



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

FEB 09 2015

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Gary D. Jensen
Vice President, Operations
Ultra Plating Corporation
345 South Pearl Street
Green Bay, Wisconsin 54303

Dear Mr. Jensen:

Enclosed is a file-stamped Consent Agreement and Final Order (CAFO) which resolves case docket no. CAA-05-2015-0018. As indicated by the filing stamp on its first page, we filed the CAFO with the Regional Hearing Clerk on FEB 09 2015.

Pursuant to paragraph 48 of the CAFO, Ultra Plating Corporation must pay the civil penalty within 30 days of FEB 09 2015. Your check must display the case name and case docket number CAA-05-2015-0018.

Please direct any questions regarding this case to Susan Tennenbaum, Associate Regional Counsel, (312) 886-0273.

Sincerely,

A handwritten signature in cursive script that reads "Brian Dickens".

Brian Dickens
Chief
Minnesota/Ohio Air Enforcement and Compliance Assurance Section

Enclosure

cc: Ann Coyle, Regional Judicial Officer/C-14J
LaDawn Whitehead, Regional Hearing Clerk/E-19J
Susan Tennenbaum/C-14J
William Baumann, Chief, Compliance and Enforcement Section, WDNR

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

In the Matter of:

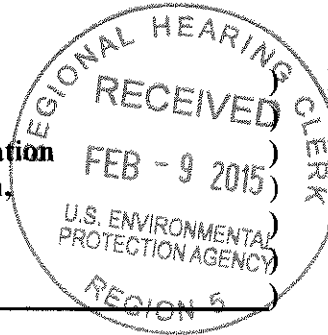
**Ultra Plating Corporation
Green Bay, Wisconsin,**

Respondent.

Docket No.

CAA-05-2015-0018

**Proceeding to Assess a Civil Penalty
Under Section 113(d) of the Clean Air Act,
42 U.S.C. § 7413(d)**



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 CAA), 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 Ultra Plating Corporation (Ultra Plating), a corporation doing business in Wisconsin.

4. Where the parties agree to settle one or more causes of action before the filing of a complaint, an 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.

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.

Statutory and Regulatory Background

9. Under Section 112 of the CAA, EPA promulgated the General Provisions for National Emission Standards for Hazardous Air Pollutants (NESHAP) standards at 40 C.F.R. Part 63, Subpart A, §§ 63.1 - 63.15 (Subpart A).

10. Subpart A, at 40 C.F.R § 63.6(e), provides that “[a]t all times, including periods of startup, shutdown, and malfunction, the owner or operator must operate and maintain any affected source, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions....Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures (including the startup, shutdown, and malfunction plan required in paragraph (e)(3) of this section), review of operation and maintenance records, and inspection of the source.”

11. Subpart A, at 40 C.F.R § 63.9(b)(1), requires the submission of an Initial Notification when an affected source becomes subject to a relevant standard. For an affected source that has an initial startup before the effective date of a relevant standard under this part, the notification shall be submitted not later than 120 calendar days after the effective date of the relevant standard.

12. Subpart A, at 40 C.F.R. § 63.9(h), requires the submission of a Notification of Compliance Status.

13. Under Section 112 of the CAA, EPA promulgated the NESHAP for Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks at 40 C.F.R. §§ 63.340 - 63.347 (Subpart N).

14. Subpart N applies to chromium electroplating or chromium anodizing tanks at facilities performing hard chromium and electroplating, decorative chromium electroplating, or chromium anodizing.

15. Subpart N, at 40 C.F.R. § 63.342(a)(1), provides that “[a]t all times, each owner or operator must operate and maintain any affected source subject to the requirements of this subpart, including associated air pollution control equipment and monitoring equipment, in a manner consistent with safety and good air pollution control practices for minimizing emissions. The general duty to minimize emissions does not require the owner or operator to make any further efforts to reduce emissions if levels required by this standard have been achieved. Determination of whether such operation and maintenance procedures are being used will be based on information available to the Administrator which may include, but is not limited to, monitoring results, review of operation and maintenance procedures, review of operation and maintenance records, and inspection of the source.”

16. Subpart N, at 40 C.F.R. § 63.342(b)(1), provides that “[e]ach owner or operator of an affected source subject to the provisions of this subpart shall comply with these requirements in this section on and after the compliance dates specified in § 63.343(a). All affected sources are regulated by applying maximum achievable control technology.”

17. Subpart N, at 40 C.F.R. § 63.342(f), provides that the work practice standards of 40 C.F.R. § 63.342(f) apply to owners and operators subject to the standards of 40 C.F.R.

§ 63.342(c) and (d). 40 C.F.R. § 63.342(c) provides standards for open surface hard chromium electroplating tanks and 40 C.F.R. § 63.342(d) provides standards for decorative chromium electroplating tanks using a chromic acid bath and chromium anodizing tanks.

18. Subpart N, at 40 C.F.R. § 63.342(f)(1)(i), provides that “[a]t all times, including periods of startup, shutdown, and malfunction, owners or operators shall operate and maintain any affected source, including associated air pollution control devices and monitoring equipment, in a manner consistent with good air pollution control practices.”

19. Subpart N, at 40 C.F.R. § 63.342(f)(1)(ii), provides that “[m]alfunctions shall be corrected as soon as practicable after their occurrence.”

20. Subpart N, at 40 C.F.R. § 63.342(f)(3)(i), requires owners or operators of affected sources subject to the work practice requirements of 40 C.F.R. § 63.342(f) to prepare an operation and maintenance plan. The plan must, among other things, include housekeeping procedures as specified in Table 2 of Subpart N.

21. The Housekeeping Practices set forth in Table 2 of Subpart N include the following:

For	You must:	At this minimum frequency
All buffing, grinding, or polishing operations that are located in the same room as chromium electroplating or chromium anodizing operations	Separate the operation from any affected electroplating or anodizing operation by installing a physical barrier; the barrier may take the form of plastic strip curtains	Prior to beginning the buffing, grinding, or polishing operation.

22. Subpart N, at 40 C.F.R. § 63.343(a)(8), provides that “[a]fter March 19, 2013, the owner or operator of an affected source that is subject to the standards in paragraphs § 63.342(c) or (d) shall implement the housekeeping procedures specified in Table 2 of § 63.342.”

23. Subpart N, at 40 C.F.R. § 63.343(c), provides that “[t]he owner or operator of an affected source subject to the emission limitations of this subpart shall conduct monitoring according to the type of air pollution control technique that is used to comply with the emission limitation. The monitoring required to demonstrate continuous compliance with the emission limitations is identified in this section for the air pollution control techniques expected to be used by the owners or operators of affected sources.”

24. Subpart N, at 40 C.F.R. § 63.343(c)(1)(i), provides that “[d]uring the initial performance test, the owner or operator of an affected source, or a group of affected sources under common control...shall establish as a site-specific operating parameter the pressure drop across the system...”

25. Subpart N, at 40 C.F.R. § 63.343(c)(1)(ii), provides that “[o]n and after the date on which the initial performance test is required to be completed under § 63.7... the owner or operator of an affected source, or group of affected sources under common control, shall monitor and record the pressure drop across the composite mesh-pad system once each day that any affected source is operating. To be in compliance with the standards, the composite mesh-pad system shall be operated within [plus or minus] 2 inches of water column of the pressure drop value established during the initial performance test...”

26. Subpart N, at 40 C.F.R. § 63.346(b)(1), provides that the owner or operator of an affected source keep inspection records for the add-on air pollution control device, and that those records identify the device inspected, among other things.

27. Subpart N, at 40 C.F.R. § 63.347(e), requires the submission of a Notification of Compliance Status.

28. Pursuant to Section 112 of the CAA, EPA promulgated the NESHAP for Area Source Standards for Plating and Polishing Operations at 40 C.F.R. §§ 63.11505 - 11512 (Subpart WWWWWW).

29. Subpart WWWWWW applies to owners and operators of a plating and polishing facility that is an area source of hazardous air pollutant (HAP) emissions and meets the criteria specified in § 63.11504(a)(1) through (3). Facilities engaged in electroplating (except chromium electroplating), electroless plating, and other non-electrolytic metal coating processes such as chromate conversion coating, are considered plating and polishing facilities.

30. Subpart WWWWWW, at 40 C.F.R. § 63.11508(a), provides that if you own or operate an affected source under Subpart WWWWWW, you must submit a Notification of Compliance Status in accordance with 40 C.F.R. § 63.11509(b).

31. Subpart WWWWWW, at 40 C.F.R. § 63.11509(a), provides that if you own or operate an affected source under Subpart WWWWWW, you must submit an Initial Notification no later than 120 calendar days after July 1, 2008. The Initial Notification must include general information about the facility and must include a description of the compliance method for each affected source.

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

33. 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.

34. 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

35. Ultra Plating owns and operates a plating facility located at 345 South Pearl Street, Green Bay, Wisconsin.

36. The facility consists of nine hard chrome electroplating tanks, two sulfamate nickel electroplating tanks, one bright nickel electroplating tank, one electroless nickel plating tank, one nickel strike tank, one chromate conversion coating tank and one cadmium electroplating tank, thus making it subject to 40 C.F.R. Part 63, Subparts N and WWWW.

37. Ultra Plating has a maximum cumulative potential rectifier capacity for chromium electroplating that is greater than 60 million amp-hours per year, making it a large, hard chromium plating facility as that term is defined at 40 C.F.R. § 63.341.

38. In May and June of 1997, Ultra Plating conducted a performance test pursuant to 40 C.F.R. § 63.343(b).

39. On August 25, 1997, Ultra Plating submitted a Notification of Compliance Status pursuant to 40 C.F.R §§ 63.9(h) and 63.347(e). The notification pertained to its Subpart N chromium electroplating tanks. The Notification of Compliance Status reported that all of the chromium electroplating tanks at the facility were controlled by mesh pads and that the relevant operating parameter for each was the pressure drop.

40. A review of Ultra Plating's pressure drop records from January 1, 2010 through July 31, 2013, shows that Ultra Plating operated its scrubbers outside the required range on June

2 – 4, 2010; June 7 – 8, 2010; November 17 – 19, 2010; November 22 – 26, 2010; November 30 – 31, 2010; December 12 – 13, 2011; July 11 – 13, 2012; July 13 – 20, 2012; December 5, 2012; December 7, 2012; December 10 – 14, 2012; December 17 – 21, 2012; December 26 – 28, 2012; and January 28 – February 1, 2013, for a total of 45 days in violation of 40 C.F.R. §§ 63.6(e), 63.342(a)(1), 63.342(f)(1)(i), and 63.343(c)(1)(ii). Many of these excessive pressure drops lasted for multiple days, in violation of 40 C.F.R. § 63.342(f)(1)(ii).

41. From May 27, 2010, to September 24, 2013, Ultra Plating did not take readings of the pressure drop across the fume scrubber on its horizontal plating tank, in violation of 40 C.F.R. §§ 63.6(e), 63.342(a)(1) and 63.342(f)(1)(i).

42. Until March 28, 2014, Ultra Plating's Operation and Maintenance Manual for its fume scrubbers did not include the housekeeping procedures specified in Table 2 of Subpart N, in violation of 40 C.F.R. § 63.342(f)(3)(i).

43. Until March 28, 2014, Ultra Plating did not keep a separate maintenance record for each fume scrubber, and it did not have records demonstrating that it conducted weekly checks of the spray headers or monthly checks of the mesh pads, in violation of 40 C.F.R. §§ 63.6(e), 63.342(a)(1) and 63.342(f)(1)(i) and 63.346(b)(1).

44. On March 18, 2013, EPA conducted an on-site inspection of Ultra Plating's facility. During the inspection, EPA observed that there was at least one buffing process in the same room as the horizontal chromium plating tank (C01). There was no physical barrier in place between the buffing process and the chromium plating tank, in violation of 40 C.F.R. § 63.343(a)(8). In August 2013, Ultra Plating indicated that it had ordered a barrier and would install it.

45. On March 21, 2013, Ultra Plating submitted an Initial Notification pursuant to Subparts A and WWWW. This was past the due date of 120 days after July 1, 2008, in violation of 40 C.F.R. §§ 63.9(b) and 63.11509.

46. On April 17, 2014, Ultra Plating submitted a Notification of Compliance Status pursuant to Subparts A and WWWW. This was past the due date of July 1, 2010, in violation of 40 C.F.R. §§ 63.11508(c)(7)(i) and 63.11509.

Civil Penalty

47. Based on analysis of the factors specified in Section 113(e) of the CAA, 42 U.S.C. § 7413(e), the facts of this case, Ultra Plating's cooperation in resolving the alleged violations, its prompt return to compliance, and its agreement to perform a supplemental environmental project, Complainant has determined that an appropriate civil penalty to settle this action is \$21,987.79.

48. Within 30 days after the effective date of this CAFO, Respondent must pay a \$21,987.79 civil penalty by regular U.S. Postal Service mail or express mail.

49. If Respondent sends payment by regular U.S. Postal Service mail, send 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

The check must note Respondent's name and the docket number of this CAFO.

50. If Respondent sends payment by express mail, send a cashier's or certified check, payable to "Treasurer, United States of America," to:

U.S. Bank
Government Lockbox 979077
U.S. EPA Fines and Penalties
1005 Convention Plaza
Mail Station SL-MO-C2-GL
St. Louis, Missouri 63101

The check must note Respondent's name and the docket number of this CAFO.

51. Respondent must send a notice of payment that states Respondent's name and the docket number of this CAFO to EPA 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

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

Regional Hearing Clerk (E-19J)
U.S. Environmental Protection Agency, Region 5
77 W. Jackson Boulevard
Chicago, Illinois 60604

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

53. If Respondent does not timely pay the civil penalty or any stipulated penalties due under paragraphs 48 and 67, 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 CAA, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

54. 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).

Supplemental Environment Project

55. Respondent must complete a supplemental environmental project (SEP) designed to protect the environment and public health by reducing the amount of particulate matter emitted from Respondent's Green Bay facility.

56. Respondent must complete the SEP as follows. Within six months of the effective date of this CAFO, Respondent will install two cartridge dust collectors at its facility and use them to control particulate emissions from the grit blasting area and the grinding area. One cartridge dust collector will be installed in the grit blasting area and one cartridge dust collector will be installed in the grinding area.

57. Respondent must spend at least \$91,114 to purchase and install the dust collectors, including associated duct work and other relevant equipment.

58. Within 90 days of installation of the dust collectors, Respondent must submit a notification to EPA that identifies the date of installation of each dust collector.

59. Respondent must use the dust collectors to control emissions from the grit blasting and grinding areas for three years following their installation.

60. Respondent certifies as follows:

I certify that Ultra Plating is not required to perform or develop the SEP by any law, regulation, order, or agreement or as injunctive relief as of the date that I am signing this CAFO. I further certify that Ultra Plating has not

received, and is not negotiating to receive, credit for the SEP in any other enforcement action.

I certify that Ultra Plating is not a party to any open federal financial assistance transaction that is funding or could be used to fund the same activity as the SEP. I further certify that, to the best of my knowledge and belief after reasonable inquiry, there is no such open federal financial transaction that is funding or could be used to fund the same activity as the SEP, nor has the same activity been described in an unsuccessful federal financial assistance transaction proposal submitted to EPA within two years of the date that I am signing this CAFO (unless the project was barred from funding as statutorily ineligible). For purposes of this certification, the term "open federal financial assistance transaction" refers to a grant, cooperative agreement, loan, federally-guaranteed loan guarantee or other mechanism for providing federal financial assistance whose performance period has not expired.

61. EPA may inspect the facility at any time to monitor Respondent's compliance with this CAFO's SEP requirements.

62. Respondent must submit a SEP completion report to EPA by September 30, 2018.

This report must contain the following information:

- a. Detailed description of the SEP as completed;
- b. Description of any operating problems and the actions taken to correct the problems;
- c. Itemized cost of goods and services used to complete the SEP documented by copies of invoices, purchase orders or cancelled checks that specifically identify and itemize the individual cost of the goods and services;
- d. Certification that Respondent has completed the SEP in compliance with this CAFO; and
- e. Description of the environmental and public health benefits resulting from the SEP (quantify the benefits and pollution reductions, if feasible).

63. Respondent must submit all notices and reports required by this CAFO by first-class mail to the Compliance Tracker of the Air Enforcement and Compliance Assurance Branch at the address provided in paragraph 51, above.

64. In each report that Respondent submits as provided by this CAFO, it must certify that the report is true and complete by including the following statement signed by one of its officers:

I certify that I am familiar with the information in this document and that, based on my inquiry of those individuals responsible for obtaining the information, it is true and complete to the best of my knowledge. I know that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations.

65. Following receipt of the SEP completion report described in paragraph 62, above, EPA must notify Respondent in writing that:

- a. It has satisfactorily completed the SEP and the SEP report;
- b. There are deficiencies in the SEP as completed or in the SEP report and EPA will give Respondent 30 days to correct the deficiencies; or
- c. It has not satisfactorily completed the SEP or the SEP report and EPA will seek stipulated penalties under paragraph 67.

66. If EPA exercises option b, above, Respondent may object in writing to the deficiency notice within 10 days of receiving the notice. The parties will have 30 days from EPA's receipt of Respondent's objection to reach an agreement. If the parties cannot reach an agreement, EPA will give Respondent a written decision on its objection. Respondent will comply with any requirement that EPA imposes in its decision. If Respondent does not complete the SEP as required by EPA's decision, Respondent will pay stipulated penalties to the United States under paragraph 67, below.

67. If Respondent violates any requirement of this CAFO relating to the SEP, Respondent must pay stipulated penalties to the United States as follows:

- a. Except as provided in subparagraph b, below, if Respondent does not complete the SEP satisfactorily according to the requirements of this CAFO, including the schedule in paragraph 56, Respondent must pay a penalty of \$98,000.
- b. If Respondent does not complete the SEP satisfactorily, but EPA determines that Respondent made good faith and timely efforts to

complete the SEP and certified, with supporting documents, that it spent at least 90 percent of the amount set forth in paragraph 57, Respondent will not be liable for any stipulated penalty under subparagraph a, above.

- c. If Respondent completed the SEP satisfactorily, but spent less than 90 percent of the amount set forth in paragraph 57, Respondent must pay a penalty of \$7,000.
- d. If Respondent does not submit timely the SEP completion report or the notification required by paragraph 58, Respondent must pay penalties in the following amounts for each day after the report was due until it submits the report:

<u>Penalty per violation per day</u>	<u>Period of violation</u>
\$100	1 st through 14 th day
\$250	15 th through 30 th day
\$500	31 st day and beyond

68. EPA's determinations of whether Respondent completed the SEP satisfactorily and whether Respondent made good faith and timely efforts to complete the SEP will bind Respondent.

69. Respondent must pay any stipulated penalties within 15 days of receiving EPA's written demand for the penalties. Respondent will use one of the methods of payment specified in paragraphs 49 and 50, above, and will pay interest and nonpayment penalties on any overdue amounts.

70. Any public statement that Respondent makes referring to the SEP must include the following language: "Ultra Plating undertook this project under the settlement of the United States Environmental Protection Agency's enforcement action against Ultra Plating for violations of the Clean Air Act."

71. If an event occurs which causes or may cause a delay in completing the SEP as required by this CAFO:

- a. Respondent must notify EPA in writing within 10 days after learning of an event which caused or may cause a delay in completing the SEP. The notice must describe the anticipated length of the delay, its cause(s), Respondent's past and proposed actions to prevent or minimize the delay and a schedule to carry out those actions. Respondent must take all

reasonable actions to avoid or minimize any delay. If Respondent fails to notify EPA according to this paragraph, Respondent will not receive an extension of time to complete the SEP.

- b. If the parties agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, the parties will stipulate to an extension of time no longer than the period of delay.
- c. If EPA does not agree that circumstances beyond the control of Respondent caused or may cause a delay in completing the SEP, EPA will notify Respondent in writing of its decision and any delays in completing the SEP will not be excused.
- d. Respondent has the burden of proving that circumstances beyond its control caused or may cause a delay in completing the SEP. Increased costs for completing the SEP will not be a basis for an extension of time under subparagraph b, above. Delay in achieving an interim step will not necessarily justify or excuse delay in achieving subsequent steps.

72. For federal income tax purposes, Respondent will neither capitalize into inventory or basis, nor deduct any costs or expenditures incurred in performing the SEP.

General Provisions

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

74. 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.

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

76. Respondent certifies that it is complying fully with NESHAP Subparts N and WWWW.

77. 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 CAA, 42 U.S.C. § 7413(e).

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

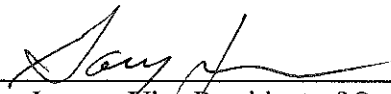
79. Each person signing this consent agreement certifies that he or she has the authority to sign for the party whom he or she represents and to bind that party to its terms.

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

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

Ultra Plating Corporation, Respondent

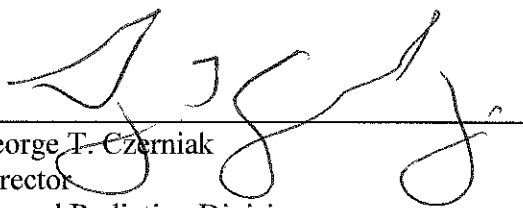
1-22-15
Date



Gary Jensen, Vice President of Operations
Ultra Plating

United States Environmental Protection Agency, Complainant

2/4/15
Date



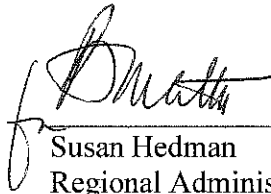
George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

Consent Agreement and Final Order
In the Matter of: Ultra Plating Corporation
Docket No. CAA-05-2015-0018

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.

2-6-15
Date



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

Consent Agreement and Final Order
In the matter of: **Ultra Plating Corporation**
Docket Number: **CAA-05-2015-0018**

CERTIFICATION OF SERVICE

I certify that a true and correct copy of the forgoing *Consent Agreement and Final Order* was sent this day in the following manner to the addressees:

Copy by Certified Mail # 7011 1150 0000 2640 6059

Return-receipt:

Gary D. Jensen
Vice President, Operations
Ultra Plating Corporation
345 South Pearl Street
Green Bay, Wisconsin 54303

Copy by e-mail to
Attorney for Complainant:

Susan Tennenbaum
Tennenbaum.susan@epa.gov

Copy by e-mail to
Regional Judicial Officer:

Ann Coyle
coyle.ann@epa.gov

Dated:

February 9, 2015 
LaDawn Whitehead
Regional Hearing Clerk, Region 5