



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

NOV 09 2009

REPLY TO THE ATTENTION OF:

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Garrett Tinsman  
Executive Vice President, Operations  
Sauder Woodworking Company  
502 Middle St.  
Archbold, Ohio 43502

Dear Mr. Tinsman:

Enclosed is a file-stamped Consent Agreement and Final Order (CAFO) which resolves the Notice of Violation and Finding of Violation (NOV/FOV) issued to your facility on April 18, 2008 and the FOV issued to your facility on February 26, 2009, as addressed by Clean Air Act Docket No. CAA-05-2009-0025. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on NOV 09 2009

Pursuant to paragraph 9 of the CAFO, Sauder Woodworking Company Cogeneration Facility must pay the \$79,500 civil penalty within 30 days of the date the CAFO was filed, DEC 09 2009. The check must display the case docket number, CAA-05-2009-0025, and the billing document number, 2751003A001.

Please direct any questions regarding this case to Padmavati Bending, Associate Regional Counsel, at (312) 353-8917.

Sincerely yours,

Brent Marable, Chief  
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	<b>Docket No. CAA-05-2009-0025</b>
	)	
<b>Sauder Woodworking Company</b>	)	<b>Proceeding to Assess a Civil</b>
<b>Archbold, Ohio</b>	)	<b>Penalty Under Section 113(d)</b>
	)	<b>of the Clean Air Act,</b>
	)	<b>42 U.S.C. § 7413(d)</b>
<b>Respondent.</b>	)	
<hr/>		

**RECEIVED**  
NOV 09 2009

**Consent Agreement and Final Order**

**REGIONAL HEARING CLERK  
USEPA  
REGION 5**

1. Complainant, the Director of the Air and Radiation Division, U.S. Environmental Protection Agency (U.S. EPA), Region 5, brought this administrative action seeking a civil penalty under Section 113(d) of the Clean Air Act (CAA or the Act), 42 U.S.C. § 7413(d).
  
2. On June 30, 2009, U.S. EPA filed the Complaint in this action against Respondent Sauder Woodworking Company (Sauder). The Complaint alleges that Respondent violated Sections 110, 111 and 502 of the Act, 42 U.S.C. §§ 7411, 7412 and 7661a(a), the Ohio State Implementation Plan (SIP), 40 C.F.R. Part 60, Subparts A and Dc, Sauder's Permit to Install 03-05740 (PTI) and Sauder's Title V permit by exceeding opacity limitations at Boilers #1 (B008) and #2 (B009), exceeding nitrogen oxide (NO<sub>x</sub>) emissions limitations at Boilers B008 and B009, failing to continuously monitor opacity and NO<sub>x</sub> emissions at Boilers B008 and B009, failing to fulfill all reporting requirements required by 40 C.F.R. Subpart A, and exceeding volatile organic compound (VOC) emission limitations at Boiler B009 at its cogeneration facility in Archbold, Ohio.
  
3. On or about July 24, 2009, Respondent filed a Request for Hearing and Answer to Complainant's Complaint.

### **Stipulations**

4. Respondent admits the jurisdictional allegations in the Complaint and neither admits nor denies the factual allegations in the Complaint.

5. Respondent waives any right to contest the allegations in the Complaint and its right to appeal this Consent Agreement and Final Order (CAFO).

6. Respondent certifies that it is complying fully with the Ohio SIP, 40 C.F.R. Part 63, Subparts A and Dc, its Title V permit and its Permit to Install.

7. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

8. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

### **Civil Penalty**

9. In consideration of the factors specified in Section 113(e) of the Act, 42 U.S.C. § 7413(e), including the facts of this case, the nature of the alleged violations, the cooperation demonstrated by Respondent, and other relevant factors, Complainant agrees to mitigate the proposed penalty of \$328,334 to \$79,500.

10. Within 30 days after the effective date of this CAFO, Respondent must pay the \$79,500 civil penalty by one of the following options:

a. Sending via U.S. Postal Service mail a cashier's or certified check payable to the "Treasurer, United States of America," to:

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

The check must note the case name, docket number of this CAFO, and the billing document number.

b. Sending via a carrier that will not deliver to P.O. Boxes (*e.g.* express carrier) a cashier's or certified check payable to the "Treasurer, United States of America," to:

U.S. Bank  
Government Lockbox 979077 U.S. EPA Fines and Penalties  
1005 Convention Plaza  
Mail Station SL-MO-C2-GL  
St. Louis, Missouri 63101

The check must note the case name, docket number of this CAFO, and the billing document number.

c. Sending via electronic funds transfer (EFT) payable to the "Treasurer, United States of America," to:

Federal Reserve Bank of New York  
ABA No. 021030004  
Account No. 68010727  
33 Liberty Street  
New York, New York 10045  
Field Tag 4200 of the Fedwire message should read:  
"D68010727 Environmental Protection Agency"

In the comment or description field of the electronic funds transfer, state the case name, the docket number of this CAFO, and the billing document number.

11. A transmittal letter stating the Respondent's name, complete address, the case docket number, and the billing document number must accompany the payment. Respondent must send a copy of the check/EFT confirmation and transmittal letter to:

Attn: Regional Hearing Clerk, (E-19J)  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Attn: Compliance Tracker, (AE-17J)  
Air Enforcement and Compliance Assurance Branch  
Air and Radiation Division  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

Padmavati G. Bending, (C-14J)  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 5  
77 West Jackson Blvd.  
Chicago, IL 60604

12. This civil penalty is not deductible for federal tax purposes.

13. If Respondent does not pay timely the civil penalty, U.S. EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action under Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). The validity, amount, and appropriateness of the civil penalty are not reviewable in a collection action.

14. Pursuant to 31 C.F.R. § 901.9, Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury. Respondent must pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue according to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). This nonpayment penalty will be 10 percent of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

**General Provisions**

15. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Complaint.

16. This CAFO does not affect the right of U.S. EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any other violation of law.

17. This CAFO does not affect Respondent's responsibility to comply with the Act and other applicable federal, state, and local laws. Except as provided in paragraph 15, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by Complainant.

18. This CAFO constitutes an "enforcement response" as that term is used in U.S. EPA's *Clean Air Act Stationary Source Civil Penalty Policy* to determine Respondent's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).

19. The terms of this CAFO bind Respondent, its successors, and assigns.


20. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

21. Each party agrees to bear its own cost and attorneys' fees in this action.

22. This CAFO constitutes the entire agreement between the parties.

**Sauder Woodworking Co., Respondent**

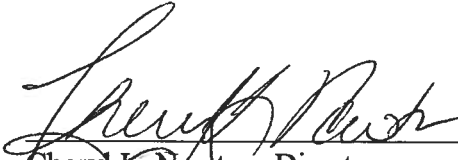
10/23/09  
Date

  
\_\_\_\_\_  
Garrett Tinsman, Executive Vice President, Operations  
Sauder Woodworking Company

**In the Matter of:  
Sauder Woodworking Cogeneration Facility  
Docket No. CAA-05-2009-0025**

**United States Environmental Protection Agency, Complainant**

11/4/09  
Date

  
Cheryl L. Newton, Director  
Air and Radiation Division

**In the Matter of:  
Sauder Woodworking Cogeneration Facility  
Docket No. CAA-05-2009-0025**

**Final Order**

This Consent Agreement and Final Order, as agreed to by parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

11-16-09  
Date

B. Mathur  
Bharat Mathur  
Acting Regional Administrator

RECEIVED  
NOV 09 2009  
REGIONAL HEARING CLERK  
USEPA  
REGION 5

U.S. ENVIRONMENTAL  
PROTECTION AGENCY  
OCT 2 2009  
OFFICE OF REGIONAL  
COUNSEL



**In the Matter of:**  
**Sauder Woodworking Company Cogeneration Facility**  
**Docket No. CAA-05-2009-0025**



**Certificate of Service**

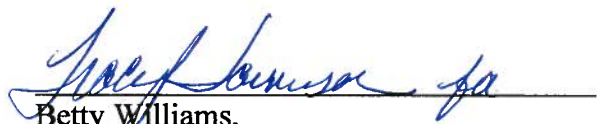
I certify that I filed the original and one copy of the Consent Agreement and Final Order in this matter with the Regional Hearing Clerk (E-13J), United States Environmental Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, and that mailed by Certified Mail, Receipt No. \_\_\_\_\_, the second original to Respondent, addressed as follows:

Garrett Tinsman  
Executive Vice President, Operations  
Sauder Woodworking Company  
502 Middle St.  
Archbold, Ohio 43502

and that I delivered a correct copy by intra-office mail, addressed as follows:

Marcy Toney, Regional Judicial Officer (C-14J)  
United States Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604

on the 9 day of November 2009.

  
Betty Williams,  
Administrative Program Assistant,  
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: \_\_\_\_\_