

IN THE MATTER OF:  
THOMAS MANUFACTURING CORP.

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BEFORE THE MARYLAND  
DEPARTMENT OF THE  
ENVIRONMENT

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CONSENT ORDER

Background

- A. Thomas Manufacturing Corporation (the "Company") owns and operates a plant in Parkton, Maryland which coats electric light bulbs to render them shatterproof. The plant is subject to State law for the control of air pollution contained at Environment Article §2-101 et seq. of the Maryland Code and State regulations for the control of air pollution presently contained at Code of Maryland Regulations (COMAR) 26.11. These regulations are enforced by the Maryland Department of the Environment ("MDE" or the "Department"). This Consent Order is entered into under the authority of Environment Article, §2-610 and §2-611, of the Maryland Code.
- B. The Company's coating operation is subject to COMAR 26.11.06.06, which prohibits the Company from discharging volatile organic compounds (VOCs) from any installation constructed after May 12, 1972 in excess of 20 pounds per day unless the discharge is reduced by 85% or more overall.
- C. On September 28, 1993, the Department issued Notice of Proposed Civil Penalty No. ACP 93-24 alleging that the Company is in violation of Maryland regulations for the control of air pollution, specifically COMAR 26.11.06.06.
- D. On September 28, 1993, the Department issued Corrective Order No. 93-09-02 to the Company alleging that the Company's coating operation violated the applicable standards and

ordering the Company to submit a compliance plan. The Company submitted the required plan for compliance on January 21, 1994.

- E. In order to settle the Department's claims, as set forth above, and without any admission by the Company that any violations occurred, the Company and the Department agree to the following Order:

ORDER

(by Consent)

The Company agrees to the following schedule:

1. Not later than sixty (60) calendar days after this Consent Order is effective, the Company shall submit a complete Permit to Construct application for the mixing room carbon adsorption unit.
2. The Company is investigating methods of assuring compliance with COMAR 26.11.06.06, which includes substitution of water-based or other compliant coating material. The Company shall comply with the following schedule:
  - a. On January 3, 1994, the Company replaced the carbon in the VIC Carbon Adsorption System.
  - b. By November 30, 1994, the Company shall complete installation of the mixing room carbon adsorption system or replace all solvent-based coatings with water-based coatings.

- c. By December 30, 1994, the Company shall demonstrate compliance of the light bulb coating line with COMAR 26.11.06.06.
  - d. After January 6, 1995, the Company shall comply with COMAR 26.11.06.06.
3. In order to demonstrate compliance with the requirements listed in Paragraphs 2.a. through 2.d., the Company shall keep weekly records of toluene usage and recovery and compute a mass balance of the coating/recovery operations to verify a minimum toluene recovery of 85%. These records must be maintained on-site for a period not less than two (2) years and be made available to the Department upon request.
  4. In full and final settlement of all claims by the Department that State air pollution laws were violated with respect to VOC emissions associated with the coating operations at the Parkton plant, the Company shall pay to the Department, in five installments, the total sum of \$30,000. The first installment of \$6,000 shall be paid not later than thirty (30) calendar days after this Consent Order is approved by the Department. In addition, at 6, 12, 18, and 24 months from the anniversary date of this Consent Order, the Company shall pay \$6,000 to the Department. Each payment shall be paid by certified check payable to the Maryland Department of the Environment/Clean Air Fund and shall be sent to the Maryland Department of the Environment, P.O. Box 1417, Baltimore MD 21203-1417.



5. a. If the Company fails to comply with any milestone date in Paragraphs 2.a. through 2.d, or any recordkeeping and reporting requirement in Paragraph 3., the Company shall pay a stipulated penalty of \$1,000 for each day of noncompliance except to the extent that a delay is caused by an event described in Paragraph 6. below. All payments shall be paid by certified check payable to the Maryland Department of the Environment/Clean Air Fund and shall be sent to the Maryland Department of the Environment, P.O. Box 1417, Baltimore, Maryland 21203-1417. Payment shall be due no later than thirty (30) calendar days after the Company receives notice of noncompliance from the Department.
- b. If the Company fails to make any payment due under Paragraph 4., the full amount remaining under Paragraph 4. may be required, at the Department's discretion, to be due immediately. Failure to pay that amount within thirty (30) days of receipt of notice that payment is due shall subject the Company to State procedures for the collection of debts owed to the State.
6. For the purposes of this Order, the Department considers the provisions of Environmental Article, Section 2-613 of the Maryland Code to be applicable. Accordingly, as provided in Section 2-613, violations of this Order will not be construed to include any violation which was caused by an act of strike, riot, catastrophe, or any other cause beyond

control of the Company. The Company shall report in writing to the Department any such cause for delay within ten (10) days after the delay is known by the Company to have occurred.

7. This Order does not alter the obligations of the Company to take whatever action COMAR 26.11.05 requires of the Company in an air pollution episode and to comply with all other requirements of COMAR other than those for which this Order provides for delayed compliance.
8. The Department considers that this Order is a Plan for Compliance for purposes of Environment Article §2-611, Annotated Code of Maryland and the Company shall not be considered to be in violation of COMAR 26.11.06.06 with regard to the Company's current VOC discharges as long as the Company operates in compliance with this Order.
9. If the installations or processes, listed in this Order, result in a threat to the public health, or otherwise cause a nuisance during the period this Order is in effect, despite compliance by the Company with the requirements of this Order, the Department may order the Company to take additional corrective action to alleviate or reduce the nuisance situation. If the Company refuses to take such corrective action, it may contest the Department's Order to do so in accordance with the procedures specified in Section 2-605 of the Environment Article.
10. This Order is not intended to alter the Company's obligation to ensure that all of its installations and processes, other

than to the extent expressly provided in this Consent Order. The Company shall maintain in full and continuous compliance with all applicable air and water pollution laws and regulations.

11. The provisions of this Order shall apply to and be binding on the Company, its successors and assigns. Prior to the transfer by the Company of any legal or equitable interest in its Parkton, Maryland plant, the Company shall present a copy of this Order to the prospective successor in interest.
12. It is the intent of the parties that the provisions of this Order are severable and that, should any provision be declared by a court of law to be invalid or unenforceable, the other provisions shall remain in effect to the maximum extent reasonable.
13. The Department reserves the right to bring any action authorized by law to enforce this Consent Order. If the Company has violated or is violating the Order, the Department also may bring an action to enforce any statutory, regulatory, permitting or other requirement on which the Order is based. Payment by the Company of any stipulated penalty for a violation of any provision of this Order does not relieve the Company of its obligation to comply with the provision, and the Department may bring any action authorized by law to enforce the violation.



IT IS SO AGREED AND CONSENTED TO:

STATE OF MARYLAND  
DEPARTMENT OF THE ENVIRONMENT

Merrylin Zaw-Mon  
Merrylin Zaw-Mon, Director  
Air & Radiation Management  
Administration

DATE: January 29<sup>th</sup>, 1994

THOMAS MANUFACTURING CORPORATION

BY: Robert A. Hill

TITLE: corp SEC

DATE: JAN 27, 1994

Approved as to form and legal sufficiency this 27<sup>th</sup>  
day of January, 1994.

Jeffrey E. Howard  
Jeffrey E. Howard  
Assistant Attorney General

