

**BEFORE THE
OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Sun Chemical General Printing Ink : Director's Final Findings
12049 Centron Place : and Orders
Cincinnati, Ohio 45246 :

PREAMBLE

It is agreed by the parties hereto as follows:

I. JURISDICTION

These Director's Final Findings and Orders ("Orders") are issued to Sun Chemical General Printing Ink ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

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 Respondent or of the Facility (as hereinafter defined) 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 rules promulgated thereunder.

IV. FINDINGS

The Director of Ohio EPA has determined the following findings:

1. The Hamilton County Department of Environmental Services ("HCDOES") acts as an agent of Ohio EPA for the Division of Air Pollution Control in Cincinnati.
2. Respondent owns and operates a printing ink manufacturing plant at 12049 Centron Place in Cincinnati, Ohio ("Facility").
3. On August 19, 2003, during an inspection of the Facility, the HCDOES inspector discovered Respondent had installed and was operating two liquid ink mixers and

one roll mill at the Facility since July 2003 without applying for and obtaining a permit-to-install ("PTI") and a permit-to-operate ("PTO") from Ohio EPA for the mixers and roll mill, in violation of Ohio Administrative Code ("OAC") Rules 3745-31-02(A)(1) and 3745-35-02. The mixers and roll mill are "air contaminant sources," as defined in OAC Rule 3745-31-01(I). The inspector informed Respondent of the violation of installing an air contaminant source without first obtaining a PTI and requested Respondent submit a PTI application for the three units to HCDOES.

4. In correspondence dated September 8, 2003, Respondent submitted a PTI application to HCDOES for the two liquid ink mixers. The PTI application based the maximum potential volatile organic compound ("VOC") emissions from the liquid ink mixers on a mixture component containing 35% VOC by weight.

5. In correspondence dated September 15, 2003, Respondent revised its PTI application submitted on September 8, 2003 to include a liquid ink mixer not yet installed at the Facility.

6. On October 9, 2003, Respondent submitted information to HCDOES that indicated the new liquid ink mixer to be installed at the Facility would use a component with a maximum VOC content of 73% by weight.

7. In correspondence dated November 3, 2003, HCDOES requested Respondent submit a revised PTI application using the 73% VOC component to determine the maximum possible VOC emissions from the new liquid ink mixer. HCDOES indicated failure to submit a revised application by November 23, 2003 would result in the PTI application being returned to Respondent as incomplete.

8. In a Notice of Violation ("NOV") dated December 3, 2003, HCDOES notified Respondent that installation of the two liquid ink mixers without applying for or obtaining a PTI was a violation of OAC Rule 3745-31-02. The NOV also indicate the PTI application submitted on September 15, 2003 was being returned as incomplete because emissions calculations for the new mixer in the PTI application were based on a 35% maximum VOC content in any component rather than the 73% VOC content supplied by Respondent in the October 9, 2003 submittal. HCDOES requested Respondent resubmit a complete PTI application by December 23, 2003.

9. In an NOV dated January 14, 2004, HCDOES requested Respondent submit a complete PTI application by January 28, 2004 or be subject to escalated enforcement action.

10. On April 20, 2004, HCDOES received a PTI application from Respondent for the two liquid ink mixers that had already been installed and the third liquid mixer to be installed.

11. In correspondence dated May 4, 2004, HCDOES informed Respondent of deficiencies in the April 20, 2004 PTI application, returned the application as incomplete and requested Respondent submit a new PTI application addressing the deficiencies.

12. In correspondence dated February 7, 2005, Respondent indicated the two new mixers were installed on August 3, 2003 and were replacements for two existing mixers. Respondent stated the new roll mill had been removed from the Facility on December 15, 2003.

13. Also on February 7, 2005, Respondent submitted a revised PTI application (#14-05679) to HCDOES for the two new mixers, the roll mill that had been removed from the Facility, seven paste mixers installed in July 2003 and later found to be "de minimis" pursuant to OAC Rule 3745-15-05, and a liquid ink dispenser with two air mixers installed in January 2003.

14. In a letter dated February 22, 2005, HCDOES informed Respondent that PTI application #14-05679 was found to be incomplete. HCDOES provided a list of additional information needed to complete the application.

15. The installation of the liquid ink dispenser with two air mixers in July 2003 and the two mixers and roll mill in August 2003 without first applying for and obtaining a PTI for the dispenser, each mixer, and the roll mill is a violation of OAC Rule 3745-31-02(A)(1) and ORC § 3704.05(G). The operation of the dispenser, mixers and roll mill without first obtaining a PTO is a violation of OAC Rule 3745-35-02(A) and ORC § 3704.05(G).

16. 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 benefits to the people of the State to be derived from such compliance.

V. ORDERS

The Director hereby issues the following Orders:

1. Within twenty-one (21) days after the effective date of these Orders, Respondent shall pay Ohio EPA the amount of eighteen thousand five hundred and fifty dollars (\$18,550) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Payment shall be made by an official check

made payable to "Treasurer, State of Ohio" for eighteen thousand five hundred and fifty dollars (\$18,550). The official check shall be submitted to Brenda Case, Fiscal Specialist, together with a letter identifying the Respondent and the Facility, to the following:

Ohio EPA
Office of Fiscal Administration
P.O. Box 1049
Columbus, Ohio 43216-1049

A copy of the check shall be sent to James A. Orlemann, Enforcement Coordinator, Compliance and Enforcement, or his successor, at the following address:

Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

2. Within twenty-one (21) days after the effective date of these Orders, Respondent shall submit complete PTI and PTO applications for the two new mixers and the liquid ink dispenser with two air mixers, which were installed in 2003 without first obtaining a PTI.

VI. TERMINATION

Respondent's obligations under these Orders shall terminate when Respondent certifies in writing and demonstrates to the satisfaction of Ohio EPA that Respondent has performed all obligations under these Orders and the Chief of Ohio EPA's Division of Air Pollution Control acknowledges, in writing, the termination of these Orders. If Ohio EPA does not agree that all obligations have been performed, then Ohio EPA will notify Respondent of the obligations that have not been performed, in which case Respondent shall have an opportunity to address any such deficiencies and seek termination as described above.

The certification shall contain the following attestation: "I certify that the information contained in or accompanying this certification is true, accurate and complete."

This certification shall be submitted by Respondent to Ohio EPA and shall be signed by a responsible official of Respondent. For purposes of these Orders, a responsible official is the person authorized to sign in OAC Rule 3745-35-02(B)(1) for a corporation or a duly authorized representative as that term is defined in the above-referenced rule.

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 Respondent's activities at the 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. NOTICE

All documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Hamilton County
Department of Environmental Services
250 William Howard Taft Road
Cincinnati, Ohio 45219-2660
Attn: Michael Kramer

and to:

Ohio Environmental Protection Agency
Lazarus Government Center
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
Attn: Thomas Kalman

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

XI. 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.

XII. 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.

XIII. EFFECTIVE DATE

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

XIV. SIGNATORY AUTHORITY

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

IT IS SO ORDERED AND AGREED:

Ohio Environmental Protection Agency

Joseph P. Koncelik
Director

Date

IT IS SO AGREED:

Sun Chemical General Printing Ink

Signature

Date

Printed or Typed Name

Title