

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION I

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In the Matter of:

Arkwright Incorporated  
Now Known As  
Oce Imaging Supplies, Inc.

538 Main Street  
Fiskeville, RI 02823

Proceeding under Section 113(d)  
Of the Clean Air Act,

Docket No.  
CAA-01-2008-0071

EDA ORC  
OFFICE OF  
REGIONAL HEARING CLERK

**ANSWER AND REQUEST FOR  
HEARING OF OCE IMAGING  
SUPPLIES, INC.**

Respondent, Oce Imaging Supplies, Inc., ("Respondent"), pursuant to 40 CFR Part 22, hereby files its answer to the Complaint and request for hearing in the above-captioned matter.

**I. Response to "Introduction."**

The Introduction contains a description of the action and contains conclusions of law to which no response is required. To the extent that the Introduction is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

**II. Responses to "Statutory and Regulatory Framework."**

1. The allegations contained in Paragraph 1 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 1 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

2. The allegations contained in Paragraph 2 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 2 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
3. The allegations contained in Paragraph 3 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 3 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
4. The allegations contained in Paragraph 4 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 4 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
5. The allegations contained in Paragraph 5 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 5 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
6. The allegations contained in Paragraph 6 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 6 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
7. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 7 and therefore denies the same.

8. The allegations contained in Paragraph 8 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 8 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

**III. Responses to “General Allegations.”**

9. Respondent admits the allegations contained in Paragraph 9.
10. Respondent admits the allegations contained in Paragraph 10.
11. Respondent admits the allegations contained in Paragraph 11.
12. Respondent admits the allegations contained in Paragraph 12.
13. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 13 and therefore denies the same.
14. The allegations contained in Paragraph 14 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 14 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
15. Respondent is without sufficient knowledge of information to form a belief as to the truth of allegations set forth in Paragraph 15 and therefore denies the same.
16. Respondent is without sufficient knowledge of information to form a belief as to the truth of allegations set forth in Paragraph 16 and therefore denies the same.

17. The allegations contained in Paragraph 17 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 17 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
18. Respondent is without sufficient knowledge of information to form a belief as to the truth of allegations set forth in Paragraph 18 and therefore denies the same.
19. Respondent is without sufficient knowledge of information to form a belief as to the truth of allegations set forth in Paragraph 19 and therefore denies the same.
20. The allegations contained in Paragraph 20 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 20 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
21. Respondent is without sufficient knowledge of information to form a belief as to the truth of allegations set forth in Paragraph 21 and therefore denies the same.
22. Respondent is without sufficient knowledge of information to form a belief as to the truth of allegations set forth in Paragraph 22 and therefore denies the same.
23. Respondent is without sufficient knowledge of information to form a belief as to the truth of allegations set forth in Paragraph 23 and therefore denies the same.

24. Respondent admits the allegations contained in Paragraph 24.

**IV. Responses to “Violations.”**

**A. Paper NESHAP Violations**

Count I: Failure to Timely Submit Initial Notification

25. The allegations contained in Paragraph 25 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 25 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

26. Respondent is without sufficient knowledge of information to form a belief as to the truth of allegations set forth in Paragraph 26 and therefore denies the same.

27. Respondent is without sufficient knowledge of information to form a belief as to the truth of allegations set forth in Paragraph 27 and therefore denies the same.

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

28. The allegations contained in Paragraph 28 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 28 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

29. Respondent is without sufficient knowledge of information to form a belief as to the truth of allegations set forth in Paragraph 29 and therefore denies the same.

30. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 30 and therefore denies the same.
31. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 31 and therefore denies the same.
32. The allegations contained in Paragraph 32 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 32 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
33. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 33 and therefore denies the same.
34. The allegations contained in Paragraph 34 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 34 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.
35. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 35 and therefore denies the same.

Count III: Failure to Submit Complete Semiannual Compliance Report

36. The allegations contained in Paragraph 36 are conclusions of law and not allegations of fact to which a response is required. To the extent that

Paragraph 36 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

37. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 37 and therefore denies the same.

38. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 38 and therefore denies the same.

**B. Title V. Operating Permit Violations**

39. The allegations contained in Paragraph 39 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 39 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

40. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 40 and therefore denies the same.

41. The allegations contained in Paragraph 41 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 41 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

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

42. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 42 and therefore denies the same.

43. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 43 and therefore denies the same.

44. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 44 and therefore denies the same.

45. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 45 and therefore denies the same.

46. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 46 and therefore denies the same.

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. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 47 and therefore denies the same.

48. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 48 and therefore denies the same.



49. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 49 and therefore denies the same.
50. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 50 and therefore denies the same.
51. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 51 and therefore denies the same.
52. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 52 and therefore denies the same.
53. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 53 and therefore denies the same.
54. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 54 and therefore denies the same.
55. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 55 and therefore denies the same.

56. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 56 and therefore denies the same.

57. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 57 and therefore denies the same.

58. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 58 and therefore denies the same.

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

59. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 59 and therefore denies the same.

60. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 60 and therefore denies the same.

Count VII: Failure to Provide Timely Notice of a Deviation

61. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 61 and therefore denies the same.

62. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 62 and therefore denies the same.

63. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 63 and therefore denies the same.

**V. Response to “Proposed Penalty.”**

64. The allegations contained in Paragraph 64 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 64 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

65. Respondent is without sufficient knowledge or information to form a belief as to the truth of allegations set forth in Paragraph 65 and therefore denies the same.

66. The proposed penalty set forth in Paragraph 66 is arbitrary, capricious and contrary to law.

67. The allegations contained in Paragraph 67 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 67 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

68. The allegations contained in Paragraph 68 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 68 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

69. The allegations contained in Paragraph 69 are conclusions of law and not allegations of fact to which a response is required. To the extent that

Paragraph 69 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

**VI. Response to “Notice of Opportunity Hearing.”**

70. – 74. Respondent, pursuant to Section 113(d) of the CAA and in accordance with 5 U.S.C. § 554 and 40 C.F.R. § 22.14(a)(5), requests a hearing on all material facts alleged in the Complaint.

**VII. Response to “Possibility of Default.”**

75. The allegations contained in Paragraph 75 are conclusions of law and not allegations of fact to which a response is required. To the extent that Paragraph 75 is deemed to contain allegations of fact to which a response is required, Respondent denies the same.

**VIII. Response to “Settlement Conference.”**


76. Respondent requests an informal conference.

**AFFIRMATIVE DEFENSES**

The proposed penalty is arbitrary, capricious, and in excess of legal authority.

OCE IMAGING SUPPLIES, INC. (formerly known  
as ARKWRIGHT INCORPORATED)

By Its Attorney,



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Dated: November 3, 2008

**CERTIFICATE OF SERVICE**

I hereby certify that on the 3<sup>rd</sup> day of November, 2008 I caused a true copy of the within document to be served on the following individuals via first class mail:

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

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

