



STATE OF CONNECTICUT

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Order No. 2475

VS.

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COLONIAL COATINGS, INC.

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CONSENT ORDER

A. With the agreement of Colonial Coatings, Inc. ("Respondent"), the Commissioner of Energy and Environmental Protection ("Commissioner") finds the following:

1. The Respondent provides specialty coating services to the aerospace industry. The Respondent is located at 66 Erna Avenue in Milford, CT ("the facility"). The Respondent has done business at this location since 1990.
2. At the facility, the Respondent owns and operates three (3) plasma spray booths which are used to apply coatings to metal aerospace components. These plasma booths use AMDRY 2010 and AMDRY 992 metallic powder.
3. On 5/8/2015, the Department received a complaint concerning dust from the Respondent's plasma spray booths. According to the complainant, emissions from the booths were causing a thick coating of dust to be deposited on the complainant's property.
4. In response to the complaint, Staff from the Department's Air Field Enforcement Division inspected the facility on 6/24/2015. During the inspection, Field Staff discovered that none of the Respondent's three plasma booths were equipped with emission controls.
5. Particulate matter ("PM") and visible emissions are governed under Section 22a-174-18 of the Regulations of Connecticut State Agencies ("RCSA"). Section 22a-174-18(c)(1)(C) of the RCSA requires the use of "good industrial practices", to control fugitive PM emissions.
6. The Respondent's failure to install emission controls on their plasma spray booths violated the requirements of Section 22a-174-18(c)(1)(C) of the RCSA.
7. During the inspection, Field Staff surveyed the complainant's property and observed areas of accumulated particulate matter. Staff also observed yard debris which had been stained with metal particulate matter.

Date Issued: November 5, 2018

8. Pursuant to Section 22a-174-18(c)(2) of RCSA, no person shall cause or allow PM emissions, which remains at ground level, beyond the boundary of the property on which it originated. The Respondent's failure to keep fugitive emissions from crossing their property line violated Section 22a-174-18(c)(2) of the RCSA.
9. On 7/30/2015, a Notice of Violation ("NOV") No. 17556 was issued to the Respondent for violating Section 22a-174-18(c)(1)(C) and Section 22a-174-18(c)(2) of the RCSA.
10. During the inspection, Field Staff calculated the potential to emit ("PTE") from each plasma spray booth to be 15.33 tons per year.
11. Pursuant to Section 22a-174-3a of the RCSA, the owner or operator of a stationary source, with potential emissions greater than fifteen (15) tons per year, is required to apply for and obtain a permit from the Department.
12. The Respondent's failure to apply for and obtain permits for the plasma spray booths violated Section 22a-174-3a of the RCSA. As a result, NOV No. 17557 was issued to the Respondent on 7/30/2015.
13. In response to the issuance of NOV No. 17556 and NOV No. 17557, the Respondent installed a GS16 Farr Gold Series Dust Collection System on the plasma spray booths.
14. Pursuant to Section 22a-174-3b(g) of the RCSA, plasma spray booths are exempt from the permitting requirements of Section 22a-174-3a of the RCSA, provided the booths are operated with particulate control equipment that includes a minimum collection efficiency of 90%, and is operated and maintained in good working condition.
15. The Respondent has stated that they wish to operate the plasma spray booths in accordance with Section 22a-174-3b(g)(1)(D) of the RCSA. As long as the Respondent operates the plasma spray booths in accordance with Section 22a-174-3b(g)(1)(D) of the RCSA, the units are exempt from the permitting requirements of Section 22a-174-3a of the RCSA.
16. Also at the facility, the Respondent owns and operates a Baron Blakeslee open top batch vapor degreaser, which uses trichloroethylene ("TCE"). TCE is a Hazardous Air Pollutant ("HAP"), pursuant to Section 112(b) of the Clean Air Act.
17. During a 3/22/2016 and 3/23/2016 inspection of the facility, Field Staff calculated potential TCE emissions from the vapor degreaser to be twenty-six (26) tons per year. Thus, the unit requires a permit to operate, pursuant to Section 22a-174-3a of the RCSA. On 7/8/2016, NOV No. 17707 was issued to the Respondent for violation of Section 22a-174-3a of the RCSA.
18. In response to the issuance of NOV No. 17707, the Respondent applied for, and was issued a NSR permit for the vapor degreaser on 3/28/2017 (permit No. 105-0106).
19. At the time of the inspection, potential TCE emissions from the vapor degreaser were greater than ten (10) tons per year. The facility therefore met the definition of a "Title V source", pursuant to Section 22a-174-33(a)(10)(E) of the RCSA. Pursuant to Section 22a-174-33(f)(2) of the RCSA, a "Title V source" is required to apply for a Title V permit within twelve (12)

months of becoming a "Title V source". The Respondent failed to do so, and as a result NOV No. 17711 was issued to the Respondent on 7/8/2016.

20. With potential TCE emissions greater than ten (10) tons per year, the vapor degreaser is also a major source of HAPs, and subject to the Federal Halogenated Solvent Cleaning Maximum Available Control Technology ("MACT"). The Respondent has been operating the vapor degreaser since 1990, and they failed to obtain a federally enforceable limit on their potential to emit, before the first compliance date of the MACT. They therefore became subject to the EPA policy known as "Once in Always in", and were required to apply for a Title V permit.
21. In response to the issuance of NOV No. 17711, the Respondent submitted a Title V permit application to the Department on 5/30/2017.
22. On 1/29/2018, EPA issued a guidance memorandum, withdrawing the policy known as "Once in Always in". Under the new guidance, sources of HAPs previously classified as a "major source" may be reclassified as an "area source" at any time, provided the facility limits its potential to emit below major source thresholds. The issuance of NSR permit No. 105-0106, for the vapor degreaser limits the Respondent's potential HAP emissions below the "major source" threshold.
23. TCE is a volatile organic compound ("VOC"), as defined in Section 22a-174-1(120) of the RCSA, and Title 40 of the Code of Federal Regulations ("CFR"), Part 51.100(s) of the Clean Air Act.
24. Emission of VOCs are regulated under Section 22a-174-20 of the RCSA. Pursuant to Section 22a-174-20(1)(4)(B)(ii) of the RCSA, open top batch vapor degreasers must be equipped with a spray safety switch which shuts off the spray pump if the vapor level drops more than 10 centimeters (4 inches) below the lowest condensing coil. During the PIQ inspection, Field Staff discovered that the Respondent had not installed this safety switch on the vapor degreaser. As a result, NOV No. 17706 was issued to the Respondent on 7/8/2016.
25. In response to the issuance of NOV #17706, the Respondent installed the required safety switch on the vapor degreaser; which was verified by Field Staff during a 1/30/2017 inspection of the facility.
26. Section 22a-174-20(jj)(4) of the RCSA sets the VOC-content limit for solvents used to clean spray application equipment at 0.417 lb/gallon, as applied. Records obtained from the Respondent demonstrate that they have been using a cleaning solvent with a VOC-content of 2.52 lb/gallon, as applied. As a result, NOV #17708 was issued to the facility on 7/8/2016.
27. In response to the issuance of NOV #17708, the Respondent submitted a letter to the Department, stating that they wish to use the exemption allowed under Section 22a-174-20(jj)(3)(C) of the RCSA. This exemption allows the facility to use up to 55 gallons of non-compliant cleaning solvent in a 12-month rolling period; provided the Respondent maintains monthly records sufficient to demonstrate compliance with this exemption.

28. Pursuant to Section 22a-174-26(d) of the RCSA, Title V sources are required to pay an emission fee each year to the Department. The emission fee is to be calculated in accordance with Section 22a-174-26(d)(4) of the RCSA.
 29. The Respondent has failed to pay Title V emission fees for emissions that occurred in calendar years 2013 through 2016.
 30. Section 22a-174-4(d) of the RCSA requires the Respondent to create, maintain and submit, data deemed necessary by the Commissioner to evaluate compliance. The Respondent failed to submit data necessary to determine the Respondent's compliance with Section 22a-174-29 of the RCSA. As a result, NOV #17709 was issued to the Respondent on 7/8/2016.
 31. In response to the NOV, the Respondent submitted the requested data to the Department on 1/31/2017.
 32. Pursuant to Section 22a-174-29(b)(1) of the RCSA, no person shall cause or permit the emission of a HAP listed in Table 29-1, from any stationary source at a concentration at the discharge point in excess of the maximum allowable stack concentration ("MASC").
 33. A review of the data submitted by the Respondent on 1/31/2017 reveals that, prior to the installation of emission controls, the three (3) plasma spray booths exceeded the MASC for both Chromium metal and Nickel metal. The MASC for Chromium and Nickel are 254 ug/m³ and 507 ug/m³ while the actual stack concentration is calculated to be 22,400 ug/m³ and 117,000 ug/m³, respectively.
 34. By virtue of the above, the Respondent violated, and/or is in violation of Sections 22a-174-3a, 22a-174-4(d), 22a-174-18, 22a-174-33, 22a-174-20, 22a-174-26, and Section 22a-174-29 of the RCSA.
- 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. The Respondent shall fully comply with the requirements of Sections 22a-174-3a, 22a-174-18, 22a-174-33, 22a-174-20, 22a-174-26, and 22a-174-29 of the RCSA.
 2. Compliance with Section 22a-174-20(jj) of the RCSA: Within fourteen (14) days after the date of issuance of this Consent Order the Respondent shall submit records which demonstrate that the Respondent is complying with the VOC-content exemption(s) allowed under Section 22a-174-20(jj)(3) of the RCSA, as referenced in paragraph A.27. of this Consent Order.
 3. Civil Penalty. The Respondent shall pay a penalty of \$58,837.50 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraphs A.4., A.6., A.8., A.12., A.17., A.19., A.20., A.24., A.26., A.29., and A.33. of this Consent Order.
 4. 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, "*Air Engineering & Enforcement Division, civil penalty Consent Order No. 2475*".

5. Title V Emission Fees. On or before sixty (60) days after issuance of this Consent Order, the Respondent shall pay a total of \$17,166 in outstanding emission fees for emissions that occurred in calendar years 2013 through 2015.
6. Emission Inventory Report. On or before thirty (30) days after the date of issuance of this Consent Order, the Respondent shall submit an emission inventory report for calendar year 2016. The report shall include a list of emission units currently operating at the facility, and a quantification of actual emissions of regulated air pollutants from each emission unit.
7. Upon submittal of the document required in paragraph B.6. of this Consent Order, the Respondent may submit, in writing, a request that their Title V permit application be withdrawn.
8. Full Compliance: The Respondent shall not be in full 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.
9. Approvals. 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 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 thirty (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.
10. Definitions. As used in this Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
11. 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 the submission to the Commissioner of any document required by this Order shall be 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.
12. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this 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 is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

13. Noncompliance. This 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 Order may subject Respondent to an injunction and penalties.
14. False statements. Any false statement in any information submitted pursuant to this Order is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
15. Notice of transfer; liability of Respondent. Until the Respondent have fully complied with this Order, Respondent shall notify the Commissioner in writing no later than fifteen (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. Respondent's obligations under this Order shall not be affected by the passage of title to any property to any other person or municipality.
16. Commissioner's powers. Except as provided hereinabove with respect to payment of civil penalties, 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 past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by the 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 pollution, the Commissioner may institute any proceeding to require Respondent to undertake further investigation or further action to prevent or abate violations or pollution.
17. Respondent's obligations under law. Nothing in this Order shall relieve Respondent of other obligations under applicable federal, state and local law.
18. 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 Respondent pursuant to this Order will result in compliance or prevent or abate pollution.

19. Access to site. Any representative of the Department of Energy and Environmental Protection may enter the facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Order.
20. 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.
21. Notice to Commissioner of changes. Within fifteen (15) days of the date Respondent become 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, Respondent shall submit the correct or omitted information to the Commissioner.
22. Notification of noncompliance. In the event that Respondent become 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 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.
23. Submission of documents. Any document required to be submitted to the Commissioner under this Order shall, unless otherwise specified in this order or in writing by the Commissioner, be directed to

Lakisha Stephenson
Department of Energy and Environmental Protection
Bureau of Air Management
Air Engineering & Enforcement Division
79 Elm Street, 5th Floor
Hartford, Connecticut 06106-5127
(860) 424-4152

Respondent consent 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.

COLONIAL COATINGS, INC.

Signature: Richard S. Castoria

Type Name: RICHARD S. CASTORIA

Type Title: V.P.

Date: 10-18-18

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

Robert E. Kaliszewski
Robert E. Kaliszewski
Deputy Commissioner
Department of Energy & Environmental Protection

11/5/18
Date