



**Connecticut**  
**Department of Energy &**  
**Environmental Protection**

portal.ct.gov/DEEP

STATE OF CONNECTICUT )

VS. )

STANLEY BLACK & DECKER, INC. )

Order No. 2597

### CONSENT ORDER

A. With the agreement of Stanley Black & Decker, Inc., (Respondent), the Commissioner of Energy and Environmental Protection (Commissioner) finds the following:

1. Respondent operates a manufacturing facility that produces utility knife blades and tape rules at 600 Myrtle Street in New Britain, Connecticut (facility).
2. The facility has potential Volatile Organic Compound (VOC) emissions in excess of fifty (50) tons per year, making the facility a "Title V source" as defined in Section 22a-174-33(a)(10)(F)(ii) of the Regulations of Connecticut State Agencies (RCSA). Potential emissions of all other criteria pollutants are below the major source thresholds.
3. The facility operates under Title V Permit 110-0083-TV most recently renewed by the Department of Energy and Environmental Protection (Department) on February 17, 2022.
4. The facility is currently equipped with four coating lines. Three of these Emission Units (EU), EU-70, EU-71, and EU-72, are permitted under New Source Review (NSR) Permit Nos. P-110-0012, P-110-0013, and P-110-0019, respectively, and are referred to as Grouped Emission Unit 5 (GEU-5).
5. Pursuant to Section 22a-6(a)(3) of the Connecticut General Statutes, the Commissioner may institute legal proceedings for the enforcement of any permit or order administered by them.
6. Sections III.H.4 and V.F of Permit No. 110-0083-TV state in part that "the Permittee shall not cause EU-70 through EU-72 to exceed the maximum allowable stack concentration (MASC) for any pollutant listed in RCSA Section 22a-174-29" and "the Permittee shall operate in compliance with the regulations of the control of HAPs [hazardous air pollutants] as set forth in RCSA Section 22a-174-29," respectively.
7. Correspondence submitted to the Department by the facility indicated an exceedance of MASC for formaldehyde and ethylene glycol monobutyl ether (EGME) from GEU-5.

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8. Whereas the Respondent exceeded the MASC for formaldehyde and EGME from GEU-5, the Department determined that the Respondent violated Sections III.H.4 and V.F of Permit No. 110-0083-TV. As a result, the Department issued Notice of Violation No. 18076 on April 29, 2020.
9. In response to the violation, the facility planned to reformulate the coatings associated with GEU-5. Ultimately, the facility was unable to demonstrate conclusively whether formaldehyde emissions associated with modified paint complied with MASC. Therefore, on April 29, 2021, the facility reported it had exhausted efforts to find a reformulated coating that would yield a suitable product and would instead install a Regenerative Thermal Oxidizer (RTO) to address MASC compliance.
10. Pursuant to Sections III.D.3.c.i.(B) and III.H.1.c.i.(E) of Permit No. 110-0083-TV, the facility is required to calculate, for each unit, the actual monthly and consecutive 12-month pollutant mass emissions each month.
11. The Respondent's Title V Semi-Annual Monitoring Report dated August 26, 2020, indicated that the facility failed to complete timely actual emissions calculations for GEU-3 from January to May 2020, and for GEU-5 from April to May 2020.
12. Whereas the Respondent failed to complete timely calculations on the Title V Semi-Annual Monitoring Report dated August 26, 2020, the Department determined that the Respondent violated Sections III.D.3.c.i.(B) and III.H.1.c.i.(E) of Permit No. 110-0083-TV. As a result, the Department issued Notice of Violation No. 18106 on September 9, 2020.
13. In response to the violation, the facility completed calculations and cited staffing changes as the reason for untimely calculations.
14. Pursuant to Section III.H.1.a.ii of Permit No. 110-0083-TV, and Part II of New Source Review Permit No. 110-0012, EU-70 shall not emit greater than 21.0 tons of VOCs over any twelve consecutive months.
15. The Title V Semi-Annual Monitoring Report and Title V Annual Compliance Certification submitted on February 25, 2022, and the Title V Prompt Deviation Reports submitted on December 14, 2021, February 3, 2022, March 8, 2022 and March 30, 2022, indicate that the Permittee failed to comply with the 21.0 ton emission limitation for eleven rolling emissions periods beginning with the period of May 1, 2020 through April 30, 2021, and ending with the period of March 1, 2021 through February 28, 2022.



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16. Pursuant to Section VI.E of Permit No. 110-0083-TV, Semi-Annual Monitoring Reports shall include the date and description of each deviation of a permit requirement. Section VI.I of Permit No. 110-0083-TV, states that the permittee shall notify the commissioner of any deviation of an emission limitation no later than ten days after such deviation commenced.
  17. The first half of the 2021 Title V Semi-Annual Monitoring Report submitted on August 27, 2021, did not report deviations for the emission periods ending in April, May, and June 2021.
  18. Whereas the Respondent exceeded the 21.0 ton emission limitation for eleven emission periods, and did not report deviations for the emission periods ending in April, May, and June 2021, the Department determined that the Respondent violated Sections III.H.1.a.ii, VI.E, VI.I of Permit No. 110-0083-TV; Part II of NSR Permit No. 110-0012; and RCSA 22a-174-3a(h). As a result, the Department issued Notice of Violation 18275 on August 12, 2022.
  19. In response to the violation, the facility stated that EU-70 experienced high usage due to breakdowns on other lines. The exceedance was not discovered until a third-party Environmental Health and Safety audit of the facility in November of 2021, and that is the reason for the facility's failure to submit a Prompt Deviation Report and include exceedances on the Semi-Annual Monitoring Report for periods ending in April, May, and June 2021. Once the emission exceedance was identified, it was remedied by reducing capacity, and the installation of the RTO is expected to assist with compliance in the future.
  20. By virtue of the above, the Respondent violated Sections III.H.4 and V.F of Permit No. 110-0083-TV; Sections III.D.3.c.i.(B) and III.H.1.c.i.(E) of Permit No. 110-0083-TV; Sections III.H.1.a.ii, VI.E, and VI.I of Permit No. 110-0083-TV; Part II of NSR Permit No. 110-0012; and RCSA Sections 22a-3a(h) and -29.
- 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 comply with Title V Permit 110-0083-TV and NSR Permit No. 110-0012.
  2. The Respondent shall conduct emissions testing to demonstrate compliance with MASC for formaldehyde and EGME from GEU-5. Emissions testing is to be conducted in accordance with paragraph B.3 of this Consent Order.
  3. Emissions Testing. Except otherwise provided in this Consent Order or by the Commissioner in writing, all emissions testing required under this Consent Order shall be conducted and reported as follows:

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Prior to conducting the emissions testing required in paragraph B.2., the Respondent shall submit to the Commissioner, for the Commissioner's review and written approval, an Intent to Test (ITT) protocol for such emissions testing. The ITT protocol shall be submitted in conjunction with the initial testing required by modified NSR permits 110-0012, 110-0013, and 110-0019. 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 (e.g., screen mesh size, control equipment efficiency) 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.

The Respondent shall provide to the Commissioner any information that the Commissioner deems necessary to review Respondent's ITT protocol. The Respondent shall schedule all emissions testing so as to allow the Commissioner to be present during such testing and to independently verify relevant facility operations, air pollution control equipment parameters, and testing procedures. Within forty-five (45) days after completing any emissions testing required by this Consent Order, the Respondent shall submit to the Commissioner a written report providing the results of such testing; within fifteen (15) days of a notice from the Commissioner indicating any deficiencies in such report, the Respondent shall submit a revised report.

4. Civil penalty. The Respondent shall pay a penalty of \$19,000 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in Paragraphs A.1 through A.20 of this Consent Order. This penalty is payable as follows: On or before thirty (30) days after issuance of this Consent Order, the Respondent shall pay \$9,500 in accordance with paragraph B.5 of this Consent Order, and the Respondent shall pay \$9,500 as a Supplemental Environmental Project in accordance with paragraph B.6 of this Order.
5. Payment of penalties. On or before thirty (30) days after the issuance of this Order, the Respondent shall pay \$9,500 by mail or personally delivered to the Bureau of Financial and Support Services--Accounts Receivable Office, Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127, and shall be by certified or bank check payable to the Connecticut Department of Energy and



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Environmental Protection. The check shall state on its face, "Bureau of Air Management Civil Penalty, Air Enforcement Division, Consent Order #2597."

6. Statewide Supplemental Environmental Project (SEP) account payment.
  - i. On or before thirty (30) days after issuance of this Consent Order, the Respondent shall pay \$9,500 by mail or personally delivered to the Bureau of Financial and Support Services--Accounts Receivable Office, Department of Energy and Environmental Protection, 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, "Statewide SEP Account" and "Consent Order #2597".
  - ii. 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.
  - iii. If the Respondent disseminates any publicity, including but not limited to any press releases regarding funding a 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. The 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. 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 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.

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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 the Respondent or, if the Respondent is not an individual, by the 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 the Respondent or the 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 Section §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 the 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 the 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. The 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.



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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 Respondents 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 the Respondents 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 the 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 the Respondent pursuant to this Consent Order will result in compliance.
18. 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 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 the 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, the Respondent shall submit the correct or omitted information to the Commissioner.
21. 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 Consent Order or of any document required hereunder, the 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 the 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

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approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.

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

Crystal Taylor  
Department of Energy and Environmental Protection  
Bureau of Air Management  
Air Enforcement Division  
79 Elm Street  
Hartford, Connecticut 06106-5127  
(860) 424-3465



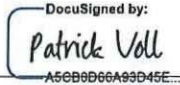
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Respondent consents to the issuance of this Consent Order without further notice. The undersigned certifies that he/she is fully authorized to enter into this Consent Order and to legally bind Respondent to the terms and conditions of the Consent Order.

**Stanley Black & Decker, Inc.**

Signature:  \_\_\_\_\_  
Type Name: Patrick Voll \_\_\_\_\_  
Type Title: Plant Manager \_\_\_\_\_  
Date: 4/19/2023 \_\_\_\_\_

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

 \_\_\_\_\_  
Tracy R. Babbidge, Acting Deputy Commissioner  
Department of Energy and Environmental Protection

4/30/2023  
Date \_\_\_\_\_

MAILED CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED  
Certified Document No. 9489 0149 0277 7104 0578 11

