



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

APR 03 2008

REPLY TO THE ATTENTION OF:

LR-8J

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Brian Stenson  
Environmental, Health & Safety Specialist  
Fujifilm Graphic Systems U.S.A., Inc.  
850 Central Avenue  
Hanover Park, Illinois 60133

Re: Consent Agreement and Final Order  
Fujifilm Graphic Systems U.S.A., Inc.  
U.S. EPA ID: ILR 000 102 988  
Docket No: RCRA-05-2007-0018

Dear Mr. Stenson:

Please find enclosed one copy of two original signed copies of a fully executed Consent Agreement and Final Order (CAFO) in resolution of the above-captioned case. The originals were filed on April 3rd, 2008 with the Regional Hearing Clerk (RHC). The agreement contains the terms previously discussed to resolve this matter.

Please pay the civil penalty in the amount of \$40,721 in the manner prescribed in paragraph 10 of the CAFO, and reference all checks with the number BD 27508422005 and docket number RCRA-05-2007-0018. Also, enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*.

Thank you for your cooperation in resolving this matter.

Sincerely,

Willie H. Harris, P.E.  
Chief, RCRA Branch  
Land and Chemicals Division

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR**

<b>In the Matter of</b>	)	
	)	
<b>Fujifilm Graphic Systems U.S.A., Inc.,</b>	)	<b>Docket No. RCRA-05-2007-0018.</b>
<b>850 Central Avenue</b>	)	
<b>Hanover Park, Illinois, 60133</b>	)	
	)	
<b>U.S. EPA ID No. ILR 000 102 988</b>	)	
	)	
<b>Respondent.</b>	)	

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**CONSENT AGREEMENT AND FINAL ORDER**

**CONSENT AGREEMENT**

1. Complainant, the Director, Land and Chemicals Division, Region 5, United States Environmental Protection Agency (U.S. EPA), filed this civil administrative action pursuant to Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act of 1976, as amended, ("RCRA"), 42 U.S.C. § 6928(a).

2. On September 27, 2007, U.S. EPA filed the Complaint for this action against Fujifilm Graphic Systems U.S.A., Inc., 850 Central Avenue, Hanover Park, Illinois, 60133, ("Respondent"). The Complaint alleged Respondent: stored hazardous waste at its facility for more than ninety (90) days without a permit; failed to test and maintain all facility fire protection equipment; failed to comply with certain requirements of its Contingency Plan; failed to provide employees a complete RCRA Training Program and failed to provide employees an annual review of its RCRA Training Program in 2004; and, failed to close certain containers, in noncompliance with RCRA Permit Exempt Conditions 35 IAC §§ 722.134(a) and (b), 722.134(a)(4) & 725.133, 722.142(a)(4) & 725.133, 722.134(a)(4) & 725.116(a)(3) & (c), 725.273(a) & 722.134(c)(1)(A), respectively. Thus, the Complaint alleged Respondent stored hazardous waste at its facility without a RCRA

Permit, or RCRA Interim Status, or RCRA Permit Exempt Status, in violation of the regulations at 35 IAC § 703.121 and Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e). The Complaint proposed a civil penalty \$89,856.00.

3. On or about October 25, 2007, Respondent filed its Answer and requested a hearing pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b).

### **Stipulations**

4. Respondent admits the jurisdictional allegations of the Complaint pursuant to 40 C.F.R. § 22.18(b)(2).

5. Respondent neither admits nor denies the factual allegations, findings of fact, or conclusions of law, of the Complaint, pursuant to 40 C.F.R. § 22.18(b)(2), and otherwise.

6. Respondent waives any right to contest the allegations of this Consent Agreement and Final Order pursuant to 40 C.F.R. § 22.18(b)(2).

7. Respondent waives its right to appeal this Consent Agreement and Final Order, ("CAFO"), pursuant to 40 C.F.R. § 22.18(b)(2).

8. The parties consent to the terms of this CAFO.

9. The parties agree to resolve this action without adjudication of any issue of fact or law upon the terms in this CAFO for the public interest.

### **Civil Penalty**

10. Respondent agrees to pay a civil penalty of \$40,721.00 within thirty (30) days of the effective date of this CAFO. Respondent agrees to pay the penalty by sending a cashier's or certified check, payable to the order of the U.S. Treasury:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

Respondent's cashier's or certified check must note the name and docket number of this action

(RCRA-05-2007-0018), and the billing document number 275084 2R 005.

11. Respondent must include with its cashier's or certified check a transmittal letter stating the name of this action, Respondent's complete address, the docket number of this action, and the billing document number. Respondent must send copies of each check and transmittal letter to:

Regional Hearing Clerk  
Region 5  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard (E-13J)  
Chicago, IL 60604-3511

Jamie L. Paulin  
Land and Chemicals Division  
Region 5  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard (LR-8J)  
Chicago, IL 60604-3511

Jeffery M. Trevino  
Office of Regional Counsel  
Region 5  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard (C-14J)  
Chicago, IL 60604-3511

12. This civil penalty is not deductible for federal tax purposes.

13. If Respondent fails to pay the civil penalty timely Complainant may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and Complainant's enforcement expenses for the collection action.

14. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15.00 handling charge each month that any portion of the penalty due is more than thirty (30) days past due. Complainant will assess a six percent (6%) per year penalty on any principal amount not paid timely pursuant to this CAFO.

15. This CAFO constitutes a complete and full settlement of, and resolves Respondent's liability with prejudice for, the violations alleged in the Complaint.

16. This CAFO does not affect the right of Complainant or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violations of law.

17. This CAFO does not affect Respondent's responsibility to comply with RCRA and other applicable federal, state, and local laws and regulations.

18. This CAFO is a "final order."

19. The terms of this CAFO bind U.S. EPA and Respondent and its successors and assigns.

20. Each person signing this CAFO certifies he or she has the authority to sign this CAFO for the party he or she represents and to bind that party to its terms.

21. Each party agrees to bear its own costs and fees, including attorneys' fees, for this action.

22. This CAFO constitutes the entire agreement between the parties.

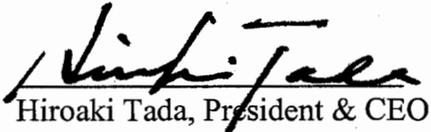
23. No modification shall be made to this CAFO without written notification to, and written approval of, all parties hereto. No oral modification of this CAFO shall be effective.

24. The effective date of this CAFO is the date U.S. EPA files it with the Regional Hearing Clerk.

**In the Matter of: Fujifilm Graphic Systems U.S.A., Inc., Hanover Park, Illinois.  
Docket No. RCRA-05-2007-0018.  
Consent Agreement and Final Order.**

RESPONDENT

Fujifilm Graphic Systems U.S.A., Inc.  
850 Central Avenue  
Hanover Park, Illinois 60133

  
Hiroaki Tada, President & CEO

MARCH 24, 2008  
Date

COMPLAINANT

Land and Chemicals Division  
Region 5  
United States Environmental Protection Agency

  
Margaret M. Guerriero, Director

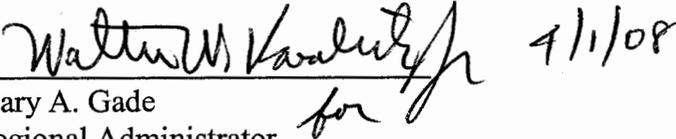
3/31/08  
Date

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**In the Matter of: Fujifilm Graphic Systems U.S.A., Inc., Hanover Park, Illinois.  
Docket No. RCRA-05-2007-0018.  
Consent Agreement and Final Order.**

**FINAL ORDER**

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. IT IS SO ORDERED.

  
\_\_\_\_\_  
Mary A. Gade  
Regional Administrator  
Region 5  
U.S. Environmental Protection Agency  
77 West Jackson Boulevard  
Chicago Illinois 60604-3590

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**CASE NAME: Fujifilm Graphic Systems U.S.A., Inc.**  
**DOCKET NO: RCRA-05-2007-0018**

**CERTIFICATE OF SERVICE**

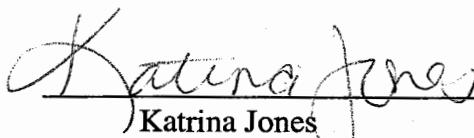
I hereby certify that today I filed the original of this **Consent Agreement and Final Order (CAFO)** and this **Certificate of Service** in the office of the Regional Hearing Clerk (E-13J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604-3590.

I further certify that I then caused true and correct copies of the filed document to be mailed via Certified Mail, Return Receipt Requested to the following:

Brian Stenson  
Fujifilm Graphic Systems U.S.A., Inc.  
850 Central Avenue  
Hanover Park, IL 60133

Return Receipt # 7001 0320 0006 0184 9274

Dated: April 3, 2008



Katrina Jones  
Administrative Program Assistant  
United States Environmental Protection Agency  
Land and Chemicals Division -RCRA Branch  
77 W. Jackson Boulevard  
Chicago, IL 60604-3590  
(312) 353-5882

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## **NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE ENVIRONMENTAL LEGAL PROCEEDINGS**

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 942-1888.