



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT) Order No. 2208
VS.)
PEPPERIDGE FARM, INCORPORATED)

CONSENT ORDER

- A. With the agreement of Pepperidge Farm Incorporated ("Respondent"), the Commissioner of Environmental Protection ("Commissioner") finds the following:
1. Respondent is a corporation doing business at 1414 Blue Hills Avenue, Bloomfield, Connecticut ("facility").
2. At the facility, Respondent owns and operates a bakery that produces bread, rolls, stuffing and croutons. As part of the manufacturing process, the Respondent operates bread line #1, bread line #2, roll line #1 oven, one dehydrating oven, a MegTec Regenerative Thermal Oxidizer and a Wolverine Catalytic Oxidizer.
3. The operation is subject to Section 22a-174-3a(a) of the Regulations of Connecticut State Agencies ("RCSA") because the potential to emit Volatile Organic Compounds ("VOC") are greater than 15 tons per year.
4. On March 15, 2002, New Source Review ("NSR") Permits #011-0092 through #011-0095 were issued to construct and operate the four production lines. On February 9, 2007, the NSR Permits were modified to incorporate the two oxidizers. When the manufacturing lines are operated, one oxidizer shall be required to be operated while the other oxidizer shall be used as a back-up.
5. On June 3, 2010, the Respondent notified the Department pursuant to Section 22a-174-7 of the RCSA that the production lines at the facility would be operated longer than 24 hours without the required control.
6. On June 7, 2010, the Respondent notified the Department that production operations were conducted on the permitted lines from 11:00 AM on June 3, 2010 until 6:08 AM on June 5, 2010 without either the MegTec Regenerative Thermal Oxidizer or the Wolverine Catalytic Oxidizer in service.

7. Pursuant to Section IV.A of NSR Permits #011-0092 through #011-0095, equipment or methods which control air pollution from a stationary source and are necessary to the operation of such stationary source in compliance with applicable emission standards and regulation shall be maintained in operation at all times that the stationary source is in operation or emitting air pollution.
 8. Pursuant to Section 22a-174-7(a)(1), neither breakdown, failure nor deliberate shutdown of any pollution control equipment or monitoring equipment nor submission of any notice pursuant to this section shall excuse the owner or operator of any source from the obligation to comply with an applicable emission limitation or other applicable requirement.
 9. Pursuant to Section III.A of the NSR Permits #011-0092 through 011-0095, the Permittee shall not allow the combined emissions from the bakery bread line #1 oven, bread line #2 oven, roll line #1 oven, dehydrating oven and any of the two oxidizers to exceed the following:
 - 12.42 lbs VOC per hour while using the MegTec Regenerative Thermal Oxidizer
 - or
 - 17.47 lbs VOC per hour while using the Wolverine Catalytic Oxidizer
 10. Based on information received from the notifications from the Respondent, the Department determined that the facility exceeded the emission limitations of the NSR permits #011-0092 through #011-0095 for VOC emission on Thursday, June 3, 2010 to Saturday, June 5, 2010 with an average emission rate of 68.6 pounds VOC per hour during the 43 hours of operating without the required control. The total excess emissions were 1.5 tons of VOC, primarily ethanol.
 11. On June 30, 2010, Notice of Violation #16568 was issued to the Respondent for failing to comply with the terms of NSR Permits #011-0092 through #011-0095.
 12. By virtue of above, the Respondent violated NSR Permits #011-0092 through #011-0095, and Sections 22a-174-7(a)(1) and 22a-174-3a(h) of the RCSA.
 13. By agreeing to issuance of this consent order, Respondent makes no admission of fact or law with respect to the matter addressed herein, other than the facts asserted in paragraphs A.1 through A.6, inclusive.
- B. With the agreement of the Respondent, the Commissioner, pursuant to Sections 22a-6, 22a-171, 22a-174, 22a-177, and 22a-178 of the Connecticut General Statutes, orders as follows:

1. Within sixty (60) days after issuance of this Consent Order, the Respondent shall submit a plan for the Commissioner's approval for the installation, calibration, continuous monitoring and record-keeping of a differential pressure gauge across the particulate filters prior to the inlet to the oxidizers. The plan shall include a schedule for the installation for the instrumentation. Within 30 days of the receipt of the Commissioner's approval of the plan, the Respondent shall implement such plan.
2. Update Operation and Maintenance Plans: Within one hundred twenty (120) days after the issuance of this Consent Order, Respondent shall update the Operation and Maintenance Plans for each oxidizer, which are described in Paragraph A.5 of this Consent Order and required by NSR permits #011-0092 through #011-0095. The Respondent shall submit the updated operation and maintenance plans to the Commissioner for review and written approval. The Respondent shall respond to any written notice of deficiency or inquiry regarding the plans by the deadline specified in such notice or inquiry. The updated operation and maintenance plans shall include all the requirements that were originally approved by the Department and, at least, the following modifications:
 - a. Maintenance schedule for the replacement of the particulate filters for the exhaust of bakery bread line #3 oven, bread line #2, roll line #1 oven, dehydrating oven prior to entering either of the two oxidizers.
 - b. Training for personnel, who will have the responsibility of monitoring the conditions of the filters and any other equipment necessary for the proper operations of the two oxidizers.
 - c. Performance of monthly inspection of the particulate filters.
 - d. Continuous monitoring and record keeping requirements for the differential pressure gauge in inches of water across the particulate filters prior to the inlet of either oxidizer.
 - e. Inspection and leak detection procedures for all air ducts and both oxidizers.
3. Within one hundred twenty (120) days after approval of the updated Operation and Maintenance Plans, the Respondent shall submit applications for a minor permit modification to, (pursuant to Section 22a-174-2a(e) of the RCSA), the NSR permits #011-0092 through #011-0095 to include the requirements for the differential pressure gauge across the particulate filters prior to the inlet of either oxidizer; the minimum oxidizer temperature; increase leak detection for all the ducts from the operating lines to the actual oxidizers; and the appropriate continuous monitoring, record keeping, and reporting requirements.
4. Civil Penalty. On or before thirty (30) days after the issuance of this Consent Order, the Respondent shall pay a penalty of \$14,000 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraphs A.5 through A.11 of this Consent Order.

5. Payment of penalties. Payment of penalties under this Consent Order shall be mailed or personally delivered to Bureau of Financial & Support Services--Accounts Receivable Office ["F&SS"], Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127, and shall be by certified or bank check payable to the Connecticut Department of Environmental Protection. The check shall state on its face, "Air Management Civil Penalty, Engineering and Enforcement Division, Consent Order No. 2208".
6. Full compliance. Respondent shall not be considered in full compliance with this Consent Order until all actions required by this Consent Order have been completed as approved and to the Commissioner's satisfaction.
7. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this Consent Order in a complete and approvable form. If the Commissioner notifies Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within 30 days of the Commissioner's notice of deficiencies. In approving any document or other action under this Consent Order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purposes of this Consent Order. Nothing in this paragraph shall excuse noncompliance or delay.
8. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
9. Dates. The date of "issuance" of this Consent Order is the date the Consent Order is deposited in the U.S. Mail or personally delivered, whichever is earlier. The date of submission to the Commissioner of any document required by this Consent Order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this Consent Order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or is personally delivered, whichever is earlier. Except as otherwise specified in this Consent Order, the word "day" as used in this Consent Order means calendar day. Any document or action which is required by this Consent Order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or Connecticut or federal holiday.
10. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this Consent Order shall be signed by Respondent or, if Respondent is not an individual, by Respondent's chief executive officer or a duly authorized representative of such officer, as those terms are defined in §22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and Respondent or

Respondent's chief executive officer and each such individual shall certify in writing as follows:

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under Section §53a-157b of the Connecticut General Statutes and any other applicable law."

11. Noncompliance. This consent order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this Consent Order may subject Respondent to an injunction and penalties.
12. False statements. Any false statement in any information submitted pursuant to this Consent Order is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
13. Notice of transfer; liability of Respondent. Until Respondent has fully complied with this Consent Order, Respondent shall notify the Commissioner in writing no later than 15 days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this Consent Order or after obtaining a new mailing or location address. Respondent's obligations under this Consent Order shall not be affected by the passage of title to any property to any other person or municipality.
14. Commissioner's powers. Nothing in this Consent Order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by Respondents pursuant to this Consent Order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented pollution, the Commissioner may institute any proceeding to require Respondents to undertake further investigation or further action to prevent or abate violations or pollution.
15. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.
16. No assurance by Commissioner. No provision of this Consent Order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this Consent Order will result in compliance.

17. Access to site. Any representative of the Department of Environmental Protection may enter the facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Consent Order.
18. No effect on rights of other persons. This Consent Order neither creates nor affects any rights of persons or municipalities that are not parties to this Consent Order.
19. Notice to Commissioner of changes. Within 15 days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under this Consent Order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner.
20. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this Consent Order or of any document required hereunder, Respondent shall immediately notify by telephone the Bureau of Air Management Unit in the next paragraph and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. Within five (5) days of the initial notice, Respondent shall submit in writing the date, time, and duration of the noncompliance and the reasons for the noncompliance or delay and propose for the review and written approval of the Commissioner, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay.
21. Submission of documents. Any document required to be submitted to the Commissioner under this Consent Order, unless otherwise specified in this Consent Order or in writing by the Commissioner, shall be directed to:

Aileen Matta
Engineering and Enforcement Division
Bureau of Air Management
Department of Environmental Protection
79 Elm Street, 5th Floor
Hartford, Connecticut 06106-5127

Respondent consents to the issuance of this Consent Order without further notice. The undersigned certifies that he/she is fully authorized to enter into this Consent Order and to legally bind Respondent to the terms and conditions of the Consent Order.

Pepperidge Farm, Incorporated

Signature: Michael L. Browning

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Type Name: Michael L. Browning

Type Title: Plant Manager

Date: June, 20, 2011

Issued as an order of the Commissioner of Environmental Protection.

Robert E. Kaliszewski
for Daniel C. Esty
Commissioner
Robert E. Kaliszewski
Director, Planning
Program Development

6/29/11
Date

CITY OF BLOOMFIELD
LAND RECORDS
MAILED CERTIFIED MAIL

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