

STATE OF RHODE ISLAND and
PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

v.

A.H. File No. 85-10-AP

KEENE CORPORATION
199 AMARAL STREET
EAST PROVIDENCE, RHODE ISLAND

CONSENT AGREEMENT

This Consent Agreement is entered by and between the Department of Environmental Management's Division of Air and Hazardous Materials (hereinafter the Division) and Keene Corporation of 199 Amaral Street, East Providence, Rhode Island (hereinafter Keene) pursuant to the Rhode Island Clean Air Act, Chapter 23-23 of the General Laws of the State of Rhode Island and Providence Plantations, as amended, and the Air Pollution Control Regulations adopted in accordance therewith.

To comply with the provision of Air Pollution Control Regulation No. 19 entitled "Control of Volatile Organic Compounds from Surface Coating Operations," the Division and Keene agree as follows:

1. That the Division has jurisdiction of the subject matter of this Agreement and of the parties consenting to this decree.
2. That Keene is subject to the provisions of Title 23, Chapter 23 of the Rhode Island General Laws, as amended, and the Air Pollution Control Regulations adopted in accordance therewith.
3. That the Consent Agreement applies to Keene Laminates of 199 Amaral Street, East Providence, Rhode Island.

4. That the provisions of this Agreement shall apply to and be binding upon Keene, its officers, directors, agents, servants, employees, operators, successors, assignees, and all persons, firms and corporations acting under, through, and for it.
5. That Keene shall continue its conversion of Line A from current A1 systems formulations to A2-2 systems based upon the following percent conversion:
 - 15 percent by 31 December 1986
 - 80 percent by 31 December 1987
 - 85 percent by 31 December 1989
6. That Keene shall continue its conversion from current A1 formulations to A2-2 formulations with the following schedule:
 - A. By 1 September 1986 promulgate coatings on Line A from A1 percent solid formulations to A2-1 percent solids formulations or commence with the installation of current RACT control equipment on 1 September 1986 on the most cost effective production line with startup of the control system no later than 1 September 1987. On or before 1 June 1986 Keene shall submit to the Division a progress report which shall detail Keene's prospects of achieving A2-1 percent solids formulations by 1 September 1986.
 - B. By 31 December 1987 promulgate coatings in Line A to A2-2 percent high solids formulations or commence with the installation of current

RACT control equipment on 31 December 1987 on the most effective production line with startup of the control system no later than 31 December 1988. On or before 1 September 1987 Keene shall submit to the Division a progress report which shall detail Keene's prospects of achieving A2-2 percent solids formulations by 31 December 1987.

- C. The Division recognizes that the products manufactured on Line A must receive Underwriters Laboratories Approval ("U.L. Approval") before such products can be commercially marketed. So long as Keene is diligently pursuing U.L. Approval for any such product, which U.L. Approval is necessitated by formulation modifications developed by Keene to achieve compliance with this paragraph, Keene is authorized, until such U.L. Approval is granted, to manufacture the comparable, the U.L. Approved product or products.
7. That Keene shall convert Line B to B1 Adhesive or to any other comparable formulation at B1-1 percent by weight solids by 1 September 1987 or commence with the installation of current RACT control equipment on 1 September 1987 on the most cost effective production line with startup of the control system no

later than 1 September 1988. On or before 1 June 1987 Keene shall submit to the Division a progress report which shall detail Keene's prospects of achieving B1-1 percent solids formulations by 1 September 1987.

8. That Keene shall, in conjunction with the conversion of Line A, convert Line C to C1 method with the following schedule beginning on 1 October 1985 or commence with the installation of current RACT control equipment on 1 September 1988 on Line C with startup of the control system no later than 1 September 1989:
- A. Source modification including test, design fabrication, and components shall be completed no later than 1 September 1987.
 - B. High solids, aqueous or not melt equipment including sizing, issuance of necessary purchase orders and engineering shall be completed no later than 1 December 1987.
 - C. Site preparation shall be completed no later than 1 January 1989.
 - D. Delivery of components shall be completed no later than 1 January 1989.
 - E. Equipment shall be assembled and checked out and completed no later than 1 June 1989.
 - F. Startup shall commence no later than 1 June 1989.

- G. On-line operation after testing and qualification shall commence no later than 1 September 1989. On or before 1 September 1988, Keene shall submit to the Division a progress report which shall detail Keene's prospects of converting Line C to C1 method in accordance with the above compliance schedule.

The Division recognizes that the products manufactured on Line C must receive approval from General Motors and Keene's other major customers before such products can be commercially marketed. So long as Keene is diligently pursuing approval for any such product, which approval is necessitated by formula-modifications developed by Keene to achieve compliance with this paragraph, Keene is authorized, until such approval is granted, to manufacture the existing, comparable product or products.

9. The Division and Keene recognize that it is the nature of product research and development that some projects and tasks will be resolved earlier than scheduled and some later than scheduled. However, Keene acknowledges that based upon the information available to Keene to date, the time schedules specified in paragraph 5, 6, 7, 8, and 12 herein are realistic goals. However, if after due diligence Keene is unable to meet any time schedule set forth herein, upon application by Keene and for good cause shown the Division may extend the compliance dates provided herein.

10. The following schedule shall govern the installation of all control equipment required by paragraphs

6A, 6B, 7, and 8G of this Consent Agreement.

- A. Source modification including test, design fabrication and components shall be completed no later than seven (7) months.
 - B. Issuance of the necessary purchase orders, engineering, fabrication and shipment shall be completed no later than nine (9) months.
 - C. Site preparation shall be completed no later than ten (10) months.
 - D. Delivery of components shall be completed no later than ten (10) months.
 - E. Equipment shall be assembled and checked out and completed no later than eleven (11) months.
 - F. Startup shall commence no later than twelve (12) months.
11. Keene agrees to undertake a reasonably available control technology (RACT) study to determine the feasibility of the installation of control equipment on Line C. Such report shall be completed by 1 March 1986 and shall be submitted to the Division.
12. That on 1 June 1989 the VOC pounds per gallon level will be examined to determine if a bubble concept may be applied and, if so, the nature of such reporting records as may be required.

13. That Keene shall attain an average daily emission level of 2.9 pounds VOC/gallon by 1 December 1989. Coating contents will be subject to verification by EPA Method 24.
14. That Keene will undergo a RACT review every two years (with the clock starting 1 January 1985) until the emission limitations required by Rhode Island Air Pollution Control Regulation No. 19 is achieved.
15. That Keene shall submit to the Division quarterly progress reports, commencing on 1 October 1985 and on each successive quarter thereafter until a final compliance is achieved with the terms of this Agreement. Each report shall outline the progress of the preceding quarter and include a forecast of the activity in the next four months in meeting compliance with this Agreement. A summary sheet is to be submitted with each report specifying each Line A adhesive progress in reformulation from current A1 systems to A2-2 systems, along with a coating/adhesive formulation including the coating density, solids content, and formulation application rate for a comparison on a solid applied basis. Daily record-keeping shall be maintained by Keene of the solvent coating/adhesive usage and shall be available for periodic inspection by the Division.

16. The Division acknowledges that the high solid systems technologies and other information developed by Keene or submitted to the Division in compliance with this Agreement may constitute proprietary information. Any and all such information submitted to the Division by Keene and identified by Keene as proprietary will not be disclosed to any person or entity. If the Division determines that any information so identified by Keene is not proprietary or a trade secret, it shall give Keene twenty days written notice, by certified mail - return receipt requested - of the information it intends to disclose. Keene shall have the right to challenge the Division's decision in a court of competent jurisdiction.
17. The Division will require periodic inspections at Keene to determine progress in achieving compliance with the requirements of this Agreement.
18. The execution of this Agreement by Keene shall not constitute an admission by Keene that it has violated, or is violating, any federal, state, or local statute, ordinance, or regulation.
19. It is further agreed by the parties that this Agreement is entered in lieu of an administrative hearing and has the full force of a final administrative adjudication and shall be enforceable in Superior Court.

Keene hereby agrees to the terms in this Agreement, and the undersigned certifies that he has authority to execute this Agreement on behalf of Keene.

The parties agree that this Agreement shall be deemed a final administrative decision under the Administrative Procedures Act (Title 42, Chapter 35 of the General Laws of Rhode Island) from which no timely appeal was taken, and which is enforceable by resort to Superior Court.

Sept 11, 1985

Date

9/12/85

Date

Sept 9, 1985

Date

Thomas D. Getz

Thomas D. Getz, Acting Chief
Division of Air and Hazardous
Materials

Charles McKinley

Charles McKinley, Chief Legal
Counsel, Department of
Environmental Management

Arthur C. Williams

Arthur Williams
Keene Corporation