

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
BEFORE THE ADMINISTRATOR**

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_____)
In the Matter of:)
)
ARKWRIGHT INCORPORATED)
Now Known As)
OCÉ IMAGING SUPPLIES, INC.)
)
Respondent.)
_____)

Docket No. CAA-01-2008-0071
CONSENT AGREEMENT
AND FINAL ORDER

Complainant, the United States Environmental Protection Agency ("EPA"), having filed the Complaint herein against Respondent, Arkwright Incorporated, now known as Océ Imaging Supplies, Inc., the Parties herein; and Complainant and Respondent having agreed that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order without further litigation is the most appropriate means of resolving this matter,

NOW, THEREFORE, before the taking of any testimony, upon the pleading, without adjudication of any issue of fact or law, and upon consent and agreement of the Parties, it is hereby Ordered and Adjudged as follows:

Preliminary Statement

1. EPA initiated this proceeding for the assessment of a civil penalty pursuant to Section 113(d) of the Clean Air Act ("CAA" or "Act"), 42 U.S.C. § 7413(d), for violations of the federal air pollutant regulations promulgated under the Act and violations of Respondent's CAA Title V Operating Permit.
2. The Complaint alleges that Respondent violated the notification and reporting provisions of the National Emission Standards for Hazardous Air Pollutants for Paper and Other

8. Respondent consents to the issuance of this Consent Agreement and Final Order hereinafter recited and consents for purposes of settlement to the payment of the civil penalty cited in the foregoing paragraph.

9. Within 30 days of the effective date of this Consent Agreement and Final Order, Respondent shall submit a cashier's or certified check, to the order of the "Treasurer, United States of America," in the amount of \$98,500, to:

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

Respondent shall provide copies of the check to:

Regional Hearing Clerk
U.S. Environmental Protection Agency, Region I
1 Congress Street (Mail Code RAA)
Boston, MA 02114-2023

and

Amelia Welt Katzen
Senior Enforcement Counsel
U.S. Environmental Protection Agency, Region I
1 Congress Street (Mail Code SEL)
Boston, MA 02114-2023

10. In accordance with 40 C.F.R. § 22.31(b), the effective date is the date on which this Consent Agreement and Final Order is filed with the Regional Hearing Clerk.

11. Pursuant to §113(d)(5) of the Act, if Respondent fails to pay any penalty amount it will be subject to an action to compel payment, plus interest, enforcement expenses, and a

nonpayment penalty. Interest will be assessed on the civil penalty if it is not paid within 30 calendar days of Respondent's receipt of the Consent Agreement and Order signed by the EPA Regional Judicial Officer. In that event, interest will accrue from the date the Consent Agreement and Order was signed by the EPA Regional Judicial Officer, at the "underpayment rate" established pursuant to 26 U.S.C § 6621(a)(2). In the event that a penalty is not paid when due, an additional charge will be assessed to cover the United States' enforcement expenses, including attorneys fees and collection costs. And a quarterly nonpayment penalty will be assessed for each quarter during which the failure to pay the penalty persists. Such nonpayment penalty shall be 10 percent of the aggregate amount of Respondent's outstanding civil penalties and nonpayment penalties hereunder accrued as of the beginning of such quarter.

12. The civil penalty provided for herein is a penalty within the meaning of 26 U.S.C. § 162(f) and is not tax deductible for purposes of federal, state or local law.

13. All penalties, interest, and charges payable pursuant to this Consent Agreement and Final Order shall represent civil penalties assessed by EPA and shall not be deductible for purposes of federal taxes.

14. Respondent shall bear its own costs and attorney's fees in connection with the action resolved by this Consent Agreement and Final Order.

15. This Consent Agreement and Final Order constitutes a settlement by EPA of all claims for civil penalties pursuant to Section 113 of the Act for the violations alleged in the Complaint. Compliance with this Consent Agreement and Order shall not be a defense to any other actions subsequently commenced pursuant to Federal laws and regulations administered by

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. In addition, Arkwright was found to be in violation of numerous conditions of its CAA Title V operating permit for failing to submit timely and/or accurate reports.

3. The provisions of this Consent Agreement and Final Order shall apply to and be binding on the Parties, their officers, directors, agents, servants, employees, successors and assigns.

4. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in the Complaint and that the Complaint states a claim upon which relief can be granted against Respondent. Respondent waives any defenses it might have as to jurisdiction and venue and, without admitting or denying the factual and legal allegations contained in the Complaint, consents to the terms of this Consent Agreement and Final Order.

5. Respondent hereby waives its right to a judicial or administrative hearing on any issue of law or fact set forth in the Complaint and waives its right to appeal the Final Order.

Terms of Settlement

6. Respondent has demonstrated to the satisfaction of EPA that it has complied with the requirements alleged to have been violated in the Complaint.

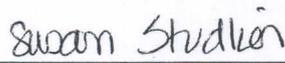
7. In light of the above, and taking into account such other circumstances as justice may require, EPA has determined that it is fair and proper to assess a civil penalty for the violations alleged in the Complaint in the amount of ninety-eight thousand five hundred dollars (\$98,500).

EPA, and it is the responsibility of Respondent to comply with said laws and regulations. EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to address imminent hazards.

16. This Consent Agreement and Final Order in no way relieves Respondent or its employees of any criminal liability. Nothing in the Consent Agreement and Final Order shall be construed to limit the authority of the United States to undertake any action against Respondent in response to conditions which may present an imminent and substantial endangerment to the public health, welfare, or the environment.

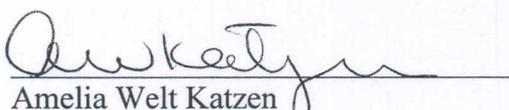
17. Each undersigned representative of the parties to this Consent Agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this Consent Agreement and to execute and legally bind that party to it.

For Complainant:



Susan Studlien, Director
Office of Environmental Stewardship
U.S. Environmental Protection Agency
Region 1

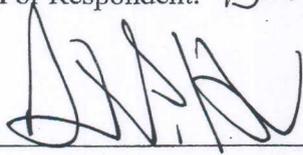
Date: 02/06/09_____



Amelia Welt Katzen
Senior Enforcement Counsel

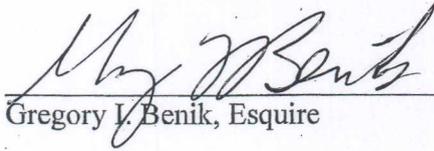
Date: 2/4/09_____

For Respondent: Daniel P. Hart



Secretary
Oce Imaging Supplies, Inc.,
formerly known as
Arkwright Incorporated

Date: 1/30/09



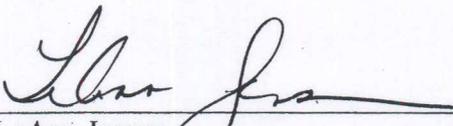
Gregory I. Benik, Esquire

Date: Feb. 3, 2009

III. FINAL ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Final Order. The Respondent is hereby ordered to comply with the terms of the above Consent Agreement.

Date: 2/10/09


LeAnn Jensen
Acting Regional Judicial Officer
U.S. Environmental Protection Agency, Region I