



The State of New Hampshire
Department of Environmental Services



Robert R. Scott, Commissioner

New Hampshire Stamping Company, Inc.
9 Lance Lane
Goffstown, NH 03045

Re: State Permit to Operate No. SP-0293
Facility ID #3301190152

**ADMINISTRATIVE FINE
BY CONSENT**

No. AF 20-003

COPY

I. INTRODUCTION

This Administrative Fine by Consent is entered into by and between the Department of Environmental Services, Air Resources Division, and New Hampshire Stamping Company, Inc. under the authority of RSA 125-C:15, and RSA 125-I:3-a. This Administrative Fine by Consent is effective upon signature by the parties.

II. PARTIES

1. The Department of Environmental Services, Air Resources Division is a duly-constituted administrative agency of the State of New Hampshire, having its main office at 29 Hazen Drive in Concord, New Hampshire.
2. New Hampshire Stamping Co., Inc. ("NH Stamping Company") is a New Hampshire corporation having a mailing address of 9 Lance Lane, Goffstown, NH 03045.

III. BACKGROUND

1. RSA 125-C authorizes the New Hampshire Department of Environmental Services ("DES") to regulate sources of air pollution in New Hampshire. RSA 125-C:4 authorizes the Commissioner of DES to adopt rules relative to the prevention, control, abatement, and limitation of air pollution in New Hampshire. Under this authority, the Commissioner has adopted NH CODE ADMIN. RULES Env-A 100 *et seq.* (the "Air Program Rules").
2. RSA 125-C:15, I-b, authorizes the Commissioner of DES to impose, on any person, administrative fines up to \$4,000¹ for each offense upon any person who violates any provision of RSA 125-C, the Air Program Rules, any permit, compliance schedule, stop use order, or order of abatement, issued under the authority of RSA 125-C; or upon any person who makes or certifies a material false statement relative to any document or information which is required to be submitted to DES in accordance with RSA 125-C or the Air Program Rules. The Commissioner may assess an additional fine for repeat violations.

¹ The Commissioner's administrative fine authority for violations of RSA 125-C increased from \$2,000 to \$4,000 per violation effective January 1, 2020.

3. RSA 125-C:3, X-a defines “repeat violation” to mean a subsequent violation of a statute or rule at a facility or by a person for which a letter of deficiency, administrative order, or administrative fine has been previously issued by DES.

4. RSA 125-C:6 and RSA 125-C:11, I, authorize DES to establish and operate a statewide system under which permits shall be required for the construction, installation, operation or material modification of air pollution devices and sources. In accordance with this authority, the Commissioner of DES has adopted NH CODE ADMIN. RULES Env-A 600 to regulate a statewide permit system.

5. RSA 125-I authorizes DES to regulate the release of toxic chemicals into the ambient air in New Hampshire. RSA 125-I:3, II, authorizes the Commissioner of DES to adopt rules relative to the prevention, control, abatement, and limitation of regulated toxic air pollutant (“RTAP”) emissions. The Commissioner has adopted NH CODE ADMIN. RULES Env-A 1400, in accordance with RSA 125-I:3, II (the “RTAP Rules”). Per Env-A 1401.02, the rules set out in Env-A 1400 apply to the owner or operator of any new, modified, or existing process or device located at a stationary source that emits an RTAP into ambient air, unless exempt. The RTAP Rules were updated and readopted effective on January 5, 2018.

6. RSA 125-I:3-a authorizes the Commissioner of DES to impose administrative fines up to \$4,000² per offense for violations of RSA 125-I, and rules promulgated thereunder, in accordance with RSA 125-C:15, I-b(b). RSA 125-I:3-a, II, requires the Commissioner to determine fines in accordance with RSA 125-C:15, I-b(b). RSA 125-I:3-a, III, authorizes the Commissioner to assess an additional fine for repeat violations.

7. Per RSA 125-I:5, I, no person shall operate any device or process at a stationary source that emits an RTAP without a temporary or operating permit issued by DES in accordance with RSA 125-I or RSA 125-C, provided, however, that no permit or permit application shall be required for any device or process at a stationary source exempted under RSA 125-I:3, III, or whose uncontrolled emissions of RTAPs do not exceed ambient air limits (“AALs”) at or beyond the compliance boundary and for which no other permit is required under RSA 125-C.

8. Env-A 603.01(a) prohibits the construction or installation of a new or modified stationary source, area source, or device as specified in Env-A 607.01, without having applied for and been issued a temporary permit.

9. Per Env-A 607.01, the owner or operator of a new or modified stationary source, area source, or device shall obtain a temporary permit prior to the construction or installation of the source or device if the source or device is any of the following:

- a. [...] (n) A stationary source, area source, or device choosing to limit its potential to emit by accepting enforceable permit conditions [...];
- b. [...] (t) A stationary source, area source, or device where a permit is required under the rules governing [RTAPs] specified in Env-A 1400; [...].

10. Env-A 1403.01, requires the owner or operator of a device or process subject to Env-A 1400 to obtain a temporary, state permit to operate, or title V operating permit in accordance with Env-

² The Commissioner’s administrative fine authority for violations of RSA 125-I increased from \$2,000 to \$4,000 per violation effective January 1, 2020.

A 600 unless exempted by Env-1402.02 or Env-A 1403.03, prior to operating the device or process.

11. NH Stamping Company performs custom metal stamping, precision metal stamping, progressive metal stamping, rapid tool prototyping, and value-added assembly services at its facility located at 9 Lance Lane in Goffstown, New Hampshire (the "Facility"). NH Stamping Company operates a batch solvent vapor degreaser at the Facility.

12. On April 2, 2013, DES received an application from NH Stamping Company for a state permit to operate a batch vapor degreaser at the Facility.

13. During a review of the permit application, DES determined that the batch vapor degreaser at the Facility required a permit under RSA 125-C:11, Env-A 603.01, Env-A 607.01(n), and Env-A 607.01(t); as well as under RSA 125-I:5, I, and Env-A 1403.

14. On May 12, 2015, DES issued State Permit to Operate No. SP-0293 (the "Permit") to NH Stamping Company to operate the batch vapor degreaser, identified as "EU01" in the Permit, at the Facility. NH Stamping Company used trichloroethylene ("TCE") as the degreasing solvent in the operation of EU01.

15. Per RSA 125-I:5, IV, if DES revises the list of RTAPs or their respective AALs or classifications under RSA 125-I:4, II and III, and as a result of such revision any source of RTAPs is required to obtain or modify a permit under the provisions of RSA 125-I or RSA 125-C, the stationary source shall have 90 days following publication of notice of such final revision in the New Hampshire Rulemaking Register to file a complete application for such permit or permit modification. DES shall include as conditions in any permit issued as a result of a revision to the list of RTAPs a compliance plan and a schedule for achieving compliance based on public health, economic and technical considerations, not to exceed 3 years. Failure to comply with any such compliance plan or schedule of compliance shall be subject to the enforcement provisions of RSA 125-I:8.

16. RSA 125-I:5, V, and Env-A 1405.01(a), require the owner or operator of any device or process that emits an RTAP to determine compliance with the AALs by using one of the methods listed in Env-A 1405.01. Air dispersion modeling analysis is an authorized method to demonstrate compliance per Env-A 1405.01. *De minimis* emission level is also an authorized method to demonstrate compliance per Env-A 1405.01.

17. DES shall classify toxicity of each RTAP as a Class I, II, or III; per RSA 125-I:4, II, and Env-A 1406.01.

18. TCE is an RTAP with Toxicity Class I, as set out in the RTAP List at Table 1450-1 in the RTAP Rules.

19. Per RSA 125-I:8, whenever the commissioner of DES or his authorized representative finds that any device or source of air pollution has resulted in a violation of any of the provisions of RSA 125-I or any rules in force thereunder, or any condition in a permit issued under RSA 125-I, the commissioner shall issue a notice of violation and, where appropriate, an order of abatement establishing a compliance schedule with which the device or source shall comply.

20. NH Stamping Company did not demonstrate that the Facility was in compliance with the revision to the list of AALs for RTAPs made on June 1, 2012. NH Stamping Company did not

demonstrate that the Facility was in compliance with the revision to the list of AALs for RTAPs made on April 4, 2014, specifically with the revised 24-hour and annual AALs for TCE, which were reduced from 192 micrograms per cubic meter (" $\mu\text{g}/\text{m}^3$ ") and $128 \mu\text{g}/\text{m}^3$, respectively, to $2.0 \mu\text{g}/\text{m}^3$ for both the 24-hour and annual AALs for TCE.

21. On June 3, 2014, DES staff measured and recorded emissions data from EU01. DES subsequently determined the emission rate at the Facility to be 0.026 pounds of TCE per hour.

22. On January 12, 2015, DES completed air dispersion modeling analyses of TCE emissions from the Facility. In its analyses, DES determined that the 24-hour impact and annual impacts of emissions of TCE from the Facility on June 3, 2014, were $15.4 \mu\text{g}/\text{m}^3$ and $2.6 \mu\text{g}/\text{m}^3$, respectively.

23. On January 20, 2015, DES notified NH Stamping Company that DES had determined that the Facility was exceeding the 24-hour and annual AALs for TCE, by using air dispersion modeling analyses and data that DES staff collected at the Facility on June 3, 2014. In its letter, DES requested a compliance plan and schedule for achieving compliance with the AALs for TCE by February 27, 2015.

24. On February 27, 2015, NH Stamping Company submitted a compliance plan to achieve compliance with the AALs for TCE by March 17, 2017. The TCE compliance plan for the Facility, and all updates, were incorporated into the Permit at Item 4 in Table 2.

25. On October 16, 2018, DES conducted an inspection of the Facility to determine compliance with RSA 125-C, the Air Program Rules, and the Permit. During the inspection, DES staff determined that NH Stamping Company failed to implement its TCE compliance plan, and could not demonstrate compliance with the AALs for TCE emitted from the Facility.

26. During the inspection conducted at the Facility on October 16, 2018, DES staff met with representatives of NH Stamping Company. During the meeting, a representative of NH Stamping Company stated the following:

- a. NH Stamping Company was aware of the March 17, 2017 deadline in its TCE compliance plan to replace EU01 with a new machine;
- b. NH Stamping Company was aware that its TCE compliance plan was incorporated by reference into the Permit;
- c. NH Stamping Company was aware that conditions of any compliance plan included in a permit must have a schedule to come into compliance with the AALs within 3 years;
- d. NH Stamping Company investigated multiple options to comply with the AALs for TCE at the Facility and determined that no options were viable;
- e. NH Stamping Company continued to operate EU01 at the Facility after March 17, 2017; and
- f. NH Stamping Company decided not to contact DES when it knew that it would not comply with the requirements of its TCE compliance plan.

27. On October 31, 2018, DES sent an evaluation report to NH Stamping Company detailing the results of the inspection of the Facility conducted on October 16, 2018. In its report, DES detailed certain deficiencies at the Facility noted during the inspection, including failing to implement the TCE compliance plan, and failing to demonstrate compliance with the AALs of TCE emitted from the Facility. In its report, DES also recommended that NH Stamping Company investigate

alternative solvent solutions or modify processes at the Facility in order to demonstrate compliance with the AALs of TCE emitted from the Facility.

28. Env-A 900 shall apply to each stationary source, area source, or device that discharges air pollutants into the ambient air and is regulated under RSA 125-C or RSA 125-I, or both.

29. Per Env-A 902.01(c), a stationary source, area source, or device that is subject to the RTAP Rules shall maintain records in accordance with the applicable method used to demonstrate compliance in accordance with Env-A 1405.

30. The Permit required NH Stamping Company to maintain records of RTAP Rule compliance demonstrations, at Item 3a in Table 4.

31. Env-A 1405.01(c) [now Env-A 1405.01(b)] required the owner or operator of any device or process that emits an RTAP to provide documentation of compliance with the AALs to DES upon request.

32. On May 4, 2014, DES sent an evaluation report to NH Stamping Company detailing the results of an inspection of the Facility conducted on April 15, 2014. In its report, DES detailed certain deficiencies at Facility noted during the inspection, including failing to maintain records to demonstrate compliance with the AALs for RTAPs, and failing to provide documentation of compliance with the AALs for RTAPs upon request by DES.

33. On March 8, 2016, DES issued a Notice of Past Violation ("NPV") to NH Stamping Company citing violations that DES discovered during its inspection of the Facility conducted on April 15, 2014, including failing to maintain records to demonstrate compliance with the AALs of RTAPs.

34. During the inspection of the Facility conducted on October 16, 2018, DES determined that NH Stamping Company failed to maintain records to demonstrate compliance with the AALs for RTAPs, including TCE. DES noted this deficiency in its inspection report issued to NH Stamping Company on October 31, 2018.

35. Per 902.01(a), NH Stamping Company was required to maintain the required records on file for a minimum of five years, and make the required records available to DES upon request.

36. The Permit required NH Stamping Company to maintain records of completion of a milestone action, with an explanation of the outcome; any changes to the estimated completion date for any milestone activity; and any change to a milestone action, at Item 3b in Table 4.

37. During the inspection of the Facility conducted on October 16, 2018, DES determined that NH Stamping Company had failed to implement its TCE compliance plan; failed to maintain records of completion of milestone actions associated with its TCE compliance plan; failed to keep records of changes to the estimated completion date for its TCE compliance plan, a milestone activity; and failed to maintain records of any change to a milestone action. DES noted these deficiencies in its inspection report issued to NH Stamping Company on October 31, 2018.

38. Env-A 910.01 requires the owner or operator of any stationary source, area source, or device that is subject to Env-A 600 to submit to DES such additional reports as are necessary to demonstrate compliance with all state and federal statutes, rules, regulations, and permits.

39. The reporting requirements for the Facility were set out in the Permit, at Table 6. The Permit required NH Stamping Company to submit to DES records of any changes to the estimated completion date of its TCE compliance plan, or any changes to the plan, within 10 business days of the date of the change, at Item 4 in Table 6.

40. DES has no record of receiving notice of a change to the estimated completion date of the TCE compliance plan for the Facility, or any change to the plan, prior to the inspection of the Facility conducted on October 16, 2018. DES noted this deficiency in its inspection report issued to NH Stamping Company on October 31, 2018.

41. Env-A 101.97 defines "hazardous air pollutant" as any air pollutant listed in section 112(b) of the federal Clean Air Act ("CAA").

42. TCE is an air pollutant listed in section 112(b) of the CAA as a hazardous air pollutant ("HAP"). TCE is a HAP.

43. Per Env-A 501.01(b), the purpose of Env-A 500 is to establish state standards to regulate certain sources of HAPs in accordance with the authority delegated to New Hampshire by the United States Environmental Protection Agency ("EPA") under section 112 of the CAA.

44. Per Env-A 505.01(n), the owner or operator of any source that emits a HAP shall comply with the National Emission Standards for Halogenated Solvent Cleaning at 40 CFR 63, Subpart T. TCE is a halogenated cleaning solvent.

45. The Permit, at Item 6 in Table 2, required NH Stamping Company to ensure that emissions of halogenated cleaning solvent from EU01 are less than or equal to a 3-month rolling average of 150 kilograms per square meter per month using procedures set out in the Permit, at Item 2 in Table 3.

46. The monitoring and testing requirements for HAP solvent emissions from the Facility were set out in the Permit, at Item 2 in Table 3. Item 2a in Table 3 of the Permit required NH Stamping Company to ensure that EU01 contains only clean liquid solvent, recycled solvent, and used solvent that has been cleaned of soils. Per Item 2b in Table 3 of the Permit, NH Stamping Company was required to return the solvent level to the same fill line each month, immediately prior to calculating monthly HAP solvent emissions.

47. During the inspection of the Facility conducted on October 16, 2018, DES determined that during the inspection period, from 2014 through the date of the inspection, NH Stamping Company had been refilling the solvent in EU01 on an "as needed" basis, rather than immediately prior to calculating monthly HAP solvent emissions for the Facility. DES determined that NH Stamping Company was not accurately calculating monthly HAP solvent emissions from the Facility, and recommended to NH Stamping Company that it properly determine total halogenated HAP solvent emissions from EU01 as required in the Permit. DES noted this deficiency, and its recommendations, in its inspection report issued to NH Stamping Company on October 31, 2018.

48. Env-A 906.01 requires the owner or operator of any stationary source, area source, or device that is subject to Env-A 600 to maintain such additional records as are necessary to demonstrate compliance with all state and federal statutes, rules, regulations, and permits.

49. The Permit required NH Stamping Company to maintain a record of the 12-month running total of Facility-wide emissions of HAPs for the purpose of demonstrating that the total emissions

of these pollutants are below 10 tons per consecutive 12-month period (“tpy”) for any individual HAP and less than 25 tpy for all HAPs combined, at Item 5 in Table 4.

50. During the inspection of the Facility conducted on October 16, 2018, DES determined that during the inspection period NH Stamping Company had failed to maintain a 12-month running total of emissions of HAPs to demonstrate compliance with the emission limits of less than 10 tpy for any individual HAP and 25 tpy for all HAPs combined. DES also instructed staff of New Hampshire Stamping company of the requirement to maintain a 12-month running total of HAP emissions. DES staff subsequently reviewed the annual emission reports for the Facility and determined that the Facility did not exceed the HAP limits during the inspection period. DES noted this deficiency, and its recommendations, in its inspection report issued to NH Stamping Company on October 31, 2018.

51. On December 21, 2018, DES issued Administrative Order No. 18-021 ARD to NH Stamping Company, citing violations of RSA 125-I:5, the Air Program Rules, and the Permit (the “Order”). The Order was not appealed.

52. In the Order, DES required NH Stamping Company to submit to DES the following items by January 20, 2019:

- a. A compliance plan, and a schedule for achieving compliance with all AALs for RTAPs emitted from the Facility by March 21, 2019;
- b. Records showing how and when NH Stamping Company completed any milestone actions in its TCE compliance plan, with an explanation of all outcomes; any changes to the estimated completion date for any milestone activity in its TCE compliance plan; and any changes to milestone actions in its TCE compliance plan; and
- c. Records showing the 12-month running total of Facility-wide emissions of HAPs for the Facility.

In the Order, DES also required NH Stamping Company to submit to DES the following by March 21, 2019:

- d. Records demonstrating that the Facility is in compliance with all AALs for RTAPs that are emitted from the Facility;
- e. Records showing total monthly halogenated HAP solvent emissions from EU01 from January 1, 2014, through March 2019; and
- f. Records showing how total monthly halogenated HAP solvent emissions from EU01 were calculated for records of emissions from EU01 from January 1, 2014, through March 2019.

53. On January 18, 2019, DES received a compliance plan from NH Stamping Company in accordance with the Order. In the compliance plan, NH Stamping Company stated that it would stop using TCE at the Facility, replacing it with a product that contains trans-1,2-dichloroethylene.

54. Trans-1,2-dichloroethylene is an RTAP with Toxicity Class II, as set out in the RTAP List at Table 1450-1 in the RTAP Rules.

55. Trans-1,2-dichloroethylene is not a HAP.

56. On January 22, 2019, DES notified NH Stamping Company that DES had not received the records that NH Stamping Company was required to submit to DES by January 20, 2019, under the Order.

57. On January 31, 2019, DES received from NH Stamping Company records showing how NH Stamping Company calculated total monthly halogenated HAP solvent emissions from EU01 from January 1, 2014, through January 2019. DES determined that NH Stamping Company failed to properly determine total halogenated HAP solvent emissions from EU01 at the Facility after the inspection of the Facility that DES conducted on October 16, 2018, and after DES sent the evaluation report to NH Stamping Company on October 31, 2018.

58. On January 31, 2019, NH Stamping Company informed DES that it had not completed any milestone actions in its TCE compliance plan after the Permit was issued.

59. On March 13, 2019, DES received from NH Stamping Company records of the 12-month rolling total of Facility-wide emissions of HAPs from EU01 from December 2016 to February 2019, and records showing how NH Stamping Company calculated total monthly halogenated HAP solvent emissions from EU01 from January 1, 2014, through February 2019. DES determined that NH Stamping Company did not maintain proper records of the 12-month rolling total of emissions of HAPs from the Facility, because it failed to properly determine total halogenated HAP solvent emissions from EU01 at the Facility.

60. On March 25, 2019, NH Stamping Company notified DES that it had stopped using TCE at the Facility on March 6, 2019; replacing it with trans-1,2-dichloroethylene in EU01. NH Stamping Company stated that it demonstrated that emissions of trans-1,2-dichloroethylene from the Facility complied with the AALs of trans-1,2-dichloroethylene using the *de minimis* emission level method. NH Stamping Company requested that DES terminate the Permit.

61. Based on the information provided by NH Stamping Company, DES subsequently determined that EU01 no longer required a permit under RSA 125-C:11, Env-A 603.01, Env-A 607.01(n); and Env-A 607.01(t); nor was a permit required for EU01 under RSA 125-I:5, I, and Env-A 1403.

62. On April 19, 2019, DES notified NH Stamping Company that the Permit was terminated.

63. On June 5, 2019, DES issued a Notice of Compliance to NH Stamping Company for substantial compliance with the Order.

IV. ALLEGATIONS

1. NH Stamping Company has violated RSA 125-I:5, IV; Item 4 in Table 2 of the Permit; and its TCE compliance plan by failing to implement the plan by March 17, 2017; and by continuing to operate EU01 at the Facility without demonstrating compliance with the revised AALs for TCE, as noted in the Order. DES has determined the violation to be a major deviation from the requirement with a major potential for harm, for which RSA 125-I:3-a, II; and RSA 125-C:15, I-b(b)(9); previously specified a potential fine range of \$1,501 to \$2,000. DES proposes a fine of \$1,750 for this violation.

2. NH Stamping Company has violated RSA 125-I:5, IV; Item 4 in Table 2 of the Permit; and its TCE compliance plan by continuing to operate EU01 at the Facility without demonstrating compliance with the revised AALs for TCE, after the Order was issued. DES has determined the violation to be a major deviation from the requirement with a major potential for harm, for which

RSA 125-I:3-a, II; and RSA 125-C:15, I-b(b)(9); previously specified a potential fine range of \$1,501 to \$2,000. DES proposes a fine of \$2,000 for this repeat violation.

3. NH Stamping Company has violated Env-A 1405.01(b) by failing to provide documentation of compliance with the AALs to DES upon request by DES at the time of the inspection of the Facility conducted on October 16, 2018. DES has determined the violation to be a major deviation from the requirement with minor potential for harm, for which RSA 125-I:3-a, II; and RSA 125-C:15, I-b(b)(7); previously specified a potential fine range of \$851 to \$1,500. For settlement purposes only, DES does not propose a fine for this violation.

4. NH Stamping Company has violated Env-A 902.01(c), and Item 3a in Table 4 of the Permit, by failing to maintain records to demonstrate compliance with the AALs for RTAPs, including TCE, at the Facility, as noted in the Order. DES has determined the violation to be a major deviation from the requirement with a major potential for harm, for which RSA 125-I:3-a, II; and RSA 125-C:15, I-b(b)(9); previously specified a potential fine range of \$1,501 to \$2,000. DES proposes a fine of \$2,000 for this violation.

5. NH Stamping Company has violated Env-A 902.01(a), and Item 3b in Table 4 of the Permit, by failing to maintain records of completion of a milestone action; failing to maintain records of any changes to the estimated completion date for a milestone activity; and failing to maintain records of a change to a milestone action at the Facility, as noted in the Order. DES has determined the violation to be a major deviation from the requirement with minor potential for harm, for which RSA 125-I:3-a, II; and RSA 125-C:15, I-b(b)(7); previously specified a potential fine range of \$851 to \$1,500. DES proposes a fine of \$1,500 for this violation.

6. NH Stamping Company has violated Env-A 910.01, and Item 4 in Table 6 of the Permit, by failing to notify DES of any change to the estimated completion date of its TCE compliance plan; and any change to the plan, within 10 business days of the date of the change, as noted in the Order. DES has determined the violation to be a major deviation from the requirement with a major potential for harm, for which RSA 125-I:3-a, II; and RSA 125-C:15, I-b(b)(9); previously specified a potential fine range of \$1,501 to \$2,000. DES proposes a fine of \$2,000 for this violation.

7. NH Stamping Company has violated Env-A 505.01(n), and Item 2b in Table 3 of the Permit, by failing to properly determine total halogenated HAP solvent emissions from EU01 at the Facility, as noted in the Order. DES has determined the violation to be a major deviation from the requirement with minor potential for harm, for which RSA 125-I:3-a, II; and RSA 125-C:15, I-b(b)(7); previously specified a potential fine range of \$851 to \$1,500. DES proposes a fine of \$1,500 for this violation.

8. NH Stamping Company has violated Env-A 906.01, and Item 5 in Table 4 of the Permit, by failing to maintain a record of the 12-month running total of facility-wide emissions of HAPs, as noted in the Order. DES has determined the violation to be a major deviation from the requirement with minor potential for harm, for which RSA 125-I:3-a, II; and RSA 125-C:15, I-b(b)(7); previously specified a potential fine range of \$851 to \$1,500. DES proposes a fine of \$1,500 for this violation.

9. NH Stamping Company has violated the Order by failing to submit the records specified in the Order by January 20, 2019. DES has determined the violation to be a major deviation from the requirement with minor potential for harm, for which RSA 125-I:3-a, II; and RSA 125-C:15, I-

b(b)(7); previously specified a potential fine range of \$851 to \$1,500. For settlement purposes only, DES does not propose a fine for this violation.

V. ADMINISTRATIVE FINES, PAYMENT, WAIVER OF HEARING

1. NH Stamping Company agrees to pay the proposed fine in the amount of \$12,250 upon execution of this Administrative Fine by Consent ("Agreement") by NH Stamping Company, subject to the following terms:

a. Of the total administrative fine in the amount of \$12,250, the amount of \$6,125 (50%), shall be suspended provided that NH Stamping Company remains in compliance with this Agreement, RSA 125-C, and the Air Program Rules for a period of two years from the effective date of this Agreement. If NH Stamping Company fails to maintain compliance during the two-year period, or fails to fully comply with the terms of this Agreement, the suspended amount of \$6,125 shall become immediately due and payable in full. If NH Stamping Company maintains compliance with the terms of this Agreement, RSA 125-C, and the Air Program Rules for the prescribed two-year period, the suspended portion of the fine shall be waived; and

b. NH Stamping Company agrees to pay the remaining unsuspended portion of the fine, in the amount of \$6,125, in a lump sum payment, due upon execution of this Agreement.

2. Payment in accordance with the preceding paragraph shall be paid by certified check made payable to *Treasurer, State of New Hampshire* and mailed to: DES Legal Unit, Attn: Compliance Attorney, P.O. Box 95, Concord, NH 03302-0095.

3. If any payment is made by check or money order that is returned due to insufficient funds, in accordance with RSA 6:11-a, DES may charge a fee in the amount of 5% of the face amount of the check or money order or \$25.00, whichever is greater, plus all protest and bank fees, in addition to the amount of the check or money order, to cover the costs of collection.

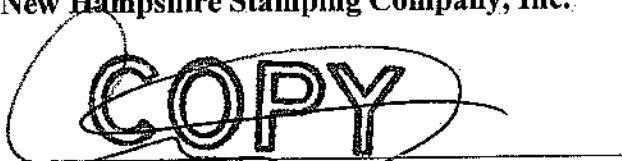
4. By executing this Agreement, NH Stamping Company waives its right to a hearing on or any appeal of the administrative fines identified in this Agreement, and agrees that this Agreement may be entered into and enforced by a court of competent jurisdiction.

5. The effective date of this Agreement will be the date on which it is signed by an authorized representative of NH Stamping Company, the Director of the Air Resources Division, and the Commissioner of DES.

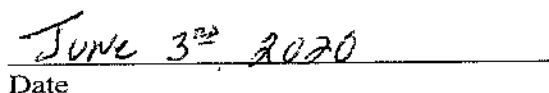
6. No failure by DES to enforce any provision of this Agreement after any breach or default will be deemed as a waiver of its rights with regard to that breach or default, nor will such failures be construed as a waiver of the right to enforce each and all provisions of this agreement on any further breach or default.

WHEREFORE, the parties voluntarily accept the terms of this Agreement.

New Hampshire Stamping Company, Inc.

A large, stylized handwritten signature in black ink, appearing to read "Andrew Hill", is written over a horizontal line. The signature is written in a cursive, somewhat blocky style.

By: Andrew Hill, Director
Duly Authorized

A handwritten date "June 3rd 2020" is written in black ink above a horizontal line. The "3rd" is written as "3rd".

Date

COPY

By: Robert J. Laroche, Jr., President
Duly Authorized

6-3-20

Date

Department of Environmental Services

COPY

Craig A. Wright, Director
Air Resources Division

6/8/20

Date

COPY

Robert R. Scott, Commissioner

6/8/20

Date

cc: DES Legal Unit
AFS #33011901522 (Stationary Source)

ec: Public Information Officer, DES PIP Office
K. Allen Brooks, Chief, AGO-Environmental Protection Bureau
Goffstown Select Board and Health Officer
James Tilley, Enforcement Section Supervisor, ARD/DES
EPA Region 1

35266

NEW HAMPSHIRE STAMPING CO., INC.

9 LANCE LN. PH. 603-641-1234
GOFFSTOWN, NH 03045
NHSTAMP.COM

DATE 6-3-20

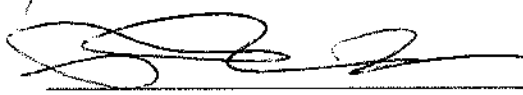
54-153/114

PAY TO THE ORDER OF TREASURER OF STATE OF NEW HAMPSHIRE \$ 6125⁰⁰

SIX THOUSAND ONE HUNDRED TWENTY-FIVE ⁰⁰/₁₀₀ DOLLARS

Citizens Bank

FOR " AF 20-003 "



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