



STATE OF CONNECTICUT  
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT )  
 )  
vs. )  
 )  
CURTIS PACKAGING CORPORATION )

ORDER NO. 8270

CONSENT ORDER

A. With the agreement of Curtis Packaging Corporation ("Respondent"), the Commissioner of Environmental Protection ("Commissioner") finds the following:

1. The Respondent manufactures custom designed paperboard and cardboard packaging at 44 Berkshire Road, Newtown, Connecticut ("facility").
2. At the facility, the Respondent maintains and operates three (3) Sheet-fed Offset Lithographic Printing Presses ("printing presses"), a Varimat Press No. 29, a Rapida Model 130A-7 and a Harris Model LVF-121. The Varimat Press No. 29 was constructed and began operating in March 2004. The Rapida Model 130A-7 press was constructed and began operating in 1999. The Harris Model LVF-121 press was constructed and began operating in 1980.
3. The presses use ultra-violet cured ("UV") inks, fountain solutions and cleaning solvents. The inks, fountain solutions and cleaning solvents contain volatile organic compounds ("VOC").
4. Pursuant to Section 22a-174-32 of the Regulations of the Connecticut State Agencies ("Regulations"), subject premises with potential VOC emissions greater than fifty (50) tons per year are subject to the provisions in Section 22a-174-32 of the Regulations.
5. In 2002, the Respondent reported that the facility had actual VOC emissions greater than fifty (50) tons per year since December 31, 1995; therefore the Respondent is subject to the provisions of Section 22a-174-32 of the Regulations.
6. Pursuant to Section 22a-174-32(e) of the Regulations, the Respondent is required to reduce the facility's VOC emissions by implementing one of the Reasonably Available Control Technology methods specified in Sections 22a-174-32(e)(1)-(6) of the Regulations.
7. Pursuant to Section 22a-174-32(e)(6) of the Regulations, the Respondent submitted a VOC RACT Compliance Plan, specifically, an Alternative Compliance Plan ("ACP") on December 17, 2002. On June 28, 2006, the Respondent submitted a supplemental plan for the Commissioner's review and approval.
8. The December 17, 2002 VOC RACT plan and supplemental plan have been reviewed and are hereby approved by the Commissioner with the conditions specified in paragraph B of this Consent Order.

9. According to the Respondent's plans:
  - a. In June 2002, the Respondent reformulated by replacing alcohol additives in fountain solutions with non-alcohol additives and conventional oil-based inks with UV cured inks and eliminated high VOC containing cleaning solvents at the facility.
  - b. As a result of the above reformulating efforts, the facility's VOC emissions were reduced from 61.2 tons per year to 12.3 tons per year.
  - c. The installation of additional control equipment is technically or economically infeasible.
  - d. RACT for the facility should reflect the VOC emissions reduction that resulted from reformulating.
- B. The Commissioner, acting under Sections 22a-6, 22a-171, 22a-174, 22a-177 and 22a-178 of the Connecticut General Statutes, orders the Respondent as follows:
  1. **Fountain Solution and Inks Requirements:** The Respondent shall:
    - a. Use only alcohol substitute fountain solution on the printing presses. For purpose of this Consent Order, "alcohol substitute" means any non-alcohol additive that contains VOCs and is used in the fountain solution.
    - b. Limit the VOC concentration in the alcohol substitute fountain solution, to 5% or less by weight, as applied.
    - c. Use UV cured inks or inks with a VOC content of 1% or less by weight.
  2. **Cleaning Solution Requirements:** The Respondent shall:
    - a. Transport and store the cleaning solutions in tightly covered containers.
    - b. Place cleaning rags used in conjunction with the cleaning solutions in tightly covered containers for collection and proper disposal or recycling.
    - c. Use cleaning solution containing no more than 30% VOC, by weight, or having a VOC composite partial pressure of 10 mmHg or less at 20°C (68°F).
  3. **Testing and Record Keeping Requirements:** The Respondent shall:
    - a. Submit within thirty (30) days of issuance of this Consent Order for the Commissioner's and EPA's review and approval, a plan for testing to determine the VOC content, as applied, of all fountain solutions, currently in use. The test plan shall include the methodology by which the fountain solution is to be tested, a schedule for periodically testing the fountain solutions currently in use, procedures of ensuring continual compliance with the VOC content limits of

paragraph B.1.b of this consent order, and procedures for testing new fountain solution formulations.

- b. Conduct fountain solution tests in accordance with the approved test plan referenced in paragraph B.3.a of this Consent Order.
  - c. In accordance with Section 22a-174-32(g) of the Regulations, the Respondent shall make and keep such records that are necessary to reliably calculate actual monthly and annual solvent usage and VOC emissions at the facility. Records shall be made available to representatives of the Department or EPA upon request. Such records shall be created for each calendar month and 12-month period by keeping the following daily records:
    - i. Identity, formulation (as determined by the manufacturer's formulation data), VOC content and quantity for each VOC containing material used, including but not limited to isopropyl alcohol substitutes, fountain solution, inks and cleaning solution(s).
    - ii. The percent of VOC by weight in the fountain solution, as applied, whenever a new batch of fountain solution is mixed or additives are added to an existing batch of the fountain solution.
  - d. Make and keep records of each fountain solution test performed in accordance with paragraph B.3.b of this Consent Order. Such records shall demonstrate compliance with paragraph B.1.b of this Consent Order.
  - e. Keep each record required by this Consent Order at the premise for five years after the date that such record is made and make these records available to the Commissioner and/or EPA upon request.
4. Full compliance. Respondent shall not be considered in full compliance with this Consent Order until all actions required by this Consent Order have been completed as approved and to the Commissioner's satisfaction.
5. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this Consent Order in a complete and approvable form. If the Commissioner notifies 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 Consent 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 Consent Order. Nothing in this paragraph shall excuse noncompliance or delay.
6. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.

7. Dates. The date of "issuance" of this Consent Order is the date the Consent 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 Consent Order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this Consent 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 Consent Order, the word "day" as used in this Consent Order means calendar day. Any document or action which is required by this Consent 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.
8. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this Consent 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 is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."
9. Noncompliance. This Consent Order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this Consent Order may subject Respondent to an injunction and penalties.
10. False Statements. Any false statement in any information submitted pursuant to this Consent Order is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
11. Notice of transfer; liability of Respondent. Until Respondent has fully complied with this Consent 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 Consent Order or after obtaining a new mailing or location address. Respondent's obligations under this Consent Order shall not be affected by the passage of title to any property to any other person or municipality.
12. Commissioner's powers. Except as provided hereinabove with respect to payment of civil penalties, nothing in this Consent 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 Consent 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.

13. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.
14. No assurance by Commissioner. No provision of this Consent 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 Consent Order will result in compliance.
15. Access to site. Any representative of the Department of Environmental Protection may enter the facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Consent Order.
16. No effect on rights of other persons. This Consent Order neither creates nor affects any rights of persons or municipalities that are not parties to this Consent Order.
17. 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 Consent 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.
18. 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 Consent Order or of any document required hereunder, Respondent shall immediately notify by telephone the individual identified 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 unless specifically so stated by the Commissioner in writing.
19. Submission of documents. Any document required to be submitted to the Commissioner under this Consent Order shall, unless otherwise specified in writing by the Commissioner, be directed to:

Mr. Seng Phouthakoun  
Department of Environmental Protection  
Bureau of Air Management  
Compliance and Field Operations Division  
79 Elm Street  
Hartford, Connecticut 06106-5127

20. Joint and several liability. Respondents shall be jointly and severally liable for compliance with this Consent Order.

Respondent consents to the issuance of this Consent Order without further notice.

Curtis Packaging Corporation

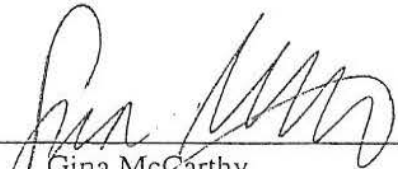
Signature: William F Peck

Type Name: William F Peck

Type Title: Senior Vice President

Date: April 9, 2007

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

  
Gina McCarthy  
Commissioner

5/1/07  
Date

CITY OF NEWTOWN  
LAND RECORDS  
MAILED CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED  
Certified Document No. 7005 3110 0001 2315 1666