COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY
NORTHERN REGIONAL OFFICE
13901 Crown Court, Woodbridge, Virginia 22193
(703) 583-3800 Fax (703) 583-3821
www.deq.virginia.gov

Douglas W. Domenech
Secretary of Natural Resources

David K. Paylor
Director

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION - ORDER BY CONSENT ISSUED TO THE FREE LANCE-STAR PUBLISHING CO. FOR THE PRINT INNOVATORS PRINTING FACILITY Registration No. 41068

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1309 and -1316, between the State Air Pollution Control Board and the Free Lance-Star Publishing Co. regarding the Print Innovators Printing Facility, for the purpose of resolving certain violations of the Virginia Air Pollution Control Law, the applicable permit and regulations.

SECTION B: Definitions

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the State Air Pollution Control Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1301.

2. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.

3. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.

4. "Facility" means the Free Lance-Star Company's, Print Innovators printing facility, located at 1381 Belman Road, Fredericksburg, Virginia 22401, that operates a web fed offset lithography print and finishing business.

5. "Free Lance-Star" means the Free Lance-Star Publishing Co., a corporation authorized to do business in Virginia and its affiliates, partners, subsidiaries, and parents The Free Lance-Star is a "person" within the meaning of Va. Code § 10.1-1300.

6. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1309.

7. "NRO" means the Northern Regional Office of DEQ, located in Woodbridge, Virginia.

8. "Order" means this document, also known as a "Consent Order" or "Order by Consent," a type of Special Order under the Virginia Air Pollution Control Law.

9. "Permit" means the Minor New Source Review Permit to construct and operate a web fed offset lithographic printing and finishing facility, which was issued under the Virginia Air Pollution Control Law and the Regulations to The Free Lance-Star on August 25, 2009.

10. "Regulations" or "Regulations for the Control and Abatement of Air Pollution" mean 9 VAC 5 chapters 10 through 80.

11. "Va. Code" means the Code of Virginia (1950), as amended.

12. "VAC" means the Virginia Administrative Code.

13. "Virginia Air Pollution Control Law" means Chapter 13 (§ 10.1-1300 *et seq.*) of Title 10.1 of the Va. Code.

SECTION C: Findings of Fact and Conclusions of Law

1. Free Lance-Star operates the Facility located in Fredericksburg, Virginia. The Facility is the subject of the Permit which allows for the operation of the Goss Contiweb Ecocool Hot Air Web Offset Dryer with integrated afterburner Ref. No. C07 (C07) and other associated equipment.

2. On November 11, 2010 Department staff conducted a Partial Compliance Evaluation of the Facility record for compliance with the requirements of the Virginia Air Pollution Control Law, the Permit, and the Regulations. Based on the inspection and follow-up information, Department staff made the following observations:

a. Free Lance-Star failed to operate an afterburner unit that is equipped with a device that can properly record the temperature in the combustion chamber of the afterburner at a minimum frequency of once every fifteen minutes.
b. Free Lance-Star failed to observe the afterburner monitoring device during each day of heatset operation.
c. Free Lance-Star failed to perform the initial performance test of C07 no later than 180 days from unit start-up (September 26, 2010).
d. Free Lance-Star failed to maintain afterburner combustion chamber temperature records.

3. Condition 6 of the Permit, requires the burner unit in the integrated afterburner (Ref. No. C07) to maintain a minimum combustion zone operating temperature of 1400 degrees F when operating the press in heatset mode (Ref. No. Unit 3). Additionally, the unit shall be equipped with a device to continuously measure and record temperature in the combustion chamber of the afterburner at a minimum frequency of once every fifteen minutes. (9 VAC 5-80-1180)

4. Condition 7 of the Permit, requires that the monitoring device used to continuously measure and record temperature in the combustion chamber of the afterburner, as required by Condition 6, shall be observed by the permittee with a frequency of not less than once per day during days in which the press (Ref. No. Unit 3) is operated in heatset mode, or as recommended by the manufacturer, to ensure proper performance. (9 VAC 5-80-1180D)

5. Condition 14(b) of the Permit, requires an initial performance test to be conducted for VOC's from C07 within sixty days after achieving the anticipated maximum production rate at which the facility will typically operate, but in no case later than 180 days after start-up of the permitted facility. (9 VAC 5-50-20 and 9 VAC 5-80-1200)

6. Condition 18(e) of the Permit, requires the facility to maintain documentation/records which demonstrate compliance with the requirements of Conditions 3c, 3e, 4, and 6. The records are to be available for inspection by the DEQ and be current for the most recent five years, unless otherwise noted. (9 VAC 5-80-1180)

7. On November 22, 2010, based on the Partial Compliance Evaluation the Department issued a Notice of Violation to the Free Lance-Star for the violations described in paragraph C(2) through C(6), above.

8. On January 18, 2011, DEQ staff met with representatives of Free Lance-Star and their consultant to discuss the NOV and the steps being taken to return to compliance.

9. While not noted in the NOV, Free Lance-Star failed to maintain logs of monitoring device observations, in accordance with Condition 7.

10. Condition 18 (j) of the Permit, requires the Permittee to maintain records which demonstrates compliance with the Permit. Records include the "[l]ogs of monitoring device observations, in accordance with Condition 7" (9 VAC 5-80-1180 and 9 VAC 5-50-50)

11. On January 24, 2011, Free Lance-Star staff submitted to DEQ a proposed schedule and protocol for stack testing the Unit.

12. Based on the information provided in the October 7, 2010 letter, records submitted on November 10, 2010 and January 24, 2011, and at the January 18, 2011 meeting, the Board concludes that the Free Lance-Star has violated Permit conditions 6, 7, 14(b), 18 (e) and 18(j) and 9 VAC 5-50-50, 9 VAC 5-80-1180, and 9 VAC 5-80-1200, as described in paragraph C(2) through C(6), C(9), and C(10), above.

13. Free Lance-Star has submitted documentation that verifies that the violations described in paragraphs C(3), C(4) and C(6), above, have been corrected.

14. In order for Free Lance-Star to complete its return to compliance, DEQ staff and representatives of Free Lance-Star 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 Board orders The Free Lance-Star Publishing Co., and The Free Lance-Star Publishing Co. agrees to:

1. Perform the actions described in Appendix A of this Order; and

2. Pay a civil charge of $3,705.00 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

The Free Lance-Star Publishing Co. 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).

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this Order with the consent of Free Lance-Star for good cause shown by The Free Lance-Star, 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. This Order shall not preclude the Board 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, Free Lance-Star admits the jurisdictional allegations, findings of fact, and conclusions of law contained herein.

4. Free Lance-Star 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. Free Lance-Star 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 Board to modify, rewrite, amend, or enforce this Order.

6. Failure by Free Lance-Star to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board 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. Free Lance-Star 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 occurrence. Free Lance-Star shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Free Lance-Star 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 Free Lance-Star intends 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, their 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 Free Lance-Star. Nevertheless, Free Lance-Star 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. Free Lance-Star 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

    b. the Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to Free Lance-Star.

    Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Free Lance-Star 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 Free Lance-Star 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 Free Lance-Star certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind Free Lance-Star to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of Free Lance-Star.

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, Free Lance-Star voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 27th day of April, 2011.

Thomas A. Faha

Thomas A. Faha, Regional Director
Department of Environmental Quality

The Free Lance-Star voluntarily agrees to the issuance of this Order.

Date: 21 APR 2011 By: _____, OPERATIONS DIRECTOR
(Person) (Title)
The Free Lance-Star Publishing Co.

Commonwealth of Virginia
City/County of Fredericksburg

The foregoing document was signed and acknowledged before me this 21st day of April, 2011, by John B. Jenkins who is Operations Director of The Free Lance-Star Publishing Co., on behalf of the Company.

_____
Notary Public

7041399
Registration No.

My commission expires: May 31, 2014

Notary seal:

KAREN G. HARRIS
Notary Public
Commonwealth of Virginia
Reg. #7041399
My Commission Exps. May 31, 2014

APPENDIX A
SCHEDULE OF COMPLIANCE

1. Requirements

Free Lance-Star shall:

A. No later than June 1, 2011, conduct an initial performance test of the C07.

B. No later than 45 days from the completion of #1 above, submit testing results to DEQ for review and approval.

2. Certification of Documents and Reports

In accordance with 9 VAC 5-20-230(A), in all documents or reports, submitted to DEQ pursuant to this Consent Order, Free Lance-Star, shall by its officers, sign and certify under penalty of law that the information contained in such document or report is true, accurate, and not misleading by signing the following statement:

> "I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering and evaluating the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

3. DEQ Contact

Unless otherwise specified in this Order, Free Lance-Star shall submit all requirements of Appendix A of this Order to:

Department of Environmental Quality
Northern Regional Office
Attn: Enforcement
13901 Crown Court
Woodbridge, VA 22193