

4. On September 9, 1994, the Administrator of the U.S. EPA approved 35 Ill. Admin. Code Part 218: Organic Material Emission Standards and Limitations for the Chicago Area (59 Fed. Reg. 46569), replacing the federal revisions to the Illinois SIP found at 40 C.F.R. § 52.741, effective October 11, 1994.

5. On February 13, 1996, the Administrator of the U.S. EPA approved revisions to 35 Ill. Admin. Code Part 218.204-214 (61 Fed. Reg. 5511). The revisions included a new VOM content limitation for paper coating of 2.3 pounds of VOM per gallon of coating, as applied, found at 35 Ill. Admin. Code § 218.204(c). Compliance with this limitation was required by March 15, 1996.

6. The federal regulations found at 40 C.F.R. § 52.741(h)(5), and the state regulations found at 35 Ill. Admin. Code §§ 218.405-406, set forth rules for heatset web offset lithographic printing operations.

7. On November 8, 1995, the Administrator of the U.S. EPA approved revisions to 35 Ill. Admin. Code Part 218, including revisions to the lithographic printing regulations found at 35 Ill. Admin. Code §§ 218.407-411, effective January 8, 1996. 60 Fed. Reg. 56238.

8. 35 Ill. Admin. Code § 218.411 requires a heatset web offset lithographic printing source to submit a declaration of exemption from or compliance with the lithographic printing rules found at 35 Ill. Admin. Code §§ 218.407-410, along with all test

results and calculations demonstrating exemption or compliance by March 15, 1996.

9. Section 113(a) of the Act, 42 U.S.C. § 7413(a), requires, among other things, that, whenever the Administrator finds that any person has violated or is in violation of of any requirement or prohibition of any applicable SIP, the Administrator shall notify the person and the State in which the SIP applies of such finding.

FINDINGS OF VIOLATION

10. Banta Direct Marketing, Inc. (Banta), is a corporation operating under the laws of the State of Illinois.

11. Banta operates a facility at 2075 Busse Road, Elk Grove Village, Illinois (Facility).

12. Banta operates at the Facility eight lithographic printing and paper coating lines.

13. On September 18, 1997, the Administrator issued to Banta a Notice of Violation (NOV) pursuant to Section 113(a) of the Act, 42 U.S.C. § 7413(a), for violations of the Illinois SIP.

14. On September 18, 1997, the Administrator notified the State of Illinois that Banta had violated the requirements of the Illinois SIP.

15. On November 5, 1997, representatives of Respondent and U.S. EPA met to discuss the violations alleged in the NOV.

16. On July 29, 1998, the Administrator issued to Banta a second NOV pursuant to Section 113(a) of the Act, 42 U.S.C. § 7413(a), for additional violations of the Illinois SIP.

17. On July 29, 1998, the Administrator notified the State of Illinois that Banta had violated the requirements of the Illinois SIP.

18. On September 10, 1998, representatives of Respondent and U.S. EPA met to discuss the violations alleged in the second NOV.

19. Respondent neither admits nor denies the factual allegations in the September 18, 1997, and July 29, 1998 NOVs issued by U.S. EPA.

ORDER

After review of information submitted by Banta to the U.S. EPA, and a thorough investigation of all relevant facts, taking into account the seriousness of the violations and Banta's efforts to comply with applicable regulations, it is determined that the following requirements are agreed and ordered and are reasonable.

THEREFORE, IT IS HEREBY ORDERED THAT:

20. As of the effective date of this Order, Banta shall achieve, demonstrate and maintain continuous compliance with all applicable portions of the Illinois SIP, including 35 Ill. Admin. Code Part 218 (and any other applicable federally approved Illinois SIP rule replacing 35 Ill. Admin. Code Part 218 before the expiration of this Order).

21. Beginning January 1, 2000, Banta shall achieve, demonstrate and maintain continuous compliance with an eighty-five percent control efficiency.

22. Within 90 calendar days after the effective date of

this Order, Banta shall submit an amendment to its Title V permit application to incorporate the requirements set forth in paragraph 21, above.

GENERAL PROVISIONS

23. Nothing contained in this Order shall affect the responsibility of Banta to comply with all applicable federal, state or local laws or regulations, including Section 303 of the Act, 42 U.S.C. § 7603.

24. Banta has been notified that it is subject to civil administrative penalties pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

25. Banta is hereby notified that it may be subject to noncompliance penalties pursuant to Section 120 of the Act, 42 U.S.C. § 7420.

26. Nothing in this Order shall be construed to prevent, or limit, the U.S. EPA's right to collect penalties and pursue appropriate relief under Sections 113(b) and 113(d) of the Act, 42 U.S.C. §§ 7413(b) and 7413(d).

27. Pursuant to Section 114 of the Act, 42 U.S.C. § 7414, the Administrator or authorized representatives of the U.S. EPA upon presentation of his or her credentials, shall have the right of entry into, upon and through Banta's Elk Grove, Illinois facility, for the purpose of carrying out any inspections, taking photographs, and at reasonable times, reviewing any records, and, subject to applicable safety requirements, observing tests, and

conducting any tests, which are deemed by the Administrator to be necessary to ensure compliance with this Order.

28. Nothing in this Order shall be construed to restrict in any way, the U.S. EPA's authority under Section 114 of the Act, 42 U.S.C. § 7414.

29. Pursuant to regulations appearing in 40 C.F.R. Part 2, Subpart B, Banta is entitled to assert a business confidentiality claim covering any part of the submitted information which is not emission data or necessary to determine emission data. Failure to assert such a claim makes the submitted information available to the public without further notice. Information subject to a business confidentiality claim may be available to the public only to the extent set forth in the above-cited regulations.

30. Banta shall submit all information and reports required by this Order to the U.S. EPA and the Illinois Environmental Protection Agency (IEPA) within the time frames prescribed in this Order. All information and reports shall be sent to:

Mary McAuliffe (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency
Region 5
Chicago, Illinois 60604-3590
telefax: (312) 886-0747

with a copy to:

David Kolaz, Chief
Compliance and Systems Management Section
Bureau of Air
Illinois Environmental Protection Agency
P.O. Box 19276
Springfield, Illinois 62794-9276

31. All submissions or reports required under this Order shall be accompanied by the following certification by a responsible official of Banta:

"I certify that the information contained in or accompanying this submission is true, accurate and complete. This certification is based on either my personal preparation, review, analysis of the submission, and/or supervision of persons who, acting on my direct instructions, made the verification that the submitted information is true, accurate and complete."

32. All information collected pursuant to this Order can be used for civil, criminal, and administrative enforcement purposes.

33. This Order constitutes the entire agreement between the parties related to Banta's compliance regarding the allegations set forth in U.S. EPA's Notices of Violation issued to Banta on September 18, 1997, and July 29, 1998. A separate Consent Agreement and Final Order or other Order under Section 113(d) of the Act addresses issues related to any applicable penalties.

34. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information in an administrative action or investigation involving the U.S. EPA and specific individuals or entities.

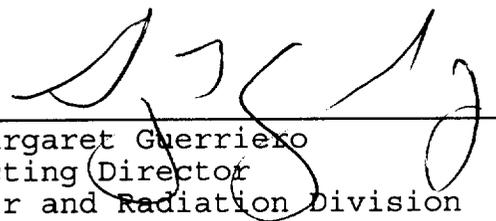
35. The provisions of this Order shall apply to and be binding upon Banta, its officers, directors, employees, agents, servants, employees, any successor(s) in interest, and all persons, firms and corporations who are, or will be, acting on behalf of, in concert with or in participation with Banta in any

acts governed by the terms of this Order. Prior to transfer of ownership of any facilities affected by this Order, Banta shall give notice of this Order to any successor(s) in interest, and shall simultaneously verify to U.S. EPA and IEPA, to the addressees specified herein, that such notice has been given.

36. This Order is effective on the date of signature by the Acting Director, Air and Radiation Division, and shall terminate three (3) years after the date of signature by the Director, Air and Radiation Division, U.S. EPA, Region 5, provided that all provisions of this Order have been fulfilled and that Banta maintains compliance throughout the life of the Order.

37. Each party shall bear its own costs and attorneys fees in this matter.

9/24/99
 Date


 Margaret Guerriero
 Acting Director
 Air and Radiation Division

Banta Direct Marketing, Inc., consents to the issuance of this Order and waives any and all rights to challenge this Order.

9/21/99
 Date


 Stephen A. Burak
 Vice President and General Manager
 Banta Direct Marketing Group