

**ALABAMA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

In The Matter Of: )

JVC MAGNETICS AMERICA COMPANY,) )

Tuscaloosa, Tuscaloosa County, )

Alabama )

ADEM Air Facility I.D. No. 413-0040 )

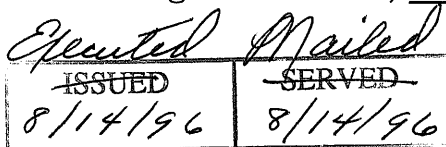
CONSENT ORDER NO. 96-129-CAP

**FINDINGS**

Pursuant to the provisions of the Alabama Environmental Management Act, §§22-22A-1 through 22-22A-16, Code of Alabama (1975), as amended, the Alabama Air Pollution Control Act, §§22-28-1 through 22-28-23, Code of Alabama (1975), as amended, and the ADEM Administrative Code of Regulations ("ADEM Admin. Code R.") promulgated pursuant thereto, and without the adjudication of any issues of fact or law and upon the consent of the parties hereto, the Alabama Department of Environmental Management (hereinafter, "the Department") makes the following FINDINGS OF FACT:

1. JVC Magnetics America Company (hereinafter, "JVC") is the permitted owner and/or operator of a magnetic tape manufacturing facility located at #1 JVC Road in Tuscaloosa, Tuscaloosa County, Alabama, operating under the authority of ADEM Air Permit Nos. 413-0040-X001, and 413-0040-X006 issued June 16, 1994. Said permits authorize the operation of JVC's Magnetic Tape Coater/Oven with Recovery System and Coating Mix Equipment with Carbon Bed Adsorber, respectively, subject to certain limitations and conditions.

2. The Department is a duly constituted agency of the State of Alabama pursuant to §§22-22A-1 through 22-22A-16, Code of Alabama (1975), as amended.



3. Pursuant to §22-22A-4(n), Code of Alabama (1975), the Department is the state air pollution control agency for the purposes of the federal Clean Air Act, 42 U.S.C. 7401 through 7671q, as amended. In addition, the Department is authorized to administer and enforce the provisions of the Alabama Air Pollution Control Act, §§ 22-28-1 through 22-28-23, Code of Alabama (1975), as amended.

**LEAK DETECTION AND REPAIR PROGRAM ("LDRP")**

4. Operation of JVC's coating lines is authorized pursuant to ADEM Air Permit Nos. 413-0040-X001 and 413-0040-X006, commonly referred to as Prevention of Significant Deterioration ("PSD") permits, which incorporate requirements for utilization of Best Available Control Technology ("BACT"). In its PSD permit application, JVC stated that a LDRP was to be implemented as a part of the BACT technology.

5. ADEM Air Permit Nos. 413-0040-X001 and 413-0040-X006, at Proviso No.18, require the following:

A leak detection and repair program (LDRP) shall be performed for all fugitive VOC components in this production unit. The LDRP shall follow the procedures and reporting requirements listed in 40 CFR 60, Subpart VV (7-1-89 Edition). The monitoring interval shall be at least quarterly. In addition to the LDRP for components in gaseous or light liquid VOC service, safety relief valves that vent to the atmosphere shall be equipped with rupture disk, sampling components shall be designed for closed purge sampling, and opening ended valves and lines will be capped, plugged, or double valved.

6. 40 CFR 60, Subpart VV (§60.482-1), requires full implementation of the LDRP within six-months of the initial start-up date. The initial start-up date for the JVC facility is deemed to be June 16, 1994, the permit issuance date, since the source was already constructed.

7. 40 CFR 60, Subpart VV (§60.487), requires the submittal of semiannual reports beginning six-months after the initial startup date.

8. On December 14, 1994, during an inspection of the JVC facility, Department personnel determined that a LDRP had not been implemented fully, in violation of ADEM Air Permit Nos. 413-0040-X001 and 413-0040-X006, Proviso No.18.

9. On September 27, 1995, during an inspection of the JVC facility, Department personnel determined that the LDRP still had not been implemented fully, in violation of ADEM Air Permit Nos. 413-0040-X001 and 413-0040-X006, Proviso No.18.

10. On February 24, 1995, the Department wrote to JVC advising of the LDRP requirements and requiring monthly updates on the implementation of the LDRP until completed. JVC failed to comply with the monthly update requirement.

11. On January 25, 1996, the Department issued a Notice of Violation ("NOV") to JVC citing the failure by JVC to implement a LDRP as required by ADEM Air Permit Nos. 413-0040-X001 and 413-0040-X006, Proviso No.18.

12. JVC's first written update was submitted on February 12, 1996, during a meeting with Department personnel. The first semi-annual report submitted by JVC (for the first quarter of 1996) was received by the Department on April 12, 1996. An updated version of this report was received on April 19, 1996.

#### **INLET/OUTLET ANALYZERS**

13. ADEM Air Permit No. 413-0040-X006, at Paragraph No.14, provides as follows:

The control device for this unit shall achieve at least a 95% removal efficiency (on a 72 hour rolling average) for all VOCs applied at this unit. The control device shall have inlet and outlet analyzers installed, calibrated, and maintained that continuously record the control efficiency of the control device in a permanent form suitable for

inspection and be available immediately upon request. These records shall be retained for a least two years following the date of such measurement.

14. On December 14, 1994, during an inspection of the JVC facility, Department personnel determined that the inlet/outlet analyzers were not fully functional and that record-keeping was not in an appropriate form, in violation of ADEM Air Permit No. 413-0040-X006, Proviso No.14.

15. Following the December 14, 1994, inspection, JVC submitted to the Department three (3) computer disks of raw data. On January 20, 1995, the Department notified JVC by telephone that this format did not comply with the requirements of ADEM Air Permit No. 413-0040-X006, Proviso No.14.

16. On September 27, 1995, during an inspection of the JVC facility, Department personnel determined that the inlet/outlet analyzer record-keeping again was not in an appropriate form, in violation of ADEM Air Permit No. 413-0040-X006, Proviso No.14.

17. On January 25, 1996, the Department issued a NOV to JVC citing the failure by JVC to keep appropriate records for the inlet/outlet analyzer as required by ADEM Air Permit 413-0040-X006, Proviso No.14.

18. During the February 12, 1996 meeting, JVC advised ADEM that it would update the required information in March 1996.

#### **EMISSIONS RECORD-KEEPING**

19. ADEM Air Permit Nos. 413-0040-X001 and 413-0040-X006, Proviso No. 17, require JVC to determine compliance with all permit emission limits within ten (10) days of the end of each month and to keep records of the information for two (2) years.

20. On December 14, 1994, and again on September 27, 1995, during inspections of the JVC facility, Department personnel determined that records of compliance determinations for the Carbon Bed Adsorbtion Unit since

June 16, 1994 were not available, in violation of ADEM Air Permit Nos. 413-0040-X001 and 413-0040-X006, Proviso No. 17.

21. On January 25, 1996, the Department issued a Notice of Violation to JVC citing the failure to comply with record-keeping requirements.

22. JVC neither admits nor denies the Findings contained in this Consent Order. However, in an effort to cooperate with the Department and to resolve the allegations cited above, JVC consents to the terms of this Order.

23. The Department agrees to this Order upon a determination that the terms contained herein are in the best interests of the citizens of the State of Alabama in resolving the cited allegations.

**ORDER**

Based on the foregoing FINDINGS and pursuant to §§22-22A-5(10), 22-22A-5(12), 22-22A-5(18), 22-28-10(2) and 22-28-18, Code of Alabama (1975), as amended, and with the consent of each party hereto, it is hereby ORDERED:

A. That there is assessed a civil penalty against JVC Magnetics America Company in the amount of Seven Thousand Five Hundred Dollars (\$7,500.00) to be paid to the Alabama Department of Environmental Management within thirty (30) days of issuance of this Order.

B. That immediately upon issuance of this Order, JVC shall operate its facility in compliance with all applicable requirements of its permits and ADEM Admin. Code 335-3 .

C. That this Consent Order shall apply to and be binding upon both parties, their directors, officers, and all persons or entities acting under or for them. Each signatory to this Consent Order certifies that he or she is fully authorized by the party he or she represents to enter into the terms and conditions of this Consent Order, to execute the Consent Order on behalf of the party represented and to legally bind such party.

D. That subject to the terms contained herein and subject to provisions otherwise provided by statute, this Consent Order is intended to operate as a full resolution of the allegations cited hereinabove.

E. That JVC is not relieved from any liability if it fails to comply with any provision of this Consent Order.

F. That for purposes of this Order only, JVC agrees that the Department may properly bring an action to compel compliance with the terms and conditions contained herein in a court of competent jurisdiction, including but not limited to the Circuit Court of Montgomery County, Alabama. JVC further agrees that in any action brought by the Department to compel compliance with the terms of this Order, JVC shall be limited to the defenses of Force Majeure, compliance with this Order and physical impossibility.

G. That this Order does not preclude the Department from taking other enforcement actions based on these facts regarding violations of other regulatory programs. Should additional facts and circumstances be discovered in the future concerning JVC which would constitute possible violations not addressed in this Order, or if the violations noted herein continue, then such future violations shall be addressed in Orders as may be issued by the Department, litigation initiated by the Department, or such other enforcement action as may be appropriate, and JVC shall not object to such future orders, litigation or enforcement actions based on the issuance of this Consent Order.

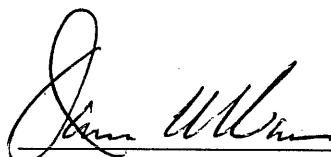
H. That by agreement of the parties, this Order shall be considered final and effective immediately upon signature of all parties. This Consent Order shall not be appealable, and JVC does hereby waive any hearing on the terms and conditions contained herein.

ORDERED and ISSUED this 14<sup>th</sup> day of August, 1996.

  
(Signature)

Ronnie G. McClenney, Vice President Production  
(Print Name and Title of Authorized Officer)

JVC Magnetics America Company



James W. Warr, Director  
Alabama Department of  
Environmental Management