



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

REPLY TO THE ATTENTION OF:

(C-14J)

April 1, 2008

Judge Spencer T. Nissen
Administrative Law Judge
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-2001

Re: Fujifilm Graphic Systems U.S.A., Inc.
Docket No. RCRA-05-2007-0018.

Dear Judge Nissen:

Attached, please find Complainant's Motion to Postpone Hearing for this civil administrative action which I filed today with the Regional Hearing Clerk.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffery M. Trevino".

Jeffery M. Trevino
Associate Regional Counsel

Attachment

cc: Sonja Brooks-Woodard
Regional Hearing Clerk
Region 5
U.S. Environmental Protection Agency
77 West Jackson Boulevard (E-19J)
Chicago, IL 60604-3590

David A. Roth, Esq.
Greenbaum, Rowe, Smith & Davis, LLP
Metro Corporate Campus One
P.O. Box 5600
Woodbridge, NJ 07095-0988

RECEIVED
REGIONAL HEARING CLERK
US EPA REGION V
2008 APR -1 PM 1:29

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR

In the Matter of)
)
Fujifilm Graphic Systems U.S.A., Inc.,) Docket No. RCRA-05-2007-0018.
850 Central Avenue)
Hanover Park, Illinois, 60133)
)
U.S. EPA ID No. ILR 000 102 988)
)
Respondent.)

COMPLAINANT MOTION TO POSTPONE HEARING

Pursuant to 40 C.F.R. § 22.16 Complainant hereby files this Motion to Postpone the Hearing for this civil administrative action due to the following facts.

1. On February 4, 2008, the Court scheduled the hearing for this action for April 29 and 30, 2008, in Chicago, Illinois.
2. On March 5, 2008, the parties agreed to a settlement in principle to resolve this action without resort to hearing.
3. On March 12, 2008, the parties agreed to final terms and conditions for a Consent Agreement and Final Order ("CAFO").
4. On March 24, 2008, Hiroaki Tada, President & CEO, Fujifilm Graphic Systems U.S.A., Inc., ("Respondent"), signed and dated the CAFO. (Attached).
5. Complainant requires ten (10) to fifteen (15) business days to sign, date, and file the CAFO with the Regional Hearing Clerk.
6. Respondent does not object to this Motion.

WHEREFORE, Complainant requests the Court postpone the hearing for this action.

Respectfully submitted,



Jeffery M. Trevino
Associate Regional Counsel
Office of Regional Counsel
Region 5
U.S. Environmental Protection Agency
77 West Jackson Boulevard (C-14J)
Chicago, Illinois 60604-3590
Tel. No. (312) 886-6729
Fac. No. (312) 886-0747

2008 APR -1 PM 1:29

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
BEFORE THE ADMINISTRATOR


In the Matter of)	
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Hanover Park, Illinois, 60133)	
)	
U.S. EPA ID No. ILR 000 102 988)	
)	
Respondent.)	

CERTIFICATE OF SERVICE

I hereby certify that today I filed with Sonja Brooks-Woodward, Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard (E-13J), Chicago, Illinois, 60604-3590, the original document entitled COMPLAINT MOTION TO POSTPONE HEARING for this civil administrative action and I issued to the Court and Respondent by first class mail a copy of the original document:

Judge Spencer T. Nissen
Administrative Law Judge
Office of Administrative Law Judges
U.S. Environmental Protection Agency
Mail Code 1900L
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

David A. Roth, Esq.
Greenbaum, Rowe, Smith & Davis, LLP
Metro Corporate Campus One
P.O. Box 5600
Woodbridge, NJ 07095-0988



Jeffery M. Trevino
Associate Regional Counsel.

1 April 2008

Dated

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

In the Matter of)	
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Fujifilm Graphic Systems U.S.A., Inc.,)	Docket No. RCRA-05-2007-0018.
850 Central Avenue)	
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)	
U.S. EPA ID No. ILR 000 102 988)	
)	
Respondent.)	

CONSENT AGREEMENT AND FINAL ORDER

CONSENT AGREEMENT

1. Complainant, the Director, Land and Chemicals Division, Region 5, United States Environmental Protection Agency (U.S. EPA), filed this civil administrative action pursuant to Section 3008(a) of the Solid Waste Disposal Act, as amended, also known as the Resource Conservation and Recovery Act of 1976, as amended, ("RCRA"), 42 U.S.C. § 6928(a).

2. On September 27, 2007, U.S. EPA filed the Complaint for this action against Fujifilm Graphic Systems U.S.A., Inc., 850 Central Avenue, Hanover Park, Illinois, 60133, ("Respondent"). The Complaint alleged Respondent: stored hazardous waste at its facility for more than ninety (90) days without a permit; failed to test and maintain all facility fire protection equipment; failed to comply with certain requirements of its Contingency Plan; failed to provide employees a complete RCRA Training Program and failed to provide employees an annual review of its RCRA Training Program in 2004; and, failed to close certain containers, in noncompliance with RCRA Permit Exempt Conditions 35 IAC §§ 722.134(a) and (b), 722.134(a)(4) & 725.133, 722.142(a)(4) & 725.133, 722.134(a)(4) & 725.116(a)(3) & (c), 725.273(a) & 722.134(c)(1)(A), respectively. Thus, the Complaint alleged Respondent stored hazardous waste at its facility without a RCRA

Permit, or RCRA Interim Status, or RCRA Permit Exempt Status, in violation of the regulations at 35 IAC § 703.121 and Section 3005(a) and (e) of RCRA, 42 U.S.C. § 6925(a) and (e). The Complaint proposed a civil penalty \$89,856.00.

3. On or about October 25, 2007, Respondent filed its Answer and requested a hearing pursuant to Section 3008(b) of RCRA, 42 U.S.C. § 6928(b).

Stipulations

4. Respondent admits the jurisdictional allegations of the Complaint pursuant to 40 C.F.R. § 22.18(b)(2).

5. Respondent neither admits nor denies the factual allegations, findings of fact, or conclusions of law, of the Complaint, pursuant to 40 C.F.R. § 22.18(b)(2), and otherwise.

6. Respondent waives any right to contest the allegations of this Consent Agreement and Final Order pursuant to 40 C.F.R. § 22.18(b)(2).

7. Respondent waives its right to appeal this Consent Agreement and Final Order, ("CAFO"), pursuant to 40 C.F.R. § 22.18(b)(2).

8. The parties consent to the terms of this CAFO.

9. The parties agree to resolve this action without adjudication of any issue of fact or law upon the terms in this CAFO for the public interest.

Civil Penalty

10. Respondent agrees to pay a civil penalty of \$40,721.00 within thirty (30) days of the effective date of this CAFO. Respondent agrees to pay the penalty by sending a cashier's or certified check, payable to the order of the U.S. Treasury:

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

Respondent's cashier's or certified check must note the name and docket number of this action (RCRA-05-2007-0018), and the billing document number _____.

11. Respondent must include with its cashier's or certified check a transmittal letter stating the name of this action, Respondent's complete address, the docket number of this action, and the billing document number. Respondent must send copies of each check and transmittal letter to:

Regional Hearing Clerk
Region 5
U.S. Environmental Protection Agency
77 West Jackson Boulevard (E-13J)
Chicago, IL 60604-3511

Jamie L. Paulin
Land and Chemicals Division
Region 5
U.S. Environmental Protection Agency
77 West Jackson Boulevard (LR-8J)
Chicago, IL 60604-3511

Jeffery M. Trevino
Office of Regional Counsel
Region 5
U.S. Environmental Protection Agency
77 West Jackson Boulevard (C-14J)
Chicago, IL 60604-3511

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

13. If Respondent fails to pay the civil penalty timely Complainant may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and Complainant's enforcement expenses for the collection action.

14. Interest will accrue on any amount overdue from the date the payment was due at a rate established pursuant to 31 U.S.C. § 3717. Respondent must pay a \$15.00 handling charge each month that any portion of the penalty due is more than thirty (30) days past due. Complainant will assess a six percent (6%) per year penalty on any principal amount not paid timely pursuant to this CAFO.

15. This CAFO constitutes a complete and full settlement of, and resolves Respondent's liability with prejudice for, the violations alleged in the Complaint.

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

17. This CAFO does not affect Respondent's responsibility to comply with RCRA and other applicable federal, state, and local laws and regulations.

18. This CAFO is a "final order."

19. The terms of this CAFO bind U.S. EPA and Respondent and its successors and assigns.

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

21. Each party agrees to bear its own costs and fees, including attorneys' fees, for this action.

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

23. No modification shall be made to this CAFO without written notification to, and written approval of, all parties hereto. No oral modification of this CAFO shall be effective.

24. The effective date of this CAFO is the date U.S. EPA files it with the Regional Hearing Clerk.

**In the Matter of: Fujifilm Graphic Systems U.S.A., Inc., Hanover Park, Illinois.
Docket No. RCRA-05-2007-0018.
Consent Agreement and Final Order.**

RESPONDENT

Fujifilm Graphic Systems U.S.A., Inc.
850 Central Avenue
Hanover Park, Illinois 60133


Hiroaki Tada, President & CEO

MARCH 24, 2008
Date

COMPLAINANT

Land and Chemicals Division
Region 5
United States Environmental Protection Agency

Margaret M. Guerriero, Director

Date

**In the Matter of: Fujifilm Graphic Systems U.S.A., Inc., Hanover Park, Illinois.
Docket No. RCRA-05-2007-0018.
Consent Agreement and Final Order.**

FINAL ORDER

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. IT IS SO ORDERED.

Mary A. Gade
Regional Administrator
Region 5
U.S. Environmental Protection Agency
77 West Jackson Boulevard
Chicago Illinois 60604-3590