

OHIO E.P.A.

MAR 28 2013

ENTERED DIRECTOR'S JOURNAL

**BEFORE THE**

**OHIO ENVIRONMENTAL PROTECTION AGENCY**

In the Matter of:

Cenveo Corporation	:	<u>Director's Final Findings</u>
1635 Coining Drive	:	<u>and Orders</u>
Toledo, Ohio 43612	:	

**PREAMBLE**

It is agreed by the parties hereto as follows:

**I. JURISDICTION**

These Director's Final Findings and Orders ("Orders") are issued to Cenveo Corporation ("Respondent") pursuant to the authority vested in the Director of the Ohio Environmental Protection Agency ("Ohio EPA") under Ohio Revised Code ("ORC") §§ 3704.03 and 3745.01.

**II. PARTIES BOUND**

These Orders shall apply to and be binding upon Respondent and successors in interest liable under Ohio law. No change in ownership of the Respondent or of the facility (as hereinafter defined) shall in any way alter Respondent's obligations under these Orders.

**III. DEFINITIONS**

Unless otherwise stated, all terms used in these Orders shall have the same meaning as defined in Ohio Administrative Code ("OAC") Chapter 3704 and the rules promulgated thereunder.

**IV. FINDINGS**

The Director of Ohio EPA makes the following findings:

1. Respondent owns and operates a lithographic printing facility located at 1635 Coining Drive, Toledo, Ohio (Ohio EPA Facility ID 0448011240). At this facility, Respondent operates a heatset offset lithographic printing press with infrared dryer (identified by Ohio EPA as emissions unit K002). Emissions unit K002 is equipped with a catalytic oxidizer to control the emissions of volatile organic compounds ("VOCs").

2. Emissions unit K002 emits VOCs which is defined as an "air pollutant" or an "air contaminant" in OAC Rule 3745-15-01(C). Additionally, this emissions unit is an

"air contaminant source" as defined in OAC Rules 3745-31-01(I) and 3745-15-01(C) and (X).

3. OAC Rule 3745-31-05(E) states that the Director of Ohio EPA may impose terms and conditions in a permit-to-install ("PTI") or a permit-to-install-and-operate ("PTIO") to ensure compliance with any provision of the statutes or regulations of Ohio that are not mandated by the Clean Air Act.

4. ORC § 3704.05(C) prohibits any person from violating any terms or conditions of any permit issued by the Director of Ohio EPA pursuant to ORC Chapter 3704. All PTIs and PTIOs are issued by the Director pursuant to ORC Chapter 3704.

**Failure to comply with printer ink usage limitation:**

5. On May 22, 2008, Ohio EPA issued PTI number 04-01495 authorizing the installation of emissions unit K002. PTI number 04-01495 contained a printer ink usage limitation that prohibited Respondent from using more than 80,000 pounds of printer ink in any rolling, 12-month period.

6. Revised quarterly deviation reports submitted by Respondent on December 15, 2009, indicated that the printer ink usage limitation contained in PTI number 04-01495 had been exceeded in January through March and July through September 2009. On January 13, 2010, Toledo Division of Environmental Services ("TES"), the contractual representative of Ohio EPA for Lucas County, sent Respondent a Notice of Violation ("NOV") letter regarding the exceedances.

7. On or around March 15, 2010, Respondent submitted a PTIO application requesting relaxation of the printer ink usage limitation. On August 26, 2010, Ohio EPA issued a modification to PTI number 04-01495 which removed the printer ink usage limitation.

**Failure to comply with the VOC control efficiency or the VOC volume concentration:**

8. On November 5, 2010, Ohio EPA issued PTIO number P0106988 (an administrative modification to PTIO number P0106136) to Respondent. The PTIO required emissions unit K002's dryer be vented to the catalytic oxidizer. It also required Respondent to reduce emissions unit K002's VOC emissions by at least 95 percent (i.e., control efficiency) or to limit the maximum VOC outlet concentration to not more than 20 parts per million by volume ("ppmv"), measured as hexane (C<sub>6</sub>H<sub>14</sub>) on a dry basis. Respondent is required to comply with whichever VOC limitation is less stringent.

9. PTIO P0106988 also required Respondent to conduct compliance testing within six months after the issuance of the PTIO (i.e., by May 6, 2011) and within six

months prior to the renewal of the permit to demonstrate compliance with the control efficiency or the VOC outlet concentration limitation.

10. On March 10, 2011, Respondent conducted the compliance testing for emissions unit K002 as required by PTIO number P0106988. The test revealed that the VOC emissions were reduced by an average of 90 percent and the VOC outlet concentration was measured at 86.7 ppmv, measured as hexane on a dry basis, in violation of the PTIO's VOC emission limitation and ORC § 3704.05(C). On April 13, 2011, the Toledo Division of Environmental Services ("TES"), contractual representative of Ohio EPA for Lucas County, sent a NOV letter to Respondent failure to comply with the VOC limitation.

11. April 13, 2011, Respondent sent a letter to TES regarding the failed compliance test. Respondent stated that it had contracted with Combustion Control Solutions Corporation ("CCS") to trouble shoot and repair the catalytic oxidizer. On April 15, 2011, CCS completed a "top to bottom" system evaluation and found only minor problems. Corrections were made to alleviate the minor problems and the oxidizer's temperatures were increased; however, these changes did not impact the control efficiency. Therefore, on April 18, 2011, Respondent sent a sample of the catalyst to be analyzed. The laboratory results revealed that the catalyst had been poisoned with carbon, sulfur and silicone. Respondent identified the source of the silicone contamination and isolated it to prevent future poisoning of the catalyst. On May 27, 2011, Respondent replaced the catalyst and installed a catalyst bed protector.

12. On August 4, 2011, Respondent retested emissions unit K002 and demonstrated compliance with the VOC limitations contained in PTIO number P0106988.

13. Respondent failed to comply with the VOC control efficiency or VOC outlet concentration limitation contained in the PTIO, in violation of ORC § 3704.05(C). The violation occurred from at least March 10, 2011 (i.e., the date of the failed compliance test) and continued until compliance was demonstrated on August 4, 2011.

14. The Director has given consideration to, and based his determination on, evidence relating to the technical feasibility and economic reasonableness of complying with the following Orders and the benefits to the people of the State to be derived from such compliance.

## **V. ORDERS**

The Director hereby issues the following Orders:

1. Respondent shall pay the amount of twenty thousand dollars (\$20,000) in settlement of Ohio EPA's claims for civil penalties, which may be assessed pursuant to ORC Chapter 3704. Respondent shall pay Ohio EPA the amount of sixteen thousand

dollars (\$16,000) of the total amount of the civil penalty in two monthly payments of five thousand dollars (\$5,000) and one month payment of six thousand dollars (\$6,000). The first payment of \$5,000 shall be due by June 30, 2013; the second payment of \$5,000 shall be due by the September 30, 2013. The payment of \$6,000 shall be due by December 31, 2013. Payments shall be made by official checks made payable to "Treasurer, State of Ohio." The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent, to:

Ohio EPA  
Office of Fiscal Administration  
P.O. Box 1049  
Columbus, Ohio 43216-1049

2. In lieu of paying the remaining four thousand dollars (\$4,000) of the civil penalty, Respondent shall, within thirty (30) days of the effective date of these Orders, fund a Supplemental Environmental Project ("SEP") by making a contribution in the amount of \$4,000 to the Ohio EPA's Clean Diesel School Bus Program Fund (Fund 5CD0). Respondent shall tender an official check made payable to "Treasurer, State of Ohio" for \$4,000. The official check shall be submitted to Brenda Case, or her successor, together with a letter identifying the Respondent and Fund 5CD0, to the above-stated address.

3. A copy of each of the above checks shall be sent to Bruce Weinberg, Manager, Enforcement Section, or his successor, at the following address:

Ohio EPA  
Division of Air Pollution Control  
P.O. Box 1049  
Columbus, Ohio 43216-1049

4. Should Respondent fail to fund the SEP within the required time frame set forth in Order 2, Respondent shall immediately pay to Ohio EPA \$4,000 of the civil penalty in accordance with the procedures in Order 1.

#### **VI. TERMINATION**

Respondent's obligations under these Orders shall terminate upon Ohio EPA's receipt of the official checks required by Section V of these Orders.

#### **VII. OTHER CLAIMS**

Nothing in these Orders shall constitute or be construed as a release from any claim, cause of action or demand in law or equity against any person, firm, partnership or corporation, not a party to these Orders, for any liability arising from, or related to, the operation of Respondent's facility.

### **VIII. OTHER APPLICABLE LAWS**

All actions required to be taken pursuant to these Orders shall be undertaken in accordance with the requirements of all applicable local, State and federal laws and regulations. These Orders do not waive or compromise the applicability and enforcement of any other statutes or regulations applicable to Respondent.

### **IX. MODIFICATIONS**

These Orders may be modified by agreement of the parties hereto. Modifications shall be in writing and shall be effective on the date entered in the journal of the Director of Ohio EPA.

### **X. NOTICE**

Except as otherwise provided in these Orders, all documents required to be submitted by Respondent pursuant to these Orders shall be addressed to:

Toledo Division of Environmental Services  
348 South Erie Street  
Toledo, Ohio 43604  
Attention: Karen Granata

and to:

Ohio Environmental Protection Agency  
Lazarus Government Center  
Division of Air Pollution Control  
P.O. Box 1049  
Columbus, Ohio 43216-1049  
Attention: Bruce Weinberg, Manager, Enforcement Section

or to such persons and addresses as may hereafter be otherwise specified in writing by Ohio EPA.

### **XI. RESERVATION OF RIGHTS**

Ohio EPA and Respondent each reserve all rights, privileges and causes of action, except as specifically waived in Section XII of these Orders.

## **XII. WAIVER**

In order to resolve disputed claims, without admission of fact, violation or liability, and in lieu of further enforcement action by Ohio EPA for only the violations specifically cited in these Orders, Respondent consents to the issuance of these Orders and agrees to comply with these Orders. Compliance with these Orders shall be a full accord and satisfaction for the Respondent's liability for the violations specifically cited herein.

Respondent hereby waives the right to appeal the issuance, terms and conditions, and service of these Orders and Respondent hereby waives any and all rights Respondent may have to seek administrative or judicial review of these Orders either in law or equity.

Notwithstanding the preceding, Ohio EPA and Respondent agree that if these Orders are appealed by any other party to the Environmental Review Appeals Commission, or any court, Respondent retains the right to intervene and participate in such appeal. In such an event, Respondent shall continue to comply with these Orders notwithstanding such appeal and intervention unless these Orders are stayed, vacated, or modified.

## **XIII. EFFECTIVE DATE**


The effective date of these Orders is the date these Orders are entered into the Ohio EPA Director's journal.

## **XIV. SIGNATORY AUTHORITY**

Each undersigned representative of a party to these Orders certifies that he or she is fully authorized to enter into these Orders and to legally bind such party to these Orders.

**ORDERED AND AGREED:**


**Ohio Environmental Protection Agency**

  
\_\_\_\_\_  
Scott J. Nally  
Director

3/22/13  
Date

**AGREED:**

**Cenveo Corporation**

  
\_\_\_\_\_  
Signature

3-14-2013  
Date

William F. Kitts  
Printed or Typed Name

Vice President and General Manager  
Title      Cenveo Toledo