



STATE OF CONNECTICUT)	CONSENT ORDER 2390
)	
vs.)	
)	
STRATEGIC COMMERCIAL REALTY, INC)	
d.b.a RAWSON MATERIALS)	

CONSENT ORDER

- A. With the agreement of Strategic Commercial Realty, Inc. dba Rawson Materials ("Respondent"), the Commissioner of Energy and Environmental Protection ("Commissioner") finds the following:
1. The Respondent engages in the business of processing nonmetallic minerals at 349 Norwich Road in Plainfield, Connecticut ("facility).
 2. The Respondent owns and operates various equipment and vehicles at the facility, including but not limited to rock crushers, screeners, and trucks.
 3. The equipment referred in paragraph A.2. of this Consent Order operates under Section 22a-174-3b of the Regulations of Connecticut State Agencies ("RCSA").
 4. The Respondent stores and transports piles of rock, gravel and sand at the facility and offsite.
 5. On April 16, 2013, an inspector from the Department of Energy & Environmental Protection ("Department") responded to public complaints of fugitive dust. Based on that inspection, the Department determined that the fugitive dust was caused from trucks driving on the dry roadways. The Department issued Notice of Violation ("NOV") No. 17099 to the Respondent on June 19, 2013, for violating RCSA Section 22a-174-18(c)(1) in that the Respondent had not taken reasonable precautions to prevent particulate matter from becoming airborne.
 6. In response to NOV No. 17099, the Respondent submitted, in August 2013, a dust mitigation plan which has proved inadequate because the facility continues to be a source of fugitive dust.
 7. On October 14, 2015 and April 22, 2016, inspectors from the Department returned to the facility in response to dust complaints and observed fugitive dust at the facility. The Department determined that the fugitive dust was caused by trucks driving on the facility's dry roadways. The Department issued NOV No. 17603 to the Respondent on December 17, 2015 and NOV No. 17682 on June 15, 2016, for violating RCSA Section 22a-174-18(c)(1) in that the Respondent had not taken reasonable precautions to prevent

Date Issued: March 6, 2017

particulate matter from becoming airborne.

8. By virtue of the above, the Respondent has violated RCSA Section 22a-174-18(c)(1).
 9. By agreeing to the issuance of this Consent Order, the Respondent makes no admission of fact or law with respect to the matters addressed herein, other than the facts asserted in Paragraph A.1.
- 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. Within thirty (30) days after issuance of this Consent Order, the Respondent shall submit a written documentation certifying that all of the Respondent's staff have received proper training on dust control. The documentation shall also include supporting documentation on the details of the training program offered to the Respondent's staff.
 2. Within sixty (60) days after issuance of this Consent Order, the Respondent shall submit for the Commissioner's review and written approval a dust mitigation plan and schedule to address the violations of RCSA Section 22a-174-18.
 - a. Upon receipt of the Commissioner's approval of the dust mitigation plan and schedule, the Respondent shall comply with the approved dust mitigation plan and schedule.
 - b. Until the Respondent's corrective actions result in the prevention and abatement of violation of RCSA Section 22a-174-18 to the Commissioner's satisfaction, the Respondent shall submit a written supplemental plan and schedule for the implementation of additional corrective action. The Respondent shall submit the plan and schedule within thirty (30) days of receipt of notice from the Commissioner that additional corrective action is required. The plan and schedule shall be subject to the Commissioner's review and written approval and/or amendment. The Respondent shall complete all additional corrective actions according to the schedule approved by the Commissioner.
 3. Civil Penalty. On or before thirty (30) days after the issuance of this Consent Order, the Respondent shall pay a penalty in the amount of \$8,400 as the total civil penalty to be sought by the Commissioner for those, and only those violations described in Paragraph A.5. and A.7. of this Consent Order.
 4. 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. 2390."
 5. Statewide Supplemental Environmental Project (SEP) Account Payment.

- a. In lieu of the civil penalty referenced in Paragraph B.3. of this Consent Order, the Respondent may elect to pay \$8,400 to the Statewide SEP Account. If the Respondent elects to make a payment to the Statewide SEP account, the Respondent shall make such payment within thirty (30) days after the issuance of this Consent Order. The payment 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, Connecticut 06106-5127. The payment shall be by certified or bank check payable to the "Connecticut Department of Energy and Environmental Protection," with notation thereon "Statewide SEP Account" and "Consent Order No. 2390."
 - b. If the Respondent fails to fund the SEP in accordance with Paragraph 5.a. above, the Respondent shall immediately pay a civil penalty of eight thousand and four hundred dollars (\$8,400). The Respondent shall pay such civil penalty in accordance with the provisions of Paragraph B.4. of this Consent Order.
 - c. The Respondent shall not claim or represent any SEP payment made pursuant to this Consent Order constitutes an ordinary business expense or charitable contribution or any other type of tax deductible expense. The Respondent shall not seek or obtain any other tax benefit, such as a tax credit, as a result of the payment under this paragraph.
 - d. If the Respondent disseminates any publicity, including but not limited to any press releases regarding funding an SEP, the Respondent shall include a statement that such funding was made in settlement of an enforcement action brought by the Commissioner.
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 may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."

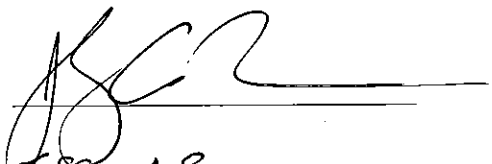
11. Noncompliance. This Consent Order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this Consent Order may subject Respondent to an injunction and penalties.
12. False Statements. Any false statement in any information submitted pursuant to this Consent Order may be 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. 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.

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 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.
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 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.
21. 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:

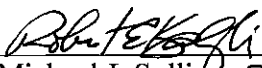
Mr. Seng Phouthakoun
Department of Energy and Environmental Protection
Bureau of Air Management
Engineering & Enforcement Division
79 Elm Street
Hartford, Connecticut 06106-5127
22. Joint and several liability. Respondents shall be jointly and severally liable for compliance with this Consent Order.

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.

Strategic Commercial Realty, Inc.

Signature: 
 Type Name: Jeffrey A. Rowson
 Type Title: President
 Date: 2/14/17

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


 Michael J. Sullivan Robert E. Kaliszeuski
 Deputy Commissioner
 Department of Energy and Environmental Protection

3/6/17
 Date

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