



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

SEP 14 2010

REPLY TO THE ATTENTION OF:
(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Michael T. Scanlon
Barnes & Thornburg LLP
Attorney at Law
11 South Meridian Street
Indianapolis, Indiana 46204-3535

Re: Herff Jones Cap and Gown Division, Champaign, Illinois

Dear Mr. Scanlon,

Enclosed is your copy of the signed Administrative Consent Order (ACO) which resolves the Finding of Violation issued to Herff Jones Cap and Gown Division on December 30, 2009.

The terms of this Order became effective on the date of signature by the Director, and are binding from the effective date. Failure to comply with this Order may subject Herff Jones Cap and Gown Division to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

Should you have any questions, please contact Sherry L. Estes, Associate Regional Counsel, at (312) 886-7164, or Jamie Iatropulos, of my staff, at (312) 886-6024.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bonnie Bush".

Bonnie Bush, Chief
Air Enforcement and Compliance Assurance Section (MI/WI)

Enclosures: ACO

cc: Jamie Iatropulos (AE-17J)
Sherry L. Estes (C-14J)

"
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:)	
)	
Herff Jones Cap and Gown Division)	Proceeding Under Sections 113(a)(3)
1000 North Market Street)	114(a) of the Clean Air Act,
Champaign, Illinois 61820)	42 U.S.C. §§ 7413 (a)(3) and 7414(a)
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Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, (EPA), is issuing this Administrative Consent Order (Order) to Herff Jones Cap and Gown Division (Herff Jones) under Section 113(a)(3) of the Clean Air Act (Act), 42 U.S.C. §§ 7413 (a)(3) and 7414(a).

Statutory and Regulatory Background

2. Under Section 111 of the Act, 42 U.S.C. § 7411, EPA promulgated the Standards of Performance for New Stationary Sources (NSPS) for Petroleum Dry Cleaners at 40 C.F.R. Part 60 Subpart JJJ, §§ 60.620 through 60.625. The NSPS for Petroleum Dry Cleaners applies to the following affected facilities located at a petroleum dry cleaning plant with a total manufacturers' rated dryer capacity equal to or greater than 38 kilograms (84 pounds): petroleum solvent dry cleaning dryers, washers, filters, stills, and settling tanks.

3. 40 C.F.R. § 60.622(a) requires that if the owner or operator of an affected petroleum dry cleaning plant installs any dryers after December 14, 1982, that the dryers installed must be solvent recovery dryers, and that the solvent recovery dryer(s) must be properly installed, operated, and maintained.

4. 40 C.F.R. § 60.622(b) requires that each affected petroleum solvent filter that is installed at a petroleum dry cleaning plant after December 14, 1982 shall be a cartridge filter, and that these cartridge filters shall be drained in their sealed housings for at least 8 hours prior to their removal.

5. 40 C.F.R. § 60.624 requires each owner or operator of an affected facility subject to the provisions of §60.622(a) to perform an initial test to verify that the flow rate of recovered solvent from the solvent recovery dryer at the termination of the recovery cycle is no greater than 0.05 liters per minute.

6. 40 C.F.R. § 60.625 requires each owner or operator of an affected facility subject to the provisions of this subpart shall maintain a record of the performance test required under § 60.624.

Findings

7. Herff Jones owns and operates a cap and gown manufacturing and dry cleaning facility at 1000 North Market Street, Champaign, Illinois.

8. Because Herff Jones operates affected solvent recovery dryers that were installed after December 14, 1982, Herff Jones is subject to the NSPS for Petroleum Dry Cleaners at 40 C.F.R. Part 60 Subpart JJJ, §§ 60.620 through 60.625.

9. On December 30, 2009, EPA issued Herff Jones a Finding of Violation (FOV) alleging that it failed to 1) perform an initial test of each of its solvent recovery dryers to verify that the flow rate of recovered solvent from the dryer at the termination of the recovery cycle is no greater than 0.05 liters per minute as required under 40 C.F.R. § 60.624 and 2) maintain records of these performance tests as required under 40 C.F.R. § 60.625.

10. On February 2, 2010, representatives of Herff Jones and EPA discussed the December 30, 2009 FOV, pursuant to the requirements of Section 113 of the Act. Herff Jones provided material subsequent to the Section 113 conference that shows it had conducted the initial testing required by 40 C.F.R. § 60.624 and had maintained the records of that testing according to 40 C.F.R. § 60.625.

Compliance Program

11. By the effective date of this Order, Herff Jones must achieve, demonstrate, and maintain compliance with 40 C.F.R. Part 60, Subpart JJJ, at its Champaign, Illinois facility by undertaking the following steps:

a. Within 30 days of the effective date of this Order, Herff Jones must develop an operation and maintenance plan for its solvent recovery dryers. The operation and maintenance plan must include a cartridge filter change-out schedule pursuant to manufacturer's specifications, and incorporate Herff Jones' "Procedures for Changing the Filters in the Dry Cleaning Plant," as provided to EPA on April 5, 2010, , and

b. Within 10 days after developing the operation and maintenance plan for its solvent recovery dryers, Herff Jones shall submit the plan to Compliance Tracker, at the address set forth in Paragraph 15 of this Order.

c. Herff Jones shall maintain records of any and all efforts it takes to comply with its operation and maintenance plan. Seven months from the effective date of this Order, Herff Jones shall submit a report to Compliance Tracker on its compliance with the operation and maintenance plan for the first six months subsequent to the effective date of this Order ("Sixth Month Report").

d. Herff Jones shall continue to maintain records of any and all efforts that it takes to comply with its operation and maintenance plan from the effective date of the Order to eleven months from the effective date of the Order, the "Reporting Period."

12. Herff Jones shall record the dates of any inspections of and repairs of leaks, including specifying what repair action was taken, It shall report on this information in the Six Month Report, and shall continue to record the same information throughout the Reporting Period.

13. Within 45 day from the effective date of this Order, Herff Jones must submit a request for a permit modification to the Illinois Environmental Protection Agency (IEPA) that asks IEPA to remove the language within that facility's operating permit (Permit No. 019010AAS) that states "the petroleum dry cleaning machines are exempt from New Source Performance Standards...Subpart JJJ, pursuant to 40 C.F.R. § 60.620, because all machines were constructed before December 14, 1982."

14. Within 45 day from the effective date of this Order, Herff Jones must submit a request for a permit modification to IEPA, asking that all requirements of the NSPS be incorporated into its current operating permit (Permit No. 019010AAS) and all subsequent operating permits.

15. Herff Jones must send the all documents related to the permit modification, and all other documents, required to be submitted pursuant to this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

General Provisions

16. Herff Jones agrees to the terms of this Order.

17. Herff Jones will not contest EPA's authority to enter into this agreement. Herff Jones waives any further opportunity to confer or have a hearing.

18. This Order does not affect Herff Jones's responsibility to comply with other federal, state, and local laws.

19. This Order does not restrict EPA's authority to enforce any other violations of the Act.

20. Failure to comply with this Order may subject Herff Jones to penalties of up to \$37,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

21. Herff Jones may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Herff Jones fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Emission data provided under Section 114 of the Act, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. “Emission data” is defined at 40 C.F.R. § 2.301.

22. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation. To aid in EPA’s electronic record keeping efforts, please provide your response to this Order without staples. Paper clips, binder clips, and 3-ring binders are acceptable.

23. During the time period this Order is in effect, the terms of this Order are binding on Herff Jones, its assignees, and successors. Herff Jones must give notice of this Order to any successors in interest prior to transferring ownership and must simultaneously verify to EPA that it has given the notice.

24. EPA may use any information submitted under this Order in an administrative, civil, judicial, or criminal action. This Order is effective on the date of signature by the Director. This Order will terminate one year from the effective date, provided that Herff Jones has:

(1) complied with Paragraphs 11-15 of the Compliance Program, (2) submitted a final Compliance Report within 30 days after the Reporting Period, reporting on its compliance with the Compliance Program, including the operation and maintenance plan and its inspections of possible leaks and repairs of any leaks found, and (3) certify that it complied with the Compliance Program. The certification must be signed by a responsible corporate official and must contain the following language:

I certify under penalty of law that I am familiar with Herff Jones Inc's actions taken to comply with the Compliance Program set forth in the Administrative Consent Order with EPA [Docket No.], particularly the operation and maintenance plan for the solvent recovery dryers. I am familiar with the implementation of this plan, and based on my inquiry of those individuals with primary responsibility for implementing the plan, I certify that, to the best of my knowledge and belief, Herff Jones complied with the Compliance Program, including the operation and maintenance plan. I am aware that there are significant penalties for knowingly submitting false statements and information, including the possibility of fines or imprisonment pursuant to 18 U.S.C. §§ 1001 and 1341.

25. Each person signing this Order 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.

26. Each party agrees to pay its own costs and attorneys' fees in this action.

27. This Order constitutes the entire agreement between the parties.

AGREED AS STATED ABOVE:

HERFF JONES CAP AND GOWN DIVISION

By: Michael S. Parrett Date: 8/26/10
Name: Michael S. Parrett
Title: VP - CFO

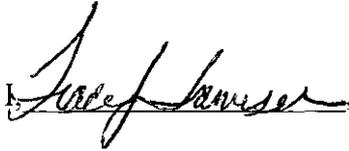
AGREED AND SO ORDERED:

U.S. ENVIRONMENTAL PROTECTION AGENCY

9/9/10
Date

Cheryl L. Newton
Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

 certify that I sent the Administrative Order, EPA Order No.

EPA-5-10-113(a)-IL-05, by Certified Mail, Return Receipt Requested, to:

Mr. Michael Scanlon
Attorney at Law
Barnes & Thornburg LLP
11 South Meridian Street
Indianapolis, Indiana 46204-3535

I, also certify, that I sent a copy of the Administrative Consent Order, EPA Order No.

EPA-5-10-113(a)-IL-05, by First Class Mail to:

Mr. Gary Lovingfoss
Shop Superintendent
Herff Jones Cap and Gown Division
1000 North Market Street
Champaign, Illinois 61820

Mr. Ray Pilapil, Manager
Compliance and Enforcement Section
Bureau of Air
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62794

on the 14 day of Sept 2010.



Tracy Jamison
Office Automation Clerk
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 0293 1084