

**AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION
ORDER BY CONSENT
ISSUED TO
Quebecor World San Jose, Inc.
Permit No. 50880**

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code § 10.1-1316, between the State Air Pollution Control Board and Quebecor World San Jose, Inc., for the purpose of resolving certain 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. “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.
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. “Order” means this document, also known as a Consent Order.

6. "Quebecor" means Quebecor World San Jose, Inc., certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.
7. "Facility" means the Quebecor publication rotogravure printing facility located at 7400 Impala Drive located in Richmond, Virginia.
8. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
9. "Permit" means Construct and Operate permit, which became effective April 9, 2002.
10. "O&M" means operations and maintenance.
11. "MACT" means Maximum Achievable Control Technology requirements contained in Chapter 40 of the Code of Federal Regulation, Part 63, Subpart N. 40 CFR Part 63 requirements were incorporated by reference into the Regulations for the Control and Abatement of Air Pollution in Sections 9 VAC 5-60-90 through 9 VAC 5-60-110 on May 1, 2000.

SECTION C: Findings of Fact and Conclusions of Law

1. Quebecor owns and operates a publication rotogravure printing facility in the Richmond, Virginia. This facility is the subject of the MACT and the April 9, 2002 Construct and Operate permit, which allows operation a publication rotogravure printing facility in accordance with the provisions of the Commonwealth of Virginia State Air Pollution Control Board Regulations for the Control and Abatement of Air Pollution.
2. On April 26, 2002 an air compliance inspection was performed at the facility. During the inspection DEQ noted apparent violations of the Air Pollution Control Law and regulations. These problems, noted in a Notice of Violation issued by DEQ November 5, 2002, include:
 - The pressure drop during the initial performance test was 4.0" H₂O, therefore the proper pressure drop range is 3.0-5.0" H₂O. Documentation of the daily readings indicates that the actual pressure drops have been outside of the proper range since February 9, 2000. 40 CFR §63.343(c)(1)(i) states, that, to be in compliance with the chromium standard, the composite mesh pad system shall be operated within " 1" H₂O of the pressure drop value established during the initial performance test (3.0-5.0" H₂O).
 - Department documentation indicates Quebecor submitted Ongoing Compliance Status Reports on a semi-annual basis rather than quarterly.

40 CFR §63.347(g)(3)(ii) states that when monitoring data indicates the emission limit has been exceeded, quarterly Ongoing Compliance Status Reports must be submitted.

- Department records indicate Quebecor failed to make notification of excess emissions to the EPA or DEQ. 40 CFR §63.347(g)(3)(viii) requires the affected source to notify the Administrator of excess emissions, as indicated by the pressure drop values (i.e., pressure drop readings were outside the range established by the initial performance test).
- Department records indicate Quebecor failed to make notification of process changes to the EPA or DEQ concerning the removal of the second plating line (which altered the air-flow into the control device). 40 CFR §63.347(g)(3)(xi) requires the affected source to notify the Administrator of any changes in processes or controls.
- Records reviewed during the inspection indicate Quebecor can not demonstrate compliance with the 91% control efficiency requirement for each carbon bed adsorption system. Condition 3 of the facility's permit, dated April 9, 2002, states that VOC emissions from presses 740, 741, 742, 743, 744, and the proof press shall be controlled by carbon bed adsorption systems each with a control efficiency of 91%.
- Records reviewed during the inspection indicate Quebecor can not demonstrate compliance with the 98% control efficiency requirement for the carbon bed adsorption system. Condition 5 of the April 9, 2002 permit states that VOC emissions from the Renzmann cylinder cleaning tank shall be controlled by a total enclosure capture system and a carbon bed adsorption system with a 98% overall removal efficiency.
- Documents reviewed during the inspection indicates Quebecor has significant recordkeeping deficiencies, and are unable to locate many records prior to 2000. Condition 40 of the April 9, 2002 permit requires Quebecor to maintain records of all emission data and operating parameters necessary to demonstrate compliance with the permit for a period of five years. Specifically, Quebecor is not maintaining the records outlined in Conditions 40(a), 40(b), 40(d)(iii); 40(d)(iv); 40(d)(v); 40(d)(vi); 40(d)(viii); 40(f); 40 (h); and 40(i).

SECTION D: Agreement and Order

Accordingly, the Board, by virtue of the authority granted it in Va. Code §10.1-1316(C), orders Quebecor, and Quebecor agrees, to perform the actions described in Appendix A of this Order. In addition, the Board orders Quebecor, and Quebecor voluntarily agrees, to pay a civil charge of \$11,200 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 10150
Richmond, Virginia 23240

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 Quebecor, for good cause shown by Quebecor, 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 Quebecor by DEQ on November 5, 2002. 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, Quebecor admits the jurisdictional allegations, factual findings, and conclusions of law contained herein.
4. Quebecor 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. Quebecor declares it has received fair and due process under the Administrative Process Act, Va. Code §§ 9-6.14:1 *et seq.*, and the 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 Quebecor 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. Quebecor 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. Quebecor shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. Quebecor 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 Quebecor. Notwithstanding the foregoing, Quebecor 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 Quebecor.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve Quebecor 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, Quebecor voluntarily agrees to the issuance of this Order.

And it is so ORDERED this day of _____, 2002.

Robert G. Burnley, Director
Department of Environmental Quality

Quebecor voluntarily agrees to the issuance of this Order.

By: _____

Thomas Preble
Vice President and General Manager

Date: _____

Commonwealth of Virginia

City/County of _____

The foregoing document was signed and acknowledged before me this ___ day of _____, 2002, by _____, who is
(name)

_____ of Quebecor, on behalf of the Corporation.
(title)

Notary Public

My commission expires: _____.

APPENDIX A

Quebecor shall:

1. Establish a new pressure drop range for the composite mesh pad system. The new range shall be derived from the results of the stack test conducted on July 30, 2002.
2. Develop and implement a plan within 90 days of the consent order issuance that ensures compliance with the newly established pressure drop range. The plan is to be approved by the DEQ/PRO.
3. Submit a plan, including a compliance schedule, acceptable to PRO, within 30 days of the consent order issuance. The plan shall outline how Quebecor will demonstrate compliance with Conditions #3 and #5 of the 4/9/02 permit. **OR** Within 60 days of the consent order issuance, submit a complete permit application addressing the means by which the facility will come into compliance with Conditions #3 and #5 of the permit.
4. Develop and implement proper recordkeeping procedures within 60 days of the consent order issuance, as outlined in Condition #40 of the 4/9/02 permit, 40 CFR 60 Subpart QQ, and 40 CFR 63 Subpart N. The content and format of such records shall be submitted to, and approved by, the DEQ/PRO.