

STATE OF CONNECTICUT

vs.

SPARTECH, LLC

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ORDER NO. 2509

CONSENT ORDER

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

1. The Respondent manufactures cast acrylic sheets of various size and thickness, commonly used as "unbreakable glass" in a variety of applications, at 69 Southfield Avenue, Stamford, Connecticut ("facility").
2. At the facility, the Respondent operates a number of vertical and horizontal casting machines and other equipment with the potential to emit greater than ten (10) tons of methyl methacrylate ("MMA") per year. Whereas MMA is a hazardous air pollutant ("HAP") and the facility's potential emissions of MMA are 10 tons or more per year, the facility is considered a major stationary source of HAP pursuant to Section 22a-174-33 of the Regulations of Connecticut State Agencies ("Regulations"). Therefore, on April 10, 2013, the Commissioner issued Title V Permit No. 172-0133-TV for the operations of the facility.
3. At the facility, the Respondent operates a polysilicate resin mixing, storage and coating line which employs a Dupont catalytic oxidizer to control emissions of Volatile Organic Compound ("VOC"). On October 19, 2000, the Commissioner issued New Source Review ("NSR") Permit No. 172-0156 to the Respondent for the operation of the polysilicate resin mixing storage and coating line. Subsequently, NSR Permit 172-0156 was modified on July 16, 2007.
4. Additionally, the Respondent operates a Cummins Emergency Engine to provide emergency power to the facility. On January 15, 1997, the Commissioner issued NSR Permit 172-0079 for the engine. Subsequently, NSR permit 172-0079 was modified in November 2007.
5. Pursuant to Part V.C of NSR Permit 172-0079 and Section III.B.2.a.i.B. of Title V Operating Permit 172-0133-TV, an owner and operator of an emergency engine shall not operate the emergency engine for routine, scheduled testing or maintenance on days when the ambient ozone is forecasted by the Commissioner to be moderate to unhealthy.
6. On August 21-24, 2017, a representative of the Department inspected the facility. The Department's representative reviewed the facility's records and determined that the Respondent operated the emergency engine on June 20, 2016 and August 31, 2016, on which days the Department forecasted to be unhealthy. Whereas the Respondent operated the emergency engine on days that the Department forecasted to be

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unhealthy ozone days, the Respondent violated Part V.C. of NSR Permit 172-0079 and Section III.B.2.a.i.B. of Title V Operating Permit 172-0133-TV. Consequently, the Department issued Notice of Violation ("NOV") 17850 to the Respondent on September 15, 2017.

7. Responding to NOV 17850, the Respondent submitted a Compliance Statement to the Department indicating that they secured the building where the emergency engine is stored and notified the testing company of the Respondent's obligations to comply with Part V.C. of NSR Permit 172-0079 and Section 22a-174-22(b)(3) of the Regulations.
8. Pursuant to Part II.B.3. of NSR Permit 172-0156 and Section III.D.2.a.iv. of Title V Operating Permit 172-0133-TV, the catalyst's media operating temperature shall be the greater of 255 degrees Celsius or the average temperature at which the most recently performed stack test demonstrating a destruction efficiency equal to or greater than 90 percent.
9. On August 24, 2016, the Respondent performed an approved VOC destruction efficiency test per the requirements of NSR Permit 172-0156 and Title V Operating Permit. The results obtained from the August 24, 2016 test demonstrated that the required VOC destruction efficiency was achieved when the catalytic oxidizer was operated between 330 and 340 degrees Celsius. Therefore, the average catalyst's media operating temperature observed on August 24, 2016 was 335 degrees Celsius.
10. On August 24, 2017, while preparing to perform the required annual stack test, a representative of the Department observed the catalyst oxidizer operating at 320 degrees Celsius. Whereas the Respondent operated the catalytic oxidizer below 335 degrees Celsius, the Department determined that the Respondent violated Part II.B.3. of NSR Permit 172-0156 and Section III.D.2.a.iv. of Title V Operating Permit 172-0133-TV. Consequently, the Department issued NOV 17865 to the Respondent on October 31, 2017.
11. Responding to NOV 17865, the Respondent submitted a Compliance Statement to the Department indicating that they retested the catalytic oxidizer, on October 6, 2017, and demonstrated that the catalytic oxidizer passed the destruction test.
12. Pursuant to Part II.C.2. of NSR Permit 172-0156 and Section III.D.1.a.v. of Title V Operating Permit 172-0133-TV, the permittee shall equip the dipping and drying operation ("coating operation") and catalytic oxidizer with an interlocking mechanism and such mechanism shall prevent the operation of the coating operation at all times during which the operating temperature of the catalyst media is below the minimum operating temperature as established from Department's approved testing.
13. On August 24, 2017, the coating operation was in operation when the catalyst's bed temperature was 320 degrees Celsius, less than 335 degrees Celsius, due to improper programming of the interlocking mechanism, which in turn failed to prevent operation of the system when the operating temperature was below 335 degrees Celsius. Upon review of its records after identifying the issue with the interlocking mechanism, the Respondent submitted additional information in June 2018 indicating that there were 32 temperature deviations for the time period from January 2017 to August 2017 and the coating operation was in operation during such time. The average catalyst temperature during these deviations was 317 degrees Celsius.

14. Whereas the interlocking mechanism failed to stop the operation of the coating operation when the catalytic oxidizer's temperature was operating at a temperature less than 335 degrees Celsius, the Department determined that the Respondent violated Part II.C.2. of NSR Permit 172-0156 and Section III.D.1.a.v. of Title V Operating Permit 172-0133-TV.
 15. Responding to the above violation, the Respondent indicated that it reprogrammed the interlocking mechanism to cease the coating operation when the oxidizer's operating temperature is less than the temperature established from the most recent approved test.
 16. Pursuant to Section VI.E.2. of Title V Operating Permit 172-0133-TV and Section 22a-174-33(o)(1)(B) of the Regulations, a permittee required to perform monitoring pursuant to a Title V permit shall submit to the Department written monitoring reports containing each deviation of a permit requirement that has been monitored by the monitoring system.
 17. In August 2017, the Respondent submitted a Title V Semi-Annual Monitoring Report for the time period from 1/1/2017 to 6/30/2017. Respondent was unaware of the temperature deviations until a review of its records, and as a result the submitted Title V Semi-Annual Monitoring Report did not include the temperature deviations referenced in Paragraph A.13. of this Consent Order.
 18. Whereas the temperature deviations were not included in the Semi-Annual Monitoring report dated August 2017, the Department determined that the Respondent violated Section VI.E.2. of Title V Operating Permit 172-0133-TV and Section 22a-174-33(o)(1)(B) of the Regulations.
 19. By virtue of the above, the Respondent has violated Part V.C. of NSR Permit 172-0079; Parts II.B.3. and II.C.2. of NSR Permit 172-0156; Sections III.B.2.a.i.B, III.D.1.a.v., III.D.2.a.iv. and Section VI.E.2. of Title V Operating Permit 172-0133-TV; and Section 22a-174-33(o)(1)(B) of the Regulations.
 20. By agreeing to the issuance of this consent order, Respondent makes no admission of fact or law with respect to the matters addressed herein.
- 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. The Respondent shall comply with NSR Permits 172-0079 and 172-0156 and Title V Operating Permit 172-0133-TV.
 2. On or before thirty (30) days after the issuance of this Consent Order, the Respondent shall correct the Title V Semi-Annual Report for the time period from 1/1/2017 to 6/30/2017 and resubmit the corrected Title V Semi-Annual Report to the Commissioner for his review and approval.
 3. 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 \$22,900 as the total civil penalty to be sought by the Commissioner for those, and only those violations described in Paragraph A.6., A.10., A.14. and A.18. 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 Treasurer, State of Connecticut. "The check shall state on its face, "Bureau of Air Management civil penalty, Consent Order No. 2509."
5. 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.
6. 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.
7. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
8. 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.
9. 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."

10. 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.
11. 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.
12. 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.
13. 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.
14. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.
15. 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.
16. 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.
17. 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.
18. 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.

19. 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.
20. 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:

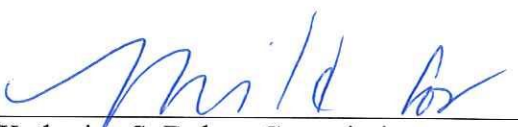
Mr. Seng Phouthakoun
Department of Energy and Environmental Protection
Bureau of Air Management
Engineering & Enforcement Division
79 Elm Street
Hartford, Connecticut 06106-5127
(860) 424-4152

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.

Spartech, LLC

Signature: 
Type Name: DANNY PURAN
Type Title: PLANT MANAGER
Date: 1/31/2019

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


Katherine S. Dykes, Commissioner
Department of Energy and Environmental Protection

3/6/19
Date

CITY OF STAMFORD
LAND RECORDS
MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED
Certified Document No. 9414 8149 0158 5922 0650 09