



STATE OF CONNECTICUT )  
 )  
VS. )  
 )  
ENGINEERED ELECTRIC COMPANY )  
DBA DRS-FERMONT )

Order No. 2362

CONSENT ORDER

- A. With the agreement of Engineered Electric Company, dba DRS Fermont (“Respondent”), the Commissioner of Energy & Environmental Protection (“Commissioner”) finds the following:
  1. The Respondent is a corporation doing business at 141 North Avenue, Bridgeport, CT (“Facility”).
  2. At the facility, the Respondent operates testing stands to test portable diesel engines under various conditions and which exhaust to several vents or directly outside of the building.
  3. At the facility, the Respondent operates a spray booth that applies surface coatings containing volatile organic compounds (VOC) to miscellaneous metal parts and products, which is subject to Consent Order No. 8203, issued by the Commissioner on 5/17/2002.
  4. The Respondent submitted applications for coverage under the General Permit To Limit Potential to Emit air pollutants (“GPLPE”) in 1998, 2001, 2006 and 2011 because the overall potential emissions of regulated air pollutants from the facility are greater than the Title V thresholds making DRS a Title V source, as it is defined in Section 22a-174-33(c) of the Regulations of Connecticut State Agencies (“RCSA”). DRS was re-issued their most recent registration certificate on 6/1/2011 and allowed to operate under the GPLPE until its expiration on 11/19/2015.
  5. On 3/27/2012, an inspection of the Facility was conducted by Bureau of Air Management staff Alyssa Midgette and Debbie Tedford, followed by a record review on 6/18/2012. Following the record review, it was determined that the Respondent was not accurately calculating Nitrogen Oxides (“NOx”) emissions from certain engines tested at the facility. Undocumented NOx emission factors had been used by DRS to calculate annual NOx emissions. This underestimated the NOx emissions from the engines and the facility and represented a violation of the conditions in Section 5 of the GPLPE.
  6. Following the above-mentioned inspection and record review, Bureau of Air Management staff determined that DRS failed to make and keep accurate records of material usage for VOC containing products used in the spray booth. The hand-written logs maintained by the machine operators did not match the electronic records maintained by the facility and underestimated the actual VOC emissions

Date issued: January 30, 2013

from the spray booth. The failure to keep accurate VOC records prevented the Commissioner from evaluating DRS's compliance with paragraph B.2 of Consent Order No. 8203.

7. DRS was issued Notice of Violation ("NOV") No. 16965 on 8/2/2012 for the violations described in paragraphs A.5 and A.6 of this Consent Order.
  8. On 8/31/2012, Manchester based environmental consulting firm Fuss & O'Neill responded to the NOV on behalf of DRS by returning the NOV Compliance Statement and a letter specifying the steps taken, to date, to remedy the violations. In the letter, Fuss & O'Neill recognized the violations described in the NOV. The letter included a blank VOC recording form, a training roster, emission factor certificates issued by the California Air Resources Board for diesel generators of the capacities produced at the DRS Facility and updated NOx emissions calculations for 2010 and 2011 using the new emission factors.
  9. A record review conducted in June 2012 revealed that DRS failed to submit the annual report of total VOC emissions for calendar year 2011, required under paragraph B.3 of Consent Order No. 8302.
  10. On 10/1/2012, Air Bureau staff received an email correspondence that included a set of the new recording sheets filled out for the period 9/17/2012 to 9/26/2012, and the annual VOC emissions report for calendar year 2011.
  11. By virtue of the above, DRS violated Section 22a-174-20(s) of the Regulations of Connecticut State Agencies, Consent Order No. 8203 and the GPLPE.
- B. With the agreement of the Respondent, the Commissioner, acting under §§22a-6, 22a-171, 22a-174 and 22a-177, of the Connecticut General Statutes orders the Respondent as follows:
1. Full compliance. Respondent shall not be considered in full compliance with this Consent Order until all actions required by this Consent Order have been approved and to the Commissioner's satisfaction.
  2. Civil penalty. On or before thirty (30) days after issuance of this Consent Order, the Respondent shall pay a penalty of \$6,075 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in Paragraph A.11 of this Consent Order.
  3. Payment of penalties. Payment of penalties under this consent order shall be mailed or personally delivered to the Department of Energy and Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, CT 06106-5127, and shall be by certified or bank check payable to the "Connecticut Department of Energy and Environmental Protection". The check shall state on its face, Bureau of Air Management civil penalty, Consent Order 2362.
  4. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this consent order in a complete and approvable form. If the Commissioner notifies Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and 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 consent 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 consent order. Nothing in this paragraph shall excuse noncompliance or delay.

5. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
6. Dates. The date of "issuance" of this consent order is the date the consent 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 consent order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this consent 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 consent order, the word "day" as used in this consent order means calendar day. Any document or action which is required by this consent 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.
7. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this consent order shall be signed by Respondent or, if Respondent is not an individual, by Respondent's chief executive officer or a duly authorized representative of such officer, as those terms are defined in §22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and each such individual shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."
8. Noncompliance. This consent order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this consent order may subject Respondent to an injunction and penalties.
9. False statements. Any false statement in any information submitted pursuant to this consent order may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
10. Notice of transfer; liability of Respondent. Until Respondent has fully complied with this consent 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 consent order or after obtaining a new mailing or location address. Respondent's obligations under this consent order shall not be affected by the passage of title to any property to any other person or municipality.
11. Commissioner's powers. [Add if consent order imposes penalties: "Except as provided hereinabove with respect to payment of civil penalties,"] Nothing in this consent 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 past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this consent order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented pollution, the Commissioner may institute any proceeding to require Respondent to undertake further investigation or further action to prevent or abate violations or pollution.

12. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
13. No assurance by Commissioner. No provision of this consent order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this consent order will result in compliance [or prevent or abate pollution].
14. Access to site. Any representative of the Department of Energy and Environmental Protection may enter the [Choose appropriate term, based on term used in findings: e.g., site or facility] without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.
15. No effect on rights of other persons. This consent order neither creates nor affects any rights of persons or municipalities that are not parties to this consent order.
16. Notice to Commissioner of changes. Within 15 days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under this consent order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner.
17. Notification of noncompliance. In the event that 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 consent 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, 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 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 consent order shall, unless otherwise specified in this consent order or in writing by the Commissioner, be directed to:

Marco Lumbroso  
Department of Energy and Environmental Protection  
Bureau of Air Management  
5<sup>th</sup> floor. Administrative Enforcement Division  
79 Elm Street  
Hartford, Connecticut 06106-5127

Respondent consents to the issuance of this consent order without further notice. [Insert if Respondent is not an individual: "The undersigned certifies that he/she is fully authorized to enter into this consent order and to legally bind the Respondent to the terms and conditions of the consent order.

Engineered Electric Company (dba DRS Vermont)

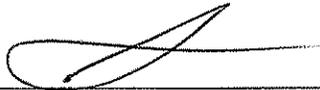
Signature: 

Type Name: John Dellalana

Type Title: Vice President Operations

Date: 1/21/2013

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

  
 Macky McCleary  
 Deputy Commissioner

1/29/13  
 Date

TOWN OF BRIDGEPORT  
 LAND RECORDS  
 MAILED CERTIFIED MAIL,  
 RETURN RECEIPT REQUESTED  
 Certified Document No.