



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

SEP 9 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Milan Pecherich
President
En-Chro Plating, Ltd.
2755 West Lake Street
Melrose Park, Illinois 60160

Re: En-Chro Plating, Ltd.
Administrative Consent Order EPA 5-13-113(a)-IL-06

Dear Mr. Pecherich:

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 read "Sarah G. Marshall".

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

Enclosure

cc: Ray Pilapil, IEPA

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:)	EPA-5-13-113(a)-IL-06
)	
En-Chro Plating, Ltd.)	Proceeding Under Sections 113(a)(3) and
Melrose Park, Illinois)	114(a)(1) 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 (EPA), Region 5, is issuing this Order to En-Chro Plating, Ltd. (En-Chro) 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. Section 112(d) of the CAA, 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 CAA, 42 U.S.C. § 7412(b), in significant quantities.

3. Pursuant to Section 112(d) of the CAA, 42 U.S.C. § 7412(d), on July 1, 2008, 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, 40 C.F.R. § 63.11504 *et seq.* (Subpart WWWW). *See 73 Fed. Reg. 37741* (July 1, 2008).

4. Pursuant to 40 C.F.R. § 63.11504(a), Subpart WWWW applies to the owner or operator of a plating and polishing facility that: 1) is an area source of HAP emissions; and 2) meets the requirements of 40 C.F.R. § 63.11504(a)(1) through (3), as follows:

- a. 40 C.F.R. § 63.11504(a)(1): A plating and polishing facility is a plant site that is engaged in, among other things, electroless plating;
- b. 40 C.F.R. § 63.11504(a)(2): A plating or polishing facility is an area source of HAP emissions where an area source is any statutory group 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; and
- c. 40 C.F.R. § 63.11504(a)(3): The plating or polishing facility uses or has emissions of compounds of one or more plating and polishing metal HAPs.

5. Subpart WWWW 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. Any material that does not contain cadmium, chromium, lead, or nickel in amounts greater than or equal to 0.1 percent by weight (as the metal), and does not contain manganese in amounts greater than or equal to 1.0 percent by weight (as the metal), as reported on the Material Safety Data Sheet for the material, is not considered to be a plating and polishing metal HAP.

6. Subpart WWWW at 40 C.F.R. § 63.11511 defines “electroless plating” as a non-electrolytic process that uses or emits any of the plating and polishing metal HAPs in which metallic ions in a plating bath or solution are reduced to form a metal coating at the surface of a catalytic substrate without the use of external electrical energy.

7. Pursuant to 40 C.F.R. § 63.11505(a), Subpart WWWW applies to each new or existing affected source as specified in 40 C.F.R. § 63.11505(a)(1) through (3).

8. An “affected source” under Subpart WWWW includes a tank that contains one or more of the plating and polishing metal HAPs and is used for, among other things, electroless plating. See 40 C.F.R. § 63.11505(a)(1).

9. Subpart WWWW at 40 C.F.R. § 63.11507(g) requires the owner or operator of an affected source that contains, applies, or emits one or more of the plating and polishing metal HAPs to implement as practicable the applicable management practices set forth at 40 C.F.R. § 63.11507(g)(1) through (12):

- a. 40 C.F.R. § 63.11507(g)(1): minimize bath agitation when removing any parts processed in the tank, except when necessary to meet part quality requirements;
- b. 40 C.F.R. § 63.11507(g)(2): maximize the draining of bath solution back into the tank by extending drip time when removing parts from the tank; using drain boards; or withdrawing parts slowly from the tank;
- c. 40 C.F.R. § 63.11507(g)(3): optimize the design of barrels, racks, and parts to minimize dragout of bath solution (such as by using slotted barrels and tilted racks, or by designing parts with flow-through holes to allow the tank solution to drip back into the tank);
- d. 40 C.F.R. § 63.11507(g)(4): use tank covers, if already owned and available at the facility;
- e. 40 C.F.R. § 63.11507(g)(5): minimize or reduce heating of process tanks, as practicable (e.g., when doing so would not interrupt production or adversely affect part quality);
- f. 40 C.F.R. § 63.11507(g)(6): perform regular repair, maintenance, and preventative maintenance of racks, barrels, and other equipment associated with affected sources;
- g. 40 C.F.R. § 63.11507(g)(7): minimize bath contamination, such as through the prevention or quick recovery of dropped parts, use of distilled/de-ionized water, water filtration, pre-cleaning of parts to be plated, and thorough rinsing of pre-treated parts to be plated;
- h. 40 C.F.R. § 63.11507(g)(8): maintain quality control of chemicals, and chemical and other bath ingredient concentrations in the tanks;
- i. 40 C.F.R. § 63.11507(g)(9): perform general good housekeeping, such as regular sweeping and vacuuming, if needed, and periodic washdowns;

- j. 40 C.F.R. § 63.11507(g)(10): minimize spills and overflow of tanks;
- k. 40 C.F.R. § 63.11507(g)(11): use squeegee rolls in continuous or reel-to-reel plating tanks; and
- l. 40 C.F.R. § 63.11507(g)(12): perform regular inspections to identify leaks and other opportunities for pollution prevention.

10. Subpart WWWWWW at 40 C.F.R. § 63.11508(b) in part, requires the owner or operator of an affected source to be in compliance at all times with the applicable management practices in Subpart WWWWWW.

11. Pursuant to Subpart WWWWWW at 40 C.F.R. § 63.11508(d), to demonstrate continuous compliance with the applicable management practices specified in Subpart WWWWWW, the owner or operator of an affected source must satisfy the requirements of 40 C.F.R. § 63.11508(d)(1) through (8).

12. Subpart WWWWWW at 40 C.F.R. § 63.11508(d)(2) requires the owner or operator of an affected source to prepare an annual compliance certification in accordance with the requirements of 40 C.F.R. § 63.11509(c).

13. Subpart WWWWWW at 40 C.F.R. § 63.11508(d)(8) requires the owner or operator of an affected source to comply with 40 C.F.R. § 63.11508(d)(8)(i) and (ii):

- a. 40 C.F.R. § 63.11508(d)(8)(i): implement the applicable management practices during all times that the affected source is in operation; and
- b. 40 C.F.R. § 63.11508(d)(8)(ii): state in the annual compliance certification that the applicable management practices have been implemented, as practicable.

14. Subpart WWWWWW at 40 C.F.R. § 63.11509(a) requires the owner or operator of an affected source to submit an Initial Notification that includes the information specified in 40 C.F.R. § 63.9(b)(2)(i) through (iv) of the General Provisions of Part 63 and a description of the compliance method for each affected source.

15. Subpart WWWWWW at 40 C.F.R. § 63.11508(a) requires the owner or operator of an affected source to submit a Notification of Compliance Status in accordance with 40 C.F.R. § 63.11509(b).

16. Subpart WWWWWW at 40 C.F.R. § 63.11509(b) requires the owner or operator of an affected source to submit a Notification of Compliance Status in accordance with 40 C.F.R. § 63.11508(b)(1) through (3) that includes:

- a. 40 C.F.R. § 63.11508(b)(2)(i): a list of affected sources and the plating and polishing metal HAPs used in, or emitted by, those sources;
- b. 40 C.F.R. § 63.11508(b)(2)(ii): the methods used to comply with the applicable management practices and equipment standards; and
- c. 40 C.F.R. § 63.11508(b)(2)(iv): a statement by the owner or operator of the affected source as to whether the source is in compliance with the applicable standards or other requirements.

17. Subpart WWWWWW at 40 C.F.R. § 63.11509(e) requires the owner or operator of an affected source to keep: 1) a copy of the Initial Notification and Notification of Compliance Status that it submitted and all documentation supporting these notifications; 2) the records specified in 40 C.F.R. § 63.10(b)(2)(i) through (iii) and (xiv); and 3) the records required to show continuous compliance with each applicable management practice, as specified in 40 C.F.R. § 63.11508(d).

18. Subpart WWWWWW at 40 C.F.R. § 63.11509(c) requires the owner or operator of an affected source to prepare an annual certification of compliance report in accordance with 40 C.F.R. § 63.11509(c)(1) through (7).

19. Subpart WWWWWW at 40 C.F.R. § 63.11509(c)(6) requires the owner or operator of an affected source to state in its annual compliance certification that it has implemented the applicable management practices, as practicable.

20. Subpart WWWW at 40 C.F.R. § 63.11509(c)(7) requires the owner or operator of an affected source to prepare each annual compliance report no later than January 31 of the year immediately following the reporting period, and that each annual compliance report must be kept in a readily-accessible location for inspector review. The owner or operator is not required to submit these reports unless a deviation from the requirements of the subpart has occurred during the reporting year, in which case, the annual compliance report must be submitted along with the deviation report, and postmarked no later than January 31 of the year immediately following the reporting period.

21. Pursuant to 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.

22. 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

23. En-Chro owns and operates a plating facility at 2755 West Lake Street, Melrose Park, Illinois (the Facility), where it conducts industrial hard-chromium electroplating and nickel "electroless plating," as that term is defined at 40 C.F.R. § 63.11511.

24. The Facility is a "plating and polishing facility," as that term is defined at 40 C.F.R. § 63.11504(a)(2).

25. The Facility is an "area source of HAP emissions," as that term is defined at 40 C.F.R. § 63.11504(a)(2).

26. 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.

27. The Facility uses or has emissions of compounds of one or more plating and polishing metal HAPs.

28. The Facility has one electroless-nickel plating tank (which En-Chro identifies as EN-1) that is an "affected source" subject to Subpart WWWWWW, as that term is defined at 40 C.F.R. § 63.11505(a)(1).

29. En-Chro owns and operates an "emission source" within the meaning of Section 114(a)(1) of the CAA, 42 U.S.C. § 7414(a)(1). En-Chro is therefore subject to the requirements of Section 114(a)(1).

30. On February 6, 2013, EPA inspected the Facility for, among other things, compliance with Subpart WWWWWW.

31. In an email dated April 17, 2013, EPA requested that En-Chro submit the Initial Notification, Notification of Compliance Status, and all annual certification of compliance reports it prepared for Subpart WWWWWW.

32. In response to EPA's email dated April 17, 2013, Compliance Resources, Inc., En-Chro's environmental consultant, indicated that En-Chro believes it is exempt from Subpart WWWWWW requirements and does not have the requested documents.

33. In an e-mail dated June 13, 2013, Compliance Resources, Inc. stated that En-Chro has decided to create and submit to EPA the reports required under Subpart WWWWWW.

Compliance Program

34. By September 30, 2013, En-Chro must submit an Initial Notification to EPA in accordance with 40 C.F.R. § 63.11509(a) and keep a copy of the Initial Notification and all documents supporting it at the Facility.

35. By September 30, 2013, En-Chro must submit a Notification of Compliance Status to EPA in accordance with 40 C.F.R. §§ 63.11508(a) and 63.11509(b) and keep a copy of the Notification of Compliance Status and all documents supporting it at the Facility.

36. By January 31 of each year, En-Chro 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 compliance with 40 C.F.R. § 63.11508(d)(8)(ii), En-Chro must report in each annual certification of compliance report whether it has implemented the applicable management practices of 40 C.F.R. § 63.11507(g), as practicable. By February 28, 2014, En-Chro must submit the annual certification of compliance report to EPA that it had prepared for reporting year 2013. For succeeding reporting years, En-Chro is not required to submit the annual certification of compliance report to EPA unless a deviation from the requirements of Subpart WWWW has occurred during the reporting year, in which case, En-Chro shall submit the report to EPA along with the deviation report, which shall be postmarked or delivered no later than January 31 of the year immediately following the reporting period.

37. By the effective date of this Order, in accordance with 40 C.F.R. § 63.11509(e), En-Chro shall begin keeping the records specified in 40 C.F.R. § 63.10(b)(2)(i) through (iii) and (xiv) and the records required to show continuous compliance with each applicable management practice, as specified in 40 C.F.R. § 63.11508(d).

38. By the effective date of this Order, in accordance with 40 C.F.R. § 63.11508(b), En-Chro shall be in compliance at all times with the applicable management practices in 40 C.F.R. § 63.11507(g).

39. En-Chro 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

40. This Order does not affect En-Chro's responsibility to comply with other federal, state, and local laws.

41. 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.

42. Nothing in this Order limits EPA's authority to seek appropriate relief, including penalties, under Section 113 of the CAA, 42 U.S.C. § 7413, for En-Chro's violations of Subpart WWWWWW.

43. Failure to comply with this Order may subject En-Chro 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.

44. The terms of this Order are binding on En-Chro, its assignees, and successors. En-Chro 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.

45. En-Chro waives any and all remedies, claims for relief and otherwise available rights to judicial or administrative review that En-Chro may have with respect to any issue of

fact or law set forth in this Order, including any right of judicial review of this Order under 42 U.S.C. § 7607(b)(1) or 5 U.S.C. §§ 702, 704.

46. En-Chro 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 En-Chro 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.

47. 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.

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

49. En-Chro agrees to the terms of this Order.

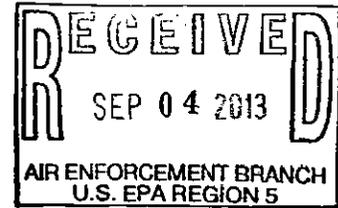
50. This Order is effective on the date of signature by the Director of the Air and Radiation Division. This Order will terminate two years from the effective date, provided that En-Chro has complied with all terms of the Order throughout its duration.

8/22/13
Date

Milan Pecherich
Milan Pecherich
President
En-Chro Plating, Ltd.

9/9/13
Date

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



CERTIFICATE OF MAILING

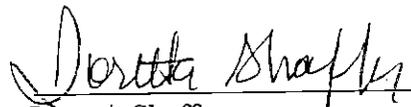
I, Loretta Shaffer, certify that I sent the Administrative Consent Order, EPA-5-13-113(a)-IL-06, by certified mail, return receipt requested, to:

Milan Pecherich
President
En-Chro Plating, Ltd.
2755 West Lake Street
Melrose Park, Illinois 60160

I also certify that I sent a copy of the Administrative Consent Order, EPA-5-13-113(a)-IL-06, by first-class mail to:

Ray Pilapil
Manager
Bureau of Air, Compliance and Enforcement Section
Illinois Environmental Protection Agency
P.O. Box 19506
Springfield, Illinois 62794

on the 11 day of September, 2013.


Loretta Shaffer,
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7669 5589