



Connecticut Department of
**ENERGY &
 ENVIRONMENTAL
 PROTECTION**

STATE OF CONNECTICUT) Order No. 2170
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 VS.)
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 SPARTECH POLYCAST, INC.)

CONSENT ORDER

- A. With the agreement of Spartech Polycast, Inc. ("Respondent"), the Commissioner of Energy & Environmental Protection ("Commissioner") finds the following:
1. The Respondent manufactures cast acrylic sheets of various size and thickness, commonly used as "unbreakable glass" in a variety of applications, at a facility at 69 Southfield Avenue, Stamford, CT ("Facility").
 2. At the facility the Respondent operates a number of vertical and horizontal casting machines and other equipment with the potential to emit greater than ten (10) tons of methyl methacrylate (MMA) per year. For this reason the facility is considered a major stationary source of MMA according to Section 22a-174-33 of the Regulations of Connecticut State Agencies (RCSA). On 6/11/2002, the Commissioner issued Title V Permit No. 172-0133-TV to the Respondent for the operations of the facility.
 3. At the facility, the Respondent operates a Cummins Emergency Engine to provide emergency power to the facility. The Commissioner issued New Source Review (NSR) Permit No. 172-0079 to the Respondent for the engine on 1/15/1997 and a minor permit modification on 11/1/2007. Part I of Permit No. 172-0079 limits the sulfur content of the fuel used to power the engine to 0.0015% by weight, dry basis.
 4. On 8/17 and 10/5 of 2009, a representative of the Commissioner inspected the facility and determined that the Respondent was fueling the engine with No. 2 oil with a sulfur content of 0.3%.
 5. Notice of Violation No. 16435 was issued to the Respondent on 10/29/2009 for using a fuel that violated the sulfur content limit found in Permit No. 172-0079.
 6. The Respondent responded to the Notice of Violation on 11/20/2009. They reported, in a certified compliance statement, that all No. 2 oil had been drained from the fuel tank which was refilled with Ultra Low Sulfur Diesel containing 0.0015% sulfur. They submitted a purchase certificate from the supplier, Petro of Stamford, CT, showing sulfur content of the fuel was no more than 0.0015%.

Date issued: August 22, 2012

7. At the facility, the Respondent operates a polysilicate resin mixing, storage and coating line which employs a Dupont catalytic oxidizer to control emissions of Volatile Organic Compounds ("VOC").
8. On 10/19/2000, the Commissioner issued NSR Permit No. 172-0156 to the Respondent for the operation of the polysilicate resin mixing, storage and coating line. A minor permit modification was issued on 7/16/2007. Part II of Permit No. 172-0156 and Section IV of Permit No. 172-0133-TV requires the Respondent to conduct stack emission testing after each block of 8760 hours of oxidizer operation to demonstrate destruction efficiency of at least 90% from the Dupont catalytic oxidizer.
9. On 12/16/2009 the Respondent conducted a stack emissions test of the Dupont catalytic oxidizer while production of cast acrylic sheets was under way, pursuant to the requirement of Part II of Permit No. 172-0156 and Section III of Permit No. 172-0133-TV. The test was conducted in the presence of a representative of the Commissioner who observed that the destruction efficiency was less than 90%.
10. On 12/17/2009, the Respondent submitted a letter to the Department reporting that during the test of 12/16/2009, the oxidizer experienced a malfunction that resulted in the stack emissions testing being discontinued. The letter further reported that operations of the polysilicate resin mixing, storage and coating line would be discontinued until the malfunction was resolved and a retest conducted.
11. Notice of Violation No. 16472 was issued to the Respondent on 3/9/2010 for failing to comply with the VOC destruction efficiency requirement of Permit Nos. 172-0156 and 172-0133-TV during the test of 12/16/2009.
12. The Respondent responded to the Notice of Violation on 4/5/2010 (the "April 5 Response"). They reported, in a certified compliance statement that they did not believe a violation had taken place on 12/16/2009 since the emission data had been captured during operations that Respondent asserted were unrepresentative of normal operating conditions.
13. At the request of the Commissioner, on 4/14/2010, the Respondent submitted the emission data collected during the test on 12/16/2009. Staff of the Department rejected Spartech's April 5 Response and determined that the dataset showed normal operating conditions and that destruction efficiency for the captured VOC was less than 90%.
14. On 1/5/2010, the Respondent conducted a stack emission retest of the Dupont catalytic oxidizer. The results of the test were submitted on 1/28/2010 and a review of the results indicated that the unit was operating in compliance with all oxidizer testing requirements of Permit Nos. 172-0156 and 172-0133-TV, including the minimum VOC destruction efficiency.
15. On 11/10/2003, US Environmental Protection Agency (EPA) promulgated the National Emission Standards for Hazardous Air Pollutants for Miscellaneous Organic Chemical Manufacturing, 40 CFR Part 63, Subpart FFFF (otherwise known as Miscellaneous Organic NESHAP, or "MON").
16. Spartech presented an applicability determination request to EPA seeking EPA concurrence that the MON was not applicable to the Stamford facility. On 11/28/2007, EPA denied Spartech's request and determined that the Respondent was subject to all applicable requirements of the MON.

17. According to 40 CFR Section 63.2515(b), the Respondent was required to submit an Initial Notification no later than 120 calendar days after 11/10/2003 to EPA and the delegated authority
18. According to 40 CFR Section 63.2520(d), amended on 7/14/2006, the Respondent was required to submit a Notification Of Compliance Status report no later than 150 calendar days after 5/10/2008 to EPA and the delegated authority, and such report must contain the information described in 40 CFR Section 63.2520(d)(2).
19. According to 40 CFR Section 63.2520(b), the Respondent is required to submit semiannual compliance reports covering each semiannual reporting period of January 1 to June 30 and July 1 to December 31. Such reports are to be submitted to EPA and the delegated authority no later than August 31 and February 28 of each year, respectively.
20. According to 40 CFR Section 63.2480, amended on 7/14/2006, the Respondent was required to meet the requirements in Table 6 of the MON that apply to the Respondent's equipment leaks (the Leak Detection And Repair "LDAR" program) no later than 5/10/2008.
21. According to Section VII.E of Title V Permit No. 172-0133-TV and Section 22a-174-33(o)(1) of the RCSA, Spartech is required to submit semiannual monitoring reports no later than July 31 and January 31 following each half calendar year because they are required to perform monitoring pursuant to Title V Permit No. 172-0133-TV.
22. On 9/28/2010, a representative of the Commissioner inspected the facility and determined that the Respondent had not implemented the LDAR program.
23. A record review conducted by a representative of the Commissioner on 11/29/2010 revealed that:
 - (a) the Initial Notification required by 40 CFR Sections 63.2515(b) was submitted to EPA on 4/30/2007, over 3 years past the due date, and
 - (b) the Notification of Compliance Status required by 40 CFR Sections 63.2520(d) was submitted to the Commissioner on 9/15/2008, but did not contain the information described in 40 CFR Section 63.2520(d)(2), and
 - (c) the semiannual compliance reports required by 40 CFR Sections 63.2520(b) had not been submitted to EPA or the Commissioner.
24. A record review conducted by a representative of the Commissioner on 12/20/2010 revealed that the semiannual monitoring report required by Section VII.E of Title V Permit No. 172-0133-TV and Section 22a-174-33(o)(1) of the RCSA, covering the first half of calendar year 2010 had not been submitted by July 31, 2010.
25. Notice of Violation No. 16636 was issued to the Respondent on 1/11/2011 for failing to comply with the LDAR program described in Paragraph A.20 above.
26. Notice of Violation No. 16651 was issued to the Respondent on 1/11/2011 for violating the notification and semi-annual reporting requirements of 40 CFR Sections 63.2515(b), 63.2520(d) and 63.2520(b), as described in Paragraph A. 23 above.

27. Notice of Violation No. 16661 was issued to the Respondent on 1/11/2011 for violating Section VII.E of Title V Permit No. 172-0133-TV and Section 22a-174-33(o)(1) of the RCSA, as described in Paragraph A. 21 above.
28. The Respondent initially responded to Notice of Violation No. 16636 on 2/16/2011 by submitting the Notice of Violation Compliance Statement and a letter explaining their current LDAR program. On 8/24/2011, representatives of the Commissioner inspected the facility and observed that the Respondent had begun implementing LDAR. The Respondent submitted additional reports to the Commissioner throughout 2011-2012 in an attempt to provide adequate supporting information to demonstrate compliance with the LDAR program. The reports included information about the contractor employed by the Respondent to initially set up, monitor and document their LDAR program, details of two (2) LDAR inspections, and all applicable remedial and continuing actions that demonstrate, as of 3/9/2012 that the Respondent appears to have achieved compliance with the LDAR requirements of the MON.
29. In response to NOVs #16651 and 16661, the Respondent submitted the following documents to the Commissioner: the semiannual compliance reports for the first half of calendar year 2010 required by 40 CFR Section 63.2520(b) on 1/28/2011, the semiannual monitoring report required by Title V Permit No. 172-0133-TV on 2/16/2011, and additional documentation required as part of the Notification of Compliance Status by 40 CFR Section 63.2520(d) on 2/28/2011 and 3/28/2011. The Respondent submitted additional reports to the Commissioner throughout 2011-2012 in an attempt to provide adequate supporting information, in accordance with 40 CFR Section 63.2520(d), to demonstrate compliance with the MON. On 2/2/2012, the Respondent conducted a multi-media presentation of process flow diagrams, of estimates of MMA emissions, and plant and equipment photographs for representatives of the Commissioner. Based on the Respondent's submissions, the Respondent still has not demonstrated compliance with the MON, because a recent emissions test for the Respondent's thermal oxidizer demonstrated that the unit does not meet the minimum control efficiency requirements of the MON.
30. On December 17, 2008, Spartech conducted a performance test of the thermal oxidizer using EPA Method 18 in accordance with a Department approved protocol. The test was conducted to assess the HAP removal efficiency of the thermal oxidizer. The test, which was approved by the Commissioner, showed 99.39% destruction efficiency from the thermal oxidizer.
31. Pursuant to 40 CFR Section 63.2460, the Respondent was required to test and document the performance of any emissions control device used to control emissions in accordance with the MON. The Respondent submitted an Intent-to-Test (ITT) protocol to perform such a test on its thermal oxidizer. The Commissioner accepted the ITT protocol for the proposed test on 10/12/2011.
32. On 12/8/2011, the Respondent conducted the performance test of the thermal oxidizer, which is used to control emissions of MMA emitted from a majority of the processes at the facility. The performance test was conducted in accordance with the ITT protocol described in paragraph A.31 of this order. The performance test was conducted according to EPA Method 18, described in 40 CFR Part 60, Appendix A, and the results were submitted to staff of the Commissioner on 1/26/2012.
33. The results of the 12/8/2011 performance test were evaluated by staff of the Commissioner who determined that the operating conditions during the performance test were normal; however the results

indicate that the thermal oxidizer did not achieve the minimum destruction efficiency requirements of the MON.

34. By virtue of the above, the Respondent violated Sections 22a-174-3a and 22a-174-33 of the Regulations of Connecticut State Agencies, Permit No. 172-0079, 172-0156 and 172-0133-TV. The Respondent is currently operating in violation of 40 CFR Part 63, Subpart FFFF.
 35. The Respondent asserts that the oxidizer meets the minimum destruction efficiency requirements of the MON and has submitted supplementary documentation seeking to repeat the test and demonstrate compliance with the MON. Specifically, the Respondent asserts that given the process conditions, the test methodology used during the 12/8/2011 performance test did not reliably assess the destruction efficiency of the thermal oxidizer.
- B. With the agreement of the Respondent, the Commissioner, pursuant to Sections 22a-6, 22a-171, 22a-174, 22a-177, and 22a-178 of the Connecticut General Statutes, orders as follows:
1. Performance testing: Not more than (60) days after the Commissioner approves an Intent To Test (“ITT”) protocol submitted pursuant to paragraph B.1(a) below, the Respondent shall conduct a performance test of the thermal oxidizer, pursuant to 40 CFR Section 63.2460, to demonstrate compliance with the emission reduction requirement of the MON. Except as otherwise provided in this consent order or by the Commissioner in writing, all performance testing required under this consent order shall be conducted and reported as follows:
 - (a) Not less than 30 days after issuance of this Consent Order, or notification from the Commissioner that a performance test conducted pursuant to this Consent Order has not demonstrated compliance with the overall emission reduction requirement of the MON, Respondent shall submit to the Commissioner for his review and written approval an ITT protocol for such performance testing. The ITT protocol shall include at least:
 - i. the Department’s Bureau of Air Management Test Form DEEP-AIR-ITT-002, “Intent to test Application Form”;
 - ii. 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 (e.g., operating temperature, control equipment efficiency) which may affect performance testing results, and how and when such information will be monitored;
 - iii. a detailed description of each performance 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
 - iv. a description of each discharge point at which performance testing is to be conducted.
 - (b) Respondent shall provide to the Commissioner any information that the Commissioner deems necessary to review Respondent’s ITT protocol.
 - (c) Within 30 days after the Commissioner approves an ITT protocol, Respondent shall complete performance testing in accordance therewith. Respondent shall schedule all

performance testing so as to allow the Commissioner to be present during such testing and to independently verify relevant facility operations, air pollution control equipment parameters, and testing procedures.

- (d) Within 30 days after completing any performance testing required by this consent order, Respondent shall submit to the Commissioner a written report providing the results of such testing;
- (e) Respondent shall submit a revised report within 15 days of receiving a notice from the Commissioner indicating any deficiencies in the prior report(s).

2. If the results of the compliance test required by paragraph B.1 of this Consent Order do not demonstrate compliance with the overall emission reduction requirement of the MON; then the Respondent shall:

- (a) Submit a corrective action plan, for the Commissioner's review and written approval, within thirty (30) days of receiving the Commissioner's written acknowledgement that the results of the emissions tests were representative of actual emissions. Such corrective action plan shall identify the reasons the thermal oxidizer failed to achieve adequate emission reductions, and propose technical and/or operational solutions to achieve compliance with the MON. Such plan shall also include a schedule for the implementation of the proposed corrective actions and a schedule to perform emissions testing to demonstrate compliance with the MON.
- (b) Implement the corrective actions approved by the Commissioner in accordance with the schedule approved by the Commissioner.
- (c) Conduct emission testing in accordance with the schedule approved by the Commissioner and Paragraphs B.1.(a) through (e), above.

3. Civil penalty. On or before 30 days after issuance of this Consent Order, the Respondent shall pay a penalty of \$52,861 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in Paragraph A.34 of this Consent Order.

4. Payment of penalties. Payment of penalties under this Consent Order shall be mailed or personally delivered to Bureau of Financial and Support Services -- Accounts Receivable Office ["F&SS"], Department of Energy & Environmental Protection, 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 Civil Penalty, Air Engineering & Enforcement Division, Consent Order #2170".

5. Full compliance. The 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.

6. Approvals. The 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 the Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and the 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 (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.

7. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
8. 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.
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 the Respondent or, if the Respondent is not an individual, by the 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 the Respondent or the 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."
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 the Respondent to an injunction and penalties.
11. 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.
12. Notice of transfer; liability of the Respondent. Until the Respondent has fully complied with this Consent Order, the Respondent shall notify the Commissioner in writing no later than fifteen (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. The 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.

13. 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 the 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 the Respondent to undertake further investigation or further action to prevent or abate violations or pollution.
14. The Respondent's obligations under law. Nothing in this Consent Order shall relieve the 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 the Respondent pursuant to this Consent Order will result in compliance.
16. 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.
17. 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.
18. Notice to Commissioner of changes. Within fifteen (15) days of the date the 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, the Respondent shall submit the correct or omitted information to the Commissioner.
19. Notification of noncompliance. In the event that the 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, the 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, the 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 the Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by the 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.

- 20. 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:

Marco Lumbroso
 Department of Energy & Environmental Protection
 Bureau of Air Management
 Engineering & Enforcement Division
 79 Elm Street, 5th Floor
 Hartford, Connecticut 06106-5127

The 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.

Spartech Polycast Inc.

Signature: Ry 2 KR
 Type Name: ROSEMARY L. KLEIN
 Type Title: CORPORATE SECRETARY
 Date: 8-14-2012

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



 Macky McCleary
 Deputy Commissioner

8/21/12

 Date

CITY OF STAMFORD
 LAND RECORDS
 MAILED CERTIFIED MAIL,
 RETURN RECEIPT REQUESTED
 Certified Document No.