

Tanks, 40 CFR Part 63, Subpart N (Chrome Plating NESHAP). Specifically, the Complaint alleges that Respondent failed to maintain a facility operation and maintenance plan in violation of 40 CFR § 63.342(f)(3)(1); failed to monitor the surface tension of its chrome plating baths in violation of 40 CFR § 63.343(c)(5)(ii); failed to perform an initial performance test in violation of 40 CFR § 63.343(b)(1); failed to keep records of dates and times when fume suppressants were added in violation of 40 CFR § 63.346(b)(13); and failed to keep records of the operating time of its decorative chrome plating process in violation of 40 CFR 63.346(b)(11).

2. Respondent filed an Answer and requested a hearing pursuant to Section 113(d)(2) of the Act, 42 U.S.C. §7413(d)(2), and Section 22.15 of the Consolidated Rules, 40 CFR § 22.15.
3. Complainant and Respondent have determined that this matter should be settled without a hearing or further proceedings, upon the terms set forth in this Consent Agreement and Consent Order. Respondent admits the jurisdictional allegations set forth in the Complaint and neither admits nor denies the factual allegations set forth in the Complaint.
4. Respondent waives its right to a hearing on the allegations of the Complaint.
5. This Consent Agreement and Consent Order shall apply to and

be binding upon Respondent and its successors and assigns, including, but not limited to, subsequent purchasers.

6. Respondent certifies that it is in full compliance with the Chromium Plating NESHAP.
7. Respondent and Complainant consent to the terms of settlement forth below.

II. TERMS OF SETTLEMENT

8. Based on the foregoing stipulations and findings, and having taken into account the seriousness and duration of the violations, Respondent's full compliance history, degree of culpability, economic benefit or savings resulting from the violations, the size of Respondent's business and the economic impact of the penalty on the business, and Respondent's good faith efforts to comply, Complainant agrees to mitigate the \$53,557 penalty to \$20,000, payable in four equal installments of \$5,000 over the period of one year.
9. Respondent consents to the issuance of this Consent Agreement and consents for the purposes of settlement to the payment of the civil penalty cited in the foregoing paragraph.
10. Beginning thirty (30) days of receiving a copy of this Consent Agreement and Consent Order signed by the U.S. EPA Regional Administrator, Region 5, and every four months thereafter for one year, Respondent shall submit a cashier's or certified check in the amount of \$5,000, payable to the

"Treasurer, United States of America," to:

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

11. A transmittal letter, indicating Respondent's name, complete address, the case docket number and the billing document number must accompany the payment. The case docket number and the billing document number shall also be included on the face of the check. Respondent shall 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

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

12. The penalty specified in Paragraph 8 above shall represent civil penalties assessed by U.S. EPA and shall not be deductible for purposes of Federal taxes.
13. Interest shall accrue on any amounts overdue under the terms of this Consent Agreement and Consent Order at the rate established by the Secretary of the Treasury, pursuant to 31 U.S.C. § 3717. In addition, a late payment handling charge of \$15.00 will be imposed if any payment is not made within fifteen (15) days after it is due, with an additional

charge of \$15.00 for each subsequent 30-day period over which an unpaid balance remains.

14. This Consent Agreement and Consent Order constitutes a settlement by U.S. EPA of all claims for civil penalties pursuant to Section 113(d) of the CAA, 42 U.S.C. § 7413(d), for the violations alleged in the Complaint. Nothing in this Consent Agreement and Consent Order is intended to nor shall be construed to operate in any way to resolve any criminal liability of the Respondent. Compliance with this Consent Agreement and Consent Order shall not be a defense to any actions subsequently commenced pursuant to Federal laws and regulations administered by U.S. EPA, and it is the responsibility of Respondent to comply with such laws and regulations.
15. Respondent's failure to comply with any provision of this Consent Agreement and Consent Order 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, together with interest, handling charges, and nonpayment penalties as set forth in Paragraph 13 above. In any such collection action, the validity, amount, and appropriateness of this Order or the penalty assessed hereunder are not subject to review.
16. Except as provided in paragraph 14 above, nothing in this agreement shall be construed as prohibiting, altering or in any way limiting the ability of U.S. EPA to seek any other remedies or sanctions available by virtue of Respondent's

violation of this agreement or of the statutes and regulations upon which this agreement is based, or for Respondent's violation of any applicable provision of law.

17. Nothing in this Consent Agreement and Consent Order shall relieve Respondent of the duty to comply with all applicable provisions of the Clean Air Act and other Federal, State and local laws and statutes.
18. Each undersigned representative of each party to this Consent Agreement and Consent Order certifies that he or she is duly authorized by the party whom he or she represents to enter into the terms of this Consent Agreement and Consent Order and to bind that party to such terms.
19. This Consent Agreement and Consent Order constitutes the entire agreement between Complainant and Respondent.
20. The parties to this agreement consent to the entry of this Consent Agreement and Consent Order without further notice.
21. Each party shall bear its own costs, fees and disbursements in this action.
22. This is a "final order" for purposes of the "enforcement response" policy set forth in U.S. EPA penalty policies.

CONSENT AGREEMENT AND CONSENT ORDER
Rayco Plating, Incorporated
Docket No. 5-CAA-98-037

Rayco Plating, Incorporated

Date: 5/13/99

By: James E. Fox VICE PRESIDENT
Wayne Raymond, President
Rayco Plating, Incorporated

CONSENT AGREEMENT AND CONSENT ORDER
Rayco Plating, Incorporated
Docket No. 5-CAA-98-037

U.S. Environmental Protection Agency,
Complainant

Date: 6/10/99

By: 
Margaret M. Guerriero, Acting Director
Air and Radiation Division
U.S. Environmental Protection Agency,
Region 5 (A-18J)
77 West Jackson Boulevard
Chicago, Illinois 60604

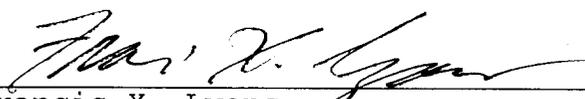
CONSENT AGREEMENT AND CONSENT ORDER
Rayco Plating, Incorporated
Docket No. 5-CAA-98-037

III. ORDER

The foregoing Consent Agreement is hereby approved and incorporated by reference into this Order. Respondent is hereby ordered to comply with the terms of the above Consent Agreement, effective immediately.

Date: _____

6/14/99



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

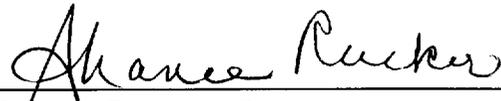
CERTIFICATE OF SERVICE

I certify that I filed an original of the foregoing Consent Agreement and Consent Order (CACO) Assessing Administrative Civil Penalties Against Rayco Plating, Inc., Docket No. 5-CAA-98-037, with the Regional Hearing Clerk, Region 5, United States Environmental Protection Agency, and have sent another original of the CACO to:

Wayne Redmond, President
Rayco Plating, Inc.
10023 West Fort Street
Detroit, Michigan 48209

on the 15 day of June, 1999.

Certified Mail Number P 140 777 008



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

U.S. ENVIRONMENTAL PROTECTION AGENCY
REGION 5

'99 JUN 15 P2:11

RECEIVED
REGION 5