



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

NOV 13 2013

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: Finding of Violation
Hard Chrome, Inc.
Minneapolis, Minnesota

Dear Mr. Kantor:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to Hard Chrome Inc. (you). We find that you are violating Section 112 of the Clean Air Act (CAA), 42 U.S.C. § 7412 and its implementing regulations at 40 C.F.R. Part 63, Subpart N (the National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks), and at 40 C.F.R. Part 63, Subpart WWW (the National Emissions Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations) at your Minneapolis, Minnesota facility.

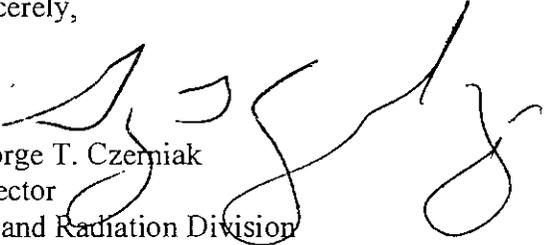
We have several enforcement options under Section 113(a)(3) of the CAA, 42 U.S.C. § 7413(a)(3). These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil action.

We are offering you an opportunity to confer with us about the violations alleged in the FOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

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 contact in this matter is Roshni Brahmhatt. You may call her at (312) 886-6793 or email her at Brahmhatt.Roshni@epa.gov 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

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

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 N

6. Pursuant to Section 112(d) of the Act, 42 U.S.C. § 7412(d), EPA promulgated the NESHAP for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (the Chrome Plating NESHAP). *See* 60 Fed. Reg. 4,948 (Jan. 25, 1995). These regulations became effective on the date of publication and are codified at 40 C.F.R. §§ 63.340-63.348.

7. The Chrome Plating NESHAP, at 40 C.F.R. § 63.340(a), applies to each chromium electroplating or chromium anodizing tank at facilities performing hard chromium electroplating, decorative chromium electroplating, or chromium anodizing.

8. The Chrome Plating NESHAP, at 40 C.F.R. § 63.341(a), defines “open surface hard chromium electroplating tank” as a chromium electroplating tank that is ventilated at a rate consistent with good ventilation practices for open tanks.

9. The Chrome Plating NESHAP, at 40 C.F.R. § 63.341(a), defines “decorative chromium electroplating” as process by which a thin layer of chromium (typically 0.003 to 2.5 microns) is electrodeposited on a base metal, plastic, or undercoating to provide a bright surface with wear and tarnish resistance. In this process, the part(s) serves as the cathode in the electrolytic cell and the solution serves as the electrolyte. Typical current density applied during this process ranges from 540 to 2,400 Amperes per square meter (A/m^2) for total plating times ranging between 0.5 to 5 minutes.

10. The Chrome Plating NESHAP, at 40 C.F.R. § 63.342(c)(1) provides that during tank operation, each owner or operator of an existing, new, or reconstructed open surface hard chromium electroplating tank shall control emissions discharged to the atmosphere from that tank by one of the methods listed in 40 C.F.R. § 63.342(c)(1)(i) to (iv).

11. The Chrome Plating NESHAP, at 40 C.F.R. § 63.342(d) provides that during tank operation, each owner or operator of an existing, new, or reconstructed decorative chromium electroplating tank using a chromic acid batch and chromium anodizing tank shall control emissions discharged to the atmosphere from that tank by one of the methods listed in 40 C.F.R. § 63.342(d)(1) to (4).

12. The Chrome Plating NESHAP, at 40 C.F.R. § 63.342(f), states that all owners or operators subject to the standards in paragraphs 40 C.F.R. § 63.342(c) and (d) of this section are subject to the operation and maintenance practices defined in 40 C.F.R. § 63.342(f)(1) through (3).

13. The Chrome Plating NESHAP, at 40 C.F.R. § 63.342(f)(3), states the owner or operator of an affected source subject to paragraph (f) of this section shall prepare an operation

and maintenance plan no later than the compliance date. The plan shall be incorporated by reference into the source's title V permit, if and when a title V permit is required. The plan shall include the elements defined in 40 C.F.R. § 63.342(f)(3)(A) through (F).

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

14. Pursuant to Section 112(d) of the Act, EPA promulgated the NESHAP for Area Source Standards for Plating and Polishing Operations, (Plating and Polishing NESHAP). *See* 73 Fed. Reg. 37,741 (July 1, 2008). These regulations became effective on the date of publication and are codified at 40 C.F.R. §§ 63.11504-63.11513.

15. 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 criteria in 40 C.F.R. § 63.11504(a)(1) through (3).

16. The Plating and Polishing NESHAP, at 40 C.F.R. § 63.11504(a)(1) through (3), sets forth the following applicability criteria:

(1) A plating and polishing facility is a plant site that is engaged in one or more of the processes listed in 40 C.F.R. § 63.11504(a)(1)(i) through (vi), including electroless or non-electrolytic plating.

(2) An area source of HAP emissions 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.

(3) The plating and polishing facility uses or 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.

17. The Plating and Polishing NESHAP, at 40 C.F.R. § 63.11511, defines “electrolytic plating processes” as electroplating and electroforming that use or emit any of the plating and polishing metal HAP, as defined in 40 C.F.R. § 63.11511, where metallic ions in a plating bath or solution are reduced to form a metal coating on the surface of parts and products using electrical energy.

18. The Plating and Polishing NESHAP, 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 HAP, as defined in 40 C.F.R. § 63.11511, 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.

19. The Plating and Polishing NESHAP, at 40 C.F.R. § 63.11511, defines “conversion coatings” as coatings that form a hard metal finish on an object when the object is

submerged in a tank bath or solution that contains the conversion coatings. Conversion coatings for the purposes of this rule include coatings composed of chromium, as well as the other plating and polishing metal HAP, where no electrical current is used.

20. 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.

21. 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.

22. 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.

23. 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.

24. The Plating and Polishing NESHAP, at 40 C.F.R. § 63.11507(a), in part, requires 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 of less than 12 to do one of the following under 40 C.F.R. § 63.11507(a)(1) to (3): (1) use a wetting agent/fume suppressant in the bath of the affected tank; (2) capture and exhaust emissions from the affected tank to a composite mesh pad, a packed-bed scrubber, or a mesh pad mist eliminator; or (3) for a batch electrolytic process tank, use a tank cover over all of the effective surface area of the tank for at least 95 percent of the electrolytic process operating time.

25. The Plating and Polishing NESHAP, at 40 C.F.R. § 63.11507(g), requires the owner or operator of an affected new or existing plating and polishing process unit that contains, applies, or emits one or more of the plating and polishing metal HAP, to implement the applicable management practices in 40 C.F.R. § 63.11507(g)(1) through (12), as practicable.

26. The Plating and Polishing NESHAP, at 40 C.F.R. § 63.11508(d)(3), requires that the owner or operator of an affected electroplating tank that contains one or more of the plating and polishing metal HAP, is subject to the requirements in 40 C.F.R. § 63.11507(a), and uses a wetting agent/fume suppressant to comply with 40 C.F.R. Part 63, Subpart WWWW must demonstrate continuous compliance according to paragraphs (d)(3)(i) through (iii) of 40 C.F.R. § 63.11508.

27. The Plating and Polishing MACT, at 40 C.F.R. § 63.11508(d)(3)(i), requires that the owner or operator of an affected source must record that it has added the wetting agent/fume suppressant to the tank bath in the original make-up of the tank.

28. The Plating and Polishing MACT, at 40 C.F.R. § 63.11508(d)(3)(ii), states that for tanks where the wetting agent/fume suppressant is a separate purchased ingredient from the other tank additives, the owner or operator must (A) add wetting agent/fume suppressant 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; and (B) record each addition of wetting agent/fume suppressant to the tank bath.

29. The Plating and Polishing MACT, at 40 C.F.R. § 63.11509(e)(3), requires that the owner or operator keep the records required to show continuous compliance with each management practice and equipment standard that applies to the facility.

30. The Plating and Polishing MACT, at 40 C.F.R. § 63.11508(f), requires that the owner or operator keep each record for a minimum of 5 years following the date of each occurrence, measurement, maintenance, corrective action, report, or record. The owner or operator must keep each record onsite for at least 2 years after the date of each occurrence, measurement, maintenance, corrective action, report, or record, according to 40 C.F.R. § 63.10(b)(1).

Findings of Fact

31. Hard Chrome owns and operates a plating facility at 2631 Second Street Northeast, Minneapolis, Minnesota.

32. On Thursday, August 22, 2013, EPA conducted an inspection of the Hard Chrome facility.

33. Hard Chrome owns and operates two “open surface hard chromium electroplating tanks” as that term is defined at 40 C.F.R. § 63.341(a). Hard Chrome identifies these tanks as Tank ID No. 04 and No. 05 in its Ongoing Compliance Status Report for 1/1/2012 to 12/31/2012 submitted on January 22, 2013.

34. Hard Chrome owns and operates one “decorative chromium electroplating” tank as that term is defined at 40 C.F.R. § 63.341(a). Hard Chrome identifies this tank as Tank ID No. 08 in its Ongoing Compliance Status Report for 1/1/2012 to 12/31/2012 submitted on January 22, 2013.

35. During the inspection, the representative of the facility indicated there was no operation and maintenance plan for the decorative chrome tank.

36. Hard Chrome owns and operates two nickel “electrolytic plating” tanks, as the term is defined at 40 C.F.R. § 63.11511. Hard Chrome identifies these tanks as “Acid Nickel” and “Nickel Strike” in its Annual Compliance Certification for 1/1/2012 to 12/31/2012 prepared on January 28, 2013.

37. In its Annual Compliance Certification for 1/1/2012 to 12/31/2012 prepared on January 28, 2013, Hard Chrome chose the compliance method for the "Acid Nickel" tank to be the use of wetting agent or fume suppressant and applicable management practices. Hard Chrome chose the compliance method for the "Nickel Strike" tank to be the limiting of process time and applicable management practices.

38. During the inspection, the representative of the facility indicated that the facility does not add wetting and or record any additions of wetting agent to the nickel electroplating tanks.

39. Hard Chrome owns and operates four "electroless" nickel plating tanks and nine chromate "conversion coating" tanks as the terms are defined at 40 C.F.R. § 63.11511.

40. During the inspection, the representative of the facility could not locate records to show compliance with the management practices for 40 C.F.R. Part 63 Subpart WWWW.

Violations

41. Hard Chrome failed to prepare an operation and maintenance plan and include the defined elements for its decorative chrome tank, in violation of 40 C.F.R. § 63.342(f)(3)(A) through (F).

42. Hard Chrome failed to maintain records of the amount and frequency of wetting agent/fume suppressant added to the "Acid Nickel" electroplating tank, in violation of 40 C.F.R. § 63.11508(d)(3)(i).

43. Hard Chrome failed to add wetting agent/fume suppressant to the "Acid Nickel" 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, in violation of 40 C.F.R. §§ 63.11507(a)(1) and 63.11508(d)(3)(ii).

44. Hard Chrome failed to choose an approved compliance method for the "Nickel Strike" electroplating tank, in violation of 40 C.F.R. § 63.11507(a).

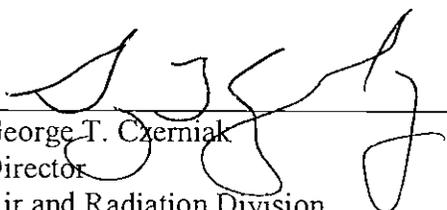
45. Hard Chrome failed to maintain records to show compliance with the management practices for the two nickel electroplating tanks, four "electroless" nickel plating tanks, and nine chromate "conversion coating" tanks, in violation of 40 C.F.R. § 63.11508(e)(3) and 63.11508(f).

Environmental Impact of Violations

46. Violations of the Chrome Plating NESHAP and Plating and Polishing NESHAP can result in excess chromium and nickel emissions that may cause serious health effects, such as birth defects and cancer, and harmful environmental and ecological effects.

Date

11/13/73


George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

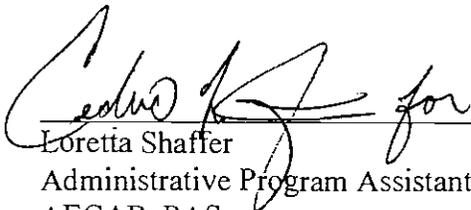
I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-14-MN-02, by Certified Mail, Return Receipt Requested, to:

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

I also certify that I sent copies of the Finding of Violation 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 14th day of November 2013.



Loretta Shaffer
Administrative Program Assistant
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7676 1505

ENGINEER: Brahmhatt DATE: 10/31/2013	REVIEWED BY: DATE:	APPROVED BY: DATE:
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ENFORCEMENT SENSITIVE - FOIA EXEMPT

**CHECKLIST SUPPORTING
FINDING OF VIOLATION**

1. LEGAL NAME AND ADDRESS OF VIOLATING FACILITY

Hard Chrome, Inc.
2631 Second Street Northeast
Minneapolis, Minnesota 55418

2. LOCATION OF VIOLATING FACILITY

Minneapolis, Minnesota

3. NATURE OF BUSINESS OF VIOLATING FACILITY (INCLUDE SIC CODE)

Hard Chrome Inc. operates a plating facility. The major operations include hard chrome plating, decorative chrome plating, nickel electroplating, and electroless nickel plating.

The SIC code for the facility is 3471, Plating and Polishing. The NAICS code for the facility is 332813, Electroplating, Plating, Polishing, Anodizing, and Coloring.

4. CONTACT NAME, TITLE, AND TELEPHONE NUMBER AT VIOLATING FACILITY

Bob Kantor
Environmental Manager
Phone: (612) 788-9451

5. IS THE FACILITY A SMALL BUSINESS? HOW MANY EMPLOYEES?

Yes. According to an inspection conducted on August 22, 2013, 23 people are employed at Hard Chrome Inc.. 13 C.F.R. § 121.201 consists of a table that presents all NAICS codes for which the U.S. Small Business Administration has established a small business size standard. A business with a NAICS code of 332813 is considered a small business if it has less than 500 employees.

6. PRESENT FINANCIAL DATA FOR COMPANY. STATE SOURCE (ANNUAL REPORT,

DUN & BRADSTREET, ETC.)

See Attachment A for the Dun & Bradstreet report.

7. VIOLATING OPERATION(S) -(DESCRIBE OPERATIONS AT THE FACILITY AND A DETAILED DESCRIPTION OF THE SPECIFIC VIOLATING SOURCE ALONG WITH THE POLLUTION CONTROL EQUIPMENT AND ITS OPERATING PARAMETERS)

Hard Chrome Inc. (Hard Chrome) has been in operation for over 40 years. The facility does plating on everything from large mold plates to firing pins. They sell to a wide variety of industries. The facility has hard chrome plating, decorative chrome plating, nickel electroplating, electroless nickel, and conversion coating operations.

The hard chrome and decorative chrome plating operations are subject to the National Emission Standard for Hazardous Air Pollutants for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (the Chrome Plating NESHAP), at 40 C.F.R. Part 63, Subpart N. The nickel electroplating, electroless nickel, and conversion coating operations are subject to the National Emission Standards for Hazardous Air Pollutants: Plating and Polishing Operations, at 40 C.F.R. Part 63, Subpart WWWW.

On August 22, 2013, EPA inspected the facility. Hard Chrome owns and operates two open surface hard chromium electroplating tanks (Tank ID No. 04 and No. 05) and one decorative chromium electroplating tank (Tank ID No. 08). During the inspection, the representative of the facility indicated there was no operation and maintenance plan for the decorative chrome tank.

Hard Chrome also owns and operates two nickel "electrolytic plating" tanks, "Acid Nickel" and "Nickel Strike." In its Annual Compliance Certification for 1/1/2012 to 12/31/2012 prepared on January 28, 2013, Hard Chrome chose the compliance method for the "Acid Nickel" tank to be the use of wetting agent or fume suppressant and applicable management practices.

Hard Chrome chose the compliance method for the "Nickel Strike" tank to be the limiting of process time and applicable management practices. Limiting process time is not an approved method of compliance.

During the inspection, the representative of the facility indicated that the facility does not add or record any additions of wetting agent added to the nickel electroplating tanks.

Hard Chrome owns and operates four electroless nickel plating tanks and nine chromate conversion coating tanks. During the inspection, the representative of the facility could not locate records to show compliance with the management practices for the nickel electroplating tanks, the electroless nickel tanks, and the chromate conversion coating tanks.

8. VIOLATING POLLUTANT AND ATTAINMENT STATUS

The violating pollutants are HAPs.

9. REGULATIONS VIOLATED ~~(LIST EACH REGULATION CITED)~~

40 C.F.R. § 63.342(f)(3) states the owner or operator of an affected source subject to paragraph (f) of this section shall prepare an operation and maintenance plan no later than the compliance date. The plan shall be incorporated by reference into the source's title V permit, if and when a title V permit is required. The plan shall include the elements defined in 40 C.F.R. §§ 63.342(f)(3)(A) through (F). Hard Chrome failed to prepare the required operation and maintenance plan.

40 C.F.R. § 63.11508(d)(3)(i) requires that the owner or operator of an affected source must record that it has added the wetting agent/fume suppressant to the tank bath in the original make-up of the tank. Hard Chrome failed to maintain records showing that it added wetting agent/fume suppressant to the "Acid Nickel" electroplating tank.

40 C.F.R. § 63.11508(d)(3)(ii) states that for tanks where the wetting agent/fume suppressant is a separate ingredient from the other tank additives, you must (A) add wetting agent/fume suppressant 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; and (B) record each addition of wetting agent/fume suppressant to the tank bath.

40 C.F.R. § 63.11507(a) requires 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 of less than 12 to do one of the following: (1) use a wetting agent/fume suppressant in the bath of the affected tank; (2) capture and exhaust emissions from the affected tank to a composite mesh pad, a packed-bed scrubber, or a mesh pad mist eliminator; or (3) for a batch electrolytic process tank, use a tank cover over all of the effective surface area of the tank for at least 95 percent of the electrolytic process operating time.

40 C.F.R. § 63.11508(e)(3) requires that the owner or operator keep the records required to show continuous compliance with each management practice and equipment standard that applies to the facility. Hard Chrome failed to maintain such records.

10. WHEN DID THE REGULATIONS REQUIRE COMPLIANCE?

Subpart N – January 25, 1997

Subpart WWWW – July 1, 2010

11. **HAS THE STATE INTERPRETED/APPLIED THIS REGULATION DIFFERENTLY THAN U.S. EPA? IF SO, EXPLAIN.**

Not aware of a different interpretation

12. **IS THERE A RULE CHANGE PENDING HERE OR AT THE STATE?**

No.

13. **IF SIP VIOLATION, PROVIDE CITATION FOR FEDERAL APPROVAL OF RULE.**

Not applicable

14. **PRESENT AND DESCRIBE THE EVIDENCE OF VIOLATIONS, INCLUDING THE NATURE SOURCE AND CURRENCY OF DATA. IF CEM DATA, ATTACH CERTIFICATION RECORD FOR MONITOR.**

The violations were derived from an inspection conducted on Thursday, August 22. .

15. **DESCRIBE FULLY ANY POTENTIAL PROBLEMS WITH THE EVIDENCE SUPPORTING THE CITED VIOLATION.**

None

16. **WHAT IS THE REFERENCE METHOD TO DETERMINE VIOLATIONS? IS THE DATA USED TO SUPPORT THE VIOLATIONS REFERENCE METHOD DATA?**

Not applicable

RECOMMENDED ATTACHMENTS (LIST AND DESCRIBE)

Attachment A: Dun & Bradstreet Report