

STATE OF VERMONT
SUPERIOR COURT
ENVIRONMENTAL DIVISION

ANR v Isovolta, Inc.

23-ENV-00082

AOD ORDER

The Assurance of Discontinuance, signed by the Respondent(s) on the 22nd day of June, 2023 and filed with the Superior Court, Environmental Division, on the 8th day of August, 2023, is hereby entered as an order of this Court, pursuant to 10 V.S.A. 8007(c).

Electronically signed August 28, 2023 pursuant to V.R.E.F. 9(D).

A handwritten signature in black ink that reads "Tom Walsh". The signature is stylized and cursive.

Thomas G. Walsh, Judge
Superior Court, Environmental Division

STATE OF VERMONT

SUPERIOR COURT

**ENVIRONMENTAL DIVISION
Docket No.**

**SECRETARY, VERMONT
AGENCY OF NATURAL RESOURCES,
Plaintiff**

v.

**ISOVOLTA, INC.,
Respondent**

VIOLATIONS

1. Air Pollution Control Permit to Construct and Operate #AOP-14-037 (AOP-14-037), Condition (17): failure to continuously monitor and record exhaust gas temperature at outlet of each incineration control device.
2. AOP-14-037, Condition (19)(a): failure to record CTMS data for 90% of operating time of incinerator for 4th quarter of 2021 and 1st, 2nd, 3rd, and 4th quarters of 2022.
3. AOP-14-037, Condition (19)(b): failure to perform annual review of CTMS QA Plan and failure to notify Agency of review results.
4. AOP-14-037, Condition (19)(c): failure to submit quarterly summary reports within thirty (30) days after close of calendar quarter for 4th quarter of 2021 and 1st, 2nd, and 3rd quarters of 2022.
5. AOP-14-037, Condition (19)(d): failure to perform and submit annual checks of each start-up/shut-down interlock system for 2020 and 2021.
6. AOP-14-037, Condition (19)(f): failure to maintain raw data from incineration control device monitoring system for five years from data collection.
7. AOP-14-037, Condition (20): failure to provide in a timely manner, the required O&M Plan for clean air fabric filter upon request.
8. AOP-14-037, Condition (22): failure to calculate resultant emissions of VOCs, acetone, HAPs, and HACs and verify emissions after any applicable air pollution control equipment are below permit limits.
9. AOP-14-037, Condition (25): failure to submit Annual Compliance Certification for 2021 by February 1, 2022.
10. Vermont Air Pollution Control Regulation Section 5-803(1) and AOP-14-037, Condition (28): failure to submit annual registration data for calendar year 2021 by February 1, 2022 and associated fee by May 1, 2022.
11. AOP-14-037, Condition (45): failure to submit renewal permit application by March 20, 2022.

ASSURANCE OF DISCONTINUANCE

Pursuant to the provisions of 10 V.S.A. 8007, the Secretary (Secretary) of the Agency of Natural Resources (Agency) and Isovolta, Inc. (Respondent) hereby enter into this Assurance of Discontinuance (Assurance), and stipulate and agree as follows:

STATEMENT OF FACTS AND DESCRIPTION OF VIOLATIONS

1. Respondent is a Vermont-registered corporation, which owns and operates a reinforced mica sheet manufacturing facility on Windcrest Road, in Rutland, Vermont (the Facility).
2. The Facility has one mica paper-making line and two coating and laminating lines. Steam for space and process heat is provided by a large boiler that fires LP gas.
3. The Facility's air pollutant emission of concern consists of VOCs from the coating lines, and products of fuel combustion of various equipment. VOC emissions are controlled using a thermal incinerator on each coating line. The Facility utilizes a Continuous Temperature Monitoring System (CTMS) to monitor and record exhaust gas temperature for each incinerator, known as the Wolverine and Midland incinerators. A fabric filter controls mica dust associated with the paper-making line.
4. The Facility is subject to Air Pollution Control Permit to Construct and Operate #AOP-14-037, issued to Respondent on September 30, 2017 (#AOP-14-037).
5. On September February 2, 2022, the Agency conducted an inspection of the Facility. During the inspection, Agency personnel determined the following:
 - a. Respondent failed to continuously monitor and record exhaust gas temperature for the Wolverine incineration device as required by Condition (17).
 - b. Respondent failed to record CTMS data for 90% of operating time of its incinerator for the 4th quarter of 2021 as required by Condition (19)(a).
 - c. Respondent failed to perform an annual review of its CTMS Quality Assurance (QA) Plan and failed to notify Agency of review results as required by Condition (19)(b).
 - d. Respondent failed to submit quarterly summary reports within thirty (30) days after the close of calendar quarter for the 4th quarter of 2021 as required by Condition (19)(c).
 - e. Respondent failed to perform and submit annual checks of each start-up/shut-down interlock system for 2020 and 2021 as required by Condition (19)(d).
 - f. Respondent failed to maintain raw data from its incineration control device monitoring system for five years from data collection as required by Condition (19)(f).
 - g. Respondent failed to provide required O&M Plan for its clean air fabric filter upon request as required by Condition (20). Facility personnel were unaware of the requirement to develop and implement an O&M Plan for the fabric filter dust collection system, and no O&M Plan had been developed.

- h. Respondent failed to calculate resultant emissions of VOCs, acetone, HAPs, and HACs and verify emissions after any applicable air pollution control equipment were below permit limits as required by Condition (22).
 - i. Respondent failed to submit its Annual Compliance Certification for 2021 by February 1, 2022 as required by Condition (25).
- 6. Following the inspection, the Agency determined that Respondent failed to submit its annual registration data for calendar year 2021 by February 1, 2022 and its associated fee by May 1, 2022 as required by Vermont Air Pollution Control Regulation Section 5-803(1) and AOP-14-037, Condition (28), failed to submit a permit renewal application by March 20, 2022, as required by Condition (45).
- 7. On March 22, 2022, the Agency issued a Notice of Alleged Violation (NOAV) however it was returned as undeliverable. On April 6, 2022, the Agency re-issued the NOAV identifying the violations determined during the February 2, 2022 inspection.
- 8. On April 6, 2022, Respondent submitted the O&M Plan to the satisfaction of the Agency to address non-compliance with Condition (20).
- 9. On June 28, 2022, Respondent submitted the annual registration data and paid the associated fee on August 4, 2022 to address non-compliance with Condition (28).
- 10. Respondent submitted summary reports for the 4th quarter of 2021 and 1st, 2nd, and 3rd quarters of 2022 to address non-compliance with Condition 19(c), however they were not submitted within thirty (30) days after the close of calendar quarter.
- 11. On September 28, 2022, Respondent submitted its permit renewal application to address non-compliance with Condition (45).
- 12. Following the February 2, 2022 inspection Respondent failed to record CTMS data for 90% of operating time of its incinerator for the 1st, 2nd, 3rd, and 4th quarters of 2022 as required by Condition (19)(a).
- 13. Following the February 2, 2022 inspection, Respondent identified the need to replace a faulty memory card in order to place the Wolverine CTMS back on-line.
- 14. On March 31, 2023, Respondent submitted annual checks of each start-up/shut-down interlock system for 2020 and 2021 as required by Condition (19)(d).
- 15. On March 31, 2023, Respondent submitted documentation as required by Condition (22).
- 16. On March 31, 2023, Respondent submitted Annual Compliance Certifications for 2021 and 2022 as required by Condition (25).

17. On about April 26, 2023, Respondent installed the necessary equipment to make the Wolverine CTMS functional again, and began monitoring and recording the exhaust gas temperature at the outlet of the Wolverine incineration control device as required by Condition 17.
18. Respondent admits the factual findings described above, solely for the purposes of resolving this case.
19. The Agency alleges that the above conduct constitutes a violation of AOP-14-037 Conditions (17), (19)(a), (19)(b), (19)(c), (19)(d), (19)(f), (20), (22), (25), (28), (45), and Vermont Air Pollution Control Regulation Section 5-803(1).

AGREEMENT

Based on the foregoing Statement of Facts and Description of Violations, the parties agree as follows:

- A. For the violations described above, Respondent shall pay a total penalty of \$13,750.00. Payment shall be made as follows: No later than thirty (30) consecutive calendar days following the date this Assurance is entered as an Order by signature of the Superior Court, Environmental Division (effective date), \$5,000.00 shall be received. No later than sixty (60) consecutive calendar days following the effective date of this Assurance, \$5,000.00 shall be received. No later than ninety (90) consecutive calendar days following the effective date of this Assurance, \$3,750.00 shall be received. Payment shall be by either:

1. Check made payable to the "Treasurer, State of Vermont" and forwarded to:

Administrative Services Coordinator
Environmental Compliance Division - Enforcement
Agency of Natural Resources
1 National Life Drive, Davis 3
Montpelier, VT 05620-3803

Or

2. Credit card or electronic check payment through the Agency's online system at:
https://anronline.vermont.gov/?formtag=ANR_EnforcementPenaltyPayment

In the event Respondent fails to make any payment on time as set forth above, the Secretary shall have the authority to accelerate all the remaining payments and make them due and payable immediately. The decision to invoke this acceleration provision shall be in the sole

discretion of the Secretary, and a decision not to invoke this provision shall not be deemed a waiver of the provision's future use.

- B. No later than thirty (30) consecutive calendar days following the effective date of this Assurance, Respondent shall perform the annual review of its CTMS QA Plan and notify the Agency of review results. Respondent shall update the plan as necessary, based on the results of the annual review, or upon the Agency's request.
- C. Without formally admitting or denying wrongdoing or liability, Respondent agrees to this settlement of the violations alleged above in order to resolve all outstanding disputes.
- D. Respondent agrees that the violations alleged are deemed proved and established as a "prior violation" in any future state proceeding that requires consideration of Respondent's past record of compliance, such as permit review proceedings and calculating civil penalties under 10 V.S.A. §8010.
- E. The State of Vermont and the Agency reserve continuing jurisdiction to ensure future compliance with all statutes, rules, and regulations applicable to the facts and violations set forth hereinabove.
- F. Nothing in this Assurance shall be construed as having relieved, modified, or in any manner affected the Respondent's on-going obligation to comply with all other federal, state or local statutes, regulations or directives applicable to the Respondent in the operation of their business.
- G. This Assurance shall become effective only after it is signed by all parties and entered as an order of the Environmental Court. When so entered by the Environmental Court, this Assurance shall become a judicial order. In the event that such order is vacated, the Assurance shall be null and void.

- H. Respondent shall not be liable for additional civil or criminal penalties with respect to the specific facts described herein occurring before the effective date of the Assurance, provided that Respondent fully complies with the agreements set forth above.

- I. This Assurance sets forth the complete agreement of the parties, and it may be altered, amended, or otherwise modified only by subsequent written agreements signed by the parties hereto or their legal representatives and incorporated in an order issued by the Environmental Court. Alleged representations not set forth in this Assurance, whether written or oral, shall not be binding upon any party hereto, and such alleged representations shall be of no legal force or effect.

- J. Any violation of any agreement set forth herein will be deemed to be a violation of a judicial order, and may result in the imposition of injunctive relief and/or penalties, including penalties set forth in 10 V.S.A. Chapters 201 and/or 211.

- K. This Assurance is subject to the provisions of 10 V.S.A. §§ 8007 and 8020.


SIGNATURES

The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted.

Further, I, Chris Di Filippo, the undersigned, hereby state under oath that I am the Managing Director of Isovolta, Inc.'s Rutland, VT facility and an authorized representative of Isovolta, Inc. and that I have the power to contract on behalf of that entity, and that I have been duly authorized to enter into the foregoing Assurance of Discontinuance on behalf of that entity.

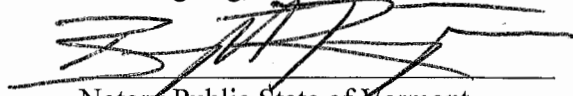
Dated at RUTLAND, Vermont, this 22 day of JUNE 2023.

ISOVOLTA, INC.

By: 
Chris Di Filippo
Managing Director
Energy - Rutland

STATE OF VERMONT
COUNTY OF RUTLAND, SS.

At RUTLAND, Vermont this 22 day of JUNE, 2023, the above signatory personally appeared, signed, and swore to the foregoing, before me.

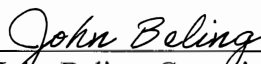

Notary Public State of Vermont

Bridgette L. Remington 157.0001855 Printed Name BRIDGETTE REMINGTON
Notary Public, State of Vermont
My Commission Expires 12/3/25 Commission No. _____
My Commission Expires _____

The provisions set forth in this Assurance of Discontinuance are hereby agreed to and accepted.

Dated at Montpelier, Vermont, this 7th day of July, 2023.

SECRETARY, AGENCY OF NATURAL RESOURCES

By: 
John Beling, Commissioner
Department of Environmental Conservation