



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

JAN 03 2008

REPLY TO THE ATTENTION OF

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Thomas Pecora,
Champion Packaging & Distribution, Inc.
1840 International Parkway
Woodridge, IL 60517

Dear Mr. Pecora:

Enclosed is a file stamped Consent Agreement and Final Order (CAFO) which resolves Champion Packaging & Distribution, Inc. (Champion), docket number CAA-05-2008-0005. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on JAN 03 2008.

Pursuant to paragraph 26 of the CAFO, Champion must pay the first installment of the civil penalty within 30 days of JAN 03 2008. Your check must display the case docket number, CAA-05-2008-0005, and the billing document number, 2750860A001.

Please direct any questions regarding this case to Michael Berman, Associate Regional Counsel, 312-886-6837.

Sincerely yours,

A handwritten signature in black ink that reads "William L. MacDowell".

William L MacDowell, Chief
Air Enforcement and Compliance Assurance Section (MN/OH)

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:) Docket No. CAA-05-2008-0005
) Proceeding to Assess a Civil
Champion Packaging & Distribution, Inc.) Penalty under Section 113(d) of the
) Clean Air Act,
Woodridge, Illinois) 42 U.S.C. § 7413(d)
)
)
)
Respondent.

Consent Agreement and Final Order

Preliminary Statement

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1. This is an administrative action commenced and concluded under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d), 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 (2006).

2. Complainant is the Director of the Air and Radiation Division, United States Environmental Protection Agency, Region 5 (U.S. EPA).

3. Respondent is Champion Packaging & Distribution, Inc., (Champion) a corporation doing business in Illinois.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, the 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) (2006).

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.

7. Champion will conduct an environmentally beneficial project to reduce emissions into the environment. This project is not a Supplemental Environmental Project and has not been used to mitigate the penalty stated in this CAFO.

8. At its Woodridge, Illinois, facility, Champion will conduct the environmentally beneficial project as follows: Reduce the use of volatile organic compounds (VOCs) in its windshield washer products in each year 2008 and 2009, by marketing products with approximately 80% lower VOC concentrations than the 2005 baseline concentration. Champion certifies that it is not required to perform this project by any law, regulation, grant, order or agreement, or as injunctive relief as of the date it signs this CAFO.

Jurisdiction and Waiver of Right to Hearing

9. Champion admits the jurisdictional allegations in this CAFO, paragraphs 1-6, and denies the allegations in paragraphs 21- 24 of this CAFO.

10. Champion 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.

Statutory and Regulatory Background

11. On May 31, 1972, U.S. EPA approved Illinois Pollution Control Board (IPCB) Rule 103 as part of the federally enforceable state implementation plan (SIP) for Illinois. 37 Fed. Reg. 10862, May 31, 1972.

12. IPCB Rule 103(a)(1) requires that no person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source or air pollution control equipment, without first obtaining a construction permit from the Illinois Environmental Protection Agency (IEPA). IPCB Rule 103(a)(1) has been recodified at 35 Illinois Administrative Code (IAC) § 201.142.

13. IPCB Rule 103 (b)(1) provides that no person shall cause or allow the operation of any new emission source or new air pollution control equipment of a type for which a construction permit is required by IPCB Rule 103(a) without first obtaining an operating permit from IEPA. IPCB Rule 103(b) (1) has been recodified at 35 IAC § 201.143.

14. The Administrator of U.S. EPA (the Administrator) may assess a civil penalty of up to \$27,500 per day of violation up to a total of \$220,000 for SIP violations that occurred from January 31, 1997 through March 15, 2004, and may assess a civil penalty of up to \$32,500 per day of violation up to a total of \$270,000 for violations that occurred after March 15, 2004 under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19 (2006).

15. Section 113(d)(1) limits the Administrator's authority to matters where the first alleged date of violation occurred no more than 12 months prior to initiation of the administrative action, except where the Administrator and Attorney General of the United States

jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

16. The Administrator and the Attorney General of the United States, each through their respective delegates, have determined jointly that an administrative penalty action is appropriate for the period of violations alleged in this CAFO.

Factual Allegations

17. Champion owns and operates a blending and packaging operation for a variety of products, including automotive windshield washer fluid.

18. Champion's facility is located at 1840 Internationale Parkway, Woodridge, Illinois 60517.

19. Champion began operation of the windshield washer fluid fill line in or around 1999.

20. Champion's facility emits volatile organic compounds (VOCs) and hazardous air pollutants (HAPs) in the course of its blending and packaging operations.

21. Champion failed to obtain a construction permit from the Illinois Environmental Protection Agency (IEPA) prior to constructing its facility.

22. Champion failed to obtain an operating permit from the Illinois Environmental Protection Agency (IEPA) prior to operating its facility.

Violations

23. Champion was in violation of IAC 201.142 from about 1999 to 2007 for failing to obtain a construction permit from IEPA prior to constructing a new emission source.

24. Champion was in violation of IAC 201.143 from about 1999 to 2007 for failing to obtain an operating permit from IEPA prior to operating a new emission source.

Civil Penalty

25. Based on analysis of the factors specified in Section 113(e) of the Act, 42 U.S.C. § 7413(e), the facts of this case, Champion's cooperation, and Champion's submission of a Clean Air Act Permit Program application that has been determined complete by the Illinois Environmental Protection Agency, U.S. EPA has determined that an appropriate civil penalty to settle this action is \$156,800.

26. Champion must pay the \$156,800 civil penalty in four installments with interest. The first payment of \$39,200 must be paid within 30 days after the effective date of this CAFO. The second payment of \$40,359.89 must be paid within 120 days after the effective date of this CAFO. The third payment of \$39,973.26 must be paid within 240 days of the effective date of this CAFO. The last payment of \$39,586.63 must be paid within 360 days of the effective date of this CAFO.

27. Champion must pay the \$156,800 civil penalty plus interest by cashier's or certified check payable to the "Treasurer, United States of America."

28. Champion must send the check to:

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

29. A transmittal letter, stating Respondent's name, complete address, the case docket number, and the billing document number must accompany each payment. Respondent must write the case docket number and the billing document number on the face of each check.

Respondent must send copies of each check and transmittal letter to:

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

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 60604-3511

Michael Berman, (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 West Jackson Blvd.
Chicago, Illinois 60604-3511

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

31. If Champion does not pay timely the civil penalty plus interest, then the full amount will be due immediately.

32. If Champion does not pay timely the civil penalty plus interest, 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.

33. Interest will accrue on any overdue amount from the date payment was due at a rate established under 31 U.S.C. § 3717. Champion will pay a \$15 handling charge each month that

any portion of the penalty is more than 30 days past due. Champion 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 of the aggregate amount of the outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

Final Statement

34. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in the Violations section of this CAFO.

35. 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 violation of law.

36. This CAFO does not affect Champion's responsibility to comply with the Act and other applicable federal, state and local laws, and regulations. Except as provided in paragraph 34 above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws and regulations administered by Complainant.

37. Champion certifies that it is complying with 35 IAC § 201.142 and 35 § IAC 201.143 by having filed a complete application with the Illinois Environmental Protection Agency for a permit for its Woodridge, Illinois facility.

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

39. The terms of this CAFO bind Champion, and its successors, and assigns.

40. 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.

41. Each party agrees to bear its own costs and attorneys' fees in this action.

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

U.S. Environmental Protection Agency, Complainant

12/28/07
Date

William L. MacDowell for
~~Stephen Rothblatt, Director~~ Cheryl L. Newton, Acting Director
Air and Radiation Division
U.S. Environmental Protection
Agency, Region 5 (A-18J)

Champion, Packaging & Distribution, Inc., Respondent

Date

Thomas Pecora
Thomas Pecora, President
Champion, Packaging, & Distribution, Inc.

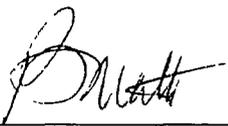
CAA-05-2008-0005

CONSENT AGREEMENT AND FINAL ORDER
In the Matter of: Champion Packaging & Distribution, Inc.
Docket No. CAA-05-2008-0005

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. This final order disposes of this proceeding pursuant to 40 C.F.R. § 22.18.

1-2-08
Date



Bharat Mathur
Deputy Regional Administrator
U.S. Environmental Protection
Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3511

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CERTIFICATE OF SERVICE

I, Loretta Shaffer, certify that I hand delivered the original and one copy of the Consent Agreement and Final Order, docket number [**CAA-05-2008-0005**] to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that I mailed to Thomas Pecora, President of Champion Packaging & Distribution, Inc. and Elizabeth A. Leifel, attorney, correct copies by first-class, postage prepaid, certified mail, return receipt requested, to by placing them in the custody of the United States Postal Service addressed as follows:

Thomas Pecora,
Champion Packaging & Distribution, Inc.
1840 International Parkway
Woodridge, IL 60517

Elizabeth Leifel Ash
Seyfarth, Shaw LLP
131 S. Dearborn Street, Suite 2400
Chicago, IL 60603

on the 4th day of January, 2008.

Betty Williams for Loretta Shaffer
[Name of Secretary]
AECAS ([Section]) *YMN/014*

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