

RECEIVED
REGISTRATION DIVISION

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

01 JUL 18 01:57

IN THE MATTER OF:) Docket No. **CAA-5-2001-014**
)
Segerdahl Corporation)
Wheeling, Illinois) Proceeding to Assess an
) Administrative Penalty
) under Section 113(d) of the
) Clean Air Act,
Respondent.) 42 U.S.C. § 7413(d)
)

Consent Agreement and Final Order

1. Complainant, the Director of the Air and Radiation Division, United States Environmental Protection Agency, Region 5 (U.S. EPA), brought this administrative action seeking a civil penalty under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d).

2. On July 18, 2001, U.S. EPA filed the complaint in this action against Respondent Segerdahl Corporation (Segerdahl). The complaint alleges that Segerdahl violated the Illinois State Implementation Plan (Illinois SIP) provisions governing lithographic printing and paper coating lines at its facility in Wheeling, Illinois, by failing to timely report a capture efficiency test demonstrating compliance with, or exemption from, the Illinois SIP.

Stipulations

3. Segerdahl admits the jurisdictional allegations in the complaint and neither admits nor denies the factual allegations in the complaint.

4. Segerdahl waives its right to contest the allegations in the complaint, and waives its right to appeal under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

5. Segerdahl certifies that it is complying fully with the Illinois State Implementation Plan (Illinois SIP) provisions governing lithographic printing and paper coating lines.

6. The parties consent to the terms of this consent agreement and final order (CAFO).

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

Civil Penalty

8. In consideration of the Respondent's good faith efforts to comply and cooperation with U.S. EPA, U.S. EPA agrees to mitigate the proposed penalty of \$31,500 to \$15,000.

9. Segerdahl must pay the \$15,000 civil penalty by cashier's or certified check payable to the "Treasurer, United States of America," within 30 days after the effective date of

this CAFO.

10. Segerdahl must send the check to:

U.S. Environmental Protection Agency
Region 5
P.O. Box 70753
Chicago, Illinois 60673

11. A transmittal letter, stating Respondent's name, complete address, the case docket number, and the billing document number must accompany the payment. Respondent must write the case docket number and the billing document number on the face of the check. Respondent must send copies of the check and transmittal letter to:

Attn: Regional Hearing Clerk, (R-19J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3590

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, Illinois 60604-3590

Karl Karg, (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3509

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

13. If Segerdahl does not pay the civil penalty in a timely manner, 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. Interest will accrue on any overdue amount from the date payment was due at a rate established under 26 U.S.C. § 6621(a)(2). Segerdahl will pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. Segerdahl will 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 (10%) of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

General Provisions

15. This CAFO settles U.S. EPA's claims for civil penalties for the violations alleged in the complaint.

16. Nothing in this CAFO restricts U.S. EPA's authority to seek Segerdahl's compliance with the Act and other applicable laws and regulations.

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

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 Segerdahl's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).

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

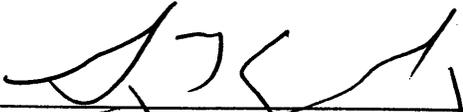
20. Each person signing this consent agreement certifies that he or she has the authority to sign this consent agreement for the party whom he or she represents and to bind that party to its terms.

21. Each party agrees to bear its own costs and fees in this action.

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

**U.S. Environmental Protection
Agency, Complainant**

Date: 7/16/01

By:  FDR

Cheryl Newton, Acting Director
Air and Radiation Division
U.S. Environmental Protection
Agency, Region 5 (A-18J)

Segerdahl Corporation, Respondent

Date: 6-21-01

By: 

John Tumbarelli, Director of
Manufacturing
Segerdahl Corporation

CAA-5-2001-014

CONSENT AGREEMENT AND FINAL ORDER

Segerdahl Corporation

Docket No.

CAA-5-2001-014

Final Order

It is ordered as agreed to by the parties and as stated in the consent agreement, effective immediately upon filing of this CAFO with the Regional Hearing Clerk.

Date:

July 17, 01

for 

David A. Ullrich
Acting Regional Administrator
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

In matters of Segerdahl Corporation
Docket Number:

CAA-5-2001-014

RECEIVED
REGISTRATION DIVISION

'01 JUL 18 P1:58

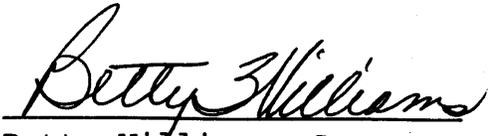
I, Betty Williams, certify that I hand delivered the original of the Consent Agreement and Final Order, to the Regional Hearing clerk, Region 5, United States Environmental Protection agency, and that I mailed correct copies by first-class, postage prepaid, certified mail, return receipt requested to Segerdahl Corporation by placing them in the custody of the United States Postal Service addressed as follows:

John Tumbarelli
Segerdahl Corporation
1351 Wheeling Road
Chicago, Illinois 60090

Julie Armitage, Acting Manager
Compliance and Systems Management Section
Bureau of air
Illinois Environmental Protection agency
1021 North Grand Avenue East
Springfield, Illinois 62794-9276

Harish Narayen Acting Regional Manager
Region I
Illinois Environmental Protection Agency
9511 West Harrison Street
Desplaines, Illinois 60016

on the 18th Day of July 2001.


Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 709934000000957160