



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT)

VS.)

RISDON CORPORATION)

ORDER NO. 8036

CONSENT ORDER

A. With the agreement of Risdon Corporation ("Respondent"), the Commissioner of Environmental Protection ("Commissioner") finds the following:

1. Respondent is a corporation which operates a coating facility on Old Newton^{town} Road in Danbury, Connecticut ("facility").
2. At the facility, Respondent operates eleven (11) chain-on-edge spray painting lines and one (1) dip-lacquer machine for the purposes of coating miscellaneous metal parts ("metal coating lines"). The chain-on-edge lines have been designated as lines 1, 2, 3, 4, 5, 8, 9, 11, 12, 13, and 14, and these lines utilize high efficiency Ransburg electrostatic disk spraying equipment. The dip tank has been designated as line D-1. Coatings used on the metal coating lines designated in this paragraph to coat miscellaneous metal parts ("metal coatings") are subject to the volatile organic compound ("VOC") emission limits of Section 22a-174-20(s)(3) of the Regulations of Connecticut State Agencies ("Regulations").
3. At the facility, Respondent operates the metal coating lines using, over a twelve consecutive month rolling period, more than 55 gallons of metal coatings which exceed the VOC emission limitations of Section 22a-174-20(s)(3) of the Regulations.
4. By virtue of the above, Respondent has violated Section 22a-174-20(s)(3) of the Regulations.
5. Pursuant to Section 22a-174-20(cc)(1) of the Regulations, Respondent may propose an alternative emission reduction plan to achieve a net emission reduction from the metal coating lines equivalent to the reduction which would be achieved by having the metal coating lines comply with Section 22a-174-20(s)(3) of the Regulations.
6. Respondent submitted to the Commissioner an Alternative Emission Reduction Plan Demonstration dated May 31, 1991 ("AER Plan"). Revisions to the AER Plan were submitted June 3, 1992 and January 27, 1993. The AER Plan describes how Respondent will use two sources of credits, Eyelet credits and Low VOC content coating credits, in order to bubble the excess emissions generated by the usage of non-compliant coatings at the facility. Respondent has been operating in compliance with the AER Plan since on or about November 1, 1992.

Respondent's initials: RLS

Date: 5/6/96

7. **REQUIREMENTS FOR EMISSION CREDITS.** The Environmental Protection Agency's (EPA's) Emission Trading Policy and its Economic Incentive Program Rules ("EIP", FR Vol. 59, No. 67, April 7, 1994) state that certain criteria, including but not limited to the following criteria, must be met in order to create emission reduction credits ("ERCs"):
- a. **ALL REDUCTIONS MUST BE SURPLUS.** Only emission reductions not required by current regulations in the State Implementation Plan (SIP), not relied on for SIP planning purposes, and not used by Respondent to meet any other regulatory requirement can be considered surplus and substituted for required reductions as part of this Consent Order.
 - b. **ALTERNATIVE EMISSION LIMITS MUST BE ENFORCEABLE.** Each alternative emission reduction plan must be approved by the Commissioner and must be federally enforceable. Emission limits established in an alternative emission reduction plan must be incorporated in a compliance instrument which is legally binding and practically enforceable by the EPA.
 - c. **ALL REDUCTIONS MUST BE PERMANENT.** All emission increases included in an alternative emission reduction plan must be offset by emission reductions that are permanent and assured for the life of the corresponding increase.
 - d. **ALL REDUCTIONS MUST BE QUANTIFIABLE.** Before an emission reduction can be credited, it must be quantified by using a reliable basis to calculate the amount and rate of reduction and to describe its characteristics.
8. The CT DEP has been delegated the authority from the EPA to enforce reporting requirements pursuant to 42 U.S.C. Section 7414 (a)(1) to ensure compliance with the Regulations.
- B. With the agreement of Respondent, the Commissioner, acting under Sections 22a-6, 22a-171, 22a-174, 22a-177 and 22a-178 of the Connecticut General Statutes, orders Respondent as follows:
1. Within twenty-four (24) hours of issuance of this Consent Order, Respondent shall achieve a net emission reduction from the metal coating lines which is equivalent to the reduction which would be achieved by having the metal coating lines comply with Section 22a-174-20(s)(3) of the Regulations. Respondent shall achieve the net emission reduction by complying with the following steps and operating conditions of this Consent Order:
 - a. Respondent shall not cause or permit actual emissions from the metal coating lines to exceed total allowable emissions from the metal coating lines.

$$\text{ACTUAL EMISSIONS} = (\text{gallons coating used}^1) \times (\text{actual VOC content of coating}^2)$$

$$\text{ALLOWABLE EMISSIONS} = (\text{gallons coating used}^1) \times (\text{RACT emission limit}^2) \times (.90^3)$$

(¹ determined on a gallons of solids applied basis)
 (² determined on a lbs VOC per gallons solids applied basis)
 (³ 10% reduction is the presumptive reduction level assumed in the EIP)

Compliance with Paragraph B(1)(a) of this Consent Order shall be determined on a weekly basis. Total actual emissions for a week period shall not exceed total allowable emissions for the same week period. (Week is defined in Paragraph B(2) of this Consent Order.)

Respondent's initials: _____

Date: _____



- b. **EYELET CREDITS.** Upon issuance of this Consent Order, the Eyelet credits shall cease to exist and shall no longer be available for use in the calculation of allowable emissions and shall no longer be used to achieve compliance with the Regulations or this Consent Order.
- c. **CONSENT ORDER COATINGS.** All metal coatings which exceed the VOC emission limitations of Section 22a-174-20(s)(3) of the Regulations shall be included in this Consent Order except those metal coatings classified as Exempt Coatings (see below). In addition, Respondent may include compliant metal coatings which are used for the purpose of generating credits to bubble excess emissions from the non-compliant coatings. To generate credits, the VOC content of the compliant coating shall be not less than **10 percent** below the applicable RACT limit. Coatings which are compliant, but do not generate credits or are not needed to generate credits, shall not be included in this Consent Order.
- d. **EXEMPT COATINGS.** Pursuant to Section 22a-174-20(s)(10) of the Regulations, Respondent may use up to fifty-five gallons (as applied) of any combination of coatings which exceed the VOC emission limitations of Section 22a-174-20(s)(3) of the Regulations during any twelve (12) consecutive month period ("Exempt coatings"). Emissions from the Exempt coatings shall not be included in the calculation of either the actual or allowable emissions totals or the emissions baseline. Usage of Exempt coatings shall be recorded in accordance with this Consent Order as well as Section 22a-174-20(aa) of the Regulations.
- e. **ADDITION OF NEW COATINGS TO THE CONSENT ORDER.** Upon issuance of this Consent Order, Respondent may continue to include new coatings in this Consent Order. Respondent may add either low VOC, credit-generating coatings or non-compliant, high VOC coatings to this Consent Order under the following conditions:
1. When Respondent intends to add a new coating to this Consent Order, Respondent shall notify the Commissioner and the EPA in writing of that intention and include a VOC data sheet for the new coating.
 2. Respondent may add new non-compliant, high VOC coatings to this Consent Order so long as the VOC content of the new coating is less than or equal to the maximum VOC content of the non-compliant coatings used at the facility as of January 27, 1993 (the date of submittal of the last AER Plan revision).
 3. All new coatings added to this Consent Order must be compliant with the Maximum Allowable Stack Concentration (MASC) limits for Table I, II and III hazardous air pollutants listed in Section 22a-174-29 of the Regulations.
- f. **HEALTH CONCERNS.** In the event that Respondent, as a result of using metal coatings which exceed the VOC emission limitations of Section 22a-174-20(s)(3) of the Regulations, emits any Table I, II or III hazardous air pollutant in excess of the MASC limit for any such pollutant, Respondent shall conduct, at its own expense and upon the Commissioner's request, a risk management analysis satisfactory to the Commissioner. Such agreement to perform a risk management analysis does not in any way limit the authority of the Commissioner to require any risk assessment or risk management analysis pursuant to applicable law.

Respondent's initials: RKH

Date: 5/6/96

- g. **EMISSIONS BASELINE.** Respondent shall not cause or permit emissions from metal coatings in this Consent Order (excluding Exempt coatings) to exceed a baseline emission limit of **10,087.66** lbs VOC per consecutive twelve (12) calendar month period. (This baseline was calculated by taking an average of annual VOC emissions at the facility in 1990 and 1991). Emissions from Exempt coatings shall not be counted toward this baseline emission limit. The calculation of monthly emissions shall be done via completion of the attached Monthly Summary Sheet. This baseline limit shall be enforced over each 12 consecutive month rolling period.
- h. **RECORDKEEPING.** On the attached Daily Summary Sheet, Respondent shall record the following parameters on a daily basis for all Consent Order coatings:
1. actual coating usage;
 2. actual coating solids usage;
 3. calculated actual VOC emissions;
 4. calculated allowable VOC emissions;
 5. calculated daily net VOC emissions (allowable - actual);
 6. actual Exempt coating usage (gallons as applied).

On the attached Weekly Summary Sheet, Respondent shall record the following parameters on a monthly basis for all Consent Order coatings for each whole or partial week in the current reporting month:

1. summary of the actual and allowable emissions of VOCs from the Consent Order coatings for each day of operation during each week period;
2. calculated weekly totals of actual, allowable and net VOC emissions for each week period.

Note: If a week period includes days from two months, that week period shall be included on the weekly summary sheets for both months over which the week falls.

On the attached Monthly Summary Sheet, Respondent shall record the following parameters for all Consent Order coatings:

1. pounds of actual VOCs emitted each month for the previous 12 month period;
2. total pounds of actual VOCs emitted during the previous 12 month period
3. gallons (as applied) of Exempt coatings used each month for the previous 12 month period;
4. total gallons (as applied) of Exempt coatings used during the previous 12 month period;

Respondent shall maintain the Daily, Weekly and Monthly Summary Forms for all coatings used in this Consent Order at the facility for not less than five (5) years from the date that the forms were completed by Respondent.

- i. **REPORTING.** Respondent shall submit to the Commissioner, postmarked within fifteen (15) days after the end of each calendar quarter, the Daily Summary Sheets, the Weekly Summary Sheets and the Monthly Summary Sheets from the previous calendar quarter.

Respondent's initials: RAJ

Date: 5/6/06

- 2. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or an agent of the Commissioner.

For the purposes of this Consent Order, the following time period definitions shall apply:

- DAY means one 24 hour period beginning at 7:00am one day and ending at 7:00am the following day.
- WEEK means one period of 7 consecutive days beginning on Monday at 7:00am and ending at 7:00am the following Monday.

- 3. Attainment. Respondent's facility is located in a severe nonattainment area for ozone. Respondent acknowledges that the Clean Air Act (42 U.S.C. 7401 *et seq.*) mandates that the State of Connecticut submit a plan for attaining the National Ambient Air Quality Standard (NAAQS) for ozone. Such attainment plan may require modification or termination of this Consent Order.
- 4. Approvals. Respondent 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 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 thirty 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.
- 5. Dates. 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 personally delivered or the date three days after it is mailed by the Commissioner, 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 legal holiday shall be submitted or performed on or before the following day which is not a Saturday, Sunday or legal holiday.
- 6. Stipulated future penalties.
 - a. If, within five (5) years after the date of issuance of this Consent Order, Respondent fails to comply with any requirement of this Consent Order or of any document approved hereunder, or fails to comply on time with any such requirement, Respondent shall pay the following civil penalties:

Respondent's initials: RKS

Date: 7/6/96

For failure to submit any document in accordance with any deadline specified in this Consent Order or in any document approved hereunder, Respondent shall pay One Hundred Dollars (\$100.00) per day for each day beyond the applicable deadline that the document is late.

For failure to comply with the weekly VOC emissions limitation imposed in this Consent Order, Respondent shall pay civil penalties in accordance with the following calculation:

$$\text{Weekly Penalty} = \$2000.00/\text{week} + (\$200.00/\text{lb VOC}) \times (\text{Weekly Actual lb VOC} - \text{Weekly Allowable lb VOC})$$

- b. Payment of the amounts specified in subparagraph (a) of this paragraph shall be submitted to the Commissioner within thirty (30) days of the date that Respondent became or should reasonably have become aware of such violation. Failure to pay such penalties within thirty (30) days shall not result in additional penalties under subparagraph (a) of this paragraph, provided that Respondent shall pay interest at a rate of one and two-thirds percent per month or part thereof on any penalty which is not paid when due, beginning on the first day on which the penalty was past due.
- c. In an action by the Commissioner to enforce the civil penalty provisions of this paragraph, the Commissioner need prove only that Respondent failed to comply with a requirement of this Consent Order or of any document approved hereunder within the time specified. Respondent waives the opportunity to contest the amount of any penalty specified herein or the justification for its imposition, except that Respondent may prove compliance or that compliance was impossible due only to an event beyond the reasonable control of Respondent which was unforeseeable and the results of which could not have been avoided or repaired or caused to be avoided or repaired by Respondent or an agent, employee or representative of Respondent in order to prevent the noncompliance. Increased cost shall not constitute such impossibility. Respondent shall have the burden of going forward and of persuasion with respect to any allegation of impossibility. If Respondent claims that compliance was impossible due to an event specified in this paragraph, in addition to the notice required by Paragraph B(9) of this Consent Order, Respondent shall also submit a written notice to the Commissioner within ten (10) days of becoming aware of such event stating the time of the event, the reason(s) that the event resulted in noncompliance, and all activities which the Respondent and its agents, employees and representatives took to avoid or repair the results of the event and prevent noncompliance. Failure of Respondent to submit this information to the Commissioner within ten (10) days of becoming aware of the event shall render the provisions of this paragraph regarding allowance of claims of impossibility of no force and effect as to the particular incident involved.

7. Payment of penalties. Payment of penalties under this Consent Order shall be mailed or personally delivered to Mr. Steven E. Peplau, Director of Engineering and Enforcement, Bureau of Air Management, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106, and shall be by certified or bank check payable to the Connecticut Department of Environmental Protection. The check shall state on its face, "Air Management Civil Penalty - Engineering and Enforcement Division, Consent Order No. 8036".

Respondent's initials: _____

REH

Date: _____

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8. 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 the Commissioner 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. In so notifying the Commissioner, Respondent shall state in writing 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.
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 a responsible corporate officer of the Respondent or a duly authorized representative of such officer, as those terms are defined in Section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:
- "I have personally examined and am familiar with the information submitted in this document and all attachments and certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief, and I understand that any false statement made in this document or its attachments may be punishable as a criminal offense."
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 under Chapters 439 and 446c of the Connecticut General Statutes.
11. False statements. Any false statement in any information submitted pursuant to this Consent Order may be punishable as a criminal offense under Section 22a-175 of the Connecticut General Statutes or, in accordance with Section 22a-6, under Section 53a-157 of the Connecticut General Statutes.
12. Notice of transfer; liability of Respondent and others. Until Respondent has fully complied with this Consent Order, Respondent shall notify the Commissioner in writing no later than fifteen days after transferring all or any portion of the operations, the site or the business which are the subject of this Consent Order, or 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 real property to any other person or municipality. Any future owner of the site may be subject to the issuance of an order from the Commissioner.
13. Commissioner's powers. Nothing in this Consent Order shall affect the Commissioner's authority to institute any proceeding to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resources damages, and to impose penalties for violations of law, including but not limited to violations of any permit issued by the Commissioner. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this Consent Order have not fully characterized the extent and degree of pollution or have not 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 pollution.

Respondent's initials: RLSDate: 5/6/96

- 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 or prevent or abate pollution.
- 16. Access to facility. 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 shall neither create nor affect any rights of persons who or municipalities which are not parties to this Consent Order.
- 18. Notice to Commissioner of changes. Within fifteen 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. 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. Robert LaFrance
Department of Environmental Protection
Bureau of Air Management
Engineering & Enforcement, 5th Floor
79 Elm Street
Hartford, CT 06106-5127

Respondent's initials: RLK

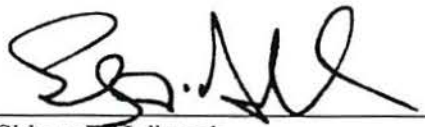
Date: 5/6/96

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.

RISDON CORPORATION

BY: 
 print name: Rick H. Schofield
 title: Senior Vice President
 date: May 6, 1996

Issued as a final order of the Commissioner of Environmental Protection on May 6, 1996.



 Sidney J. Holbrook
 Commissioner

SJH/CDN

CITY OF DANBURY LAND RECORDS

MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Certified Document No.

Respondent's initials: 

Date: 5/6/96