



STATE OF CONNECTICUT

AND

ALLNEX USA INC.

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Order No. 8376

CONSENT ORDER

Whereas, the Commissioner of the Department of Energy and Environmental Protection (Commissioner) and the Allnex USA Inc. (Allnex) agree that it is in the public interest that they work cooperatively to improve the air quality within the State of Connecticut:

A. At the request and with the agreement of Allnex, the Commissioner finds the following:

1. Allnex owns and operates a specialty chemical manufacturing facility at 528 South Cherry Street in Wallingford, CT (premises).
2. Allnex has potential emissions above the major stationary source threshold for Volatile Organic Compounds (VOCs), Hazardous Air Pollutants (HAPs) and, without this order, Nitrogen Oxide (NOx).
3. Allnex operates the premises under Title V Permit #189-0136-TV.
4. In a letter dated June 8, 2018, Allnex requested that the Commissioner limit potential emissions of NOx at the premises to below the major source threshold of 50 tons/year.
5. Allnex has reported actual NOx emissions below 40 tons/year for calendar years 2013 through 2017.

B. With the agreement of Allnex, the Commissioner, acting under Sections 22a-6, 22a-171, 22a-174, 22a-176, and 22a-177 of the Connecticut General Statutes, orders Allnex as follows:

1. Premises-Wide Cap for NOx Emissions: Allnex shall not cause or allow NOx emissions from all fuel-burning emissions units at the premises, excluding mobile sources as defined in §22a-174-1 of the Regulations of Connecticut State Agencies (RCSA) and insignificant sources listed in RCSA §22a-174-33(g)(3), to exceed 40 tons over any consecutive 12 month period.
2. Monitoring Requirements: Allnex shall monitor each fuel-burning emissions unit at the premises, excluding mobile sources as defined in RCSA §22a-174-1 and insignificant sources listed in RCSA §22a-174-33(g)(3), under one of the following options:

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- i. Fuel Meter:
 - a) Using an individual non-resettable fuel meter; or
 - b) With the written approval of the Commissioner, using a non-resettable fuel meter that measures fuel supplied to a group of emissions units.
 - ii. Hourly Meter:
 - a) Using an individual non-resettable hourly meter; or
 - b) With the written approval of the Commissioner, using a non-resettable hourly meter for a group of emissions units.
 - iii. For non-road engines with a maximum engine power of 25 horsepower or less and rental units, Allnex may, in the absence of fuel or hourly meters, use purchase records or invoices to monitor fuel usage for such units.
3. Record Keeping Requirements: Allnex shall make and keep a current record of all stationary fuel burning equipment, excluding insignificant sources listed in RCSA §22a-174-33(g)(3). The record shall include both permanent emission units and temporary emissions units as defined in RCSA §22a-174-22e at the premises. Records shall include, at a minimum, the following information for each fuel burning emissions unit:
- i. A description of the emissions unit including: make, model, location, and emission unit (EU) number or other identification number;
 - ii. The maximum rated capacity;
 - iii. Identification of the fuel(s) used;
 - iv. Monitoring method in accordance with Paragraph B.2 of this order as well as the basis (e.g. New Source Review, Federal/State Regulation or order number), where applicable;
 - v. Emission factor for NO_x and source of such factor; and
 - vi. The construction or placement date of temporary units and removal date, as applicable.
4. For each emissions unit or group of emissions units identified in Paragraph B.3 of this order as using a fuel meter to monitor fuel consumption, Allnex shall make and keep records of monthly and consecutive 12 month fuel consumption for each fuel combusted. The consecutive 12 month fuel consumption shall be determined by adding the current month's fuel consumption to that of the previous 11 months. Allnex shall make these calculations within 30 days of the end of the previous month.
5. For each emissions unit, or group of emissions units identified in Paragraph B.3 of this order as using an hourly meter to monitor hours of operation, Allnex shall make and keep records of monthly and consecutive 12 month hours of operation. The consecutive 12 month hours of operation shall be determined by adding the current month's hours of operation to that of the previous 11 months. Allnex shall make these calculations within 30 days of the end of the previous month.

6. For each emissions unit, or group of emission units identified in Paragraph B.3 of this order using purchase records or invoices, Allnex shall make and keep records of monthly and consecutive 12 month fuel consumption. The Permittee shall make and keep records of monthly and consecutive 12 month fuel consumption for each fuel combusted. The consecutive 12 month fuel consumption shall be determined by adding the current month's fuel consumption to that of the previous 11 months. Allnex shall make these calculations within 30 days of the end of the previous month.
7. Emissions Rate Determination: NOx emissions rates shall be determined in accordance with the methods specified in RCSA §22a-174-22f(g)(2)(C).
8. Emissions Calculations: Allnex shall calculate and record the monthly and consecutive 12 month NOx emissions for the premises. The consecutive 12 month NOx emissions shall be determined by adding the current month's NOx emissions to that of the previous 11 months for the premises. Allnex shall make these calculations within 30 days of the end of the previous month.
9. Allnex shall maintain records of all purchase orders, invoices, emissions calculations methodology or other documents necessary to verify the records required by this order.
10. Record Retention: Allnex shall retain records and supporting documentation for a minimum of five (5) years commencing on the date such records were created. Allnex shall provide the records to the Commissioner within 30 days of receipt of a written request from the Commissioner.
11. Approvals. Allnex shall use best efforts to submit to the Commissioner all documents required by this Consent Order in a complete and approvable form. If the Commissioner notifies Allnex that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Allnex 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.
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 Allnex's principal executive officer or statutorily authorized official, by Allnex's chief executive officer or a duly authorized representative of such officer, as those terms are defined in §22a-174-2a of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, 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 Section §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 non-appealable and immediately enforceable. Failure to comply with this Consent Order may subject Allnex 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 Allnex. Allnex 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. Allnex'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. 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 Allnex 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 Allnex to undertake further investigation or further action to prevent or abate violations or pollution.
19. Allnex's obligations under law. Nothing in this Consent Order shall relieve Allnex 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 Allnex pursuant to this Consent Order will result in compliance.
21. 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.
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 Allnex 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, Allnex shall submit the correct or omitted information to the Commissioner.
24. Notification of noncompliance. In the event that Allnex 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, Allnex shall immediately notify the Bureau of Air Management 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, Allnex 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 Allnex shall comply with any dates which may be approved in writing by the Commissioner. Notification by Allnex shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay.
25. 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:

Supervisor, Compliance Analysis and Coordination Unit
Engineering and Enforcement Division
Bureau of Air Management
Department of Environmental Protection
79 Elm Street, 5th Floor
Hartford, Connecticut 06106-5127

Allnex 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 Allnex to the terms and conditions of the Consent Order.

Allnex USA Inc.

Signature: Frank DiCristina

Type Name: Frank DiCristina

Type Title: Site Manager

Date: November 4, 2019

Issued as an order of the Commissioner of Energy and Environmental Protection.

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

11/19/19
Date

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