



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Jim



STATE OF CONNECTICUT )
VS. ) CONSENT ORDER NO. 8245
SUMITOMO BAKELITE NORTH AMERICA, INC.)

CONSENT ORDER

A. With the agreement of Sumitomo Bakelite North American, Inc. ("Respondent") the Commissioner of Environmental Protection ("Commissioner") finds the following:

- 1. The Respondent is a corporation doing business in the manufacturing of thermoset molding compounds at 24 Mill Street, Manchester, Connecticut ("facility").
2. At the facility, the Respondent maintains and operates the following VOC emitting equipment: Process lines "GLP1," "GLP2," "EXT1," "EXT2," "EXT3," "EXT4" and "DAP."
a. All of the above VOC emitting equipment, except for the EXT1 process line, uses Volatile Organic Compounds ("VOC") to manufacture those molding compounds referenced in paragraph A.1 of this Consent Order.
b. Line EXT4 operates in accordance with New Source Review Permit No. 097-0049.
3. Pursuant to Section 22a-174-32 of the Regulations of the Connecticut State Agencies ("Regulations"), subject premises with potential VOC emissions greater than fifty (50) tons per year are subject to the provisions in Section 22a-174-32 of the Regulations.
4. In 2002, Rogers Corporation, the former owner, reported that actual and potential emissions of VOC from the facility were greater than 50 tons for calendar years 1996 and 1997; therefore the facility is subject to the provisions of Section 22a-174-32 of the Regulations.
5. Pursuant to Section 22a-174-32(e) of the Regulations, the Respondent is required to reduce the facility's VOC emissions by implementing one of the Reasonably Available Control Technology ("RACT") methods specified in Sections 22a-174-32(e)(1)-(6) of the Regulations.

6. Pursuant to Section 22a-174-32(e)(6) of the Regulations, Rogers Corporation submitted a VOC RACT Compliance Plan, specifically, an Alternative Compliance Plan ("ACP") dated October 17, 2002.
    - a. On July 7, 2003, the Respondent revised the plan referenced in paragraph A.6 of this Consent Order and resubmitted it for the Commissioner's review and approval.
    - b. The revised VOC RACT plan has been reviewed and is hereby approved by the Commissioner with the conditions specified in paragraph B of this Consent Order.
  7. According to Respondent's ACP:
    - a. In January 2002, Respondent reformulated and reduced the facility's VOC emissions by 76% from the baseline year of 1990.
    - b. The installation of additional control equipment is technically or economically infeasible.
    - c. RACT for the facility should reflect the VOC emissions reduction from reformulating.
- B. 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. Upon issuance of this Consent Order, Respondent shall limit the total emission of VOCs from the DAP, GLP1, GLP2, EXT1, EXT2, EXT3 and EXT4 lines to less than forty-five (45) tons per year:
    - a. Notwithstanding paragraph B.1.b of this Consent Order, the maximum annual VOC emissions shall be based on any consecutive twelve (12) month time period and shall be determined by adding each month's VOC emissions to that of the previous eleven (11) months.
    - b. Total maximum monthly VOC emissions from the DAP, GLP1, GLP2, EXT1, EXT2, EXT3 and EXT4 lines shall not exceed eight thousand and eight hundred and eighty-nine (8,889) pounds, which is 1.2 times the average allowable monthly VOC emissions of seven thousand and five hundred (7,500) pounds.
  2. Except for in the process of blending product batches, the Respondent shall only use "non-VOC solvents," which term hereinafter means "0%" VOC, or solvents that contain only exempt VOCs to manufacture those compounds that are extruded in process lines EXT2 and EXT3. The Respondent shall keep a list of those compounds and record the product names, product ingredients including the solvents used and the date of manufacture when producing these extruded compounds.

In the process of blending product batches, the Respondent shall use only VOC solvents with a vapor pressure less than or equal to 1.0 mmHg at 18.5 degrees Celsius.

3. The Respondent shall use acetone, other exempt VOC solvents or solvents that do not contain VOCs in the manufacturing of DAP products. Exempt VOC compounds are defined as those compounds explicitly excluded from the definition of "VOC" in 40 CFR 51.100(s).
4. The Respondent shall not use any VOC solvents in the EXT1 line.
5. Within thirty (30) days from issuance of this Consent Order, the Respondent shall submit, to be added to this Consent Order as an Addendum, a list of those compounds that were not reformulated. The compounds included on this list will be considered "existing products" for purpose of this Consent Order. Each of these product compounds should list the pounds of VOC emitted per pound of product. Any product that is not an "existing product" but is later manufactured by the Respondent will be considered a "new product" for purposes of this Consent Order.
6. Except for the process of blending product batches, the Respondent shall investigate the feasibility of using non-VOC solvents in the manufacturing of any new, non-extruded products developed subsequent to the effective date of this Consent Order. Where it is technically and economically feasible, the Respondent shall use non-VOC solvents to manufacture new, non-extruded products at the facility.
7. The Respondent shall keep records documenting the investigation referenced in paragraph B.6 of this Consent Order for any new, non-extruded products manufactured at the facility. The Respondent may use VOC solvent(s) to manufacture new, non-extruded products provided that the VOC emitted is less than 0.006 pounds of VOC per pound of product.

Except for in the process of batch blending, for any new, non-extruded products demonstrating the need to use VOC solvents that will emit VOC emissions greater than 0.006 pounds of VOC per pound of product, the Respondent shall submit a report detailing the technical and economic issues of using non-VOC solvent(s) to the Department and the EPA and obtain the Commissioner's and the Administrator's written approval prior to the use of such solvent(s).

8. Within thirty (30) days from issuance of this Consent Order, the Respondent shall submit for the Commissioner's and EPA's review and written approval detailed methodology for determining product based emission factors. Any change to the approved emission factors methodology that is expected to increase emissions must be approved by the Commissioner and EPA in writing prior to such change.

9. Record Keeping.

- a. In accordance with §22a-174-32(g) of the Regulations, the Respondent shall make and keep such records that are necessary to reliably calculate actual monthly and annual emissions for the subjected lines in order to demonstrate compliance with paragraphs B.1.a and B.1.b of this Consent Order. Such records shall be created for each calendar month and each consecutive 12-month period by keeping the following daily information, segregated by process line, in 1-8 below:
  1. Description of solvent, including name and density (#/gal).
  2. Volume of solvent used in gallons.
  3. VOC content by weight (# VOC/gal) of solvent used.
  4. Water and exempt VOC content by weight of material used.
  5. Non-volatile content by volume and by weight of material used.
  6. Quantity of products in pounds.
  7. VOC emissions in pounds and tons.
  8. Product name and production date.
- b. On or before December 31<sup>st</sup> of each year and in accordance with the approved method referenced in paragraph B.8 of this Consent Order, the Respondent shall review and verify all emission factors used, including for new products, to calculate the facility's VOC emissions. The Respondent shall keep records documenting the review and study for each derived emission factor.
- c. Respondent shall keep each record required by this Consent Order at the premise for five years after the date that such record is made and shall make these records available to the Commissioner and/or EPA upon request.

10. Reporting Requirements. Respondent shall submit to the Commissioner an annual VOC emissions summary report using records made in accordance with paragraph B.9. of this Consent Order. The report shall contain the annual emission of VOCs, expressed in tons per year. The emissions shall be reported for each and every month and each and every consecutive 12-month period, which ended during the previous calendar year, expressed as a twelve-month aggregate. The report shall be submitted to the Commissioner on or before March 1<sup>st</sup> of every calendar year. The reports shall be sent to the:

DEP Bureau of Air Management  
Compliance Analysis and Coordination Unit  
79 Elm Street, 5<sup>th</sup> floor  
Hartford, CT 06106-5127

11. 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.

12. 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 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.
13. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
14. 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.
15. 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 is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."
16. 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.

17. False statements. Any false statement in any information submitted pursuant to this Consent Order is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
18. 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.
19. 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 Respondents to undertake further investigation or further action to prevent or abate violations or pollution.
20. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.
21. 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 and abate pollution.
22. Access to site. Any representative of the Department of Environmental Protection and the U.S. Environmental Protection Agency may enter the facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Consent Order.
23. 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.
24. Notice to Commissioner of changes. Within 15 days of the date Respondent become 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.
25. 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. Any written approval of noncompliance by the Commissioner pursuant to the terms of this order shall operate solely as a matter of state law.

26. 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:

Compliance Analysis and Coordination Unit  
Department of Environmental Protection  
Bureau of Air Management  
79 Elm Street  
Hartford, Connecticut 06106-5127

Respondent consents to the issuance of this Consent Order without further notice.

Sumitomo Bakelite North America, Inc.

Signature: Barbara A. Olson

Type Name: BARBARA A. OLSON

Type Title: DIRECTOR MANUFACTURING & TECHNOLOGY

Date: 9-12-06

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

Gina McCarthy  
Gina McCarthy  
Commissioner

10/11/06  
Date

CITY OF MANCHESTER  
LAND RECORDS  
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