



Commonwealth of Virginia

VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY

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Secretary of Natural and Historic Resources

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Director

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY
ENFORCEMENT ACTION - ORDER BY CONSENT
ISSUED TO
Mylar Specialty Films U.S. Limited Partnership
FOR
Mylar Specialty Films U.S. Limited Partnership
Registration No. 51924**

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 Mylar Specialty Films U.S. Limited Partnership regarding Mylar Specialty Films U.S. Limited Partnership, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the applicable permit and/or 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 9VAC 5-10 *et seq.*

SECTION C: Findings of Fact and Conclusions of Law

1. Mylar Specialty Films U.S. Limited Partnership is a business entity authorized to do business in Virginia.
2. Mylar Specialty Films U.S. Limited Partnership is a “person” within the meaning of Va. Code § 10.1-1300.
3. Mylar Specialty Films U.S. Limited Partnership (“Mylar”), registration number 51924, owns and operates a film coating facility located at 5401 Route 1, North Chesterfield, Virginia (“Facility”). The Facility is subject to a Title V Permit dated November 29, 2023 and a New Source Review (“NSR”) Permit dated June 9, 2011, which allows Mylar to produce emissions from the Facility.
4. DEQ staff reviewed the August 29, 2024 Reasonably Available Control Technology

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(“RACT”)/ New Source Performance Standards (“NSPS”) subpart HHH, the August 30, 2024 14-day malfunction, and September 20, 2024 supplemental data reports submitted by the Facility on September 3, 4 and 27, 2024, respectively. DEQ observed the six-month rolling average VOC control efficiency of the film plant processes were calculated as follows:

Six-month period ending with:	Control Efficiency
January 2024	98.1%
February 2024	98.0%
March 2024	98.0%
April 2024	98.1%
May 2024	98.1%
June 2024	97.7%
July 2024	97.9%
August 2024	98.0%

5. Title V Condition 2 states “Process Equipment Requirements - (MYE04-18, MYE20-27, MYT06, MYT08, and MYT09) - Limitations - The VOC control efficiency of the film plant processes shall be a minimum of 98.3 percent on a six-month rolling average basis. This efficiency shall be verified by mass balance methods described or referenced in Condition 11.c. (9VAC5-80-110 and Condition E.15. of the May 30, 1996 RACT Agreement).”
6. DEQ also observed the hourly VOC emissions calculated from 12-month averages as:

12-month average calculated through	average lb./hr.	annual emissions
June 2024	41.1	184.9
July 2024	41.2	180.9
August 2024	43.1	184.8
7. Title V Condition 8 states “Process Equipment Requirements - (MYE04-18, MYE20-27, MYT06, MYT08, and MYT09) - Limitations - Emissions from the operation of the Mylar® film coating plant shall not exceed the limits specified below: VOC 36.5 lb./hr. 159.3 tons/yr. Compliance with these emission limits shall be demonstrated by record keeping in accordance with Condition 10.b. and d. (9VAC5-80-110N, and Condition 7 of the June 9, 2011 NSR permit)”
8. Mylar Specialty Films reported that it exceeded the Toluene lbs./hr. limit.
9. Title V Condition 55 states “State-Only Enforceable Requirements - Limitations - Emissions from the operation of the Mylar film coating plant shall not exceed the limits specified below: Toluene 12.5 lbs./hr. Compliance with this emission limit shall be demonstrated by record keeping in accordance with Condition 56.c. (9VAC5-80-110, 9VAC5-80-300, and Condition 20 of the June 9, 2011 NSR permit)”
10. On October 16, 2024, PRO Air Compliance issued a Notice of Violation (NOV No. APRO003016-001) citing the violations stated above.

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11. On December 9, 2024, PRO Enforcement received a response to the NOV through Mylar's counsel indicating the Facility was working to resolve the deficiencies.
12. On December 10, 2024, PRO Air Compliance issued a second Notice of Violation (NOV No. APRO003016-002) citing additional violations not captured in the October 2024 NOV.
13. DEQ reviewed the revised six-month rolling average VOC control efficiency and identified additional out of compliance months not previously noted within the October 16, 2024 NOV.

<u>Six-month period ending with:</u>	<u>Control Efficiency:</u>
December 2022	98.0%
January 2023	98.0%
March 2023	98.1%
April 2023	97.7%
May 2023	98.1%
December 2023	98.2%

Subsequently, Mylar determined its control efficiency for December 2022 was 98.1% and for January, March and April 2023 was 98.1%, 98.2% and 97.8%, respectively. Mylar also determined it was out of compliance for February 2023, with a control efficiency of 98.1%.

14. Title V Condition 2 states "Process Equipment Requirements - (MYE04-18, MYE20-27, MYT06, MYT08, and MYT09) - Limitations - The VOC control efficiency of the film plant processes shall be a minimum of 98.3 percent on a six-month rolling average basis. This efficiency shall be verified by mass balance methods described or referenced in Condition 11.c. (9VAC5-80-110 and Condition E.15. of the May 30, 1996 RACT Agreement)"
15. DEQ reviewed the average VOC emissions and identified an additional month not previously noted within the October 16, 2024 NOV. Specifically:

<u>12-Month period ending with:</u>	<u>Average lb./hr.:</u>	<u>Annual Emissions tons/yr:</u>
September 2024	41.1 lb./hr.	175.9 tons/yr

In a revised 2024 Title V annual certification and semi-annual compliance report submitted to DEQ on April 1, 2025, Mylar determined that VOC emissions for September 2024 were 47.4 lb./hr. and 203.0 tons/yr.

16. Title V Condition 8 states "Process Equipment Requirements - (MYE04-18, MYE20-27, MYT06, MYT08, and MYT09) - Limitations - Emissions from the operation of the Mylar film coating plant shall not exceed the limits specified below: VOC 36.5 lb./hr. / 159.3 tons/yr. Compliance with these emission limits shall be demonstrated by record keeping in accordance with Condition 10.b. and d. (9VAC5-80-110 and Condition 7 of the June 9, 2011 NSR permit)" On December 12, 2024, PRO Air Compliance and Enforcement hosted a

teleconference meeting with Mylar’s counsel to discuss the HVP violations as well as the second NOV. PRO Air Compliance staff explained the nature of HPV violations at Mylar in relation to the 2014 EPA policy.

- 17. On January 21, 2025, PRO Air Compliance and Enforcement sent email correspondence requesting data/information regarding the VOC percent control efficiency and 12-month rolling average for VOC at the Facility in an attempt to determine current compliance status.
- 18. On January 30, 2025, counsel for Mylar provided the requested information indicating Mylar had monthly VOC recovery efficiencies in October (98.7percent) and November (100.5percent) above the 98.3 percent requirement, but then the efficiency dropped in December (96.2percent).
- 19. On February 18, 2025, PRO Air Compliance and Enforcement attended a teleconference meeting with representatives from Mylar, counsel as well as third-party consultant, Aegis Environmental. Mylar also explained the mass balance calculations were being calculated incorrectly causing the Facility to appear out of compliance. Mylar also indicated the incorrect calculations prompted the notification in August 2024 and the Facility implemented changes in response to the NOVs. In addition, for the six-month rolling period, Mylar’s representative stated the Facility was trending towards compliance for Observation 1 of NOV 1 and 2, Title V Permit Condition 2 and explained the June 2024 out of compliance reading was the only indicator keeping the Facility from reaching in-compliance status. Mylar representatives also explained that the Facility was in compliance with toluene emission limits; thus, resolving Observation 3 of NOV 1 under Title V Permit Condition 55.
- 20. In a revised Title V semi-annual compliance report submitted to DEQ on February 25, 2025, Mylar reported monthly VOC recovery efficiencies for October and November 2024 were 97.3% and 97.6%, respectively. As well, in this submittal, Mylar reported emissions requiring revisions as follows:

12-month average calculated through	average lb./hr.	annual emissions
June 2024	40.6	182.9
July 2024	41.0	180.1
August 2024	45.9	196.8

In an April 1, 2025 email and during a May 29, 2025 meeting with DEQ staff, Mylar indicated the Facility intended to apply for a modification to their Title V permit.

- 21. In a revised 2024 Title V annual certification and semi-annual compliance report submitted to DEQ on April 1, 2025, Mylar determined that the control efficiency percentage for July and August 2024 was 97.8% and 97.5%, respectively. In a revised 2024 Title V annual certification and semi-annual compliance report submitted to DEQ on April 1, 2025, Mylar determined that its monthly VOC recovery efficiency for December 2024 was 97.8%. As well, in a revised 2024 Title V annual certification and semi-annual compliance report submitted to DEQ on April 1, 2025, Mylar determined that VOC emissions for September 2024 were 47.4 lb./hr. and 203.0 tons/yr.
- 22. On June 2, 2025, DEQ Enforcement received additional information from Mylar, which contained new self-reported, permit exceedance values. The response included the following

permit exceedances as reported in a revised Title V semi-annual compliance report submitted to DEQ Air Compliance on February 25, 2025, and a revised 2024 Title V annual certification and semi-annual compliance report submitted to DEQ Air Compliance on April 1, 2025:

1. Revised six-month rolling average VOC control efficiency were:
- | <u>Six-month period ending with:</u> | <u>Control Efficiency:</u> |
|--------------------------------------|----------------------------|
| December 2022 | 98.1% |
| January 2023 | 98.1% |
| March 2023 | 98.2% |
| April 2023 | 97.8% |
2. Revised six-month rolling averages VOC control efficiency for July and August 2024 were 97.8% and 97.5%, respectively. Mylar also determined it was out of compliance for February 2023, with a VOC control efficiency of 98.1%.
3. The revised hourly VOC emissions calculated from 12-month averages reported was:

<u>12-month average calculated through</u>	<u>average lb./hr.</u>	<u>annual emissions</u>
September 2024	47.4	203.0

23. Based on the results of the August 29, RACT/NSPS subpart HHH, the August 30, 14-day malfunction and September 20, 2024 supplemental data reports submitted by the Facility on September 3, 4 and 27, 2024, respectively, as well as the violations cited in the October 16, 2024 and December 10, 2024 Notice of Violations, the Department concludes Mylar has violated Permit Condition 2, Permit Condition 8, and Permit Condition 55 as well as 9VAC5-80-110, and Condition E.15. of the May 30, 1996 RACT Agreement, Condition 7 of the June 9, 2011 NSR permit , 9VAC5-80-300, and Condition 20 of the June 9, 2011 NSR permit, as described in paragraphs C3 through C21, above.
24. In order for Mylar to return to compliance, DEQ staff and Mylar have agreed to the Schedule of Compliance, which is incorporated as Appendix A of this Order.

SECTION D: Agreement and Order

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

1. Perform the actions described in Appendix A of this Order; and
2. Pay a civil charge of \$45,947.00 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made either by credit card at www.deq.virginia.gov, or check, certified check, money order or cashier’s check payable to the “Treasurer of Virginia,” and delivered to:

Receipts Control

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Department of Environmental Quality
Post Office Box 1104
Richmond, Virginia 23218

Mylar shall include its Federal Employer Identification Number (FEIN) and Taxpayer Identification Number (TIN), if different, 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 Emergency Response Fund. The TIN is required under Federal law (26 USC § 6723) and this consent order cannot be terminated until the TIN is provided. In accordance with United States Code (26 USC § 1.6050X) and the Code of Federal Regulations (26 CFR § 1.6050X-1) this information will be provided by DEQ to the Internal Revenue Service. To provide DEQ with your TIN, please mail the attached Virginia Form W-9 with your payment. If the Department must refer collection of the civil charge due under this Order to the Department of Law, Mylar shall be liable for attorneys' fees of 30 percent of the amount outstanding.

SECTION E: Administrative Provisions

1. The Department may modify, rewrite, or amend this Order with the consent of Mylar for good cause shown by Mylar, 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 the Notices of Violation APRO003016-001 dated October 16, 2024 and APRO003016-002 dated December 10, 2024. 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, Mylar admits to the jurisdictional allegations, and agrees not to contest, but neither admits nor denies, the findings of fact and conclusions of law in this Order.
4. Mylar 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. Mylar 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 Mylar to comply with any of the terms of this Order shall constitute a violation

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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. Mylar 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. Mylar shall demonstrate that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Mylar 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 Mylar. Nevertheless, Mylar 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 Mylar has completed all of the requirements of the Order;
 - b. Mylar petitions the Director or his designee to terminate the Order after it has

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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 Mylar.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Mylar 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 Mylar 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 Mylar 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 Mylar to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Mylar.
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, Mylar voluntarily agrees to the issuance of this Order.

And it is so ORDERED this _____ day of _____, 2025.

Jerome A. Brooks, Piedmont Regional Director
Department of Environmental Quality

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Mylar Specialty Films U.S. Limited Partnership voluntarily agrees to the issuance of this Order.

Signed by:
Date: 19-Aug-2025 | 4:34:01 PM BY: Bradley J Bouchard Site Director
25B070C99235403... (Person) (Title)
Mylar Specialty Films U.S. Limited Partnership

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APPENDIX A SCHEDULE OF COMPLIANCE

Mylar shall take the following action:

1. Within 120 days of the effective date of this Order, Mylar shall begin submitting a monthly data report for the hourly VOC emissions calculated from 12-month averages by the 10th of the following month for the compliance period of November 2025 through May 2026.

DEQ Contact:

Unless otherwise specified in this Order, Mylar shall submit all requirements of Appendix A of this Order to:

Cara Witte
DEQ Enforcement Specialist
VA DEQ –Piedmont Regional Office
4949 Cox Road, Suite 4
Glen Allen, Virginia 23060
804-712-4192
cara.witte@deq.virginia.gov