



STATE OF DELAWARE  
DEPARTMENT OF NATURAL RESOURCES  
AND ENVIRONMENTAL CONTROL

OFFICE OF THE  
SECRETARY

89 KINGS HIGHWAY  
DOVER, DELAWARE 19901

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

Pursuant to 7 Del. C. § 6005

**Order No. 2011-A-0037**

*PERSONALLY SERVED BY AN ENVIRONMENTAL  
ENFORCEMENT OFFICER*

**Issued To:**

Orient Corporation of America  
Attn: Mr. Dave Curry, Plant Manager  
111 Park Avenue  
Seaford, DE 19973

**Registered Agent:**

Orient Chemical Corporation  
111 Park Avenue  
Seaford, DE 19973

Dear Mr. Curry:

This letter is to notify Orient Corporation of America ("Respondent") 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 accordingly, the Department is issuing this Notice of Administrative Penalty Assessment, pursuant to 7 Del. C. § 6005(b)(3).

***BACKGROUND***

Respondent owns and operates a facility located at 111 Park Avenue in Seaford, Delaware ("Facility") where it manufactures a black dye used as a colorant for plastics or an ingredient in printer toner. Operation of equipment at Respondent's facility has the potential to emit volatile organic compounds ("VOC") and hazardous air pollutants ("HAP") in quantities in excess of the major thresholds for Sussex County thereby triggering 7 DE Admin. Code 1130 ("Regulation 1130" or "Title V") requirements and fees. However, in the alternative, Respondent chose to take operating limitations such as the operation of condenser and scrubber control equipment, to become a synthetic minor source. Respondent currently operates under the requirements of Permit: APC-94/0874-CONSTRUCTION/OPERATION-Amendment 3(VOC RACT)(PTE) ("synthetic minor permit") issued November 25, 2008.

*Delaware's Good Nature depends on you!*

Respondent's operations are subject to 7 DE Admin. Code 1124 ("Regulation 1124"). Section 44 of Regulation 1124 (Batch Processing Operations), requires the reduction of VOC/HAP emissions from its dye production process by 90% or greater by using control devices. It further requires compliance be demonstrated by performance testing, also known as stack testing. Condition 4.2 of Respondent's synthetic minor permit set a deadline for completion of the performance testing, by no later than June 30, 2009.

Of the four scrubbers at Respondent's facility, two of them, Scrubber 1 ("SC-1") and Scrubber 2 ("SC-2") are operated to control the emissions of VOC/HAP. Respondent conducted the required testing on SC-1 and SC-2 on May 20, 2009, for aniline emissions (a VOC/HAP) and submitted the results electronically to the Department initially on July 17, 2009, and later, a revised report on December 7, 2009. A subsequent review of the results showed that Respondent was compliant with the required VOC/HAP emissions reduction percentage, achieving a 99.58% reduction. However, the report also revealed VOC/HAP emissions from the scrubbers exceeded permitted limits. SC-1 and SC-2 had average emission rates of 2.02 and 3.83 lbs per hour respectively. Together, emissions from the two scrubbers, 5.85 lbs per hour, far exceeded the permitted limit of 1.63 lbs per hour. At the rate of 5.85 pounds per hour, calculations show that Respondent began exceeding the rolling 12 month limit beginning April 1, 2009. A Notice of Violation was issued to Respondent on February 2, 2010.

Respondent subsequently proposed installation of a new control device, a thermal oxidizer, to reduce the VOC/HAP emissions to a level compliant with its permitted limits. The Department issued **Permit: APC-2011/0096-CONSTRUCTION (FE)** to Respondent on May 19, 2011 for installation of the thermal oxidizer, pursuant to Section 2.1 of 7 DE Admin. Code 1102 ("Regulation 1102"). Respondent completed construction and requested a construction to operation inspection which was conducted on June 28, 2011. As a result, the Department issued a Regulation 1102 operating permit for the thermal oxidizer on June 28, 2011. Upon successful demonstration of compliance with its permitted limits through stack testing, Respondent's synthetic minor permit will be administratively amended to incorporate the conditions of the thermal oxidizer Regulation 1102 permit.

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

1. Operation of equipment at Respondent's facility has the potential to emit pollutants, VOC and HAP, in quantities that trigger Title V requirements and fees.
2. Respondent accepted operating conditions, including operation of control devices such as condensers and scrubbers, to reduce its potential to emit and become a synthetic minor source.
3. Respondent's operations also fall under the governance of 7 DE Admin. Code 1124 ("Regulation 1124"), Section 44.
4. The Department issued **Permit: APC-94/0874-CONSTRUCTION/OPERATION-Amendment 3(VOC RACT)(PTE)** ("synthetic minor permit") on November 25, 2008, for operation of equipment at its facility.

5. Section 44 of Regulation 1124 requires Respondent reduce its VOC/HAP emissions by 90% or greater and that it demonstrate compliance of this requirement by performance testing, also known as stack testing.
6. Scrubbers 1 and 2 ("SC-1" and "SC-2") at Respondent's facility emit VOC/HAP.
7. Condition 4.2 of its synthetic minor permit required Respondent complete performance testing no later than June 30, 2009.
8. Respondent conducted the performance testing on May 20, 2009, and submitted initial results to the Department on July 17, 2009, and a revised report on December 7, 2009.
9. Results indicated Respondent was compliant with the 90% VOC/HAP emission reduction requirement, achieving a reduction of 99.58%.
10. Results further indicated that SC-1 and SC-2 had average VOC/HAP emission rates of 2.02 and 3.83 lbs per hour respectively.
11. The combined emission rate of 5.85 lbs per hour exceeds Respondent's permitted limit of 1.63 lbs per hour.
12. Subsequent calculations further show that at a rate of 5.85 lbs per hour, Respondent began violating its rolling 12-month VOC/HAP emission limit of 7.14 tons beginning April 1, 2009.
13. A Notice of Violation was issued to Respondent on February 2, 2010.
14. Respondent subsequently proposed and the Department agreed that the best way to achieve compliance with its permitted VOC/HAP emission limits, was to install new control device, a thermal oxidizer.
15. The Department issued Permit: APC-2011/0096-CONSTRUCTION (FE) to Respondent on May 19, 2011 for installation of the thermal oxidizer.
16. Respondent completed construction and the Department conducted a construction to operation inspection on June 28, 2011 which resulted in the issuance of a Regulation 1102 operating permit, Permit: APC-2011/0096-OPERATION (FE) that same day, for the thermal oxidizer.
17. Upon successful demonstration of compliance with its permitted limits through stack testing, Respondent's synthetic minor permit will be administratively amended to incorporate the conditions of the thermal oxidizer Regulation 1102 permit.

### ***PERMIT VIOLATIONS***

1. Condition 2.1.1 of Permit: APC-94/0874-CONSTRUCTION/OPERATION-Amendment 3(VOC RACT)(PTE) states:  
*"VOCS and HAP emissions shall not exceed 1.63 pounds per hour and 7.14 tons per twelve (12) month rolling period;"*

### ***CONCLUSION***

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

1. Respondent violated Condition 2.1.1 of Permit: APC-94/0874-CONSTRUCTION/ OPERATION-Amendment 3(VOC RACT)(PTE) when performance testing conducted on May 20, 2009, indicated that the VOC/HAP emission rates of SC-1 and SC-2 combined was 5.85 lbs per hour, exceeding the limit of 1.63 lbs per hour.
2. Respondent violated Condition 2.1.1 of Permit: APC-94/0874-CONSTRUCTION/ OPERATION-Amendment 3(VOC RACT)(PTE) when calculations based on the 5.85 lbs per hour VOC/HAP emission rate determined by performance testing conducted on May 20, 2009, indicated that the 7.14 tons rolling 12 month VOC/HAP emission limit was exceeded beginning April 1, 2009.

### ***ASSESSMENT OF PENALTY***

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 \$18,800 for the violation identified in this Assessment and Order and costs according to 7 Del. C. § 6005(c). Respondent shall submit a check to the Department in the amount of \$18,800 within 30 days from the receipt of this Assessment and Order for the aforementioned penalty. The check shall be made payable to the "State of Delaware" and shall be directed to: Valerie M. Satterfield, Deputy Attorney General, Department of Justice, Environmental Unit, 102 W. Water Street-3<sup>rd</sup> Floor, Dover, Delaware 19904.

### ***PUBLIC HEARING***

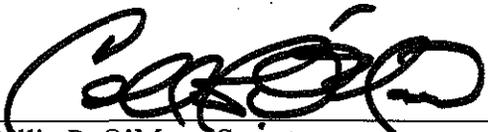
This Administrative Penalty Assessment and Order shall become effective and final unless the Department receives from Respondent, no later than 30 days from the receipt of this Notice, a written request for a public hearing on these matters as provided in 7 Del. C. § 6005(b)(3) and (c). In the event Respondent requests a hearing, the Department reserves the right to withdraw this Assessment and Order and take additional enforcement actions regarding these and other violations at Respondent's facility, including but not limited to, the imposition of civil penalties and recovery of the Department's costs and attorney's fees. The Department does not otherwise intend to convene a public hearing on these matters, but reserves the right to do so at its discretion.

***PRE-PAYMENT***

Respondent may prepay the administrative penalty of \$18,800 and the Department's estimated costs in the amount of \$2,820 in the manner described in the attached waiver. By doing so, Respondent waives its right to a hearing and the opportunity to appeal or contest the Assessment which shall become a final Order.

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

10/17/2011  
Date

  
Collin P. O'Mara, Secretary

cc: Valerie M. Satterfield, Deputy Attorney General  
Ali Mirzakhali, P.E., Director  
Paul Foster, P.E., Program Manager  
Joanna French, P.E., Program Manager  
Tom Lilly, P.E., Engineer  
Dawn Minor, Paralegal  
Jenny Bothell, Enforcement Coordinator  
Dover File

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

**Orient Corporation of America** hereby waives its right to a hearing and its opportunity to appeal or contest this Assessment and Order and agree to the following:

1. **Orient Corporation of America** will pay the administrative penalty in the amount of \$18,800 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 M. Satterfield, Deputy Attorney General, Department of Justice, 102 W. Water Street-3<sup>rd</sup> Floor, Dover, DE 19904; and
2. **Orient Corporation of America** will reimburse the Department in the amount of \$2,820 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 M. Satterfield, Deputy Attorney General, Department of Justice, 102 W. Water Street-3<sup>rd</sup> Floor, Dover, DE 19904.

**Orient Corporation of America**

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

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

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