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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

99-100-2 10:56

IN THE MATTER OF:)	Docket No. CAA-5-99-049
)	
Yale Polishers and Platers,)	Proceeding to Assess an
Inc.,)	Administrative Penalty
Chicago, Illinois)	under Section 113(d) of the
)	Clean Air Act,
)	42 U.S.C. § 7413(d)
Respondent.)	

Consent Agreement and Final Order

1. Complainant, the Director of the Air and Radiation Division, United States Environmental Protection Agency, Region 5 (EPA), brought this administrative action seeking a civil penalty under Section 113(d) of the Clean Air Act (the Act), 42 U.S.C. § 7413(d).

2. On September 30, 1999, EPA filed the complaint in this action against Respondent Yale Polishers and Platers, Inc. (Yale). The complaint alleges that Yale violated Section 112 of the Act, 42 U.S.C. § 7412, and the National Emission Standards for Hazardous Air Pollutants for Chromium Emissions, at 40 C.F.R. Part 63, Subpart N, specifically 40 C.F.R. § 63.343(b)(1), § 63.343(c)(5), and § 63.342(d) at its facility in Chicago, Illinois.

Stipulations

3. Yale admits the jurisdictional allegations in the complaint and neither admits nor denies the factual allegations in the complaint.

4. Yale waives its right to contest the allegations in the complaint, and waives its right to appeal under Section 113(d) of the Act, 42 U.S.C. § 7413(d).

5. Yale certifies that it is complying fully with 40 C.F.R. Part 63, Subpart N.

6. The parties consent to the terms of this consent agreement and final order (CAFO).

7. The parties agree that settling this action without further litigation, upon the terms in this CAFO, is in the public interest.

Civil Penalty

8. In consideration of Yale's financial situation, EPA agrees to mitigate the proposed penalty of \$1,000 to \$500.

9. Yale must pay the \$500 civil penalty by cashier's or certified check payable to the "Treasurer, United States of America," within 30 days after the effective date of this CAFO.

10. Yale must send the check to:

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

11. A transmittal letter, stating Respondent's name, complete address, the case docket number, and the billing document number must accompany the payment. Respondent must write the case docket number and the billing document number on the face of the check. Respondent must send copies of the 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

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

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

13. If Yale does not pay timely the civil penalty, EPA may bring an action to collect any unpaid portion of the penalty with interest, handling charges, nonpayment penalties and the United States' enforcement expenses for the collection action under Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). The validity, amount and appropriateness of the civil penalty are not reviewable in a collection action.

14. Interest will accrue on any overdue amount from the date payment was due at a rate established under 26 U.S.C. § 6621(a)(2). Yale will pay a \$15 handling charge each month that any portion of the penalty is more than 30 days past due. Yale will pay a quarterly nonpayment penalty each quarter during which the assessed penalty is overdue according to Section 113(d)(5) of the Act, 42 U.S.C. § 7413(d)(5). 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.

General Provisions

15. This CAFO settles EPA's claims for civil penalties for the violations alleged in the complaint.

16. Nothing in this CAFO restricts EPA's authority to seek Yale's compliance with the Act and other applicable laws and regulations.

17. This CAFO does not affect Yale's responsibility to comply with the Act and other applicable federal, state and local laws, and regulations.

18. This CAFO constitutes an "enforcement response" as that term is used in "U.S. EPA's Clean Air Act Stationary Source Civil Penalty Policy" to determine Yale's "full compliance history" under Section 113(e) of the Act, 42 U.S.C. § 7413(e).

19. The terms of this CAFO bind Yale, and its successors, and assigns.

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

21. Each party agrees to bear its own costs and fees in this action.

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

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

Date: 11/30/99

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

Yale Polishers and Platers, Respondent

Date: 11-18-99

By: 
Richard McCarter, President
Yale Polishers and Platers, Inc.

CONSENT AGREEMENT AND FINAL ORDER
Yale Polishers and Platers, Inc.
Docket No.

Final Order

It is ordered as agreed to by the parties and as stated in the consent agreement, effective immediately upon filing of this CAFO with the Regional Hearing Clerk.

Date: 12/1/99



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

RE

In the Matter of Yale Polishers and Platers, Inc.
Docket No: CAA-5-99-049

'99 DEC -2 10 56
CERTIFICATE OF FILING AND MAILING

I, Betty Williams, do hereby certify that the original of the foregoing Consent Agreement and Final Order (CAFO), was sent to Yale Polishers and Platers, Inc., was filed with the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, 77 West Jackson Boulevard, Chicago, Illinois 60604; and that a second original of the CAFO was sent Certified mail, Return Receipt Requested, to:

Richard McCarter, President
Yale Polishers and Platers, Inc.
5247 South Keeler Avenue
Chicago, Illinois 60632

I also certify that a copy of the CAFO was sent by First Class Mail to:

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

on the 2nd Day of December, 1999.


Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: P 140 895 482