

**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**

Office of General Counsel, Region 4  
1130 North Westcott Road, Schenectady, NY 12306-2014  
P: (518) 357-2048 | F: (518) 357-2087  
www.dec.ny.gov

CERTIFIED - RETURN RECEIPT REQUESTED  
7015 0640 0005 8292 2328

April 18, 2017

John J. Privitera  
McNamee, Lochner, Titus & Williams, P.C.  
677 Broadway  
Albany, NY 12207

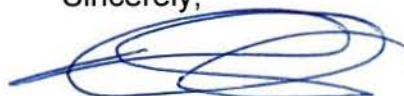
Re: Order on Consent  
R4-2016-1215-173  
Starfire Systems Inc

Dear Mr. Privitera:

Enclosed please find a copy of the fully executed Order on Consent referenced above.

This will also acknowledge receipt of \$33,000 the civil penalty pursuant to Paragraph I.

Sincerely,



Karen S. Lavery  
Assistant Regional Attorney  
Region 4

Enclosure

ec: T. Christoffel  
B. Potter  
ECO J. DeAngelis  
Inv. A. Markey  
Inv. M. Nichols  
Lt. K. Jacoby



Department of  
Environmental  
Conservation

STATE OF NEW YORK  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

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In the Matter of  
Violations of Article 19  
of the Environmental  
Conservation Law of the  
the State of New York by:

-by-

Order on Consent  
File No. R4-2016-1215-173

Starfire Systems Inc.  
8 Sarnowski Drive  
Schenectady, NY 12302

Respondent

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WHEREAS:

**JURISDICTION**

1. Pursuant to Environmental Conservation Law ("ECL") Article 19, the Department of Environmental Conservation ("Department" or "DEC") is the State agency which has jurisdiction over the environmental law and policy of the State pursuant to, *inter alia*, §3-0301 of the ECL.
2. Pursuant to ECL Article 19, the New York State Department of Environmental Conservation has administrative jurisdiction to safeguard the air resources of the state from pollution.

**RESPONDENT**

3. Respondent, Starfire Systems Inc., is a producer of ceramic components with a facility located at 8 Sarnowski Drive, Schenectady, New York ("site").
4. Respondent is a "person" as defined at 6 NYCRR 200.1(bi).
5. At approximately 7:30 p.m. on August 19, 2016, three of Respondent's employees were making a chemical addition to a process reaction occurring at the facility. After the chemical addition, the build up of pressure in the reaction vessel caused an explosion resulting from the rupture of the vessel and subsequent release into the surrounding areas, of Hydrochloric Acid ("HCL") which is a by-product of the chemical reaction taking place at the site.
6. The HCL produced during the reaction is supposed to be collected and treated by a scrubber installed at the facility.

7. At the time of the explosion, several pedestrians in the vicinity felt the physical impact of the chemical reaction.

8. Department staff inspected the site on August 19 and August 20, 2016.

### **VIOLATION**

9. Regulations at 6 NYCRR 211.1 provide that *“No person shall cause or allow emissions of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration which are injurious to human, plant or animal life or to property, or which unreasonably interfere with the comfortable enjoyment of life or property. Notwithstanding the existence of specific air quality standards or emission limits, this prohibition applies, but is not limited to, any particulate, fume, gas, mist, odor, smoke, vapor, pollen, toxic or deleterious emission, either alone or in combination with others.”*

10. Respondent violated regulations at 6 NYCRR 211.1 by causing the release of HCL into the surrounding areas.

### **CIVIL PENALTY**

11. Section 71-2103 generally provides for a civil penalty of not less than \$375 and not more than \$18,000 for each violation of Article 19 or any code, rule or regulation which was promulgated thereto.

### **WAIVER OF HEARING**

12. Respondent hereby affirmatively waives its right to a hearing in the manner provided by law, consent to the issuance and entry of this Order and agree to be bound by the terms, provisions, and conditions contained herein.

NOW, being duly advised and having considered this matter, IT IS HEREBY ORDERED THAT:

I. With respect to the aforesaid alleged violations, a civil penalty in the amount of THIRTY THREE THOUSAND DOLLARS (\$33,000) which shall be payable to the New York State Department of Environmental Conservation by money order, or certified check at the time this Order is signed, notarized and returned to the Department.

II. Pursuant to ECL Section 71-0301, the Commissioner specifically reserves the right to exercise summary abatement authority.

III. This Order is binding upon the Respondent, its agents, employees, successors, assigns and to all persons and firms, and corporations acting subordinate thereto.

IV. All communications to the Department except where otherwise specifically directed should be sent to:

New York State Department  
of Environmental Conservation  
Region 4 - Air Division Attn: RAPCE  
1130 North Westcott Road  
Schenectady, New York 12306  
518-357-2350

V. No change or modification to this Order shall be made or be effective except as may be specifically set forth in writing by the Commissioner or Regional Director. Such application shall be made to the Regional Director.

VI. For the purpose of insuring compliance with this Order, duly authorized representatives of this Department shall be permitted access to the site in question in order to inspect as may be deemed necessary to determine the status of Respondent's compliance herewith.

VII. The effective date of this Order shall be the date upon which it is signed on behalf of the Department.


VIII. Respondent shall indemnify and hold the Department, the State of New York, and its representatives and employees harmless for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of the provisions hereof by Respondent, its - employees, servants, agents, successors or assigns.

IX. Compliance with the terms and conditions of this Order, including the Schedule of Compliance, shall be in full settlement of the violations in this Order involving Respondent and Respondent's employees, servants, agents, successors, or assigns from any further charges from this incident, civil or criminal.

DATED: 4/17, 2017  
Rotterdam, New York

Basil Seggos  
Commissioner  
New York State Department of  
Environmental Conservation

BY:



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Keith Goertz  
Regional Director  
Region 4

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order, waives its right to notice and hearing herein and agrees to be bound by the provisions, terms and conditions contained herein.

Starfire Systems Inc.

SIGNED: *Paul De...*

DATE: 04/07/2017

STATE OF NY

COUNTY OF Nassau ) ss.:

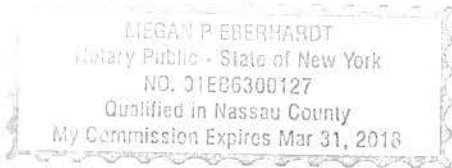
On the 7<sup>th</sup> day of April in the year 2017 before me, the undersigned, a Notary Public in and for the State, personally appeared Paul De... personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

*Megan P. Eberhardt*

Notary Public

Qualified in the County of: Nassau

My Commission Expires: 03/31/2018



## **SCHEDULE OF COMPLIANCE**

- 1) Within 60 days of the effective date of the Order, Respondent shall submit a modified air registration including all emission calculations, and scrubber performance calculations.