



79 Elm Street • Hartford, CT 06106-5127

www.ct.gov/deep

Affirmative Action/Equal Opportunity Employer

STATE OF CONNECTICUT	)	ORDER NO. 8381
	)	
vs.	)	
	)	
THAMES SHIPYARD & REPAIR COMPANY	)	
	)	

CONSENT ORDER

- A. With the agreement of the Thames Shipyard & Repair Company ("Respondent"), the Commissioner of Energy & Environmental Protection ("Commissioner") finds the following:
1. The Respondent is a corporation that engages in the construction and maintenance of boats, ferries, and other watercraft at 50 Farnsworth Street in New London, Connecticut ("facility").
 2. The Respondent maintains and operates an open-top rectangular blasting station ("blasting booth") and two floating dry docks ("dry docks") at the facility. The Respondent conducts grit/sand blasting and surface coating in the blasting booth and dry docks.
 3. On July 26, 2017, the Respondent obtained from the Department of Energy and Environmental Protection ("DEEP") New Source Review Permit Nos. 128-0062 & 128-0063 ("NSR permits") to operate the dry docks referenced in paragraph A.2. of this Consent Order pursuant to Section 22a-174-3a of the Regulations of the Connecticut State Agencies ("R.C.S.A.").
 4. The NSR permits include premises-wide emission limits for nitrogen oxides ("NOx"), volatile organic compounds ("VOC"), any single hazardous air pollutant ("HAP") and aggregate HAPs. Pursuant to Part III.C. of the NSR permits, the premises-wide limit for NOx, VOC, any single HAP and aggregate HAPs are capped at 25 tons/year, 40 tons/year, 8 tons/year and 20 tons/year, respectively.
 5. Whereas the Respondent prepares and coats metal and plastic parts at the facility, the Respondent is subject to R.C.S.A. Section 22a-174-20(s)– Control of Organic Emissions for Miscellaneous Metal and Plastic Parts Coatings.
 6. Pursuant to R.C.S.A. Section 22a-174-20(s)(3)(A), no coatings shall have an as-applied VOC content greater than the applicable limit in Table 20(s)-1, Table 20(s)-2, Table 20(s)-3, Table 20(s)-4, Table 20(s)-5, Table 20(s)-6a or Table 20(s)-6b.
 7. Whereas the Respondent builds and repairs watercraft, some of the coatings have an as-applied VOC content greater than the applicable limit in Table 20(s)-1. Furthermore, some of the coatings used on watercraft are not represented in Table 20(s)-1.
 8. Whereas the Respondent was previously considered a major stationary source of HAP under the United

Issued date: 12/3/2021

States Environmental Protection Agency's ("U.S. EPA") "Once-In, Always-In" policy, the Respondent was formerly subject to the requirements of 40 CFR Part 63 Subpart II Shipbuilding and Ship Repair Surface Coating National Emissions Standards for Hazardous Air Pollutants ("Shipbuilding NESHAP").

9. Whereas the Respondent was considered a major stationary source of HAP, the Respondent had been operating under the coverage of the Shipbuilding NESHAP, which exempted the Respondent from the requirements of R.C.S.A Section 22a-174-20(s)(3) per R.C.S.A Section 22a-174-20(s)(7)(A)(v). The NSR permits also include a provision that subjects the Respondent to the Shipbuilding NESHAP.
10. In January 2018, U.S. EPA published a guidance memorandum rescinding its "Once-In, Always-In" policy. In October 2020, U.S. EPA promulgated a final rule reflecting the policy guidance issued in the January 2018 memorandum (85 FR 73854), allowing a major HAP source to elect to reclassify as an area source under Section 112 of the Clean Air Act ("CAA") at any time after taking steps to limit its potential HAP emissions.
11. Whereas the Respondent has limited its potential to emit via the NSR permits referenced in paragraph A.4 of this Consent Order, and as such, the Respondent has elected to reclassify as an area source per U.S. EPA's final rule referenced in paragraph A.10 of this Consent Order. Upon reclassification, the Respondent would no longer be subject to the Shipbuilding NESHAP. Consequently, the Respondent would need to fully comply with R.C.S.A. Section 22a-174-20(s) of the Regulations, and be subject to any exemptions contained therein.
12. Pursuant to R.C.S.A Section 22a-174-20(s)(3)(F), the Respondent may be exempted from the requirements of R.C.S.A. Sections 22a-174-20(s)(3)(A), 22a-174-20(s)(3)(B) and 22a-174-20(s)(3)(C) subject to approval by the Commissioner and the Administrator of the U.S. EPA if the Respondent can demonstrate a need to apply non-compliant coatings.
13. On November 21, 2019, the Respondent submitted a written request to DEEP for an exemption per R.C.S.A Section 22a-174-20(s)(3)(F) and proposed to control VOC emissions in the following manner:
 - a. The Respondent requested to comply with the same VOC content limits set forth in the Shipbuilding NESHAP and control techniques guideline ("CTG") for the shipbuilding and repair source category (61 FR 44050), which constitutes presumptive reasonably available control technology, for those coatings having an as-applied VOC content greater than the limits established in Table 20(s)-1 of R.C.S.A Section 22a-174-20(s)(3);
 - b. The Respondent requested to comply with the same VOC content limits set forth in the Shipbuilding NESHAP and CTG for those coatings that are not represented in Table 20(s)-1 of R.C.S.A Section 22a-174-20(s)(3);
 - c. The Respondent requested to use the thinner formula prescribed in the Shipbuilding NESHAP and CTG instead of the formula prescribed in R.C.S.A. Section 22a-174-20(s); and
 - d. The Respondent requested to continue to make and keep the same records at the facility.

14. DEEP has reviewed the Respondent's request referenced in paragraph A.13 of this Consent Order and has determined that the request is approvable under R.C.S.A. Section 22a-174-20(s)(3)(F), subject to the provisions of this Consent Order.

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

1. The Respondent shall comply with all of the requirements of R.C.S.A. Section 22a-174-20(s), except as otherwise provided for in paragraphs B.2. through B.6. of this Consent Order.
2. VOC Content Requirements. Notwithstanding the requirements of R.C.S.A. Sections 22a-174-20(s)(3)(A), 22a-174-20(s)(3)(B) and 22a-174-20(s)(3)(C), the Respondent shall use coatings that have an as-applied VOC content, less volume of water and exempt compounds, no greater than the applicable level listed in Table 1 of this Consent Order. In accordance with R.C.S.A. Section 22a-174-20(s)(7)(H), the Respondent may use, in the aggregate, in any 12 consecutive months no more than 55 gallons of miscellaneous metal or plastic parts coating or coatings that exceed the VOC content limits listed in Table 1 of this Consent Order.

Table 1. VOC Content for Ship Building and Ship Repair Coatings

Coating Category	VOC (grams/liter of coating)	VOC (grams/liter of solid)	
		Temp $\geq$ 4.5 C	Temp < 4.5 C
General Use	340	571	728
High-Gloss	420	841	1,069
Antifoulant	400	765	971
Nonskid	340	571	728
Organic Zinc	360	630	802
Pretreatment Wash Primer	780	11,095	---
High-Temperature	500	1,237	1,597
Heat Resistant	420	841	1,069
Inorganic Zinc High-Build	340	571	728

3. Application Methods. When applying the coatings listed in Table 1 of this Consent Order, the Respondent shall use one of the application methods identified in R.C.S.A. Section 22a-174-20(s)(4).
4. Works Practice. Any work practices for the use and handling of all coatings at the facility including coatings listed in Table 1 of this Consent Order shall be performed in accordance with the work practices identified in R.C.S.A. Sections 22a-174-20(s)(5)(A) through 22a-174-20(s)(5)(D).

5. Thinning Ratio Requirements. Notwithstanding the requirements of R.C.S.A. Section 22a-174-20(s)(9)(A), the Respondent may elect to use Equation 1 of 40 CFR 63.785(c)(2) when determining the maximum allowable thinning ratio or ratios to be applied at the facility.
6. Record Keeping Requirements. Notwithstanding the requirements of R.C.S.A. Section 22a-174-20(s)(8), the Respondent shall:
 - a. Make and keep such records that are necessary to reliably calculate actual monthly and annual coating and solvent usage and VOC emissions at the facility. Records shall be made available to the Commissioner or EPA upon request. Such records shall be created for each calendar month and 12-month period by keeping the following daily records:
 - i. Identity, formulation, VOC content (both actual VOC content and VOC content less volume of water and exempt compounds) and quantity applied for each VOC-containing material used, including but not limited to coatings, thinning solution(s), and cleaning solution(s) at the facility;
 - ii. The percent of VOC by weight in the coating, as applied.
 - b. Make and keep records of each coating used at the facility. Such records shall demonstrate compliance with paragraph B.2 of this Consent Order.
 - c. Keep each record required by this Consent Order at the premise for five years after the date that such record is made and make these records available to the Commissioner and/or EPA upon request.
7. 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.
8. 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.
9. Definitions. As used in this Consent Order:
 - a. "Commissioner" means the Commissioner or a representative of the Commissioner.
 - b. "Antifoulant specialty coating" means any coating that is applied to the under water portion of a

vessel to prevent or reduce the attachment of biological organisms and that is registered with the EPA as a pesticide under the Federal Insecticide, Fungicide, and Rodenticide Act.

- c. "General use coating" means any coating that is not a specialty coating.
 - d. "High Gloss specialty coating" means any coating that achieves at least 85 percent reflectance on a 60 degree meter when tested by the American Society for Testing and Materials Method D-523.
 - e. "Heat resistant specialty coating" means any coating that during normal use must withstand a temperature of at least 204 degree Celsius (400 degree Fahrenheit).
 - f. "High-temperature specialty coating" means any coating that during normal use must withstand a temperature of at least 426 degree Celsius (800 degree Fahrenheit).
 - g. "Inorganic zinc high-build specialty coating" means a coating that contains 960 grams per liter (eight pounds per gallon) or more elemental zinc incorporated into an inorganic silicate binder that is applied to steel to provide galvanic corrosion resistance.
 - h. "Nonskid specialty coating" means any coating applied to the horizontal surfaces of a marine vessel for the specific purpose of providing slip resistance for personnel, vehicles, or aircraft.
 - i. "Organic zinc specialty coating" means any coating derived from zinc dust incorporated into an organic binder that contains more than 960 grams of elemental zinc per liter (eight pounds per gallon) of coating, as applied, and that is used for the expressed purpose of corrosion protection.
 - j. "Pretreatment wash primer specialty coating" means any coating that contains a minimum of 0.5 percent acid, by mass, and is applied only to bare metal to etch the surface and enhance adhesion of subsequent coatings.
 - k. "Ship" means any marine or fresh-water vessel used for military or commercial operations, including self-propelled vessels, those propelled by other craft (barges), and navigational aids (buoys). Pleasure craft and offshore oil and gas drilling platforms are not considered ships.
 - l. "Shipbuilding and ship repair operations" means any building, repair, repainting, converting, or alteration of ships.
10. 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.

11. 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 R.C.S.A. Section 22a-430-3(b)(2), 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 Section 22a-175 of the Connecticut General Statutes, Section 53a-157b of the Connecticut General Statutes, and in accordance with any other applicable law."

12. 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.
13. 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 and Section 53a-157b of the Connecticut General Statutes and in accordance with any other applicable law.
14. 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.
15. 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.
16. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.
17. 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.

18. 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.
19. 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.
20. 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.
21. 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.
22. 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

Thames Shipyard & Repair Company

8

Consent Order No. 8381

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.

Thames Shipyard & Repair Company

DocuSigned by:

Signature



CC3837ADA7CF4B0...

Adam Wronowski

Type Name:

Type Title:

V.P.

Date:

12/2/2021

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

DocuSigned by:


Betsey Wingfield

Katie Dykes, Commissioner

Department of Energy and Environmental Protection

12/3/2021

Date

CITY OF NEW LONDON
LAND RECORDS
MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED
Certified Document No. _____

[Note: This sheet is not a part of the Consent Order and is only attached to the original Consent Order which is retained in separate DEEP files which are accessible to the public with close supervision. The Consent Order must be mailed to the Respondent by certified mail, return receipt requested. If the Respondent is a business, send a certified copy to the attention of a person at the business.]

Certification of Mailing

On _____, 2021, at __:__ A.M./P.M., I mailed a certified copy of State Order No.8381 to the following, by placing it in the [U.S. mail/interdepartmental mail]:

On _____, 2021, at __:__ A.M./P.M., I mailed a plain copy of State Order No.8381 to the following, by placing it in the [U.S. mail/interdepartmental mail]:

Signature:_____

Name:_____

Title:_____

Date:_____