

**STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

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In the Matter of the Violation of
Article 19 of the New York State Environmental
Conservation Law ("ECL"), by:

ORDER ON CONSENT
CASE NO. R3-20070207-18

Revere Smelting & Refining Corporation

Respondent

(Orange County)

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WHEREAS:

1. The New York State Department of Environmental Conservation ("DEC" or "Department") is responsible for the administration and enforcement of law and regulation pursuant to Article 19 of the New York State Environmental Conservation Law.

2. On January 17, 2007, the Department of Environmental Conservation documented a violation by Revere Smelting & Refining Corporation at Revere Smelting & Refining, located at 65 Ballard Road, Middletown. Respondent violated 6NYCRR Part 212.6(a) by causing or allowing emissions having an opacity greater than 20% documented (EPA reference Method 9) for two and six minute observations. Observed opacity measurements were 42% and 44%, exceeding the allowable standards. This documentation confirms that non-compliant air pollution was emitted from the facility.

3. Respondent affirmatively waives the right to a public hearing in this matter in the manner provided by 6 NYCRR Part 622, consents to the entering and issuing of this Order, and agrees to be bound by the terms and conditions of this Order.

NOW, having considered this matter and being duly advised, it is ORDERED that:

I. Respondent shall be liable to pay a civil penalty in the amount of \$1,500.00, of which \$1,500.00 is payable and must be submitted with this Order bearing the signature of Respondent;

II. This Order shall not become effective until it is signed by the Regional Director on behalf of the Commissioner.

III. This Order may be changed only by written order of the Commissioner or the Commissioner's designee.

IV. This Order shall be deemed binding on Respondent, any successors and assigns and all persons, firms and corporations acting under or for Respondent, including, but not limited to those who may carry on any or all of the operations now being conducted by Respondent, whether at the present location or at any other in this State.

V. Respondent shall indemnify and hold harmless the Department, the State of New York, and their representatives and employees for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of this Order by Respondent and any successors (including successors in title) and assigns.

VI. The provisions of this Order address only the violations identified herein and any claims for civil and administrative penalties concerning such violations.

Dated: New Paltz, New York

_____ 20__

ALEXANDER B. GRANNIS
Commissioner
New York State
Department of Environmental Conservation

By: _____
WILLIAM C. JANEWAY
Regional Director
Region 3

This Order on Consent has been reviewed and approved by the Regional Attorney as to form.

By: _____
JOHN L. PARKER
Regional Attorney

Date: _____ 20__

COMPLIANCE SCHEDULE

I. GENERAL REQUIREMENTS:

Immediately: Respondent shall cease and desist from any and all future violations of the New York State Environmental Conservation Law and the rules and regulations enacted pursuant thereto.

Respondent shall certify completion of the work required under this schedule, to the Department within five (5) days of its completion.

All technical submittals to the Department required under this Order shall be made by Respondent as follows:

Three copies to Patrick Dunn, Region Three, New York State Department of Environmental Conservation, 21 South Putt Corners Road, New Paltz, New York 12561.

II. REMEDIATION / RESTORATION REQUIREMENTS:

Immediately upon the effective date of this Order	Facility must operate in compliance with the opacity restrictions as specified in 6NYCRR, Part 212.6(a).
Within 30 days of the effective date of this Order	Facility must provide a written report explaining the discrepancy between Method 9 observations documented on 01/17/07 (4:04pm-4:16pm) and plant emissions monitoring data recorded at that same time.
Within 30 days of the effective date of this Order	Facility must provide a written report explaining corrective actions taken to prevent a recurrence of similar opacity non compliance.

Revere Smelting & Refining Corporation
CASE NO. R3-20070207-18

CONSENT BY RESPONDENT

Respondent hereby consents to the issuance and entry to this Order without further notice, waives its right to a hearing in this matter, and agrees to be bound by the terms, conditions and provisions of this Order. The undersigned represents and affirms that they have the legal authority to bind Respondent to the terms and conditions of this Order.

Title: _____

VP, AS
STATE OF NEW YORK)

) ss:

COUNTY OF William)

On the 13th day of September, 2009, before me, the undersigned, personally appeared Shere M. Lironi, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) as shown in the instrument, and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.



Silvia Kay Brock
NOTARY PUBLIC



NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

PERMIT

NO. 100000

DATE 01/18/01

Region Number 12

Location Rock Castle Division Regional Permit

Receiver of Rock Castle

In the amount of one thousand five hundred & 00/100
For cash payment October 19

Conservation Service

Cash Department Representative by letter

Check Number 474047

Money Order

CONTROLLED DISBURSEMENT
BANK OF AMERICA, N.A.
ATLANTA, DEKALB, GA

RSTR CORPORATION

REVERSE SMELTING & REFINING CORPORATION

CORPORATE OFFICES 2775 STEWENS ST
SHELBY, TENN 37162-2141

CHECK VOID 60 DAYS AFTER
SEPTEMBER 12, 2007

PAY THE EXACT SUM OF:

\$ *****1,500.00

CHECK NO.
474047

64-1229-001

***** ONE THOUSAND FIVE HUNDRED & 00/100 DOLLARS

Authorised Signatory

[Signature]

TO THE ORDER OF
NY STATE DEPT OF ENVIRONMENTAL
CONSERVATION
21 SOUTH PUTT CORNERS ROAD
NEW PALTZ, NY 12561-

[Signature]

474047

