



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

Rec'd
12/4/07
4:25pm

DEC - 4 2007

VIA CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Gary F. Danis, Esq.
Lindabury, McCormick, Estabrook & Cooper, P.C.
53 Cardinal Drive
P.O. Box 2369
Westfield, NJ 07091

Re: Amendment of the Complaint,
In the Matter of Roysons Corporation, CAA-02-2007-1222

Dear Mr. Danis:

Enclosed is a copy of an Amendment of the Complaint in the above-referenced proceeding. If you have any questions, please do not hesitate to contact me at (212) 637-3244.

Sincerely,

A handwritten signature in black ink, appearing to read "P. Putignano".

Peter J. Putignano
Assistant Regional Counsel

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2

-----X
IN THE MATTER OF :
 :
Roysons Corporation, : **AMENDMENT OF**
Rockaway, NJ, : **THE COMPLAINT**
Respondent. : CAA-02-2007-1222
 :
In a proceeding under Section 113(d) :
of the Clean Air Act, 42 U.S.C. § 7413(d). :
 :
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PRELIMINARY STATEMENT

The United States Environmental Protection Agency (EPA) issues this Amendment of the Complaint, CAA-02-2007-1222, 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). 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, allow for the amendment of a complaint, 40 C.F.R. § 22.14(c). 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.

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 conditions in its title V permit that included either reference to Subpart KK or specific requirements of Subpart KK as applicable requirements.

AMENDMENT OF THE COMPLAINT

Pursuant to 40 C.F.R. § 22.14(c), EPA may amend the Complaint as a matter of right at any time before the Answer is filed. The Answer has not been filed in this matter.

In the Complaint, EPA identified certain applicable requirements of Roysons' title V permit by the reference numbers in Roysons' 2006 title V permit. Due to a permit modification in 2006, the title V permit reference numbers in the Complaint differed from the reference numbers for the 2004 title V permit which was in effect for the period of violations. Therefore, the reference numbers cited in the Complaint are not accurate for the period of the violations. The applicable requirements in the title V permit, regardless of their reference numbers, remained the same throughout the entire period of violations.

EPA hereby amends the Complaint to specify that:


- (1) references to title V reference number 31 in the Complaint shall be amended to mean reference number 32 of Respondent's 2004 title V permit;
- (2) references to title V reference number 32 in the Complaint shall be amended to mean reference number 33 of Respondent's 2004 title V permit;
- (3) references to title V reference number 36 in the Complaint shall be amended to mean reference number 37 of Respondent's 2004 title V permit;

(4) references to title V reference number 37 in the Complaint shall be amended to mean reference number 38 of Respondent's 2004 title V permit; and

(5) references to title V reference number 40 in the Complaint shall be amended to mean reference number 41 of Respondent's 2004 title V permit.

Additionally, reference numbers in the penalty section of the Complaint shall include the reference numbers specified above.

Dated: November 29, 2007


Dore LaPosta, Director
Division of Enforcement &
Compliance Assistance

To: Roy Ritchie, President
Roysons Corporation
40 Vanderhoof Avenue
Rockaway, NJ 07866

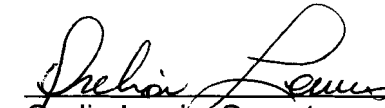
cc: Edward Choromanski, Administrator
Air Compliance & Enforcement
New Jersey Department of Environmental Protection
401 East State Street, 4th Floor
P.O. Box 422
Trenton, NJ 08625

Michael Papp, Regional Enforcement Officer
Northern Regional Office
New Jersey Department of Environmental Protection
7 Ridgedale Avenue
Cedar Knolls, NJ 07927

CERTIFICATE OF SERVICE

This is to certify that I have this day caused to be mailed a copy of the foregoing Amendment of the Complaint, bearing Docket Number CAA-02-2007-1222, by certified mail, return receipt requested, to Mr. Gary F. Danis, Esq., Lindabury, McCormick, Estabrook & Cooper, P.C., 53 Cardinal Drive, P.O. Box 2369, Westfield, New Jersey 07091. I hand-carried the original and a copy of the foregoing Amendment of the Complaint to the office of the Regional Hearing Clerk, United States Environmental Protection Agency, Region 2.

Dated: December 4, 2007
New York, New York


Orelia Lewis, Secretary