

**TENTATIVE AGENDA AND MINIBOOK  
STATE AIR POLLUTION CONTROL BOARD MEETING  
WEDNESDAY, JUNE 21, 2006**

**DEPARTMENT OF ENVIRONMENTAL QUALITY  
PIEDMONT REGIONAL OFFICE  
4949-A COX ROAD  
GLEN ALLEN, VA**

**Convene - 10:00 A.M.**

**Tab**

**I. Regulations - Final**

8-hour Ozone Maintenance Areas (Rev. B06)	Sabasteanski	A
VOC and NOx Emissions Control Areas (Rev. D04)	Graham	B
Open Burning (Rev. H03)	Major	C
Major New Source Review Reform (Rev. E03)	Mann	D

**II. Public Forum**

**III. Other Business**

W-L Asphalt – Report	Feagins	
High Priority Violator’s Report	Dowd	E
Legislative Update	Porterfield	
Division Director’s Report	Sydnor	F
Minutes		G
Future Meetings		

**Adjourn**

**NOTE:** The Board reserves the right to revise this agenda without notice unless prohibited by law. Revisions to the agenda include, but are not limited to, scheduling changes, additions or deletions. Questions arising as to the latest status of the agenda should be directed to Cindy M. Berndt at (804) 698-4378.

**PUBLIC COMMENTS AT STATE AIR POLLUTION CONTROL BOARD MEETINGS:** The Board encourages public participation in the performance of its duties and responsibilities. To this end, the Board has adopted public participation procedures for regulatory action and for case decisions. These procedures establish the times for the public to provide appropriate comment to the Board for their consideration.

For **REGULATORY ACTIONS (adoption, amendment or repeal of regulations)**, public participation is governed by the Administrative Process Act and the Board's Public Participation Guidelines. Public comment is accepted during the Notice of Intended Regulatory Action phase (minimum 30-day comment period and one public meeting) and during the Notice of Public Comment Period on Proposed Regulatory Action (minimum 60-day comment period and one public hearing). Notice of these comment periods is announced in the Virginia Register and by mail to those on the Regulatory Development Mailing List. The comments received during the announced public comment periods are summarized for the Board and considered by the Board when making a decision on the regulatory action.

For **CASE DECISIONS (issuance and amendment of permits and consent special orders)**, the Board adopts public participation procedures in the individual regulations which establish the

permit programs. As a general rule, public comment is accepted on a draft permit for a period of 30 days. If a public hearing is held, there is a 45-day comment period and one public hearing.

In light of these established procedures, the Board accepts public comment on regulatory actions, as well as general comments, at Board meetings in accordance with the following:

**REGULATORY ACTIONS:** Comments on regulatory actions are allowed only when the staff initially presents a regulatory action to the Board for **final** adoption. At that time, those persons who participated in the prior proceeding on the proposal (i.e., those who attended the public hearing or commented during the public comment period) are allowed up to 3 minutes to respond to the summary of the prior proceeding presented to the Board. Adoption of an emergency regulation is a final adoption for the purposes of this policy. Persons are allowed up to 3 minutes to address the Board on the emergency regulation under consideration.

**CASE DECISIONS:** Comments on pending case decisions at Board meetings are accepted only when the staff initially presents the pending case decision to the Board for final action. At that time the Board will allow up to 5 minutes for the applicant/owner to make his complete presentation on the pending decision, unless the applicant/owner objects to specific conditions of this permit. In that case, the applicant/owner will be allowed up to 15 minutes to make his complete presentation. The Board will then, in accordance with § 2.2-4021, allow others who participated in the prior proceeding (i.e., those who attended the public hearing or commented during the public comment period) up to 3 minutes to exercise their right to respond to the summary of the prior proceeding presented to the Board. No public comment is allowed on case decisions when a FORMAL HEARING is being held.

**Pooling Minutes:** Those persons who participated in the prior proceeding and attend the Board meeting may pool their minutes to allow for a single presentation to the Board that does not exceed the time limitation of 3 minutes times the number of persons pooling minutes or 15 minutes, whichever is less.

**NEW INFORMATION** will not be accepted at the meeting. The Board expects comments and information on a regulatory action or pending case decision to be submitted during the established public comment periods. However, the Board recognizes that in **rare** instances new information may become available after the close of the public comment period. To provide for consideration of and ensure the appropriate review of this new information, persons who participated during the prior public comment period **shall** submit the new information to the Department of Environmental Quality (Department) staff contact listed below at least 10 days prior to the Board meeting. The Board's decision will be based on the Department-developed official file and discussions at the Board meeting. For a regulatory action should the Board or Department decide that the new information was not reasonably available during the prior public comment period, is significant to the Board's decision and should be included in the official file, an additional public comment period may be announced by the Department in order for all interested persons to have an opportunity to participate.

**PUBLIC FORUM:** The Board schedules a public forum at each regular meeting to provide an opportunity for citizens to address the Board on matters other than pending regulatory actions or pending case decisions. Anyone wishing to speak to the Board during this time should indicate their desire on the sign-in cards/sheet and limit their presentation to not exceed 3 minutes.

**The Board reserves the right to alter the time limitations set forth in this policy without notice and to ensure comments presented at the meeting conform to this policy.**

Department of Environmental Quality Staff Contact: Cindy M. Berndt, Director, Regulatory Affairs, Department of Environmental Quality, 629 East Main Street, P.O. Box 10009, Richmond, Virginia 23240, phone (804) 698-4378; fax (804) 698-4346; e-mail: [cumberndt@deq.virginia.gov](mailto:cumberndt@deq.virginia.gov).

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**8-hour Ozone Maintenance Areas:** On December 23, 2005 (70 FR 76165) and January 3, 2006 (71 FR 24), EPA approved a list of areas that had been nonattainment for the 8-hour ozone standard as attainment. The new attainment areas became effective on January 23 and February 2, 2006. The state implementation plan (SIP) must now be revised in order to meet the federal requirements for 8-hour ozone attainment areas. When an area is redesignated from nonattainment to attainment, the attainment area is considered to be a “maintenance” area, because it must continue to maintain the plans and programs developed to bring the area out of nonattainment. However, the maintenance areas are subject to the major source permit provisions for attainment (PSD) areas instead of the provisions for nonattainment areas. The PSD regulations specify that the permitting requirements of that section apply to the construction of any new major stationary source or any project at an existing major stationary source in an area designated as attainment. Incorporation of the attainment/maintenance area designations into the state regulations (and thus the SIP) is part of the legally enforceable means by which the state implements the new source review program for attainment/maintenance areas. In order for the state permitting program to be properly implemented, the lists of nonattainment and attainment/maintenance areas must be consistent with the federal lists. Therefore, the redesignation of nonattainment areas to attainment/maintenance must be reflected in the state regulations.

The following substantive amendments to the regulation will be presented to the Board:

1. The Fredericksburg Ozone Maintenance Area (Spotsylvania County, Stafford County, and Fredericksburg City) and the Shenandoah National Park Ozone Maintenance Area (the portions of Madison County and Page County located in Shenandoah National Park) have been added. [9 VAC 5-20-203 1]
2. The Fredericksburg Ozone Nonattainment Area (Spotsylvania County, Stafford County, and Fredericksburg City) and the Shenandoah National Park Ozone Nonattainment Area (the portions of Madison County and Page County located in Shenandoah National Park) have been deleted. [9 VAC 5-20-204 A 2]

**VOC and NO<sub>x</sub> Emissions Control Areas (9 VAC 5 Chapter 20, Rev. D04:** As a result of the recent promulgation of the new 8-hour ozone nonattainment areas, it is necessary to change the VOC and NO<sub>x</sub> emissions control areas designated in 9 VAC 5-20-206 so that regulations that are designed to attain and maintain ozone air quality standards are implemented within the new and revised ozone nonattainment areas. In this amendment, a new Fredericksburg VOC and NO<sub>x</sub> Emissions Control Area is created and the Richmond and Hampton Roads VOC and NO<sub>x</sub> Emissions Control Areas are expanded to include all of the counties and cities in the corresponding 8-hour ozone nonattainment areas. Most of the emission standards that are designed to attain and maintain ozone air quality standards are extended to the new areas automatically by reference. Other regulations refer to individual VOC emissions control areas and must be amended in order to be properly implemented within the appropriate VOC emissions control areas. Although Virginia has requested, and EPA has approved, redesignation for the Fredericksburg Ozone Nonattainment Area and Virginia will soon request redesignation for the Richmond and Hampton Roads Ozone Nonattainment Areas, these regulations provide the regulatory basis for the control and contingency measures that are necessary to maintain the ambient air quality in the redesignated areas for the next 10 years.

Below is a brief summary of the substantive amendments that were originally proposed for public comment.

1. The VOC and NO<sub>x</sub> emissions control areas designated in 9 VAC 5-20-206 are being amended so that those regulations that are used to enforce control measures designed to attain the ozone air quality standard are implemented within the new ozone nonattainment areas. A new Fredericksburg VOC and NO<sub>x</sub> Emissions Control Area is being created that consists of the County of Spotsylvania and the City of Fredericksburg. The Richmond VOC and NO<sub>x</sub> Emissions Control Areas are being expanded to

include the County of Prince George and the City of Petersburg. The Hampton Roads VOC and NOx Emissions Control Areas are being expanded to include the counties of Gloucester and Isle of Wight.

2. Many of the Chapter 40 VOC emission standards will be extended into the new 8-hour nonattainment areas automatically when the VOC emissions control areas in 9 VAC 5-20-206 are amended. For new affected facilities subject to these rules, compliance with the VOC emission standards is automatically required by 9 VAC 5-40-20 to be achieved no later than 90 days after the effective date of the amendment except for sources that require certain physical or process changes to comply, in which case compliance is required no later than one year after the effective date of the amendment. These automatically extended rules include:

- Article 5 Synthesized Pharmaceutical Products Manufacturing Operations
- Article 6 Rubber Tire Manufacturing Operations
- Article 11 Petroleum Refinery Operations
- Article 24 Solvent Metal Cleaning Operations Using Non-Halogenated Solvents
- Article 25 Volatile Organic Compound Storage and Transfer Operations
- Article 26 Large Appliance Coating Application Systems
- Article 27 Magnet Wire Coating Application Systems
- Article 28 Automobile and Light Duty Truck Coating Application Systems
- Article 29 Can Coating Application Systems
- Article 30 Metal Coil Coating Application Systems
- Article 31 Paper and Fabric Coating Application Systems
- Article 32 Vinyl Coating Application Systems
- Article 33 Metal Furniture Coating Application Systems
- Article 34 Miscellaneous Metal Parts and Products Coating Application Systems
- Article 35 Flatwood Paneling Coating Application Systems
- Article 37 Petroleum Liquid Storage and Transfer Operations
- Article 39 Asphalt Paving Operations

3. Other Chapter 40 regulations are being amended to apply (or not apply) within the appropriate VOC emissions control areas:

Chapter 40, Article 4 is being amended to ensure that VOC RACT is not automatically required of all large VOC sources in the new areas that were included in Richmond VOC Emissions Control Area to make it correspond with the expanded Richmond (marginal) 8-hour Ozone Nonattainment Area.

Chapter 40, Article 36 is being amended to provide exemptions for small publication and packaging printing rotogravure, and flexographic printing operations with a potential to emit less than 100 tons of VOC per year within all VOC emissions control areas other than the Northern Virginia VOC Emissions Control Area instead of just in the Richmond and Hampton Roads VOC Emissions Control Areas.

Chapter 40, Article 37 is being amended to change the applicability of Stage I vapor recovery provisions based upon nonattainment areas and maintenance areas to applicability based upon VOC emissions control areas.

Chapter 40, Article 42 (Portable Fuel Containers), Article 48 (Mobile Equipment Repair and Refinishing), Article 49 (Architectural and Industrial Maintenance Coatings), and Article 50 (Consumer Products) are being amended so that the provisions also apply in the Richmond VOC Emissions Control Area and in the new Fredericksburg VOC Emissions Control Area instead of just in the Northern Virginia VOC Emissions Control Area.

Chapter 40, Article 53 is being amended to apply to lithographic printing operations in all VOC emissions control areas instead of just in the Northern Virginia and Richmond VOC Emissions Control Areas. The regulation is also being amended to provide exemptions for small facilities with a potential to emit less than 100 tons of VOC per year in the newly applicable VOC emissions control areas (i.e. the Hampton Roads, Western and Fredericksburg VOC Emissions Control Areas).

The 90-day/one-year compliance schedule of 9 VAC 5-40-20 also applies to new affected facilities that are being made subject to VOC emission standards under Articles 36. Persons affected by the extension of the provisions of Articles 42, 48, 49, and 50 to the Richmond and Fredericksburg VOC

Emission Control Areas must comply by January 1, 2008. Compliance for affected facilities now subject to VOC emission standards under Article 53 will be required no later than one year after the effective date of the amendment.

Below is a brief summary of the substantive changes the Department is recommending be made to the original proposal.

Chapter 40, Article 37 was amended to prevent the automatic implementation of Stage II gasoline vapor recovery requirements in the new areas within the Richmond VOC Emissions Control Area (Petersburg and Prince George County).

Chapter 40, Articles 42 (Portable Fuel Containers), 48 (Mobile Equipment Repair and Refinishing), 49 (Architectural and Industrial Maintenance Coatings) and 50 (Consumer Products) were amended so that they will apply only in the Northern Virginia Emissions Control Area and the new Fredericksburg VOC Emissions Control Area, and not within the Richmond VOC Emissions Control Area.

Chapter 40, Article 49 was amended to provide standards for six new coating categories.

Chapter 40, article 50 was amended to expand the definition of automotive windshield washer fluid to include manual cleaning wipes designed specifically for the same purpose.

**Open Burning (9 VAC 5 Chapter 40, Rev. H03):** This regulation was developed to provide a mechanism to remedy both a public welfare problem and a public health problem. The regulation has proven essential in managing frequent open burning, including burning with the use of special incineration devices, conducted throughout the Commonwealth, particularly in rural and suburban areas. The open burning regulation limits or in some instances prohibits open burning. It establishes requirements to restrict emissions of nitrogen oxides (NOx) and volatile organic compounds (VOCs) during the peak ozone season in VOC control areas to the level necessary for the protection of public health and welfare. It also provides guidance to local governments on the adoption of ordinances to regulate open burning.

Below is a brief summary of the substantive amendments that were originally proposed for public comment.

1. Prohibit the use of special incineration devices during the summer burning ban. (A special incineration device is a pit incinerator, conical or teepee burner, or any other device specifically designed to provide good combustion performance.)
2. Expand the summer burning ban from three months to five.
3. Expand the summer ban into the new volatile organic compound emissions control areas.
4. Resolved definition conflicts between the regulations of the Waste Management Board and this regulation.
5. Integrated air curtain destructor requirements with incinerator rules of the Board.

Below is a brief summary of the substantive changes the Department is recommending be made to the original proposal.

1. Language which was previously struck through has been restored for clarity so that the reader understands that the ban on burning applies only to clean burning waste and debris waste resulting from property maintenance, from the development or modification of roads and highways, parking areas, railroad tracks, pipelines, power and communication lines, buildings or building areas, sanitary landfills, or from any other clearing operations. [Subdivision 8 of 9 VAC 5-40-5630]
2. Technical corrections have been made to the definitions in both the state regulation and the model rule for "Clean wood", "Demolition waste", and "Junkyard".
3. The term "destruction" has been substituted for the term "disposal" to minimize conflict with Department of Waste terminology and, where appropriate, the phrase "on site" has been added for clarity.

**Major New Source Review Reform (9 VAC 5 Chapter 80, Rev. E03:** On July 11, 2005, the board published for public comment a proposal to amend its regulations concerning major new source review reform. In response to that request, comments were submitted that resulted in several changes being made to the original proposal. On December 8, 2005, the board adopted final amendments to its regulations concerning major new source review reform. The final regulation amendments as adopted were published in the Virginia Register on January 23, 2006 and were to become effective on February 22, 2006. Pursuant to § 2.2-4007 K of the Code of Virginia, at least 25 persons requested an opportunity to submit oral and written comments on the changes to the proposed regulation. Because of the substantive nature of these additional changes and the requests from petitioners, the effective date was suspended and the proposal was reopened for public comment on those changes to the final regulation.

Below is a brief summary of the substantive changes made to the original proposal.

1. Provisions tying the effective date of the final rules to EPA approval were removed. [9 VAC 5-80-1605 E, 9 VAC 5-80-1615 C (definition of “effective date of this revision”) 9 VAC 5-80-2000 F, 9 VAC 5-80-2010 C (definition of “effective date of this revision”)]
2. Provisions for Clean Units were removed. [9 VAC 5-80-1605 H 5 and 6, 9 VAC 5-80-1615 C (definitions of “Clean Unit” and “net emissions increase”), 9 VAC 5-80-1785 B, 9 VAC 5-80-1835, 9 VAC 5-80-1845, 9 VAC 5-80-2000 G 5 and 6, 9 VAC 5-80-2010 C (definitions of “Clean Unit” and “net emissions increase”), 9 VAC 5-80-2091 B, 9 VAC 5-80-2120 L, 9 VAC 5-80-2141, 9 VAC 5-80-2142]
3. Provisions for pollution control projects (PCPs) were removed. [9 VAC 5-80-1605 J, 9 VAC 5-80-1615 C (definitions of “major modification,” “pollution control project” and “pollution prevention”), 9 VAC 5-80-1855, 9 VAC 5-80-2000 J, 9 VAC 5-80-2010 C (definitions of “major modification,” “pollution control project,” and “pollution prevention.”), 9 VAC 5-80-2120 M and N, 9 VAC 5-80-2143]
4. The definition of “baseline actual emissions” was revised to allow sources the use of a different time period in determining baseline actual emissions if a case can be made that the proposed alternative time period is more representative of normal source operation. [9 VAC 5-80-1615 C, subdivision b of definition of “baseline actual emissions”, 9 VAC 5-80-2010 C, subdivision b of definition of “baseline actual emissions”]
5. Provisions that exclude emission increases that could be accommodated and are unrelated to the project, including demand growth, from projected actual emissions were removed. [9 VAC 5-80-1615 C (definition of “projected actual emissions,” subdivisions b, c and d), 9 VAC 5-80-1785 B 1 c, 9 VAC 5-80-2010 C (definition of “projected actual emissions,” subdivisions b, c and d), 9 VAC 5-80-2091 B 1 c]

Below is a brief summary of the recommended changes made to the new final.

1. Provisions for a hybrid test for projects that involve multiple types of emissions units have been restored. [9 VAC 5-80-1605 G 6; 9 VAC 5-80-2000 G 6]
2. Provisions that exclude emission increases that could be accommodated and are unrelated to the project, including demand growth, from projected actual emissions have been restored. [9 VAC 5-80-1615 C (definition of “projected actual emissions,” subdivisions b, c and d), 9 VAC 5-80-1785 B 1 c, 9 VAC 5-80-2010 C (definition of “projected actual emissions,” subdivisions b, c and d), 9 VAC 5-80-2091 B 1 c]

**High Priority Violators (Hpvs) For The Fourth Quarter, 2005, And First Quarter, 2006**

<b>ACTIVE CASES — Table A *</b>			
<b>DEQ Region</b>	<b>Facility Name and location</b>	<b>Brief Description</b>	<b>Status</b>

<b>NRO</b>	Potomac River Generating Station/Mirant, Alexandria (coal-fired electric power plant)	Alleged exceedance of ozone season NOx emission limit of 1,019 tons contained in state operating permit by over 1,000 tons in 2003	NOV issued 9/10/03; revised NOV issued 10/20/03; NOV issued by EPA 1/22/04; Amended Consent Decree lodged with U.S. District Court in Alexandria 5/8/06 calling for ozone season and annual NOx emission limits on Potomac River; Mirant system-wide ozone season NOx limits; .15 lbs/MMBtu system-wide ozone season NOx emission rate starting in 2008; system-wide annual NOx limits; \$1mil in coal yard dust/particulate projects at Potomac River; payment of \$500K civil fine; DOJ is taking public comment on the decree until 6/26
<b>SCRO</b>	Intermet Archer Creek Foundry, Campbell County (ductile iron castings manufacturer)	Alleged exceedances of opacity limits at cupola amrex baghouse (5% limit – 12.7% observed) and at ETA baghouse (20% limit – 33.54% observed)	NOV issued 7/19/04; Consent Order dated 9/7/05 imposed civil fine of \$15,170, of which \$11,377 will go to the installation of a baghouse to control particulate and visible emissions from a previously uncontrolled mold cooling operation
<b>SWRO</b>	Island Creek Coal Company, Buchanan County (coal mine and prep plant)	Alleged failure to perform stack test as required within one year of issuance of PSD permit	NOV issued 11/8/05; Consent Order dated 1/24/06 imposed civil fine of \$4,080

SWRO	Galax Energy Concepts, LLC Galax, Carroll County (wood burning steam generator)	Alleged violations of lbs/hr and lb/mmBtu emission limits for particulate matter for the facility's 3 boilers resulting from stack tests performed in March '05 under low-load and high-load conditions; exceedances ranged from 15% over the limit to 245% over the limit; failure to comply with regulations for small waste combustors (Rule 46)	NOVs issued 4/14/05 and 6/2/05; pending (plant has been shut down since 9/23/05); EPA issued Notice of Noncompliance 2/22/06; pending
SWRO	Merillat Corporation, Atkins (cabinet manufacturer)	Alleged excess fugitive emissions from baghouse and various violations of MACT subpart JJ including use of non-compliant spray gun, lack of work practice and formulation assessment plans, and failure to submit compliance status reports	NOV issued 3/17/06; pending
VRO	Harrisonburg Resource Recovery Facility (municipal waste incinerator)	Alleged exceedance of HCL emission limits discovered during stack test (25 ppmdv limit – 30.84 ppmdv observed); violations of various requirements of facility's Title V permit, including failure to maintain carbon feed rate necessary to control HAP emissions; failure to notify DEQ of low carbon feed rate; failure to maintain records of daily observations of fabric filters	NOVs issued 7/22/05 and 9/16/06; Consent Order dated 4/13/06 imposed a civil fine of \$45,000, of which \$27,000 goes toward a SEP for the retrofitting at least 24 City of Harrisonburg diesel trucks with devices to reduce particulate exhaust
VRO	Merck & Co., Inc., Rockingham County (pharmaceutical manufacturer)	Alleged exceedance of emission limit for methyl chloride in synthetic minor HAP permit by over 4.5 tons; failure to adequately measure wastewater influent for HAPs as required by permit	NOV issued 12/11/03; Consent Order dated 7/8/05 imposed various injunctive measures to control toxics emissions and a civil fine of \$500,000, of which \$300,000 goes toward a SEP calling for retrofitting Rockingham County and Harrisonburg City school buses with control devices for particulates and other pollutants
VRO	Valley Proteins, Inc.,	Alleged violation of sulfur in fuel	NOV issued 2/8/06; pending



	Linville (rendering facility)	requirements and SO2 emission limits; failure to conduct required visible emission evaluations	
<b>WCRO</b>	Magnox Pulaski Inc., Pulaski, Pulaski County (magnetic tape manufacturer)	Numerous alleged violations of Title V permit recordkeeping, monitoring, and operational requirements	NOV issued 5/8/03; Consent Order dated 7/28/04 imposed civil fine of \$20,668 and requires SEP valued at no less than \$14,468 to reduce CO emissions through process changes
WCRO	Norfolk Southern Railway Company, Roanoke (Railway maintenance facility)	Alleged violation NOx emission limits contained in NOx RACT permit by 3 boilers (0.4 lbs/MMBtu limit – test results ranged from 0.614 to 0.428 lbs/MMBtu)	NOV issued 1/19/06; pending
WCRO	Roanoke Cement Company, Troutville (cement manufacturing facility)	Alleged violations of stack test protocol, particulate matter control device operating parameters, and recordkeeping requirements	NOV issued 2/2/06; pending
WCRO	Southern Finishing Co., Martinsville, Henry County (furniture manufacturer)	Alleged violations of, among other things, MACT subpart JJ work standards and recordkeeping requirements; installation of wood spray booth w/o permit; defective spray booth filters; failure to conduct periodic monitoring and inspections; failure to submit compliance certification and other required reports; failure to complete SEP required by 11/17/03 Consent Order	NOVs issued 4/11/05 and 6/3/04; Consent Order dated 8/31/05 imposed civil fine of \$161,870, of which \$145,683 goes toward an innovative pollution prevention SEP calling for the elimination of hazardous air pollutants (HAPs) within 2 yrs from finishes and coatings used in the facility's wood furniture production lines
WCRO	Southern Finishing Co., Martinsville, Henry County (furniture manufacturer)	Alleged exceedance of VOC emission limits; exceedance of HAP throughput limits; failure to record weekly observation of pressure drop readings for fabric filters in violation of NSPS subpart EE, MACT subpart RRRR, and Title V permit	NOV issued 3/6/06; pending

\* **Table A includes the following categories of HPV cases:**

- 1) Those initiated by a Notice of Violation (NOV) issued prior to or during the fourth quarter of 2005 or first quarter of 2006 that have not been settled by Consent Order, and;**
- 2) Those settled by Consent Order prior to the fourth quarter of 2005 where the alleged**

**violator has not complied with substantially all of the terms of the Consent Order.**

<b>RESOLVED CASES — Table B **</b>			
<b>DEQ Region</b>	<b>Facility Name and location</b>	<b>Brief Description</b>	<b>Status</b>
<b>PRO</b>	Carry-On Trailer Corporation, Callao, Northumberland County (trailer manufacturer)	Alleged exceedances of emissions limits and throughput limits for ethyl benzene, xylene, and 2-bytoxyethanol in violation of permit requirements; unpermitted modification of paint composition	NOV issued 4/13/04; Consent Order dated 09/19/05 imposed the development and implementation of an odor management plan and a civil fine of \$10,220
<b>PRO</b>	J.W. Ferguson and Sons, Inc. Richmond (rotogravure printing facility)	Alleged failure to certify and conduct relative accuracy audits on new monitors; failure to demonstrate 95% emission reduction efficiency; failure to maintain monitoring equipment; failure to properly train personnel in violation of facility's Title V permit and certain MACT requirements	NOV issued 5/31/05; Consent Order dated 10/31/05 required development and implementation of a comprehensive QA/QC plan for CEMS System, Employee training, and testing of CEMS system. A civil fine of \$22,200 was imposed, of which \$3,000 goes toward a SEP, which will be the installation of an automated alarm system that will shutdown production when parameters indicate potential non-compliance or if a monitor fails
<b>PRO</b>	Pre Con, Inc., Petersburg (polyolefin fiber laminates manufacturer)	Alleged failure to install and maintain air pollution control equipment; failure to conduct initial performance test within prescribed time; failure to submit certain reports required under Title V permit and NSPS regulations	NOV issued 5/21/05; Consent Order dated 11/08/05 required the installation of monitoring equipment, development of O&M plan, quarterly reporting and a civil fine of \$27,700
<b>TRO</b>	Sentara Virginia Beach General Hospital	Installation of a boiler without first obtaining a minor new source review permit	NOV issued 8/2/05; Consent Order dated 12/2/05 imposed civil fine of \$2,800

<b>VRO</b>	PolyOne Engineered Films, Winchester (film manufacturer)	Alleged failure to maintain control efficiencies for PM and VOC emission control system required by NSR permit (42.9% control efficiency required for both PM and VOC; 7.58% (PM) and 25.42% (VOC) efficiencies observed); failure to demonstrate compliance with emissions limits within 60 days of achieving full production as required by NSR permit	NOV issued 8/25/05; Consent Order dated 1/10/06 imposed a civil fine of \$5,900 and additional stack testing, which has been completed
<b>WCRO</b>	Bassett Furniture Industries, Plant 11, Henry County (wood furniture manufacturing facility)	Alleged failure to provide documentation to demonstrate compliance with MACT work practice requirements related to the testing of the pressure of HPLV guns	NOV issued 9/13/05; Consent Order dated 11/4/05 imposed civil fine of \$2,800

**\*\* Table B includes HPV cases resolved by Consent Order during the fourth quarter of 2005 or first quarter of 2006 where the alleged violator has complied with substantially all of the terms of the Consent Order.**