



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

Blue Ridge Regional Office

www.deq.virginia.gov

L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Steven A. Dietrich
Regional Director

Lynchburg Office
7705 Timberlake Road
Lynchburg, Virginia 24502
(434) 582-5120
Fax (434) 582-5125

Roanoke Office
3019 Peters Creek Road
Roanoke, Virginia 24019
(540) 562-6700
Fax (540) 562-6725

June 10, 2009

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION ORDER BY CONSENT ISSUED TO ROCK-TENN CONVERTING COMPANY REGISTRATION NUMBER 30188

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1309 and 10.1-1316, between the State Air Pollution Control Board and Rock-Tenn Converting Company for the purpose of resolving certain violations of the Virginia Air Pollution Control Law and the Regulations for the Control and Abatement of Air Pollution.

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 collegial body of the Commonwealth of Virginia as described in Va. Code §§ 10.1-1301 and 10.1-1184.
2. "BRRO" means the Blue Ridge Regional Office of DEQ, located in Lynchburg, Virginia.
3. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
4. "Director" means the Director of the Department of Environmental Quality.
5. "Facility" means the Rock-Tenn Converting Company facility, located in City of Lynchburg, Virginia.
6. "Order" means this document, also known as a Consent Order.

7. “Rock-Tenn Converting Company” means Rock-Tenn Converting Company, certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.
8. “Regulations for the Control and Abatement of Air Pollution” means 9 VAC 5 Chapters 10 through 80.
9. “Va. Code” means the Code of Virginia (1950), as amended.
10. “Virginia Air Pollution Control Law” means Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 of the Code of Virginia.

SECTION C: Findings of Fact and Conclusions of Law

1. Rock-Tenn Converting Company owns and operates an establishment in the City of Lynchburg, Virginia. The Facility is the subject of a New Source Review permit dated September 17, 2003, which allows the Facility to modify and operate a recycled paperboard manufacturing facility.
2. Rock Tenn Converting Company – Mill submitted a Prompt Deviation Report on January 30, 2008. The Prompt Deviation Report reported a deviation from Condition 20 of the New Source Review Permit. Records of volatile organic compound emissions from Paper Machine #2 were received via email on January 29, 2008, and February 12, 2008. A complete review of the Prompt Deviation Report and emission records was conducted on February 13, 2008. The review indicated that the Facility exceeded the volatile organic compound 12-month rolling total emission limit for the operation of Paper Machine #2 for each month during the period of July through December 2007.
3. Condition 20 of the New Source Review permit states that the emissions from the operation of Paper Machine #2 shall not exceed 26.4 tons of volatile organic compounds per year, calculated monthly as the sum of each consecutive 12 month period.
4. On February 22, 2008, DEQ issued a Notice of Violation to the Facility addressing the exceedance of the volatile organic compound emission limit for Paper Machine #2 for each month during the period of July through December 2007.
5. Upon further review of volatile organic compound emissions from Paper Machine #2, it was determined that the volatile organic compound emission limit was exceeded during the months of August 2007 through April 2008.
6. Rock-Tenn Converting Company has taken a corrective action to resolve the above violation by converting to a volatile organic compound-free retention aid. As of May 1, 2008, the Facility utilizes the volatile organic compound-free retention aid within production operations. The Facility was found to be in compliance with the volatile organic compound permit limit of Paper Machine #2 as of May 1, 2008 based on a 12-month rolling total basis.
7. Based on the review of a Prompt Deviation Report dated January 29, 2008 and Facility volatile organic compound emission records, Rock Tenn Converting Company – Mill has been found to have violated Condition 20 of New Source Review permit effective September 17, 2003.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code §§10.1-1309 and 10.1-1316 C, orders Rock-Tenn Converting Company, and Rock-Tenn Converting Company voluntarily agrees, to pay a civil charge of \$10,955.00 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 payable to the “Treasurer of Virginia,” delivered to:

Receipts Control
Department of Environmental Quality
PO Box 1104
Richmond, Virginia 23218

Rock-Tenn Converting Company shall include its Federal Identification Number with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this paragraph.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Rock-Tenn Converting Company, for good cause shown by Rock-Tenn Converting Company, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Violation issued to Rock-Tenn Converting Company by DEQ on February 22, 2008. 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 as may be authorized by law; or (3) taking subsequent action to enforce the Order. This Order shall not preclude appropriate enforcement actions by other federal, state, or local regulatory authorities for matters not addressed herein.
3. For purposes of this Order and subsequent actions with respect to this Order, Rock-Tenn Converting Company admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Rock-Tenn Converting Company 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. Rock-Tenn Converting Company declares it has received fair and due process under the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, 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 enforce this Order.
6. Failure by Rock-Tenn Converting Company 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. Rock-Tenn Converting Company 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. Rock-Tenn Converting Company shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Rock-Tenn Converting Company shall notify the DEQ Regional Director in writing 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 within 24 hours 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, 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 Rock-Tenn Converting Company. Notwithstanding the foregoing, Rock-Tenn Converting Company agrees to be bound by any compliance date, which precedes the effective date of this Order.
11. This Order shall continue in effect until the Director or Board terminates the Order in his or its sole discretion upon 30 days written notice to Rock-Tenn Converting Company. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Rock-Tenn Converting Company, from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. By its signature below Rock-Tenn Converting Company voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 24th day of JUNE, 2009.

Steven A. Dietrich

Steven A. Dietrich, Regional Director
Department of Environmental Quality

Rock-Tenn Converting Company voluntarily agrees to the issuance of this Order.

BNW

By: John Stakel / Vice President

Date: 6/16/09

Commonwealth of Virginia, City/County of _____

STATE OF GEORGIA / COUNTY OF GWINNETT

The foregoing document was signed and acknowledged before me this 16 day of

June, 2009, by John D Stakel, who is
(name)

Vice President of Rock-Tenn Converting Company on behalf of the
(title)
Corporation.

Carol Anne Francis
Notary Public

My commission expires: _____

CAROL ANNE FRANCIS
NOTARY PUBLIC
Barrow County
State of Georgia
My Comm. Expires May 18, 2012