



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

ENVIRONMENTAL
PROTECTION AGENCY-REG.II
2008 FEB 14 PM 3:54
REGIONAL HEARING
CLERK

FEB 14 2008

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Roy Ritchie, C.E.O.
Roysons Corporation
40 Vanderhoof Avenue
Rockaway, NJ 07866-5007

In the Matter of Roysons Corporation, CAA-02-2007-1222

Dear Mr. Ritchie:

Enclosed please find the executed and filed Consent Agreement and Final Order bringing the above-referenced matter to conclusion. Please retain this Consent Agreement and Final Order for your records.

If you have any questions, I can be reached at (212) 637-3244.

Sincerely yours,

Peter J. Putignano
Assistant Regional Counsel

Enclosure

cc: Gary F. Danis, Esq., w/encl.
Karen Maples, 2ORC, w/encl.
Mozey Ghaffari, 2DECA-ACB, w/encl.
Orelia Lewis, 2ORC-AB, w/encl.

In the Matter of Roysons Corporation, CAA-02-2007-1222

CERTIFICATE OF SERVICE

I certify that I have this day, February 14, 2008, caused to be sent the foregoing fully executed CONSENT AGREEMENT AND FINAL ORDER, bearing the above-referenced docket number, in the following manner to the respective addressees below:

Original and One Copy by Hand To:

Ms. Karen Maples
Regional Hearing Clerk
U.S. Environmental Protection
Agency - Region 2
290 Broadway - 16th Floor
New York, New York 10007

Copy by Certified Mail
Return Receipt Requested To:

Roy Ritchie, C.E.O.
Roysons Corporation
40 Vanderhoof Avenue
Rockaway, NJ 07866-5007

Dated: 2/14/08
New York, New York


Peter J. Putignano, Asst. Regional Counsel

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

U.S. ENVIRONMENTAL
PROTECTION AGENCY-REG. II
2000 FEB 14 PM 3:54
REGIONAL HEARING
CLERK

-----X
IN THE MATTER OF

Roysons Corporation,
Rockaway, NJ,
Respondent.

In a proceeding under Section 113(d)
of the Clean Air Act, 42 U.S.C. § 7413(d).

CONSENT AGREEMENT
AND
FINAL ORDER
CAA-02-2007-1222

-----X
PRELIMINARY STATEMENT

The United States Environmental Protection Agency (EPA) issues this Consent Agreement and the attached Final Order (CAFO) under the authority of the Clean Air Act (CAA or Act), 42 U.S.C. §§ 7401 *et seq.*, Section 113(d) of the Act, 42 U.S.C. § 7413(d), and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits, 40 C.F.R. Part 22. The Complainant in this matter is the Director of the Division of Enforcement and Compliance Assistance, EPA Region 2, who is duly delegated authority to issue Complaints and Consent Agreements on behalf of EPA Region 2, which includes the State of New York, the State of New Jersey, the Commonwealth of Puerto Rico, and the Territory of the U.S. Virgin Islands. The Regional Administrator of EPA Region 2 has the authority to execute Final Orders.

Pursuant to Sections 112 and 114 of the Act, 42 U.S.C. §§ 7412 and 7414, EPA promulgated the "National Emission Standards for Hazardous Air Pollutants for Source Categories," Subpart A, 40 C.F.R. §§ 63.1 - 63.6 (General Provisions). Thereafter, EPA promulgated "National Emission Standards for Printing and Publishing," 40 C.F.R. Part 63, Subpart KK, 40 C.F.R. §§ 63.820 - 63.839 (Subpart KK), with an effective date of May 30, 1999. 61 Fed. Reg. 27,140 (May 30, 1996).

On March 30, 2007, EPA issued a Compliance Order (Order), CAA-02-2007-1003, to Roysons Corporation (Roysons or Respondent) that, among other things, ordered Roysons to comply with Subpart KK.

On September 19, 2007, the United States Department of Justice (DOJ) granted EPA's request for a waiver of the CAA Section 113(d) penalty amount and time period limitations on EPA's authority to initiate an administrative action against Roysons.

On September 28, 2007, EPA issued a complaint (Complaint), CAA-02-2007-1222, to Roysons for civil monetary penalties. In the Complaint, EPA finds that Roysons violated provisions of Subpart KK and requirements of Royson's title V permit. On November 22, 2007, EPA amended the Complaint to reference the version of Roysons' title V permit that was in effect at the time of the alleged violations. Pursuant to 40 C.F.R. §§ 22.18(b)(2), EPA resolves this administrative action with the agreement of Roysons, by filing this CAFO, effective upon issuance of the attached Final Order.

For purposes of this proceeding, and to avoid the expense of protracted litigation, Roysons: (1) admits that EPA has jurisdiction over the subject matter of the Complaint; (2) neither admits nor denies specific factual allegations contained in the Complaint; (3) consents to the terms of agreement set forth in this Consent Agreement; (4) consents to the issuance of the attached Final Order; and (5) waives any right to contest the allegations and its right to appeal the attached Final Order.

CONSENT AGREEMENT

Based on the foregoing, and in accordance with federal laws and regulations, it is agreed that:

1. Pursuant to Section 113(d) of the Act, Respondent shall pay a civil penalty, in the amount of Seventy Thousand Dollars (\$70,000) either by cashiers' or certified check, within thirty (30) days from the date of issuance of the attached Final Order (Due Date). Respondent shall (1) clearly type or write the docket number (CAA-02-2007-1222) on the check to ensure proper payment; (2) make the check payable to the order of "Treasurer, United States of America;" and (3) send the check to:

U.S. Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
P.O. Box 979077
St. Louis, MO 63197-9000

Respondent shall send notice of payment to the following individuals:

Kenneth Eng, Air Compliance Branch Chief
Division of Enforcement and Compliance Assistance
U.S. Environmental Protection Agency - Region 2
290 Broadway - 21st Floor
New York, NY 10007

and

Flaire Hope Mills, Air Branch Chief
Office of Regional Counsel
U.S. Environmental Protection Agency - Region 2
290 Broadway - 16th Floor
New York, NY 10007

2. If Respondent fails to make full and complete payment of the \$70,000 penalty that is required by this CAFO, this case may be referred by EPA to DOJ and/or the United States Department of the Treasury for collection. In such an action, pursuant to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5) and 31 U.S.C. § 3717, Respondent shall pay the following amounts:

i. Interest. If Respondent fails to make payment, or makes partial payment, any unpaid portion of the assessed penalty shall bear interest at the rate established pursuant to 31 U.S.C. § 3717 and 26 U.S.C. § 6621 from the payment Due Date.

ii. Handling Charges. Pursuant to 31 U.S.C. § 3717(e)(1), a monthly handling charge of fifteen dollars (\$15.00) shall be paid if any portion of the assessed penalty is more than thirty (30) days past the payment Due Date.

iii. Attorney Fees, Collection Costs, Nonpayment of Penalty. If Respondent fails to pay the amount of an assessed penalty on time, pursuant to 42 U.S.C. § 7413(d)(5), in addition to such assessed penalty and interest and handling assessments, Respondent shall also pay the United States' enforcement expenses, including but not limited to attorney fees and costs incurred by the United States for collection proceedings, and a quarterly nonpayment penalty for each quarter during which such failure to pay persists. Such nonpayment penalty shall be ten percent of the aggregate amount of Respondent's outstanding penalties and nonpayment penalties accrued from the beginning of such quarter.

3. This Consent Agreement is being entered into voluntarily and knowingly in full settlement of Respondent's alleged violations of the Act set forth herein.
4. Respondent has read the Consent Agreement, finds it reasonable and consents to its terms and issuance as a Final Order.
5. Nothing in this CAFO shall relieve Respondent of the duty to comply with all applicable provisions of the CAA and other environmental laws, nor shall this CAFO affect the right of the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.
6. Respondent explicitly waives its right to request a hearing and/or contest allegations in this Consent Agreement or the attached Final Order and explicitly waives its right to appeal the attached Final Order.
7. Respondent waives any right it may have pursuant to 40 C.F.R. § 22.8 to be present during discussions with, or to be served with and to reply to any memorandum or communication addressed to, the Regional Administrator or the Deputy Regional Administrator where the purpose of such discussion, memorandum, or communication is to recommend that such official accept this Consent Agreement and issue the attached Final Order.
8. Each party to this CAFO shall bear its own costs and attorneys fees in the action resolved by this Consent Agreement.
9. This CAFO shall be binding on Respondent and its successors and assignees.
10. Each of the undersigned representative(s) to this CAFO certifies that he or


she is duly authorized by the party whom he or she represents to enter into the terms and conditions of this CAFO and bind that party to it.

For Respondent:

For Complainant:



Roy Ritchie, President
Roysons Corporation



Dore LaPosta, Director
Division of Enforcement &
Compliance Assistance
United States Environmental
Protection Agency, Region 2

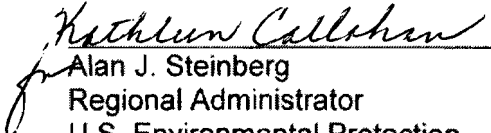
Date 1/17/08

Date JANUARY 30, 2008

FINAL ORDER

The Regional Administrator of EPA, Region 2, concurs in the foregoing Consent Agreement resolving the CAA matter: *In the Matter of Roysons Corporation*, CAA-02-2007-1222. The Consent Agreement in this matter is hereby approved and issued, as a Final Order, effective immediately.

DATE: Feb. 14, 2008


for Alan J. Steinberg
Regional Administrator
U.S. Environmental Protection
Agency - Region 2

In the Matter of Roysons Corporation, CAA-02-2007-1222

CERTIFICATE OF SERVICE

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Regional Hearing Clerk
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New York, New York 10007

Copy by Certified Mail
Return Receipt Requested To:

Roy Ritchie, C.E.O.
Roysons Corporation
40 Vanderhoof Avenue
Rockaway, NJ 07866-5007

Dated: 2/14/08
New Ydrk, New York


Peter J. Putignano, Asst. Regional Counsel