



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4  
ATLANTA FEDERAL CENTER  
81 FORSYTH STREET  
ATLANTA, GEORGIA 30303-8960

**UNITED PARCEL SERVICE**

DEC 14 2010

Ms. Georgett B. Dickinson  
Corporate Counsel  
YKK Corporation of America  
1850 Parkway Place, Suit 300  
Marietta, Georgia 30067

Re: Consent Agreement and Final Order  
In the Matter of YKK Snap Fastener America, Inc. (YKK)  
Docket No. CAA-04-2011-1500(b)

Dear Ms. Dickinson:

Enclosed please find a copy of the ratified Consent Agreement and Final Order (CAFO) in the above-referenced matter. The original CAFO has been filed with the Regional Hearing Clerk as directed in Section 22.05(a) of the Consolidated Rules of Practice, as amended. Please refer to Section IV (Final Order), for the terms and instructions regarding YKK's final payment on the penalty due. Any questions regarding the processing of YKK's penalty may be directed to Ms. Lori Weidner, Financial Management Office, at (513) 487-2125.

If you have any other questions, please contact Chetan T. Gala of the South Air Enforcement Section at (404) 562-9746 or Michiko Kono, Associate Regional Counsel, at (404) 562-9558.

Sincerely,

A handwritten signature in black ink, appearing to read "Beverly A. Spagg".

Beverly A. Spagg  
Chief  
Air and EPCRA Enforcement Branch

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 4**

IN THE MATTER OF:

YKK Snap Fasteners America Inc.           )  
302 Factory Avenue                            )  
Lawrenceburg, Kentucky 40342            )  
  )  
Respondent                                        )  
\_\_\_\_\_)

Docket Number: CAA-04-2011-1500(b)

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EPA REGION 4

**CONSENT AGREEMENT AND FINAL ORDER**

**I. Nature of the Action/Jurisdictional Statements**

1. This is a civil penalty proceeding pursuant to Section 113(d) of the Clean Air Act (CAA), 42 U.S.C. § 7413(d), and pursuant to the Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits (Consolidated Rules), codified at 40 C.F.R. Part 22. Complainant is the Director of the Air, Pesticides and Toxics Management Division, Region 4, United States Environmental Protection Agency (EPA). Respondent is YKK Snap Fasteners America Inc. (hereinafter, "Respondent").
2. Complainant and Respondent have conferred for the purpose of settlement pursuant to 40 C.F.R. § 22.18 and desire to resolve this matter and settle the allegations described herein without a formal hearing. Therefore, without the taking of any evidence or testimony, the making of any argument, or the adjudication of any issue in this matter, and in accordance with 40 C.F.R. § 22.13(b), this Consent Agreement and Final Order (CAFO) will simultaneously commence and conclude this matter.
3. The authority to take action under Section 113(d) of CAA, 42 U.S.C. § 7413(d), is vested in the Administrator of EPA. The Administrator of EPA has delegated this authority under the CAA to the Regional Administrators by EPA Delegation 7-6-A. The Regional Administrator, Region 4, has redelegated this authority to the Director, Air, Pesticides, and Toxics Management Division, by EPA Region 4 Delegation 7-6-A. Pursuant to that delegation, the Director of the Air, Pesticides and Toxics Management Division has the authority to commence an enforcement action as the Complainant in this matter.
4. Respondent is a corporation doing business in the Commonwealth of Kentucky.
5. Respondent is a "person" as defined in CAA § 302(e), 42 U.S.C. § 7602(e).
6. The requirements of 40 C.F.R. Part 63, Subpart M, promulgated under Section

112(d) of the CAA, 42 U.S.C. § 7412(d), establish national emission standards for hazardous air pollutants (HAPs) for surface coating of miscellaneous metal parts and products.

7. Pursuant to Section 502(a) of the CAA, 42 U.S.C. § 7661a(a), it shall be unlawful for any person to violate any requirement of a permit issued under title V.
8. EPA's final approval of the Commonwealth of Kentucky's operating permit program including the title V permit program, was effective on November 30, 2001. 66 Fed. Reg. 54953 (October 31, 2001). The interim approval of the program was effective December 14, 1995. 60 Fed. Reg. 57186-57188 (November 14, 1995).
9. Section 112(d) of the CAA, 42 U.S.C. § 7412(d), authorizes EPA to promulgate emission standards for categories of sources of HAPs, listed in Section 112(b)(1) of the CAA. Those regulations have been promulgated at 40 C.F.R. Part 63, and regulate specific categories of stationary sources that emit (or have the potential to emit) one or more HAPs. The HAPs regulations contain general provisions in Subpart A and special provisions for specific categories in the subparts to Part 63.
10. On January 2, 2004, EPA promulgated the final rule for the source category, Surface Coating of Miscellaneous Metal Parts and Products, or "Subpart MMMM" (69 Fed. Reg. 129). Subpart MMMM was later amended on April 26, 2004 (69 Fed. Reg. 22601).
11. Pursuant to 40 C.F.R. § 63.3883, the compliance date for existing sources subject to Subpart MMMM was January 2, 2007.
12. Pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), and 40 C.F.R. Part 19, EPA may assess a penalty of not more than \$32,500 for each day of violation of the CAA that occurred between March 15, 2004, and January 12, 2009. For each such violation occurring after January 12, 2009, a penalty of up to \$37,500 may be assessed.
13. Consistent with Section 113(d) of the CAA, 42 U.S.C. § 7413(d), the requisite joint determination was made by EPA and the United States Department of Justice.

## II. Factual Allegations

14. Respondent operates a facility that manufactures and applies surface coatings to snaps and fasteners at 302 Factory Avenue, Lawrenceburg, Kentucky 40342. Respondent's facility is a major source under title V of the CAA, and uses 250 gallons or more per year of coatings that contain HAPs to coat metal parts or products.
15. Respondent operates under a title V operating permit, permit number V-06-025, issued on November 20, 2006, by the Kentucky Department of Environmental Protection, Division

for Air Quality (KDAQ), pursuant to 40 C.F.R. Part 70 and 401 Kentucky Administrative Regulation (KAR) 52:020.

16. On February 24, 2009, EPA and KDAQ, conducted an on-site inspection of Respondent's facility.
17. On March 19, 2009, EPA issued an information request letter to the Respondent, pursuant to Section 114(a) of the CAA, 42 U.S.C. § 7414(a).
18. The Respondent responded to the information request in May, June, and August 2009.
19. EPA alleges that Respondent violated 40 C.F.R. § 63.3910(b) when it did not submit the initial notification for an existing affected source by January 2, 2005.
20. EPA alleges that Respondent violated 40 C.F.R. § 63.3950 and Section D, Paragraph 4, COMPLIANCE REQUIREMENTS FOR THE EMISSION RATE WITHOUT ADD-ON CONTROL OPTION, § 63.3950 Initial Compliance Demonstration Deadline of its title V permit, when it did not conduct an initial compliance demonstration during the initial compliance period, which began on January 2, 2007, and ended on January 31, 2008.
21. EPA alleges that Respondent violated 40 C.F.R. § 63.3951 and Section D, Paragraph 4, COMPLIANCE REQUIREMENTS FOR THE EMISSION RATE WITHOUT ADD-ON CONTROL OPTION, § 63.3951 Demonstration of Initial Compliance with Emission Limitations of its title V permit, when it did not meet the requirements demonstrating compliance with the emission limit during the initial compliance period.
22. EPA alleges that Respondent violated 40 C.F.R. § 63.3910(c) and Section D, Paragraph 4, NOTIFICATIONS, REPORTS, AND RECORDS, § 63.910(c) *Notification of compliance status* of its title V permit, when it did not submit the notification of compliance status within 30 calendar days following the end of the initial compliance period, which occurred on January 31, 2008.
23. EPA alleges that Respondent violated 40 C.F.R. § 63.3952 and Section D, Paragraph 4 COMPLIANCE REQUIREMENTS FOR THE EMISSION RATE WITHOUT ADD-ON CONTROL OPTION, § 63.3952 Demonstration of compliance with the emission limitations of its title V permit, when Respondent had not determined continuous compliance with the emission limit in 40 C.F.R. § 63.3890(b)(1), following the initial compliance period.
24. EPA alleges that Respondent violated 40 C.F.R. §§ 63.3930, 63.3931, and 63.10(b)(1) and Section D, Paragraph 4, § 63.3930 of its title V permit, when Respondent did not have available for review records that were required to be maintained pursuant to 40 C.F.R. §§ 63.3930 and 63.10(b)(1).

25. EPA alleges that Respondent violated 40 CFR § 63.3890(b)(1) and Section D, Paragraph 4 of its title V permit, when it did not meet the applicable organic HAP emission limit of 0.31 kilograms (kg) per liter (l) or 2.6 pounds (lbs) per gallon (gal) coating solids used, from the initial compliance period through December 2009.
26. EPA alleges that Respondent violated 40 C.F.R. § 63.3920(a) and Section D, Paragraph 4, § 63.3920, (a) *Semiannual compliance reports*, when it did not submit semiannual reports covering the reporting periods February – June 2008, and July – December 2008, by July 31, 2008, and January 31, 2009, respectively.
27. EPA alleges that Respondent violated Section F, paragraph 6, of its title V operating permit when it did not submit complete and accurate title V semiannual monitoring reports for the two semiannual periods of the 2008 calendar year.
28. EPA alleges that Respondent violated Section F, paragraph 9, of its title V operating permit when it did not submit a complete and accurate title V annual compliance certification for calendar year 2008, when the certification did not contain information pertaining to the compliance status with the requirements of 40 C.F.R. Part 63, Subpart Mmmm.

### III. Consent Agreement

29. For the purposes of this CAFO, Respondent admits the jurisdictional allegations set out in Paragraphs 1 through 13 above, but Respondent neither admits nor denies the factual allegations set forth in paragraphs 14 through 28 above.
30. As provided in 40 C.F.R. § 22.18(b)(2), Respondent waives any right to contest the allegations listed above and its right to appeal the proposed final order accompanying this consent agreement.
31. Respondent consents to the assessment of and agrees to pay the civil penalty as set forth in this CAFO.
32. Respondent certifies that, to the best of its knowledge, information and belief, as of the date of its execution of this CAFO, it is in full compliance with all the relevant requirements of the CAA, and the implementing regulations.
33. Compliance with this CAFO shall resolve the alleged violations contained herein, and EPA hereby releases Respondent from liability for the violations alleged herein regarding title V and 40 C.F.R. Part 63, Subpart Mmmm. This CAFO shall not otherwise affect any liability of Respondent, if any, to the United States. Other than as expressed herein, EPA does not waive any right to bring an enforcement action against Respondent for violation of any federal or state statute, regulation or permit, to initiate an action for imminent and substantial endangerment, or to pursue criminal enforcement for allegations

of violations not contained in this CAFO. Respondent reserves its rights and defenses regarding liability in any proceedings other than a proceeding by Complainant to enforce this CAFO.

34. Complainant and Respondent agree to settle this matter by their execution of this CAFO. The parties agree that the settlement of this matter is in the public interest and that this CAFO is consistent with the applicable requirements of the CAA.

#### IV. Final Order

35. Respondent shall pay a civil penalty of **TWO HUNDRED FORTY FIVE THOUSAND DOLLARS (\$ 245,000.00)** which shall be paid **within thirty (30) days** from the effective date of the CAFO.
36. Respondent shall pay the penalty by forwarding a cashier's or certified check, payable to: "Treasurer, United States of America," to the following address:

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

**The check shall reference on its face the name of the Respondent and the Docket Number of the CAFO.**

Alternatively, Respondent shall pay the penalty by wire transfer. The wire transfer shall be directed to the Federal Reserve Bank of New York, as described below.

Federal Reserve Bank of New York  
ABA = 021030004  
Account = 68010727  
SWIFT address = FRNYUS33  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should read "D 68010727  
Environmental Protection Agency"

37. At the time of payment, Respondent shall send a separate copy of the check, and a written statement that payment has been made in accordance with this CAFO, to the following persons at the following addresses, or send a written statement that payment was made by wire transfer, in accordance with this CAFO, to the following persons at the following addresses:

Regional Hearing Clerk	Ms. Saundi Wilson (OEA)
U.S. EPA - Region 4	U.S. EPA - Region 4
61 Forsyth Street, S.W.	61 Forsyth Street
Atlanta, Georgia 30303	Atlanta, Georgia 30303

Mr. Chetan T. Gala  
Air, Pesticides and Toxics Management Division  
Air and EPCRA Enforcement Branch  
U.S. EPA - Region 4  
61 Forsyth Street  
Atlanta, Georgia 30303

38. For the purposes of state and federal income taxation, Respondent shall not be entitled, and agrees not to attempt, to claim an expense or a deduction or a credit for the civil penalty payment made pursuant to paragraph 35.
39. Pursuant to 31 U.S.C. § 3717, EPA is entitled to assess interest and penalties on debts owed to the United States and a charge to cover the cost of processing and handling a delinquent claim. Interest will therefore begin to accrue on the civil penalty from the date of entry of this CAFO, if the penalty is not paid by the date required. Interest will be assessed at the rate established by the Secretary of Treasury pursuant to 31 U.S.C. § 3717. A charge will be assessed to cover the costs of debt collection, including processing and handling costs and attorney fees. In addition, a penalty charge may be assessed on any portion of the debt that remains delinquent more than ninety (90) days after payment is due.
40. Complainant and Respondent shall bear their own costs and attorney fees in this matter.
41. This CAFO shall be binding upon the Respondent, its successors and assigns.
42. The following person is authorized to receive service for EPA in this proceeding:

Mr. Chetan T. Gala  
Air, Pesticides and Toxics Management Division  
Air and EPCRA Enforcement Branch  
U.S. EPA - Region 4  
61 Forsyth Street  
Atlanta, Georgia 30303  
(404) 562-9746

43. Each undersigned representative of the parties to this CAFO certifies that he or she is fully authorized by the party represented to enter into this CAFO and legally bind that party to it.

V. Effective Date

44. The effective date of this CAFO shall be the date on which the CAFO is filed with the Regional Hearing Clerk.

**AGREED AND CONSENTED TO:**

**YKK Snap Fasteners America Inc.**

By: Michael J. Blunt (Signature) Date: 11/15/2010

Name: Michael J. Blunt (Typed or Printed)

Title: President (Typed or Printed)

**U.S. Environmental Protection Agency**

By: Beverly H. Banister Date: NOV 09 2010

Beverly H. Banister, Director  
Air, Pesticides and Toxics  
Management Division  
Region 4

**APPROVED AND SO ORDERED** this 13<sup>th</sup> day of December, 2010.

Susan B. Schub

Susan B. Schub  
Regional Judicial Officer



CERTIFICATE OF SERVICE

I hereby certify that on the date set out below I filed the original and one copy of the foregoing Consent Agreement and Final Order and served a true and correct copy of the foregoing Consent Agreement and Final Order, in the Matter of: YKK Snap Fasteners America Inc., Docket No. CAA-04-2010-1554(b), on the parties listed below in the manner indicated:

Georgett Dickinson, Esq.  
YKK Corporation of America  
1850 Parkway Place, Suite 300  
Marietta, Georgia 30067

(Via Certified Mail,  
Return Receipt Requested)

Michiko Kono  
U.S. EPA Region 4  
61 Forsyth Street  
Atlanta, GA 30303

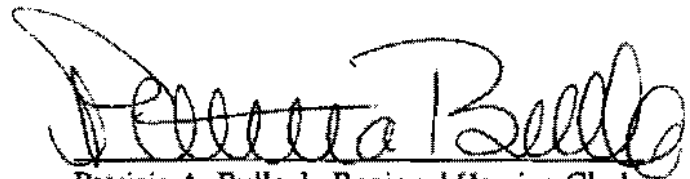
(Via EPA's internal mail)

Chetan T. Gala  
Air, Pesticides and Toxics Management Division  
Air and EPCRA Enforcement Branch  
U.S. EPA Region 4  
61 Forsyth Street  
Atlanta, Georgia 30303

(Via EPA's internal mail)

Date:

12-14-10



Patricia A. Bullock, Regional Hearing Clerk  
United States Environmental Protection  
Agency, Region 4  
Atlanta Federal Center  
61 Forsyth Street, S.W.  
Atlanta, GA 30303  
(404)562-9511

**SPA ACCOUNTS RECEIVABLE CONTROL NUMBER FORM**

**TO BE COMPLETED BY THE ORIGINATING OFFICE:**

(Attach a copy of the final order and transmittal letter to Defendant/Respondent)

This form was originated by: Saundi Wilson on 12/2/10  
(Name) (Date)

in the Region 4, ORC, OEA at (404) 562-9904  
(Office) (Telephone Number)

Non-SF Judicial Order/Consent Decree  
USAO COLLECTS

Administrative Order/Consent Agreement  
FMO COLLECTS PAYMENT

SF Judicial Order/Consent Decree  
DOJ COLLECTS

Oversight Billing - Cost Package required  
Sent with bill

Not sent with bill

Other Receivable

Oversight Billing - Cost Package not required

This is an original debt

This is a modification

PAVEE: YKK Snap Fasteners  
(Name of person and/or Company/Municipality making the payment)

The Total Dollar Amount of the Receivable \$ 245,000  
(If installments, attach schedule of amounts and respective due dates. See Other side of this form.)

The Case Docket Number: CAA 04 2011 (500h)

The Site Specific Superfund Account Number: \_\_\_\_\_

The Designated Regional/Headquarters Program Office: \_\_\_\_\_

The IFMS Accounts Receivable Control Number is: \_\_\_\_\_ Date: \_\_\_\_\_

If you have any questions, please call: \_\_\_\_\_ of the Financial Management Section at: \_\_\_\_\_

**DISTRIBUTION:**

A. **JUDICIAL ORDERS:** Copies of this form with an attached copy of the front page of the **FINAL JUDICIAL ORDER** should be mailed to:

- |  |  |
|--|--|
| 1. Debt Tracking Officer<br>Environmental Enforcement Section<br>Department of Justice RM 1647<br>P.O. Box 7611, Benjamin Franklin Station<br>Washington, D.C. 20044 | 2. Originating Office (EAD)<br>Designated Program Office |
|--|--|

B. **ADMINISTRATIVE ORDERS:** Copies of this form with an attached copy of the front page of the Administrative Order should be to:

- |                           |                              |
|---------------------------|------------------------------|
| 1. Originating Office     | 3. Designated Program Office |
| 2. Regional Hearing Clerk | 4. Regional Counsel (EAD)    |