

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
ONE CONGRESS STREET, SUITE 1100
BOSTON, MA 02114-2023

Reply to: (617) 918-1869
Fax: (617) 918-1809
Mail Code: SEL

BY HAND

October 6, 2008

Wanda Santiago, Regional Hearing Clerk
U.S. Environmental Protection Agency
Region 1 (RAA)
One Congress Street, Suite 1100
Boston, MA 02114-2023

RECEIVED
OCT 6 2008
EPA ORC
Office of Regional Hearing Clerk

Re: In re. Arkwright Advanced Coating, Inc.
EPA Docket No. CAA-01-2008-0103

wrong number
(0011 - Correct)

Dear Ms. Santiago:

Enclosed for filing are the following original documents, and one copy of each, relating to the above-referenced matter:

1. Amended Complaint and Notice of Opportunity to Request a Hearing; and
2. Certificate of Service.

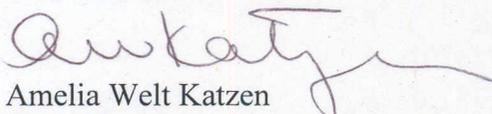
Kindly file the documents in the usual manner.

Please note that the Amended Complaint is being filed before an Answer was filed and is therefore filed as a matter of right in accordance with 40 C.F.R. §22.14(c).

The Amended Complaint effects a change in the name of the Respondent. The caption for the matter should therefore also be amended to be: In re. Arkwright Incorporated. The Docket Number should remain the same.

Thanks very much for your help.

Very truly yours,



Amelia Welt Katzen
Senior Enforcement Counsel

Enclosures

cc: Daniel P. Hart, VP and General Counsel, Océ Imaging Supplies, Inc.
Richard A. Sherman, Esquire, Edwards Angell Palmer & Dodge
Tom McCusker, EPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1

RECEIVED

OCT 6 2008

EPA ORC
Office of Regional Hearing Clerk

_____)	
In the Matter of:)	Docket No. CAA-01-2008-0071
ARKWRIGHT INCORPORATED)	AMENDED COMPLAINT AND
Now Known As)	NOTICE OF OPPORTUNITY
OCÉ IMAGING SUPPLIES, INC.)	FOR HEARING
538 Main Street)	
Fiskeville, RI 02823)	
Proceeding under Section)	
113(d) of the Clean Air Act)	
_____)	

I. INTRODUCTION

The United States Environmental Protection Agency, Region 1 (“EPA” or “Complainant”) issues this administrative Amended Complaint and Notice of Opportunity for Hearing (“Amended Complaint”) under Section 113(d) of the Clean Air Act (“CAA” or “Act”), 42 U.S.C. § 7413(d), to Arkwright Incorporated, now known as Océ Imaging Supplies, Inc. (“Respondent”). The Amended Complaint hereby notifies Respondent that EPA proposes to assess civil penalties against Respondent for violations of the federal air pollutant regulations promulgated under the Act and violations of Respondent’s CAA Title V Operating Permit. The Amended Complaint also describes Respondent’s opportunity to file an Answer to the Amended Complaint and to request a formal hearing to contest the alleged violations and proposed penalty.

II. STATUTORY AND REGULATORY FRAMEWORK

1. Section 112 of the Act, 42 U.S.C. § 7412, lists various hazardous air pollutants and requires EPA to establish national emissions standards for these pollutants.

2. Pursuant to Section 112 of the Act, EPA promulgated the National Emission Standards for Hazardous Air Pollutants for Paper and Other Web Coating Facilities (“Paper NESHAP”), set forth in 40 C.F.R. Part 63, Subpart JJJJ at 40 C.F.R. §§ 63.3280 – 63.3420. The Paper NESHAP establishes various requirements pertaining to paper and other web coating facilities.

3. The State of Rhode Island and Providence Plantations (“Rhode Island”) has adopted an EPA-approved CAA Title V permit program under Section 502 of the Act, 42 U.S.C. § 7661a, and 40 C.F.R. Part 70. Under Section 502 of the Act, it is unlawful for any person to violate any requirement of an operating permit issued under Title V.

Federal Enforcement Authority

4. Sections 113(a) and (d) of the Act, 42 U.S.C. §§ 7413(a) and (d), authorize EPA to issue an administrative penalty order to enforce any requirement or prohibition contained in Section 112 of the Act, or in any regulations issued under Section 112, and to enforce any provision of a Title V permit. Penalty orders issued under Section 113(d) of the Act may assess a civil penalty of up to \$25,000 per day of violation.

5. The Debt Collection Improvement Act of 1996 (“DCIA”), Pub. L. 104-134, and its implementing regulations, set forth at 40 C.F.R. Part 19, provide for a ten percent increase in the maximum authorized penalty for CAA violations occurring on or after January 31, 1997, and for an additional twenty percent increase for CAA violations occurring on or after March 15, 2004. Accordingly, the CAA, DCIA and DCIA’s implementing regulations authorize EPA to assess a civil penalty of up to \$32,500 per day for each violation of the Act occurring after March 15, 2004.

6. Section 113(d) of the Act limits EPA's authority to issue administrative complaints to matters where the total penalty sought does not exceed \$200,000 and the first alleged date of violation occurred no more than twelve months prior to the initiation of the action, unless the EPA Administrator and the Attorney General for the U.S. Department of Justice ("DOJ") jointly determine that a matter involving a larger penalty or longer period of violation is appropriate for administrative action. Pursuant to the DCIA and its implementing regulations, the above-described penalty cap has been raised to \$270,000 for violations occurring after March 15, 2004.

7. This Amended Complaint alleges violations that occurred more than twelve months ago. EPA and DOJ have jointly determined that this matter is appropriate for administrative action.

8. This Amended Complaint is filed pursuant to Section 113(d) of the Act and the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits ("Consolidated Rules"), promulgated at 40 C.F.R. Part 22.

III. GENERAL ALLEGATIONS

9. Respondent is a corporation organized under the laws of the State of Rhode Island with a former principal place of business at 538 Main Street in Fiskeville, Rhode Island (the "Facility"), where it manufactured digital imaging media, primarily paper and polyester film, used for commercial purposes in ink jet printers and for blue prints and other specialty applications.

10. Based on information provided to EPA by the current and former owners of the Facility, as of July 3, 2008, the Facility was purchased by Sihl Inc. and Sihl GMBH and is

currently doing business under the name Arkwright Advanced Coating, Inc. Respondent Océ Imaging Supplies, Inc., the former owner of the Facility, is a business unit of Océ North America, Inc., a Delaware corporation authorized to do business in the State of Connecticut, with a principal place of business at 100 Oakview Drive, Trumbull, CT 06611.

11. Respondent is a “person,” as that term is defined in Section 302(e) of the Act, 42 U.S.C. § 7602(e).

12. The Facility is a “stationary source,” as that term is defined in Sections 302(z) and 112(a)(3) of the Act, 42 U.S.C. §§ 7602(z) and 7412(a)(3).

13. At all times relevant to this Amended Complaint, Respondent was the “owner or operator” of eight web coating lines, as defined by 40 C.F.R. § 63.3310, used to apply coatings to digital imaging media at the Facility.

14. Sections 112(a)(1) and 501 of the CAA, 42 U.S.C. §§ 7412(a)(1) and 7661, define the term “major source” to include any source that has the potential to emit more than 10 tons per year of any single hazardous air pollutant (“HAP”) or more than 25 tons per year of a combination of HAPs.

15. At all times relevant to this Amended Complaint, the Facility’s web coating operations have the potential to emit more than 25 tons per year of a combination of HAPs (HAPs used at the Facility include ethyl acetate, methanol, and toluene), making it a major source of HAPs.

16. At all times relevant to this Amended Complaint, the Facility was a major source of HAPs operating web coating lines used to coat paper and polyester film substrates and was subject to the Paper NESHAP, 40 C.F.R. Part 63, Subpart JJJJ.

17. Section 63.3310 of the Paper NESHAP defines an “existing affected source” as an affected source the construction or reconstruction of which commenced on or before September 13, 2000.

18. Web coating operations began at the Facility prior to September 13, 2000. At all times relevant to this Amended Complaint, the Facility had not undergone reconstruction as defined in 40 C.F.R. § 63.2.

19. The Facility is an existing affected source, as defined in 40 C.F.R. §63.3310.

20. Section 503(c) of the Act and EPA regulations at 40 C.F.R. §70.5 require a major source to apply for and obtain a Title V operating permit.

21. The Rhode Island Department of Environmental Management (“RI DEM”) issued Respondent its Title V operating permit on October 10, 2003. Revisions to Respondent’s Title V operating permit were incorporated into the Permit on October 25, 2004.

22. On May 9, May 11, and May 22, 2007, duly authorized representatives of EPA conducted an inspection of the Facility.

23. On or about July 31, 2008, RI DEM acknowledged the change in ownership of the Facility from Arkwright Incorporated to Sihl, Inc., which has been renamed Arkwright Advanced Coating, Inc.

24. On or about July 31, 2008, the Articles of Incorporation of Arkwright Incorporated were amended to change the name of the corporation to Océ Imaging Supplies, Inc.

IV. VIOLATIONS

A. PAPER NESHAP VIOLATIONS

Count I: Failure to Timely Submit Initial Notification

25. Section 63.3400(b)(1) of 40 C.F.R. requires the owner or operator of an existing affected source to submit an initial notification no later than one year before the compliance date specified in 40 C.F.R. § 63.3330(a). The compliance date specified in § 63.3330(a) is December 5, 2005. The initial notification for an existing affected source was therefore due by December 5, 2004.

26. Respondent submitted an initial notification to EPA and the Rhode Island Department of Environmental Management (“RI DEM”) that was dated April 19, 2005 and received by EPA on May 31, 2005. Based on the date indicated on the initial notification, the initial notification submitted by Respondent was more than four months late.

27. Respondent failed to prepare and submit an initial notification for an existing affected source by December 5, 2004, in violation of 40 C.F.R. §63.3400(b)(1).

Count II: Failure to Submit Complete and Accurate Notification of Compliance Status

28. Section 63.3400(e) of 40 C.F.R. requires the owner or operator of an existing affected source to submit a Notification of Compliance Status as specified in § 63.9(h). The Notification of Compliance Status requirements found at § 63.9(h) set forth the information required to be contained in such a notification and a deadline for submitting such notification to EPA.

29. In its Notification of Compliance Status dated July 20, 2006, Respondent reported that its compliance option for the Paper NESHAP was based on the overall control efficiencies of three control devices (oxidizers) used to reduce HAP emissions and that it had used

performance testing to demonstrate compliance with the 95% reduction requirements for the five affected coating lines at the site. The Notification of Compliance Status stated that performance tests conducted on May 23-25, 2006 demonstrated that the oxidizers at the site were achieving the minimum 95% reduction of HAP emissions.

30. An EPA inspector observed the capture efficiency testing and destruction efficiency testing performed on the system containing web coating lines P003 and P007, and their associated control device, C037, on May 23-25, 2006. Although the results of this testing indicated that the destruction efficiency for control device C037 was 99.68 percent, EPA determined that the capture system for P003 and P007 did not achieve 100 percent capture efficiency due to numerous fugitive leaks and other deficiencies found within the capture systems servicing these two web coating lines.

31. Because the numerous fugitive leaks and other deficiencies found within the capture systems servicing web coating lines P003 and P007 were not quantified, testing did not demonstrate the required 95 percent reduction of HAP emissions. Therefore, Respondent's claim of compliance in its notification of compliance status was inaccurate.

32. Pursuant to 40 C.F.R. §§ 63.3340 and 63.3350(c), an affected source using a control device to comply with the emission standards for web coating lines must monitor bypasses of the control device, monitor the mass of each coating material applied at a work station during any such bypass, and demonstrate that any coating material applied on a work station operated in bypass mode is allowed in the facility's compliance demonstration.

33. During the initial compliance period, Respondent failed to monitor the bypass of the control device, monitor the mass of each coating material applied during bypass, or

demonstrate that coating material applied during a bypass was allowed in the facility's compliance demonstration, in violation of 40 C.F.R. §§ 63.3340 and 63.3350(c).

34. Pursuant to 40 C.F.R. §63.3350(f), an affected source that complies with the emission standards in §63.3320 through the use of a capture system and control device for one or more web coating lines must develop a site-specific monitoring plan.

35. Respondent failed to develop a site-specific monitoring plan, in violation of 40 C.F.R. § 63.3350(f).

Count III: Failure to Submit Complete Semiannual Compliance Report

36. Section 63.3400(c) of 40 C.F.R. requires the owner or operator of an existing affected source to submit semiannual compliance reports to EPA. Section 63.3400(c)(2)(v)(B) requires, for each deviation from an emission limitation that occurs at the affected source, that the compliance report contain information on the number, duration, and cause of deviations and the corrective action taken.

37. Arkwright's first semiannual compliance report, covering the time period from December 5, 2005 through June 30, 2006, was submitted to EPA and the RI DEM on or about July 12, 2006. The semiannual compliance report failed to note that the capture system associated with web coating lines P003 and P007 failed to achieve 100 percent capture and that compliance with the minimum 95 percent reduction of HAP emissions on web coating line P003 had not been demonstrated.

38. Arkwright's semiannual report covering December 5, 2005 through June 30, 2006 consequently did not contain complete information on the number, duration and cause of deviations, and the corrective action taken, in violation of 40 C.F.R. 63.3400(c)(2)(v)(B).

B. TITLE V OPERATING PERMIT VIOLATIONS

39. Section 503(c) of the Act and EPA regulations at 40 C.F.R. § 70.5 require a major source to apply for and obtain a Title V operating permit.

40. RI DEM issued Respondent a Title V operating permit (the "Title V Operating Permit") on October 10, 2003. Revisions to the Title V Operating Permit were incorporated into the Permit on October 25, 2004.

41. Under Section 502(a) of the Act and 40 C.F.R. §70.7, Title V sources must comply with the conditions of the Title V Operating Permit.

Count IV: Failure to Timely Submit Annual Test Results for Catalytic Oxidizer

42. In its Title V annual compliance certification for calendar year 2006, Respondent reported that it had not complied with Condition I.H.7.c of its Title V Operating Permit. Specifically, Respondent reported that it failed to provide the RI DEM with a copy of the results of the annual testing of the catalyst bed of the Facility's catalytic oxidizer designated as C012.

43. Pursuant to Condition I.H.7.c. of the Title V Operating Permit, annual test results are required to be submitted to the RI DEM within 30 days of the completion of testing.

44. Respondent's annual testing for calendar year 2006 was completed on September 11, 2006. The test report was therefore required to be submitted to the RI DEM by October 11, 2006.

45. Respondent's annual testing results were submitted to RI DEM on or about January 30, 2007, more than three months late.

46. Respondent's late submission of the results of its annual testing of the catalytic oxidizer designated as C012 was in violation of Condition I.H.7.c of the Title V Operating Permit.

Count V: Failure to Reduce Volatile Organic Compound Emissions from Web Coating Lines by 98% or Greater and Failure to Maintain 100% Capture for Coating Line P003

47. Condition I.E.1.c of the Title V Operating Permit requires that volatile organic compound (“VOC”) emissions generated from the web coating lines designated as P003 and P007 be reduced by 98 percent or greater. This is to be achieved through a combination of 100 percent capture efficiency and 98 percent destruction efficiency for the associated control device, designated as C037.

48. Respondent performed capture efficiency testing and destruction efficiency testing on the systems containing web coating lines P003 and P007 and their associated control device, C037, on May 23-25, 2006, with EPA observing the test. The results of this testing indicated that the destruction efficiency for control device C037 was 99.68 percent.

49. During the testing on May 23-25, 2006, the capture system for P003 and P007 did not achieve 100 percent capture efficiency due to numerous fugitive leaks and other deficiencies found within the capture systems servicing these two web coating lines.

50. In response to the failure to achieve 100 percent capture efficiency on May 23-25, 2006, Respondent shut down P007 and commenced modifications to achieve 100 percent capture for this system, completing the work on the capture system on or about June 16, 2006.

51. Respondent continued to operate P003 until June 16, 2006, at which time it was shut down in order to make improvements to the capture system. According to Respondent, the improvements made to the capture system associated with web coating line P003 were completed on or about June 26, 2006.

52. During a visit to the facility on October 26, 2006, EPA confirmed that Respondent had taken measures to ensure that the capture systems associated with P003 and P007 had achieved 100 percent capture efficiency.

53. Respondent's continued operation of P003 without 100 percent capture efficiency for a period of about three and a half weeks was in violation of Condition I.E.1.c. of the Title V Operating Permit.

54. Condition I.E.2.c of the Title V Operating Permit requires that P003 and P007 be located within total enclosures meeting the requirements of 40 C.F.R. Part 51, Appendix M, Method 204, to ensure 100 percent capture efficiency.

55. Condition I.E.7.a of the Title V Operating Permit requires that P003 and P007 be designed, constructed, and operated in accordance with the representations regarding the equipment in the September 21, 2003 permit application submitted by Respondent.

56. In its permit application, Respondent reported that the capture efficiency for the capture systems associated with P003 and P007 would be 100 percent.

57. Condition I.E.7.b of the Title V Operating Permit requires Respondent to shut down P003 and P007 in the event of a malfunction of the emission capture systems and/or Control Device C037 that results in or could result in emissions in excess of permit limits and to remain shut down until the malfunction has been identified and corrected.

58. Respondent's continued operation of P003 for a period of about three and a half weeks after it was determined that the capture system for P003 was not achieving 100 percent capture efficiency was in violation of Conditions I.E.2.c., I.E.7.a. and I.E.7.b. of the Title V Operating Permit.

Count VI: Failure to Provide Accurate Determinations In Calendar Year 2006 Title V Annual Compliance Certification

59. Condition II.X. of the Title V Operating Permit requires the permittee to submit an annual certification of compliance with permit terms and conditions that provides a compliance determination for each term and condition found in the Title V Operating Permit.

60. Respondent failed, in its calendar year 2006 compliance certification, to provide a proper compliance determination for the deviations from permit conditions described in Count V hereof. Instead, Respondent indicated that it was in continuous compliance with these permit terms and conditions throughout calendar year 2006, in violation of Condition II.X. of the Title V Operating Permit.

Count VII: Failure to Provide Timely Notice of a Deviation

61. Permit Condition II.AA.3 requires the permittee to report deviations from its Title V Permit to the RI DEM in writing within five business days of the deviation and to provide a copy of such report to EPA. The one deviation noted in Respondent's Title V annual certification for calendar year 2006, dealing with the late submittal of a catalyst bed test report, was required to be submitted to the RI DEM and to EPA within 5 business days of the deviation, or by October 19, 2006.

62. Respondent's written notice of the deviation was included as part of the Title V annual compliance certification submitted to EPA and the RI DEM on or about January 30, 2007, more than three months late. None of the other above-described deviations was included in Respondent's 2006 annual compliance certification.

63. Respondent's failure to timely notify EPA and RI DEM of a deviation from its Title V Operating Permit during calendar year 2006 was in violation of Condition II.AA.3 of the Title V Operating Permit.

V. PROPOSED CIVIL PENALTY

64. Section 113(e) of the CAA, 42 U.S.C. § 7413(e), requires EPA to take into consideration various penalty assessment criteria. These criteria are as follows: the size of the business, the economic impact of the penalty on the business, the violator's full compliance

history and good faith efforts to comply, the duration of the violation, payment of penalties previously assessed for the same violation, the economic benefit of noncompliance, the seriousness of the violation, and other factors as justice may require.

65. To develop the proposed penalty, Complainant has considered the facts and circumstances of this case in accordance with Section 113(e) of the Act, and with reference to the CAA Stationary Source Civil Penalty Policy (“CAA Penalty Policy”), a copy of which is enclosed with this Amended Complaint. The CAA Penalty Policy provides a rational, consistent and equitable calculation methodology for applying the statutory penalty factors enumerated above to particular cases.

66. Based on the specific facts and circumstances of this case, EPA proposes to assess a total civil penalty of \$ 198,583 against Respondent for the violations alleged herein. The penalties proposed for each count of the Amended Complaint are as follows:

<u>COUNT</u>	<u>PENALTY</u>
I. Failure to Timely Submit Initial Notification	\$ 12,895
II. Failure to Submit Complete and Accurate Notification of Compliance Status	\$ 19,343
III. Failure to Submit Complete Semiannual Compliance Report	\$ 19,343
IV. Failure to Timely Submit Annual Test for Catalytic Oxidizer	\$ 12,895
V. Failure to Reduce VOC Emissions from Web Coating Lines by 98% and Failure to Maintain 100% Capture for Coating Line P003	\$ 69,633
VI. Failure to Provide Accurate Determinations in CY2006 Title V Annual Compliance Certification	\$ 25,790
VII. Failure to Provide Timely Notice of a Deviation	\$ 12,895
Subtotal	\$ 172,793

Size Adjustment (including inflation adjustment)	\$ 25,790
TOTAL	\$ 198,583

An explanation of the reasoning for this proposed penalty is provided in the penalty calculation worksheet appended to this Amended Complaint as Attachment I.

67. Payment of the above-proposed penalty may be made by a cashiers or certified check, made payable to "Treasurer, United States of America," and mailed to the following address:

US Environmental Protection Agency
Fines and Penalties
Cincinnati Finance Center
PO Box 979077
St. Louis, MO 63197-9000

If payment is made by check, EPA Docket No. CAA-01-2008-0071 and the title of this proceeding, In the Matter of Arkwright Incorporated, should be written on the check.

68. Respondent must also send a copy of the check by certified mail to the Regional Hearing Clerk and to Amelia Welt Katzen, Senior Enforcement Counsel, at the addresses provided in Section VI below.

69. The Respondent has a continuing obligation to comply with the CAA, with the terms and conditions of any applicable permits, and with any order issued under Section 113 of the CAA, 42 U.S.C. § 7413.

VI. NOTICE OF OPPORTUNITY FOR HEARING

70. As provided by Section 113(d) of the Act, Respondent has the right to request a hearing on the issues raised in this Amended Complaint. Any such hearing will be conducted in accordance with the Consolidated Rules set forth at 40 C.F.R. Part 22.

71. A copy of the Consolidated Rules is attached to this Amended Complaint. Note that Respondent must incorporate a request for a hearing in a written answer (“Answer”) filed with the Regional Hearing Clerk within thirty (30) days of service of this Amended Complaint. See, 40 C.F.R. § 22.15.

72. Respondent’s Answer must be filed with the Regional Hearing Clerk at the following address:

Regional Hearing Clerk
U.S. EPA, Region 1 (Mail Code RAA)
One Congress Street
Boston, Massachusetts 02114-2023

A copy of the Answer, and of all subsequent pleadings, must be served on EPA at the following address:

Amelia Welt Katzen, Senior Enforcement Counsel
U.S. EPA, Region 1 (Mail Code SEL)
One Congress Street
Boston, Massachusetts, 02114-2023

73. In its Answer, Respondent may contest, among other things, any material fact contained in the Amended Complaint. As required by 40 C.F.R. § 22.15, Respondent’s Answer shall clearly and directly admit, deny or explain each of the factual allegations contained in the Amended Complaint as to which Respondent has any knowledge. Where Respondent has no knowledge as to a particular factual allegation and so states, the allegation is deemed denied. The Answer shall also state: (1) the circumstances or arguments alleged to constitute the grounds of any defense; (2) the facts that Respondent disputes; (3) the basis for opposing any proposed relief; and (4) whether a hearing is requested. Any failure of Respondent to admit, deny or explain any material fact contained in the Amended Complaint constitutes an admission of that allegation.

74. Instead of filing an Answer, Respondent may choose to pay the proposed penalty within 30 days after receiving the Amended Complaint, or may file a statement with the Regional Hearing Clerk within 30 days of receiving the Amended Complaint stating that it agrees to pay the proposed penalty within 60 days of receipt of the Amended Complaint. See, 40 C.F.R. § 22.18(a).

VII. POSSIBILITY OF DEFAULT

75. If Respondent fails to file a timely Answer to the Amended Complaint, Respondent may be found to be in default pursuant to 40 C.F.R. § 22.17. For purposes of this action only, default by Respondent constitutes an admission of all facts alleged in the Amended Complaint and a waiver of Respondent's right to contest such factual allegations.

VIII. SETTLEMENT CONFERENCE

76. Whether or not Respondent requests a hearing, Respondent may confer informally with EPA concerning the alleged violations or the amount of the proposed penalty. If a settlement is reached, it will be finalized by the issuance of a written Consent Agreement and Final Order by the Regional Judicial Officer of EPA Region 1. To explore the possibility of settlement in this matter, please have your attorney contact Amelia Welt Katzen, who has been authorized to accept service on behalf of EPA and is representing EPA in this action, at the address provided above or by telephone at (617) 918-1869. Please note that a request for an informal settlement conference does not extend the 30-day period for the filing of Respondent's Answer to the Amended Complaint.

Susan Studlien
Susan Studlien, Director
Office of Environmental Stewardship

10/03/08
Date

ARKWRIGHT

Penalty= **\$198,583**

Violator Size	\$20,000
Violator Size Inflation	\$5,790
Total Gravity	\$198,583
Final Penalty	\$198,583

Violation Description	Regulation(s)	Violation Classification	Begin Date of Violation	Effective Begin Date of Violation	End Date of Violation	Total Duration of Violation (months)	Actual or Possible Harm	Penalty			Inflation	Total
								Importance to Regulatory Scheme	Duration Penalty	Pre-Inflation Total		
MACT JJJ - Failure to Submit Timely Initial Notification	63.3400(b)	Late Reporting	12/6/04	12/6/04	4/19/05	1	\$0	\$5,000	\$5,000	\$10,000	2,895	\$12,895
MACT JJJ - Failure to Submit a Complete and Accurate Notification of Compliance Status	63.3400(e)	Late Reporting	4/2/06	4/2/06	6/5/07	1	\$0	\$10,000	\$5,000	\$15,000	4,343	\$19,343
MACT JJJ - Failure to Submit a Complete Semiannual Compliance Report	63.3400(c)	Late Reporting	8/15/06	8/15/06	5/21/07	1	\$0	\$10,000	\$5,000	\$15,000	4,343	\$19,343
Title V Permit - Failure to Timely Submit Annual Test Results for Catalytic Oxidizer (C012)	Title V Permit Condition 1.H.7.c	Late Reporting	10/12/06	10/12/06	1/30/07	1	\$0	\$5,000	\$5,000	\$10,000	2,895	\$12,895
Title V Permit - Failure to Maintain 100% Capture for Coating Line P003	Title V Permit Conditions 1.E.1.c and 1.E.2.c and 1.E.7.a and 1.E.7.b	Intermittent or Improper Operation of Control Equipment	5/23/06	5/23/06	6/16/06	1	\$34,000	\$15,000	\$5,000	\$54,000	15,633	\$69,633
Title V Permit - Failure to Provide Accurate Compliance Determinations in Calendar Year 2006 Annual Compliance Certification	Title V Permit Conditions II.X.2.c and II.X.2.d	Incomplete Report	1/30/07	1/30/07	6/22/07	1	\$0	\$15,000	\$5,000	\$20,000	5,790	\$25,790
Title V Permit - Failure to Provide Timely Notice of Deviation	Title V Permit Condition II.AA.3	Late Reporting	10/20/06	10/20/06	1/30/07	1	\$0	\$5,000	\$5,000	\$10,000	2,895	\$12,895
Gravity											\$172,793	

