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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:** )  
 )  
Duro-Chrome Industries, Inc. ) **Docket No. CAA-5-99-032**  
Wauconda, Illinois, )  
 )  
 ) **Proceeding to Assess an**  
 ) **Administrative Penalty**  
 ) **under Section 113(d) of the**  
**Respondent.** ) **Clean Air Act,**  
 ) **42 U.S.C. § 7413(d)**  
 )  
\_\_\_\_\_ )

**Consent Agreement and Consent Order**

1. Complainant, the Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, brought this administrative proceeding for the assessment of a civil penalty pursuant to Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d), by filing an Administrative Complaint (Complaint) against Respondent Duro-Chrome Industries, Inc. (Duro-Chrome) concurrently with this Consent Agreement and Consent Order (CACO).

**Preliminary Statement**

2. The Complaint alleges that Duro-Chrome violated Section 112 of the Act, 42 U.S.C. § 7412. Specifically, the Complaint alleges that Duro-Chrome violated certain regulations implementing National Emission Standards for Chromium Emissions from Hard and Decorative Electroplating and Chromium Anodizing Tanks ("Chrome Plating NESHAP"). The Chrome Plating NESHAP regulations are codified at 40 C.F.R. Part 63, Subpart N, §§ 63.340-63.347.

3. The parties agree that this matter should be settled without a hearing or further proceedings, upon the terms set forth in this CACO.

**Consent Agreement**

4. Respondent admits the jurisdictional allegations set forth in the Complaint and neither admits nor denies the factual allegations set forth in the Complaint.

5. Respondent waives its right to a hearing, as provided at 40 C.F.R. § 22.15(c), and waives its right to appeal pursuant to Section 113(d) of the Act, 42 U.S.C. § 7413(d).

6. Respondent certifies that it is in full compliance with the Chrome NESHAP.

7. Respondent and Complainant consent to the terms of this CACO.

8. U.S. EPA sought in its Complaint a proposed civil penalty of \$ 53,000. Through this CACO, U.S. EPA agrees to mitigate the proposed civil penalty in consideration of good faith efforts to resolve this matter and cooperation in providing U.S. EPA with information during the pendency of this matter, the nature of the violations, and other relevant factors. U.S. EPA has determined that an appropriate civil penalty to settle this action against Respondent is in the total amount of \$35,000. Further, this penalty conforms with U.S. EPA's Clean Air Act Stationary Source Civil Penalty Policy dated October 25, 1991, and the civil penalty provisions in Section 113(d) and (c) of the Act.

9. Respondent shall pay the full penalty of \$35,000 in twelve (12) monthly installments. Each installment shall be by money order, cashier's or certified check, made payable to the "Treasurer of the United States of America." A transmittal letter, indicating Respondent's name, complete address, the case docket number and the billing document number must accompany each monthly payment. Respondent shall write the case docket number and the billing document

number on the face of the order, or cashier's or certified check. Respondent shall send the payment to:

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

Respondent shall send copies of each check and transmittal letter to:

Attn: Regional Hearing Clerk, (R-19J)  
 U.S. Environmental Protection Agency, Region 5  
 77 West Jackson Blvd.  
 Chicago, Illinois 60604-3590

Attn: Compliance Tracker, (AE-17J)  
 Air Enforcement and Compliance Assurance Branch  
 Air and Radiation Division  
 U.S. Environmental Protection Agency, Region 5  
 77 West Jackson Blvd.  
 Chicago, Illinois 60604-3590

Ivan Lieben, (C-14J)  
 Office of Regional Counsel  
 U.S. Environmental Protection Agency, Region 5  
 77 West Jackson Blvd.  
 Chicago, Illinois 60604-3509

10. The Respondents shall make such payments pursuant to the following schedule. The first payment of \$2,500 shall be mailed to the above address within 30 days from the effective date of this Order, and each subsequent installment shall be made in the same manner as the first installment according to the following schedule:

<u>Payment #</u>	<u>Date Due</u>	<u>Amount Due</u>
2	10/29/99	\$2,500
3	11/30/99	\$3,000
4	12/31/99	\$3,000

<u>Payment #</u>	<u>Date Due</u>	<u>Amount Due</u>
5	1/31/00	\$3,000
6	2/29/00	\$3,000
7	3/31/00	\$3,000
8	4/28/00	\$3,000
9	5/31/00	\$3,000
10	6/30/00	\$3,000
11	7/31/00	\$3,000
12	8/31/00	\$3,000

11. The payment specified in paragraph 9 above represents civil penalties assessed by U.S. EPA and is not deductible for federal tax purposes.

12. Respondent's failure to comply with any provision of this CACO may subject Respondent to a civil action pursuant to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), to collect any unpaid portion of the civil penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for collection proceedings. The validity, amount and appropriateness of the assessed penalty are not reviewable in a collection proceeding.

13. Interest shall accrue on any amount overdue from the effective date of this CACO at a rate established pursuant to 26 U.S.C. § 6621(a)(2). Respondent shall pay a monthly handling charge of \$15 for each month that any portion of the assessed penalty is more than 30 days past due. Pursuant to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5), Respondent shall pay a quarterly nonpayment penalty for each quarter during which the assessed penalty is overdue. This nonpayment penalty shall be 10 percent of the aggregate amount of Respondent's outstanding penalties and nonpayment penalties accrued from the beginning of the quarter.

**Conclusion**

14. This CACO settles U.S. EPA's claims for civil penalties for the violations alleged in the Complaint.

15. Nothing in this CACO shall restrict U.S. EPA's ability to seek Duro-Chrome's compliance with the Act and other applicable laws and regulations.

16. This CACO does not affect Duro-Chrome's responsibility to comply with the Act and other applicable federal, state and local laws and regulations.

17. This CACO constitutes an "enforcement response" as that term is used in "U.S. EPA's Clean Air Act Stationary Source Civil Penalty Policy" in determining Duro-Chrome's "full compliance history" pursuant to Section 113(e) of the Act, 42 U.S.C. § 7413(e).

18. The terms of this CACO are binding on the Respondent, its officers, directors, successors and assigns.

19. Each person signing this Consent Agreement certifies that he or she is duly authorized to execute this Consent Agreement by the party whom he or she represents and to bind that party to its terms.

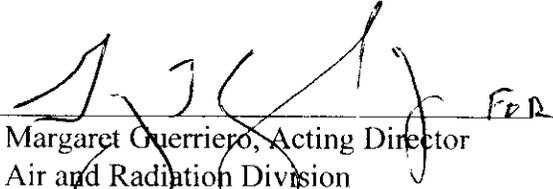
20. Each party shall bear its own costs, fees and disbursements in this action.

21. This CACO constitutes the entire agreement between the parties.

22. The parties to this agreement consent to the entry of this CACO without further notice.

**U.S. Environmental Protection  
Agency, Complainant**

Date: 9/1/99

By:  FR  
Margaret Guerriero, Acting Director  
Air and Radiation Division  
U.S. Environmental Protection  
Agency, Region 5 (A-18J)

Duro-Chrome Industries, Inc., Respondent

Date: 8-16-99

By:   
Margo Garcia, President  
Duro-Chrome Industries

CAA-5-99-032

CONSENT AGREEMENT AND CONSENT ORDER

Duro-Chrome Industries, Inc.

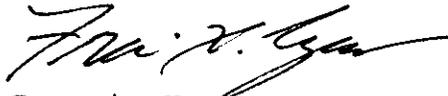
Docket No.; ~~CAA-5-99-034~~

Consent Order

It is ordered as agreed to by the parties and as stated in the Consent Agreement, effective immediately upon filing of this CACO with the Regional Hearing Clerk. This Order disposes of the matter pursuant to 40 C.F.R. § 22.18(c).

Date:

September 3, 1989



Francis X. Lyons  
Regional Administrator  
U.S. Environmental Protection  
Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

In the Matter of Duro-Chrome Industries RE:  
Docket No.

**CAA-5-99-032**

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CERTIFICATE OF SERVICE

I, Betty Williams, certify that I hand delivered the originals of the foregoing Administrative Complaint and the Consent Agreement and Consent Order to the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and that I mailed accurate and true 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 Complaint), by first-class, postage prepaid, certified mail, return receipt requested, to the Respondent and Respondent's Registered Agent by placing it in the custody of the United States Postal Service addressed as follows:

James A. Regas  
Registered Agent For  
Duro-Chrome Industries  
111 West Washington Street, Suite 1525  
Chicago, Illinois 60602

Margo Garcia, President  
Duro-Chrome Industries, Inc.  
275 Industrial Drive  
Wauconda, Illinois 60084

I also certify that a copy of the Administrative Complaint and Consent Order were sent by first class mail to:

David Kolaz, Chief  
Compliance and Systems Management Section  
Bureau of Air  
Illinois Environmental Protection Agency  
1021 North Grand Avenue  
Springfield, Illinois 62702

Harish Narayen, Acting Regional Manager  
Illinois Environmental Protection Agency  
Chicago Regional Office  
1701 First Avenue - Suite 1202  
Maywood, Illinois 60153

on the 7<sup>th</sup> day of September, 1999.

Betty Williams  
Betty Williams, Secretary  
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: P140 779176