



STATE OF CONNECTICUT)	ORDER NO. 2485
)	
vs.)	
)	
NORTHEAST FOODS INC.,)	
D.B.A. AUTOMATIC ROLLS OF NEW ENGLAND)	
)	

CONSENT ORDER

- A. With the agreement of Northeast Foods Inc., dba Automatic Rolls of New England ("Respondent"), the Commissioner of Energy & Environmental Protection ("Commissioner") finds the following:
1. The Respondent engages in the business of producing and supplying food products to restaurants and super markets in the United States. The Respondent produces food products at 328 Lake Road in Killingly, Connecticut.
 2. In 2007, the Respondent installed a 1500 kW Cummins Generator model DFLE-5774916 ("Engine") to supply electrical power to the facility during an emergency. The Engine has the potential to emit 104 tons of nitrogen oxides ("NOx") per year and 571 pounds of NOx per day.
 3. Whereas the Respondent installed the Engine to supply electrical power to the facility during an emergency, Section 22a-174-3b of the Regulations of Connecticut State Agencies ("Regulations") exempted the Engine from being permitted under Section 22a-174-3a of the Regulations.
 4. Pursuant to Section 22a-174-3b(e) of the Regulations, no owner or operator of an emergency engine shall cause or allow such engine to operate except during periods of testing and scheduled maintenance or during an emergency.
 5. On August 8, 2016, a representative of the Department of Energy & Environmental Protection ("Department") inspected the facility in response to a notification that the Respondent operated the Engine on a day that was forecasted unhealthful. During the inspection, Department staff determined that the Respondent ran the Engine in response to severe weather to avoid a power interruption at the facility on 1/5/15, 6/23/15, 7/1/15 and 7/7/16. Pursuant to the definition of an emergency in Section 22a-174-22(a)(4) of the Regulations, the Department determined that the Respondent ran the engine for non-emergency purposes.
 6. Whereas the Respondent operated the Engine on 1/5/15, 6/23/15, 7/1/15 and 7/7/16 for non-emergency purposes, the Department determined that the Respondent used the Engine outside of its original intended purpose. As a result of such use, the Department determined that the Respondent lost its eligibility to operate the Engine under the exemption allowed pursuant to Section 22a-174-3b of the Regulations since 1/5/15.

7. Pursuant to Section 22a-174-3a(1)(D) of the Regulations, the owner or operator shall apply for and obtain a permit to construct and operate any new emission unit with potential emissions of 15 tons or more of any individual air pollutant.
 8. Pursuant to Section 22a-174-33(a)(10)(F) of the Regulations, a Title V source means any stationary source that has the potential to emit, fifty (50) tons or more per year of NO_x in a serious ozone non-attainment area.
 9. Pursuant to Section 22a-174-33(f)(2) of the Regulations, the Respondent is required to either apply for a Title V permit within 12 months after becoming subject or apply for a general permit to limit the premises' potential to emit.
 10. On August 8, 2016, a representative of the Department inspected the facility and determined that the Respondent failed to obtain:
 - a. a permit to construct and operate the Engine referenced in Paragraph A.2. of this Consent Order pursuant to Section 22a-174-3a(1)(D) of the Regulations after becoming subject in 2015; or
 - b. a general permit to limit the potential to emit or a Title V permit pursuant to Section 22a-174-33(f)(2) of the Regulations within 12 months after becoming subject.
 11. Because the Respondent failed to obtain permits for the Engine and premises, the Department determined that the Respondent violated Sections 22a-174-3a(1)(D) and 22a-174-33(f)(2) of the Regulations. Consequently, the Department issued Notice of Violation ("NOV") No. 17754 to the Respondent on September 29, 2016, for violations of Sections 22a-174-3a(1)(D) and 22a-174-33(f)(2) of the Regulations.
 12. Pursuant to Section 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 of the Regulations shall pay an emission fee on or before July 1st of each year for emissions that occurred during the previous calendar year.
 13. Whereas the Respondent became a Title V source in January 2015 and failed to pay emission fees pursuant to Section 22a-174-26(d)(2) of the Regulations, the Respondent consequently owes emission fees for emissions that occurred in calendar years 2015-2016.
 14. By virtue of the above, the Respondent has violated Sections 22a-174-3a(1)(D), 22a-174-26(d)(2) and 22a-174-33(f)(2) of the Regulations.
 15. In May 2017, the Respondent submitted a permit application to construct and operate the Engine referenced in Paragraph A.2. of this Consent Order. The issuance of such permit would negate the requirements to obtain a Title V permit or general permit to limit the potential to emit because the premises' potential NO_x emissions would be less than 50 tons per year.
- 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 obtain a permit to construct and operate the Engine pursuant to Section 22a-174-3a(1)(D) of the Regulations and until such permit is issued, the Respondent shall not operate the Engine; unless, during periods of testing and scheduled maintenance or during an emergency.
2. The Respondent shall provide to the Commissioner any information that may be requested for the review and approval of the permit application referenced in Paragraph A.15. of this Consent Order within seven (7) days of receipt of the request for such information from the Commissioner, unless another time frame is specified by the Commissioner.
3. Avoided Title V Emission Fees: On or before thirty (30) days after issuance of this Consent Order, the Respondent shall pay a total of ten thousand one hundred and eighty-eight dollars (\$10,188), in avoided Title V emission fees, for emissions that occurred in calendar years 2015-2016.
4. Payment of Avoided 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. 2485."
5. Civil Penalty. On or before thirty (30) days after issuance of this Consent Order, the Respondent shall pay a penalty of seventeen thousand and fifty-eight dollars (\$17,058) as the total civil penalty to be sought by the Commissioner for the violations identified in Paragraphs A.10, A.11., A.13. and A.14. 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. 2485."
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 documents, if any, 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 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

23. 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.

Northeast Foods Inc.,
dba Automatic Rolls of New England

Signature: Stephen Elias
Type Name: Stephen Elias
Type Title: Plant Manager
Date: 8-15-2017

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

Robert E. Kaliszewski
Robert E. Kaliszewski, Deputy Commissioner
Department of Energy and Environmental Protection

8/25/17
Date

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

