

EPA ENFORCEMENT ACCOUNTS RECEIVABLE CONTROL NUMBER FORM FOR ADMINISTRATIVE ACTIONS

This form was originated by Wanda I. Santiago for Timothy M. Conway 12/7/17  
Name of Case Attorney Date

in the ORC (RAA) at 918-1113  
Office & Mail Code Phone number

Case Docket Number CAA-01-2017-0079

Site-specific Superfund (SF) Acct. Number \_\_\_\_\_

This is an original debt  This is a modification

Name and address of Person and/or Company/Municipality making the payment:

Hubbard Hall, Inc.  
563 South Leonard Street  
Waterbury, CT 06708

Total Dollar Amount of Receivable \$ 33,500 Due Date: 1/6/18

SEP due? Yes  No  Date Due \_\_\_\_\_

Installment Method (if applicable)

- INSTALLMENTS OF:
- 1<sup>st</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
  - 2<sup>nd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
  - 3<sup>rd</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
  - 4<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_
  - 5<sup>th</sup> \$ \_\_\_\_\_ on \_\_\_\_\_

For RHC Tracking Purposes:

Copy of Check Received by RHC \_\_\_\_\_ Notice Sent to Finance \_\_\_\_\_

**TO BE FILLED OUT BY LOCAL FINANCIAL MANAGEMENT OFFICE:**

IFMS Accounts Receivable Control Number \_\_\_\_\_

If you have any questions call: \_\_\_\_\_  
in the Financial Management Office

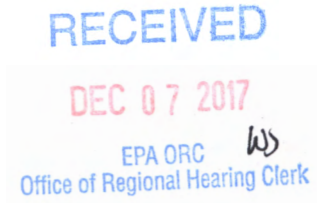
\_\_\_\_\_ Phone Number



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
NEW ENGLAND REGION

December 7, 2017

Wanda Santiago  
Paralegal/Regional Hearing Clerk  
U.S. Environmental Protection Agency  
Region I  
5 Post Office Square  
Boston, Massachusetts 02109



Re: Hubbard Hall, Inc., Respondent  
**Docket No. CAA-01-2017-0079**

Dear Ms. Santiago:

Enclosed for filing in the above-referenced matter, please find the original and one copy of the executed Consent Agreement and Final Order in this matter.

Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in blue ink that reads "Tim Conway".

Timothy M. Conway  
Senior Enforcement Counsel

Enclosures

cc:  
Hamilton Hackney, Esq.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
BEFORE THE ADMINISTRATOR

\_\_\_\_\_  
In the Matter of: )  
)  
Hubbard Hall, Inc. )  
563 South Leonard Street )  
Waterbury, CT 06708 )  
)  
Respondent )  
\_\_\_\_\_

Docket No. CAA 01-2017-0079

**CONSENT AGREEMENT AND FINAL ORDER**

The Complainant, United States Environmental Protection Agency, Region I (“EPA”), alleges that Hubbard Hall, Inc., located at 563 South Leonard Street, Waterbury, Connecticut (“Respondent” or “Hubbard Hall”) failed to comply with the National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources, found at 40 C.F.R. Part 63, Subpart VVVVVV (“Subpart 6V”) and the National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry, found at 40 C.F.R. Part 63, Subpart BBBB BB (“Subpart 7B”) under the Clean Air Act, 42 U.S.C. §§ 7401-7671q (the “Act”).

EPA and Respondent agree to settlement of this matter through this Consent Agreement and Final Order (“CAFO”) without the filing of an administrative complaint, as authorized under 40 C.F.R. § 22.13(b).

EPA and Respondent agree that settlement of this matter is in the public interest, and that entry of this Consent Agreement and Final Order (“CAFO”) without further litigation is the most appropriate means of resolving this matter.

RECEIVED  
DEC 07 2017  
EPA ORC WS  
Office of Regional Hearing Clerk

Therefore, before taking any testimony, upon the pleadings, without adjudication of any issue of fact or law, and upon consent and agreement of the parties, it is hereby ordered and adjudged as follows:

**A. PRELIMINARY STATEMENT**

1. The provisions of this CAFO shall apply to and be binding on EPA and on Respondent, its officers, directors, successors and assigns. The “Effective Date” of this CAFO shall be defined as the date that this CAFO is filed with the Regional Hearing Clerk, as described in the Final Order attached to this Consent Agreement.
2. Respondent stipulates that EPA has jurisdiction over the subject matter alleged in this CAFO. Respondent waives any defenses it might have as to jurisdiction and venue. Respondent consents to the terms of this CAFO.
3. Respondent neither admits nor denies the specific factual and legal allegations below in Section B. For purposes of this CAFO and any action necessary to enforce it, Respondent hereby waives its right to request a judicial or administrative hearing or otherwise to contest the allegations in this CAFO. Respondent waives any right to appeal this CAFO.
4. Under Section 113(d)(1)(B) of the Act, 42 U.S.C. § 7413(d)(1)(B), the Debt Collection Improvement Act (“DCIA”), 31 U.S.C. § 3701, and EPA’s Civil Monetary Penalty Inflation Adjustment Rules, promulgated thereunder at 40 C.F.R. Part 19, EPA may assess a civil administrative penalty of up to \$37,500 per day for each violation of the Clean Air Act occurring after December 6, 2013, and up to \$44,539 for each day of each violation occurring after November 2, 2015.

**B. EPA FINDINGS:**

5. Section 112 of the CAA, 42 U.S.C. § 7412, requires EPA to establish emission standards

for categories of sources of hazardous air pollutants (“HAPs”). These standards are known as National Emission Standards for Hazardous Air Pollutants (“NESHAPs”).

6. After the effective date of a NESHAP, no person shall operate a source subject to the NESHAP in violation of such NESHAP. 42 U.S.C. § 7412(i)(3).
7. Under the general provisions for NESHAPs, in 40 C.F.R. Part 63, Subpart A, an area source of HAPs is a stationary source that is not a major source; that is, a facility that does not emit or have the potential to emit 10 tons per year or more of a single HAP or 25 tons per year or more of combined HAPs.
8. Owners and operators of facilities that perform chemical preparations at an area source of HAP emissions and have at least one chemical preparation operation in target HAP service are subject to Subpart 7B.
9. Under 40 C.F.R. § 63.11588, “chemical preparations facility” means the facility-wide collection of chemical preparation operations, which includes mixing, blending, milling and extruding equipment used to manufacture chemical preparations.
10. Under 40 C.F.R. § 63.11588, some of the target HAPs specified include metal compounds of nickel and manganese.
11. Under 40 C.F.R. § 63.11579(b)(1) an affected source is an existing source if the owner or operator commenced construction of the affected source before August 5, 2009.
12. Under 40 C.F.R. § 63.11494(a) owners or operators of chemical manufacturing processing units (“CMPUs”) located at an area source of HAPs that uses as feedstock any material that contains quinolone, manganese, and/or trivalent chromium at an individual concentration greater than 1.0 percent by weight, or any other Table 1 HAP at an individual concentration greater than 0.1 percent by weight, are subject to Subpart 6V.

13. Under 40 C.F.R. § 63.11494(d)(1)-(2), a facility is a new source if the owner or operator commenced construction or reconstruction of the affected source on or after October 6, 2008, but is an existing source if the construction or reconstruction occurred before that date.
14. Hubbard Hall owns and operates a facility located at 563 South Leonard Street in Waterbury, Connecticut (the “Facility”) which performs chemical manufacturing as well as chemical preparations. The Facility is subject to the Connecticut General Permit to Limit Potential to Emit, which limits total HAP emissions from Hubbard Hall to below 10 tons per year of individual HAP and 25 tons per year of combined HAPs. The Facility is an area source of HAPs pursuant to 40 C.F.R. Part 63, Subpart A.
15. On May 18, 2016, EPA conducted an inspection of the Facility.
16. The Facility uses nickel carbonate and nickel sulfate in liquid products that are blended on-site. Material Safety Data Sheets indicate that the nickel carbonate powder, and nickel sulfate product contain more than 0.1% nickel by weight. These raw materials are blended on-site in a 700-gallon tank at the Facility, in which liquids and powders are blended into final products. This tank was connected to a Heil Model 734-DR fume scrubber and its currently connected to a Crossair Inline Particulate Eliminator.
17. EPA issued a Reporting Requirement to Hubbard Hall on August 24, 2016.
18. Hubbard Hall responded to EPA’s Reporting Requirement on September 23, 2016 (the “Response”).
19. According to the Response, Hubbard Hall blended compounds containing nickel and manganese in a 300-gallon capacity tank installed in May 1991 and removed from service by October 2015. The raw material manganese oxide was blended in this tank to create the

product Mi-Phos M5, which contained 0.63 percent nickel by weight and 7.84 percent manganese by weight.

20. According to the Response, the 700-gallon tank currently used for mixing and reacting nickel compounds was installed in September 2012.
21. Based on the Facility's area source status and the use of nickel carbonate, nickel sulfate, and manganese oxide, all of which contain a target HAP defined in Subpart 7B at concentrations greater than 1% by weight (for manganese) and greater than 0.1% by weight (for compounds of nickel), Hubbard Hall is subject to Subpart 7B.
22. Under 40 C.F.R. § 63.11585(b)(1), an existing facility subject to Subpart 7B must submit an initial notification to EPA no later than April 29, 2010.
23. Hubbard Hall submitted an initial notification for Subpart 7B to EPA dated December 22, 2016.
24. Accordingly, Hubbard Hall violated 40 C.F.R. § 63.11585(b)(1).
25. Under 40 C.F.R. §§ 63.11585(b)(3) and 63.9(h)(2)(ii) an existing facility is required to submit a Notification of Compliance Status Report ("NOCS") within 60 days of December 31, 2010.
26. Hubbard Hall submitted an NOCS on December 22, 2016.
27. Accordingly, Hubbard Hall violated 40 C.F.R. §§ 63.11585(b)(3) and 63.9(h)(2)(ii).
28. Based upon the Facility's use of nickel carbonate beginning in March 2009, at a concentration of greater than 0.1% by weight to form certain of its products, the Facility is a new source subject to Subpart 6V.
29. Under 40 C.F.R. §§ 63.11501(b) and 63.9(h)(2)(ii), a new facility is required to submit a Notification of Compliance Status Report ("NOCS") by October 29, 2009. Hubbard Hall

submitted a NOCS for Subpart 6V on October 1, 2012, which referenced the use of methylene chloride and nickel sulfate in CMPU.

30. In its Response Hubbard Hall stated that methylene chloride and nickel sulfate were not used in a CMPU, but rather nickel carbonate was reacted with citric acid to form nickel citrate to form certain products, and that these activities appeared to be regulated as a chemical manufacturing process under the 6V NESHAP.
31. Under 40 C.F.R. § 63.11495(a)(3), the Facility must conduct quarterly inspections of process vessels and equipment for each CMPU in organic HAP service or metal HAP service, to demonstrate compliance with 40 C.F.R. § 63.11495(a)(1) and to determine that the process vessels are sound and free of leaks.
32. In its Response Hubbard Hall stated that quarterly inspections of the tank occurred from January 2013 to the date of the response. These inspections did not include inspections of the tank cover.
33. Accordingly, Hubbard Hall violated 40 C.F.R. § 63.11495(a)(3).

**C. TERMS OF SETTLEMENT**

34. EPA has provided notice to Respondent, and to the Connecticut Department of Energy and Environmental Protection, of EPA's findings of violations described in this CAFO, at least 30 days prior to the issuance of an administrative penalty order under Section 113(d) of the Act.

35. In light of the statutory factors of Section 113(e) of the Act, EPA has determined that it is fair and proper to assess a civil penalty for the violations alleged in this CAFO in the amount of \$33,500. Respondent shall pay the penalty of \$33,500 within thirty (30) days of the effective date of this CAFO by submittal of a bank, cashier's or certified check for \$33,500.

36. Respondent shall make its payment(s) by submitting a check(s), to the order of the



“Treasurer, United States of America,” to:

U.S. Environmental Protection Agency  
Fines and Penalties  
Cincinnati Finance Center  
P.O. Box 979077  
St. Louis, MO 63197-9000

Respondent shall note the case name and docket number of this action on the check and in an accompanying cover letter, and shall simultaneously provide copies of the check and cover letter to:

Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region I  
5 Post Office Square, Suite 100 (ORA04-6)  
Boston, MA 02109-3912

and

Tim Conway  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency, Region I  
5 Post Office Square, Suite 100 (OES04-3)  
Boston, MA 02109-3912

37. Pursuant to Section 113(d)(5) of the CAA, if Respondent fails to pay the penalty amount it will be subject to an action to compel payment, plus interest, enforcement expenses, and a nonpayment penalty. 42 U.S.C. § 7413(d)(5). Interest will be assessed on the penalty if it is not paid by the due date established herein. In that event, interest will accrue from the date the CAFO was signed by the EPA Regional Judicial Officer, at the “underpayment rate” established pursuant to 26 U.S.C. § 6621(a)(2). In the event that the penalty is not paid when due, an additional charge will be assessed to cover the United States’ enforcement expenses, including attorneys’ fees and collection costs. A quarterly nonpayment penalty will be assessed for each quarter during which the failure to pay the penalty persists. Such nonpayment penalty shall be

10 percent of the aggregate amount of Respondent's outstanding penalties and nonpayment penalties hereunder accrued as of the beginning of such quarter.

**D. GENERAL PROVISIONS**

38. All submissions required by this Order shall be sent to:

If to EPA:

Karen McGuire, Acting Director  
Office of Environmental Stewardship  
U.S. Environmental Protection Agency  
5 Post Office Square, Suite 100 (OES04-2)  
Boston, MA 02114  
Attention: Joan Jouzaitis

If to Respondent:

Molly C. Kellogg, President/CEO  
Hubbard Hall, Inc.  
563 South Leonard Street  
Waterbury, CT 06708

39. The penalty under Paragraph 35 above, any interest, and the nonpayment penalties and/or charges as described in Paragraph 37, above, shall represent penalties assessed by EPA and shall not be deductible for purposes of federal taxes, and shall not be deductible for purposes of state, or local taxes unless allowed by law.

40. This CAFO constitutes a settlement by EPA of all claims against Respondent for civil penalties pursuant to the Act for the violations alleged in Section B of this CAFO. Compliance with this CAFO shall not be a defense to any other actions subsequently commenced pursuant to Federal laws and regulations administered by EPA for matters not addressed in this CAFO, and it is the responsibility of Respondent to comply with all applicable provisions of federal, state, or local law. EPA reserves all its other criminal and civil enforcement authorities, including the authority to seek injunctive relief and the authority to address imminent hazards.

41. Each party shall bear its own costs and fees in this proceeding, including attorneys fees, and specifically waives any right to recover such costs from the other party pursuant to the Equal Access to Justice Act, 5 U.S.C. § 504, or other applicable law.

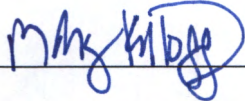
**E. AUTHORIZATION**

42. Each party certifies that at least one of their undersigned representatives is fully authorized to enter into the terms and conditions of this CAFO and to execute and legally bind such party to this document.

In the Matter of Hubbard Hall, Inc., Docket No. CAA-01-2017-0079

Consent Agreement and Final Order

For Hubbard Hall, Inc.

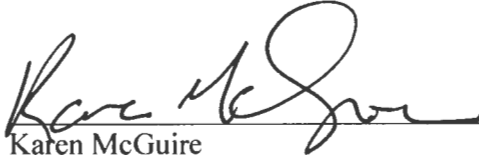
  
\_\_\_\_\_


Date 11/20/17

Molly Kellogg, President

In the Matter of Hubbard Hall, Inc., Docket No. CAA-01-2017-0079  
Consent Agreement and Final Order

FOR UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

 \_\_\_\_\_ 12-4-17  
Karen McGuire Date  
Acting Director, Office of Environmental Stewardship  
U.S. Environmental Protection Agency, Region I

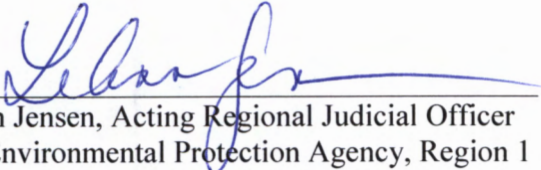
 \_\_\_\_\_ 11/30/17  
Timothy M. Conway Date  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency, Region I

In the Matter of Hubbard Hall, Inc., Docket No. CAA 01-2017-0079

FINAL ORDER

Pursuant to 40 C.F.R. § 22.18(b) of the United States Environmental Protection Agency's Consolidated Rules of Practice, the parties to this matter have forwarded an executed Consent Agreement to me for final approval. In accordance with 40 C.F.R. § 22.18(b) and Section 113(d) of the Clean Air Act, 42 U.S.C. § 7413(d), the foregoing Consent Agreement resolving this matter is hereby incorporated by reference into this Final Order and is hereby ratified. The Respondent, Hubbard Hall, Inc., is hereby ordered to comply with the terms of the above Consent Agreement, which will become effective on the date it is filed with the Regional Hearing Clerk.

U.S. ENVIRONMENTAL PROTECTION AGENCY

  
\_\_\_\_\_  
LeAnn Jensen, Acting Regional Judicial Officer  
U.S. Environmental Protection Agency, Region 1

12/5/17  
Date

CERTIFICATE OF SERVICE

I hereby certify that the foregoing "Consent Agreement and Final Order" in the matter of Hubbard Hall, Inc., Docket No. CAA-01-2017-0079, was sent to the following persons on the date noted below:

Original and One Copy  
(Hand Delivered):

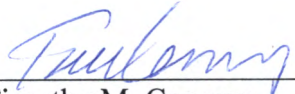
Wanda Santiago  
Regional Hearing Clerk  
U.S. Environmental Protection Agency, Region 1  
5 Post Office Square  
Suite 100, ORA04-6  
Boston, MA 02109-3912

Copy (1<sup>st</sup> class mail)

Molly C. Kellogg, President/CEO  
Hubbard Hall, Inc.  
563 South Leonard Street  
Waterbury, CT 06708

Dated: \_\_\_\_\_

12/7/17

  
\_\_\_\_\_

Timothy M. Conway  
Senior Enforcement Counsel  
U.S. Environmental Protection Agency  
Region 1  
5 Post Office Square  
Suite 100, OES 04-3  
Boston, MA 02109-3912