



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

SEP 28 2012

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Douglas Graf  
Environmental Manager  
Perlick Corporation  
8300 W. Good Hope Road  
Milwaukee, Wisconsin 53223

Re: Finding of Violation  
Perlick Corporation  
Milwaukee, Wisconsin

Dear Mr. Graf:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Perlick Corporation (you). We find that you are violating Section 112 of the Clean Air Act (the Act), 42 U.S.C. § 7412, and its implementing regulations at 40 C.F.R. Part 63, Subpart N, the National Emissions Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks at your Milwaukee, Wisconsin, facility. We also find you in violation of 40 C.F.R. Part 63, Subpart WWWW, the National Emissions Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations, also at your Milwaukee, Wisconsin, facility.

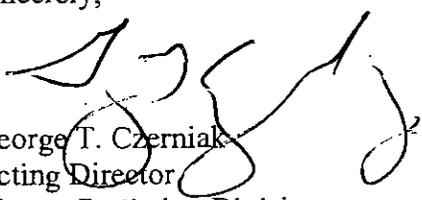
We have several enforcement options under Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Roshni Brahmhatt. You may call her at (312) 886-6793 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak  
Acting Director  
Air and Radiation Division

Enclosure

cc: Michael Griffin  
Wisconsin Department of Natural Resources  
2300 N. Dr. Martin Luther King, Jr. Dr.  
Milwaukee, WI 53212

Bill Baumann, Chief of Compliance & Enforcement  
Bureau of Air Management  
Wisconsin Department of Natural Resources  
PO Box 7921  
Madison, WI 53707-7921

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Perlick Corporation  
Milwaukee, Wisconsin

Proceedings Pursuant to Section 113(a)(3)  
of the Clean Air Act, 42 U.S.C.  
§ 7413(a)(3)

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**FINDING OF VIOLATION  
EPA-5-12-WI-11**

**FINDING OF VIOLATION**

The U.S. Environmental Protection Agency finds that Perlick Corporation (Perlick) is violating Section 112 of the Clean Air Act (the Act), 42 U.S.C. § 7412. Specifically, Perlick is violating the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks at 40 C.F.R. Part 63, Subpart N, and the NESHAP for Plating and Polishing Operations at 40 C.F.R. Part 63, Subpart WWWW, at its Milwaukee, Wisconsin, facility, as follows:

**Statutory and Regulatory Authority**

- 1) Section 112(d) of the Act, 42 U.S.C. § 7412(d), authorizes EPA to promulgate regulations for particular industrial sources that emit one or more of the hazardous air pollutants (HAPs) listed in Section 112(b) of the Act, 42 U.S.C. § 7412(b), in significant quantities.

40 C.F.R. Part 63, Subpart N

- 2) Pursuant to Section 112(d) of the Act, on January 25, 1995, EPA promulgated the NESHAP for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks at 60 Fed. Reg. 4963 (the Chrome Plating NESHAP). These regulations became effective on the date of publication, and are codified at 40 C.F.R. §§ 63.340-63.348. The regulations were subsequently amended on December 19, 2005, at 70 Fed. Reg. 75345.
- 3) The Chrome Plating NESHAP, at 40 C.F.R. § 63.340(a), applies to each chromium electroplating tank at facilities performing hard chromium electroplating, decorative chromium electroplating, or chromium anodizing.
- 4) The Chrome Plating NESHAP, at 40 C.F.R. § 63.341(a), defines "chromium electroplating tank" as the receptacle or container along with the following internal and external

components needed for chromium electroplating, including rectifiers, anodes, heat exchanger equipment, circulation pumps, and air agitation systems.

- 5) The Chrome Plating NESHAP, at 40 C.F.R. § 63.343(a), requires the owner or operator of an existing affected source to achieve compliance with the applicable provisions of the subpart no later than January 25, 1996, if the affected source is a decorative chromium electroplating tank.
- 6) The Chrome Plating NESHAP, at 40 C.F.R. § 63.342(d), states each owner or operator of an existing, new, or reconstructed affected source shall control chromium emissions discharged to the atmosphere from that affected source.
- 7) The Chrome Plating NESHAP, at 40 C.F.R. § 63.342(d)(2), states that if a chemical fume suppressant containing a wetting agent is used, chromium emissions shall be controlled by not allowing the surface tension of the bath contained within the affected tank to exceed 45 dynes/cm as measured by a stalagmometer or 35 dynes/cm as measured by a tensiometer at any time during operation of the tank.
- 8) The Chrome Plating NESHAP, at 40 C.F.R. § 63.343(c), requires that the owner or operator of an affected source subject to the emission limitations of 40 C.F.R. Part 63, Subpart N to conduct monitoring according to the type of air pollution control technique that is used to comply with the emission limitation.
- 9) The Chrome Plating NESHAP, at 40 C.F.R. § 63.343(c)(5)(i), requires that the owner or operator shall establish as the site-specific operating parameter the surface tension of the bath using Method 306B. In lieu of establishing the maximum surface tension during the performance test, the owner or operator may accept 45 dynes/cm as measured by a stalagmometer or 35 dynes/cm as measured by a tensiometer as the maximum surface tension value that corresponds to compliance with the applicable emission limitation.
- 10) The Chrome Plating NESHAP, at 40 C.F.R. § 63.343(c)(5)(ii), requires that the owner or operator of an affected source must monitor the surface tension of the electroplating or anodizing bath. The surface tension shall be monitored according to the following schedule:
  - (A) The surface tension shall be measured once every 4 hours during operation of the tank with a stalagmometer or a tensiometer as specified in Method 306B, appendix A of 40 C.F.R. Part 63;
  - (B) The time between monitoring can be increased if there have been no exceedances. The surface tension shall be measured once every 4 hours of tank operation for the first 40 hours of tank operation after the compliance date. Once there are no exceedances during the 40 hours of tank operation, surface tension measurement may be conducted once every 8 hours of tank operation. Once there are no exceedances during 40 hours of tank operation, surface tension measurement may be conducted once every 40 hours of tank operation on an ongoing basis, until an exceedance occurs. The minimum frequency of monitoring allowed by the NESHAP subpart is once every 40 hours of tank operation;
  - (C) Once an exceedance occurs as indicated through surface tension monitoring, the original monitoring schedule of once every 4 hours must be resumed.

40 C.F.R. Part 63, Subpart WWWW

- 11) Pursuant to Section 112(d) of the Act, on July 1, 2008, EPA promulgated the NESHAP for Plating and Polishing Operations, 73 Fed. Reg. 37741 (Plating and Polishing MACT). These regulations became effective on that date, and are codified at 40 C.F.R. §§ 63.11504-63.11513.
- 12) The Plating and Polishing MACT, at 40 C.F.R. § 63.11504(a), states that it applies to the owner or operator of a plating and polishing facility that: 1) is an area source of HAP emissions; 2) uses or has emissions of compounds of one or more plating and polishing metal HAPs; and 3) among other things, is engaged in non-chromium electroplating.
- 13) The Plating and Polishing MACT, at 40 C.F.R. § 63.11504(a)(2), defines an “area source of HAP emissions” as any stationary source or group of stationary sources within a contiguous area under common control that does not have the potential to emit any single HAP at a rate of 10 tons per year (tpy) or more and any combination of HAPs at a rate of 25 tpy or more.
- 14) The Plating and Polishing MACT, at 40 C.F.R. §§ 63.11504(a)(3) and 63.11511, defines a “plating and polishing metal HAP” as any compound of cadmium, chromium, lead, manganese, and nickel, or any of these metals, other than lead, in the elemental form.
- 15) The Plating and Polishing MACT, at 40 C.F.R. § 63.11505(a), applies to each new or existing affected source, which, in part, includes each tank that contains one or more of the plating and polishing metal HAPs and is used for non-chromium electroplating.
- 16) The Plating and Polishing MACT, at 40 C.F.R. § 63.11505(b), states that an affected source is “existing” if construction or reconstruction of the source occurred on or before March 14, 2008.
- 17) The Plating and Polishing MACT, at 40 C.F.R. § 63.11506(a), requires the owner or operator of an existing affected source to achieve compliance with the applicable provisions of the subpart no later than July 1, 2010.
- 18) The Plating and Polishing MACT, at 40 C.F.R. § 63.11507(a), in part, requires the owner or operator of an affected existing non-cyanide electroplating tank that contains one or more of the plating and polishing metal HAPs and operates at a pH of less than 12 to comply by means of, among other things, use of a wetting agent/fume suppressant in the bath of the affected tank.
- 19) The Plating and Polishing MACT, at 40 C.F.R. § 63.11508(d)(3), requires that the owner or operator of an affected electroplating tank that contains one or more of the plating and polishing metal HAP and uses a wetting agent/fume suppressant must demonstrate continuous compliance according to 40 C.F.R. § 63.11508(d)(3)(i) through (iii).

- 20) The Plating and Polishing MACT, at 40 C.F.R. § 63.11508(d)(3)(i), requires that the owner or operator of an affected source must record that it has added the wetting agent/fume suppressant to the tank bath in the original make-up of the tank.
- 21) The Plating and Polishing MACT, at 40 C.F.R. § 63.11508(d)(3)(ii), states that for tanks where the wetting agent/fume suppressant is a separate ingredient from the other tank additives, the owner or operator must (A) add wetting agent/fume suppressant in proportion to the other bath chemistry ingredients that are added to replenish the tank bath, as in the original make-up of the tank; or in proportion such that the bath is brought back to the original make-up of the tank; and (B) record each addition of wetting agent/fume suppressant to the tank bath.
- 22) The Plating and Polishing MACT, at 40 C.F.R. § 63.11508(d)(3)(iii), requires that the owner or operator of an affected source to state in its annual compliance certification that it has added wetting agent/fume suppressant to the bath according to the manufacturer's specifications and instructions.

#### **Findings of Fact**

- 23) Perlick owns and operates a plating facility at 8300 W. Good Hope Road, Milwaukee, Wisconsin.
  - 24) On April 5, 2012, EPA conducted an inspection of the Perlick facility.
  - 25) On June 11, 2012, and August 27, 2012, under Section 114 of the Act, EPA required Perlick to provide certain information in order for EPA to determine Perlick's compliance with the Act. On June 27, 2012 and September 6, 2012, Perlick submitted information in response to the Section 114 requests.
- 40 C.F.R. Part 63, Subpart N
- 26) Perlick owns and operates a "decorative chromium electroplating" tank as the term is defined at 40 C.F.R. § 63.341(a). The decorative chromium electroplating tank is identified as source number P08 S08 by the Wisconsin Department of Natural Resources.
  - 27) Perlick's decorative chrome electroplating tank is subject to the requirements of the Chrome Plating NESHAP.
  - 28) Perlick uses a chemical fume suppressant containing a wetting agent to control chromium emissions and is subject to the surface tension limits provided by 40 C.F.R. § 63.342(d)(2).
  - 29) The information submitted on June 27, 2012 and September 6, 2012 by Perlick indicated that the surface tension on the decorative chrome electroplating tank measured with a tensiometer exceeded 35 dynes/cm on seven occasions seen in the table below.

**Table 1: Surface Tension Exceedance Dates**

<b>Date</b>	<b>Surface Tension (dynes/cm)</b>
1/18/2010	36
3/17/2010	37.1
5/14/2010	35.1
7/20/2010	35.8
9/15/2010	38.7
10/27/2011	36.2
3/2/2012	37

30) Perlick did not submit information sufficient to conclude that it returned to a frequency of surface tension monitoring of every 4 hours after the surface tension value exceeded 35 dynes/cm on the above seven occasions.

40 C.F.R. Part 63, Subpart WWWW

31) Perlick owns and operates a nickel “electroplating” tank, as the term is defined at 40 C.F.R. § 63.11511.

32) The facility is an “area source of HAP emissions,” as that term is defined at 40 C.F.R. § 63.11504(a)(2).

33) Nickel is a “plating and polishing metal HAP,” as that term is defined at 40 C.F.R. §§ 63.11504(a)(3) and 63.11511.

34) Perlick’s nickel electroplating tank is subject to the requirements of the Plating and Polishing MACT.

35) The information submitted on June 27, 2012 and September 6, 2012 by Perlick indicated that a wetting agent is added to the nickel electroplating tanks.

36) The information submitted on June 27, 2012 and September 6, 2012 by Perlick indicted that no records of the amount and frequency of wetting agent/fume suppressant added to the nickel electroplating tank are maintained.

37) The information submitted on June 27, 2012 and September 6, 2012 by Perlick indicated that the wetting agent is added continuously as a slow drip.

38) The information submitted on June 27, 2012 and September 6, 2012 did not reflect that Perlick added wetting agent/fume suppressant to the nickel electroplating tank in the annual compliance certifications.

### Violations

- 39) Perlick failed to maintain the surface tension of the decorative chromium electroplating bath below 35 dynes/cm when measured with a tensiometer on the seven occasions noted in Paragraph 29 above, in violation of 40 C.F.R. § 63.342(d)(2).
- 40) Perlick failed to monitor the surface tension of the decorative chromium electroplating bath a minimum of once every 4 hours of tank operation after an exceedance on the seven occasions, noted in Paragraph 29 above, in violation of 40 C.F.R. § 63.343(c)(5)(ii).
- 41) Perlick failed to maintain records of the amount and frequency of wetting agent/fume suppressant added to the nickel electroplating tank, in violation of 40 C.F.R. § 63.11508(d)(3)(i).
- 42) Perlick failed to add wetting agent/fume suppressant in proportion to the other bath chemistry ingredients that are added to replenish the tank bath, as in the original make-up of the tank; or in proportion such that the bath is brought back to the original make-up of the tank, in violation of 40 C.F.R. § 63.11508(d)(3)(ii).
- 43) Perlick failed to report in its annual compliance certification that wetting agent/fume suppressant is added to the bath according to the manufacturer's specifications and instructions, in violation of 40 C.F.R. § 63.11508(d)(3)(iii).

### Environmental Impact of Violations

- 44) Violation of the NESHAPs can result in excess HAP emissions that may cause serious health effects, such as birth defects and cancer, and harmful environmental and ecological effects.

\_\_\_\_\_

Date

9/28/12

\_\_\_\_\_

George T. Czerniak  
Acting Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-12-WI-11, by Certified Mail, Return Receipt Requested, to:

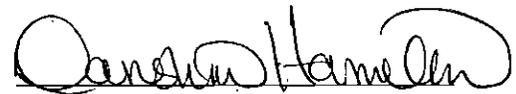
Douglas Graf  
Perlick Corporation  
8300 West Good Hope Road  
Milwaukee, Wisconsin 53223

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

Michael Griffin  
Wisconsin Department of Natural Resources  
Milwaukee Service Center  
2300 N. Dr. Martin Luther King, Jr. Drive  
P.O. Box 12436  
Milwaukee, Wisconsin 53212

Bill Baumann  
Wisconsin Department of Natural Resources  
Bureau of Air Management  
101 S. Webster Street  
P.O. Box 7921  
Madison, Wisconsin 53702

on the 1st day of October, 2012.

  
Loretta Shaffer,  
Administrative Program Assistant  
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 11680 0000 7069 7170