



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

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Matthew J. Strickler
Secretary of Natural Resources

David K. Paylor
Director

James J. Golden
Regional Director

April 26, 2018

Mr. Fred Harry, Plant Manager
AdvanSix Resins and Chemicals, LLC.
905 East Randolph Road
Hopewell, Virginia 23860

NOTICE OF VIOLATION

RE: NOV No. APRO000888-001
AdvanSix Resins and Chemicals, LLC.
Registration #: 50232

Dear Mr. Harry:

This letter notifies you of information upon which the Department of Environmental Quality ("Department" or "DEQ") may rely in order to institute an administrative or judicial enforcement action. Based on this information, DEQ has reason to believe that AdvanSix Chemical & Resins LLC. ("Facility") may be in violation of the Air Pollution Control Law and Regulations.

This letter addresses conditions at the Facility named above, and cites compliance requirements of the Air Pollution Control Law and Regulations. Pursuant to Va. Code § 10.1-1309 (A) (vi), this letter is not a case decision under the Virginia Administrative Process Act, Va. Code § 2.2-4000 *et seq.* The Department requests that you respond **within 10 days of the date of this letter** to arrange a prompt meeting.

OBSERVATIONS AND LEGAL REQUIREMENTS

AdvanSix Chemical & Resins owns and operates a Chemical Manufacturing facility at 905 East Randolph Road, Hopewell Virginia 23860. The Facility is subject to a Title V permit last amended on March 30, 2016 (Permit). On February 26, 2018, DEQ reviewed an excess emissions report, for phenol storage tank number VT-462, dated January 26, 2018. The following describe DEQ staff's factual observations and identify the applicable legal requirements:

1. *Observations:* The annual Volatile Organic Compound emissions from Phenol Tank number VT-462 are listed below:

- The calendar year 2015 emissions were 6.99 tons VOC/year.
- The calendar year 2016 emissions were 6.79 tons VOC/year.
- The highest annual 12-month continuous sum reported was 8.58 tons VOC/year, which occurred in June 2016.

Legal Requirements: CONDITION 42

Emissions from the operation of the crude phenol storage tanks (VT-462, VT-515) shall individually not exceed the limits specified below:

<i>VOC</i>	<i>77.7 lbs/hr</i>	<i>4.2 tons/yr</i>
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(Condition #65 of the 2/19/2015 NSR Permit and 9 VAC 5-80-110)

*9 VAC 5-170-160(A) – (Conditions on Approvals) of the Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution states in part: “The board may impose conditions upon permits and other approvals which may be necessary to carry out the policy of the Virginia Air Pollution Control Law, and which are consistent with the regulations of the board. Except as otherwise specified, nothing in this chapter shall be understood to limit the power of the board in this regard. If the owner or other person fails to adhere to the conditions, the board may automatically cancel the permit or approvals. This section shall apply, but not be limited, to approval of variances, approval of control programs, and granting of permits.”

*Va. Code § 10.1-1322(A) gives the Department the authority to issue, amend, revoke or terminate and reissue permits, and failure to comply with any condition of a permit is considered a violation of the Air Pollution Control Law.

ENFORCEMENT AUTHORITY

Va. Code § 10.1-1316 of the Air Pollution Control Law provides for an injunction for any violation of the Air Pollution Control Law, the Air Board regulations, an order, or permit condition, and provides for a civil penalty up to \$32,500 per day of each violation of the Air Pollution Control Law, regulation, order, or permit condition. In addition, Va. Code §§ 10.1-1307 and 10.1-1309 authorizes the Air Pollution Control Board to issue orders to any person to comply with the Air Pollution Control Law and regulations, including the imposition of a civil penalty for violations of up to \$100,000. Also, Va. Code § 10.1-1186 authorizes the Director of DEQ to issue special orders to any person to comply with the Air Pollution Control Law and regulations, and to impose a civil penalty of not more than \$10,000. Va. Code §§ 10.1-1320 and 10.1-1309.1 provide for other additional penalties.

The Court has the inherent authority to enforce its injunction, and is authorized to award the Commonwealth its attorneys' fees and costs.

FUTURE ACTIONS

DEQ staff wishes to discuss all aspects of their observations with you, including any actions needed to ensure compliance with state law and regulations, any relevant or related measures you plan to take or have taken, and a schedule, as needed, for further activities. In addition, please advise us if you dispute any of the observations recited herein or if there is other information of which DEQ should be aware. In order to avoid adversarial enforcement proceedings, AdvanSix Chemical & Resins LLC., may be asked to enter into

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a Consent Order with the Department to formalize a plan and schedule of corrective action and to settle any outstanding issues regarding this matter, including the assessment of civil charges.

In the event that discussions with staff do not lead to a satisfactory conclusion concerning the contents of this letter, you may elect to participate in DEQ's Process for Early Dispute Resolution. Also, if informal discussions do not lead to a satisfactory conclusion, you may request in writing that DEQ take all necessary steps to issue a final decision or fact finding under the APA on whether or not a violation has occurred. For further information on the [Process for Early Dispute Resolution](#), please see [Agency Policy Statement No. 8-2005](#) posted on the Department's website under "Programs," "Enforcement," and "Laws, Regulations, & Guidance" (http://www.deq.virginia.gov/Portals/0/DEQ/Enforcement/Guidance/process%20for%20early%20dispute%20resolution%20no8_2005.pdf) or ask the DEQ contact listed below.

Please contact David Robinett at (804) 527-5128 or david.robinett@deq.virginia.gov **within 10 days** of the date of this letter to discuss this matter and arrange a meeting.

Sincerely,



Kyle Ivar Winter, P.E.
Deputy Regional Director

Cc: John Sheridan (AdvanSix)
Ec: Thomas Varner (AdvanSix)
John Reinhardt (DEQ)
David Robinett (DEQ)
Attached: Review T5 Prompt Deviation Report dated February 26, 2018