

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

<b>In the Matter of:</b>	)	EPA-5-14-113(a)-IL-10
	)	
<b>Empire Hard Chrome, Inc.</b>	)	<b>Proceeding Under Sections 113(a)(1)(3) and</b>
<b>Chicago, Illinois</b>	)	<b>114(a)(1) of the Clean Air Act, 42 U.S.C.</b>
	)	<b>§§ 113(a)(3) and 114(a)(1)</b>
	)	

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**Administrative Consent Order**

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency (EPA), Region 5, is issuing this Administrative Consent Order (“Order”) to Empire Hard Chrome, Inc. (EHC) under Sections 113(a)(1)(3) and 114(a)(1) of the Clean Air Act (CAA), 42 U.S.C. §§ 7413(a)(3) and 7414(a)(1).

**Statutory and Regulatory Background**

2. Under Section 112 of the CAA, U.S.C. § 7412, EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (“Chrome Plating NESHAP”) at 40 C.F.R. §§ 63.340 through 63.348. The Chrome Plating NESHAP applies to each chromium electroplating or chromium anodizing tank at facilities performing hard chromium electroplating, decorative chromium electroplating, or chromium anodizing.

3. The Chrome Plating NESHAP, at 40 C.F.R. § 63.342(c)(1), requires that each owner or operator of an existing open surface hard chromium electroplating tank shall control emissions discharged to the atmosphere from that tank by, among other things,

...(i) Not allowing the concentration of total chromium in the exhaust gas stream discharged to the atmosphere to exceed 0.015 milligrams of total chromium per dry standard cubic meter (mg/dscm) of ventilation air ( $6.6 \times 10^{-6}$  grains per dry standard

cubic-foot (gr/dscf)) for all open surface hard chromium electroplating tanks that are affected sources other than those that are existing affected sources located at small hard chromium electroplating facilities....

4. The Chrome Plating NESHAP, at 40 C.F.R. §§ 63.342 and 63.343(a), provides that, no later than September 19, 2014, the owner or operator of an existing open surface hard chromium electroplating tank shall control chromium emissions discharged to the atmosphere by, among other things, not allowing the concentration of total chromium in the exhaust gas stream to exceed 0.011 mg/dscm of ventilation air ( $4.8 \times 10^{-6}$  gr/dscf) for all open surface hard chromium electroplating tanks that are affected sources and are located at large hard chromium electroplating facilities.

5. The Chrome Plating NESHAP, at 40 C.F.R. § 63.343(c), provides that the owner or operator of an open surface hard chromium electroplating tank subject to the requirements of the Chrome Plating NESHAP is required to conduct an initial performance test, as required under § 63.7, using the procedures and test methods listed in §§ 63.7 and 63.344.

6. The Chrome Plating NESHAP, at 40 C.F.R. § 63.343(c), provides that the owner or operator of an open surface hard chromium electroplating tank subject to the emission limitations of the Chrome Plating NESHAP shall conduct monitoring according to the type of air pollution control technique that is used to comply with the emission limitation.

7. The Chrome Plating NESHAP, at 40 C.F.R. § 63.343(c)(1)(i), provides that the owner or operator of an open surface hard chromium electroplating tank complying with the emission limitations in 40 C.F.R. § 63.342 through the use of a composite mesh pad system shall determine the outlet chromium concentration using the test methods and procedures in § 63.344(c), and shall establish as a site-specific operating parameter the pressure drop across the

system, setting the value that corresponds to compliance with the applicable emission limitation, using the procedures in § 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  $\pm 2$  inches of water column from this value as the compliant range.

8. The Chrome Plating NESHAP, at 40 C.F.R. § 63.343(c)(1)(ii), provides that the owner or operator of an open surface hard chromium electroplating tank, on and after the date on which the initial performance test is required to be completed under § 63.7, shall monitor and record the pressure drop across the composite mesh-pad system once each day that any affected source is operating. To be in compliance with the standards, the composite mesh-pad system shall be operated within  $\pm 2$  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.

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

10. The Administrator of EPA may require any person who owns or operates an emission source to make reports, sample emissions, and provide information required by the Administrator 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.

## Findings

11. EHC owns and operates a plating facility at 1537 S. Wood Street, Chicago, Illinois.

12. EHC performs hard chromium electroplating at the facility. EHC owns and operates four “chromium electroplating tanks” as that term is defined at 40 C.F.R. § 63.341(a). EHC identifies these tanks as Chrome Tanks C1, C2, C3 and C4. The four tanks were installed at the facility in 1992, and the facility therefore is an “existing source” under the Chrome Plating NESHAP. EHC is subject to the requirements of the Chrome Plating NESHAP at 40 C.F.R. Part 63, Subpart N.

13. EHC owns or operates an “emission source” within the meaning of Section 114 (a)(1) of the CAA, 42 U.S.C. § 7414(a)(1). Therefore, EHC is subject to the requirements of Section 114(a)(1).

14. On multiple occasions during 2009-2010, EHC violated the Chrome Plating NESHAP at 40 C.F.R. § 63.343(c)(1)(ii) by failing to operate composite mesh-pad systems S1 and S5--controlling Chrome Tanks C1, C3, and C4--in continuous compliance with the Chrome Plating NESHAP, by not maintaining a pressure drop within  $\pm 2$  inches of water column of the pressure drop value established during the performance tests.

15. On multiple occasions during 2009-2010, EHC violated the Chrome Plating NESHAP at 40 C.F.R. § 63.343(c)(1)(i) by failing to adequately control chromium emissions discharged to the atmosphere from Chrome Tanks C1, C3, and C4.

16. On September 12, 2013, EPA issued to EHC a Finding of Violation alleging that it violated the Chrome Plating NESHAP.

17. On October 29, 2013, representatives of EHC and EPA met to discuss the September 12, 2013, Finding of Violation.

### Compliance Program

18. By no later than 270 days from the effective date of this Order, EHC shall achieve, demonstrate, and maintain continuous compliance with the Chrome Plating NESHAP at its Wood Street, Chicago, Illinois facility.

19. Within 10 days from the effective date of this Order, EHC shall submit written notification of the purchase of HEPA filters for the five scrubbers, designated S-1, S-2, S-3, S-4, and S-5.

20. Within 80 days from the effective date of this Order, EHC shall submit written notification of the installation of the HEPA filters for the five scrubbers.

21. Within 30 days from the submittal of the notification required by paragraph 19, above, EHC shall provide a protocol (test plan) for performance testing to quantify the chromium emissions from each of the chromium electroplating tanks (designated C1, C2, C3, and C4) that you operate at this facility. The protocol shall include, at minimum, the following:

- a. The proposed testing dates;
- b. The EPA reference methods to be used during the tests, including, but not limited to, EPA Reference Method 306 or 306A;
- c. The number and duration of runs to be conducted for each test, with, at minimum, each test consisting of at least three runs, and each run conducted for no less than two hours in duration;
- d. A schematic drawing of the test port locations, including the distances to the nearest upstream and downstream disturbances. (If any of the test port

locations do not meet any of the disturbance distance requirements in Section 11.1 of EPA Reference Method 1, this description should include a discussion of the means by which EHC will either ensure or verify laminar flow at the testing location.);

- e. A schematic drawing of the velocity traverses at each testing location;
- f. A description of how the emission control equipment will be monitored during the test; and
- g. The production rate (in terms of amperes per hour) at which each tank will be operated during the test. If any tank is to be operated at less than its maximum production rate achieved during normal operation, the protocol should include a justification for such production rate, including production records.

22. Within 30 days of approval of the protocol by EPA, EHC shall conduct performance testing in accordance with the approved protocol to quantify the chromium emissions from each of the chromium electroplating tanks that you operate at this facility. One test may be conducted for each of the air pollution control equipment systems. The tests shall be conducted at such time as nothing other than routine maintenance has occurred on the tanks being tested or the associated control equipment.

23. Within 30 days after completion of the performance tests required by paragraph 22, EHC shall submit a report for the tests. The report shall include, at minimum, the following:

- a. Complete results (in milligrams of hexavalent chromium per dry standard cubic meter) with example calculations, showing equations used and actual

results in equation form on the same or adjacent pages, using the applicable equations shown in the reference method;

- b. The pressure drop of the composite mesh pad scrubber associated with each tank being tested. This shall include both the average value recorded during each run and a copy of the actual data sheet where individual readings were recorded;
- c. An indication of the tanks/control systems being tested, as well as the actual production rate achieved (in amperes per hour) during the test for each tank being tested;
- d. The moisture content, temperature, and flow rate of the gases being emitted from the stack being tested, including the raw field data;
- e. Calibration procedures and results, including Pitot tube, nozzle, meter box, thermometer, and barometer calibrations;
- f. The name, affiliation, and contact information for all representatives of the testing firm and/or any regulatory agencies that witnessed or participated in the test;
- g. A description of all maintenance and operational inspections conducted between date of receipt of this request and date of the test, including major cleaning operations and replacement, repair, or modification of functional components of process or control equipment; and
- h. A discussion of any errors or incongruities encountered during the testing.

24. EHC shall send all notifications and reports required by this Order to:

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

#### **General Provisions**

25. This Order does not affect EHC's responsibility to comply with other federal, state, and local laws.

26. This Order does not restrict EPA's authority to enforce Section 112 of the CAA or any other section of the CAA.

27. Nothing in this Order limits the EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for EHC's violations of the Chrome Plating NESHAP.

28. Failure to comply with this Order may subject EHC to penalties of up to \$42,500 per day for each violation under Section 113 of the CAA, 42 U.S.C. § 7413, and 40 C.F.R. Part 19.

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

30. Any requirement, submittal, or schedule delineated in paragraphs 18 through 24 of this Order may be modified in writing by mutual agreement of the parties. If EHC seeks permission to deviate from any requirement, submittal, or schedule, EHC shall submit a written request to EPA for approval outlining the proposed modification and its basis. EHC may not proceed with the requested modification until receiving written approval from EPA.

31. EHC may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If EHC fails to assert a business confidentiality claim at the time of its submission of information, EPA may make all submitted information available, without further notice, to any member of the public who requests it. 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.

32. 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 our electronic recordkeeping efforts, please furnish an electronic copy of any information required to be submitted pursuant to this Order on physical media such as compact disk, flash drive, or other similar item. If it is not possible to submit certain information electronically, EHC should submit the information without staples; paper clips and binder clips, however, are acceptable.

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

34. EHC agrees to the terms of this Order.

35. This Order is effective on the date of signature by the Director of the Air and Radiation Division.

36. This Order will terminate upon EPA’s written notification to EHC of EHC’s satisfactory completion of its Compliance Program, as delineated in paragraphs 18-24 of this Order.

In the Matter of:  
Empire Hard Chrome, Inc.  
Docket No. EPA-5-14-113(a)-IL-10

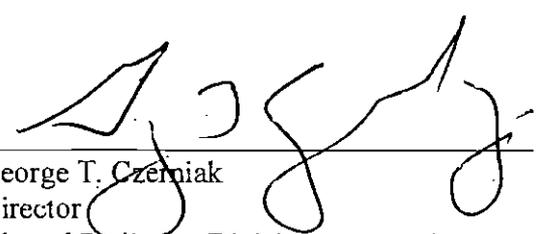
Empire Hard Chrome, Inc., Respondent

7-2-14  
Date

  
\_\_\_\_\_  
Steve Wallin  
President  
Empire Hard Chrome, Inc.

United States Environmental Protection Agency, Region 5, Complainant

7/17/14  
Date

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