

STATE OF CONNECTICUT

vs.

CURRENT, INC

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ORDER NO. 2464

CONSENT ORDER

A. With the agreement of Current, Inc. ("Respondent"), the Commissioner of Energy & Environmental Protection ("Commissioner") finds the following:

1. The Respondent engages in the business of manufacturing paper products at 30 Tyler Street, East Haven, Connecticut ("premises").
2. At the premises, the Respondent maintains and operates a four-zone oven paper web coating line and a thermal oxidizer; and uses a thermoset polymer resin that contains Volatile Organic Compounds ("VOC") and Hazardous Air Pollutants ("HAP").
3. In April 1988 & October 1993, the Respondent obtained Permit #054-0010 ("Permit") to construct and operate, respectively the coating line and thermal oxidizer referenced in Paragraph A.2. of this Consent Order. On October 27, 2013, the Respondent modified the Permit ("modified Permit").
4. Pursuant to Part V. of the modified Permit, the Respondent is required to conduct emissions testing for VOC and HAP by no later than April 25, 2014.
5. On June 23, 2014, the Respondent submitted a test protocol for the Commissioner's review and approval. Subsequently, staff of the Department of Energy & Environmental Protection ("Department") reviewed the submitted test protocol and determined that the Respondent did not meet its obligations to test on or before April 25, 2014. Because the Respondent failed to conduct the required emissions testing on or before April 25, 2014, Department staff determined that the Respondent violated Part V. of the modified Permit. Consequently, the Department issued Notice of Violation ("NOV") #17439 to the Respondent on July 28, 2014.
6. On August 5, 2014, the Respondent conducted the required emissions tests and subsequently, on October 3, 2014, the Respondent submitted a test report for the Commissioner's review and approval.
7. Pursuant to Part III.B. of the modified Permit, the Respondent shall operate the equipment referenced in Paragraph A.2. of this Consent Order not to exceed the maximum allowable stack concentration ("MASC") of any of the hazardous air pollutants listed in Part V. of the modified Permit and Section 22a-174-29 of the Regulations of Connecticut State Agencies ("Regulations").

8. Based on a review of the test report referenced in Paragraph A.6 of this Consent Order, Department staff determined that the Respondent exceeded the MASC for formaldehyde. The MASC for formaldehyde was 3,334 microgram per cubic meter whereas the tested formaldehyde average concentration was 6,945 microgram per cubic meter. Because the Respondent exceeded the MASC, Department staff determined that the Respondent violated Part III.B. of the modified Permit and Section 22a-174-29 of the Regulations.
9. Pursuant to Part II.B.4. of the modified Permit, the thermal oxidizer shall be operated with a minimum capture efficiency of 100% .
10. Based on a review of the test report referenced in Paragraph A.6 of this Consent Order, Department staff determined that the thermal oxidizer's capture efficiency was less than 100%. Because the Respondent failed to demonstrate a capture efficiency of 100%, Department staff determined that the Respondent violated Part II.B.4. of the modified Permit.
11. As a result, the Department issued NOV #17493 to the Respondent on November 6, 2014 for violations of Parts II.B.4. & III.B. of the modified Permit and Section 22a-174-29 of the Regulations.
12. Responding to NOV #17493, the Respondent reduced some of the formaldehyde concentration in the thermoset polymer resin and installed enclosures around the front area of the paper coating line to meet the minimum capture efficiency limit in the modified Permit.
13. On August 4, 2015, the Respondent conducted a second emissions test using the improved thermoset polymer resin and line enclosures. On September 14, 2015, the Respondent submitted a test report dated September 8, 2015 for the Commissioner's review and approval. According to the test report, the Respondent demonstrated a 100% capture efficiency for the thermal oxidizer.
14. Based on the review of the test report referenced in Paragraph A.13 of this Consent Order, Department staff determined that the Respondent exceeded the MASC for formaldehyde. The MASC for formaldehyde was 3,924 microgram per cubic meter whereas the tested formaldehyde average concentration was 12,682 microgram per cubic meter. Because the Respondent exceeded the MASC, Department staff determined that the Respondent violated Part III.B. of the modified Permit and Section 22a-174-29 of the Regulations.
15. Pursuant to Part IV.C. of the modified Permit, the Respondent was required to submit a report to the Commissioner within 30 days of any exceedances of the emissions limitations and equipment operating conditions listed in the modified Permit.
16. On February 2, 2016, Department staff determined that an exceedance report for formaldehyde was not submitted to the Commissioner as required by Part IV.C. of the modified Permit.
17. As a result, the Department issued NOV #17650 to the Respondent on April 28, 2016 for violations of Parts III.B. & IV.C. of the modified Permit.
18. Responding to NOV #17650, the Respondent modified the polymer resin used in production and enhanced the thermal oxidizer used to control the air emissions generated from production. Also, the Respondent submitted a test protocol for the Department's review and approval. Subsequently, the submitted test

protocol was reviewed and approved by the Department.

19. On September 13, 2016, the Respondent conducted a third emissions test and upon completion of the emissions test, the Respondent submitted a test report for the Commissioner's review and approval.
 20. Based on the review of the test report referenced in Paragraph A.19 of this Consent Order, Department staff determined that the Respondent exceeded the MASC for formaldehyde. The MASC for formaldehyde was 3,622 microgram per cubic meter whereas the tested formaldehyde average concentration was 11,226 microgram per cubic meter. Because the Respondent exceeded the MASC, Department staff determined that the Respondent violated Part III.B. of the modified Permit and Section 22a-174-29 of the Regulations.
 21. By virtue of the above, the Respondent has violated Parts II.B.4., III.B., IV.C. and V. of the modified Permit and Section 22a-174-29 of the Regulations.
- B. With the agreement of the Respondent, the Commissioner, acting under §§22a-6, 22a-171, 22a-174, 22a-177, and 22a-178 of the Connecticut General Statutes orders the Respondent as follows:
1. Within 60 days after issuance of this Consent Order, the Respondent shall submit a Compliance Plan and a compliance time schedule for the Commissioner's review and written approval. The Compliance Plan shall include remedial actions and an implementation schedule necessary to address the violation of Part III.B. of the modified Permit and Section 22a-174-29 of the Regulations.
 2. Emissions testing. Within 30 days after the completion of the approved remedial actions in accordance with the approved Compliance Plan, the Respondent shall perform an air emissions test to demonstrate compliance with Section 22a-174-29 of the Regulations for formaldehyde pursuant to Part V. of the modified Permit.

Respondent shall submit to the Commissioner for the Commissioner's review and written approval an Intent To Test ("ITT") protocol prior to conducting such emissions testing. The ITT protocol shall include at least:

 - i. The Department's Bureau of Air Management Test Form No. 1, "Intent to Test";
 - ii. A detailed description of all aspects of facility operations (e.g., type and quantity of raw materials utilized) and of any air pollutant control equipment in use which may affect emissions testing results, and how and when such information will be monitored;
 - iii. A detailed description of each emissions testing methodology to be utilized, provided that all such methodologies shall conform to those approved by the U.S. Environmental Protection Agency and the Commissioner; and
 - iv. A description of each discharge point at which emissions testing is to be conducted.
 3. Within 30 days after completion of the air emissions test referenced in paragraph B.2. of this Consent Order, the Respondent shall submit approvable results representative of the actual emissions of

formaldehyde.

4. Civil Penalty. On or before thirty (30) days after the issuance of this Consent Order, the Respondent shall pay a penalty in the amount of \$13,900 as the total civil penalty to be sought by the Commissioner for those, and only those violations described in Paragraph A.5., A.8., A.14. and A.20. of this Consent Order.
5. 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 Treasurer, State of Connecticut. "The check shall state on its face, "Bureau of Air Management civil penalty, Consent Order No. 2464."
6. Statewide Supplemental Environmental Project (SEP) Account Payment.
 - a. In lieu of the civil penalty referenced in Paragraph B.4. of this Consent Order, the Respondent may elect to pay \$13,900 to the Statewide SEP Account. If the Respondent elects to make a payment to the Statewide SEP account, the Respondent shall make such payment within thirty (30) days after the issuance of this Consent Order. The payment 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, Connecticut 06106-5127. The payment shall be by certified or bank check payable to the "Connecticut Department of Energy and Environmental Protection," with notation thereon "Statewide SEP Account" and "Consent Order No. 2464."
 - b. If the Respondent fails to fund the SEP in accordance with Paragraph 6.a. above, the Respondent shall immediately pay a civil penalty of thirteen thousand and nine hundred dollars (\$13,900). The Respondent shall pay such civil penalty in accordance with the provisions of Paragraph B.5. of this Consent Order.
 - c. The Respondent shall not claim or represent any SEP payment made pursuant to this Consent Order constitutes an ordinary business expense or charitable contribution or any other type of tax deductible expense. The Respondent shall not seek or obtain any other tax benefit, such as a tax credit, as a result of the payment under this paragraph.
 - d. If the Respondent disseminates any publicity, including but not limited to any press releases regarding funding an SEP, the Respondent shall include a statement that such funding was made in settlement of an enforcement action brought by the Commissioner.
7. Full compliance. Respondent shall not be considered in full compliance with this Consent Order until all actions required by this Consent Order have been completed as approved and to the Commissioner's satisfaction.
8. Approvals. Respondent shall use best efforts to submit to the Commissioner documents, if any, 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.

9. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
10. 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.
11. 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 Respondent or Respondent's chief executive officer 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."
12. 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.
13. 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.
14. 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.

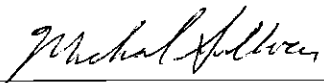
15. Commissioner's powers. Except as provided hereinabove with respect to payment of civil penalties, nothing in this Consent Order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover 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.
16. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.
17. 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.
18. Access to site. Any representative of the Department of Environmental Protection may enter the facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Consent Order.
19. 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.
20. 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.
21. 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.

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 the Respondent to the terms and conditions of the consent order.

Current, Inc.

Signature: 
 Type Name: Brian Prinz
 Type Title: President
 Date: 2/13/2017

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


 Michael J. Sullivan, Deputy Commissioner
 Department of Energy and Environmental Protection

February 21, 2017
 Date

TOWN OF EAST HAVEN
 LAND RECORDS
 MAILED CERTIFIED MAIL,
 RETURN RECEIPT REQUESTED
 Certified Document No. 9214 8901 5859 2200 0484 27

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

Mr. Seng Phouthakoun
Department of Energy and Environmental Protection
Bureau of Air Management
Engineering & Enforcement Division
79 Elm Street
Hartford, Connecticut 06106-5127

23. Joint and several liability. Respondents shall be jointly and severally liable for compliance with this Consent Order.