



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

SEP 19 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kevin W. McNair, Executive Vice President Operations
BWAY Corporation
1515 W. 22nd Street
Suite 550
Oak Brook, Illinois 60523

Re: Administrative Order EPA-5-13-113(a)-IL-05
In the Matter of: BWAY Corporation - Chicago, Illinois - CAFO
Docket No. CAA-05-2013-0042

Dear Mr. McNair:

Enclosed please find a fully executed Administrative Consent Order and Consent Agreement and Final Order. The ACO and CAFO address the Notice of Violation and Finding of Violation issued to BWAY on September 4, 2012.

If you have any questions, please contact Dakota Prentice of my staff at 312-886-6761 or Gary Steinbauer, Associate Regional Counsel, at 312-886-4306.

Sincerely,

A handwritten signature in black ink, appearing to read "Nathan A. Frank", with a long, sweeping horizontal line extending to the right.

Nathan A. Frank, P.E.
Chief
Air Enforcement and Compliance Assurance Section (IL/IN)

Enclosure

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	Docket No. CAA-05-2013-0042
)	
BWAY Corporation,)	Proceeding to Assess a Civil Penalty
Chicago, Illinois,)	Under Section 113(d) of the Clean Air Act
)	42 U.S.C. § 7413(d)
Respondent.)	
_____)	

Consent Agreement and Final Order

Preliminary Statement

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)(2) and (3) 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.

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

3. Respondent is BWAY Corporation, a corporation doing business in Illinois. Respondent owns and/or operates a facility located at 3200 South Kilbourn Avenue, Chicago, Illinois 60623 (the Facility).

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).

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.

RECEIVED
REGIONAL OFFICE
EPA REGION 5
CHICAGO, ILLINOIS
JAN 15 2013

6. Respondent consents to the assessment of the civil penalty specified in this CAFO and to the terms of this CAFO.

Jurisdiction and Waiver of Right to Hearing

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

8. 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.

Applicable Statutory and Regulatory Background

The National Emission Standards for Hazardous Air Pollutants

9. Section 112 of the Act, 42 U.S.C. § 7412(c), requires EPA to promulgate a list of all categories and subcategories of new and existing “major sources” of hazardous air pollutants (HAP), as defined by 42 U.S.C. § 7412(a)(1), and establish emission standards for the categories and subcategories. These emission standards are known as the National Emission Standards for Hazardous Air Pollutants (NESHAP).

10. Under Section 112 of the Act, 42 U.S.C. § 7412, EPA promulgated the NESHAP for Surface Coating of Metal Cans at 40 C.F.R. §§ 63.3480 through 63.3561 (Can Coating NESHAP). The Can Coating NESHAP applies to owners or operators of existing sources that use 5,700 liters (1,500 gallons) per year or more of coatings to coat metal cans, and that are major sources of HAP emissions.

11. The Can Coating NESHAP requires the owner or operator of an affected source to, *inter alia*: (1) meet the emission limit for the subcategory or subcategories of coating activities present at the source by utilizing one of four compliance options (40 C.F.R. §§ 63.3490 through 63.3491); (2) meet the operating limits for any capture and control devices utilized for

compliance and to monitor such operating limits using a continuous parameter monitoring system (CPMS) (40 C.F.R. § 63.3492); and (3) submit reports and notifications and maintain certain records (40 C.F.R. §§ 63.3510 through 63.3513).

12. Under Section 112 of the Act, 42 U.S.C. § 7412, EPA promulgated the NESHAP for Surface Coating of Miscellaneous Metal Parts and Products at 40 C.F.R. §§ 63.3880 through 63.3981 (Metal Parts Coating NESHAP). The Metal Parts Coating NESHAP applies to owners or operators of existing sources that use 946 liters (250 gallons) per year or more of coatings that contain HAP in the surface coating of miscellaneous metal parts and products, and that are major sources of HAP emissions.

13. The Metal Parts Coating NESHAP requires the owner or operator of an affected source to, *inter alia*: (1) meet the emission limit for the subcategory or subcategories of coating activities present at the source by utilizing one of three compliance options (40 C.F.R. § 63.3890); (2) meet the operating limits for any capture and control devices utilized for compliance and to monitor such limits using a CPMS (40 C.F.R. § 63.3892); (3) and submit reports and notifications and maintain records of compliance (40 C.F.R. §§ 63.3910 through 63.3931).

The Illinois State Implementation Plan

14. Under Section 110 of the Act, 42 U.S.C. § 7410, each state must submit to the Administrator of EPA a plan for attaining and maintaining the National Ambient Air Quality Standards. Upon approval by EPA, the plan becomes part of the applicable State Implementation Plan (SIP) for the state.

15. On February 13, 1996, EPA approved the Illinois rules for controlling emissions of volatile organic materials, otherwise known as volatile organic compounds (VOC), from can

and miscellaneous metal parts and products operations in the Chicago area, set forth in 35 Ill. Admin. Code 218.204, 218.205, and 218.207, as part of the federally enforceable SIP for the State of Illinois. 61 Fed. Reg. 5511.

16. On March 18, 1999, EPA approved a site-specific revision to the Illinois SIP revising the VOC Reasonably Available Control Technology requirements for the Facility, allowing the Facility to apply can coating SIP requirements in 35 Ill. Admin. Code part 218 to its pail coating operations, provided that: (1) no more than 20 percent of the total number of cans and pails coated on an annual basis are pails; (2) the pails are geometrically identical to cans coated at the facility, in terms of shape and volume; and (3) the pails are produced from metal with a thickness of no more 20 gauge (0.039 inches). 64 Fed. Reg. 13346.

17. 35 Ill. Admin. Code 218.204 provides that no owner or operator of a coating line shall apply at any time any coating in which the VOC content exceeds the emission limitations listed therein, including the emission limitations for can coating listed in 35 Ill. Admin. Code 218.204(b), except as provided in 35 Ill. Admin. Code 218.205 and 218.207.

18. 35 Ill. Admin. Code 218.205(c) provides that no owner or operator of a can coating line that is subject to the emission limitations in 35 Ill. Admin. Code 218.204(b) shall operate the can coating line using a coating with a VOC content in excess of the limitations in 35 Ill. Admin. Code 218.204(b) unless the actual daily emissions never exceed the alternative daily emission limitation calculated in accordance with 35 Ill. Admin. Code 218.205(c)(1) and (2).

19. 35 Ill. Admin. Code 218.207(h) provides that no owner or operator of a can coating line which is equipped with a capture system and control device shall operate the subject coating line unless the requirements of 35 Ill. Admin. Code 218.207(h)(1) and (2) are met.

20. 35 Ill. Admin Code 218.207(h)(1) provides that an alternative daily emission limitation shall be determined for the can coating operation, i.e., for all of the can coating lines at the source, according to 35 Ill. Admin. Code. 218.205(c). Actual daily emissions shall never exceed the alternative daily emission limitation calculated under 35 Ill. Admin. Code 218.207(h)(1).

21. 35 Ill. Admin. Code 218.207(h)(2) requires a coating line to be equipped with a capture system and control device that provides 75 percent reduction in overall emissions of VOCs from the coating line and a control device that has a 90 percent efficiency.

Title V Requirements and the Title V Permit

22. Title V of the Act, 42, U.S.C. §§ 7661-7661f, established an operating permit program for major sources of air pollution. Section 502(d) of the Act, 42 U.S.C. § 7661a(d), provides that each state must submit to EPA a permit program meeting the requirements of Title V.

23. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with Title V permit. Title V permits are federally enforceable and all terms and conditions in a Title V Permit are enforceable by EPA. 40 C.F.R. § 70.7(b)(1).

24. EPA approved the Illinois Title V program on December 4, 2001. 66 Fed. Reg. 62946. The approved Illinois Title V program is known as the Illinois Clean Air Act Permit Program (CAAPP).

25. The Illinois Environmental Protection Agency (IEPA) issued a CAAPP Permit, Application No.: 95100031 to the Facility (listed as Central Can Company, Inc.) on August 29, 2005 (Title V Permit).

26. On August 26, 2009, Central Can requested that the Title V Permit be amended to list Respondent as the owner of the Facility.

27. On or about September 23, 2009, an application to renew the Title V Permit was submitted.

28. Pursuant to Condition 9.14 of the Title V permit, the terms and conditions of the Title V Permit remain in effect until the issuance of a renewal permit.

29. The significant emission unit in the Title V Permit that is relevant to this CAFO is:

Emission Unit	Description	Commenced Construction	Emission Control Equipment
05	Litho Department, Coaters with Ovens	1948	Catalytic Oxidizer (Line Nos. 2, 3, and 4) and Thermal Oxidizer (Line No. 1)

30. Condition 7.1.3.d. of the Title V Permit states that the source shall comply with one of three compliance options for VOC emissions when can coating is performed. The options relevant here include: a facility-wide alternative daily emission limitation (Condition 7.1.3.d.i.); or the use of a capture system and control device that provides a minimum 75 percent reduction in overall emissions of VOC and a control device with a 90 percent efficiency (Condition 7.1.3.d.iii.).

31. Condition 7.1.5.b. of the Title V Permit states that the thermal oxidizer combustion chamber shall be preheated and maintained at 1320°F during operation of the

affected coating lines. This condition also states that the catalytic oxidizer chamber shall be preheated and maintained at 650°F during operation of the affected coating lines.

32. Condition 7.1.5.d. of the Title V Permit states that the operation of any natural gas fired afterburner and capture system used to comply with 35 Illinois Admin. Code Part 218 is not required during the period of November 1 of any year to April 1 of the following year provided the operation of such devices is not required for the purposes of occupational safety or health or for the control of toxic substances, odor nuisances, or other regulated pollutants.

33. Condition 7.1.8.a. of the Title V Permit states that each afterburner shall be equipped with a continuous temperature indicator and strip chart recorded or disk storage to monitor the afterburner combustion chamber temperature.

34. Condition 7.1.8.b. and Attachment 3, Tables 3 and 4 of the Title V Permit states that continuous monitoring is required during operation of the thermal oxidizer and catalytic oxidizer.

35. Condition 9.2.1. of the Title V Permit states that the Respondent must comply with all terms and conditions of the permit and that any noncompliance constitutes a violation of the Act.

36. Condition 9.2.2. of the Title V Permit states that the Respondent shall maintain all equipment covered under the permit in such a manner that the performance or operation of such equipment shall not cause a violation of the applicable requirements.

37. The Administrator of EPA (the Administrator) may assess a civil penalty of up to \$32,500 per day of violation up to a total of \$270,000 for NESHAP, SIP, and Title V violations that occurred after March 15, 2004 through January 12, 2009, and may assess a civil penalty of up to \$37,500 per day of violation up to a total of \$295,000 for NESHAP, SIP, and Title V

violations that occurred after January 12, 2009, under Section 113(d)(1) of the Act, 42 U.S.C. § 7413(d)(1), and 40 C.F.R. Part 19.

38. 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 the Attorney General of the United States jointly determine that a matter involving a longer period of violation is appropriate for an administrative penalty action.

39. 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 and Alleged Violations

40. Respondent owns and operates the Facility and has owned and operated the Facility at all times relevant to this CAFO.

41. Respondent operates four coating lines at the Facility (Line Nos. 1-4) that are used for surface coating of metal cans and pails.

42. Respondent's Facility emits or has the potential to emit considering controls, in the aggregate, 10 tons per year or more of any HAP or 25 tons per year or more of any combination of HAPs, and therefore, is a "major source" as defined in 42 U.S.C. § 7412(a)(1).

43. Respondent is subject to the Can Coating NESHAP, the Metal Parts Coating NESHAP, and the Illinois SIP requirements for can coating in the Chicago area at 35 Ill. Admin. Code 218.204, 218.205, and 218.207.

44. At all times relevant to this CAFO, when it utilized the compliance options at 40 C.F.R. § 63.3491(c), 40 C.F.R. § 63.3891(c), and Condition 7.1.3.d.iii. of the Title V Permit,

Respondent used a thermal oxidizer to control VOC and HAP emissions from Line No. 1 at the Facility and a catalytic oxidizer to control VOC and HAP emissions from Line Nos. 2-4 at the Facility.

45. On August 31, 2012, Respondent submitted an expedited application to IEPA to amend its Title V Permit to replace the catalytic oxidizer that controlled emissions of VOC and HAP from Line Nos. 2-4 with a regenerative thermal oxidizer.

46. On September 4, 2012, EPA issued Respondent a Notice and Finding of Violation alleging that Respondent violated various provisions of the Can Coating NESHAP, the Metal Parts Coating NESHAP, the Illinois SIP requirements for can coating in the Chicago area at 35 Ill. Admin. Code 218.204, 218.205, and 218.207, and the Title V Permit.

47. On September 24, 2012, IEPA issued Respondent a construction permit, authorizing Respondent to install a regenerative thermal oxidizer to control emissions of VOC and HAP from Line Nos. 2-4 at the Facility (Construction Permit).

48. On October 23, 2012, representatives of Respondent and EPA discussed the September 4, 2012 Notice and Finding of Violation.

49. For purposes of establishing the operating limits under 40 C.F.R. § 63.3492(b) and 40 C.F.R. § 63.3892(b), Respondent conducted a performance test on the thermal oxidizer and catalytic oxidizer on November 2, 2006 (2006 performance test).

50. The 2006 performance test established: (1) the minimum temperature at the thermal oxidizer (1386°F); (2) the minimum temperature (649°F) and the minimum temperature difference across the catalyst bed (23°F) at the catalytic oxidizer; and (3) an average of 80.4% for the destruction efficiency of the catalytic oxidizer.

51. During the following time periods, Respondent utilized the emission rate with add-on controls compliance option in the Can Coating NESHAP, 40 C.F.R. § 63.3491(c), on Line Nos. 1-4:

May 1 to Sept. 30, 2007
May 1 to Sept. 30, 2008
May 1 to Sept. 30, 2009
Oct. 1 to Dec. 31, 2009
Jan. 1 to Feb. 28, 2010
May 1, 2010 to March 31, 2012

52. During the following time periods, Respondent utilized the emission rate with add-on controls compliance option in the Metal Parts Coating NESHAP, 40 C.F.R. § 63.3891(c), on Line Nos. 1-4:

May 1 to Sept. 30, 2007
May 1 to Sept. 30, 2008
May 1 to Sept. 30, 2009
Jan. 1 to Feb. 28, 2010
May 1, 2010 to March 31, 2012

53. When Respondent was utilizing the emission rate with add-on controls compliance options in the Can Coating NESHAP, 40 C.F.R. § 63.3491(c), and the Metal Parts Coating NESHAP, 40 C.F.R. § 63.3891(c), during the time periods set forth Paragraphs 51 and 52, Respondent consistently operated the thermal oxidizer below the minimum temperature established during the 2006 performance test.

54. When Respondent was utilizing the emission rate with add-on controls compliance options in the Can Coating NESHAP, 40 C.F.R. § 63.3491(c), and the Metal Parts Coating NESHAP, 40 C.F.R. § 63.3891(c), during the time periods set forth in Paragraphs 51

and 52, Respondent consistently operated the catalytic oxidizer below the minimum inlet temperature, the temperature difference across the catalyst bed, or both, established during the 2006 performance test.

55. When Respondent was utilizing the emission rate with add-on controls compliance options in the Can Coating NESHAP, 40 C.F.R. § 63.3491(c), and the Metal Parts Coating NESHAP, 40 C.F.R. § 63.3891(c), during the time periods set forth Paragraphs 51 and 52, the CPMS was not in operation or did not collect emission capture system and add-on control device parameter data for 10 days in 2007, 8 days in 2008, 6 days in 2009, 178 days in 2010, 66 days in 2011, and 1 day in 2012, when at least one of the coating lines was in operation.

56. In the following Semi-Annual Compliance Reports, Respondent failed to report all of the deviations from the emission and operating limits as required by the Can Coating NESHAP, 40 C.F.R. § 63.3511(a)(7), and the Metal Parts Coating NESHAP, 40 C.F.R. § 63.3920(a)(7):

<u>Date of Semi-Annual Compliance Report</u>	<u>Compliance Period</u>
Jan. 31, 2008	Nov. 13, 2006 – Nov. 30, 2007
Jan. 31, 2008	Dec. 1 – Dec. 31, 2007
Jan. 26, 2009	Nov. 13, 2007 – Nov. 30, 2008
Jan. 26, 2009	July 1, 2008 – Dec. 31, 2008
July 29, 2009	Jan. 1, 2009 – June 30, 2009
Feb. 1, 2010	July 1, 2009 – Dec. 31, 2009

57. Respondent failed to perform corrective actions related to the operating parameter deviations set forth in Paragraphs 53 and 54 and the periods of CPMS downtime or inoperation set forth in Paragraph 55. In addition, when the CPMS was operating, Respondent failed to

record temperature data in the correct unit of measure for purposes of ensuring compliance with applicable emission limits and other requirements in the Can Coating NESHAP and Metal Parts Coating NESHAP in 2011.

58. At various times from May 1, 2007 through February 9, 2012, Respondent failed to operate and maintain the Facility, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices as required by the Can Coating NESHAP and Metal Parts Coating NESHAP. *See* 40 C.F.R. §§ 63.6(e), 63.3500(b), 63.3900(b).

59. Respondent's failure to satisfy the requirements of the Can Coating NESHAP and Metal Parts Coating NESHAP as set forth in Paragraphs 53 through 58 constitute violations of Section 112 of the Act, 42 U.S.C. § 7412.

60. From May 1, 2007 through December 31, 2012, Respondent utilized the compliance options set forth in conditions 7.1.3.d.i. and 7.1.3.d.iii. of the Title V Permit simultaneously.

61. Respondent violated Title V of the Act, the Title V Permit, and the Illinois SIP, when its actual emissions of VOC exceeded the emission limitation set forth in condition 7.1.3.d.i. of the Title V Permit on the following days:

May 16, 2010
Sept. 16, 2010
Oct. 4, 2010
Oct. 9, 2010
Jan. 28, 2011
April 16, 2011
July 7, 2011
July 8, 2011
July 15, 2011

July 16, 2011

Oct. 21, 2011

Feb. 19, 2012

62. Respondent violated Title V of the Act, the Title V Permit, and the Illinois SIP, when it operated the thermal oxidizer and catalytic oxidizer below the minimum temperatures established in Condition 7.1.5.b. of the Title V Permit at various times from May 2007 to September 2011.

63. Respondent violated Title V of the Act, the Title V Permit, and the Illinois SIP, when it failed to operate the CPMS or the CPMS failed to record data for 10 days in 2007, 8 days in 2008, 6 days in 2009, 178 days in 2010, 66 days in 2011, and 1 day in 2012, when at least one of the coating lines was in operation.

64. Respondent violated Title V of the Act, the Title V Permit, and the Illinois SIP, when it failed to maintain all equipment covered under the Title V Permit in such a manner that the performance or operation of such equipment would not cause a violation of the applicable requirements.

Civil Penalty

65. 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 and Respondent's prompt return to compliance, Complainant has determined that an appropriate civil penalty to settle this action is \$125,000.

66. Within 30 days after the effective date of this CAFO, Respondent must pay a \$125,000 civil penalty by sending a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. EPA
Fines and Penalties
Cincinnati Finance Center

P.O. Box 979077
St. Louis, Missouri 63197-9000

67. Respondent must send a notice of payment that states Respondent's name, the docket number of this CAFO and the billing document number to the Compliance Tracker, Air Enforcement and Compliance Assurance Branch and to Gary Steinbauer at the following addresses when it pays the penalty:

Attn: Compliance Tracker, (AE-17J)
Air Enforcement and Compliance Assurance Branch
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

Gary Steinbauer (C-14J)
Office of Regional Counsel
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

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

69. If Respondent does not pay timely the civil penalty, EPA may request the Attorney General of the United States to bring an action to collect any unpaid portion of the penalty with interest, 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.

70. Respondent must pay the following on any amount overdue under this CAFO. Interest will accrue on any overdue amount from the date payment was due at a rate established by the Secretary of the Treasury pursuant to 26 U.S.C. § 6621(a)(2). Respondent must pay the United States enforcement expenses, including but not limited to attorneys fees and costs incurred by the United States for collection proceedings. In addition, Respondent must pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue. 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. 42 U.S.C. § 7413(d)(5).

General Provisions

71. This CAFO resolves only Respondent's liability for federal civil penalties for the violations alleged in this CAFO.

72. The CAFO does not affect the rights of EPA or the United States to pursue appropriate injunctive or other equitable relief or criminal sanctions for any violation of law.

73. This CAFO does not affect Respondent's responsibility to comply with the Act and other applicable federal, state and local laws. Except as provided in Paragraph 71, above, compliance with this CAFO will not be a defense to any actions subsequently commenced pursuant to federal laws administered by EPA.

74. Respondent certifies that it is complying fully with Can Coating NESHAP, Metal Parts Coating NESHAP, the Illinois SIP, and the Title V Permit.

75. This CAFO constitutes an "enforcement response" as that term is used in EPA's Clean Air Act Stationary Civil Penalty Policy to determine Respondent's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).

76. The terms of this CAFO bind Respondent, its successors and assigns.

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

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

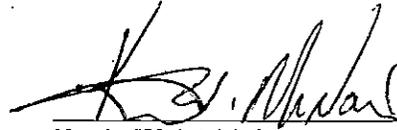
79. This CAFO constitutes the entire agreement between the parties.

[Signature page follows.]

BWAY Corporation, Respondent

9/9/13

Date

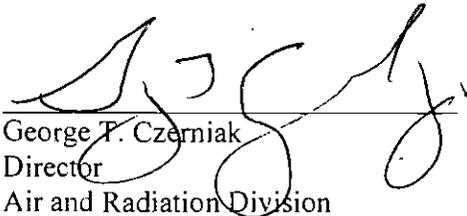


Kevin W. McNair
Executive Vice President Operations
BWAY Corporation

United States Environmental Protection Agency, Complainant

9/13/13

Date



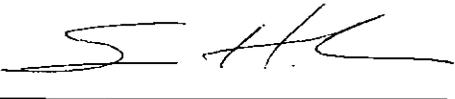
George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency
Region 5

Consent Agreement and Final Order
In the Matter of: BWAY Corporation
Docket No. CAA-05-2013-0042

Final Order

This Consent Agreement and Final Order, as agreed to by the parties, shall become effective immediately upon filing with the Regional Hearing Clerk. This Final Order concludes this proceeding pursuant to 40 C.F.R. §§ 22.18 and 22.31. IT IS SO ORDERED.

9-16-2013
Date



Susan Hedman
Regional Administrator
U.S. Environmental Protection Agency
Region 5

**Consent Agreement and Final Order
In the Matter of: BWAY Corporation
Docket No.**

CAA-05-2013-0042

Certificate of Service

I certify that I filed the original and one copy of the Consent Agreement and Final Order (CAFO), docket number CAA-05-2013-0042 with the Regional Hearing Clerk (E-19J), United States Environmental Protection Agency, Region 5, 77 W. Jackson Boulevard, Chicago, Illinois 60604, and that I mailed the second original copy to Respondent by first-class, postage prepaid, certified mail, return receipt requested, by placing it in the custody of the United States Postal Service addressed as follows:

Kevin W. McNair, Executive Vice President Operations
BWAY Corporation
1515 W. 22nd Street
Suite 550
Oak Brook, Illinois 60523

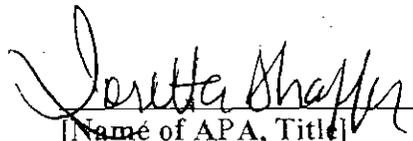
I certify that I delivered a correct copy of the CAFO by intra-office mail, addressed as follows:

Regional Judicial Officer (C-14J)
U.S. Environmental Protection Agency
77 W. Jackson Boulevard
Chicago, Illinois 60604

I also certify that I mailed a correct copy of the CAFO by first-class mail to:

Ray Pilapil, Manager
Bureau of Air, Compliance and Enforcement Section
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794

On the 19 day of September 2013.



[Name of APA, Title]
[Section]

CERTIFIED MAIL RECEIPT NUMBER:

7009 1680 0000 7669 5695

2013 SEP 19 10 58 AM
REGIONAL JUDICIAL OFFICER
U.S. ENVIRONMENTAL PROTECTION AGENCY
77 W. JACKSON BOULEVARD
CHICAGO, ILLINOIS 60604