



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

PIEDMONT REGIONAL OFFICE

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L. Preston Bryant, Jr.
Secretary of Natural Resources

David K. Paylor
Director

Gerard Seeley, Jr.
Regional Director

AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION ORDER BY CONSENT ISSUED TO ROSYLN CONVERTERS, INC. Registration Number 50833

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §10.1-1309 and §10.1-1316, between the Air Pollution Control Board and Roslyn Converters, Inc., for the purpose of resolving certain alleged violations of environmental law and/or regulations.

SECTION B: Definitions

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

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Air Pollution Control Law" means Va. Code § 10.1-1300 *et seq.*
3. "Board" means the State Air Pollution Control Board, a permanent collegial body of the Commonwealth of Virginia as described in Code §§ 10.1-1301 and 10.1-1184.
4. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia as described in Va. Code § 10.1-1183.
5. "Director" means the Director of the Department of Environmental Quality.

6. "Order" means this document, also known as a Consent Order.
7. "Roslyn" means Roslyn Converters, Inc., a corporation certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.
8. "Facility" means the Roslyn Converters, Inc. printing facility (Registration Number 50833), located at 1106 W. Roslyn Road, Colonial Heights, Virginia.
9. "Permit" means the State Operating Permit issued to Roslyn Converters, Inc. on September 27, 2006.
10. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
11. "Regulations" means the Commonwealth of Virginia State Air Control Board Regulations for the Control and Abatement of Air Pollution.

SECTION C: Findings of Fact and Conclusions of Law

1. Roslyn owns and operates the Facility in Colonial Heights, Virginia. The Facility is a synthetic minor stationary source, and was issued a State Operating Permit ("Permit") on September 27, 2006. Virginia Code § 10.1-1322 of the State Air Pollution Control Law and 9 VAC 5-50-1210.H of the Virginia Regulations for the Control and Abatement of Air Pollution ("Regulations") require the facility to abide by the conditions of the issued Permit.
 2. On March 19, 2007, the Department received copies of testing reports performed at Roslyn on February 15, 2007. Testing was performed in order to demonstrate the destruction efficiency of the Smith Engineering Regenerative Oxidizers (ROT") of the Volatile Organic Compounds ("VOCs") associated with the printing operations. Staff review of the testing report(s) indicated potential non-compliance with Permit requirements. The following violations were observed:
 - The test results indicate a 97.0% destruction efficiency was achieved by the RTO.
 - Condition No. 2 of the Permit and 9 VAC 5-50-260, requires the permittee control emissions from (P10) eight (8) station Rotomec rotogravure printing press, the (P9) two (2) station rotogravure paper coater, the (P11) six (6) station Rotomec rotogravure printing press and the (PW1) distillation and parts press washer by a total enclosure and a regenerative thermal oxidizer (RTO) with a destruction efficiency of 97.9 percent.
 - Regulation 9 VAC 5-50-20 states that sixty days after achieving the maximum production rate, but no later than 180 days after initial start-up, no owner or other
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person shall operate any new or modified source in violation of any standard of performance prescribed under this chapter. The 180 day deadline was on March 26, 2007.

- VA Code § 10.1-1233 states that failure to comply with any condition of a permit shall be considered a violation of the Air Pollution Control Board.
3. On August 2, 2007 DEQ issued Notice of Violation (“NOV”) Number 07-07-PRO-402 regarding above-described violations.
 4. On August 20, 2007, a meeting was held between DEQ staff and Roslyn. Roslyn agreed to submit a permit application to alter the current Permit limits.
 5. By email dated August 21, 2007, Roslyn submitted an application requesting a change in the current Permit limits.

SECTION D: Agreement and Order

1. Accordingly, the Board, by virtue of the authority granted it in Va. Code §10.1-1316(C), orders Roslyn, and Roslyn voluntarily agrees, to perform the actions described in Appendix A of this Order. In addition, the Board orders Roslyn, and Roslyn voluntarily agrees, to pay a civil charge of **\$16,410** 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
Post Office Box 1104
Richmond, Virginia 23218

Payment shall include the Federal Tax Identification Number for the Facility.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend the Order with the consent of Roslyn, for good cause shown by Roslyn, or on its own motion after notice and opportunity to be heard.
2. This Order only addresses and resolves the violations specifically identified herein, including those matters addressed in the Notice of Violation issued to Roslyn by DEQ on August 2, 2007. 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. Roslyn does not waive any rights it may have to object to enforcement actions by other federal, state, or local authorities arising out of the same or similar facts alleged in this Order.

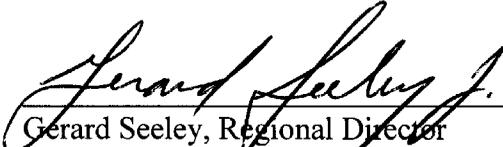
3. For purposes of this Order and subsequent actions with respect to this Order, Roslyn admits the jurisdictional allegations, but does not admit the factual findings and conclusions of law contained herein.
 4. Roslyn consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
 5. Roslyn declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 2.2-4000 *et seq.*, and the State 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, except that Roslyn reserves its right to a hearing or other administrative proceeding authorized or required by law or to judicial review of any issue of fact or law contained in any subsequent amendments of this Order issued by the Board without the consent of Roslyn. 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 Roslyn 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. Roslyn does not waive any rights it may have to object to enforcement actions by other federal, state, or local authorities arising out of the same or similar facts alleged in this Order.
 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. Roslyn 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. Roslyn shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Roslyn 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;
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- 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 Roslyn. Notwithstanding the foregoing, Roslyn 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 Roslyn. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Roslyn 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, Roslyn voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of November 15, 2007.



Gerard Seeley, Regional Director
Department of Environmental Quality

Roslyn voluntarily agrees to the issuance of this Order.

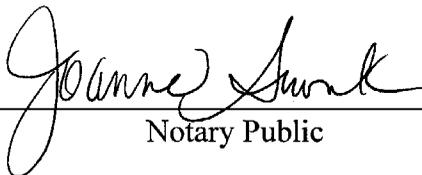
By: 
Robert C. L. Harvey
Vice President

Date: November 6, 2007

Commonwealth of Virginia

City/County of Richmond

The foregoing document was signed and acknowledged before me this 6th day of November, 2007, by Robert C. L. Harvey, who is Vice President of Roslyn, on behalf of the Corporation.
(name)
(title)


Notary Public

My commission expires: March 31, 2009

APPENDIX A

To bring Roslyn Converters, Inc. into compliance, Roslyn shall:

1. **By no later than December 1, 2007**, Roslyn shall complete the permit application for its State Operating Permit.
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