

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
B & L Plating, Inc.) **FINDING OF VIOLATION**
Warren, Michigan)
) **EPA-5-99-MI-40**
)
Proceedings Pursuant to)
the Clean Air Act,)
42 U.S.C. §§ 7401 et seq.)
_____)

Finding of Violation

The United States Environmental Protection Agency (U.S. EPA) hereby notifies the State of Michigan and B & L Plating, Inc. (B & L), that U.S. EPA finds that B & L, located at 21353 Edom, Warren, Michigan, is in violation of the Clean Air Act (Act), 42 U.S.C. §§ 7401 et seq. B & L is in violation of Section 112 of the Act, 42 U.S.C. § 7412, and regulations setting forth National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (Chrome Plating NESHAP), at 40 C.F.R. Part 63, Subpart N, as follows:

Regulatory Authority

1. The Chrome Plating NESHAP applies to each chromium electroplating or chromium anodizing tank at facilities performing hard chromium electroplating, decorative chromium electroplating, or chromium anodizing.

2. The Chrome Plating NESHAP, at 40 C.F.R. § 63.342(d) requires each owner or operator of a decorative chromium electroplating tank using a chromic acid bath to control chromium emissions discharged to the atmosphere from that affected source by either: (1) Not allowing the concentration of the total chromium in the exhaust gas stream discharged to the atmosphere to exceed 0.01 mg/dscm or (2) if a chemical fume suppressant containing a wetting agent is used, by not allowing the surface tension of the electroplating or anodizing bath contained within the affected source to exceed 45 dynes/cm at any time during the operation of the tank.

3. The Chrome Plating NESHAP, at 40 C.F.R. § 63.342(f)(3)(i), requires the owner or operator of a decorative chromium electroplating tank using a chromic acid bath to prepare an operation and maintenance plan (O & M Plan), which incorporates proposed work practice standards. The O & M Plan is to be implemented no later than January 25, 1996.

4. The Chrome Plating NESHAP, at 40 C.F.R. §63.343(b)(1) requires the owner or operator of a decorative chromium electroplating tank using a chromic acid bath conduct an initial performance test.

5. 40 C.F.R. §63.343(b)(2) states that if the owner or operator of an affected source meets all of the following criteria, an initial performance test is not required to be conducted under this subpart: (i) The affected source is a decorative chromium electroplating tank or a chromium anodizing tank; and (ii) A wetting agent is used in the plating or anodizing bath to inhibit chromium emissions from the affected source; and (iii) The owner or operator complies with the applicable surface tension limit of §63.342(d)(2) as demonstrated by the continuous compliance monitoring required by paragraph (c)(5)(ii) of this section.

6. The Chrome Plating NESHAP, at 40 C.F.R. §63.343(c)(5) requires that, during a performance test, an owner or operator complying with the emission limitations at 40 C.F.R. § 63.342 through the use of a wetting agent shall establish as the site-specific operating parameter the surface tension of the bath, setting the maximum value that corresponds to compliance with the applicable emission limitation. The surface tension of the bath shall be measured using Method 306B, "Surface Tension Measurement and Recordkeeping for Tanks used at Decorative Chromium Electroplating and Anodizing Facilities."

7. The Chrome Plating NESHAP, at 40 C.F.R. §63.347(h)(1) requires the owner or operator of an affected source that is located at an area source site to prepare a summary report to document the ongoing compliance status of the affected source.

Factual Background

8. B & L owns and operates a decorative chrome plating facility located at 21353 Edom, Warren, Michigan.

9. B & L's decorative chrome plating facility is subject to the Chrome Plating NESHAP at 40 C.F.R. Part 63, Subpart N.

10. B & L uses a chromic acid bath.
11. B & L is specifically subject to the standards for decorative chromium electroplating tanks using a chromic acid bath, located at 40 C.F.R. §63.342(d).
12. B & L uses a wetting agent-type fume suppressant in its electroplating bath.
13. B & L emits or may emit a hazardous air pollutant.
14. B & L's facility is a stationary source.
15. B & L's facility emits or has the potential to emit, considering controls, less than 10 tons per year of any hazardous air pollutant or less than 25 tons per year of any combination of hazardous air pollutants.
16. B & L's electroplating tank is located at an area source site.
17. On January 8, 1999, the Michigan Department of Environmental Quality (MDEQ) conducted an inspection of the B & L facility.
18. As of the January 8, 1999, MDEQ inspection, B & L had failed to prepare an O & M Plan, including work practice standards.
19. As of the January 8, 1999, MDEQ inspection, B & L had not established, using Method 306B, the bath surface tension as the site-specific operating parameter.
20. As of the January 8, 1999, MDEQ inspection, B & L had not prepared an ongoing compliance status report.

Violations

21. Since B & L has not prepared an O & M plan which applies to its affected source, then B & L is in violation of 40 C.F.R. § 63.342(f)(3)(I).
22. Since B & L did not establish as the site-specific operating parameter the surface tension of the bath using method 306B, then B & L is in violation of 40 C.F.R. §63.343(c)(5).
23. Since B & L had not prepared an ongoing compliance

status report, then B & L is in violation of 40 C.F.R.
§63.347(h)(1).

Sept. 23, 1999
Date



Margaret M. Guerriero, Acting
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Finding of Violation by Certified Mail, Return Receipt Requested, to:

Geno Pirrami, President
B & L Plating, Inc.
21353 Edom
Warren, Michigan 53132

I also certify that I sent copies of the Finding of Violation by first class mail to:

Barbara Rosenbaum, Chief
Compliance and Enforcement Section
Air Quality Division
Michigan Department of Environmental Quality
P.O. Box 30260
Lansing, Michigan 48909-7760

Lisa Scarpelli, District Supervisor
Southeast District
Michigan Department of Natural Resources

on the 24 day of September, 1999.

Shanee Rucker
Shanee Rucker, Secretary
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: P140777055