UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	
Village of Wittenberg Wittenberg, Wisconsin	)	**Administrative Consent Order**
	)	**EPA-5-99-113(a)-WI-30**
	)	
Proceeding Under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act, 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1)	)	

Administrative Order

1. The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, issues this Order to the Village of Wittenberg under Sections 113(a)(3) and 114(a) of the Clean Air Act,42 U.S.C. §§ 7413(a)(3) and 7414(a).

Statutory and Regulatory Background

2. The Administrator of U.S. EPA may promulgate regulations establishing National Emission Standards for Hazardous Air Pollutants (NESHAP) under Section 112 of the Act, 42 U.S.C. § 7412[1].

3. Under Section 112 of the Act, the Administrator promulgated the NESHAP Standards for asbestos, which are codified

[1] The statutory citations in paragraphs 2 and 3 refer to the Sections of the Act prior to enactment of the Clean Air Act Amendments of 1990. All other citations refer to the Act as amended on November 15, 1990.

at 40 C.F.R. §§ 61.140 through 61.157.

4. The NESHAP, at 40 C.F.R. § 61.145(a), requires that the owner or operator of a demolition or renovation activity, prior to the commencement of the demolition or renovation activity, thoroughly inspect the facility or part of the facility where the demolition or renovation operation will occur for the presence of asbestos, including Category I and Category II nonfriable Asbestos-Containing Material (ACM).

5. The NESHAP, at 40 C.F.R. § 61.145(b), requires that each owner or operator of a demolition or renovation activity provide the Administrator with written notice of their intention to demolish or to renovate at least 10 working days before asbestos striping or removal work or any other activity begins.

6. The NESHAP, at 40 C.F.R. § 61.145(c)(6), requires that each owner or operator of a demolition or renovation activity adequately wet the RACM material that has been removed and ensure that it remains wet until collected and contained or treated in preparation for disposal.

7. The NESHAP, at 40 C.F.R. § 61.145(c)(10), requires that if a facility is demolished by intentional burning, all RACM including Category I and Category II nonfriable ACM must be removed in accordance with NESHAP before burning.

8. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator of U.S. EPA may issue an order requiring compliance to any person who has violated or is violating the NESHAP regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

9. The Administrator of U.S. EPA may require any person who is subject to any requirement of the Act to make reports under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

Findings

10. On or before November 17, 1997, Mr. Gary Hanke owned a house that was located at 703 East Grand Avenue, Wittenberg, Wisconsin ("the house"). The facade of the house consisted, in part, of slate panels. Mr. Hanke gave authority to the Wittenberg Fire Department (WFD) to burn the house down during the course of fire fighting/fire rescue training.

11. On November 17, 1997, the WFD set a series of small fires at the house and conducted fire fighting and fire rescue training. Subsequently, the WFD allowed the fires to burn the house completely, resulting in the demolition of the house.

12. Prior to burning the house, neither the U.S. EPA nor the Wisconsin Department of Natural Resources was notified of the proposed burning.

13. Results of laboratory analysis of samples taken from the slate siding found in the house debris on December 1, 1997, revealed that the samples contained between 10 to 15 percent (%) asbestos. Therefore, the slate siding constituted regulated asbestos-containing material ("RACM").

14. At all times relevant to the violations alleged in this

notice, the house, being a residential structure, was a "facility", as defined at 42 C.F.R.§ 61.141.

15. In taking control of the house and burning it, the Village of Wittenberg, by the WFD, became the "owner or operator" of a demolition or renovation activity, as defined at 42 C.F.R. § 61.141.

16. On August 11, 1999, based upon the facts identified herein, U.S. EPA issued to Village of Wittenberg a Finding of Violation alleging that the Village of Wittenberg violated the NESHAP for asbestos by failing to thoroughly inspect the house for the presence of asbestos prior to the demolition activity; by failing to provide the Administrator with written notice of its intent to demolish the house at least ten working days before it began the asbestos demolition; by failing to adequately wet all RACM from the demolition activity and failing to ensure that it remained wet until collected and contained or treated in preparation for disposal; and by failing to remove all RACM in accordance with the asbestos NESHAP prior to intentionally burning the house.

17. On September 8, 1999, representatives of the Village of Wittenberg and U.S. EPA discussed the Finding of Violation in a telephone conference.

18. Based upon the facts identified herein, the Village of Wittenberg violated the NESHAP for asbestos, 40 C.F.R. § 61.145.

Compliance Program

After a thorough investigation of all relevant facts, including

the seriousness of the violations and the efforts made by the Village of Wittenberg to comply with applicable regulations, U.S. EPA has determined that the compliance measures set forth here are agreed and ordered and are reasonable.

THEREFORE, IT IS HEREBY ORDERED AND AGREED THAT:

19. By the effective date of this Order, the Village of Wittenberg must achieve, demonstrate, and maintain compliance with the NESHAP for asbestos, 40 C.F.R. Part 61, Subpart M, and as it may be amended or recodified hereafter, including but not limited to the following:

(a) With respect to any "facility" or part of the facility (as termed defined in 40 C.F.R. § 61.141) that the Village of Wittenberg intends to demolish or renovate, the Village of Wittenberg must thoroughly inspect the facility or part of the facility for the presence of asbestos or asbestos-containing material prior to the commencement of the demolition, as required by 40 C.F.R. § 61.145(a).

(b) With respect to any "facility" or part of a "facility" (as that term is defined in 40 C.F.R. § 61.141) that the Village of Wittenberg intends to demolish or renovate, the Village of Wittenberg must submit to the State of Wisconsin ("State") and to the U.S. EPA, in a timely manner, notices of intent to demolish in compliance with the requirements of 40 C.F.R. § 61.145(a) and (b).

(1) Notices required by this subparagraph must be sent to both the State and U.S. EPA until this Order

expires in accordance with paragraph 31. After the expiration of this Order, the Village of Wittenberg will only be required to notify the State.

(2) Notices sent to the U.S. EPA, must be addressed to:

Manojkumar P. Patel
Air Enforcement and Compliance Assurance Branch
Mail Code (AE-17J)
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

(c) With respect to any "facility" or part of a "facility" (as that term is defined in 40 C.F.R. § 61.141) that the Village of Wittenberg intends to demolish or renovate, the Village of Wittenberg must remove all RACM before any activity begins that would break up, dislodge, or similarly disturb the material, as required by 40 C.F.R. § 61.145(c)(10).

(d) With respect to any "facility" or part of a "facility" (as that term is defined in 40 C.F.R. § 61.141) that the Village of Wittenberg intends to demolish or renovate, the Village of Wittenberg must adequately wet all RACM and ensure that the RACM remains wet until collected and contained or treated in preparation for disposal, as required by 40 C.F.R. § 61.145(c)(6).

(19) Any authorized representative of the U.S. EPA or of the Wisconsin Department of Natural Resources, Bureau of Air

Management (including its designated contractor) may, upon presentation of credentials, and without prior notice, enter a facility owned or operated by the Village of Wittenberg, at any time a demolition or renovation operation is being conducted, to determine compliance with the requirements of the Act, the asbestos NESHAP, and the provisions of this Order, and may take such samples and photographs and inspect and copy such records as U.S. EPA may deem necessary. This paragraph is in addition to, and not in limitation of, U.S. EPA's authority to investigate, inspect, or enter premises under any laws, permits, or regulations.

(20) Within 30 days of the completion of any demolition or renovation operation by intentional burning in the Village of Wittenberg that may take place during the life of this Order, the Village of Wittenberg must submit a report certifying that it has complied fully with the provisions of paragraph 18 of this Order; or if the Village of Wittenberg has failed to comply, it must provide a detail description of each failure to comply. The Village of Wittenberg must include the following information in such a Report:

(a) The amount of asbestos removed;

(b) The name and address of the licensed abatement contractor which performed the asbestos removal; or if an abatement contractor is not used, the names and addresses of the entities and/or individuals that performed the asbestos removal, including the name and address of the person who satisfies the requirements of 40 C.F.R. § 61.145(c)(8);

(c) Copies of the training credentials of the person named in paragraph (20)(b) above who satisfies the

requirements of 40 C.F.R. § 61.145(c)(8); and

(d) Copies of waste shipment records satisfying the requirements of 40 C.F.R. § 61.150(d) and signed by the owner or operator of the designated disposal site, as evidence of the proper disposal of the asbestos removed.

(21) The Village of Wittenberg must send all reports required by paragraph 20 of this Order to:

Attention: Compliance Tracker (AE-17J)
Air Enforcement and Compliance Assurance Branch
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604

(22) Any notice, report, or other document submitted by the Village of Wittenberg, under this Order, which makes any representation concerning the Village of Wittenberg's compliance or noncompliance with any requirement of this Order, must be certified by a responsible official of the Village of Wittenberg. The certification of such responsible official must be in the following form: " I certify that the information contained in or accompanying this submission is true, accurate and complete to the best of my knowledge, information and belief."

General Provisions

(23) This Order does not affect the Village of Wittenberg's responsibility to comply with other local, State, and Federal laws and regulations.

(24) This Order does not restrict U.S. EPA's authority to enforce Section 112 of the Act, or any other sections of the Act.

(25) Nothing in this Order limits U.S. EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for the Village of Wittenberg's violation of the NESHAP for asbestos.

(26) Failure to comply with this Order may subject the Village of Wittenberg to penalties of up to $27,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413.

(27) The terms of this Order are binding upon the Village of Wittenberg, its assignees, servants, employees and any successor(s) in interest. The Village of Wittenberg must give notice of this Order to any successor(s) in interest, prior to transferring ownership, and must simultaneously verify to U.S. EPA, at the above address, that the Village of Wittenberg has given the notice.

(28) This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.

(29) U.S. EPA may use any information submitted under this Order in an administrative, civil or criminal action.

(30) The Village of Wittenberg agrees to the terms of this Order.

(31) This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will

expire one year from the effective date, if the Village of Wittenberg has complied with all of its terms.

1-31-2000
Date

Raymond Stark, President
Village of Wittenberg

2-10-2000
Date

Bharat Mathur, Director
Air and Radiation Division

Enclosure

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent the Administrative Consent Order, EPA Order No. EPA-5-99-113(a)-WI-30, by Certified Mail, Return Receipt Requested, to:

Raymond Stark, President
Village of Wittenberg
208 West Vinal Street
Wittenberg, Wisconsin 54499

on the 10 day of February 2000.

Shanee Rucker

Shanee Rucker, Secretary
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: Z 199 076 556

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	**ADMINISTRATIVE ORDER**
	)	
Chrometech of Wisconsin, Inc.	)	
Franklin, Wisconsin	)	EPA-5-00-113(a)WI-1
	)	
PROCEEDINGS PURSUANT TO	)	
SECTIONS 113(a)(3) and 114	)	
OF THE CLEAN AIR ACT.	)	
	)	

Administrative Order

1. The Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, is issuing this Order to Chrometech of Wisconsin, Inc. (Chrometech) under Section 113(a)(3) and 114 of the Clean Air Act (Act), 42 U.S.C. §§ 7413(a)(3) and 7414.

Statutory and Regulatory Authority

2. The Administrator of U.S. EPA may require any person who owns or operates an emission source to keep records on control equipment parameters and provide information required by the Administrator under Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1). The Administrator delegated this authority to the Director of the Air and Radiation Division.

3. Under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), the Administrator may issue an order requiring compliance to any person who violates the rules set forth in the National Emission Standards for Hazardous Air Pollutants (NESHAP), promulgated under Section 112 of the Act, 42 U.S.C. § 7412. The Administrator delegated this authority to the Director of the Air and Radiation Division.

4. Under Section 112 of the Clean Air Act, 42 U.S.C. § 7412, U.S. EPA promulgated National Emission Standards for Hazardous Air Pollutants (NESHAP) for Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, 40 C.F.R. Part 63 Subpart N (Chrome Plating NESHAP), on January 25, 1995. 60 FR 4963.

5. 40 C.F.R. Part 63, Subpart N requirements apply to each "affected source," as defined in 40 C.F.R. § 63.340, including hard chromium electroplating tanks.

6. Under 40 C.F.R. § 63.343(c)(1), the owner or operator of an affected source, or group of sources under common control,

complying with the emission limitations in § 63.342 through the use of a composite mesh-pad system must establish as a site-specific operating parameter the pressure drop across the system.

7. Under 40 C.F.R. § 63.343(c)(1)(ii), the owner or operator of an affected source using a composite mesh-pad system must monitor and record the pressure drop once each day that the affected source is operating. To be in compliance with the standards, the composite mesh-pad system shall be operated within ± 1 inch of water column of the pressure drop value established during the initial performance test.

8. Under 40 C.F.R. § 63.347(h)(1), the owner or operator of an affected source that is located at an area source site must document the ongoing compliance status of the affected source.

Findings

9. Chrometech owns and operates a hard chrome plating facility, located at 10020 South 54th Street, Franklin, Wisconsin, which has seven (7) tanks used for hard chromium electroplating.

10. Chrometech's hard chrome plating facility is subject to 40 C.F.R. Part 63, Subpart N.

11. Chrometech owns or operates an emission source within the meaning of Section 114(a)(1) of the Act, 42 U.S.C. § 7414(a)(1).

12. On June 29, 1999, U.S. EPA issued to Chrometech a Finding of Violation (FOV) that alleged Chrometech violated the Chrome Plating NESHAP by, among other things, (i) operation of a composite mesh-pad system outside the compliant pressure drop range and (ii) failure to prepare an ongoing compliance status report.

13. On August 3, 1999, representatives of Chrometech and U.S. EPA discussed the June 29, 1999 FOV.

14. Chrometech violated 40 C.F.R. §§ 63.343(c)(1) and 63.347(h)(1).

Compliance Program

15. Chrometech shall submit to U.S. EPA the results of the performance test on the new composite mesh-pad system installed to replace pollution control equipment for Chrometech's Tank # 7 within 90 days after the date of the performance test, in accordance with 40 C.F.R. §63.347(f)(2).

16. Chrometech shall not violate the compliant pressure drop ranges determined for each of its composite mesh pad systems under 40 C.F.R. § 63.343(c)(1)(i).

17. Chrometech shall monitor and record the pressure drop across each of its composite mesh-pad systems, in accordance with 40 C.F.R. § 63.343(c)(1)(ii).

18. On March 31, 2000, and on each following quarter in the calendar year 2000, Chrometech shall submit to U.S. EPA a summary of pressure drop data for each of its composite mesh pad systems. The data shall consist of pressure drop measurements taken during the preceding quarter.

19. Chrometech shall submit to U.S. EPA a copy of a revised facility operation and maintenance plan (O & M plan), within 15 days of the effective date of this Order. The revised O & M plan shall contain all of the elements required by 40 C.F.R. § 63.342(f)(3), and it shall incorporate the operation and maintenance criteria for the newly installed composite mesh-pad system.

20. By April 15, 2000, Chrometech shall submit to U.S. EPA a copy of the current ongoing compliance status report for its chrome plating facility. The ongoing compliance status report shall be prepared in accordance with 40 C.F.R. §63.347(h).

21. Chrometech must send all information required by this Order to:

Newton Ellens, Environmental Engineer (AE-17J)
Air Enforcement and Compliance Assurance Section (MI/WI)
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

General Provisions

22. This Order does not affect Chrometech's responsibility to comply with other local, State, and Federal laws and regulations.

23. This Order does not restrict U.S. EPA's authority to enforce Section 114 of the Act, or any other section of the Act.

24. Nothing in this Order limits U.S. EPA's authority to seek appropriate relief, including penalties under Section 113 of the Act, 42 U.S.C. § 7413, for violations of the Act.

25. Failure to comply with this Order may subject

Chrometech to penalties of up to $27,500 per day for each violation under Section 113 of the Act, 42 U.S.C. § 7413.

26. The terms of this Order are binding on Chrometech, its assignees and successors. Chrometech must give notice of this Order to any successors in interest, prior to transferring ownership, and must simultaneously verify to U.S. EPA, at the above address, that Chrometech has given the notice.

27. This Order is not subject to the Paperwork Reduction Act, 44 U.S.C. § 3501 et seq., because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.

28. U.S. EPA may use any information submitted under this Order in an administrative, civil, or criminal action.

29. This Order is effective upon receipt.

12/22/99

Date

Margaret M. Guerriero, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent the Administrative Order, EPA Order No. EPA-5-00-113(a)WI-1, by Certified Mail, Return Receipt Requested, to:

Alan Henry, President
Chrome Tech of Wisconsin, Inc.
10020 South 45th Street
Franklin, Wisconsin

I also certify that I sent a copy of the Administrative Order, EPA Order No. EPA-5-00-113(a)WI-1, by First Class Mail to:

Lakshmi Sridharan, Regional Leader
Southeast Region
Wisconsin Department of Natural Resources
2300 North Drive, Martin Luther King Jr. Drive
Milwaukee, Wisconsin 53212

on the 22 day of December 1999.

Shanee Rucker

Shanee Rucker, Secretary
AECAS(MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 2199026467