



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

REPLY TO THE ATTENTION OF:
LR-8J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ann M. O'Brien
Director of Environmental Affairs
Quebecor World
6215 North Lundy Avenue
Chicago, Illinois 60646

Re: Consent Agreement and Final Order
Quebecor World
EPA ID No.: ILD 005 091 889
RCRA-05-2007-0016

Dear Ms. O'Brien:

Enclosed please find an original signed fully-executed Consent Agreement and Final Order (CAFO) in resolution of the above case. The originals were filed on SEP 28 —, 2007 with the Regional Hearing Clerk (RHC).

Please pay the civil penalty in the amount of \$9,284 in the manner prescribed in paragraphs 26 and 27 of the CAFO, and reference all checks with the number BD 2750742R008 and docket number RCRA-05-2007-0016. Your payment is due within 30 calendar days of the effective date of the CAFO. Also, enclosed is a *Notice of Securities and Exchange Commission Registrant's Duty to Disclose Environmental Legal Proceedings*.

Thank you for your cooperation in resolving this matter.

Sincerely yours,

A handwritten signature in cursive script that reads "Willie H. Harris".

Willie H. Harris, P.E.
Chief
RCRA Branch
Land and Chemicals Division

Enclosure

cc: Todd Marvel, Illinois Environmental Protection Agency (w/CAFO)

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
WCZ, LLC)
d/b/a Quebecor World Illinois, LLC)
2000 Arthur Avenue)
Elk Grove Village, Illinois 60007)
)
U.S. EPA ID No.: ILD 005 091 889)
_____)

Docket No. RCRA-05-2007-0016

2007 SEP 20 AM 10:31
REGIONAL CLERK

CONSENT AGREEMENT AND FINAL ORDER

I. PREAMBLE

1. This is an administrative action commenced and concluded under Section 3008(a) of the Resource Conservation and Recovery Act, as amended (RCRA), 42 U.S.C. § 6928(a), and Sections 22.1(a)(2), 22.13(b), and 22.18(b) of the *Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation/Termination or Suspension of Permits* (Consolidated Rules) as codified at 40 C.F.R. Part 22 (2004).
2. The Complainant is the Director of the Land and Chemicals Division, Region 5, United States Environmental Protection Agency (U.S. EPA).
3. Respondent, WCZ, LLC is a Delaware limited liability company, doing business as (d/b/a) Quebecor World Illinois, LLC. The sole member of WCZ, LLC is Quebecor World Systems, Inc., a Delaware corporation that is authorized to transact business in the State of Illinois.
4. Where the parties agree to settle one or more causes of action before the filing of a complaint, an administrative action may be commenced and concluded

simultaneously by the issuance of a Consent Agreement and Final Order (CAFO).

40 C.F.R. § 22.13(b) (2004).

5. The Parties agree that settling this action without the filing of a complaint or the adjudication of any issue of fact or law is in their interest and in the public interest.

6. Respondent consents to entry of this CAFO and the assessment of the specified civil penalty, and agrees to comply with the terms of the CAFO.

II. STIPULATIONS

The Parties, desiring to settle this action, enter into the following stipulations:

7. At all times relevant to this CAFO, and particularly May 24, 2006, and June 1, 2006, Respondent owned and operated a commercial heatset web offset lithographic printing facility (hereinafter the "Facility"). The Facility, which has since closed, was located at 2000 Arthur Avenue, Elk Grove Village, Illinois.

8. Respondent is a "person" as defined by 35 I.A.C. §720.110 [40 CFR §260.10] and Section 1004(15) of RCRA, 42 U.S.C. § 6903(15).

9. On or about May 24, 2006, and June 1, 2006, U.S. EPA inspected the Facility in order to determine compliance with certain provisions of RCRA (hereinafter "First Inspection" and "Second Inspection," respectively).

10. Respondent used the Facility to print and produce commercial catalogs using roll paper.

11. At the Facility, Respondent generated, among other things, spent ink from its printing press operation.

12. A "spent material" is any material that has been used and as a result of

contamination can no longer serve the purpose for which it was produced without processing, as defined in 35 I.A.C. §721.101 [40 C.F.R. §261.1(c)(1)].

13. Respondent admits the jurisdictional allegations in this CAFO and neither admits nor denies the factual allegations in this CAFO.

14. Respondent waives its right to request a hearing as provided at 40 C.F.R. § 22.15(c), any right to contest the allegations in this CAFO, and its right to appeal this CAFO.

15. If Respondent fails to comply with any provision contained in this CAFO, Respondent waives any rights it may possess in law or equity to challenge the authority of the U.S. EPA to bring a civil action in the appropriate United States District Court to compel compliance with the CAFO and/or to seek an additional penalty for the noncompliance.

16. Respondent consents to the issuance of this Consent Order and to the payment of a civil penalty. Pursuant to Sections 3008(a) and 3008(g) of RCRA, 42 U.S.C. §§ 6928(a) and 6928(g), the nature of the violations and other relevant factors, U.S. EPA has determined that an appropriate civil penalty to settle this action is **nine thousand two hundred eighty four dollars (\$9,284)**. Respondent agrees not to claim or attempt to claim a federal income tax deduction or credit covering all or any part of the cash civil penalty paid to the U.S. Treasury.

17. This CAFO is binding upon Respondent and any successors in interest in the Facility.

18. Pursuant to Section 3006(b) of RCRA, 42 U.S.C. § 6926(b), the Administrator of U.S. EPA granted the State of Illinois final authorization to administer a

state hazardous waste program in lieu of the federal government's base RCRA program effective January 31, 1986. 51 Fed. Reg. 3778 (January 31, 1986). The Administrator of U.S. EPA granted Illinois' final authorization to administer certain HSWA and additional RCRA requirements effective March 5, 1988, 53 Fed. Reg. 126 (January 5, 1988); April 30, 1990, 55 Fed. Reg. 7320 (March 1, 1990); June 3, 1991, 56 Fed. Reg. 13595 (April 3, 1991); August 15, 1994, 59 Fed. Reg. 30525 (June 14, 1994); May 14, 1996, 61 Fed. Reg. 10684 (March 15, 1996); and October 4, 1996, 61 Fed. Reg. 40520 (August 5, 1996). The U.S. EPA-authorized Illinois regulations are codified at 35 Illinois Administrative Code (IAC) Part 703 *et seq.* See also 40 C.F.R. § 272.700 *et seq.*

19. Respondent is subject to the regulations promulgated pursuant to Subtitle C of RCRA, 42 U.S.C. §§ 6921-6930 and the analogous Illinois regulations as part of the applicable State hazardous waste management program for the State of Illinois.

20. Nothing in this CAFO shall be construed to relieve Respondent from its obligation to comply with all applicable Federal, State and local statutes and regulations, including the RCRA Subtitle C requirements at 40 C.F.R. Parts 260 through 270.

21. This CAFO shall become effective on the date it is signed by the Regional Administrator, U.S. EPA Region 5.

III. ALLEGATIONS

Failure to document hazardous waste determination

22. At the time of the Second Inspection, Respondent could not provide records documenting that any testing or analysis was conducted, or other hazardous waste determination was made, on two 55-gallon containers in the hazardous waste accumulation storage area, in violation of 35 I.A.C. §722.111 [40 C.F.R. § 262.11] and

35 I.A.C § 722.140(c) [40 C.F.R. § 262.40(c)].

Failure to Label Containers of Used Oil

23. At the time of the First Inspection, Respondent stored used oil at the Facility in two containers and two tanks, none of which were marked with the words “Used Oil,” in violation of 35 I.A.C. § 739.122 (c)(1) [40 CFR § 279.122(c)(1)].

Recordkeeping and Reporting

24. Respondent failed to submit an annual report for calendar year 2005 to the Illinois EPA by March 1, 2006, in violation of 35 I.A.C. § 722.141(a).

IV. CONSENT ORDER

Based on the foregoing stipulations, the Parties agree to the entry of the following Consent Order:

25. Whenever, under the terms of this CAFO, notice is required to be given or a document sent by one Party to another, it shall be directed to the individuals at the addresses specified below:

As to U.S. EPA:

Sheila Burrus
Enforcement & Compliance Assurance Branch (LR-8J)
United States Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

As to Respondent:

Ann M. O’Brien
Director of Environmental Affairs
Quebecor World
6215 North Lundy Avenue
Chicago, Illinois 60646

26. Respondent must pay the **\$9,284** civil penalty either by cashier's or certified check payable to the "Treasurer, United States of America," or ACH debit or credit card, within 30 days after the effective date of this CAFO.

27. Respondent must send the check to:

US checks sent by regular US Postal Service mail:

U.S. Environmental Protection Agency
Box 371099M
Pittsburgh, PA 15251

US checks sent by non-US Postal Service express mail:

Mellon Client Service Center
ATTN: Shift Supervisor, Room 0690
Lockbox 371099M
500 Ross Street
Pittsburgh, PA 15262-0001

For payments online using ACH debit or credit card, please visit www.pay.gov. Using the **Search Public Forms** option on the tool bar (left side of page), enter **SFO 1.1** in the search field. Open the form and complete the information requested.

Copies of the transmittal of the payment shall be sent to: the Regional Hearing Clerk, Enforcement and Compliance Assurance Team (E-13J); Kathleen Schnieders, Assistant Regional Counsel (C-14J); and Sheila Burrus, Enforcement and Compliance Assurance Branch (LR-8J); U.S. EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590.

28. Pursuant to 31 U.S.C. § 3717, Respondent shall pay the following amounts on any amount overdue under this CAFO:

(a) **Interest.** Any unpaid portion of a civil or stipulated penalty shall bear interest at the rate established by the Secretary of the Treasury pursuant to 31 U.S.C. § 3717(a)(1). Interest will therefore begin to accrue on a civil or stipulated penalty if it is

not paid by the last date required. Interest will be assessed at the rate of the United States Treasury tax and loan rate in accordance with 4 C.F.R. § 102.13(c).

(b) **Monthly Handling Charge.** Respondent shall pay a late payment handling charge of \$15.00 on any late payment, with an additional charge of \$15.00 for each subsequent thirty (30) calendar day period over which an unpaid balance remains.

(c) **Non-Payment Penalty.** On any portion of a civil or stipulated penalty more than ninety (90) calendar days past due, Respondent shall pay a non-payment penalty of six percent (6%) per annum, which will accrue from the date the penalty payment became due and is not paid. This non-payment is in addition to charges which accrue or may accrue under subparagraphs (a) and (b).

(d) For failure to submit any notifications required by paragraphs 27 and 28 above, Respondent shall pay a stipulated penalty in the amount of ONE THOUSAND DOLLARS (\$ 1,000) for each calendar day after the report was originally due until the report is submitted.

29. Nothing in this agreement shall be construed as prohibiting, altering, or in any way limiting the ability of U.S. EPA to seek any other remedies or sanctions available by virtue of Respondent's violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law.

30. This CAFO constitutes the entire settlement between the parties, and constitutes final disposition of this case.

31. Each party shall bear its own costs and attorneys' fees in the action resolved by this CAFO.

32. This CAFO shall terminate when U.S. EPA determines that Respondent has fully complied with all terms and conditions of this CAFO, including payment, in full, of all penalties due and owing, and U.S. EPA provides written notice to Respondent of such termination.

33. The information required to be maintained or submitted pursuant to this CAFO is not subject to the Paperwork Reduction Act of 1980, 44 U.S.C. §§ 3501 et seq.

34. Notwithstanding any other provision of this Consent Order, U.S. EPA expressly reserves any and all rights to bring an enforcement action pursuant to Section 7003 of RCRA, 42 U.S.C. § 6973, or other statutory authority should U.S. EPA find that the handling, storage, treatment, transportation, or disposal of solid waste or hazardous waste at the Facility may present an imminent and substantial endangerment to health or the environment. U.S. EPA also expressly reserves the right: (a) for any matters other than violations alleged in the Complaint, to take any action authorized under Section 3008 of RCRA; (b) to enforce compliance with the applicable provisions of the IAC; (c) to take any action under 40 C.F.R. Parts 124 and 270; and (d) to enforce compliance with this CAFO.

IV. SIGNATORIES

Each undersigned representative of a Party to this Consent Agreement and Final Order consisting of nine pages certifies that he or she is fully authorized to enter into the terms and conditions of this Consent Agreement and Final Order and to legally bind such party to this document.

Agreed to this 17th day of September, 2007

By: David McCarthy
David McCarthy
Vice President
WCZ, LLC d/b/a Quebecor World Illinois, LLC
Respondent

Agreed to this 26th day of September, 2007

By: Margaret Guerriero
Margaret Guerriero, Director
Land and Chemicals Division
U.S. Environmental Protection Agency, Region 5,
Complainant

The above being agreed and consented to, it is so ordered

this 27th day of September, 2007

By: Mary A. Gade
Mary A. Gade
Regional Administrator

IN THE MATTER OF:
WCZ, LLC
d/b/a Quebecor World Illinois, LLC
2000 Arthur Avenue
Elk Grove Village, Illinois 60007

DOCKET NO. **RCRA-05-2007-0016**

707 SEP 28 AM 10:31
REGIONAL ADMINISTRATOR
U.S. ENVIRONMENTAL PROTECTION AGENCY

CASE NAME: Quebecor World, Incorporated
DOCKET NO: RCRA-05-2007-0016

CERTIFICATE OF SERVICE

I hereby certify that today I filed the original of this Consent Agreement Final Order and this **Certificate of Service** in the office of the Regional Hearing Clerk (E-13J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Blvd., Chicago, IL 60604-3590.

I further certify that I then caused true and correct copies of the filed document to be mailed via Certified Mail, Return Receipt Requested to the following:

Ann M. O'Brien
Director, Environmental Affairs
Quebecor World
6215 North Lundy Avenue
Elk Grove Village, IL 60646

Return Receipt # 7001 0320 0006 1448 8395

*0-8
9/28/07*

And via First Class Mail to:

Todd Marvel
Illinois EPA
1021 North Grand Avenue East
Springfield, IL 62702-3998

Dated: 9/28/07

Paige Cuenrich for Katrina Jones
Katrina Jones

Administrative Program Assistant
United States Environmental Protection Agency
Land and Chemicals Division -RCRA Branch
77 W. Jackson Boulevard
Chicago, IL 60604-3590
(312) 353-5882

2007 SEP 28 AM 10:31

REGIONAL HEARING CLERK
E-13J