

**STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION**



STATE OF CONNECTICUT) Order No. 2230
)
VS.)
)
KEYSTONE PAPER & BOX COMPANY, INC.)
)
)

CONSENT ORDER

A. With the agreement of Keystone Paper & Box Company, Inc. ("Respondent"), the Commissioner of Environmental Protection ("Commissioner") finds the following:

1. The Respondent operates a manufacturing facility (the "Facility") at 31 Edwin Road, in South Windsor, Connecticut, where it manufactures paper and board products for a variety of industries.
2. At the Facility, the Respondent operates a KBA Rapida 105 offset lithographic printing press that had potential Volatile Organic Compounds ("VOC") emissions of fifteen (15) tons or more per year.
3. Pursuant to Section 22a-174-3(a)(1)(D) of the Regulations of Connecticut State Agencies, the owner or operator of a new emission unit with the potential to emit more than 15 tons per year of any regulated air pollutant shall apply for and obtain a permit to construct and operate that emission unit prior to constructing and operating that source.
4. On 1/15/2010, the Respondent received a Pre-Inspection-Questionnaire (PIQ) from the Department of Environmental Protection, Bureau of Air Management, and subsequently submitted an NSR permit application for the KBA printing press. The Department received the application on 5/12/2010.
5. On 5/25/2010, a representative of the Commissioner inspected the facility and determined that the KBA printing press was installed and operated at the facility since March 2007 and that the Respondent failed to apply for an NSR permit for its operation prior to the date of installation. For this reason the Commissioner issued the Respondent Notice of Violation No. 16573 on 7/22/2010.
6. On 8/16/2010, the Respondent submitted a compliance statement with documentation stating how it would correct NOV No. 16573. The compliance statement indicated that an NSR permit application had been submitted to the Commissioner on 5/12/2010.

7. On 6/4/2010, the Commissioner sent the Respondent a notice that the abovementioned application was administratively complete and, on 12/3/2010, Permit No. 169-0095 was issued with a VOC emission limit for the KBA printing press of 7.10 TPY.
8. By virtue of the above, the Respondent operated the KBA printing press in violation of Section 22a-174-3a of the Regulations.

B. With the agreement of the Respondent, the Commissioner, pursuant to Sections 22a-6, 22a-171, 22a-174, 22a-177, 22a-178 of the Connecticut General Statutes orders the as follows:

1. Civil penalty. The Respondent shall pay a penalty of \$12,600 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraph A.8 of this Consent Order. The Respondent shall submit the penalty amount of \$12,600 in accordance with the following payment schedule:
 - The Respondent shall make a payment of \$3,150 within 30 days of issuance of this Consent Order.
 - The Respondent shall make another payment of \$3,150 within 3 months of issuance of this Consent Order.
 - The Respondent shall make another payment of \$3,150 within 6 months of issuance of this Consent Order.
 - The Respondent shall make another payment of \$3,150 within 9 months of issuance of this Consent Order.
2. Payment of penalties. Payment of penalties under this consent order shall be mailed or personally delivered to the Department of Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, CT 06106-5127, and shall be by certified or bank check payable to "Treasurer, State of Connecticut." The check shall state on its face, "Air Bureau civil penalty, Consent Order No. 2230."
3. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this Order in a complete and approvable form. If the Commissioner notifies the Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within 30 days of the Commissioner's notice of deficiencies. In approving any document or other action under this Order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this Order. Nothing in this paragraph shall excuse noncompliance or delay.
4. Definitions. As used in this Order, "Commissioner" means the Commissioner or a representative of the Commissioner.

5. Dates. The date of "issuance" of this Order is the date the Order is deposited in the U.S. Mail or personally delivered, whichever is earlier. The date of submission to the Commissioner of any document required by this Order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this Order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or is personally delivered, whichever is earlier. Except as otherwise specified in this Order, the word "day" as used in this Order means calendar day. Any document or action which is required by this Order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or Connecticut or federal holiday.
6. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this Order shall be signed by Respondent or, if Respondent is not an individual, by Respondent's chief executive officer or a duly authorized representative of such officer, as those terms are defined in §22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and Respondent or Respondent's chief executive officer and each such individual shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information may be punishable as a criminal offense under Section 53a-157b of the Connecticut General Statutes and any other applicable law."

7. False statements. Any false statement in any information submitted pursuant to this Order may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
8. Notice of transfer; liability of Respondent. Until Respondent has fully complied with this Order, Respondent shall notify the Commissioner in writing no later than 15 days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this Order or after obtaining a new mailing or location address. Respondent's obligations under this Order shall not be affected by the passage of title to any property to any other person or municipality.
9. Commissioner's powers. Nothing in this Order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this Order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented pollution,

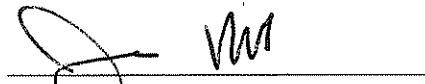
the Commissioner may institute any proceeding to require Respondent to undertake further investigation or further action to prevent or abate violations or pollution.

10. Respondent's obligations under law. Nothing in this Order shall relieve Respondent of other obligations under applicable federal, state and local law.
11. No assurance by Commissioner. No provision of this Order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this Order will result in compliance.
12. No effect on rights of other persons. This Order neither creates nor affects any rights of persons or municipalities that are not parties to this Order.
13. Notice to Commissioner of changes. Within 15 days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under this Order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner.
14. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this Order or of any document required hereunder, Respondent shall immediately notify by telephone the Bureau of Air Management Unit in the next paragraph and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. Within five (5) days of the initial notice, Respondent shall submit in writing the date, time, and duration of the noncompliance and the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay.
15. Submission of documents. Any document required to be submitted to the Commissioner under this Order, unless otherwise specified in this Order or in writing by the Commissioner, shall be directed to:

Marco Lumbroso
Engineering and Enforcement Division
Bureau of Air Management
Department of Environmental Protection
79 Elm Street, 5th Floor
Hartford, Connecticut 06106-5127

Respondent consents to the issuance of this consent order without further notice. The undersigned certifies that he/she is fully authorized to enter into this consent order and to legally bind the Respondent to the terms and conditions of the consent order.

Keystone Paper & Box Company, Inc.

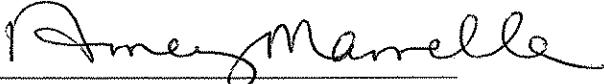
Signature: 

Type Name: James R. Esty

Type Title: President

Date: 4/25/2011

Issued as a final order of the Commissioner of the Department of Environmental Protection.


for Daniel C. Esty
Commissioner

5/2/11
Date

TOWN OF SOUTH WINDSOR
LAND RECORDS
MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED
Certified Document No. 71 9001 8900 1000 0586 78