



STATE OF CONNECTICUT)	
)	
VS.)	Order No. 2351
)	
ADVANCED SPECIALTIES, LLC)	
)	

CONSENT ORDER

A. With the agreement of Advanced Specialties, LLC ("Respondent"), the Commissioner of Energy and Environmental Protection ("Commissioner") finds the following:

1. The Respondent operates a facility ("facility") located at 162A Commercial Street in Watertown, Connecticut.
2. Watertown is designated as a serious non-attainment area for the National Ambient Air Quality Standard for ozone.
3. At the facility, the Respondent operates a spray booth consisting of four (4) spray guns for the coating of plastic cosmetic industry components. The facility began operating in 2007.
4. On November 22, 2011 an inspection of the facility was conducted by Department of Energy & Environmental Protection staff. During this inspection, it was determined that the spray booth has potential Volatile Organic Compounds (VOC) and Hazardous Air Pollutants (HAP) emissions greater than fifty (50) tons per year.
5. Section 22a-174-33(a)(10)(F)(ii) of the RCSA defines a "Title V source" as "Any one or more stationary sources...which in the aggregate emit, or have the potential to emit...fifty (50) tons or more per year of volatile organic compounds or nitrogen oxides in a serious non-attainment area".
6. The Respondent has potential emissions of VOC greater than fifty (50) tons per year and is therefore defined as a Title V source.
7. Section 22a-174-3c of the RCSA limits the potential emissions from a stationary source to fifteen (15) tons per year of any individual air pollutant if a surface coating operation purchases 1,500 gallons of VOC containing coatings or less per year.
8. Based on records submitted by the Respondent, staff determined that for the calendar years 2007 and 2008, Advanced Specialties operated in compliance with Section 22a-174-3c of the RCSA.

9. In calendar years 2009, 2010, and 2011 the facility purchased greater than 1,500 gallons of VOC containing coatings and was therefore no longer operating in compliance with Section 22a-174-3c and the potential VOC emissions were no longer limited to 15 tons. As a result, beginning in 2009, the spray booth had potential VOC emissions of greater than fifty (50) tons per calendar year. Therefore, the facility became a Title V source in calendar year 2009.
10. Section 22a-174-33(f)(2) of the RCSA states that “the owner or operator of a Title V source shall apply for a Title V permit within twelve (12) months after becoming subject to this section”. Advanced Specialties has not applied for a Title V permit within twelve (12) months of becoming subject to Section 22a-174-33.
11. Section 22a-174-3a(a)(1)(D) of the Regulations of Connecticut State Agencies (RCSA) requires that “Prior to beginning actual construction of any stationary source or modification not otherwise exempted...the owner or operator shall apply for and obtain a permit to construct and operate under this section for any:...New emission unit with potential emissions of fifteen (15) tons or more per year of any individual air pollutant.”
12. The spray booth has potential emissions greater than fifteen (15) tons or more per year of any individual air pollutant and is therefore subject to Section 22a-174-3a of the RCSA. Respondent has not obtained the permit required by this section.
13. Notice of Violation 16836 was issued to the Respondent on January 25, 2012 for failure to obtain a New Source Review permit for the spray booth as required by Section 22a-174-3a(a)(1)(D) of the RCSA and failure to apply for a Title V permit for the facility as required by Section 22a-174-33(f)(2) of the RCSA.
14. Section 22a-174-26(d)(2) of the RCSA requires the owner or operator of a Title V source to pay an emission fee each year to the Department. Section 22a-174-26(d)(6)(A) states that “...the emission fee shall be:...Effective July 1, 2006, five thousand dollars (\$5,000.00) for each Title V source for which the emission fee calculation under subdivision (4) of this subsection was less than five thousand dollars (\$5,000.00)”.
15. The Respondent failed to pay emission fees for calendar years 2009, 2010, and 2011 to the Department.
16. Pursuant to Section 22a-174-32 of the RCSA entitled “Reasonably Available Control Technology (RACT) for organic compounds”, a facility with potential VOC emissions of fifty (50) tons per year or more must submit a compliance plan within six (6) months of becoming subject.
17. Notice of Violation 16939 was issued to the Respondent on May 31, 2012 for failure to submit a VOC RACT Compliance Plan within six months of becoming subject as required by Section 22a-174-32(d) of the RCSA.
18. Pursuant to Section 22a-174-29(b)(2) of the RCSA, no person who is required to obtain a permit under Section 22a-174-3a of the RCSA shall cause or permit the emission of any hazardous air pollutant from any stationary source or modification at a concentration at the discharge point in excess of the maximum allowable stack concentration.

19. Notice of Violation 16940 was issued to the Respondent on May 31, 2012 for failure to comply with the Maximum Allowable Stack Concentration ("MASC") of Cyclohexanone as required by Section 22a-174-29 of the RCSA.
 20. By virtue of the above, the Respondent has violated Sections 22a-174-3a, 22a-174-33, 22a-174-26, 22a-174-32, and 22a-174-29 of the RCSA.
 21. Section 22a-174-20(s) was amended on October 31, 2012. Pursuant to the amended Section 22a-174-20(s), the owner or operator of any miscellaneous metal and plastic parts coating unit for which the owner or operator purchases for use at the premises 855 gallons or more of coatings and cleaning solvents in the aggregate per rolling 12-month period is subject to this subsection, and must comply with the requirements no later than January 1, 2013.
 22. Based on records submitted by the Respondent, the Respondent is subject to and must comply with Section 22a-174-20(s).
 23. Pursuant to Section 22a-174-32(a) of the RCSA, the potential VOC emissions of operations subject to Section 22a-174-20(s) of the RCSA may be excluded from the determination of potential VOC emissions in determining the applicability of Section 22a-174-32. Based on the inspection report of November 22, 2011, it appears that the potential VOC emissions from the facility, excluding the potential emissions from the surface coating operation, no longer exceed 50 tons per year and the facility is no longer required to submit a VOC RACT Compliance Plan.
- B. With the agreement of the Respondent, the Commissioner, pursuant to Sections 22a-6, 22a-171, 22a-174, 22a-177, and 22a-178 of the Connecticut General Statutes, orders as follows:
1. New Source Review Permit. The Respondent shall: immediately comply with Section 22a-174-3b of the RCSA **OR** immediately comply with Section 22a-174-3c of the RCSA **OR** within two (2) calendar months of the issuance of this Order, submit a New Source Review permit application in accordance with Section 22a-174-3a(c) of the RCSA.
 2. Title V Emission Fees. Within three (3) calendar months of the issuance of this Order, the Respondent shall submit a total of \$15,551.00 for emissions fees due in accordance with Section 22a-174-26 of the RCSA for emissions occurring during calendar years 2009, 2010, and 2011.

The Respondent shall pay emission fees within three (3) calendar months of the issuance of this Order without further late charges. Subsequent to those three months, the Respondent shall pay interest and late fees calculated in accordance with Section 22a-174-26 of the RCSA on any unpaid balance of the emission fees.
 3. Payment of Title V Emission Fees. Payment of Title V emissions fees under this Order shall be mailed or personally delivered to the Bureau of Financial and Support Services – Accounts Receivable Office ("F&SS"), Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127, and shall be by certified or bank check payable to CT DEEP. The check shall state on its face, "Title V Emission Fees, Revenue ID #224/Consent Order #2351".
 4. Civil Penalty. Within one (1) calendar year of the issuance of this Order, the Respondent shall pay a penalty of \$9,000.00 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in Paragraph A.20. of this Order.

5. Payment of the Civil Penalty. Payments of the civil penalty under this Order shall be mailed or personally delivered to the Bureau of Financial and Support Services - Accounts Receivable ("F&SS"), Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127, and shall be by certified or bank check payable to CT DEEP. The check shall state on its face, "Bureau of Air Management Civil Penalty, Order #2351."
6. Full compliance. The Respondent shall not be considered in full compliance with this order until all actions required by this order have been completed as approved and to the Commissioner's satisfaction.
7. Approvals. The Respondent shall use best efforts to submit to the Commissioner all documents required by this order in a complete and approvable form. If the Commissioner notifies the Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and the Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within 30 days of the Commissioner's notice of deficiencies. In approving any document or other action under this order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this order. Nothing in this paragraph shall excuse noncompliance or delay.
8. Definitions. As used in this order, "Commissioner" means the Commissioner or a representative of the Commissioner.
9. Dates. The date of "issuance" of this order is the date the order is deposited in the U.S. mail or personally delivered, whichever is earlier. The date of submission to the Commissioner of any document required by this order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or is personally delivered, whichever is earlier. Except as otherwise specified in this order, the word "day" as used in this order means calendar day. Any document or action which is required by this order to be submitted or performed by a date which falls on a Saturday, Sunday, or a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday, or Connecticut or federal holiday.
10. False Statements. Any false statement in any information submitted pursuant to this order may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
11. Notice of transfer; liability of Respondent. Until the Respondent has fully complied with this order, Respondent shall notify the Commissioner in writing no later than 15 days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this order or after obtaining a new mailing or location address. The Respondent's obligations under this order shall not be affected by the passage of title to any property to any other person or municipality.

12. Commissioner's powers. Nothing in this order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for violations of law, including but not limited to those described in this order. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented any pollution, the Commissioner may institute any proceeding to require the Respondent to undertake further investigation or further action to prevent or abate pollution.
13. Respondent's obligations under law. Nothing in this order shall relieve the Respondent of other obligations under applicable federal, state and local law.
14. No assurance by Commissioner. No provision of this order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by the Respondent pursuant to this order will result in compliance.
15. No effect on rights of other persons. This order neither creates nor affects any rights of persons or municipalities that are not parties to this order.
16. Notice to Commissioner of changes. Within 15 days of the date the Respondent becomes aware of a change in any information submitted to the Commissioner under this order, or that any such information was inaccurate or misleading or that any relevant information was omitted, the Respondent shall submit the correct or omitted information to the Commissioner.
17. Notification of noncompliance. In the event that the Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this order or of any document required hereunder, Respondent shall immediately notify by telephone the individual identified in the next paragraph and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. Within five (5) days of the initial notice, the Respondent shall submit in writing the date, time and duration of the noncompliance and the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.

- 18. Submission of documents. Any document required to be submitted to the Commissioner under this order shall, unless otherwise specified in writing by the Commissioner, be directed to:

Ms. Kathryn Shinkiewicz
 Department of Energy and Environmental Protection
 Bureau of Air Management
 Engineering & Enforcement Division
 79 Elm Street
 Hartford, Connecticut 06106-5127

Respondent consents to the issuance of this Consent Order without further notice. The undersigned certifies that he/she is fully authorized to enter into this Consent Order and to legally bind Respondent to the terms and conditions of the Consent Order.

ADVANCED SPECIALTIES, LLC

Signature: 

Print Name: Paul R. Jessell

Print Title: Member

Date: 3-13-13

Issued as a final order of the Commissioner of Energy and Environmental Protection.



 Macky McCleary
 Deputy Commissioner
 Department of Energy and Environmental Protection

4/16/13

 Date