



*Commonwealth of Virginia*

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

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Travis A. Voyles  
Secretary of Natural and Historic Resources

Michael S. Rolband, PE, PWD, PWS Emeritus  
Director

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY  
ENFORCEMENT ACTION - ORDER BY CONSENT  
ISSUED TO  
CHOICE ADHESIVES CORPORATION  
FOR  
CHOICE ADHESIVES CORPORATION  
Registration No. 30669**

**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 Choice Adhesives Corporation, regarding Choice Adhesives Corporation, 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 terms in this Consent Order have the meaning assigned to them in Va. Code §10.1-1300 *et seq.* and the Regulations for the Control and Abatement of Air Pollution (Regulations) at 9 VAC 5-10 *et seq.*

**SECTION C: Findings of Fact and Conclusions of Law**

1. Choice Adhesives Corporation (Choice Adhesives) is a business entity authorized to do business in Virginia and references to Choice Adhesives Corporation include its affiliates, partners, and subsidiaries. Choice Adhesives Corporation is a “person” within the meaning of Va. Code § 10.1-1300.
2. Choice Adhesives Corporation owns and operates an adhesive and sealant manufacturing facility located at 1409 Buchanon Street in Lynchburg, Virginia (Facility). The Facility is the subject of a Minor New Source Review Permit and Stationary Source Permit (Permits).
3. On November 10, 2022, DEQ received a permit application requesting a modification to the SOP. In the application cover letter, the facility stated that they intended to demolish six old tanks and replace them with five new vertical storage tanks for storage of volatile

organic liquids. The application indicated that construction on Tanks 51 through 55 was to begin in March 2023.

4. On January 31, 2024, DEQ staff met with representatives of Choice Adhesives and their consultant, Alta Southwest. During the discussion, Choice Adhesives staff stated that six horizontal Aboveground Storage Tanks (ASTs) had been replaced with five new vertical ASTs prior to issuance of the permit. DEQ staff also noted that a loading rack had also been constructed.
5. On February 29, 2024, DEQ conducted an onsite inspection of the CAC facility. During the inspection DEQ staff noted that there were five (15,000 gallon) vertical tanks in a containment barrier as well as a truck loading rack with a closed loop vapor recovery system that had been placed into service in January 2023.
6. 9VAC5-80-1120A states that no owner or other person shall begin actual construction of, or operate, any new stationary source or any project subject to this article without first obtaining from the board a permit under the provisions of this article. The owner may not construct or operate the stationary source or project contrary to the terms and conditions of the permit.
7. Based on the statements made during the December 28, 2023 meeting and March 29, 2024 email, the Department concludes that Choice Adhesives Corporation has violated 9VAC5-80-1120A, as described in paragraphs C(5)-C(5), above.

#### **SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code §§ 10.1-1309 and -1316, the Department orders Choice Adhesives Corporation, and Choice Adhesives Corporation agrees to:

1. Pay a civil charge of \$9112.35 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

Choice Adhesives Corporation 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, Choice Adhesives Corporation 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 Choice Adhesives Corporation for good cause shown by Choice Adhesives Corporation, 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. ABRRO002406 dated April 11, 2023. 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, Choice Adhesives Corporation admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.
4. Choice Adhesives Corporation 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. Choice Adhesives Corporation 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 Choice Adhesives Corporation 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. Choice Adhesives Corporation 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. Choice Adhesives

Corporation shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Choice Adhesives Corporation 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 Choice Adhesives Corporation. Nevertheless, Choice Adhesives Corporation 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 Choice Adhesives Corporation has completed all of the requirements of the Order;
  - b. Choice Adhesives Corporation 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 Choice Adhesives Corporation.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Choice Adhesives Corporation 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 Choice Adhesives Corporation 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 Choice Adhesives Corporation certifies that he or she is a responsible official [or officer] authorized to enter into the terms and conditions of this Order and to execute and legally bind Choice Adhesives Corporation to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Choice Adhesives Corporation.
  
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, Choice Adhesives Corporation voluntarily agrees to the issuance of this Order.

And it is so ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Robert J. Weld, BRRO Regional Director  
Department of Environmental Quality

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Choice Adhesives Corporation, Air Permit # 30669

Consent Order

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Choice Adhesives Corporation voluntarily agrees to the issuance of this Order.

Date: 10/01/2024 By: Warner Brines, VP of EHS  
(Person) (Title)  
Choice Adhesives Corporation