



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

JUL 15 2015

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Andy Kruis
Environmental Manager
ChromeTech of Wisconsin, Inc.
10020 South 54th Street
Franklin, Wisconsin 53132

Re: ChromeTech of Wisconsin, Inc.
Administrative Consent Order EPA 5-15-113(a)-WI-05

Dear Mr. Kruis:

Enclosed is an executed original of the Administrative Consent Order regarding the above captioned case.

If you have any questions about the Order, please contact Ray Cullen at (312) 886-0538 or John Matson, Associate Regional Counsel, at (312) 886-2243.

Sincerely,

A handwritten signature in black ink, appearing to be "S. Marshall".

Sarah G. Marshall *for*
Chief
Air Enforcement and Compliance Assurance Section (MI/WT)

Enclosure

cc: Dan Schramm, WDNR
Bill Baumann, WDNR
Joelie Zak, Scientific Control Laboratories, Inc.

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-15-113(a)-WI-05, by certified mail, return receipt requested, to:

Andy Kruis
Environmental Manager
ChromeTech of Wisconsin, Inc.
10020 South 54th Street
Franklin, Wisconsin 53132

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-15-113(a)-WI-05, by first-class mail to:

Dan Schramm
Supervisor
Wisconsin Department of Natural Resources
2300 North Dr. Martin Luther King Jr. Drive
Milwaukee, Wisconsin 53212

Bill Baumann
Chief
Compliance and Enforcement Section
Bureau of Air Management
Wisconsin Department of Natural Resources
101 South Webster Street
P.O. Box 7921 (AM/7)
Madison, Wisconsin 53707-7921

Joelie Zak
Senior EHS Consultant
Scientific Control Laboratories, Inc.
3158 South Kolin Avenue
Chicago, Illinois 60623

on the 29th day of July, 2015.



Loretta Shaffer
Program Technician
AECAB/PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7644 3463

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
BEFORE THE ADMINISTRATOR**

In the Matter of:)	EPA-5-15-113(a)-WI-05
)	
ChromeTech of Wisconsin, Inc. Franklin, Wisconsin)	Proceeding Under Sections 113(a)(3) and 114(a)(1) of the Clean Air Act,
)	42 U.S.C. §§ 74113(a)(3) and 7414(a)(1)
Respondent.)	

Administrative Consent Order

A. Preliminary Statement

1. This Administrative Compliance Order (Order) is issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (Administrator) by Section 113(a) of the Clean Air Act (the CAA), 42 U.S.C. § 7413(a)(3) and (4).

2. Respondent is ChromeTech of Wisconsin, Inc. (ChromeTech), a corporation doing business in the State of Wisconsin.

B. Statutory Authority for Order

3. Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3), grants the Administrator the authority to issue an order requiring compliance to any person who has violated or is violating any of the National Emission Standards for Hazardous Air Pollutants (NESHAP).

4. The Administrator of EPA may require any person who owns or operates an emission source to, among other things, establish and maintain records, make reports, sample emissions, and keep records on control equipment parameters under Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1). The Administrator has delegated this authority to the Director of the Air and Radiation Division.

5. On EPA's behalf, the Director of the Air and Radiation Division of Region 5 is delegated the authority to issue this Order under Sections 113(a) and 114(a)(1) of the CAA, 42 U.S.C. § 7413(a) and 7414(a)(1).

6. ChromeTech consents to the issuance and the terms of this Order.

C. Statutory and Regulatory Background

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

8. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), on January 25, 1995, EPA promulgated the National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks at 40 C.F.R. Part 63, Subpart N (Subpart N). *See* 60 *Fed. Reg.* 4948 (January 25, 1995). Subpart N is set forth at 40 C.F.R. § 63.340 *et seq.* On September 19, 2012, EPA amended Subpart N by, among other things, lowering the emission limitations in § 63.342. *See* 77 *Fed. Reg.* 58243 (September 19, 2012).¹ The "affected source" to which Subpart N applies, is among other things, each "chromium-electroplating tank"² at facilities performing "hard-chromium electroplating."³ *See* 40 C.F.R. § 63.340(a).

¹The citations in this Order reflect the regulations in effect on the effective date of this Order.

²40 C.F.R. § 63.341(a) defines a "chromium electroplating tank" as the "receptacle or container along with the following internal and external components needed for chromium electroplating: rectifiers, anodes, heat exchanger equipment, circulation pumps, and air agitation systems."

³40 C.F.R. § 63.341(a) defines "hard-chromium electroplating" as "a process by which a thick layer of chromium (typically 1.3 to 760 microns) is electrodeposited on a base material to provide a surface with functional properties such as wear resistance, a low coefficient of friction, hardness, and corrosion resistance."

Chromium Emission Control Requirements

9. Subpart N at 40 C.F.R. § 63.342(c)(1) requires that the owner or operator of an existing, reconstructed, or new open-surface, hard chromium electroplating tank located at a “large hard chromium electroplating facility”⁴ shall control chromium emissions from that tank during tank operation by either: (i) not allowing the concentration of total chromium in the exhaust gas stream discharged to the atmosphere to exceed 0.011 milligrams per dry standard cubic meter (mg/dscm); or (ii) if using a “chemical fume suppressant”⁵ containing a “wetting agent,”⁶ by not allowing the surface tension of the electroplating bath contained within the tank to exceed 40 dynes per centimeter (dynes/cm) as measured by a stalagmometer or 33 dynes/cm as measured by a tensiometer at any time during tank operation.⁷

Pressure Drop Requirements Across Composite Mesh-Pad Systems

10. Subpart N at 40 C.F.R. § 63.343(c)(1)(i) requires that the owner or operator of an affected source complying with the emission limitations in 40 C.F.R. § 63.342 through the use of a “composite mesh-pad system”⁸ shall determine the outlet chromium concentration using the test methods and procedures in 40 C.F.R. § 63.344(c), and shall establish as a site-specific operating parameter the pressure drop across the system during the initial performance test,

⁴ 40 C.F.R. § 63.341(a) defines a “large, hard chromium electroplating facility” as a “facility that performs hard chromium electroplating and has a “maximum cumulative rectifier capacity” greater than 60 million ampere hours per year.” 40 C.F.R. § 63.341(a) defines “maximum cumulative rectifier capacity” as “the summation of the total installed rectifier capacity associated with the hard chromium electroplating tanks at a facility, expressed in amperes, multiplied by the maximum potential operating schedule of 8,400 hours per year and 0.7, which assumes the electrodes are energized 70 percent of the total operating time.”

⁵ 40 C.F.R. § 63.341(a) defines a “chemical fume suppressant” as “any chemical agent that reduces or suppresses fumes or mists at the surface of an electroplating or anodizing bath.”

⁶ 40 C.F.R. § 63.341(a) defines a “wetting agent” as “the type of commercially available chemical fume suppressant that materially reduces the surface tension of a liquid.”

⁷ 40 C.F.R. § 63.343(a)(1) currently requires that the owner or operator of an existing affected source shall have complied with the emission limitations in 40 C.F.R. § 63.342 no later than September 19, 2014.

⁸ 40 C.F.R. § 63.341(a) defines a “composite mesh-pad system” as “an add-on pollution control device typically consisting of several mesh-pad stages, where the first stage removes large particles, the second stage, which consists of the composite mesh pad, removes smaller particles, and may include a final stage that removes any re-entrained particles not collected by the composite mesh pad.”

setting the value that corresponds to compliance with the applicable emission limitation, using the procedures in 40 C.F.R. § 63.344(d)(5). An owner or operator may conduct multiple performance tests to establish a range of compliant pressure drop values, or may set as the compliant value the average pressure drop measured over the three test runs of one performance test and accept ± 2 inches of water column from this value as the compliant range.

11. The owner or operator of an affected source complying with the emission limitations in 40 C.F.R. § 63.342 through the use of a composite mesh-pad system shall monitor and record the pressure drop across the composite mesh-pad system once each day that any affected source is operating, on and after the date on which the initial performance test is required to be completed under 40 C.F.R. § 63.7. The composite mesh-pad system shall be operated within ± 2 inches of water column of the pressure drop value established during the initial performance test, or shall be operated within the range of compliant values for pressure drop established during multiple performance tests. *See* 40 C.F.R. § 63.343(c)(1)(ii).

12. 40 C.F.R. § 63.343(c)(1)(iii) provides that the owner or operator of an affected source complying with the emissions limitations in 40 C.F.R. § 63.342 through the use of a composite mesh-pad system may repeat the performance test and establish as a new site-specific operating parameter the pressure drop across the composite mesh-pad system according to the requirements 40 C.F.R. § 63.343(c)(1)(i) or (ii). To establish a new site-specific operating parameter for pressure drop, the owner or operator shall: i) determine the outlet chromium concentration using the test methods and procedures in 40 C.F.R. § 63.344(c); ii) establish the site-specific operating parameter value using the procedures in 40 C.F.R. § 63.344(d)(5); iii) satisfy the recordkeeping requirements in 40 C.F.R. § 63.346(b)(6) through (8); and iv) satisfy the reporting requirements in 40 C.F.R. § 63.347(d) and (f).

13. 40 C.F.R. § 63.346(b)(6) through (8) require that the owner or operator of an affected source subject to the provisions of this subpart shall maintain records of: i) test reports documenting results of all performance tests; ii) all measurements as may be necessary to determine the conditions of performance tests, including measurements necessary to determine compliance with the special compliance procedures of 40 C.F.R. § 63.344(e); and iii) records of monitoring data required by 40 C.F.R. § 63.343(c) that are used to demonstrate compliance with the standard including the date and time the data are collected.

D. EPA's Findings

14. ChromeTech owns and operates a plating facility at 10020 South 54th Street, Franklin, Wisconsin (Facility), where it conducts, among other things, "hard chromium electroplating" of mostly ferrous materials, as that term is defined in 40 C.F.R. § 63.341(a).

15. ChromeTech operates at its Facility four hexavalent "chromium electroplating tanks," as that term is defined in 40 C.F.R. § 63.341(a), (identified as Tanks 3010, 3060, 4120, and 4140) that are "affected sources" to which Subpart N applies, as defined in 40 C.F.R. § 63.340(a).

16. The Facility has a maximum cumulative potential rectifier capacity of over 60,000,000 ampere-hours per year, making it a "large hard chromium electroplating facility," as that term is defined in 40 C.F.R. § 63.341(a).

17. ChromeTech installed Tank 3010 in February 1989, Tank 3060 in November 1990, Tank 4120 in September 2008, and Tank 4140 in November 1994, making these tanks existing sources under Subpart N that, pursuant to 40 C.F.R. § 63.343(a)(1), were required to comply with the emissions limitations of 40 C.F.R. § 63.342 no later than September 19, 2014.

18. Each tank is equipped with a multi-stage “composite mesh-pad system” for controlling emissions, as that term is defined in 40 C.F.R. § 63.341(a).

19. Each composite mesh-pad system is equipped with a gauge that measures the overall pressure drop across the system, in addition to gauges that measure the pressure drop across each individual stage.

20. ChromeTech is a “person” as defined in Section 302(e) of the CAA, 42 U.S.C. § 7602(e), and within the meaning of Sections 113(a) and 114(a)(1) of the CAA, 42 U.S.C. § 7413(a) and 7414(a)(1).

21. ChromeTech owns and operates an “emission source” within the meaning of Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1), and is therefore subject to the requirements of Section 114(a)(1) of the CAA.

22. On November 4, 2013, EPA inspected the Facility for compliance with Subpart N.

23. ChromeTech subsequently provided EPA with the results of Facility performance tests of the composite mesh-pad systems to demonstrate compliance with the 0.015 mg/dscm emission limit of 40 C.F.R. § 63.342(c)(1) (pre-September 19, 2012 Subpart N amendments), which established the following pressure drop values for each tank:

- a) 1.65 inches of water column across the system equipped on Tank 3010, as demonstrated by a performance test conducted on July 21, 1997;
- b) 2.8 inches of water column across the system equipped on Tank 3060, as demonstrated by a performance test conducted on July 21, 1997;
- c) 6.0 inches of water column across the system equipped on Tank 4120, as demonstrated by a performance test conducted on November 12, 2008;
- d) 1.8 inches of water column across the south-side system equipped on Tank 4140 and 2.4 inches of water column across the north-side system equipped on that tank, as demonstrated by a performance test conducted on November 11, 1999.

24. The results of the Facility's performance tests showed that the sum of the recorded pressure drop values across each of the individual stages of a particular composite mesh-pad system exceeded the recorded pressure drop value indicated by the overall pressure drop gauge range for that system, and exceeded the respective established compliant pressure drop range.

25. On September 2, 2014, EPA issued to ChromeTech a Finding of Violation (the September 2, 2014 FOV) alleging, among other things, that it failed to 1) maintain the pressure drop across the composite mesh-pad systems equipped on Tanks 3010, 4120, and 4140 within the compliant range established during the respective performance tests; and 2) adequately control chromium emissions discharged to the atmosphere from these three tanks.

26. On October 23, 2014, representatives from ChromeTech and EPA held a conference to discuss the violations alleged in the September 2, 2014 FOV.

27. During the October 23, 2014, conference, ChromeTech contended that Tanks 3010, 4120, and 4140 have been in continuous compliance with the applicable emission limit, because the recorded overall pressure drop values across each composite mesh-pad system have been within the respective established compliant range, as indicated by an overall pressure drop gauge on each composite mesh-pad system.

E. Order

28. Within 15 days of the effective date of this Order, ChromeTech shall submit to EPA written notification of the purchase and installation of automated pressure drop monitoring devices for the composite mesh-pad systems on Tanks 3010, 3060, 4120, and 4140.

29. Within 30 days of the effective date of this Order, ChromeTech shall have the manufacturer(s) of the composite mesh-pad systems on Tanks 3010, 3060, 4120, and 4140 (or other capable company) calibrate the manual pressure drop gauges on these systems such that the pressure drop across each system equals the sum of the pressure drop across each individual stage of that system.

30. Within 60 days of the effective date of this Order, ChromeTech shall submit a performance test plan for EPA approval for performance testing to 1) measure chromium emitted to the atmosphere from the composite mesh-pad systems on Tanks 3010, 3060, 4120, and 4140 to confirm compliance with the 0.011 mg/dscm emission limit in 40 C.F.R. § 63.342(c)(1)(i); and 2) establish as a site-specific operating parameters the pressure drop across each system, setting the value that corresponds to compliance with the emission limit, using the procedures in 40 C.F.R. § 63.344(d)(5). ChromeTech shall conduct the performance testing in accordance with 40 C.F.R. Part 63, Appendix A, Methods 306 or 306A. The test plan shall describe at least three sampling runs for each composite mesh-pad system, with each run lasting at least 120 minutes and having a sample volume of at least 1.70 dscm, and shall include a test program summary, the test schedule, data quality objectives, and both an internal and external quality assurance program. Data quality objectives are the pre-test expectations of precision, accuracy, and completeness of data.

31. ChromeTech shall make any adjustments required by EPA to the testing protocol or operating conditions in its submitted performance test plan.

32. Within 30 days from the date of receipt of EPA's approval of the performance test plan, ChromeTech shall implement the approved performance test pursuant to its protocol and operating conditions.

33. Within 30 days of completion of the performance testing, ChromeTech shall document and submit to EPA the results of the tests in complete test reports that contain at least the following information: 1) a brief process description; 2) sampling location description(s); 3) a description of sampling and analytical procedures and any modifications to standard procedures; 4) test results; 5) quality assurance procedures and results; 6) records of operating conditions during the test; preparation of standards, and calibration procedures; 7) raw data sheets for field sampling and field and laboratory analyses; 8) documentation of calculations; and 9) any other information required by the test methods.

34. At the end of every calendar month following completion of the performance testing until termination of this Order, ChromeTech shall submit to EPA records of the daily overall and individual stage pressure drop readings for each composite mesh-pad system, for both the manual and automated pressure drop monitoring devices.

35. If EPA determines that the overall pressure drop reading and the sum of the individual stage pressure drop readings for a system differ by enough to warrant recalibration of that system, ChromeTech shall have the manufacturer of that system (or other capable company) recalibrate the system within 2 weeks of such a request by EPA.

36. ChromeTech must send all documents due under this Order to cullen.raymond@epa.gov, r5airenforcement@epa.gov, and:

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

F. Other Terms and Conditions

37. ChromeTech admits the jurisdictional allegations contained in this Order.
38. ChromeTech neither admits nor denies EPA's findings in Section D of this Order.

G. General Provisions

39. Any violation of this Order may result in a civil administrative or judicial action for an injunction or civil penalties of up to \$37,500 per day per violation, or both, as provided in Sections 113(b)(2) and 113(d)(1) of the CAA, 42 U.S.C. § 7413(b)(2) and 7413(d)(1), as well as criminal sanctions as provided in Section 113(c) of the CAA, 42 U.S.C. § 7413(c).

40. EPA may use any information submitted under this Order in any administrative, civil judicial, or criminal action.

41. Nothing in this Order shall relieve ChromeTech of its duty to comply with all applicable provisions of the CAA, or other federal, state, or local laws, nor shall this Order restrict EPA's authority to see compliance with any applicable laws or regulations, nor shall it be construed to be a ruling on, or a determination of, any issue related to any federal, state, or local permit.

42. Nothing in this Order limits EPA's authority to undertake any action against ChromeTech or any person in response to conditions that may present an imminent and substantial endangerment to the public health, welfare, or the environment. The terms and provisions of this Order apply to and are binding on ChromeTech, its officers, directors, employees, agents, trustees, servants, authorized representatives, successors, and assignees.

From the Effective Date of this Order until the Termination Date as set out in Paragraph 49 below, ChromeTech must give written notice and a copy of this Order to any successors in interest prior to transferring assigning, or delegating ownership or control of any portion of interest in ChromeTech, and must simultaneously provide verification to EPA, at the above address, that it has given the required notice. In the event of the occurrence of any such transfer, assignment, or delegation of interest, ChromeTech shall provide written notice of the transfer, assignment, or delegation of interest to EPA. Any such transfer, assignment, or delegation of interest shall not release ChromeTech from the obligation or liabilities of this Order, unless EPA has provided its written approval of the release of said obligations or liabilities.

43. To the extent this Order requires ChromeTech to submit any information to EPA, ChromeTech may assert a claim of business confidentiality covering part or all of that information, but only to the extent and in the manner described in 40 C.F.R. Part 2, Subpart B. EPA will disclose information submitted under a business confidentiality claim only as provided in 40 C.F.R. Part 2, Subpart B. If ChromeTech does not assert a business confidentiality claim, EPA may make the submitted information available to the public without further notice. Emission data provided under Section 114 of the CAA, 42 U.S.C. § 7414, is not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B. "Emission data" is defined at 40 C.F.R. § 2.301.

44. 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. To aid in EPA's electronic recordkeeping efforts, please furnish an electronic copy on physical media such as compact disk, flash drive, or

other similar item. If it is not possible to submit the information electronically, submit the response to this Order without staples; paper clips and binder clips, however, are acceptable.

H. Effective Date of Order

45. Pursuant to Section 113(a)(4) of the CAA, 42 U.S.C. § 7413(a)(4), an Order does not take effect until the person to who it has been issued has had an opportunity to confer with EPA concerning the alleged violations.

46. By signing this Order, ChromeTech acknowledges and agrees that it has been provided an opportunity to confer with EPA prior to issuance of this Order.

47. This Order takes effect immediately upon the signature by the Director of the Air and Radiation Division.

I. Judicial Review of Order

48. ChromeTech waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that ChromeTech may have with respect to any issue of fact or law set forth in this Order, including any right of judicial review under Section 307(b)(1) of the CAA, 42 U.S.C. § 7607(b)(1).

J. Termination of Order

49. This Order shall terminate on the earlier of the following (the Termination Date) at which point Respondent shall operate in compliance with the CAA:

- a. One year after the Effective Date of this Order, provided that ChromeTech has complied with all terms of the Order throughout its duration;
- b. The effective date of any determination by EPA that Respondent has achieved compliance with all terms of this Order; or

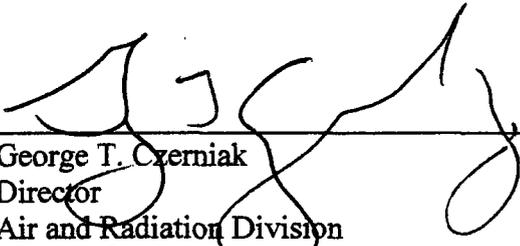
-
- c. Immediately upon receipt by ChromeTech of notice from EPA that an imminent and substantial endangerment to public health, welfare, or the environment has occurred.

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
BEFORE THE ADMINISTRATOR**

In the Matter of:) **EPA-5-15-113(a)-WI-05**
)
ChromeTech of Wisconsin, Inc.) **Administrative Compliance Order**
Franklin, Wisconsin) **Pursuant to Sections 113(a)(3) and 114(a)(1)**
) **of the Clean Air Act,**
Respondent.) **42 U.S.C. §§ 74113(a)(3) and 7414(a)(1)**

For the United States Environmental Protection Agency, Region 5

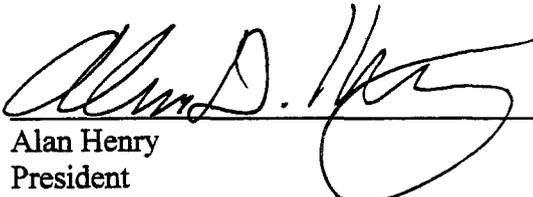
7/17/15
Date



George T. Czerniak
Director
Air and Radiation Division
U.S. Environmental Protection Agency, Region 5

For ChromeTech of Wisconsin, Inc.

6/22/15
Date



Alan Henry
President
ChromeTech of Wisconsin, Inc.