



Massachusetts. Quebecor operates a printing and publishing facility in Effingham, Illinois.

#### **STATUTORY AND REGULATORY BACKGROUND**

3. On June 19, 1978, U.S. EPA promulgated the Prevention of Significant Deterioration of Air Quality standards ("PSD standards"), codified at 40 C.F.R. § 52.21 (43 Fed. Reg. 26403).
4. On April 7, 1980, U.S. EPA delegated to the State of Illinois authority to implement the PSD program and incorporated the PSD standards into the Illinois SIP. 46 Fed. Reg. 9584.
5. On September 18, 1974, U.S. EPA promulgated (39 Fed. Reg. 33512) and on June 28, 1989, amended (54 Fed. Reg. 27285) 40 C.F.R. § 52.23, which provides that any failure, among other things, to comply with any permit condition or permit denial issued pursuant to approved or promulgated regulations for the review of new or modified stationary sources constitutes a violation of an applicable implementation plan, subject to enforcement under Section 113 of the Act.
6. Pursuant to 40 C.F.R. § 52.21(r), any owner or operator of a source subject to the PSD regulations who commences construction without applying for and receiving a permit to construct under the PSD regulations is subject to appropriate enforcement action.

#### **GENERAL ALLEGATIONS**

7. Quebecor owns and operates a printing and publishing facility located at 420 West Industrial Avenue in Effingham, Illinois.
8. Quebecor is a "person" as defined at 42 U.S.C. § 7602.

9. Quebecor's facility, which is contained in two separate buildings, is one stationary source as defined at 40 C.F.R. § 52.21(b) (5).
10. During calendar year 1993, Quebecor had the potential to emit from its Effingham, Illinois facility VOCs in excess of 250 tons per year. Therefore, Quebecor's Effingham, Illinois facility was a major stationary source as defined at 40 C.F.R. § 52.21(b) (1).
11. On April 27, 1998, pursuant to Section 113 of the Act, 42 U.S.C. § 7413, David Kee, former Director of the Air and Radiation Division, Region 5, issued to Quebecor a Notice of Violation in which U.S. EPA alleged violations of the PSD standards, 42 U.S.C. §§ 7470-7491, and the Illinois SIP.
12. Pursuant to Section 113 of the Act, 42 U.S.C. § 7413, U.S. EPA offered Quebecor an opportunity discuss the Notice of Violation. The parties held a conference on May 18, 1998, at U.S. EPA Region 5's Chicago office.
13. The Attorney General of the United States has concurred with the determination of the Administrator of U.S. EPA, each through their respective delegates, that an administrative assessment of civil penalties is appropriate for the period of violations alleged in this Complaint.

**COUNT I**

14. Paragraphs 1 through 13 are realleged herein by reference.
15. In 1994, Quebecor installed a web-offset press designated as OP-30201. The press had potential VOC emissions of 74.53 tons per year. The

installation of this press constituted a major modification to a major stationary source as defined at 40 C.F.R. § 52.21(b).

16. Prior to the construction of press OP-30201, Quebecor did not apply for or receive a permit which met the requirements of 40 C.F.R. § 52.21(j) through (r).
17. Quebecor's failure to apply for or receive a permit which meets the requirements of 40 C.F.R. § 52.21(j) through (r) before construction of press OP-30201 constitutes a violation of 40 C.F.R. § 52.21(i) and the Act.

**COUNT II**

18. Paragraphs 1 through 13 are realleged herein by reference.
19. In 1995, Quebecor installed a web-offset press designated as OP-10206. The press had potential VOC emissions of 49.95 tons per year. The installation of this press constituted a major modification to a major stationary source as defined at 40 C.F.R. § 52.21(b).
20. Prior to the construction of press OP-10206, Quebecor did not apply for or receive a permit which met the requirements of 40 C.F.R. § 52.21(j) through (r).
21. Quebecor's failure to apply for or receive a permit which meets the requirements of 40 C.F.R. § 52.21(j) through (r) before construction of press OP-10206 constitutes a violation of 40 C.F.R. § 52.21(i) and the Act.

**COUNT III**

22. Paragraphs 1 through 13 are realleged herein by reference.

23. In 1997, Quebecor installed a web-offset press designated as OP-10207. The press had potential VOC emissions of 69.93 tons per year. The installation of this press constituted a major modification to a major stationary source as defined at 40 C.F.R. § 52.21(b).
24. Prior to the construction of press OP-10207, Quebecor did not apply for or receive a permit which met the requirements of 40 C.F.R. § 52.21(j) through (r).
25. Quebecor's failure to apply for or receive a permit which meets the requirements of 40 C.F.R. § 52.21(j) through (r) before construction of press OP-10207 constitutes a violation of 40 C.F.R. § 52.21(i) and the Act.

#### COUNT IV

26. Paragraphs 1 through 13 are realleged herein by reference.
27. Prior to the installation of press OP-30201, on May 31, 1994, Quebecor had obtained a construction permit which was federally enforceable but which did not meet the requirements of 40 C.F.R. § 52.21(j) through (r). The construction permit restricted Quebecor to using 282.67 tons of ink per year in the operation of press OP-30201, and restricted VOC emissions from press OP-30201 to 74.53 tons per year.
28. In 1997, Quebecor operated press OP-30201 using 288.93 tons of ink which resulted in VOC emissions of 88.96 tons.
29. The use of inks and the emission of VOCs in the operation of press OP-30201 in excess of the amounts allowed by Quebecor's May 31, 1994 construction permit is a violation of 40 C.F.R. § 52.23 and the Act.

NOTICE OF PROPOSED ORDER ASSESSING A CIVIL PENALTY

30. Pursuant to Section 113(d) (1) of the Act, 42 U.S.C. § 7413(d) (1), the Debt Collection Improvement Act of 1996, 31 U.S.C. § 3701, and the Civil Monetary Penalty Inflation Adjustment Rule at 40 C.F.R. Part 19, the Administrator of the U.S. EPA may assess a civil penalty of up to \$27,500 per day for each violation, up to a total of \$220,000, for violations of requirements under the Act. The proposed civil penalty herein has been determined under those authorities in accordance with Section 113(e) (1) of the Act, 42 U.S.C. § 7413(e) (1), which requires the Complainant to take the following factors into consideration in determining the amount of any penalty to be assessed under Section 113: the size of the Respondent's business; the economic impact of the penalty on the business; Respondent's full compliance history and good faith efforts to comply; the duration of the violations alleged in the Complaint as established by credible evidence (including evidence other than the applicable test method); payment by Respondent of penalties previously assessed for the same alleged violations; the economic benefits of noncompliance; and the seriousness of the alleged violations.
31. After consideration of the factors set forth at Section 113(e) (1) of the Act, based upon the facts and circumstances alleged in this Complaint, U.S. EPA hereby proposes to issue to Respondent a Final Order Assessing Administrative Penalties assessing a penalty in the amount of **\$60,500**. This proposed penalty was calculated under Section 113(e) of the Act.

with specific reference to the Clean Air Act Stationary Source Penalty Policy ("Penalty Policy"). The Penalty Policy provides a rational, consistent and equitable calculation methodology for applying statutory penalty factors set forth above to particular cases. A copy of the Penalty Policy is attached hereto as Exhibit A.

32. In assessing the proposed penalty, U.S. EPA considered all of the factors set forth in Section 113(e)(1) of the Act. The final penalty is based on the recommended adjustments in the Penalty Policy.
33. The proposed penalty of \$60,500 reflects a presumption of Respondent's ability to pay the penalty and to continue in business based on the size of its business and the economic impact of the proposed penalty on its business.
34. Respondent shall pay the assessed penalty by certified or cashier's check payable to "Treasurer, the United States of America", and shall deliver it, with a transmittal letter identifying the name of the case and docket number of this Complaint to:

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

Respondent shall also include on the check the name of the case and the docket number. Respondent simultaneously shall send copies of the check and transmittal letter to:

Shaun Burke (AE-17J)  
Air and Radiation Division  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

and,

Jane D. Woolums (C-14J)  
Associate Regional Counsel  
Office of Regional Counsel  
U.S. EPA, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

35. The penalty proposed in this Complaint has been developed based on the best information available to U.S. EPA at this time, and may be adjusted if the Respondent establishes bonafide issues of ability to pay or other defenses relevant to the appropriateness of the penalty.

**OPPORTUNITY TO REQUEST A HEARING**

36. Section 113(d) (2) of the Act, 42 U.S.C. § 7413(d) (2), requires the Administrator of U.S. EPA to provide to any person against whom the Administrator proposes to assess a penalty an opportunity to request a hearing on the proposed penalty. Accordingly, Quebecor has the right to request a hearing to contest any material fact alleged in the Complaint or to contest the appropriateness of the amount of the proposed penalty. In order to request a hearing, Quebecor must specifically make such request in its Answer, as discussed in Paragraphs 38 through 42, below.
37. The hearing which Quebecor requests regarding the Complaint will be held and conducted in accordance with the provisions of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," 40 C.F.R. Part 22, as amended by 57 Fed. Reg. 4316 (1992), a copy of which is attached hereto as Exhibit B.

**ANSWER**

38. To avoid being found in default, Quebecor must file a written Answer to this Complaint with the Regional Hearing Clerk, (R-19J), U.S. EPA, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, within thirty calendar days of receipt of this Complaint. In computing any period of time allowed under this Complaint, the day of the event from which the designated period begins to run shall not be included. Saturdays, Sundays and Federal holidays shall be included, except when a time period expires on such, in which case the deadline shall be extended to the next business day.
39. Quebecor's Answer must clearly and directly admit, deny or explain each of the factual allegations contained in the Complaint, or must state clearly that Quebecor has no knowledge regarding a particular factual allegation which it cannot admit, deny or explain, in which case the allegation will be deemed denied. Quebecor's Answer also specifically shall state:
- a. The circumstances or arguments which Quebecor alleges constitute grounds for defense;
  - b. The facts that Quebecor intends to place at issue; and
  - c. Whether Quebecor requests a hearing discussed in Paragraphs 36 and 37, above.
40. Failure to respond to any factual allegation in this Complaint shall constitute admission of the alleged fact.

41. Quebecor must send a copy of its Answer and any documents subsequently filed in this action to Jane D. Woolums, Associate Regional Counsel (C-14J), U.S. EPA, 77 West Jackson Boulevard, Chicago, Illinois 60604-3590. Ms. Woolums' telephone number is (312) 886-7948.
42. If Quebecor fails to file a written Answer within thirty calendar days of receipt of this Complaint, the Administrator of U.S. EPA may issue a Default Order. Issuance of a Default Order will constitute a binding admission of all allegations made in the Complaint and a waiver of Quebecor's right to a hearing. 40 C.F.R. § 22.17. The civil penalty proposed herein shall become due and payable without further proceedings sixty days after the Default Order becomes the Final Order of the Administrator pursuant to 40 C.F.R. §§ 22.27 or 22.31.

**SETTLEMENT CONFERENCE**

43. Whether or not Quebecor requests a hearing, Quebecor may request an informal conference to discuss the facts of this action and to arrive at a settlement. To request a settlement conference, write to Shaun Burke, U.S. EPA, Region 5, Air and Radiation Division, Air Enforcement and Compliance Assurance Branch (AE-17J), 77 West Jackson Boulevard, Chicago, Illinois 60604-3590, or telephone Mr. Burke at (312) 353-5713.
44. Quebecor's request for an informal settlement conference does not extend the thirty calendar day period during which Quebecor must submit a written Answer to this Complaint. Quebecor may pursue simultaneously the informal settlement conference and adjudicatory hearing process. U.S. EPA encourages all parties facing civil penalties to pursue

settlement through an informal conference. However, U.S. EPA will not reduce the penalty simply because such a conference is held. Any settlement that may be reached as a result of such a conference shall be embodied in a Consent Order. Quebecor's agreement to a Consent Order Assessing Administrative Penalties shall constitute a waiver of Quebecor's right to request a hearing on any matter stipulated to therein.

45. Neither assessment nor payment of an administrative civil penalty shall affect Quebecor's continuing obligation to comply with the Clean Air Act or any other Federal, State or local law or regulation.

12/30/98

Date



Stephen Rothblatt, Acting Director  
Air and Radiation Division  
U.S. Environmental Protection  
Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

RECEIVED  
REGIONAL HEARING

CERTIFICATE OF SERVICE

'98 DEC 30 P 3:49

I, Betty Williams, do hereby certify that the original of the foregoing Administrative Complaint was hand delivered to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that correct copies, along with a copy of the "Consolidated Rules of Practice Governing the Administrative Assessment of Civil Penalties and the Revocation or Suspension of Permits," 40 C.F.R. Part 22, and a copy of the Penalty Policy (described in the Compliant) was mailed first-class, postage prepaid, certified mail, return receipt requested, to the Respondent and Respondent's Counsel by placing it in the custody of the United States Postal Service addressed as follows:

Michael Goldman, Vice President and General Manager  
Quebecor Petty Printing Company  
420 West Industrial Avenue  
Effingham, Illinois 62401

on the 30<sup>th</sup> day of December, 1998.

  
Betty Williams, Secretary  
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: P 140894284

CAA-5- '99 - 004