

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:)
)
Detroit Chrome Electro Forming Co.,) **Docket No. CAA-5-99-029**
Detroit, Michigan,)
) **Consent Agreement and**
) **Final Order**
)
Respondent.)
)
)
_____)

Consent Agreement and Final Order

1. Complainant, the Director of the Air and Radiation Division, United States Environmental Protection Agency (U.S. EPA), Region 5, initiated 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 Detroit Chrome Electro Forming Co. (Detroit Chrome) on August 23, 1999.

Preliminary Statement

2. The Complaint alleged that Detroit Chrome violated Section 112 of the Act, 42 U.S.C. § 7412. Specifically, the Complaint alleges that Detroit Chrome violated certain regulations implementing the 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 Consent Agreement and Final Order (CAFO).

Consent Agreement

4. Respondent admits the jurisdictional and 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) (64 Fed. Reg. 40138, 40182), 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 CAFO.

8. U.S. EPA sought in its Complaint a proposed civil penalty of \$ 51,000. Through this CAFO, 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 \$30,000. 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 (e) of the Act.

9. Respondent shall pay the full penalty of \$30,000 in four (4) quarterly 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 \$7,500 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	8/15/00	\$7,500
3	11/15/00	\$7,500
4	2/15/01	\$7,500

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

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

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

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

18. The terms of this CAFO are binding on the Respondent, its officers, directors, employees, agents, servants, authorized representatives, 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 CAFO constitutes the entire agreement between the parties.

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

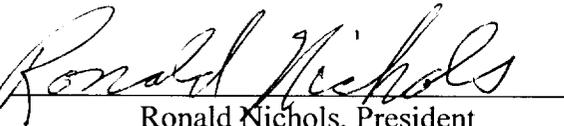
**U.S. Environmental Protection Agency,
Complainant**

Date: 5/4/00

By: 
Bharat Mathur, Director
Air and Radiation Division
U.S. Environmental Protection
Agency, Region 5 (A-18J)

**Detroit Chrome Electro Forming Company,
Respondent**

Date: 4-14-00

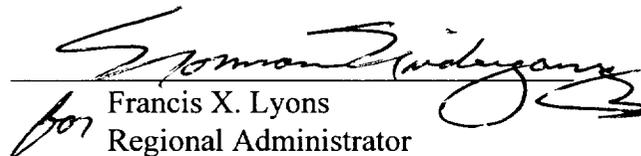
By: 
Ronald Nichols, President
Detroit Chrome Electro Forming Company

CONSENT AGREEMENT AND FINAL ORDER
Detroit Chrome Electro Forming Company
Docket No. CAA-5-99-029

Final Order

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Order. The Respondent is hereby ordered to comply with the terms of the above Consent Agreement, effective immediately. This Order disposes of the matter pursuant to 40 C.F.R. § 22.18(c) (64 Fed. Reg. 40138, 40183).

Date: 5/5/00


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

CERTIFICATE OF SERVICE

I certify that on MAY 10 2000, I deposited in the U.S. Mail, certified mail, return receipt requested, a copy of the Consent Agreement and Consent Order (CACO) addressed to the following:

Ronald Nichols, President
Detroit Chrome Electro Forming Company
7515 Lyndon Street
Detroit, Michigan 48238

I certify that a copy was hand delivered to:

Regional Hearing Clerk
U.S. Environmental Protection Agency
77 West Jackson Boulevard (MF-10J)
Chicago, Illinois 60604-3590

I certify that a copy was sent via pouch mail to:

Judge Susan L. Biro
Office of Administrative Law Judges
U.S. EPA
Room 1900
401 M Street, S.W.
Washington, D.C. 20460

May 10, 2000
Date

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

MAY 10 10 03:19

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