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Affirmative Action/Equal Opportunity Employer

STATE OF CONNECTICUT

vs.

THE NUWAY TOBACCO COMPANY

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ORDER NO. 8380

CONSENT ORDER

A. With the agreement of the Nuway Tobacco Company ("Respondent"), the Commissioner of Energy & Environmental Protection ("Commissioner") finds the following:

1. The Respondent engages in the business of producing cigar wrappers at 200 Sullivan Avenue, South Windsor, Connecticut ("facility").
2. At the facility, the Respondent maintains and operates four process lines (Line Nos. 1-4), a registered Erie City FT boiler (Registration #169-0027), a temporary portable boiler and filter baghouses. The Respondent used to operate a registered boiler C.E. boiler (Registration #169-0028).
3. At the facility, the Respondent produces two types of cigar wrappers. They make cigar inner wrappers, which can be produced on any of the lines referenced in paragraph A.2 of this Consent Order; and cigar outer wrapper, which are produced only on Line No. 2 ("Roller Coater").
4. The cigar outer wrapper process requires the spray application of a VOC material that contains isopropanol ("IPA") in a water solution. IPA is an organic solvent and a volatile organic compound ("VOC") as defined by the Regulations of Connecticut State Agencies ("Regulations").
5. The Respondent is subject to Section 22a-174-20(f) of the Regulations because of the VOC emissions emitted at the facility.
6. In July 2019, the Respondent permanently removed C.E. boiler from service because it was deemed inoperable. The C.E. boiler served as a source that supplied process heat and controlled VOC emissions at the facility. In absence of the C.E. boiler, the Respondent modified the F.T boiler to perform the duties of the removed C.E. Boiler.
7. On January 24, 2020, the Respondent conducted a VOC destruction efficiency test on the FT boiler to demonstrate compliance with Section 22a-174-20(f)(6) of the Regulations. The test results demonstrated that the FT boiler passed the destruction efficiency test and concluded that the Respondent was in compliance with Section 22a-174-20(f) of the Regulations.
8. In March 2020, the Respondent informed the Department of Energy and Environmental Protection ("Department") that they intend to install a new boiler system at the facility because the FT boiler is under

capacity. The FT boiler has difficulty supporting both the process and building. The Respondent installed a temporary portable boiler to supply heat to the building since removing the C.E. boiler.

9. Pursuant to Section 22a-174-20(f)(6) of the Regulations, the Respondent shall comply with the VOC emission limit set forth in this section by incineration, adsorption or an equivalent system that is approved by the Commissioner by a permit or order.
10. Whereas the Respondent has modified the operation and elected to install a boiler system in lieu of an incinerator or an adsorption system, the Department required that the Respondent submit a plan to install a VOC control system demonstrated to have control efficiency equivalent to or greater than the incinerator or adsorption system and request a consent order in accordance with Section 22a-174-20(f)(6) of the Regulations.
11. In April 2020, the Respondent submitted a Plan per the Department's request. According to the submitted Plan, the Respondent proposes to install two identical Burnham Package boilers; use the FT boiler as backup once the Burnham boilers are installed; burn only natural gas in the FT and Burnham boilers; capture VOC emissions in an exhaust hood and enclosure system; employ an interlocking system to ensure that the boilers operate at all times when the Roller Coater is in operation; and achieve an overall VOC reduction of 90% or more at the facility.

B. 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 all of the requirements of Section 22a-174-20(f) of the Regulations.
2. Upon the issuance of this Consent Order, the Respondent shall implement the VOC capture devices and thermal destruction system in accordance with the Plan referenced in paragraph A.11 of this Consent Order.
3. Operating Conditions. The Respondent shall operate the 40.22 mmBTU/hr Burnham Package boilers, model 4SP-1000-G, under the following operating conditions:
 - a. The boilers shall only burn natural gas.
 - b. The boilers shall operate at a minimum operating temperature of 337.8 F or the temperature established during time of the most recent stack emissions test if such tested temperature is greater than 337.8 F.
 - c. The boilers shall be in operation at all times when the Roller Coater referenced in paragraph A.3 of this Consent Order is in operation.
 - d. The boilers shall achieve an overall VOC reduction of 90% or more at all times.
4. Record Keeping. The Respondent shall make and or keep records of the following:
 - a. The operating temperature of the boilers by using a continuous temperature monitoring device.

- b. All manufacturer's literature, operating manuals, and warranty information pertaining to the boilers referenced in paragraph A.11 of this Consent Order.
 - c. Material Safety Data Sheets for all organic solvents that result in the emission of Volatile Organic Compounds.
 - d. A log of maintenance and repair events performed on the boilers, which shall include: a description of the event, the date the event occurred, and a list of parts repaired and or replaced during the event.
 - e. The daily quantity of each VOC containing material used in the Roller Coater.
5. Emissions testing. The Respondent shall perform stack emissions testing to evaluate the performance of the Burnham Package boilers referenced in paragraph B.3 of this Consent Order in accordance with Section 22a-174-5 of the Regulations and the following:
- a. Within 30 days from the date of installation of the boilers, the Respondent shall submit an Intent-to-Test (ITT) package consisting of an ITT form and a test protocol describing the performance testing to evaluate the performance of the boilers to ensure compliance with Sections 22a-174-20(f)(2) and 22a-174-20(f)(6) of the Regulations and paragraph B.3.d of this Consent Order. The protocol shall include at least 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 which may affect emissions results, and how and when such information will be monitored; 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 a description of each discharge point at which emissions testing is to be conducted.
 - b. Stack emission testing shall be performed in accordance with Section 22a-174-5 of the Regulations, 40 CFR Section 60.675 and the Emission Test Guidelines available on the DEEP website.
 - c. The Respondent shall respond to any inquiry or notice of deficiency from the Commissioner regarding the ITT package within thirty (30) days of the Respondent's receipt of said notice.
 - d. Not more than ninety (90) days after receiving the approval of the Commissioner regarding the ITT package, the Respondent shall complete emissions testing in accordance with the approved ITT package. The Respondent shall contact the Bureau of Air Management's Source Emissions Monitoring Group to schedule a date and time that would allow the Commissioner or her designee to audit the emissions tests.
 - e. Not more than sixty (60) days after the completion of the emissions tests, the Respondent shall submit a written report providing the results of the emissions tests.
 - f. The Respondent shall respond to any inquiry or notice of deficiency from the Commissioner regarding the report within fifteen (15) days of the Respondent's receipt of said notice.
 - g. The Respondent shall repeat emissions testing every 5 years from the date of the last approved emissions test. At least 90 days prior to the anticipated due date of the test, the Respondent shall

submit an ITT package that conforms to the requirements of paragraph B.5.a of this Consent Order.

6. Replacement of the VOC capture device(s) and thermal destruction system: The Respondent shall notify the Department in writing of plans to replace the VOC capture devices and thermal destruction system not less than 180 days prior to the date planned for the replacement, unless such replacement is due to a catastrophic failure or the control system is destroyed by some act other than negligent operation. The replacement shall not occur unless the Respondent demonstrates, to the Commissioner's satisfaction, that the design of the replacement system should result in emissions reductions that are at least equivalent to the system being replaced.
7. Emission Control and/or Monitoring System Malfunctions: In the event of a malfunction of the VOC capture devices and thermal destruction system or any associated parametric monitoring systems, the Respondent shall comply with the provisions of Section 22a-174-7 of the Regulations.
8. 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.
9. 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.
10. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
11. 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.
12. 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."

13. 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.
14. 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.
15. 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.
16. 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.
17. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.
18. 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.
19. 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.

20. 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.
21. 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.
22. 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.
23. 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.

The Nuway Tobacco Company

Signature: 
Type Name: Andrew Douglas
Type Title: Chemical Engineer
Date: 7/14/20

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

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

July 20, 2020
Date

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