

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)
)
Intaglio Vivi-Color Alliance,) **FINDING OF VIOLATION**
Limited)
Middletown, Ohio) **EPA-5-00-OH-15**
)
Proceedings Pursuant to)
the Clean Air Act,)
42 U.S.C. §§ 7401 et seq.)

FINDING OF VIOLATION

1. The United States Environmental Protection Agency finds that Intaglio Vivi-Color Alliance, Limited (IVA) is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, IVA is violating the General Provisions of the National Emission Standards for Hazardous Air Pollutants (NESHAP), 40 C.F.R. Part 63, Subpart A (General Provisions) and the National Emission Standards for Chromium Emissions from Hard and Decorative Electroplating and Chromium Anodizing Tanks, 40 C.F.R. Part 63, Subpart N (Chrome NESHAP) as follows:

Regulatory Authority

2. Under 40 C.F.R. § 63.2, a "stationary source" means any building, structure, facility, or installation which emits or may emit any air pollutant. An "affected source" means the stationary source that is regulated by a relevant standard established pursuant to section 112 of the Clean Air Act. Each relevant standard defines the "affected source" for the purposes of that standard.

3. Under the authority of section 112 of the Clean Air Act, EPA promulgated emission standards for chromium on January 25, 1995. These standards are codified in Subpart N of 40 C.F.R., comprising sections 63.340 through 63.347.

4. According to 40 C.F.R. § 63.340(a), the affected source to which the provisions of Subpart N apply is each chromium electroplating or chromium anodizing tank at facilities performing hard chromium electroplating, decorative chromium electroplating, or chromium anodizing.

5. According to 40 C.F.R. § 63.1(a)(4), the General Provisions apply to owners or operators of sources subject to the Chrome NESHAP.

6. The Chrome NESHAP, at 40 C.F.R. § 63.342(c)(1) sets emissions standards for affected sources. If an existing affected source is a hard chromium electroplating tank ("electroplating tank") located at a small, hard chromium electroplating facility, the owner or operator must control the chromium emissions discharged to the atmosphere from the tank so that the concentration of total chromium in the exhaust gas stream does not exceed 1.3×10^{-5} grains per dry standard cubic feet (gr/dscf).

7. Under the definitions provided in 40 C.F.R. § 63.2, an existing affected source is one where construction or reconstruction took place before the Administrator proposed a relevant emission standard. The Administrator proposed the Chrome NESHAP on December 16, 1993.

8. The Chrome NESHAP, at 40 C.F.R. § 63.343(b)(1), requires the owner or operator of an electroplating tank to conduct an initial performance test as required under 40 C.F.R. § 63.7.

9. The General Provisions, at 40 C.F.R. § 63.7(a)(2)(iii), require the owner or operator of an existing affected source to conduct an initial performance test to demonstrate compliance with a relevant emission standard within 180 days after the compliance date specified in the applicable subpart of 40 C.F.R. Part 63. At 40 C.F.R. § 63.343(a), the Chrome NESHAP establishes a compliance date of January 25, 1997 for hard chromium electroplating tanks, making the deadline for an initial performance test July 24, 1997.

10. The Chrome NESHAP, at 40 C.F.R. § 63.342(f)(3)(i), requires the owner or operator of an electroplating tank to prepare and implement an operation and maintenance plan by January 25, 1997.

11. The Chrome NESHAP, at 40 C.F.R. § 63.343(c)(1)(ii), requires the owner or operator of an electroplating tank that uses a composite mesh-pad system to control chromium emissions to monitor and record the pressure drop across the composite mesh-pad system once each day the tank is in operation. This requirement took effect on July 24, 1997, the date on which an initial performance test was required to be completed for hard chromium electroplating tanks.

12. The Chrome NESHAP, at 40 C.F.R. § 63.346 (b)(8), requires the owner or operator of an electroplating tank to maintain records of monitoring data required by 40 C.F.R. § 63.343(c).

IVA's Facility

13. IVA owns and operates a small, hard chromium electroplating facility, as that term is defined at 40 C.F.R. 63.341, in Middletown, Ohio.

14. IVA owns and operates two hard chromium electroplating tanks at its Middletown facility. These tanks were constructed prior to December 16, 1993, and were in operation prior to January 25, 1997.

15. IVA's hard chromium electroplating tanks use a composite mesh-pad system to control chromium emissions.

16. The hard chromium electroplating tanks at IVA's hard chromium electroplating facility constitute an affected source under 40 C.F.R. § 63.340(a) and are therefore subject to requirements of the Chrome NESHAP at 40 C.F.R. § 63.340 - 347.

Violations

17. On February 1 and 2, 2000, IVA conducted a performance test to quantify the emissions from its two hard chromium electroplating tanks. The emissions from the two tanks were 4.16×10^{-5} gr/dscf and 2.98×10^{-5} gr/dscf. This constitutes a violation of 40 C.F.R. § 63.342(c)(1) as these emission levels are 220% and 129%, respectively, above the emission standard.

18. The initial performance test for the two hard chromium electroplating tanks at IVA was not conducted until February 1 and 2, 2000. This means that the IVA was in violation of 40 C.F.R. § 63.7(a)(2)(iii) from July 24, 1997, until February 1, 2000.

19. As of January 31, 2000, IVA had not prepared and implemented an operation and maintenance plan. Therefore, IVA has been in violation of 40 C.F.R. § 63.342(f)(3)(i) since January 25, 1997, and will continue to be in violation until a complete operation and maintenance plan is prepared and implemented at the facility.

20. IVA did not begin monitoring and recording the pressure drops across its composite mesh-pad systems once each day the tanks were in operation until February 1, 2000. This means that

IVA was in violation of 40 C.F.R. § 63.343(c)(1)(ii) from July 24, 1997, until February 1, 2000.

21. IVA did not begin maintaining records of the pressure drops across its composite mesh-pad systems until February 1, 2000. This means that IVA was in violation of 40 C.F.R. § 63.346 (b)(8) from July 24, 1997, until February 1, 2000.

4-12-00

Date



Bharat Mathur, Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-00-OH-15, by Certified Mail, Return Receipt Requested, to:

Roger Weiler, President
Intaglio Corporation
4910 River Road
Schiller Park, Illinois 60176-1120

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

June Day, Manager
Intaglio Vivi-Color Alliance, Limited
4014 Tytus Avenue
Middletown, Ohio 45042

Robert Hodanbosi, Chief
Division of Air Pollution Control
Ohio Environmental Protection Agency
Lazarus Government Center
P.O. Box 1049
Columbus, Ohio 43216-1049

Ajay Bahri, Environmental Compliance Specialist
Hamilton County Environmental Services
250 Howard Taft Road
Cincinnati, Ohio 45219

on the 13th day of April, 2000.



Loretta Shaffer, Secretary
AECAS, (MN/OH)

CERTIFIED MAIL RECEIPT NUMBER: 2199026576