



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

AUG 12 2014

REPLY TO THE ATTENTION OF:

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

Robert Porcelli  
Plant Manager  
Electronic Plating Co., Inc.  
1821 S. 54<sup>th</sup> Avenue,  
Cicero, Illinois 60804

Re: Notice and Finding of Violation  
Electronic Plating Co, Inc.  
Cicero, Illinois

Dear Mr. Porcelli:

The U.S. Environmental Protection Agency is issuing the enclosed Notice and Finding of Violation (NOV/FOV) to Electronic Plating Co., Inc. (EPC or you) for violations of Section 112 of the Clean Air Act (CAA), 42 U.S.C. § 7412, at your Cicero, Illinois, facility. Specifically, we find that you are in violation of the applicable regulations at 40 C.F.R. Part 63, Subpart WWWW, the National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations and the Illinois State Implementation Plan.

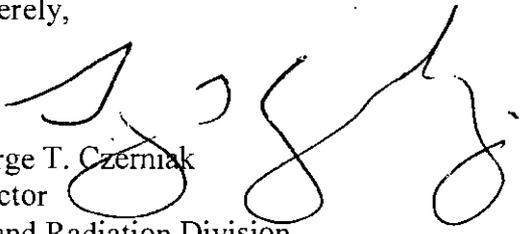
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

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 contacts in this matter are Katharina Bellairs and Shannon Downey. You may call them at (312) 353-1669 and (312) 353-2151, respectively, 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  
Director  
Air and Radiation Division

Enclosure

cc: Eric Jones, Manager  
Bureau of Air, Compliance Unit  
Illinois Environmental Protection Agency

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5**

**IN THE MATTER OF:**

Electronic Plating Co., Inc.  
Cicero, Illinois

)  
)  
) Proceeding Pursuant to Section  
) 113(a)(1) and (3) of the Clean Air Act  
) 42 U.S.C. § 7413(a)(1) and (3)  
)  
)  
)

) **EPA-5-14-IL-18**  
)

**NOTICE AND FINDING OF VIOLATION**

The U.S. Environmental Protection Agency is issuing this Notice and Finding of Violation (NOV/FOV) to Electronic Plating Co., Inc. (EPC) for violations of the Clean Air Act (the Act or CAA), 42 U.S.C. § 7401 *et seq.*, at its facility located at 1821 South 54th Avenue, Cicero, Illinois. This NOV/FOV is issued pursuant to Section 113(a)(1) and (3) of the Act, 42 U.S.C. § 7413(a)(1) and (3). The authority to issue this FOV has been delegated to the Director, Air and Radiation Division, Region 5.

**Regulatory Authority**

*National Emission Standards for Hazardous Air Pollutants*

1. Pursuant to Section 112(b) of the Act, 42 U.S.C. § 7412(b), EPA designates hazardous air pollutants (HAP) which present or may present a threat of adverse effects to human health or the environment.
2. Section 112(c) and (d) of the Act, 42 U.S.C. § 7412(c) and (d), requires EPA to publish a list of categories of sources which EPA finds present a threat of adverse effects to human health or the environment due to emissions of HAP, and to promulgate emission standards for each source category. These standards are known as “national emission standards for hazardous air pollutants” or NESHAP. EPA codifies these requirements at 40 C.F.R. Part 63.
3. Section 112(d) of the Act requires EPA to establish NESHAPs for both major and area sources of HAP that are listed for regulation under CAA section 112(c). A major source emits or has the potential to emit 10 tons per year (tpy) or more of any single HAP or 25 tpy or more of any combination of HAP. An area source is a stationary source that is not a major source. Section 112(a) of the Act, 42 U.S.C. § 7412(a).
4. The NESHAPs are national technology-based performance standards for HAP sources in each category that become effective on a specified date. The purpose of these standards is

to ensure that all sources achieve the maximum degree of reduction in emissions of HAP that EPA determines is achievable for each source category.

5. Section 112(i)(3) of the Act, 42 U.S.C. § 7412(i)(3), and 40 C.F.R. § 63.4, prohibit the owner or operator of any source from operating such source in violation of any NESHAP applicable to such source.

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

6. Pursuant to Section 112(d) of the Act, effective July 1, 2008, EPA promulgated the NESHAP for Area Source Standards for Plating and Polishing Operations, (Plating and Polishing NESHAP). These regulations are codified at 40 C.F.R. §§ 63.11504-63.11513.
7. The Plating and Polishing NESHAP, at 40 C.F.R. § 63.11504(a), applies to the owner or operator of a plating and polishing facility that is an area source of HAP emissions and meets the following applicability criteria:
  - (1) Is a plant site that is engaged in one or more of electroplating processes, including electroless or non-electrolytic plating;
  - (2) Is 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 tpy or more and any combination of HAP at a rate of 25 tpy or more; and
  - (3) Has emissions of compounds of one or more plating and polishing metal HAP, which means any compound of the following metals: cadmium, chromium, lead, manganese and nickel. With the exception of lead, the plating and polishing metal HAP also includes any of these metals in the elemental form.
8. The Plating and Polishing NESHAP, at 40 C.F.R. § 63.11511, defines “electropolishing” as an electrolytic process performed in a tank after plating that uses or emits any of the plating and polishing metal HAP, as defined in this section, in which a work piece is attached to an anode immersed in a bath, and the metal substrate is dissolved electrolytically, thereby removing the surface contaminant.
9. The Plating and Polishing NESHAP, at 40 C.F.R. § 63.11511, defines “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.
10. The Plating and Polishing NESHAP, at 40 C.F.R. § 63.11505(a)(1), applies to each new or existing affected source, including, among other things, each tank that contains one or more of the plating and polishing metal HAP, as defined in 40 C.F.R. § 63.11511, and is used for non-chromium electroplating, electroforming, electropolishing, electroless plating or other non-electrolytic metal coating operations.

11. The Plating and Polishing NESHAP, at 40 C.F.R. § 63.11505(b), provides that an affected source is “existing” if construction or reconstruction of the source commenced on or before March 14, 2008.
12. The Plating and Polishing NESHAP, 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 NESHAP no later than July 1, 2010.
13. The Plating and Polishing NESHAP, at 40 C.F.R. § 63.11507(a) 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 HAP and operates at a pH of less than 12 must comply with the requirements in paragraph (a)(1), (2), or (3) of the section. 40 C.F.R. § 63.11507(a)(1) requires use of a wetting agent/fume suppressant in the bath of the affected tank. 40 C.F.R. § 63.11507(a)(2) requires the owner or operator to capture and exhaust emissions from the affected tank to either a composite mesh pad, packed bed scrubber, or mesh pad mist eliminator. 40 C.F.R. § 63.11507(a)(3) requires the use of tank covers.
14. The Plating and Polishing NESHAP, at 40 C.F.R. § 63.11507(g) requires the owner or operator of an existing affected source that contains an existing plating and polishing process unit to comply with various management practices, as practicable. Specifically, an owner or operator must do the following:
  - (1) Minimize bath agitation when removing any parts processed in the tank;
  - (2) Maximize the draining of bath solution back into the tank;
  - (3) Optimize the design of barrels, racks, and parts to minimize dragout of bath solution;
  - (4) Use tank covers, if already owned and available at the facility;
  - (5) Minimize or reduce heating of process tanks;
  - (6) Perform regular repair, maintenance, and preventive maintenance of racks, barrels, and other equipment associated with affected sources;
  - (7) Minimize bath contamination;
  - (8) Maintain quality control of chemicals;
  - (9) Perform general good housekeeping, such as regular sweeping or vacuuming, if needed, and periodic washdowns;
  - (10) Minimize spills and overflow of tanks; and
  - (11) Perform regular inspections to identify leaks and other opportunities for pollution prevention.
15. The Plating and Polishing NESHAP, at 40 C.F.R. § 63.11508(d)(2), requires the owner or operator of an affected source to demonstrate continuous compliance with the applicable management practices and equipment standards of the NESHAP by, among other things, preparing an annual compliance certification, and keeping it in a readily-accessible location for inspector review.
16. The Plating and Polishing NESHAP, at 40 C.F.R. § 63.11508(c), states that in order for a affected source to demonstrate initial compliance with the Plating and Polishing NESHAP, it must satisfy the requirements specified in paragraphs (c)(1) through (11). Paragraphs

(c)(1) through (3) provide specific requirements for an affected electroplating tank to demonstrate compliance with the Plating and Polishing NESHAP. This section requires the facility to implement one of the following for HAP emission control:

- 40 C.F.R. § 63.11508(c)(1) wetting agent/fume suppressant additions;
- 40 C.F.R. § 63.11508(c)(2) a control system or;
- 40 C.F.R. § 63.11508(c)(3) tank covers.

The specific control selected for compliance must be implemented according to the manufacturer's specifications and documented in the Notice of Compliance Status that it has been implemented. Additionally, the applicable management practices must be implemented as practicable and documented in the Notice of Compliance Status that the management practices have been implemented.

17. The Plating and Polishing NESHAP, at 40 C.F.R. § 63.11509 requires that if an owner or operator starts up an affected source on or before July 1, 2008, it must submit an Initial Notification not later than 120 calendar days after July 1, 2008.
18. The Plating and Polishing NESHAP, at 40 C.F.R. § 63.11509(b), requires the owner or operator of an existing affected source to submit a Notification of Compliance Status before the close of business on July 1, 2010. Specific criteria for the contents of the notification can be found at 40 C.F.R. § 63.11509(b)(2)(i) through (iv).
19. The Plating and Polishing NESHAP, at 40 C.F.R. § 63.11509(c), requires the owner or operator of an affected source to prepare an annual compliance certification report. Specific criteria for the contents of the report can be found at 40 C.F.R. § 63.11509(c)(1) through (7).

#### Illinois State Implementation Plan (SIP)

20. On May 31, 1972, EPA approved Illinois Pollution Control Board (IPCB) Rule 103(a) and 103(b) as part of the federally enforceable SIP of the State of Illinois. 37 Fed. Reg. 10862. IPCB Rule 103(a) has been recodified at 35 Ill. Admin. Code § 201.142. IPCB Rule 103(b) has been recodified at 35 Ill. Admin. Code § 201.143.
21. The Illinois SIP at Rule 103(a)(1) [35 Ill. Admin. Code § 201.142] provides that no person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source of air pollution equipment, without first obtaining a construction permit from the Illinois Environmental Protection Agency (IEPA).
22. The Illinois SIP at Rule 103(b)(1) [35 Ill. Admin. Code § 201.143] provides that no person shall cause or allow the operation of any new emission source or new air pollution control equipment of a type for which a construction permit is required, without first obtaining an operating permit from IEPA.

## **Findings of Fact**

23. EPC has been in operation since 1984.
  24. EPC is located at 1821 South 54th Avenue, Cicero, Illinois (facility).
  25. EPC owns and operates a plating and polishing facility.
  26. EPC owns and operates electroplating nickel plating tanks, electroplating cadmium plating tanks and hexavalent and trivalent chromate conversion coating tanks.
  27. EPC's electroplating tanks contain, use or emit plating metal HAP.
  28. Nickel, cadmium and chromium are "plating and polishing metal HAPs," as defined at 40 C.F.R. § 63.11504(a)(3).
  29. EPC owns and operates an area source of HAP emissions.
  30. On May 9, 2014, EPA conducted an inspection of the facility.
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31. During the May 9, 2014 inspection, EPC was unable to provide any documentation demonstrating EPC's compliance with the Plating and Polishing NESHAP.
  32. EPC does not utilize tank covers, wetting agents, fume suppressants, or a capture and control device to control emissions from its nickel or cadmium plating tanks.
  33. EPC's nickel and cadmium electroplating plating tanks are subject to the requirements of the Plating and Polishing NESHAP because they are used for metal HAP electroplating other than chromium electroplating.
  34. EPC's chromate conversion coating tanks are subject to the requirements of the Plating and Polishing NESHAP because they are non-electrolytic metal HAP coating processes.
  35. EPC's metal HAP tanks are existing affected sources under the Plating and Polishing NESHAP.
  36. EPC failed to apply for and obtain a construction permit under the Illinois SIP at Rule 103(a)(1).
  37. EPA failed to apply for and obtain an operating permit under the Illinois SIP at Rule 103(b)(1).

## **Violations**

38. EPC does not utilize a wetting agent/fume suppressant, a composite mesh pad, packed bed scrubber, mesh pad mist eliminator or tank covers to control emissions from its nickel and cadmium electroplating tanks, in violation of 40 C.F.R. §§ 63.11507(a), 63.11506(a), and Section 112 of the Act, 42 U.S.C. § 7412.
39. EPC has not demonstrated initial compliance with the Plating and Polishing NESHAP through the use of either wetting agent/fume suppressant additions, a control system or tank covers at its nickel or cadmium electroplating tanks, in violation of 40 C.F.R. §§ 63.11508(c), 63.11506(a), and Section 112 of the Act, 42 U.S.C. § 7412.
40. EPC has failed to submit an Initial Notification for its plating tanks by no later than 120 calendar days after July 1, 2008, in violation of 40 C.F.R. §§ 63.11509(a), 63.11506(a), and Section 112 of the Act, 42 U.S.C. § 7412.
41. EPC has failed to submit a Notification of Compliance Status for its plating tanks no later than July 1, 2010, in violation of 40 C.F.R. §§ 63.11509(b), 63.11506(a), and Section 112 of the Act, 42 U.S.C. § 7412.
42. From July 1, 2010 to the present, EPC failed to implement the applicable management practices of the Plating and Polishing NESHAP for its nickel, cadmium and chromate conversion coating tanks in violation of 40 C.F.R. §§ 63.11507(g), 63.11506(a), and Section 112 of the Act, 42 U.S.C. § 7412.
43. For the years 2010, 2011, 2012, and 2013, EPC failed to prepare an annual compliance certification report, in violation of 40 C.F.R. §§ 63.11509(c), 63.11508(d)(2), 63.11506(a), and Section 112 of the Act, 42 U.S.C. § 7412.
44. EPC has failed to apply for and obtain an operating permit, in violation of the Illinois SIP at Rule 103(b)(1).

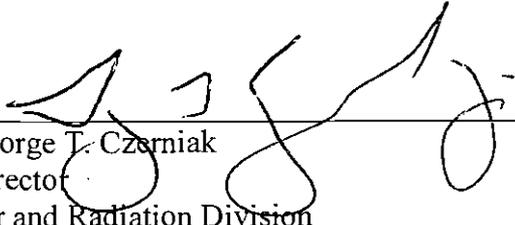
## **Environmental Impact of Violations**

45. Violations of the NESHAP can result in excess HAP emissions that may cause serious health effects, such as birth defects and cancer, and harmful environmental and ecological effects.
46. EPA has classified nickel subsulfide as a human carcinogen and nickel carbonyl as a probable human carcinogen.
47. EPA has classified cadmium as a probable human carcinogen.

48. Inhaled chromium (VI) is a human carcinogen, resulting in an increased risk of lung cancer. The respiratory tract is also the major target organ for chromium (III) toxicity, similar to chromium (VI).

Date

8/22/14

  
George T. Czerniak  
Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-13-IL-18, by Certified Mail, Return Receipt Requested, to:

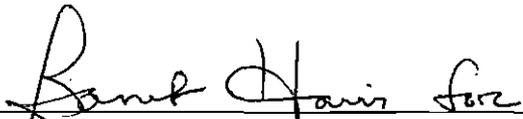
Robert Porcelli  
Plant Manager  
Electronic Plating Company, Incorporated  
1821 S 54th Avenue,  
Cicero, Illinois 60804

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

Eric Jones, Manager  
Bureau of Air, Compliance Unit  
Illinois Environmental Protection Agency  
P.O. Box 19506  
Springfield, Illinois 62794

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On the 12<sup>th</sup> day of Aug. 2014.

  
\_\_\_\_\_  
Loretta Shaffer  
Administrative Program Assistant  
AECAB, Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 7011-1150-0000-2639-3007

**CERTIFICATE OF MAILING**

I, Loretta Shaffer, certify that I sent a Notice and Finding of Violation, No. EPA-5-13-IL-18, by Certified Mail, Return Receipt Requested, to:

Robert Porcelli  
Plant Manager  
Electronic Plating Company, Incorporated  
1821 S 54th Avenue,  
Cicero, Illinois 60804

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

Eric Jones, Manager  
Bureau of Air, Compliance Unit  
Illinois Environmental Protection Agency  
P.O. Box 19506  
Springfield, Illinois 62794

On the 2 day of September 2014.



Loretta Shaffer  
Administrative Program Assistant  
AECAB, Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 7011 1150 0000 2639 3236