



COMMONWEALTH of VIRGINIA
DEPARTMENT OF ENVIRONMENTAL QUALITY

STATE AIR POLLUTION CONTROL BOARD ENFORCEMENT ACTION

ORDER BY CONSENT
ISSUED TO

CCL Container (Harrisonburg) Inc.
Registration No: 80067

SECTION A: Purpose

This is a Consent Order issued under the authority of Va. Code §§ 10.1-1187, -1184, -1307(D), -1309, and -1316(C), between the State Air Pollution Control Board and CCL Container Inc., for the purpose of resolving certain alleged violations of environmental law and 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 citizens' board 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. "CCL" means CCL Container, Inc., certified to do business in Virginia and its affiliates, partners, subsidiaries, and parents.
7. "Facility" means CCL's tube division manufacturing facility located at 810 North Main Street, Harrisonburg, VA 22802 in Rockingham County.
8. "VRO" means the Valley Regional Office of DEQ, located at 4411 Early Road, P.O. Box 3000, Harrisonburg, Virginia 22801.
9. "Permit" means the Title V Air Permit #VRO80067 effective August 3, 2001. Pursuant to Va. Code § 10.1-1322, permits are enforceable in the same manner as regulations and orders.
10. "CFR" means Code of Federal Regulations.
11. "SEP" means Supplemental Environmental Project.

SECTION C: Findings of Facts and Conclusions of Law

1. CCL owns and operates the Facility which is the subject of the Permit. The Permit allows the operation of the Facility under applicable Regulations of the Board.
2. At the DEQ meeting held on February 20, 2002, between CCL and VRO, CCL reported that solvent VOC throughput emissions calculated for January 2002 were 30.23 tons per year based on a 12-month rolling average. The reported 30.23 tons per year exceeds the allowable limit of 29.08 tons per year on a rolling 12-month average, as stated in the Permit.
3. Also at the meeting held on February 20, 2002, CCL reported that VOC content limits for inside liner applications to be 5.88 lbs/gal for June 2001, 5.76 lbs/gal for September 2001, 5.82 lbs/gal for October 2001, and 6.05 lbs/gal for December 2001. The Permit limits VOC throughput emissions for interior coatings to 5.75 lbs/gal on a monthly average and 5.6 lbs/gal on a monthly rolling average for new and existing paint lines. In addition, CCL has reported that both monthly averages and monthly rolling averages of VOC lbs/gal for inside liner applications are projected to exceed the Permit's VOC throughput limits for the balance of 2002. CCL proposed several permit modifications in addition to installing a thermal oxidizer as an emissions control to address all of these problems.
4. CCL's Emission Statement Certification dated April 1, 2002 reiterated the findings disclosed at the February 20, 2002 meeting, indicated and discussed above.
5. CCL has submitted a SEP implementing pollution prevention measures as part of an offer of settlement with DEQ. See Appendix A below. The SEP was approved by DEQ on June 10, 2002.

SECTION D: Agreement and Order

Accordingly the State Air Pollution Control Board, by virtue of the authority granted it pursuant to Va. Code §§10.1-1186(2), 10.1-1309, and 10.1-1316(C), orders CCL and CCL agrees, to perform the actions described in Appendix A of this Order. In addition, the Board orders CCL, and CCL voluntarily agrees to pay a civil charge of \$34,899.00 in settlement of the violations cited in this Order.

1. \$8,724.75 of this civil charge shall be paid within 30 days of the effective date of this Order. Payment must indicate that the civil charge is paid pursuant to the CCL Order. Payment shall be by check, certified check, money order, or cashier's check payable to "**Treasurer of the Commonwealth of Virginia**" and sent to:

**Receipts Control
Department of Environmental Quality
P. O. Box 10150
Richmond, Virginia 23240**

2. \$26,174.25 of this civil charge shall be satisfied upon completion by CCL of a Supplemental Environmental Project (SEP) pursuant to Virginia Code §10.1-1186.2 and as described in Appendix A of this Order.
3. In the event that the SEP is not performed as described in Appendix A, upon notification by the Department, CCL shall pay the amount specified in Paragraph 2 above within 30 days of such notification according to the procedures specified in Paragraph 1 above, unless an alternate project has been agreed upon by the parties.

SECTION E: Administrative Provisions

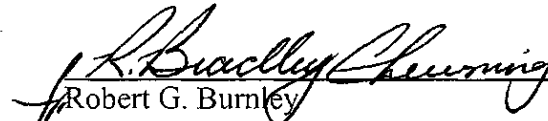
1. The Board may modify, rewrite, or amend the Order with the consent of CCL, for good cause shown by CCL, or on its own motion after notice to CCL and its opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified herein. This Order shall not preclude 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 this 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, CCL admits to the allegations in Section C of this Order.
4. CCL 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. CCL 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 of CCL to any administrative proceeding for, or to judicial review of, any action taken by the Board to enforce this Order.
6. Failure by CCL 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. CCL 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. CCL shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. CCL 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.

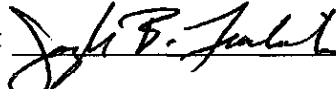
Failure to so notify the Regional Director within 24 hours of learning of any condition above, which CCL intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

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

And it is so ORDERED this day of 19 July, 2002.


Robert G. Burnley
Department of Environmental Quality

CCL voluntarily agrees to the issuance of this Order.

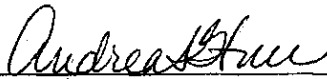
By: 
Date: July 17, 2002

Commonwealth of Virginia

City/County of Harrisonburg

The foregoing document was signed and acknowledged before me this 17 day of July, 2002, by Joseph B. Froelich, who is
(name)

V.P. of Operations of CCL, on behalf of the Corporation.
(title)


Notary Public

My commission expires: February 28, 2003

APPENDIX A (Supplemental Environmental Project)

1. The Supplemental Environmental Project to be performed by CCL consists of adding the exhausts from the exterior coating station of paint lines 14 and 15 to a thermal oxidizer. CCL has submitted a Form 7 Air Permit Application Form to request certain permit modifications necessary to implement the SEP. The permit modifications, as submitted by CCL on the Form 7 on March 22, 2002 and signed on June 21, 2002, reflects the following process changes:

- a) Reducing the lbs VOC/gal limit on interior coatings to 3.75 lbs/gal per month and 3.5 lbs/gal per month based on a 12-month rolling average, taken after controls described in item b) below. This limit will now be taken as a single plant-wide limit rather than on individual paint lines to simplify recordkeeping and reporting requirements.

Specific Permit changes will be:

Condition 14: Change to include Lines 20-25, replace "as they are delivered to a coating applicator" with "These limits shall be calculated after controls for exterior and interior coatings, and as delivered to the coating applicator for all other coatings.", and change the interior coatings limits from 5.75 lbs/gal and 5.6 lbs/gal to 3.75 and 3.5 respectively.

Condition 15: Delete, because these requirements are included in Condition 14.

Condition 51: Change the explanation of C_i to "VOC content of each coating (i), excluding water, within a coating category emitted each month."

- b) Controlling the enamel process emissions from Lines 14 and 15 with a thermal oxidizer. With this additional control installed, the emissions from Line 14 would be totally controlled and would meet BACT without existing throughput limits. As a result, the throughput limits on Line 14 will be removed upon installation of the thermal oxidizer. Furthermore, CCL will reduce the plant-wide VOC emission limit by 7 tons VOC per year to reflect the new controls.

Specific Permit changes will be:

Condition 5: Add "The external coating operations on Lines 14 and 15 shall be controlled by permanent total enclosures and a thermal oxidizer."

Condition 8: Replace "interior coating operations" with "controlled coating operations."

Condition 10: Add "All access doors and windows shall be closed during routine operation of the exterior coatings operations on the following Lines: 14, 15."

Condition 21: Change the throughput limit to 39.38 tons per year for exterior coatings applied at all lines except Lines 14 and 15.

Condition 25: Delete this Condition.

Condition 47: Add "and for the exterior coating operations on Lines 14 and 15" to the end of the first sentence.

Condition 53b: Change the calculation of I_i to read "VOC content of each interior and exterior coating (I) utilized during the time period (lbs/gal)." Change the calculation of U_i to read "Gallons of each interior and exterior coating(I) utilized during the time period (lbs/gal)."

Condition 55f: Delete this Condition.

Condition 72: Change the calculations for I_i , U_i , V_i , and A_i to include "and the number of gallons of exterior coating used in Lines 14 and 15" in order to all the HAP emission calculations from these sources to be reported as emissions after controls.

- c) Reducing the lbs VOC/gal limit on exterior coatings to 3.00 lbs/gal per month and 2.8 lbs/gal per month based on a 12-month rolling average, taken after controls described in item b) above. Presently, CCL has monthly average VOC/gal limits of 3.25 lbs/gal and 3.0 lbs/gal on a 12-month rolling average. These limits will now be the average of all facility Paint Lines to simplify recordkeeping and reporting requirements.

Specific Permit changes will be:

Condition 14: Change the exterior coatings limits from 3.25 lbs/gal and 3.0 lbs/gal to 3.0 and 2.8 respectively.

- d) CCL shall combine the two plant emissions limits into one limit.

First, CCL presently has annual VOC tpy limits set at 130 tpy for one part of the facility and 92 tpy for another part. To reflect the 7 tons/year reduction proposed above, CCL shall combine the two separate annual VOC limits into a single facility limit of 215 tons per year.

Second, CCL shall combine the two PM and PM10 limits to be 7.6 lbs/hr and 14.5 tons/year to simplify the recordkeeping and reporting requirements. This change shall not result in an increase in the emissions of these pollutants.

Specific Permit changes will be:

Condition 34: Change Particulate Matter and PM10 limits to 7.6 lbs/hr and 14.5 tons/year, and VOCs to 215 tons/year.

Condition 35: Delete this Condition; incorporated now into Condition 34.

Condition 55n: Delete the phrase "from the existing lines (Lines 1, 4-6, 7A, 8-15, 18, 19, and 31-33).

Condition 55o: Delete; incorporated now into Condition 55n.

Condition 55p: Delete the phrase "from the existing lines (Lines 1, 4-6, 7A, 8-15, 18, 19, and 31-33).

Condition 55q: Delete; incorporated now into Condition 55p.

- e) Combine the two plant interior coating throughput limits into one limit. CLL shall combine the facility's two annual inside liner throughput limits, presently set at 75.6 tpy VOC and 119.84 tpy VOC, into a single facility limit of 195.44 tpy VOC to simplify recordkeeping and recording requirements. Overall plant emissions shall not result from this modification.

Specific Permit changes will be:

Condition 18: Replace with "The throughput of VOCs from application of interior liner to the following lines shall not exceed 195.44 tons/year: Lines 1, 4-6, 7A, 8-15, 20-25, and 31-33. this shall be calculated monthly as the sum of each consecutive 12-month period."

Condition 19: Delete this Condition; incorporated now into Condition 18.

- f) Combine the two plant solvent throughput limits into one limit. CCL shall combine the facility's two annual cleaning solvent throughput limits, presently set at 32.72 tpy VOC and 29.08 tpy VOC, into a single facility limit of 61.8 tpy VOC to simplify recordkeeping and recording requirements. Overall plant emissions shall not result from this modification.

Specific Permit changes will be:

Condition 22: Replace with "the throughput of VOCs from organic cleaning solvents to the following lines shall not exceed 61.8 tons/year: Lines 1, 4-6, 7A, 8-15, 20-25, and 31-33. This shall be calculated monthly as the sum of each consecutive 12-month period."

Condition 23: Delete this Condition; incorporated now into Condition 22.

2. The cost of the SEP to the CCL shall not be less than \$26,174.25. In the event that the final cost of the SEP is less than this amount, CCL shall pay the remainder of the amount to the Commonwealth of Virginia, to the extent of the original civil charge, unless otherwise agreed to by the Department.
3. CCL acknowledges that it is solely responsible for completion of the SEP project. Any delegation of funds, tasks, or otherwise by CCL to a third party, shall not relieve CCL of its responsibility to complete the SEP as contained in this Order.

4. The SEP shall be completed by CCL no later than fourteen (14) weeks following the effective date of this Consent Order.
5. CCL shall provide the Department with verification by progress reports of the SEP by providing an accounting of progress made as to the installation of the thermal oxidizer. The initial progress report must be submitted to VRO within 30 days from the effective date of the Order, and thereafter on a monthly basis, due the 10th day of each month.
6. CCL shall submit verification to VRO in the form of receipts and work order copies of the final overall cost of the SEP within 30 days of the project completion date.
7. In the event that CCL publicizes the SEP or the results of the SEP, CCL shall state in a prominent manner the project is part of a settlement for an enforcement action.
8. The Department has the sole discretion to determine whether the SEP has been completed in a satisfactory manner.