



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

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CONSENT AGREEMENT

WITH

ICI Americas Inc.
Films Division - Hopewell Site
Bermuda Hundred
Hopewell, Virginia 23860

Registration No. 50418

SECTION A: Purpose

This Agreement establishes a Reasonably Available Control Technology (RACT) standard for the ICI Americas Inc., Films Division - Hopewell Site for the control of volatile organic compound (VOC) emissions in the Richmond Ozone Nonattainment Area as required by Section 120-04-0407 of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution. This RACT standard shall be the basis for VOC emissions control for this plant.

SECTION B: References

Unless the context indicates otherwise, the following words and terms have the meanings assigned to them below:

"Agreement" means this Consent Agreement.

"Affected Emissions Unit" means any part of a major stationary source that emits or that has the potential to emit VOC.

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

"BOARD" or "SAPCB" means the State Air Pollution Control Board, a collegiate body of the Commonwealth of Virginia described in §10.1-1301 and §10.1-1184 of the Code. Particular powers and duties of the Board are referred to in Section C of this document.

"Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth described in §10.1-1183 of the Code.

"Director" means the Director of the Department, whose powers and duties are prescribed in §10.1-1185 of the Code.

"EPA" means the United States Environmental Protection Agency.

"ICI Films" or "affected facility" means ICI Americas Inc., Films Division - Hopewell Site, located on Discovery Drive, Chesterfield County, Virginia.

"Major Stationary Source" means, for the purposes of this Agreement, any stationary source with a theoretical potential to emit 100 tons or more per year of Volatile Organic Compounds.

"New Source Review Program" means a program for the preconstruction review and permitting of new stationary sources or expansions to existing ones in accordance with regulations promulgated to implement the requirements of §§110(a)(2)(C), 165 (relating to permits in prevention of significant deterioration areas) and 173 (relating to permits in nonattainment areas) of the federal Clean Air Act.

"Non-CTG" means a source type for which the EPA has not issued a Control Technique Guideline (CTG), and thus has not established RACT for that source type.

"Reasonably Available Control Technology" or "RACT" means the lowest emission limit that a particular source is capable of meeting by the application of control technology that is both reasonably available, as well as technologically and economically feasible.

"Regional Director" means the Director of the Piedmont Regional Office of the Department of Environmental Quality, 4900 Cox Road, located in Glen Allen, Virginia.

"Richmond Ozone Nonattainment Area" is delineated in Appendix K of the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution.

"SAPCB Regulations" or "Regulations" means the "State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution."

"SIP" means the State Implementation Plan.

"Theoretical potential to emit" means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. It is based on emissions at design capacity or maximum production and maximum operating hours (8,760 hours per year) before add-on controls, unless the source is subject to state and federally enforceable permit conditions which limit production rates or hours of operation.

"VOC" means volatile organic compounds as defined by Section 120-01-02 of the SAPCB Regulations.

SECTION C: Authority

1. Chapter 13 of Title 10.1 of the Code creates the Board and vests in it the authority to supervise and control various aspects of air pollution in the Commonwealth. Among the Board's powers is the authority to promulgate regulations "abating, controlling and prohibiting" air pollution, found in § 10.1-1308 of the Code.
2. Pursuant to its authority, the Board has promulgated the SAPCB Regulations, which first took effect March 17, 1972 and have been periodically amended.
3. Pursuant to § 10.1-1307 D of the Code, the Board has the authority to issue orders to diminish or abate the causes of air pollution and to enforce its regulations. Orders of the Board are enforceable pursuant to §§ 10.1-1316 and 10.1-1320 of the Code.
4. The Director is the executive officer of the Board. Under § 10.1-1307.2 A of the Code, the Director is to perform those duties required of him by the Board. Additionally under § 10.1-1307.3 of the Code, the Director has such powers to supervise, administer and enforce the provisions of Chapter 13 of Title 10.1 of the Code, as well as the regulations and orders of the Board, as are conferred upon him by the Board. The powers and duties conferred and imposed upon the Director under §§ 10.1-1307.2 and 10.1-1307.3 of the Code are continued under § 10.1-1185 of the Code.
5. Under § 10.1-1307.2 B of the Code, the Director may be vested with the authority of the Board when it is not in session, subject to such regulations or delegation as may be prescribed by the Board. Appendix F of the SAPCB Regulations contains the Delegation of Authority from the Board to the Director. In Section II A of Appendix F the

Director is given the authority, with some exceptions, to act for the Board when it is not in session and to issue consent orders and emergency special orders.

SECTION D: Findings

1. ICI Films operates a polyethylene terephthalate (PET) film production facility which is located at the end of Discovery Drive off of Bermuda Hundred Road in Chesterfield County, Virginia.
2. Section 120-04-0407 of the SAPCB Regulations, which became effective on July 1, 1991 (and as amended January 1, 1993), requires RACT for all non-CTG major stationary sources of VOC emissions in the Richmond Ozone Nonattainment Area, which includes Chesterfield County. The Richmond Ozone Nonattainment Area is classified as a moderate nonattainment area.
3. In a letter dated August 3, 1992, ICI Films notified the DEQ that ICI Films had a theoretical potential to emit VOC over 100 tons per year and was subject to a RACT determination in accordance with section 120-04-0407 of the SAPCB Regulations.
4. ICI Films performed a RACT analysis, which was first submitted to the Department on October 12, 1993.
5. ICI Films submitted revisions to the RACT analysis during 1994 and 1995 in response to DEQ comments and submitted the latest revised RACT analysis to the Department on January 12, 1996.
6. The maximum expected production rate for the ICI Films facility is as follows:

Polymer Plant:	13,600 DMT batches of polymer per year
	1,000 TA batches of polymer per year
Film Plant:	150,000 tons of polymer chip throughput per year.
7. The following maximum expected emissions are based on the extrapolated Maximum Expected Production Rate of Section D. 6 and are summarized in the latest version of the ICI RACT Analysis:

<u>Emission Point Category</u>	<u>VOC Emissions (tons/yr)</u>	
a. VOC and Petroleum Liquid Storage Tanks		66.33
b. Chip Driers		29.72
c. Heat Setting Ovens		27.46
d. Methanol Loading - Railcars		3.13
e. Batch PET Reactors		54.47
f. Process Cooling Tower/Hotwell:		38.00
Reactor Vacuum System	19.00	
EG Still Vacuum System	19.00	
g. Fuel Burning Equipment:		2.96
Fuel Combustion	1.13	
Wastewater Incinerator	1.83	
h. Biotreatment Plant		1.09
i. Industrial Wastewater Streams		11.69
j. Fugitive Emissions from Equipment Leaks		55.44
Process Leaks	35.33	
Heat Transfer System Leaks	20.11	

8. ICI Films asserts that only those VOC emissions units listed in Section D.7 are affected emissions units and are subject to RACT requirements.
9. Maximum expected VOC emissions from the ICI Films facility before the implementation of RACT are predicted to be 290.0 tons per year.
10. The EPA DRAFT Control Techniques Guidelines Document for VOC and Petroleum Liquid Storage Tanks were not finalized prior to the deadline for RACT implementation. Rules 4-25 and 4-37 of the Regulations are currently applicable to the volatile organic liquid storage tanks and the petroleum liquid storage tanks, respectively, at the ICI Films facility. The ICI Films facility storage tanks were inspected on April 22, 1994 and found to be in compliance with all applicable Regulations.
11. The EPA DRAFT Control Techniques Guidelines Document for Industrial Wastewater was not finalized prior to the deadline for RACT implementation. The industrial wastewater streams have been evaluated as Non-CTG RACT sources in the latest version of the ICI Films' RACT analysis.
12. It is not cost effective to control VOC emissions from Chip Driers, Heat Setting Ovens, Methanol Loading from Railcars, Batch Reactors, Fuel Burning Equipment, Industrial Wastewater Streams, and the Biotreatment plant. RACT is determined to be no additional control for these systems.

13. It is technically infeasible to control VOC emissions from the cooling tower with add-on control equipment. However, it is technically feasible and cost effective to reduce VOC emissions from the cooling tower by replacing the EG Still Vacuum System direct contact spray condensers with non-contact condensers and diverting the condensate to the Biotreatment aeration basin for remediation instead of sending it to the cooling tower hotwell. It is not technically feasible or cost effective to treat the other contributions to VOC emissions from the cooling tower. Therefore, RACT for the cooling tower is determined to be modification of the EG Still Vacuum system to add non-contact condensers and diversion of the condensate to the Biotreatment aeration basin.
14. RACT for VOC Fugitive Equipment Leak emissions is determined to be implementation of a leak detection and repair program equivalent to 40CFR60 Subpart VV Standards of Performance for VOC Equipment Leaks in the Synthetic Organic Chemicals Manufacturing Industry.
15. Based on implementation of this Agreement, the total VOC emissions from the ICI Films' affected emission units, after RACT is applied, are estimated to be 223.3 tons per year.

SECTION E: Agreement

Accordingly, the Board and ICI Films agree that:

1. VOC Emissions from the affected facility shall be controlled and reduced as outlined in this Agreement.
2. Within 180 days of the effective date of this Agreement, ICI Films shall implement a Leak Detection and Repair (LDAR) Program for the affected facility in accordance with 40CFR60 Subpart VV as if the ICI Films facility was considered an "affected facility" under §60.480 and as if all raw materials used at the affected facility and as if all of the intermediate and final products produced by the affected facility were listed in §60.489. ICI Films shall comply with the procedures and standards contained in Subpart VV and shall comply with all applicable test, record keeping and reporting requirements of that Subpart. The required reports of §60.487 shall not be submitted to the Administrator but instead shall be kept at the site for the most recent 5 year period and shall be available for inspection during normal working hours

3. Within 180 days of the effective date of this agreement ICI Films shall install non-contact condensers on the EG Still Vacuum system and send all of the condensate to the Biotreatment Plant only. Compliance with this requirement shall be determined by an inspection of the facility.
4. ICI Films shall not exceed the maximum expected production rates for the polymer plant and the film plant as stated in Section D. 6 of this Agreement, calculated monthly for the previous 12 month period. ICI Films shall maintain such records as necessary to demonstrate compliance with this paragraph. These records shall be kept on site and available for inspection by the DEQ and shall be current for the most recent five (5) years.
5. At any time in the future, should ICI Films plan any modifications (within the context of the new source review program) of the affected facility covered by this agreement, ICI Films shall have the right to apply to the Board for a new source review permit and the Board may consent to such modifications provided such modifications will meet all of the new source review program regulatory requirements in existence at that time.
6. The Board may modify, rewrite, or amend this Agreement with the consent of ICI Films, for good cause shown by ICI Films, or on the Board's own motion provided approval of the changes is accomplished in accordance with SAPCB regulations, the Administrative Process Act (§ 9-6.14:1 et. seq.) and 40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans).
7. So long as this Agreement remains in effect, ICI Films waives the right to any hearing pursuant to § 9-6.14:11 and 9-6.14:12 of the Code and to judicial review of any issue of fact or law contained herein. Nothing herein, however, shall be construed as a waiver of the right to a hearing or to judicial review of any action taken by the Board to enforce this Agreement.
8. Failure by ICI Films to comply with any of the terms of this Agreement 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 as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.

9. ICI Films shall not be responsible for failure to comply with any of the terms and conditions of the Order if such non-compliance is caused by earthquake, flood, or other act of God, fire, war, riot, strike, or other occurrence resulting in impossibility of compliance, and if ICI Films shows that such occurrence and non-compliance were beyond its control and were not due to a lack of good faith or diligence on the part of ICI Films, and if, within fifteen (15) days of any event above listed, which ICI Films intends to assert will result in impossibility of compliance, ICI Films notifies the Board of the occurrence of such event.
10. ICI Films declares it has received fair and due process under the Administrative Process Act (Code §9-6.14:1 et. seq.).
11. This Agreement shall become effective upon execution by both parties and shall continue in effect indefinitely or until otherwise terminated by the Board.

The foregoing Consent Agreement has been executed on behalf of the STATE AIR POLLUTION CONTROL BOARD of the COMMONWEALTH OF VIRGINIA and on behalf of ICI Americas Inc., each by its duly authorized representatives, or self, on the dates indicated below.

DEPARTMENT OF ENVIRONMENTAL QUALITY
OF THE COMMONWEALTH OF VIRGINIA

5/30/96
(date)

BY: John M. Daniels
for Peter W. Schmidt
Director

ICI AMERICAS INC.

9 May 1996
(date)

BY: Ian Torrance
Ian Torrance
Engineering and Manufacturing
Director

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STATE OF VIRGINIA
COUNTY OF CHESTERFIELD

The foregoing instrument was acknowledged before me this 9th day of May, 1996, by Ian Torrance, Engineering and Manufacturing Director of ICI Americas Inc., a Delaware Corporation, on behalf of the Corporation.

My commission expires November 30, 1998.

Bernice E. Rowan
Notary Public

