

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Violations
of the Environmental Conservation
Law ("ECL") Articles 19 and
Title 6 of the Official Compilation
of Codes, Rules and Regulations
of the State of New York ("6 NYCRR"),

**MODIFICATION OF
ORDER ON CONSENT**

-by-

File No. R4-2007-1015-144M1

Collect LLC

Respondent

WHEREAS:

1. Pursuant to ECL Article 19 and the rules and regulations promulgated pursuant to Article 19, the Department of Environmental Conservation ("Department") has jurisdiction over matters concerning air resources and pollution.
2. Respondent, Collect LLC operates a specialty polyolefin foam manufacturing facility located at 12 New Street, St. Johnsville, New York 13452 ("facility").
3. The facility has an Air State Facility Permit (Permit # 4-2738-00019/00019) from the Department with the latest modification of the permit effective December 13, 2005.
4. Respondent is subject to Order on Consent R4-2007-1015-144 (effective on May 12, 2008) ("Order"). The Order contained a Schedule of Compliance.
5. Item 3 of the Order's Schedule of Compliance required Respondent to install an oxidizer for the vertical oven within 120 days of the effective date of the Order. Respondent was granted a 90 day extension to install the oxidizer. The oxidizer should have been installed by December 10, 2008. During a conference call on January 30, 2009 Respondent indicated to the Department that the oxidizer had not been installed.
6. Respondent's failure to complete item 3 of the Order's Schedule of Compliance is a violation of Order on Consent R4-2007-1015-144.
7. Respondent has affirmatively waived their right to a hearing in the manner provided by law and has consented to the issuing of this Modification and has agreed to be bound by the terms, provisions, and conditions contained herein.

NOW, being duly advised and having considered this matter, IT IS HEREBY ORDERED THAT:

I. In respect of the aforesaid violation, a civil penalty in the amount of EIGHT THOUSAND FIVE HUNDRED DOLLARS (\$8,500) is hereby assessed against the Respondent. Payment of the civil penalty is due in accordance with the following schedule:

1. \$2,125 with the return of the signed and notarized copy of this Order;
2. \$2,125 by April 30, 2009;
3. \$2,125 by May 31, 2009, and
4. \$2,125 by June 30, 2009.

The failure to make a timely payment shall result in the entire balance of civil penalty being immediately due. The civil penalty shall be paid by certified or bank check made payable to the NYS DEC. upon the return of a signed and notarized copy of this Modification to the Department. The civil penalty shall be paid by certified or bank check made payable to the NYS DEC.

II. Respondent shall comply with the Schedule of Compliance set forth in this Modification, which is incorporated and made part of the terms, provisions, and conditions of this Modification and which supercedes any Schedule of Compliance set forth in the Order.

III. The effective date of this Modification shall be the date it is signed by the Department.

IV. All terms, provisions, and conditions of the Order remain in effect unless expressly modified in this Modification.

DATED: _____, 2009
Rotterdam, New York

Alexander B. Grannis
Commissioner
New York State Department of
Environmental Conservation

BY:

Eugene J. Kelly
Regional Director
Region 4

SCHEDULE OF COMPLIANCE

1. By May 8, 2009, the oxidizer for both vertical ovens at the facility shall be installed and fully operational. Vertical Oven #2 shall be directly vented to the oxidizer in order to forgo the testing of the oven as required by Respondent's Facility permit. If the oxidizer is not fully operational by May 8, 2009, all oven operations shall cease until the oxidizer is in full operation and is reducing emissions to acceptable levels.
2. Within thirty (30) days of the effective date of installing the oxidizer, Respondent shall perform a Method 9 opacity evaluation. Within sixty (60) days of the completion of the Method 9 opacity evaluation, Respondent shall submit a copy of the report to the Department.
3. Within thirty (30) days of the effective date of the Order, the Respondent shall submit a permit modification to the Department for the installation of the oxidizer.