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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGION 7 11201 RENNER BOULEVARD LENEXA, KANSAS 66219

IN THE MATTER OF: ) Docket No. CAA-07-2013-0002
HBD/Thermoid, Inc. )
201 North Allen )
Chanute, Kansas 66720 ) ADMINISTRATIVE COMPLIANCE ORDER ON CONSENT
RESPONDENT. )

ADMINISTRATIVE COMPLIANCE ORDER ON CONSENT

This Administrative Compliance Order on Consent ("Order" or "AOC") is entered into by the United States Environmental Protection Agency ("EPA") and HBD/Thermoid, Inc. ("HBD" or "Respondent"). This Order is issued pursuant to Section 113(a)(3)(B) of the Clean Air Act (the Act), 42 U.S.C. § 7413(a)(3)(B), as amended.

EPA hereby orders HBD to comply with the requirements set forth below. All activities specified below shall be initiated and completed within the maximum time periods for their completion as specified herein. The terms of this AOC shall not be modified except by a subsequent written agreement between the parties.

I. Statutory and Regulatory Background

- 1. Section 112 of the Act, 42 U.S.C. § 7412, requires EPA to promulgate emissions standards for each category or subcategory of major sources and area sources of hazardous air pollutants (HAP) listed pursuant to Section 112(c). Different criteria for maximum available control technology (MACT) apply to new and existing sources.
2. Pursuant to the authority granted under Section 112(d) of the Act, 42 U.S.C. § 7412(d), EPA promulgated general regulations applicable to all NESHAP source categories in 40 C.F.R. Part 63, Subparts A and B.
3. In addition, EPA promulgated regulations set forth at 40 C.F.R. Part 63, Subpart OOOO, which apply to operations that involve printing, coating, and dyeing of fabrics and other textiles.
4. After the effective date of the emissions standards promulgated under Section 112 of the Act, it is unlawful for any owner or operator of any new source to operate such source in violation of any emission standard applicable to that source. 42 U.S.C. § 7412(i).

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5. 40 C.F.R. Part 63, Subpart OOOO-National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles, effective on and after May 29, 2003, applies to an owner or operator of a new, reconstructed, or existing affected source, as defined in § 63.4282, that is a major source, is located at a major source, or is part of a major source of HAP emissions, as defined in 40 C.F.R. § 63.2.
6. 40 C.F.R. Part 63, Subpart OOOO applies to the printing, coating, slashing, dyeing or finishing of fabric and other textiles, which includes the subcategories listed in 40 C.F.R. § 63.4281 (a)(1) through (3).
7. Toluene is a HAP under Section 112(b)(1) of the Act.
8. Section 113(a)(3)(B) of the Act, 42 U.S.C. § 7413(a)(3)(B), grants the Administrator of EPA the authority to make a finding of violation of a requirement or prohibition of Section 113, and upon such a finding, to issue an order requiring a person to comply with such requirement or prohibition. This authority has been delegated to the Director, Air and Waste Management Division, Region 7.

## **II. Factual Background**

9. HBD, located at 201 North Allen, Chanute, Kansas, 66720, is a hose and duct manufacturer. HBD's fabric coating operation involves the application of a rubberized coating to fabric, which is then used in the manufacturing of specialty hoses and ducts.
10. HBD is the owner or operator of a fabric and other textiles printing, coating and dyeing operation. As of the date of this Order, said operation conducted within Department #40 of HBD's facility, has the potential to emit more than 10 tons per year of the HAP toluene. Therefore, HBD is subject to 40 C.F.R. Part 63, Subpart OOOO.
11. In HBD's Class I annual summary report dated March 26, 2012, the report provides that the monthly organic HAP exceeded the applicable standard during each month of 2011 and for the entire year.
12. HBD is and at all times referred to herein was a "person" as defined by Section 302(e) of the Act, 42 U.S.C. § 7602(e).
13. 40 C.F.R. § 63.4332 and Table 1 of said subpart requires HBD to emit no more than 0.12 kg of organic HAPs per kg of solids applied to fabric in the process.
14. 40 C.F.R. § 63.4332 requires HBD to demonstrate continuous compliance on a twelve-month rolling average basis for this HAP emission limit.
15. On January 11, 2012, EPA issued a Finding of Violation to HBD.

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### **III. Finding of Violation**

16. EPA finds that there were exceedances of the HAP emission limit set forth in 40 C.F.R. Part 63, Subpart OOOO from the fabric coating operations at the HBD facility in Chanute, KS.
17. EPA finds that HBD failed to comply with 40 C.F.R. § 63.4332 because it has not complied with the twelve-month rolling average HAP emission limit from its fabric coating operations from January 2009 through December 2010 and January 2011 to March 31, 2012.
18. HBD has resolved the alleged non-compliance for the period from January 2009 through December 2010 with KDHE.
19. EPA finds that for the reasons set forth above, HBD is in violation of Section 112 of the Act, 42 U.S.C. § 7412 and the Act's implementing regulations for a period beginning on January 1, 2011.
20. EPA finds that HBD will remain in violation as set forth herein until it establishes continuous compliance with the above-cited requirements.

### **IV. Compliance Order**

21. Pursuant to Section 113(a)(3)(B) of the Act, 42 U.S.C. § 7413(a)(3)(B), EPA hereby orders HBD to comply with the requirements set forth below:

#### **A. INSTALLATION OF CONTROLS AND APPLICABLE EMISSION LIMITS**

22. HBD shall implement a program of compliance at its Chanute, Kansas, facility to attain the emission levels required under the National Emission Standards for Hazardous Air Pollutants for Printing, Coating, and Dyeing of Fabrics and Other Textiles, 40 C.F.R. Part 63, Subpart OOOO, ("Subpart OOOO") as it applies to Department #40.
23. HBD shall use compliance option §63.4291(a)(3), (a)(4) or (a)(5) to meet the emission limits required under Subpart OOOO, including in Table 1, as it applies to Department #40. If HBD uses compliance option §63.4291(a)(3) or (a)(4), HBD must use a Regenerative Thermal Oxidizer (RTO) as the "add-on control," and if HBD uses option (a)(5) the oxidizer used shall be a RTO.
24. HBD shall install and operate an emission capture system and RTO that is adequately sized and operated to comply with Subpart OOOO and Table 1 to Subpart OOOO HAP emission limits and capture efficiency requirements in Department #40.
25. Within 15 days of start up of the RTO, HBD shall submit a notification to EPA and the Kansas Department of Health and Environment (KDHE) stating which compliance option under

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40 C.F.R. §63.4291 it will use to measure compliance with the associated emission limit in Subpart OOOO and Table 1 to Subpart OOOO.

26. HBD shall complete installation and begin operation of the RTO and emission capture system within 90 days of the effective date of this Order.

27. HBD shall ensure that all capture systems and oxidizers for the web coating/printing operation(s) meet the operating limits required in 40 C.F.R. § 63.4292, and the work practice standards required in 40 C.F.R. § 63.4293.

28. If HBD is using compliance option §63.4291(a)(3), HBD shall meet all the requirements of 40 C.F.R. §§ 63.4340 through 63.4342 and 63.4360 through 63.4364.

29. If HBD is using compliance option §63.4291(a)(4) or (a)(5), HBD shall meet all the requirements of 40 C.F.R. §§63.4350 through 63.4352 and 63.4360 through 63.4364.

#### **B. PERMITTING**

30. HBD shall be responsible for obtaining all necessary federal, state and local permits for construction of the RTO to treat HAP emissions from Department #40 of the HBD Chanute, Kansas facility.

#### **C. PERFORMANCE TESTING**

31. HBD shall conduct performance testing of the RTO and emission capture system as follows:

a. Within 60 days of start up of the RTO, HBD shall submit a test protocol for determining the capture and destruction efficiency of the RTO to the EPA representatives identified in paragraph 36 below for review and approval in accordance with the procedures set forth in paragraph 33. A courtesy copy of the protocol shall also be submitted to the KDHE representative identified in paragraph 36.

b. Upon receipt of the test protocol from HBD, EPA will review the protocol and either approve or request modification of the protocol.

c. Within 20 days of receipt of any comments and/or request for modification from EPA, HBD shall submit a revised test protocol that has been revised to fully address all of EPA's comments and/or requests for modification. EPA may approve the revised submittal, or modify and then approve the submittal.

d. Within 60 days of receipt of notice of EPA's approval, or modification and approval of the test protocol, or within 180 days of initial startup of the RTO, whichever is later, HBD shall conduct an initial performance test of the RTO and emission capture system in accordance with the test protocol developed pursuant to paragraphs 31a-c above.

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e. HBD shall provide EPA and KDHE written notice no later than 30 days prior to conducting performance testing.

f. No later than 60 days after the performance test date, HBD shall submit a complete report with the testing results to EPA and KDHE's representatives identified in paragraph 36 below.

#### **D. RECORDKEEPING AND REPORTING REQUIREMENTS**

32. HBD shall maintain records and submit reports as required by the NESHAP, 40 C.F.R. Part 63, Subpart OOOO to the EPA and KDHE representatives identified in paragraph 36 below.

#### **E. REVIEW AND APPROVAL OF DOCUMENTS**

33. Unless otherwise provided herein, and subject to the Dispute Resolution provisions, the provisions of this paragraph shall apply to EPA's review and approval of documents submitted pursuant to this Order. Upon receipt of a document subject to this paragraph, the EPA shall approve the document, approve the document with comments, or disapprove the document with comments. If the document is approved with comments, HBD may proceed with any actions required by the document but must incorporate EPA's comments and resubmit the document within fourteen (14) days of receipt of comments. If the document is disapproved, HBD shall incorporate any comments within fourteen (14) days of HBD's receipt of such comments and resubmit the document. The EPA shall review the revised document and shall approve, approve with comments, or disapprove the document. Failure by HBD to incorporate EPA's comments after one resubmission of a document shall be deemed a violation of this Order.

#### **F. SUBMITTALS**

34. Every 30 days following entry of this Order, HBD shall provide progress reports to EPA detailing actions HBD has taken in furtherance of its obligations under this Order. Upon completion of each requirement detailed in paragraphs 22-29 above, HBD shall provide verification in the progress report indicating that the requirement has been satisfied. HBD's obligation under this paragraph shall continue until submission of the Construction Completion report as required by paragraph 35 of this Order.

35. Within 30 days of the completion of the requirements of paragraphs 22-29 above, or the entry of this Order, whichever is later, HBD shall submit a Construction Completion report to EPA indicating that HBD has complied with each of the requirements of this Order.

36. All documents required to be submitted to EPA and KDHE by this Order shall contain the following certification, signed by an officer of HBD:

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I certify under penalty of law that I have examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment.

The submissions required by the above paragraphs and subparagraphs shall be made to:

For EPA:  
Julie L. Murray – Office of Regional Counsel  
U.S. EPA Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219

and

Gary Bertram – Air Permitting & Compliance  
U.S. EPA Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219

For KDHE:  
Russ Brichacek  
Team Leader  
Bureau of Air and Radiation  
Kansas Department of Health and Environment  
1000 SW Jackson, Suite 310  
Topeka, Kansas 66612-1366

37. All documents submitted by HBD to EPA in the course of implementing this Order shall be available to the public unless identified as confidential by HBD pursuant to 40 CFR Part 2, Subpart B, and determined by EPA to merit treatment as confidential business information in accordance with applicable law.

#### **G. FORCE MAJEURE**

38. HBD agrees to perform all requirements under this AOC within the time limits established under this AOC unless the performance is delayed by a force majeure. For the purposes of this AOC, a force majeure is defined as any event arising from causes beyond the control of HBD, or any entity controlled by HBD, or HBD's contractors, which delays or prevents performance of any obligation under this AOC despite HBD's best efforts to fulfill the obligation. The requirement that HBD exercise "best efforts to fulfill the obligation" includes using best efforts to anticipate any potential force majeure event and best efforts to address any

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potential force majeure event: (1) as it is occurring, and (2) following the potential force majeure event, such that the delay is minimized to the greatest extent possible. Force majeure does not include financial inability to complete the work described in paragraphs 22-29 of the AOC, increased cost of performance, changes in HBD's business or economic circumstances, but may include significant delays caused by weather.

39. If an event occurs that may delay the performance of any obligation under this AOC, whether or not caused by a force majeure event, HBD shall notify EPA in writing within five (5) days of when HBD knew or should have known that the event might cause a delay. Such notice shall: (1) identify the event causing the delay, or anticipated to cause delay, and the anticipated duration of the delay; (2) provide HBD's rationale for attributing such delay to a force majeure event; (3) state the measures taken or to be taken to prevent or minimize the delay; (4) estimate the timetable for implementation of those measures; and (5) state whether, in the opinion of HBD, such event may cause or contribute to an endangerment to public health, welfare, or the environment. HBD shall undertake best efforts to avoid and minimize the delay. Failure to comply with the notice provisions of this paragraph and to undertake best efforts to avoid and minimize delay shall preclude HBD from asserting any claim of force majeure for that event for the period of time of such failure to comply, and for any additional delay caused by such failure. HBD shall be deemed to know of any circumstance of which HBD, any entity controlled by HBD, or HBD's contractors knew or should have known.

40. If EPA determines the delay in performance or anticipated delay in fulfilling a requirement of this AOC is or was attributable to a force majeure, then the time period for performance of the requirement will be extended as deemed necessary by EPA. If EPA determines that the delay or anticipated delay has been or will be caused by a force majeure, then EPA will notify HBD, in writing, of the length of the extension, if any, for performance of such obligations affected by the force majeure. Any such extensions shall not alter HBD's obligation to perform or complete other tasks required by this AOC which are not directly affected by the force majeure.

41. If EPA disagrees with HBD's assertion of a force majeure, then HBD may elect to invoke the dispute resolution provision, and shall follow the procedures set forth in the Dispute Resolution section of this AOC. In any such proceeding, HBD shall have the burden of demonstrating by a preponderance of the evidence that the delay or anticipated delay has been or will be caused by a force majeure, that the duration of the delay or the extension sought was or will be warranted under the circumstances, that HBD's best efforts were exercised to avoid and mitigate the effects of the delay, and that HBD complied with the requirements of this Section. If HBD satisfies this burden, then EPA will extend the time for performance as EPA determines is necessary.

#### **H. MODIFICATION OF THIS AOC**

42. If at any time during the implementation of the work described in paragraphs 22-29 and 31, HBD identifies a need for a compliance date or schedule modification, HBD shall submit a memorandum documenting the need for the modification to the EPA Project Coordinator. EPA

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in its discretion will determine if the modification or revision is warranted and may provide written approval or disapproval. Any approved modified compliance date or schedule modification is incorporated by reference into this AOC.

43. Except for modification of any compliance date or schedule as provided for in paragraph 42, this AOC may only be modified by the mutual agreement of EPA and HBD. The agreed modifications shall be in writing and signed by both parties. The effective date of any modification shall be the date on which it is signed by EPA. Any such written modification shall be incorporated into this AOC.

44. No informal advice, guidance, suggestion, or comment by EPA regarding reports, plans, specifications, schedules, or any other writing submitted by HBD shall relieve HBD of its obligation to obtain such formal approval as may be required by this AOC, and to comply with all requirements of this AOC unless it is modified in accordance with this Section. Any deliverables, plans, technical memoranda, reports, specifications, schedules and attachments required by this AOC are, upon approval by EPA, incorporated into and enforceable under this AOC.

#### **I. DISPUTE RESOLUTION**

45. HBD shall raise any disputes concerning the work described in paragraphs 22-29 and 31 required under this AOC to EPA in writing, within fifteen (15) business days after receiving written notice from EPA regarding any aspect of the work required in paragraphs 22-29 and 31 of this AOC that HBD disputes. EPA and HBD shall expeditiously and informally attempt to resolve any disagreements as follows:

- a. EPA and HBD Project Coordinators shall first confer in an effort to resolve the dispute.
- b. If the Project Coordinators are unable to informally resolve the dispute within three (3) business days of the first conference, HBD shall notify EPA, within five (5) business days, in writing of its objections.
- c. Written objections shall identify HBD's objections, state the basis for those objections, and provide all data, analysis and information relied upon by HBD.
- d. EPA and HBD then have an additional fourteen (14) business days from EPA's receipt of the objections to reach agreement. If an agreement is not reached within the fourteen (14) business days, HBD may request in writing, within five (5) business days, a determination resolving the dispute by EPA Region 7's Regional Judicial Officer ("RJO").
- e. The request should provide all information that Respondent believes is relevant to the dispute. EPA may also submit to the RJO all information that the EPA believes is relevant to the dispute. If HBD's request is submitted within five (5) business days, the RJO shall issue a determination in writing which will be EPA's final decision.

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- f. EPA's final decision shall be incorporated into and become an enforceable part of this AOC and shall no longer be subject to dispute pursuant to this AOC. HBD shall proceed in accordance with the RJO's decision regarding the matter in dispute, regardless of whether HBD agrees with the decision.
- g. If HBD does not perform the work described in paragraphs 22-29 in accordance with EPA's decision, EPA reserves the right in its sole discretion to seek enforcement of this AOC, seek stipulated penalties, and/or any other appropriate relief.
- h. Any disputes arising under this AOC are not subject to judicial review until such time as EPA seeks to enforce this AOC, including an action for penalties or an action to compel HBD's compliance with the terms and conditions of the AOC.

46. If EPA and HBD reach agreement on the dispute at any time, the agreement shall be set forth in writing and shall, upon signature of both parties, be incorporated into and become an enforceable part of this AOC.

47. The existence of a dispute and EPA's consideration of matters placed in dispute shall not excuse, toll, or suspend any compliance obligation or deadline required pursuant to this AOC during the pendency of the dispute resolution process except as agreed by EPA in writing. The invocation of dispute resolution does not stay the accrual of stipulated penalties under this AOC.

#### **J. STIPULATED PENALTIES**

48. Respondent shall be liable for stipulated penalties to the United States in the amounts set forth in subparagraphs (a) through (g) below for failure to comply with the requirements of this Order.

- a. The following stipulated penalties shall accrue per violation per day for failure to install any equipment or otherwise comply with any requirement of paragraph 26 of this AOC:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$500	1 <sup>st</sup> through 15 <sup>th</sup> day
\$1000	16 <sup>th</sup> day and beyond

- b. The following stipulated penalties shall accrue per day, beginning with the last date allowed for conducting the initial performance test under paragraph 31d, for failure to meet the limits and requirements as set forth in paragraphs 27-29 of this AOC:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$500	1 <sup>st</sup> through 15 <sup>th</sup> day
\$1000	16 <sup>th</sup> day and beyond

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- c. The following stipulated penalties shall accrue per day for failure to submit the proposed performance test protocol as required by paragraph 31 of this AOC:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$100	1 <sup>st</sup> through 15 <sup>th</sup> day
\$250	16 <sup>th</sup> day and beyond

- d. The following stipulated penalties shall accrue per day for failure to conduct the initial performance test as required by paragraph 31 of this AOC:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$500	1 <sup>st</sup> through 15 <sup>th</sup> day
\$1000	16 <sup>th</sup> day and beyond

- e. The following stipulated penalties shall accrue per day for failure to submit the performance test report as required by paragraph 31 of this AOC:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$100	1 <sup>st</sup> through 30 <sup>th</sup> day
\$250	31 <sup>st</sup> day and beyond

- f. The following stipulated penalties shall accrue per violation per day for failure to submit the progress reports as required by paragraph 34 of this AOC:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$100	1 <sup>st</sup> through 30 <sup>th</sup> day
\$250	31 <sup>st</sup> day and beyond

- g. The following stipulated penalties shall accrue per day for failure to submit the Construction Completion Report as required by paragraph 35 of this AOC:

<u>Penalty Per Violation Per Day</u>	<u>Period of Noncompliance</u>
\$100	1 <sup>st</sup> through 30 <sup>th</sup> day
\$250	31 <sup>st</sup> day and beyond

49. All penalties shall begin to accrue on the day after the complete performance is due or the day a violation occurs, and shall continue to accrue through the final day of the correction of the noncompliance or completion of the activity. Nothing herein shall prevent the simultaneous accrual of separate penalties for separate violations of this Order.

50. The payment of penalties under this Order shall not alter HBD's obligations to comply with the provisions of this Order. Where a violation of this AOC is also a violation of relevant statutory or regulatory requirements, HBD shall be allowed a credit, for any stipulated penalties paid, against any statutory penalties imposed for such violation.

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51. All penalties accruing under this section shall be due and payable to the United States within 30 days of HBD's receipt from EPA of a demand for payment of penalties. All payments to the United States under this Section shall be paid by certified or cashier's check(s) made payable to "Treasurer, United States of America" and remitted to:

U.S. Environmental Protection Agency  
Fines and Penalties - CFC  
PO Box 979077  
St. Louis, Missouri 63197-9000.

52. Failure to pay any portion of the stipulated penalties on the date upon which they are due will result in the accrual of interest on the unpaid portion of the stipulated penalties at the rate of two percent (2%) per annum.

#### **K. POTENTIAL LIABILITY**

53. Section 113(a)(1) of the Act grants EPA the authority to issue an order to any person found in violation of the Act and the regulations promulgated pursuant thereto.

54. Section 113(a)(3) of the Act provides that whenever EPA finds that any person has violated, or is in violation of an order issued under Section 113(a)(1), the EPA Administrator may issue an administrative penalty order pursuant to Section 113(d) for civil administrative penalties of up to \$25,000 per day for each violation; or bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties of not more than \$25,000 per day for each violation. Pursuant to the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701 note, and the Civil Monetary Penalty Inflation Adjustment Rule, this penalty maximum was increased to \$32,500 per day for violations occurring on or after March 15, 2004. In addition, HBD may be subject to an administrative or civil action for similar penalties and/or injunctive relief, pursuant to Sections 113(b) and (d) of the Act, based on the violations addressed by this Order. Furthermore, for any person who knowingly violates the provisions of the Act as set forth in Section 113(c) of the Act, Section 113(c) provides for criminal penalties or imprisonment, or both.

55. This Order shall not relieve HBD of its obligation to comply with all applicable federal, State, and local laws, regulations and other legal requirements, including but not limited to the Act, nor shall it be construed to be a ruling on, or determination of, any issue related to any federal, state, or local permit.

56. Respondent waives any and all claims for relief, and otherwise available rights to judicial or administrative review or other remedies which HBD may have, with respect to any issue of fact or law or any terms and conditions set forth in this Consent Order, including any right of judicial review under the Administrative Procedure Act, 5 U.S.C. §§ 701-708.

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57. Nothing herein shall limit the power and authority of EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of a regulated substance, other extremely hazardous substance, or other substance on, at, or from the Facility. EPA reserves the right to bring an action against HBD assessing or seeking penalties and/or other relief for any violations, including, without limitation, the violations referred to in the Factual Background and Conclusions of Law set forth above.

58. This Order shall not constitute or be construed as a release of any liability that HBD or any other person has under the Act, the Safe Drinking Water Act, 42 U.S.C. §§ 300f to 300j-26, the Clean Water Act, 33 U.S.C. §§ 1251-1387, the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. §§ 9601-9675, the Emergency Planning and Community Right to Know Act of 1986, 42 U.S.C. §§ 11001-11050, or any other law. EPA does not, by its consent to the entry of this Order, warrant or aver in any manner that HBD's compliance with any aspect of this Order will result in compliance with provisions of the CAA, SDWA, CWA, CERCLA, or EPCRA, or with any other provisions of federal, state, or local laws, regulations, or permits. EPA also reserves all of its rights to obtain access to the Facility and require HBD's submission of information to EPA.

**L. EFFECTIVE DATE; OPPORTUNITY FOR A CONFERENCE**

59. This Order shall become effective immediately upon receipt unless, within five (5) business days of receipt hereof, HBD requests a conference with EPA concerning the violations alleged in, and the requirements of, this Order. In such event, the effective date of the Order shall be extended until the date of such conference or to a time established by EPA. HBD has the right to be represented by counsel at such a conference. If a conference is held, this Order shall become effective the day after the conference, unless the effective date is extended by EPA.

60. In the event this Order is signed by both EPA and HBD, the Order shall become effective immediately upon signature by both EPA and HBD. Signature of the Order by HBD shall indicate that HBD waives its right to a conference with EPA as described in paragraph 59 above and that HBD neither admits nor denies the allegations in paragraphs 16, 17, 19 and 20 of this Order.


61. The request for a conference and other inquiries concerning this Order shall be addressed to:

Julie L. Murray  
Assistant Regional Counsel  
U.S. EPA Region 7  
11201 Renner Boulevard  
Lenexa, Kansas 66219  
Phone: (913) 551-7448  
Fax: (913) 551-7925.

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FOR THE U.S. ENVIRONMENTAL PROTECTION AGENCY:


Date 9/27/13

  
Becky Weber  
Director  
Air and Waste Management Division

FOR THE RESPONDENT:

HBD/Thermoid, Inc.  
Chanute, Kansas

Date 9-26-13

  
Name: Mark R. Dell  
Title: VP, CFO

  
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IN THE MATTER OF HBD/Thermoid, Inc., Respondent  
Docket No. CAA-07-2013-0002

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing Order was sent this day in the following manner to the addressees:

Copy by email to Attorney for Complainant:

murray.julie@epa.gov

Copy by First Class Mail to Respondent:

Mr. Mike Clancey  
General Counsel  
HBD Industries, Inc.  
5200 Upper Metro Place, Suite 110  
Dublin, Ohio 43017

Dated: 9/30/13



Kathy Robinson  
Hearing Clerk, Region 7

