

County of Forsyth



**FORSYTH COUNTY
OFFICE OF ENVIRONMENTAL ASSISTANCE AND PROTECTION
WINSTON-SALEM, NORTH CAROLINA
PUBLIC NOTICE
SPECIAL ORDER BY CONSENT FOR**

**HIGHLAND INDUSTRIES, INC. – KERNERSVILLE PLANT
KERNERSVILLE, NC**

Highland Industries – Kernersville Plant operates a textile finishing plant at 215 Drummond Street in Kernersville, North Carolina. This facility has agreed to a Special Order by Consent (SOC) with the Forsyth County Office of Environmental Assistance and Protection (EAP) for violations of Forsyth County Air Quality Technical Code Sec. 3D-0521 CONTROL OF VISIBLE EMISSIONS. The term of the SOC runs through October, 2018 and requires the installation and operation of air pollution emission controls.

A copy of the SOC is available at the EAP's website:

http://www.forsyth.cc/EAP/public_notices.aspx

Additional information regarding the SOC may be obtained from the Office of Environmental Assistance and Protection, Forsyth County Government Center, 201 N. Chestnut Street, Winston-Salem, NC 27101-4120; telephone (336) 703-2440. The public may submit written comments on these proceedings to the address above or by e-mail to lloydpb@forsyth.cc on or before March 8, 2018, the close of the public comment period. Any person requesting a public meeting regarding the proposed SOC should submit a written request with a statement supporting the need for such a meeting. The EAP Director shall take final action on Consent Orders within 60 days of the initial public notice. Date February 6, 2018

Minor Barnette

Minor Barnette, Director



FORSYTH COUNTY
OFFICE OF ENVIRONMENTAL ASSISTANCE AND PROTECTION
BEFORE THE FORSYTH COUNTY COMMISSION

STATE OF NORTH CAROLINA)	
)	
COUNTY OF FORSYTH)	SPECIAL ORDER BY CONSENT
)	(DRAFT)
IN THE MATTER OF:)	
HIGHLAND INDUSTRIES, INC)	SOC 2018-001
215 DRUMMOND STREET)	
KERNERSVILLE,)	
FORSYTH COUNTY, NC)	
)	
FACILITY PREMISE #00460)	
)	

This SPECIAL ORDER BY CONSENT (hereinafter known and referred to as the "ORDER") is made and entered into pursuant to Forsyth County Air Quality Control Ordinance and Technical Code, Section 3D-2200, by and between HIGHLAND INDUSTRIES, INC. (hereinafter known and referred to as the "COMPANY") and the FORSYTH COUNTY OFFICE of ENVIRONMENTAL ASSISTANCE and PROTECTION (hereinafter known and referred to as this "OFFICE").

WITNESSETH:

- I. The COMPANY and this OFFICE do hereby stipulate and agree to the following:
 - A. The COMPANY has operated, and is now operating, a textile manufacturing facility within the corporate limits of the Town of Kernersville, in the County of Forsyth, in the State of North Carolina.
 - B. This OFFICE issued Permit to Construct/Operate #00460-TV-16 (hereinafter known and referred to as the "Permit") to the COMPANY, effective from May 22, 2016, which set forth, among other things, standards for the control of visible emissions pursuant to Section 3D-0521 of the Forsyth County Air Quality Control Ordinance and Technical Code (hereinafter referred to as the "CODE").
 - C. Pursuant to Condition 3.2(A)(2) of the Permit, visible emissions from any stack or vent may be no greater than 20% opacity for any six-minute averaging period (as determined by 40 CFR, Appendix A-4 to Part 60, Method 9). This may be

exceeded no more than once in any hour, and in no event shall the six-minute average exceed 87 percent opacity.

- D. On November 3, 2017, Office personnel certified to conduct Method 9 visible emissions evaluations, did determine that visible emissions from the Stack designated in the Permit as EP-31 exceeded the 20% opacity standard, for which a Notice of Violation (NOV) was issued on November 6, 2017.
- E. On November 17, 2017, Office personnel certified to conduct Method 9 visible emissions evaluations, did determine that visible emissions from the Stacks designated in the Permit as EP-31 and EP-35 exceeded the 20% opacity standard, for which a Notice of Violation (NOV) was issued on November 17, 2017.

II. THEREFORE: The COMPANY and this OFFICE, desiring to resolve and settle all matters at issue between them as herein described, agree to enter into this ORDER and to be bound by the terms and conditions stated herein.

- A. The COMPANY, desiring to operate in a safe and environmentally sound manner, in accordance with the rules and regulations of the CODE, does hereby agree to perform the following activities:
 - 1. Within 15 days of execution of this ORDER, the COMPANY will submit a report detailing the control technology that will be installed on all finishing ranges permitted to apply silicone-based coatings to textile substrates. This shall include finishing ranges designated in the Permit as: #4 (ES-34), #5 (ES-35), and #18 (ES-31).
 - 2. Within 15 days of report submittal in II.A.1 above, the COMPANY will submit a permit application for control device installation on the finishing ranges designated in the Permit as #4 (ES-34), #5 (ES-35), and #18 (ES-31).
 - 3. The COMPANY shall sign the necessary contract(s) for the purchase and installation of the control technology to be installed within 15 days after issuance of the modified Title V permit by the Office.
 - 4. The COMPANY shall commence construction according to the specifications in the contract(s) within 40 days after signing of the purchasing contracts.
 - 5. The COMPANY shall complete the installation according to the terms of the contract(s) no later than October 26, 2018.
 - 6. The COMPANY shall submit, no later than 14 days after the deadline for completing each milestone required in Paragraphs II.A.3 through II.A.5, a written certification, addressed to the attention of the Director of this Office, certifying whether such milestone has been completed.

- III. The COMPANY shall pay the following civil penalties:
- A. The COMPANY agrees to pay this OFFICE a civil penalty in the amount of \$12,000. This amount shall be due and payable to the FORSYTH COUNTY GENERAL FUND within 30 days of the effective date of this ORDER.
- IV. In the event that the COMPANY fails to comply with any deadline as set out in this ORDER, or fails to achieve final compliance with any applicable requirement in this ORDER, the COMPANY agrees that, unless excused under Paragraph IV.C:
- A. The COMPANY will pay this OFFICE \$500 per day for the first 5 days, and \$1000 per day thereafter.
- B. Failure within thirty (30) days of receipt of the Office Director's written demand to pay the penalties will be grounds for a collection action, which the County Attorney is hereby authorized to initiate. The only issue in such an action will be whether thirty (30) days has elapsed.
- C. The COMPANY's obligation to comply with the requirements set forth in this ORDER for which a stipulated penalty may be assessed, may be delayed or excused only to the extent that noncompliance is caused by circumstances beyond control of the COMPANY, as determined by the Director of this Office.
1. Contractor delays or failure to obtain funding will NOT be considered events beyond the COMPANY's control.
 2. If any such delaying event occurs, the COMPANY shall notify the Director of this Office in writing within ten (10) days of encountering or discovering the delaying event, describing in detail the event or delay, the precise cause(s) of the event or delay, the measure(s) taken and to be taken by the COMPANY to prevent or minimize the event or delay, and the schedule by which those measures will be implemented.
 3. If the COMPANY establishes good cause for its failure to comply with any part of this ORDER, this Office and the COMPANY may jointly stipulate and agree to a written modification of this ORDER.
 4. Extension of any compliance date pursuant to this ORDER shall not extend any subsequent deadlines established in the ORDER unless the subsequent deadline necessarily is dependent upon completion of the earlier deadline.
- V. This ORDER shall pertain only to the equipment, sources, and operations described in Paragraph II.A of this ORDER. Any violation of Air Quality Standards resulting from other emissions sources, and/or equipment for which the COMPANY is responsible, shall subject the COMPANY to appropriate enforcement action pursuant to Section 3A of the CODE and North Carolina General Statute 143-215.114.

- VI. The COMPANY agrees to waive any rights it may have to seek judicial review to challenge this ORDER, or to seek injunctive relief for a stay of enforcement of this ORDER in connection with any judicial review of the Forsyth County Air Quality Control Ordinance. This Office acknowledges that this waiver does not prohibit the COMPANY from seeking modification of this ORDER if any regulatory standards upon which this ORDER is based are changed subsequent to its execution. In such cases, the COMPANY may petition the Director of this Office that the ORDER be modified to reflect those regulatory changes.
- VII. In the event this OFFICE finds that reports, plans, specifications, or permit applications required by Paragraph II.A are in any respect deficient, or if additional information is necessary to comply with the requirements of the CODE or North Carolina General Statutes 143-215.107 *et seq.*, any regulations promulgated thereunder, or any other applicable laws or regulations, the COMPANY shall be notified by the Director of this Office as soon as possible. The COMPANY shall be afforded an opportunity to modify, amend, or supplement its submissions to make such submissions complete and appropriate.
- VIII. All notices and reports required from the COMPANY to this OFFICE as established by this ORDER shall be delivered to:
- Minor Barnette, Director
201 North Chestnut Street
Winston-Salem, North Carolina 27101-4120
- IX. All payments from the COMPANY to this OFFICE required by this ORDER shall be made payable and delivered to:
- Forsyth County General Fund
201 North Chestnut Street
Winston-Salem, North Carolina 27101-4120
- X. This ORDER constitutes full and final settlement and satisfaction of all matters addressed Herein, and any and all claims or prospective claims that the Office has or may have for violations of regulations described in Paragraph I hereof, as of the date this ORDER is approved by this OFFICE.
- XI. This ORDER shall not affect the COMPANY's obligation to comply with any Federal, State, or local laws or regulations.
- XII. Final approval and entry into this ORDER are subject to the requirements that this OFFICE give notice of proposed consent decrees to the public, and that the public have at least thirty (30) days from such notice within which to comment on the ORDER.
- XIII. Should any provision of this ORDER be declared by a court of competent jurisdiction to be inconsistent with Federal, State, or local laws or regulations, and therefore unenforceable, the remaining provisions hereof shall remain in full force and effect.
- XIV. Any modifications of this ORDER must be agreed to in writing signed by both parties.

- XV. Except as otherwise set forth herein, this ORDER is not, and shall not be interpreted to be a permit, or modification of an existing permit under Federal, State or local law, and shall not be construed to waive or relieve the COMPANY of its obligations to comply in the future with any permit.
- XVI. This Special Order by Consent is effective on execution by the FORSYTH COUNTY OFFICE OF ENVIRONMENTAL ASSISTANCE AND PROTECTION and shall expire upon completion of all physical and operational changes necessary to achieve compliance. or by December 31, 2018, whichever is earlier.

ATTESTED:

HIGHLAND INDUSTRIES, INC.

BY: _____
(RO & Title)

DATE: _____

APPROVED AND ACCEPTED:

BY: _____
(Director)

DATE: _____