



COMMONWEALTH of VIRGINIA

DEPARTMENT OF ENVIRONMENTAL QUALITY

SOUTH CENTRAL REGIONAL OFFICE

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Preston Bryant
Secretary of Natural Resources

David K. Paylor
Director

Thomas L. Henderson
Regional Director

October 17, 2006

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION ORDER BY CONSENT ISSUED TO SIEGWERK PUBLICATION USA, INC. REGISTRATION NUMBER 30595

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §1300 *et seq.* and 10.1-1185 between the State Air Pollution Control Board and Siegwirk Publication USA, Inc for the purpose of resolving certain violations of Condition VII.A.2 of Siegwirk Publication USA, Inc Title V Permit effective May 3, 2004 and modified March 7, 2006.

SECTION B: Definitions

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

1. "Va. Code" means the Code of Virginia (1950), as amended.
2. "Board" means the State Air Pollution Control Board, a permanent collegial body of the Commonwealth of Virginia described in § 10.1-1301 and § 10.1-1184.
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. "MACT GGGGG" means 40 CFR 63 Subpart GGGGG – National Emission Standards for Hazardous Air Pollutants: Site Remediation
6. "Order" means this document, also known as a Consent Order.
7. "Facility" or "Source" means Siegwerk Publication USA, Inc located on 4225 Murray Place Lynchburg, Virginia.
8. "Regulations" means the State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution, which have been incorporated into Title 9 of the Virginia Administrative Code (VAC).
9. "SCRO" means the South Central Regional Office located in Lynchburg, Virginia.
10. "SEP" means Supplemental Environmental Project.
11. "Siegwerk" means Siegwerk Publication USA, Inc located on 4225 Murray Place Lynchburg, Virginia.
12. "SVE" means Soil Vapor Extraction and Groundwater Recovery System that is utilized on-site of the Siegwerk Publication USA, Inc located on 4225 Murray Place Lynchburg, Virginia.

SECTION C: Findings of Fact and Conclusions of Law

1. Siegwerk is an ink manufacturing facility which operates a SVE. The SVE is a closed vent system under negative pressure controlled by a catalytic incinerator.
2. A permit to construct and operate a SVE was issued on February 5, 2003. At that time, MACT GGGGG was not promulgated. MACT GGGGG was promulgated on October 8, 2003.
3. Siegwerk is a major source due to a potential to emit more than 10 tons of a hazardous air pollutant (toluene) per year. The facility has a Title V Permit issued May 3, 2004 and modified March 7, 2006.

4. The Title V Permit issued on May 3, 2004 classified the SVE as an existing affected source as defined in MACT GGGGG. The reported actual start-up date of the SVE was May 1, 2003 which makes the system a new affected source according to the MACT GGGGG definition. The Title V modification performed on March 7, 2006 added all applicable MACT GGGGG requirements of a new affected source which was started-up prior to October 8, 2003.
5. All initial notifications, reports, and records required by MACT GGGGG and applicable to Siegwerk were to be completed upon the issuance of the modified Title V Permit on March 7, 2006.
6. As of July 10, 2006, a notification of compliance status has not been received from Siegwerk in regards to MACT GGGGG.
7. 40 CFR 63.7950 (a) states:

“You must submit all of the notifications in 63.7(b) and (c), 63.8(e), 63.8(f)(4) and (6), and 63.9(b) through (h) that apply to you.” [63.9 (h) requires the source to submit a notification of compliance status 60 days from completion of performance test]
8. The notification of compliance status for MACT GGGGG was received on August 3, 2006.
9. Title V Permit condition VII.B.2 states:

“Activity test shall be conducted on the catalyst for activity level in percent of VOC destruction. The initial test shall be conducted after one (1) year’s operation, but no later than 15 months after startup. After the initial test, the tests shall be conducted on an annual basis. The details of the tests are to be arranged with the South Central Regional Office. Two written copies of the test results shall be submitted to the South Central Regional Office within 45 days after test completion.”
10. Title V Permit condition VII.A.2 states:

“The thermal catalytic oxidizer shall maintain a control efficiency for VOC of no less than 95 percent on a mass basis.”
11. The emission limitation stated in 40 CFR 63.7925 (d)(1) requires all control devices (other than a flare) of a closed vent system to:

“Reduce emissions of total HAP listed in Table 1 of this subpart or TOC (minus methane and ethane) from each control device by 95 percent by weight;”

12. An activity test was conducted to determine the control efficiency of the catalytic incinerator on June 19, 2006. Thirteen bag samples were taken at the influent of the catalytic incinerator and 13 samples taken at the effluent of the catalytic incinerator. The bag samples were taken by Siegwerk on June 19, 2006. The samples were analyzed in accordance with EPA Method 8021B by EnviroCompliance Laboratories on June 21, 2006. The VOC control efficiency of the unit was derived from the average difference of coinciding 12 samples from the influent and effluent on a mass basis (mg/cm³). The reported VOC control efficiency of the unit was 90.21%.
13. A Notice of Alleged Violation - ASCRO5002 was issued to the source on July 7, 2006 which addresses the above observations.

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code §10.1-1307 (D), 10.1-1309, 10.1-1184, and 10.1-1316 (C), orders Siegwerk and Siegwerk agrees that:

1. Siegwerk shall pay a civil charge of \$4,000.00 for the violations described in Section C of this order. Siegwerk may satisfy its obligations to pay {IN PART} by performing the Supplemental Environmental Project (SEP) described in Appendix A of this Order.
2. Siegwerk shall make a payment of \$1,000.00 of this civil charge 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

3. Siegwerk shall include its registration number given by the DEQ with the civil charge payment and shall indicate that the payment is being made in accordance with the requirements of this Order.
4. Siegwerk shall implement the SEP as identified in Appendix A of this Order. The cost to Siegwerk for the SEP shall be a minimum of \$3,000.00.

5. Within 90 days Siegwerk shall request a permit amendment by submitting a completed Form 7 application for the installation and operation of a multi- filter bag filter system. The permit amendment shall be requested in order to incorporate the multi-filter bag filter system as a control device to reduce fugitive emissions from the process of filtering ink production. The multi-filter bag filter system shall replace existing centrifuges.
6. The SEP shall be installed and utilized, as described in Appendix A, by January 1, 2007.
7. Upon completion of the SEP, pursuant to Virginia Code §10.1-1186.2, Siegwerk shall within 30 days, provide a completion report including actual SEP costs to the Department.
8. In the event that the SEP is not performed as described in Appendix A, upon the Department's determination of non-performance and within 30 days of notification by the Department, the civil charge is due in full. Siegwerk shall pay the amount of the SEP specified in condition 1 of this Section.
9. Siegwerk shall cease operation of the SVE unless the operation of the unit is required to ensure or progress towards obtaining MACT GGGGG standards. Siegwerk shall not resume operation of the SVE before a performance test has been conducted confirming the SVE is operating within MACT GGGGG limits and a performance test report reviewed by the DEQ.

SECTION E: Administrative Provisions

1. The Board may modify, rewrite, or amend this agreement with the consent of Siegwerk for good cause shown by Siegwerk on its own motion after notice and an opportunity to be heard.
2. This Order only addresses and resolves those violations specifically identified herein, including those matters addressed in the Notice of Alleged Violation issued to Siegwerk by DEQ on July 7, 2006. 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, Siegwerk admits the jurisdictional allegations, factual findings and conclusions of law contained herein.
4. Siegwerk 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. Siegwerk 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. 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 Siegwerk 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. Siegwerk 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, war, strike, or such other occurrence. Siegwerk shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part.

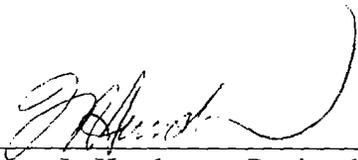
Siegwerk shall notify the DEQ Regional Director in writing when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:

- 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 of inability to comply with a requirement of this Order.

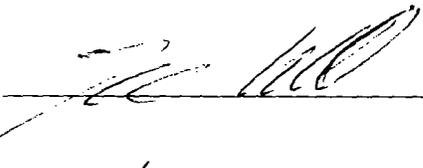
9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and Siegwerk. Notwithstanding the foregoing, Siegwerk agrees to be bound by any compliance date which precedes the effective date of the 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 Siegwerk. Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Siegwerk 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, Siegwerk voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of November 2nd, 2006.



Thomas L. Henderson, Regional Director
Department of Environmental Quality

Siegwerk voluntarily agrees to the issuance of this Order.

By: 

Date: 11/2/06

Commonwealth of Virginia City County of Lynchburg

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The foregoing instrument was acknowledged before me this 2nd day of

November, 2006 by Juergen Roth,
(name)

who is Executive Vice Pres & Gen Mgt. of Siegwerk Publication USA, Inc.

Doris Faye Turner
Notary Public

My commission expires March 31, 2010.