



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT)
VS.)
LAFARGE NORTH AMERICA, INC.)

Order No. 2232

CONSENT ORDER

- A. With the agreement of Lafarge North America, Inc ("Respondent"), the Commissioner of Environmental Protection ("Commissioner") finds the following:
1. The Respondent is and has been engaged in cement processing activities at 410 Waterfront Street in New Haven ("facility").
2. Around July 2001, the Respondent acquired the facility from Blue Circle Inc. (dba Blue Circle Cement - New Haven Terminal), where activities had the potential to emit Particulate Matter (PM10) in excess of 100 tons per year. Consequently the Respondent's facility was a Title V Source, as defined in Section 22a-174-33 of the Regulations of Connecticut State Agencies ("RCSA").
3. Pursuant to Section 22a-174-33 of the RCSA, Blue Circle Cement was, at the time of the acquisition, eligible and authorized to operate the facility under the General Permit to Limit Potential to Emit From Major Stationary Sources of Air Pollution (GPLPE) issued on 2/24/2001 by the Commissioner. The facility was operating with registration No. 117-0233-GPLPE granted by the Commissioner on 6/20/2001.
4. On 10/5/2001, the Respondent notified the Department of Environmental Protection Bureau of Air Management of a name change from Blue Circle Inc. to Lafarge North America Inc. (dba Lafarge Building Materials, Inc.).
5. On 2/24/2006, the Commissioner re-issued the GPLPE and on 6/7/2006, renewed registration No. 117-0233-GPLPE to authorize Lafarge North America Inc. to continue to operate the facility under the GPLPE.
6. Pursuant to Section 5(d)(1) of the GPLPE, the Respondent must "submit to the Commissioner on or before January 30th of each year in which the permittee is registered under this general permit, an annual compliance certification with respect to the premises".
7. The Respondent failed to submit the required annual compliance certifications by January 30th of calendar years 2007 and 2010.

8. The Respondent submitted the 2007 annual compliance certification on 2/13/2008 and the 2010 annual compliance certification on 8/20/2010. The Respondent submitted the annual compliance certifications well after the January 30th deadline for each of these years, despite the fact that the Respondent was registered for coverage under the GPLPE during these years.
9. By virtue of the above, the Respondent violated Sections 5(d)(1) of the GPLPE and Section 22a-174-33 of the RCSA.
- 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. Civil penalty. On or before thirty (30) days after issuance of this Consent Order, the Respondent shall pay a penalty of \$1,750 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in Paragraph A.9 of this Consent Order.
 2. Payment of penalties. Payment of penalties under this Consent Order shall be mailed or personally delivered to Bureau of Financial and 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 "Treasurer, State of Connecticut". The check shall state on its face, "Bureau of Air Management Civil Penalty, Air Engineering & Enforcement Division, Consent Order #2232".
 3. Full compliance. The 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.
 4. Approvals. The 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 the Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and the 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 thirty (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.
 5. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
 6. 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.

7. 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 the Respondent or, if the Respondent is not an individual, by the 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 the Respondent or the 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 *may be* punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

8. 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 the Respondent to an injunction and penalties.
9. False Statements. Any false statement in any information submitted pursuant to this Consent Order may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
10. Notice of transfer; liability of the Respondent. Until the Respondent has fully complied with this Consent Order, the Respondent shall notify the Commissioner in writing no later than fifteen (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. The 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.
11. Commissioner's powers. Except as provided hereinabove with respect to payment of civil penalties, 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 the Respondent 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 the Respondent to undertake further investigation or further action to prevent or abate violations or pollution.

12. The Respondent's obligations under law. Nothing in this Consent Order shall relieve the Respondent of other obligations under applicable federal, state and local law.
13. 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 the Respondent pursuant to this Consent Order will result in compliance.
14. 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.
15. 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.
16. Notice to Commissioner of changes. Within fifteen (15) days of the date the 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, the Respondent shall submit the correct or omitted information to the Commissioner.
17. Notification of noncompliance. In the event that the 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, the Respondent shall immediately notify by telephone the individual identified 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, the 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 the Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by the Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.
18. 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:

Marco Lumbroso
Department of Environmental Protection
Bureau of Air Management
Engineering & Enforcement Division
79 Elm Street, 5th Floor
Hartford, Connecticut 06106-5127

Admin. Enforcement/Trading Folder Format

LAFARGE N. A., INC.


The documents checked below are contained in this folder in their respective positions.

- Initial and Date Buckslip on front of folder (each reviewer highlighted)

LEFT SIDE	RIGHT SIDE
<ul style="list-style-type: none"> <input type="checkbox"/> AG Referral Letter- for Commissioner's signature <input type="checkbox"/> Preliminary Draft Order Cover Letter – for Bureau Chief's signature <input type="checkbox"/> Enforcement Strategy Memo- for Asst. Director's Initial, Director's Signature 	<ul style="list-style-type: none"> <input type="checkbox"/> Preliminary for Bureau Chief's Review -Consent Order -Trading Order -Order Modification - Trading Order Addendum (credit approval) <input checked="" type="checkbox"/> Source Signed for Commissioner's Signature -Consent Order -Trading Order -Order Modification -Trading Order Addendum (credit approval)
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> EAS and penalty calculations- for Asst. Director's and Director's initial 	<ul style="list-style-type: none"> <input type="checkbox"/> Unilateral Order for Commissioner's signature
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Signed Order Cover Letter- Signed by Air Staff 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Supporting Documents for Order or Referral
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> Notice of Enforcement Action- -Signed by Air Staff 	<p>AG Referral info with index for K. Massicotte</p>
<ul style="list-style-type: none"> <input checked="" type="checkbox"/> FADS- 	<ul style="list-style-type: none"> <input checked="" type="checkbox"/> NOV and assoc. inspection report(s) Associated relevant correspondence
	<ul style="list-style-type: none"> <input type="checkbox"/> Previous Drafts of Order containing edits/comments by management and legal counsel
	<ul style="list-style-type: none"> <input type="checkbox"/> Other _____ _____ _____

The 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 the Respondent to the terms and conditions of the Consent Order.

Lafarge North America, Inc.

Signature: 
Type Name: GERARD MUSCAT
Type Title: MANAGER
Date: 2/28/11

Issued as a final order of the Commissioner of Environmental Protection.


Amy Marrella
Deputy Commissioner

3/7/11
Date

MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED