

BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY

In the Matter of:

Quebecor World USA, Inc.	:	<u>Director's Final Findings</u>
235 Artino Street	:	<u>and Orders</u>
Oberlin, Ohio 44074	:	

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Quebecor World USA, Inc. ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03, 3704.036, 3745.01 and 3745.11.

II. PARTIES BOUND

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent or of the facility (as hereinafter identified) shall in any way alter Respondent's obligations under these Orders.

III. DEFINITIONS

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in ORC Chapter 3704 and the regulations promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. Respondent owns and operates a commercial printing facility located at 235 Artino Street, Oberlin, Ohio. Respondent is a producer of high-quality magazine inserts, gate fold inserts, catalog order forms, blow-in cards, spine-glued brochures and newspaper inserts.

2. At the Oberlin facility, Respondent currently operates six heatset web offset (lithographic) printing presses, which are defined by Ohio EPA as emissions units ("EUs") R003, R004, R005, R006, R007 and R008, all of which are air contaminant sources as defined by Ohio Administrative Code ("OAC") 3745-15-01 and "new sources" as defined by OAC Rule 3745-31-01.

3. Respondent began operation of EU R003 in 1992, EU R004 in 1995, EU R005 in 1994, EU R006 in 1998, EU R007 in 2002, and R008 in 2003. EU R002 was removed with the installation of EU R008. On March 4, 1998, Respondent submitted a permit to install ("PTI") application to Ohio EPA, Northeast District Office ("NEDO") for a new heatset web offset printing press, identified by Ohio EPA as EU R006. The EU R006 was to replace the existing EU R001.

4. Installation of EU R006 would increase the facility's potential to emit ("PTE") for volatile organic compounds ("VOC") to 111.2 tons per year ("TPY"), and Respondent would therefore be a "Title V source", as defined in OAC Rule 3745-77-01(LL), and subject to the Title V permitting requirements of OAC Rule 3745-77-02(A). On March 4, 1998, Respondent informed NEDO that a Title V permit application would be submitted to Ohio EPA within one year of the start-up of EU R006 as required pursuant to OAC Rule 3745-77-04(D). EU R006 was installed on June 15, 1998, and the Title V application was to have been submitted to NEDO by June 15, 1999. Respondent has not submitted a Title V permit application for EU R006, in violation of OAC Rules 3745-77-02(A) and 3745-77-04(D) and ORC § 3704.05(G) and (K).

5. By letter dated April 3, 2003, NEDO issued a notice of violation ("NOV") to Respondent for its failure to submit a timely Title V application, or an alternative permit application requesting organic compound emissions be limited to less than 100 TPY. Additionally, the NOV informed Respondent that it was in violation of OAC Rule 3745-78-02(A) from June 15, 1998 for its failure to pay air emission fees for years 1998 through 2001.

6. The April 3, 2003 NOV informed Respondent that because the actual emissions from the facility are less than 100 TPY, Respondent could apply for and obtain either a Title V permit, or a permit that would limit the facility's organic compound emissions to less than 100 TPY such as a synthetic minor PTI or a Federally Enforceable State Operating Permit ("FESOP"). Respondent was requested to submit a permit application in accordance with whatever option it chose to follow, within sixty (60) days of receipt of the NOV. On April 15, 2003, Respondent submitted a synthetic minor PTI for EUs R002 through R007.

7. On October 30, 2003, synthetic minor PTI # 02-17878 was issued to Respondent by Ohio EPA for all the printing presses at the facility.

8. OAC Rule 3745-78-02(A) requires that Fee Emission Reports ("FERs") be submitted by June 15, 1994 for calendar year 1993, and by April 15 of each year thereafter for the previous calendar year. Respondent was in violation of OAC Rule 3745-78-02(A) and ORC § 3704.05(G) and (J)(2) for its failure to submit FERs from June 15, 1999, through 2001.

9. On April 15, 2005, Respondent submitted FERs for June 15 through December 31, 1999, 2000, and 2001.

10. On December 9, 2004, Respondent submitted a PTO application for EUs R003, R004, R005, R006, R007 and R008.

11. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and their relation to benefits to the people of the State be derived from such compliance.

V. ORDERS

The Director hereby issues the following Order:

1. Pursuant to ORC § 3704.06, Respondent is assessed a civil penalty in the amount of sixty-four thousand dollars (\$64,000) in settlement of Ohio EPA's claims for civil penalties. Within forty-five (45) days after the effective date of these Orders, Respondent shall pay Ohio EPA by an official check made payable to "Treasurer, State of Ohio" for \$64,000. The official check shall be submitted to Brenda Case, or her successor, at the following address, together with a letter identifying the Respondent and the facility.

Fiscal Administration
Ohio Environmental Protection Agency
P.O. Box 1049
Columbus, OH 43216-1049

A copy of the above check shall be sent to James A. Orlemann, Assistant Chief, SIP Development and Enforcement, or his successor, at the following address:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Ohio EPA receives the official check required by Section V of these orders.

VII. OTHER CLAIMS

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's facility.

VIII. OTHER APPLICABLE LAWS

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, state and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

IX. MODIFICATIONS

These Orders may be modified by agreement of the parties. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

X. RESERVATION OF RIGHTS

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

XI. WAIVER

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders, and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated or modified.

XII. EFFECTIVE DATE

The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

