



STATE OF CONNECTICUT)	CONSENT ORDER 2285
)	
vs.)	
)	
LEGERE GROUP, LTD)	

CONSENT ORDER

A. With the agreement of Legere Group, Ltd ("Respondent"), the Commissioner of Energy and Environmental Protection ("Commissioner") finds the following:

1. The Respondent engages in the business of manufacturing and coating wood furniture components at 80 Darling Drive in Avon, Connecticut ("facility).
2. At the facility, the Respondent maintains and operates the following associated process equipment: six (6) spray booths, one (1) lamination booth, and woodworking equipment.
3. According to the Department of Energy and Environmental Protection's ("Department") records, the spray booths and lamination booth were installed in 1998 and 1999 respectively. The spray booths were operated under the coverage of the General Permit to Construct and/or Operate a New Existing Surface Coating Operation ("GPSC"). The spray booths and lamination booth are now covered under Section 22a-174-3b of the Regulations of Connecticut State Agencies ("Regulations").
4. As limited by the GPSC and Section 22a-174-3b of the Regulations, the premises' potential volatile organic compound ("VOC") emissions were 39.45 tons per year; a five ton limit for each spray booth and 9.45 ton for the lamination booth.
5. In January 2007, the GPSC expired and the Department did not renew the GPSC.
6. After the GPSC expired in January 2007, the Respondent sought coverage under Section 22a-174-3b of the Regulations for the spray booths because each booth has potential VOC emissions of 15 tons or more per year.
7. Consequently, the premises' potential VOC emissions increased from 39.45 tons per year to 66.15 tons per year; 9.45 tons per year per booth
8. Pursuant to Section 22a-174-1 and Subsection 22a-174-33(a) of the Regulations, a Title V Source is a

facility with the potential to emit at least 50 tons of VOC per year. Therefore, in January of 2007, the facility became a Title V Source.

Failure to Apply for a Title V Permit

9. Pursuant to Subsection 22a-174-33(f) of the Regulations, a stationary source that has potential emissions of VOC of 50 tons or more per year shall either apply for a Title V Operating Permit or limit the potential emissions from activities at the facility through registering under the General Permit to Limit the Potential to Emit ("GPLPE") within twelve (12) months of becoming subject to Section 22a-174-33 of the Regulations.
10. Because the Respondent was a Title V source in January 2007, the Respondent was required to apply for a Title V Operating Permit or register under the GPLPE by January 2008; which was 12 months after becoming a Title V Source
11. On March 24, 2011, the Respondent submitted a registration application for coverage under the GPLPE in lieu of a Title V Operating Permit. The GPLPE application was submitted approximately 3 years late.
12. Because the Respondent failed to obtain a Title V Operating Permit or otherwise limit its potential VOC emissions to less than 50 tons per year, by January 2008, the Department determined that the Respondent violated Section 22a-174-33 of the Regulations and issued Notice of Violation ("NV") No. 16724 on July 21, 2011.

Failure to Pay Title V Emission Fees

13. Pursuant to Subsection 22a-174-26(d)(2) of the Regulations, the owner or operator of a Title V source subject to the provisions of Section 22a-174-33 shall pay an emission fee on or before July 1st of each year for emissions that occurred during the previous calendar year.
14. Since the Respondent was a Title V source from calendar years 2007 through 2010, the Respondent was required to pay emissions fees, calculated in accordance with Subsection 22a-174-26(d)(2) of the Regulations. The fees were due on July 1st of each year for emissions that occurred during calendar years 2007-2010.
15. To date, the Respondent has not paid emission fees pursuant to Subsection 22a-174-26(d)(2) of the Regulations for emission that occurred during years 2007-2010.

Failure to Submit a VOC RACT Compliance Plan

16. Pursuant to Section 22a-174-32 of the Regulations, wood furniture manufacturing operations that have potential VOC emissions of 25 tons or more per year is required to reduce and control VOC emissions at the facility by implementing reasonably available control technology ("RACT") methods described in Subsection 22a-174-32(e) of the Regulations.
17. Since the booths referenced in Paragraph A.2 of this Consent Order have the potential to emit more than 25 tons of VOC per year, the Respondent is subject to Section 22a-174-32 of the Regulations.
18. Pursuant to Subsection 22a-174-32(d), subject sources shall submit a VOC RACT compliance plan within 6

months of becoming subject or limit the potential to emit VOC through a permit or order in accordance with Subsection 22a-174-32(c) of the Regulations.

19. Because the Respondent became subject to Section 22a-174-32 of the Regulations in August 1998, the Respondent should have submitted a compliance plan in February 1999.
20. In February 1999, the Respondent failed to submit a VOC RACT compliance plan as required by Section 22a-174-32 of the Regulations.
21. Because the Respondent failed to submit a VOC RACT compliance plan by February 1999, the Department determined that the Respondent violated Section 22a-174-32 of the Regulations and issued Notice of Violation ("NV") No. 16725 on July 21, 2011.
22. In March 2011, the Respondent sought to limit the potential to emit VOC emissions by obtaining coverage under the GPLPE, which would exclude the Respondent from submitting a VOC RACT compliance plan.

Failure to apply for and obtain a Permit to Construct and Operate

23. Pursuant to Section 22a-174-3 of the Regulations, which was repealed on March 15, 2002 and replaced with Section 22a-174-3a of the Regulations, a stationary source that has potential emissions of any air pollutants greater than 5 tons per year shall apply for a permit to construct and operate.
24. In October 2011, information submitted by the Respondent showed that the lamination booth's potential VOC emission exceeded 5 tons per year. Pursuant to Section 22a-174-3 of the Regulations, the Respondent was required to apply for a permit to construct and operate back in August 1998.
25. Historically, the Respondent failed to apply for a permit to construct and operate the lamination booth back in August 1998, the Department determined that the Respondent had violated Section 22a-174-3 of the Regulations. Since the March 2002 repeal of Section 22a-174-3, the lamination booth is operated under Section 22a-174-3b of the Regulations, under which an operating permit is no longer required.

Industrial Solvent Cleaning

26. Pursuant to Subsection 22a-174-20(ii) of the Regulations, a stationary source that conducts industrial solvent cleaning and uses 855 gallons or more of cleaning solvents per year shall restrict the VOC content of each cleaning solvent to 0.42 lbs/gallon, as-applied or a vapor pressure of 8 mm Hg at 20 degrees Celsius.
27. In November 2011, the Department determined that the Respondent conducted industrial solvent cleaning at the premises and discovered that the Respondent purchased more than 855 gallons of thinner for cleaning. A review of the Respondent's purchase records showed that the cleaning solvents had VOC contents greater than 0.42 lbs/gallon, as-applied, and a vapor pressures greater than 8 mm Hg at 20 Celsius.
28. Because the Respondent conducted industrial solvent cleaning and purchased more than 855 gallons of noncompliant cleaning solvents, the Department determined that the Respondent violated Subsection 22a-174-20(ii) of the Regulations.

29. Pursuant to Subsection 22a-174-20(ii)(6)(B) of the Regulations, the Respondent shall maintain and keep daily records of the amount of cleaning solvents used at the premises for industrial solvent cleaning.
 30. The Department reviewed the January 2012 cleaning solvents records and discovered that the Respondent failed to maintain and keep records of the daily cleaning solvent consumptions as required by Subsection 22a-174-20(ii)(6)(B) of the Regulations.
 31. Because the Respondent failed to maintain and keep daily records of the amount of cleaning solvents used at the premises, the Department determined that the Respondent violated Subsection 22a-174-20(ii)(6)(B) of the Regulations.
 32. By virtue of the above, the Respondent has violated Sections 22a-174-3, -26, -32, and -33 of the Regulations and Subsection 22a-174-20(ii) of the Regulations.
- B. ~~With the agreement of the Respondent, the Commissioner, acting under §§22a-6, 22a-171, 22a-174, 22a-177, and 22a-178 of the Connecticut General Statutes orders the Respondent as follows:~~
1. The Respondent shall use, for the purpose of industrial cleaning, cleaning solvents that meet the VOC or vapor pressure limitation set forth in Subsection 22a-174-20(ii)(4) of the Regulations.
 2. The Respondent shall maintain and keep records of the amount of all cleaning solvents in accordance with Subsection 22a-174-20(ii)(6)(B) of the Regulations.
 3. Title V Emission Fees: On or before thirty (30) days after issuance of this Consent Order, the Respondent shall pay a total of \$21,496 in emission fees, for emissions that occurred in calendar years 2007-2010.
 4. Payment of Title V Emission Fees: Payment of Title V emission fees under this Consent Order shall be mailed or personally delivered to the Department of Energy and Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 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, Title V Emission Fees, Consent Order No. 2285."
 5. Civil Penalty. On or before thirty (30) days after issuance of this Consent Order, the Respondent shall pay a penalty of eight thousand two hundred and seventy-six dollars (\$8,276) as the total civil penalty to be sought by the Commissioner for the violation identified in paragraphs A.12 & A.28 of this Consent Order.
 6. Payment of penalties. Payment of penalties under this Consent Order shall be mailed or personally delivered to the Department of Energy and Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 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, Consent Order No. 2285."
 7. 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.

8. 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.
9. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
10. 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.
11. 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 may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."
12. 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.

13. 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.
14. 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.
15. 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 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 Respondent to undertake further investigation or further action to prevent or abate violations or pollution.
16. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.
17. 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.
18. Access to site. Any representative of the Department of Energy and 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.
19. 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.
20. 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.
21. 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 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, 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 unless specifically so stated by the Commissioner in writing.

22. Submission of documents. Any document required to be submitted to the Commissioner under this Consent Order shall, unless otherwise specified in writing by the Commissioner, be directed to:

Mr. Seng Phouthakoun
Department of Energy and Environmental Protection
Bureau of Air Management
Engineering & Enforcement Division
79 Elm Street
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 the Respondent to the terms and conditions of the consent order.

Legere Group, Ltd.

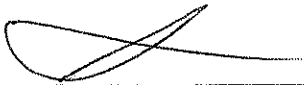
Signature: 

Type Name: Chris Armen

Type Title: Senior V.P. Head of Operations

Date: 11/29/2012

Issued as a final order of the Commissioner of the Department of Energy and Environmental Protection.



Macky McCleary
Deputy Commissioner
Department of Energy and Environmental Protection

12/6/12

Date

TOWN OF AVON
LAND RECORDS
MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED
Certified Document No. _____