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

MAR 19 2013

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Charles Nicholl
President
SMS Modern Hard Chrome, LLC
12880 East Nine Mile Road
Warren, Michigan 48089

Re: Finding of Violation
SMS Modern Hard Chrome, LLC
Warren, Michigan

Dear Mr. Nicholl:

The U.S. Environmental Protection Agency is issuing the enclosed Finding of Violation (FOV) to SMS Modern Hard Chrome, LLC (you) for violations of Section 112 of the Clean Air Act (CAA), 42 U.S.C. § 7412, at your Warren, Michigan, facility. Specifically, we find that you are in violation of the applicable 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 40 C.F.R. Part 63, Subpart WWWWWW, the National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations.

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 or criminal 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 Brahmbhatt. You may call her at (312) 886-6793 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: Chris Ethridge, Manager
Southeast Michigan District
Michigan Department of Environmental Quality

Tom Hess, Enforcement Unit Chief
Air Quality Division
Michigan Department of Environmental Quality

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	
SMS Modern Hard Chrome, LLC	)	Proceeding Pursuant to Section
Warren, Michigan	)	113(a)(3) of the Clean Air Act
	)	42 U.S.C. § 7413(a)(3)
	)	
	)	
	)	**EPA-5-13-MI-04**
	)	

FINDING OF VIOLATION

The U.S. Environmental Protection Agency is issuing this Finding of Violation (FOV) to SMS Modern Hard Chrome, LLC (MHC) for violations of the Clean Air Act (the Act or CAA), 42 U.S.C. § 7401 *et seq.*, at its facility located at 12880 East Nine Mile Road, Warren, Michigan.

This FOV is issued pursuant to Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3). The authority to issue this FOV has been delegated to the Director, Air and Radiation Division, Region 5.

STATUTORY AND REGULATORY BACKGROUND

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, 42 U.S.C. § 7412(d), requires EPA to establish NESHAP 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 NESHAP 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 N

6. Pursuant to Section 112(d) of the Act, 42 U.S.C. § 7412(d), effective January 25, 1995, EPA promulgated the NESHAP for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (Chrome Plating NESHAP). 60 Fed. Reg. 4948. These regulations are codified at 40 C.F.R. §§ 63.340-63.348.[1]

7. The Chrome Plating NESHAP, at 40 C.F.R. § 63.340(a), provides that the affected source to which the NESHAP applies is 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 "chromium electroplating tank" as the receptacle or container along with the following internal and external components needed for chromium electroplating: rectifiers, anodes, heat exchanger equipment, circulation pumps, and air agitation systems.

9. 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.

10. The Chrome Plating NESHAP, at 40 C.F.R. § 63.341(a), defines "air pollution control technique" as any method, such as an add-on air pollution control device or a chemical fume suppressant, that is used to reduce chromium emissions from chromium electroplating and chromium anodizing tanks.

11. The Chrome Plating NESHAP, at 40 C.F.R. § 63.341(a), defines "chemical fume suppressant" as any chemical agent that reduces or suppresses fumes or mists at the surface of an electroplating or anodizing bath.

12. The Chrome Plating NESHAP, at 40 C.F.R. § 63.341(a), defines "wetting agent" as the type of chemical fume suppressant that reduces the surface tension of a liquid.

[1] Effective September 19, 2012, EPA amended the Chrome Plating NESHAP to include, among other things, revised emission limits for total chromium, with a compliance date for existing sources of September 19, 2014. 77 Fed. Reg. 58220.

13. The Chrome Plating NESHAP, at 40 C.F.R. § 63.341(a), defines "small, hard chromium electroplating facility" as a facility that performs hard chromium electroplating and has a maximum cumulative potential rectifier capacity less than 60 million ampere-hours per year (amp-hr/yr).

14. The Chrome Plating NESHAP, at 40 C.F.R. § 63.341(a), defines "tensiometer" as an instrument used to measure the surface tension of a solution by determining the amount of force needed to pull a ring from the liquid surface. The amount of force is proportional to the surface tension.

15. The Chrome Plating NESHAP, at 40 C.F.R. § 63.341(a), defines "stalagmometer" as an instrument used to measure the surface tension of a solution by determining the mass of a drop of liquid by weighing a known number of drops or by counting the number of drops obtained from a given volume of liquid.

16. The Chrome Plating NESHAP, at 40 C.F.R. § 63.343(a)(ii), requires the owner or operator of an existing hard chromium electroplating or anodizing tank to achieve compliance with the applicable emission limitations of the NESHAP no later than 2 years after January 25, 1995.

17. 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 open surface hard chromium electroplating tank shall control emissions discharged to the atmosphere from that tank by either:

> (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 (6.6×10^{-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; or
>
> (ii) Not allowing the concentration of total chromium in the exhaust gas stream discharged to the atmosphere to exceed 0.03 mg/dscm (1.3×10^{-5} gr/dscf) if the open surface hard chromium electroplating tank is an existing affected source and is located at a small, hard chromium electroplating facility; or
>
> (iii) If a chemical fume suppressant containing a wetting agent is used, by not allowing the surface tension of the electroplating or anodizing bath contained with the affected tank to exceed 45 dynes per centimeter (dynes/cm) (3.1×10^{-3} pound-force per foot (lb_f/ft)) as measured by a stalagmometer or 35 dynes/cm (2.4×10^{-3} lb_f/ft) as measured by a tensiometer at any time during tank operation.

18. 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.

19. The Chrome Plating NESHAP, at 40 C.F.R. § 63.343(c)(5)(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. § 64.342 through the use of a wetting agent in the electroplating or anodizing bath shall determine the outlet chromium concentration during the initial performance test using the procedures in 40 C.F.R. § 63.344(c). The owner or operator shall establish as the site-specific operating parameter the surface tension of the bath using Method 306B ("Surface Tension Measurement and Recordkeeping for Tanks Used at Decorative Chromium Electroplating and Anodizing Facilities") at Appendix A of 40 C.F.R. Part 63, setting the maximum value that corresponds to compliance with the applicable emission limitation. In lieu of establishing the maximum surface tension during the performance test, the owner or operator may accept 45 dynes/cm as measured by a stalagmometer, or 35 dynes/cm as measured by a tensiometer, as the maximum surface tension value that corresponds to compliance with the applicable emission limitation.

20. Method 306B ("Surface Tension Measurement and Recordkeeping for Tanks Used at Decorative Chromium Electroplating and Anodizing Facilities") at Appendix A of 40 C.F.R. Part 63 provides separate analytical procedural requirements when conducting a performance test using a tensiometer and when using a stalagmometer.

21. The Chrome Plating NESHAP, at 40 C.F.R. § 63.343(c)(5)(ii), requires the owner or operator of an affected source to monitor the surface tension of the electroplating or anodizing bath. Operation of an open surface hard chromium electroplating tank at a surface tension greater than the value established during the performance test, or greater than 45 dynes/cm as measured by a stalagmometer or 35 dynes/cm as measured by a tensiometer if the owner or operator is using this value in accordance with 40 C.F.R. 63.343(c)(5)(i), shall constitute noncompliance with the standards. The surface tension shall be monitored according to the following schedule:

> (A) The surface tension shall be measured once every 4 hours during operation of the tank with a stalagmometer or a tensiometer as specified in Method 306B, Appendix A of 40 C.F.R. Part 63.
>
> (B) The time between monitoring can be increased if there have been no exceedances. The surface tension shall be measured once every 4 hours of tank operation for the first 40 hours of tank operation after the compliance date. Once there are no exceedances during the 40 hours of tank operation, surface tension measurement may be conducted once every 8 hours of tank operation. Once there are no exceedances during 40 hours of tank operation, surface tension measurement may be conducted once every 40 hours of tank operation on an ongoing basis, until an exceedance occurs. The minimum frequency of monitoring allowed by the Chrome Plating NESHAP subpart is once every 40 hours of tank operation.
>
> (C) Once an exceedance occurs as indicated through surface tension monitoring, the original monitoring schedule of once every 4 hours must be resumed.

22. The Chrome Plating NESHAP, at 40 C.F.R. § 63.347(c)(2)(ii) and (iii), requires that the owner or operator of a new or reconstructed that has an initial start-up after January 25, 1995 shall submit an initial notification (in addition to the notification of construction or reconstruction required by 40 C.F.R. § 63.345(b)) as follows:

> (ii) A notification of the date when construction or reconstruction was commenced, shall be submitted no later than 30 calendar days after such date, if construction or reconstruction was commenced after January 25, 1995; and
>
> (iii) A notification of the actual date of startup of the source shall be submitted within 30 calendar days after such date.

23. The Chrome Plating NESHAP, at 40 C.F.R. § 63.347(e)(3), provides that a notification of compliance status is required each time that an affected source becomes subject to the requirements of the Chrome Plating NESHAP. For sources that are required to conduct a performance test under 40 C.F.R. 63.343(b), the notification of compliance status shall be submitted to EPA no later than 90 calendar days following completion of the compliance demonstration required by 40 C.F.R. §§ 63.7 and 63.343(b).

24. The Chrome Plating NESHAP, at 40 C.F.R. § 63.347(h)(1), provides that the owner or operator of a hard chromium electroplating tank that is located at an area source site shall prepare a summary report to document the ongoing compliance status of the affected source. The report shall contain the information identified in 40 C.F.R. § 63.347(g)(3), shall be completed annually and retained on site, and made available to EPA upon request. The report shall be completed annually, unless exceedances occur as specified in 40 C.F.R. § 63.347(h)(2).

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

25. 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.

26. 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).

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

> (1) Provides that a plating and polishing facility is a plant site that is engaged in one or more of the processes listed in paragraphs (a)(1)(i) through (vi) of this section, 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.

28. 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, 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 extemal electrical energy.

29. 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.

30. 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 and is used for non-chromium electroplating, electroforming, electropolishing, electroless plating or other non-electrolytic metal coating operations.

31. 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.

32. 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.

33. 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. § 11507(g)(1) through (12), as practicable. These management practices are required to minimize emissions of HAP from the facility.

34. 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 according to the requirements specified in 40 C.F.R. § 63.11509(c), "Notification, Reporting, and Recordkeeping," and keeping it in a readily-accessible location for inspector review.

35. 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 in accordance with 40 C.F.R. § 63.11509(c)(1) through (7).

36. The Plating and Polishing NESHAP, at 40 C.F.R. § 63.11509(b), required 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 and to include the information described in 40 C.F.R. § 63.11509(b)(2)(i) through (iv).

FINDINGS OF FACT

37. MHC owns and operates a plating facility located at 12880 East Nine Mile Road, Warren, Michigan (facility). The main plating operations include chrome and electroless nickel plating. The facility has been in operation for over 40 years.

38. On July 10, 2012, EPA conducted an inspection of the facility.

39. On October 19, 2012, EPA issued MHC a Request for Information under Section 114 of the Act, 42 U.S.C. § 7414, seeking additional information about the facility's compliance with the Act. On November 15, 2012, MHC submitted a response to EPA (Response).

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

40. MHC performs hard chromium electroplating at the facility. MHC owns and operates three "chromium electroplating tanks," as that term is defined at 40 C.F.R. § 63.341(a). MHC identifies these tanks as Chrome Tanks #13, #15, and #20.

41. MHC's hard chromium electroplating tanks are subject to the requirements of the Chrome Plating NESHAP at 40 C.F.R. Part 63, Subpart N.

42. Chrome Tank #13 was installed at the facility in 1964, and is therefore an existing source under the Chrome Plating NESHAP.

43. MHC controls chromium emissions from Chrome Tank #13 through the use of a chemical fume suppressant containing a wetting agent.

44. Chrome Tank #13 is a ventilated tank and is therefore an "open surface hard chromium electroplating tank" as that term is defined in 40 C.F.R. § 63.341(a), and is therefore subject to the emission standards at 40 C.F.R. § 63.342(c)(1).

45. MHC's Response indicated that on August 5, 1996, MHC completed a performance test on Chrome Tank #13 to establish as the site-specific operating parameter the surface tension of the bath that corresponded to compliance with the emission limit of 0.015 mg/dscm, as provided in 40 C.F.R. § 63.342(c)(1)(i). The results of the performance test established the site-specific operating parameter of 41 dynes/cm, which corresponded to an emission rate of 0.015 mg/dscm, as measured by a tensiometer.

46. MHC's Response indicated that it does not own a tensiometer, and since the date of the performance test MHC has used, and continues to use, a stalagmometer to monitor compliance with the 0.015 mg/dscm chromium emission limit in 40 C.F.R. § 63.342(c)(1)(i). MHC uses an operating parameter of 62 dynes/cm, as measured by a stalagmometer.

47. MHC has not conducted a performance test using a stalagmometer to establish the surface tension of the bath as the site-specific operating parameter that shows compliance with the applicable chromium emission limits provided in 40 C.F.R. § 63.342(c)(1).

48. EPA's October 19, 2012 Information Request required MHC to submit copies of all Initial Notification Reports and Notification of Compliance Status Reports submitted to EPA, as required by 40 C.F.R. § 63.347(c) and (e).

49. MHC's Response contained a notification of the date when construction was commenced, submitted no later than 30 calendar days after Chrome Tank #15 was installed at the facility in June 2005, as required by 40 C.F.R. § 63.347(c)(2)(ii).

50. MHC's Response did not contain a notification of the actual date of startup of the source, submitted within 30 calendar days after Chrome Tank #15 was installed at the facility in June 2005, as required by 40 C.F.R. § 63.347(c)(2)(iii).

51. On May 11 and 19, 1998, MHC conducted a performance test on Chrome Tank #20. On July 28, 2005, MHC conducted a performance test on Chrome Tank #15.

52. MHC's Response did not contain a notification of compliance status submitted no later than 90 calendar days following completion of the compliance demonstration after the performance tests were conducted on Chrome Tanks #13, #15 and #20, as required by 40 C.F.R. § 63.347(e)(3).

53. MHC's Response contained two Ongoing Compliance Status Reports dated November 5, 2009, covering the period of time from October 1, 2008 through September 30, 2009, and dated June 1, 2010, covering the period of time from December 1, 2009 through May 1, 2010.

54. MHC's Ongoing Compliance Status Reports did not document the compliance status of the facility for the period of time from October 1, 2009 through November 30, 2009, as required by 40 C.F.R. § 63.347(h) and (g)(3).

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

55. MHC owns and operates a plating and polishing facility that is an area source of HAP emissions and is engaged in electroless plating, and is therefore subject to the Plating and Polishing NESHAP. 40 C.F.R. § 63.11504.

56. MHC owns and operates four nickel "electroless plating" tanks, as that term is defined at 40 C.F.R. § 63.11511. MHC identifies these tanks as EN Tanks #7, #19, #29, and #30. These tanks were installed at the facility in 1968, 1973, 1975, respectively, and are therefore existing sources under the Plating and Polishing NESHAP.

57. 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.

58. MHC's four nickel electroless plating tanks are subject to the requirements of the Plating and Polishing NESHAP.

59. EPA's October 19, 2012 Information Request required MHC to submit a complete list and description of all management practices implemented for each nickel plating tank since July 1, 2010, including a copy of records showing continuous compliance with each applicable management practice.

60. MHC's Response did not contain a list and description of the applicable management practices required under the Plating and Polishing NESHAP that are implemented for each nickel plating tank, and did not contain records showing continuous compliance with each applicable management practice, as required by 40 C.F.R. §§ 63.11507(g) and 63.11508(d)(2).

61. EPA's October 19, 2012 Information Request required MHC to submit copies of all Notification of Compliance Status Reports submitted to EPA, as required by 40 C.F.R. § 63.11509(b).

62. MHC's Response did not contain a Notification of Compliance Status Report submitted for EN Tanks #7, #19, #29, and #30 before July 1, 2010, as required by 40 C.F.R. § 63.11509(b).

63. EPA's October 19, 2012 Information Request required MHC to submit copies of all annual certifications prepared and/or submitted along with any deviation reports, as required by 40 C.F.R. § 63.11509(c).

64. MHC's Response did not contain any annual compliance certification reports, as required by 40 C.F.R. § 63.11509(c).

VIOLATIONS

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

65. From August 5, 1996 to the present, MHC failed to control chromium emissions discharged to the atmosphere from Chrome Tank #13 by allowing the concentration of total chromium in the exhaust gas stream discharged to the atmosphere to exceed 0.015 mg/dscm (6.6×10^{-6} gr/dscf), in violation of 40 C.F.R. § 63.342(c)(1)(i) and Section 112 of the Act, 42 U.S.C. § 7412.

66. From August 5, 1996 to the present, MHC failed to monitor and operate Chrome Tank #13 for continuous compliance at a surface tension less than the value established during the performance test, in violation of 40 C.F.R. § 63.343(c)(5)(ii) and Section 112 of the Act, 42 U.S.C. § 7412.

67. MHC failed to submit a notification of the date when construction was commenced no later than 30 calendar days after Chrome Tank #15 was installed at the facility in June 2005, in violation of 40 C.F.R. § 63.347(c)(2)(ii) and Section 112 of the Act, 42 U.S.C. § 7412.

68. MHC failed to submit a notification of the actual date of startup of Chrome Tank #15 within 30 calendar days after it was installed at the facility in June 2005, in violation of 40 C.F.R. § 63.347(c)(2)(iii) and Section 112 of the Act, 42 U.S.C. § 7412.

69. MHC failed to submit notifications of compliance status no later than 90 calendar days following completion of the compliance demonstrations, after the performance tests were conducted on Chrome Tanks #13, #15 and #20 on August 5, 1996, May 11 and 19, 1998, and July 28, 2005, respectively, in violation of 40 C.F.R. § 63.347(e)(3) and Section 112 of the Act, 42 U.S.C. § 7412.

70. MHC failed to submit an Ongoing Compliance Status Report that documented the compliance status of the facility for the period of time from October 1, 2009 through November 30, 2009, in violation of 40 C.F.R. §§ 63.347(h) and (g)(3) and Section 112 of the Act, 42 U.S.C. § 7412.

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

71. From July 1, 2010 to the present, MHC failed to implement the applicable management practices of the Plating and Polishing NESHAP for EN Tanks #7, #19, #29, and #30, in violation of 40 C.F.R. § 63.11507(g) and Section 112 of the Act, 42 U.S.C. § 7412.

72. For the years 2010, 2011, and 2012, MHC failed to prepare an annual compliance certification report, in violation of 40 C.F.R. § 63.11509(c) and Section 112 of the Act, 42 U.S.C. § 7412.

73. MHC failed to submit a Notification of Compliance Status for EN Tanks #7, #19, #29, and #30 no later than July 1, 2010, in violation of 40 C.F.R. § 63.11509(b) and Section 112 of the Act, 42 U.S.C. § 7412.

ENFORCEMENT AUTHORITY

74. Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), provides in part that if EPA finds that a person has violated or is in violation of any requirement or prohibition of any rule promulgated under Title I of the Act, EPA may issue an administrative penalty order under Section 113(d), issue an order requiring compliance with such requirement or prohibition, or bring a civil action pursuant to Section 113(b) for injunctive relief and/or civil penalties.

ENVIRONMENTAL IMPACT OF VIOLATIONS

75. Violations of the National Emission Standards for HAP can result in excess HAP emissions that may cause serious health effects, such as birth defects and cancer, and harmful environemental and ecological effects.

3/19/13
Date

George T. Czerniak
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Loretta Shaffer, certify that I sent a Finding of Violation, No. EPA-5-13-MI-04, by Certified Mail, Return Receipt Requested, to:

Richard Cichon
SMS Modern Hard Chrome LLC
12880 East Nine Mile Road
Warren, Michigan 48089

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

Tom Hess
Enforcement Unit Chief
Michigan Department of Environmental Quality
Air Quality Division
P.O. Box 30260
Lansing, Michigan 48909

Chris Ethridge
Southeast Michigan District
27700 Donald Court
Warren, Michigan 48092

On the ____ day of March 2013.

Loretta Shaffer
Administrative Program Assistant
AECAB, Planning and Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7674 1316