



CERTIFIED MAIL RETURN RECEIPT REQUESTED

Date : 06/07/2016

NOTICE OF VIOLATION

Owner : API INDUSTRIES INC
2 GLENSHAW ST
ORANGEBURG, NY 10962

Facility : ALUF PLASTICS DIVISION
2 GLENSHAW ST
ORANGEBURG, NY 10962

Contact : DAVID ANDERSON
2 GLENSHAW ST

ORANGEBURG, NY 10962
(845) 365-2200

PLEASE TAKE NOTICE THAT YOU ARE IN VIOLATION OF NEW YORK STATE AIR POLLUTION CONTROL LAW, Article 19 of the Environmental Conservation Law ('ECL'), and applicable regulations as set forth herein, in connection with operation of the above named Facility.

Compliance Status Determined On : 06/02/2016 8:30 PM

Compliance Status Determined By : MARIA ANTONIOU
NYSDEC - WHITE PLAINS SUBOFFICE
100 HILLSIDE AVE STE 1W
WHITE PLAINS, NY 10603

Basis for Determination : Response To Complaint

Comments :

Strong odors were interchanging between burning like plastic and sweat VOCs solvent on the East of the Railroad tracks. Odors consistent with burning plastic were sensed at the West side of ALUF by Murphy Court Area. An incident of process upset appeared to have occurred inside the production Area of the Facility.

No explanation was provided by ALUF to NYSDEC of the odor events of June 2, 2016.

PLEASE TAKE FURTHER NOTICE THAT ECL §71-2103 provides that any person who violates ECL Article 19 or any rule or regulation promulgated pursuant thereto shall be liable for a civil penalty of up to \$18,000, plus an additional penalty not to exceed \$15,000 for each day that the violation continues and that such person may be enjoined from continuing such violation.

PLEASE TAKE FURTHER NOTICE THAT in addition, failure to comply with this NOTICE could subject you to criminal charges. ECL §71-2105 provides that any person who willfully violates any provision of ECL Article 19 or any rule or regulation promulgated pursuant thereto shall be guilty of a misdemeanor and, upon conviction, punished by a fine not to exceed \$18,000 for each separate violation or by imprisonment for a term of not more than one year, or both fine and imprisonment.

PLEASE TAKE FURTHER NOTICE THAT the Department is reviewing its options regarding the appropriate enforcement actions, including assessment of penalties, fines and injunctive relief for the violations which have already occurred. Compliance with this NOTICE shall not relieve you of any liability for penalties or other appropriate sanctions for the referenced violations. However, failure to immediately comply could result in a larger penalty than would otherwise be assessed, should you be adjudged to be in violation of the ECL.



PLEASE TAKE FURTHER NOTICE THAT you may submit information or evidence to the Department relevant to your compliance record, the nature of the violations, or any mitigating circumstances. Any such information or evidence may be used in a civil enforcement proceeding or criminal action. In the event that formal enforcement proceedings are initiated or criminal charges filed against you, you will have the right to a hearing. You may also request an informal conference to discuss this NOTICE and the events to which it relates. Any inquiries, submissions, and requests relating to this NOTICE should be directed to the New York State Department of Environmental Conservation.

GEORGE A SWEIKERT
REGIONAL AIR POLLUTION CONTROL ENGINEER
NYSDEC - REGION 3
21 S PUTT CORNERS RD
NEW PALTZ, NY 12561-1696



COMPLIANCE STATUS - VIOLATIONS

Regulation Determinations (Violations) :

Regulation : 6 NYCRR 211.1

Period : 06/02/2016 8:30 PM

Program : STATE AIR PROGRAM

Observation Strong odors were interchanging between burning like plastic and sweat VOCs solvent on the East of the Railroad tracks. Odors consistent with burning plastic were sensed at the West side of ALUF by Murphy Court Area. An incident of process upset appeared to have occurred inside the production Area of the Facility.