



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL

OFFICE OF THE  
SECRETARY

89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

PHONE: (302) 739-9000  
FAX: (302) 739-6242

**NOTICE OF ADMINISTRATIVE PENALTY ASSESSMENT  
AND SECRETARY'S ORDER**

Pursuant to 7 *Del. C.* § 6005

**Order No. 2017-A-0001**

*PERSONALLY SERVED BY AN ENVIRONMENTAL  
PROTECTION OFFICER OR CERTIFIED MAIL (WHERE NOTED)*

**Issued To:**

Vestcom International, Inc.  
Attn: Melissa Faulk  
Safety & Quality Assurance Manager  
2800 Cantrell Road, Suite 400  
Little Rock, AR 72202  
Certified # 7011 3500 0003 2400 3474  
Return Receipt Requested

**Registered Agent:**

The Corporation Trust Company  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801

Foxfire Printing & Packaging, Inc.  
Attn: Mr. Tom Stevenson  
Vice President of Operations  
750 Dawson Drive  
Newark, DE 19713

The Corporation Trust Company  
Corporation Trust Center  
1209 Orange Street  
Wilmington, DE 19801

Dear Ms. Faulk and Mr. Stevenson:

This Assessment and Order serves to notify Vestcom International, Inc. and Foxfire Printing & Packaging, Inc. (collectively, "Respondents") that the Secretary of the Department of Natural Resources and Environmental Control ("Department") has found Respondent in violation of 7 *Del. C.* Chapter 60 and state air regulations. Accordingly, the Department is issuing this Notice of Administrative Penalty Assessment and Secretary's Order pursuant to 7 *Del. C.* § 6005(b)(3).

***BACKGROUND***

Foxfire Printing & Packaging, Inc. ("Foxfire") owns and operates a facility located on 20 Tyler Way in Newark, Delaware where it produces signs, posters, brochures and other similar printed products. Foxfire was purchased by Vestcom International, Inc. ("Vestcom") in 2015

*Delaware's Good Nature depends on you!*

and is a wholly owned subsidiary of Vestcom. On May 7, 2015, Vestcom notified the Department that two printing presses had been installed and operated at the facility without a permit as required by 7 DE Admin. Code 1102. The Heidelberg Press was installed in 2001 and the Manroland Press was installed in 2012.

Representatives of Vestcom and its environmental consultant met with the Department on May 12, 2015, to discuss applicable permit requirements in a pre-application meeting. Upon request, Respondents submitted actual emissions for the period of 2010 through 2014, which were calculated based on chemicals purchased and used. The initial review of information provided by Respondents resulted in a determination that the potential to emit volatile organic compounds (“VOCs”) and hazardous air pollutants (“HAPs”) were likely to be above the major source threshold, thus subjecting Respondent to the requirements of 7 DE Admin. Code 1130, also known as the Title V State Operating Permit Program. However, Respondent proposed to accept limitations to become a synthetic minor (“SM”) facility. These limitations will also keep the facility from triggering Minor New Source Review requirements set forth in Section 4 of 7 DE Admin. Code 1125.

An incomplete permit application was submitted to the Department on July 22, 2015 and again on September 30, 2015. Additional information and revisions were requested by the Department (on August 20, 2015; September 15, 2015; October 9, 2015; and November 4, 2015), including information on compliance with requirements of Section 47 of 7 DE Admin. Code 1124, Control of Volatile Organic Compound Emissions for Offset Lithographic Printing and Letterpress Printing. A Notice of Violation dated January 5, 2016, was issued to Foxfire on January 13, 2016. Revised applications were submitted on January 15, 2016; January 27, 2016 and January 28, 2016. The January 28<sup>th</sup> revised application was deemed complete by the Department. A draft permit was advertised for 30 days on February 14, 2016 and the Department issued a final permit, APC-2016/0005-C/O(VOC RACT)(SM) on March 16, 2016.

### ***FINDINGS OF FACT***

1. Foxfire Printing & Packaging, Inc. (“Foxfire”) operates a facility at 20 Tyler Way in Newark, Delaware.
2. Vestcom International, Inc. (“Vestcom”) purchased Foxfire in 2015 and Foxfire is a wholly owned subsidiary of Vestcom (collectively, “Respondents”).
3. Respondents notified the Department on May 7, 2015, that two printing presses had been installed and operated without a permit as required by 7 DE Admin. Code 1102. The Heidelberg Press was installed in 2001 and the Manroland Press was installed in 2012.
4. Equipment at Respondents’ facility have the potential to emit HAPs and VOCs in quantities that subject it to the Title V State Operating Permit Program.

5. Respondents accepted limitations to be a synthetic minor facility and avoid Minor New Source Review requirements of Section 4 of 7 DE Admin. Code 1125.
6. Operations at Respondents' facility are further governed by the requirements of Section 47 of 7 DE Admin. Code 1124, Control of Volatile Organic Compound Emissions for Offset Lithographic Printing and Letterpress Printing.
7. Incomplete permit applications were submitted July 22, 2015; September 30, 2015; January 15, 2016; and January 27, 2016. The Division of Air Quality advised Foxfire that their application remained incomplete and requested additional information on August 20, 2015; September 15, 2015; October 9, 2015; and November 4, 2015. A complete application was received on January 28, 2016.
8. A Notice of Violation dated January 5, 2016 was issued to Foxfire on January 13, 2016.
9. A draft permit was advertised for 30 days on February 14, 2016 and a final permit, **APC-2016/0005-C/O(VOC RACT)(SM)** was issued to Respondents on March 16, 2016.

### ***STATUTORY AND REGULATORY PROVISIONS***

1. Seven *Del. C.* § 6003(a)(1) states:

*“No person shall, without first having obtained a permit from the Secretary, undertake any activity in a way which may cause or contribute to the discharge of an air contaminant.”*

2. Seven *Del. C.* § 6003(b)(1) states:

*“No person shall, without first having obtained a permit from the Secretary, construct, install, replace, modify or use any equipment or device or other article which may cause or contribute to the discharge of an air contaminant.”*

3. Section 2.1 of 7 DE Admin. Code 1102 states:

*“Except as exempted in 2.2 of this regulation, no person shall initiate construction, install, alter or initiate operation of any equipment or facility or air contaminant control device which will emit or prevent the emission of an air contaminant prior to receiving approval of his application from the Department or, if eligible, prior to submitting to the Department a completed registration form.”*

4. Section 47.1.1 of 7 DE Admin. Code 1124 states:

*“The provisions of 47.0 of this regulation apply to any offset lithographic or letterpress printing press. Except as provided in 47.1.2 of this regulation, every owner or operator of any offset lithographic or letterpress printing press shall comply with the provisions of 47.0 of this regulation on and after April 11, 2011.”*

## ***CONCLUSION***

Based on the above, the Department has concluded that Respondent committed the following violations:

1. Respondents violated 7 *Del. C.* § 6003(a)(1); 7 *Del. C.* § 6003(b)(1); Section 2.1 of 7 DE Admin. Code 1102 and Section 47.0 of 7 DE Admin. Code 1124 when it installed and operated two printing presses at its facility without a permit.

## ***ASSESSMENT OF PENALTY AND COSTS***

Pursuant to the provisions of 7 *Del. C.* § 6005(b)(3), this is written notice to Respondent that on the basis of its findings, the Department is assessing Respondent an administrative penalty of \$15,375 for the violations identified in this Assessment and Order.

In addition to the penalty assessment, Respondent is hereby assessed costs in the amount of \$2,707, pursuant to 7 *Del. C.* § 6005(c), which were incurred by the Department in the investigation and abatement of the noted violations.

Respondent shall submit one check to the Department in the amount of \$15,375 to pay the penalty and one check in the amount of \$2,707, to pay the Department's costs within 30 days from the receipt of this Assessment and Order. The check(s) shall be made payable to the "State of Delaware" and shall be directed to: Valerie S. Edge, Deputy Attorney General, Department of Justice, Environmental Unit, 102 W. Water Street-3<sup>rd</sup> Floor, Dover, Delaware 19904.

The Department reserves the right to take additional enforcement actions regarding these and other violations by Respondent, including but not limited to one or more of the following: an action under the authority vested in the Secretary by 7 *Del. C.* Chapter 60 and 7 DE Admin. Code 1100 to revoke Respondent's air quality permit(s) for the State of Delaware, an action under 7 *Del. C.* § 6005(b)(1) seeking penalties for past violations, an action under 7 *Del. C.* § 6005(b)(2) seeking penalties for continuing violations, an action in the Court of Chancery pursuant to 7 *Del. C.* § 6005(b)(2) seeking a temporary restraining order or an injunction, and the imposition of civil penalties and recovery of the Department's costs and attorney's fees pursuant to 7 *Del. C.* §§ 6005(b)(3) & (c)(1).

## ***PUBLIC HEARING AND APPEAL RIGHTS***

This Assessment and Order and all proposals included in this Order, shall become effective and final, unless the Department receives from Respondent, no later than thirty (30) days from the receipt of this Assessment and Order, a written request for a public hearing on these matters as provided in 7 *Del. C.* § 6005(b)(3) and (c). The Department does not otherwise intend to convene a public hearing on these matters, but reserves the right to do so at its discretion. If no public hearing is requested within thirty (30) days, this Order shall become final.

If you want a hearing and opportunity to contest this Assessment and Order, you must submit your request, in writing, within 30 days of receipt of this assessment to:

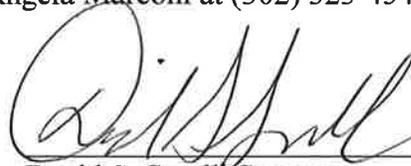
Department of Natural Resources and Environmental Control  
Office of the Secretary  
89 Kings Highway  
Dover, DE 19901  
Phone: (302) 739-9000

If no hearing is requested and the order becomes final,<sup>1</sup> the administrative penalty of \$15,375 and costs in the amount of \$2,707 shall be due no later than 30 days after the expiration of the period to request a hearing before the Secretary. Respondent shall pay the penalty and costs as described in the attached waiver. Signing the waiver and remitting the required amount to the Department shall constitute a waiver of Respondent's right to a hearing and the opportunity to appeal or contest this Assessment and Order, which shall become a final Order.

If you have any questions, please contact Angela Marconi at (302) 323-4542.

Date

1/13/17



David S. Small, Secretary  
Department of Natural Resources  
and Environmental Control

cc: Valerie S. Edge, Deputy Attorney General  
Ali Mirzakhali, P.E., Director  
Angela Marconi, P.E. Managing Engineer  
Dawn Minor, Paralegal  
Susan Baker, Enforcement Coordinator  
Dover File

2016-15dcm Vestcom Foxfire Final Order.doc

<sup>1</sup>Although actions of the Secretary, are appealable to the Environmental Appeals Board pursuant to 7 Del. C. § 6008, which sets a 20 day period for appeal, failure to request a hearing before the Secretary may be considered a failure to exhaust administrative remedies, which may preclude a review by the EAB of the final Order.

## ***WAIVER OF STATUTORY RIGHT TO A HEARING***

**Vestcom International, Inc. and Foxfire Printing & Packaging, Inc.** hereby waive their right to a hearing and their opportunity to appeal or contest this Assessment and Order and agree to the following:

1. **Vestcom International, Inc. and Foxfire Printing & Packaging, Inc.** will pay the administrative penalty in the amount of \$15,375 by sending a check payable to the "State of Delaware" within 30 days of receipt of this Assessment and Order. The check shall be directed to Valerie S. Edge, Deputy Attorney General, Department of Justice, 102 W. Water Street-3<sup>rd</sup> Floor, Dover, DE 19904; and
2. **Vestcom International, Inc. and Foxfire Printing & Packaging, Inc.** will reimburse the Department in the amount of \$2,707, which represents the Department's estimated costs. The reimbursement shall be paid within 30 days of receipt of this Assessment and Order. The check shall be made payable to the "State of Delaware" and be directed to Valerie S. Edge, Deputy Attorney General, Department of Justice, 102 W. Water Street-3rd Floor, Dover, DE 19904.

**Vestcom International, Inc. and Foxfire Printing & Packaging, Inc.**

Date: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_