



STATE OF CONNECTICUT	)	ORDER NO. 2599
	)	
vs.	)	
	)	
TOTALENERGIES PETROCHEMICALS	)	
& REFINING USA, INC.	)	

**CONSENT ORDER**

A. With the agreement of the TotalEnergies Petrochemicals & Refining USA, Inc. f/k/a Total Petrochemicals & Refining USA, Inc. ("Respondent"), the Commissioner of Energy & Environmental Protection ("Commissioner") finds the following:

1. The Respondent engages in the business of manufacturing metallic acrylates at 105 Ontario Street, Stratford, Connecticut ("facility").
2. The Respondent maintains and operates at the facility two batch reactor/dryer lines and additional processing equipment referred to as "miscellaneous process equipment."
3. At the facility, metallic oxide is reacted with an acid in a solution of heptane to form metallic acrylate in the reactors/dryers identified in paragraph A.2. of this Consent order.
4. Heptane is a volatile organic compound ("VOC") as defined in Section 22a-174-1 of the Regulations of Connecticut State Agencies ("Regulations"). Heptane is also a hazardous air pollutant ("HAP") identified in Table 3 of Section 22a-174-29 of the Regulations.
5. The facility has potential VOC emissions greater than 25 tons per year and is located in an ozone nonattainment area designated as "severe."
6. Pursuant to Section 22a-174-33 of the Regulations, the Respondent obtained Title V operating permit no. 178-0088-TV ("Title V permit"), which was renewed on November 25, 2022.
7. On June 2, 2022, staff of the Department of Energy & Environmental Protection ("Department") performed a compliance inspection of the facility and identified several violations of the Title V permit and Section 22a-174-29 of the Regulations. Consequently, the Department issued Notice of Violation No. 18308 on September 2, 2022. The details of the alleged violations are discussed below:

Issued date: 3/20/2023



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- a. Pursuant to Section III.A.2.c.i of the Title V permit, the Respondent shall make and keep accurate records to reliably calculate VOC emissions from the reactor/dryer lines. Based on the June 2, 2022 inspection, the Respondent failed to record actual operating hours of the process lines, and therefore the Department could not reliably calculate the facility's VOC emissions. The Respondent therefore violated Section III.A.2.c.i of the Title V permit.
  - b. Pursuant to Section III.A.2.a. of the Title V permit, the Respondent shall not emit from each of the reactor/dryer lines VOC at a rate greater than 4.7 pounds per hour in an eight-hour period. Based on the records reviewed in connection with the June 2, 2022 inspection, the hourly VOC emission rate from such lines exceeded 4.7 pounds per hour in 20 of 24 months in 2020 and 2021. The Respondent therefore violated Section III.A.2.a of the Title V permit.
  - c. Pursuant to Section 22a-174-29 of the Regulations, the Respondent shall not allow the actual stack concentration ("ASC") of heptane exiting the stack to be greater than the maximum allowable stack concentration ("MASC"). Based on the records reviewed in connection with the June 2, 2022 inspection, the heptane ASC from each reactor/dryer line exceeded the applicable MASC. The Respondent therefore violated Section 22a-174-29 of the Regulations.
8. The Department reviewed the annual emissions statement submitted by the Respondent for calendar year 2021 and determined that VOC emissions were underreported. According to the June 2, 2022 inspection, the Respondent used the wrong conversion factor to convert from pounds of VOC to tons. In June 2022, the Respondent reported 20 tons of VOC emitted in calendar year 2021, whereas the Respondent should have reported 31.35 tons of VOC emitted in calendar year 2021.
  9. Pursuant to Section 22a-174-26(d)(2) of the Regulations, the owner or operator of a Title V source subject to the provisions of Section 22a-174-33 of the Regulations shall pay emissions fees on or before July 1 of each year for emissions that occurred during the previous calendar year.
  10. In June 2022, the Respondent paid emissions fees calculated in accordance with Section 22a-174-26(d)(2) of the Regulations for calendar year 2021.
  11. Whereas the Respondent submitted an inaccurate annual emissions statement for calendar year 2021 as described in paragraph A.8 of this Consent Order, the Respondent underpaid emissions fees in June 2022. Consequently, the Respondent owes additional emissions fees for the additional VOC emissions described in paragraph A.8 of this Consent Order.
  12. By virtue of the above, the Respondent violated the Title V permit.

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13. In response to NOV No. 18308, the Respondent submitted a signed Compliance Statement dated September 30, 2022, indicating that the Respondent was in the process of identifying and contracting with one or more environmental consultants (a) to conduct an engineering study of the operation and its VOC emissions to correct the violations referenced in paragraph A.7 of this Consent Order, and (b) to perform an emission stack test. The engineering study scope is defined as stack testing and an evaluation of potential emissions sources.
  14. By agreeing to the issuance of this Consent Order, Respondent makes no admission of fact or law with respect to the matters addressed herein other than the facts asserted in paragraphs A.1, A.2 and A.3.
- B. With the agreement of the Respondent, the Commissioner, acting under Sections 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 the requirements of the Title V permit and Section 22a-174-29 of the Regulations.
  2. Within sixty (60) days after completion of the engineering study referenced in paragraph A.13 of this Consent Order, the Respondent shall submit for the Commissioner's review a copy of a report of the engineering study. The report will contain a summary of the results of the stack test identified in paragraph B.4. and a discussion of the evaluation of emission estimates for relevant emission sources at the site. Any proprietary information will be marked and handled as confidential business information. It is understood that the final completion of the engineering study report is contingent upon completion and evaluation of the emission testing identified in paragraph B.4.
  3. Within sixty (60) days after issuance of this Consent Order, the Respondent shall submit for the Commissioner's review and written approval a compliance plan and time schedule to correct the violations referenced in paragraph A.7 of this Consent Order. The compliance plan and time schedule shall be developed with the best information available within 60 days after issuance of the Consent Order. If revisions to the compliance plan and/or time schedule are appropriate, the Respondent shall provide updates to the Commissioner at least 30 days prior to the original scheduled date.
  4. Emissions testing. No later than one hundred and eighty (180) days after issuance of this Consent Order, the Respondent shall perform an air emissions test of the two reactor/dryer lines operated at the facility and submit approvable results representative of the actual emissions of air pollutant(s) listed in the Title V Permit, including VOC and heptane.

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Respondent shall submit to the Commissioner for review and written approval an intent-to-test (“ITT”) protocol prior to conducting such emissions testing. The ITT protocol shall include at least:

- a. The Department’s Bureau of Air Management Test Form No. 1, “Intent to Test”;
  - b. A detailed description of all aspects of facility operations (e.g., type and quantity of raw materials utilized) and of any air pollution control equipment in use which may affect emissions testing results, and how and when such information will be monitored;
  - c. 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
  - d. A description of each discharge point at which emissions testing is to be conducted.
5. Title V Emission Fees: Within thirty (30) days after issuance of this Consent Order, the Respondent shall pay a total of \$6,220, in additional emission fees, for emissions that occurred in calendar year 2021.
  6. Payment of Title V Emission Fees: Payment of Title V emission fees 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, Title V Emission Fees, Consent Order No. 2599 “TotalEnergies Petrochemical & Refining USA, Inc.”
  7. Civil Penalty. The Respondent shall pay a penalty of eleven thousand and five hundred dollars(\$11,500) as the total civil penalty to be sought by the Commissioner for the violation identified in paragraph A.7.a. 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 \$5,750 in accordance with paragraph B.8 of this Consent Order, and the Respondent shall pay \$5,750 as a Supplemental Environmental Project in accordance with paragraph B.9 of this Order.
  8. Payment of penalties. On or before thirty (30) days after the issuance of this Order, the Respondent shall pay \$5,750 by mail 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

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Protection.” The check shall state on its face, "Bureau of Air Management Civil Penalty, Consent Order No. 2599.”

9. Statewide Supplemental Environmental Project (SEP) Account Payment.

- a. On or before thirty (30) days after issuance of this Consent Order, the Respondent shall pay \$5,750 by mail 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. The payment 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 2599.”
- b. 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.
- c. 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.

10. 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.

11. 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.

12. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.

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13. 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
14. 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."
15. 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.
16. 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.
17. 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

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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.

18. 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.
19. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.
20. 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.
21. Access to site. Any representative of the Department of Energy & 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.
22. 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.
23. 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.
24. 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

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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.

25. 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  
Enforcement Division  
79 Elm Street  
Hartford, Connecticut 06106-5127  
860 424-4152



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

TotalEnergies Petrochemicals & Refining USA, Inc.

DocuSigned by:  
 Signature: Kevin Massey  
A6BD056C288843D...  
 Type Name: Kevin Massey  
 Type Title: DYMALINK Plant Manager  
 Date: 3/20/2023

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

DocuSigned by:  
Tracy Babbidge  
6B3C84F91E1E411...  
 Tracy R. Babbidge, Acting Deputy Commissioner  
 Department of Energy and Environmental Protection

3/20/2023  
 Date

TOWN OF STRATFORD  
LAND RECORDS  
MAILED CERTIFIED MAIL  
RETURN RECEIPT REQUESTED