



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

SEP 30 2014

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Bob Kantor
Environmental Manager
Hard Chrome, Inc.
2631 Second Street Northeast
Minneapolis, Minnesota 55418

Re: Hard Chrome, Inc.
Administrative Consent Order EPA 5-14-113(a)-MN-02

Dear Mr. Kantor:

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 Robert Peachey, Associate Regional Counsel, at (312) 353-4510.

Sincerely,

A handwritten signature in cursive script that reads "Sarah G. Marshall".

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

Enclosure

cc: Brett Rohne, MPCA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:) EPA-5-14-113(a)-MN-02
)
Hard Chrome, Inc.) Proceeding Under Sections 113(a)(3) and 114(a)(1)
Minneapolis, Minnesota) of the Clean Air Act, 42 U.S.C.
) §§ 7413(a)(3) and 7414(a)(1)
)
_____)

Administrative Consent Order

1. The Director of the Air and Radiation Division, U.S. Environmental Protection Agency, Region 5, is issuing this Order to Hard Chrome, Inc. (Hard Chrome) under Sections 113(a)(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(d) of the CAA, 42 U.S.C. § 7412(d), EPA promulgated the National Emission Standards for Hazardous Air Pollutants (NESHAP): Area Source Standards for Plating and Polishing Operations at 40 C.F.R. Part 63, Subpart WWWW (Subpart 6W) on July 1, 2008. See 73 Fed. Reg. 37741 (July 1, 2008).

3. Pursuant to 40 C.F.R. § 63.11504(a), Subpart 6W applies to the owner or operator of a plating and polishing facility that: 1) is an area source of hazardous air pollutant (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.

4. Subpart 6W, 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.

5. Subpart 6W, 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, with exceptions not relevant here.

6. Subpart 6W, at 40 C.F.R. § 63.11511, defines “electroplating” as an electrolytic process that uses or emits any of the plating and polishing metal HAPs in which metal ions in solution are reduced onto the surface of the work piece via an electrical current.

7. Subpart 6W, at 40 C.F.R. § 63.11507(a), in pertinent part, requires that 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 less than 12 use a wetting agent/fume suppressant (WA/FS) in the bath of the affected tank.

8. Subpart 6W, at 40 C.F.R. § 63.11511, defines a “wetting agent/fume suppressant” as any chemical agent that reduces or suppresses fumes or mists from a plating and polishing tank by reducing the surface tension of the tank bath.

9. Subpart 6W, at 40 C.F.R. § 63.11508(d)(3), in part, requires that the owner or operator of an affected electroplating tank that contains one or more of the plating and polishing metal HAPs and is subject to the requirements in 40 C.F.R. § 63.11507(a) and who adds a WA/FS to the tank as a separate ingredient from the other tank additives comply with this subpart to demonstrate continuous compliance by (1) adding the WA/FS 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; (2) recording each addition of WA/FS to the tank bath; and (3) stating in the annual certification of compliance report that a WA/FS was added to the bath according to the manufacturer’s specifications and instructions.

10. Subpart 6W, at 40 C.F.R. §§ 63.11508(d)(2) and 63.11509(c), requires that the owner or operator of an affected source prepare an annual certification of compliance report that includes, in part, (1) for owners or operators of an affected electroplating tank that is subject to the requirements in 40 C.F.R. § 63.11507(a)(1), a statement that a WA/FS was added to the bath according to the manufacturer's specifications and instructions; and (2) for owners or operators of an affected tank or other affected plating and polishing operation that is subject to the management practices in 40 C.F.R. § 63.11507(g), a statement that the applicable management practices have been implemented, as practicable. The annual certification of compliance report must be prepared no later than January 31 of the year immediately following the reporting period and kept in a readily-accessible location for inspector review. These reports do not need to be submitted unless a deviation from the requirements of this subpart has occurred during the reporting year, in which case, the report must be submitted along with the deviation report and postmarked or delivered no later than January 31 of the year immediately following the reporting period.

11. Subpart 6W, at 40 C.F.R. § 63.11509(e)(3), requires that the owner or operator of an affected source keep the records required to show continuous compliance with each applicable management practice and equipment standard, as specified in 40 C.F.R. § 63.11508(d).

12. 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 NESHAP regulations. The Administrator has delegated this authority to the Director of the Air and Radiation Division.

13. The Administrator of EPA may require any person who owns or operates an emission source to make and submit reports 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

14. Hard Chrome owns and operates a plating facility at 2631 Second Street Northeast, Minneapolis, Minnesota, where it conducts nickel “electroplating” (as that term is defined at 40 C.F.R. § 63.11511) of various metal parts.

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

16. 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.

17. The facility consists of an affected existing electrolytic nickel tank (that Hard Chrome identifies in its annual certification of compliance report as the “Acid Nickel” tank) subject to Subpart 6W, which operates at a pH of less than 12.

18. Hard Chrome 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, Hard Chrome is subject to the requirements of Section 114(a)(1).

19. On November 13, 2013, EPA issued to Hard Chrome a Finding of Violation alleging that it failed to maintain records of the amount and frequency of WA/FS that it added to the Acid Nickel tank, among other allegations no longer relevant, in violation of 40 C.F.R. §§ 63.11508(d)(3) and 63.11509(e)(3).

Compliance Program

20. By January 31, 2015 (and by January 31 of each year thereafter), Hard Chrome must prepare an annual certification of compliance report in accordance with 40 C.F.R. §§ 63.11508(d)(2) and 63.11509(c) and keep it in a readily-accessible location at the facility. In accordance with 40 C.F.R. § 63.11508(d)(3), Hard Chrome must state in the annual certification of compliance report that it adds a WA/FS to the bath of the Acid Nickel tank according to the manufacturer's specifications and instructions. By February 28, 2015, Hard Chrome must submit the compliance report to EPA that it prepares for reporting year 2014. For succeeding reporting years, Hard Chrome is not required to submit the annual certification of compliance report to EPA unless a deviation from the requirements of Subpart 6W has occurred during the reporting year, in which case, the report must be submitted along with the deviation report and postmarked or delivered no later than January 31 of the year immediately following the reporting period.

21. By the effective date of this Order, Hard Chrome must record each addition of WA/FS to the bath of the Acid Nickel tank in accordance with 40 C.F.R. § 63.11508(d)(3).

22. By the effective date of this Order, Hard Chrome must keep the records required to show continuous compliance with each applicable management practice and equipment standard, as specified in 40 C.F.R. § 63.11508(d), in accordance with 40 C.F.R. § 63.11509(e)(3).

23. Hard Chrome must send all 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 West Jackson Boulevard
Chicago, Illinois 60604

General Provisions

24. This Order resolves the Finding of Violation in EPA-5-14-113(a)-MN-02.
25. This Order does not affect Hard Chrome'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, 42 U.S.C. § 7412, 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 Hard Chrome's violation of Subpart 6W.
28. Failure to comply with this Order may subject Hard Chrome to penalties of up to \$37,500 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 Hard Chrome, its assignees, and its successors. Hard Chrome 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. Hard Chrome 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 Hard Chrome fails to assert a business confidentiality claim, 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.

31. 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 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.

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

33. Hard Chrome agrees to the terms of this Order.

34. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate two years from the effective date, provided that Hard Chrome has complied with all terms of the Order throughout its duration.

In the Matter of: Hard Chrome, Inc.
Docket No.

9-25-14

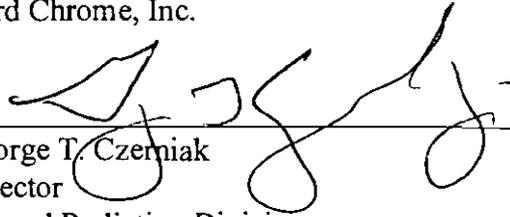
Date



Bob Kantor
Environmental Manager
Hard Chrome, Inc.

9/30/14

Date



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

CERTIFICATE OF MAILING

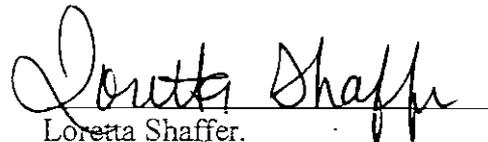
I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-14-113(a)-MN-02, by certified mail, return receipt requested, to:

Bob Kantor
Environmental Manager
Hard Chrome, Inc.
2631 Second Street Northeast
Minneapolis, Minnesota 55418

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-14-113(a)-MN-02, by first-class mail to:

Brent Rohne
Air Compliance and Enforcement Unit Supervisor
Minnesota Pollution Control Agency
520 Lafayette Road
St. Paul, Minnesota 55155-4194

on the 2nd day of October, 2014.


Loretta Shaffer,
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7672 9208