated Permit Condition No. 5 and 9 VAC 5-80-1180(D), as described above.

8. In order for Ramsey to return to compliance, DEQ staff and representatives of Ramsey 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 Department orders Ramsey, and Ramsey agrees to:

1. Perform the actions described in Appendix A of this Order; and

2. Pay a civil charge of $7,495.00 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

Ramsey shall include its Federal Employer 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, Ramsey shall be liable for attorneys' fees of 30% of the amount outstanding.

SECTION E: Administrative Provisions

1. The Department may modify, rewrite, or amend this Order with the consent of Ramsey for good cause shown by Ramsey, 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. ASWRO002256, dated August 10, 2022. This Order shall not preclude the Department 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, Ramsey admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.

4. Ramsey 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. Ramsey 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 Department to modify, rewrite, amend, or enforce this Order.

6. Failure by Ramsey to comply with any of the terms of this Order shall constitute a violation of an order of the Department. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Department 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. Ramsey 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. Ramsey shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Ramsey 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 Ramsey. Nevertheless, Ramsey 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 Ramsey has completed all of the requirements of the Order;

b. Ramsey 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 the Department terminates the Order in his or its sole discretion upon 30 days' written notice to Ramsey.

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

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, Ramsey voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 30th day of September, 2022.

Jeffrey L. Hurst, Regional Director
Department of Environmental Quality

Ramsey Industrial Company voluntarily agrees to the issuance of this Order.

Date: 9-27-22 By: _____, Officer
(Person) (Title)
Ramsey Industrial Company

Commonwealth of Virginia

City/County of Tazewell

The foregoing document was signed and acknowledged before me this 27th day of September, 2022, by Craig Alan Ramsey who is Officer of Ramsey Industrial Company, on behalf of the corporation.

Brenda L. White
Notary Public

338340 / 11806
Registration No.

My commission expires: March 31, 2026

Notary seal:

BRENDA L. WHITE
NOTARY PUBLIC
Commonwealth of Virginia
Reg. #338340
My Commission Expires March 31, 2026

APPENDIX A
SCHEDULE OF COMPLIANCE

1. **Ramsey Industrial Company**

   Shall submit a permit application to DEQ within 60 days of the effective date of this Order.

2. **Certification of Documents and Reports**

   In accordance with 9 VAC 5-20-230(A), in all documents or reports submitted to DEQ pursuant to this Consent Order, Ramsey Industrial Company, 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, Ramsey Industrial Company 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, Virginia 24210
   (276) 676-4829
   crystal.bazyk@deq.virginia.gov