

STATE OF CONNECTICUT

VS.

LEGERE GROUP, LTD.

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Order No. 2502

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 is an architectural millwork producer located at 80 Darling Drive in Avon, CT ("the facility").
2. The facility had potential volatile organic compound ("VOC") emissions in excess of 50 tons per year. The facility also had potential individual hazardous air pollutant ("HAP") emissions in excess of 10 tons per year; potential aggregate HAP emissions in excess of 25 tons per year; and potential particulate matter up to ten micrometers ("PM₁₀") emissions in excess of 100 tons per year. The facility was therefore a "Title V source", as defined in Section 22a-174-33(a)(10)(F) of the Regulations of Connecticut State Agencies ("RCSA").
3. In lieu of applying for a Title V operating permit, the facility applied for, and was granted registration for coverage under the General Permit to Limit Potential to Emit ("GPLPE"). While registered under the GPLPE the facility was no longer a "Title V source", as defined in Section 22a-174-33(a)(10)(F) of the RCSA.
4. On 11/19/2015, the Respondent's registration under the GPLPE expired. Upon expiration of GPLPE registration No. 004-0028, the Respondent once again became a "Title V source", as defined in Section 22a-174-33(a)(10)(F) of the RCSA.
5. Pursuant to Section 22a-174-33(f)(2) of the RCSA, a "Title V source" is required to apply for a Title V permit, within 12 months of becoming a "Title V source". The Respondent failed to do so, and as a result Notice of Violation ("NOV") No. 17869 was issued to the Respondent on 11/28/2017.
6. On 3/29/2017, the Respondent submitted a GPLPE renewal application to the Department. The GPLPE renewal application was issued by the Department on 5/9/2017.

Date Issued: 10/30/2019

7. By virtue of the above, the Respondent was a "Title V source" from 11/19/2015 through 5/9/2017.
8. Pursuant to Section 22a-174-26(d) of the Regulations of Connecticut State Agencies ("RCSA"), a "Title V source" is required to pay an emission fee each year to the Department.
9. The Respondent has failed to pay Title V emission fees for the time they operated as a "Title V source", and they are therefore in violation of Section 22a-174-26(d) of the RCSA.
10. At the facility, the Respondent owns and operates a Superfici Wood Products Surface Coating Line ("Superfici"), which was installed at the facility in February of 2014.
11. On 3/29/2018, Field Staff conducted an inspection at the facility. Field Staff calculated potential VOC emissions from the Superfici to be 552 tons per year.
12. Pursuant to Section 22a-174-3a(a)(1)(D) of the RCSA, "Prior to beginning actual construction of any stationary source...the owner or operator shall apply for and obtain a permit to construct and operate...for any new emission unit with potential emission of 15 tons or more per year of any individual air pollutant".
13. Pursuant to Section 22a-174-3a(2)(B) of the RCSA, "the owner or operator of a stationary source(s)...may construct and operate...without a permit...any stationary source that is in compliance with Section 22a-174-22a-174-3b, Section 22a-174-3c...of the RCSA".
14. Based on records obtained from the Respondent, the Superfici was operated in compliance with Section 22a-174-3b of the RCSA, up until November of 2014.
15. After November of 2014, the Superfici no longer met the eligibility requirements of Section 22a-174-3b of the RCSA. Consequently, the Superfici was operating without a permit. NOV #17907 was issued to the Respondent on 4/26/2018, for violating Section 22a-174-3a of the RCSA.
16. The Superfici heat cures coated wood products using two electric ovens. VOCs from the unit are emitted directly into the atmosphere, uncontrolled. The unit is subject to Section 22a-174-20(f) of the RCSA, which sets forth the VOC control requirements for organic solvents.
17. Section 22a-174-20(f)(1) of the RCSA prohibits the discharge of more than 40 pounds of organic material in any one day...unless the discharge has been reduced by at least 85% overall.
18. During the 3/29/2018 inspection, Ms. Masih discovered that the Superfici exceeded the 40 pound per day limit numerous times in calendar year 2016. As a result, NOV #17908 was issued to the Respondent on 4/26/2018 for violating Section 22a-174-20(f)(1) of the

RSCA. A subsequent record review reveals that the 40 pound per day limit was exceeded numerous time in calendar years 2015, 2017, and 2018.

19. Section 22a-174-20(ii) of the RCSA sets forth the VOC control requirements for solvents used for spray booth cleaning. Section 22a-174-20(ii) is applicable to the Respondent because the Respondent had purchased, for use at the facility, more than 855 gallons of industrial cleaning solvents.
 20. Pursuant to Section 22a-174-20(ii)(4), the Respondent must limit VOC emissions by using cleaning solvent(s) that comply with the VOC-content or vapor pressure limits of Section 22a-174-20(ii)(4); or else, by installing air pollution control equipment that reduces uncontrolled VOC emissions from the cleaning solvent(s) by at least 85% overall.
 21. During the 3/29/2018 inspection, Ms. Masih determined that the Respondent was using a non-compliant industrial solvent to clean the conveyor belt of the Superfici, in violation of Section 22a-174-20(ii)(4) of the RCSA. The violation was cited in NOV #17908.
 22. In response to the violations cited in NOV #17907 and NOV #17908, the Respondent submitted a NSR permit application to the Department on 9/12/2018 (Application No. 2018011709). To bring the facility into compliance, they are proposing to install a regenerative thermal oxidizer ("RTO") on the Superfici. The RTO will have an overall VOC destruction efficiency of at least 98%.
 23. By virtue of the above, the Respondent is in violation of Sections 22a-174-20(f)(1) and Section 22a-174-20(ii), and 22a-174-26(d), of the RCSA; and they have violated Sections 22a-174-3a and 22a-174-33(f)(2) 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. The Respondent shall fully comply with Sections 22a-174-3a, 22a-174-20(f), 22a-174-20(ii), 22a-174-26(d), and 22a-174-33(f) of the RCSA.
 2. The Respondent shall not withdraw the permit application, referenced in paragraph A.22. of this Consent Order, unless the Commissioner authorizes such a request in writing.
 3. The Respondent shall have the RTO fully installed by no later than 12/31/2019.
 4. Civil Penalty. On or before thirty (30) days after issuance of this consent order, the Respondent shall pay a penalty of \$30,706 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraphs A.1. through A.23. of this Consent Order.
 5. Title V Emission Fees: On or before thirty (30) days after the date of issuance of this Consent Order, the Respondent shall pay emission fees totaling \$11,332 for emission that occurred in calendar years 2016 and 2017.

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 the "Connecticut Department of Energy and Environmental Protection". The check shall state on its face, "Air Engineering & Enforcement Division, civil penalty Consent Order No. 2502".
7. 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 & Environmental Protection, Bureau of Financial Support Services, Accounts Receivables Office, 79 Elm Street, Hartford, CT 06106.-5127, and shall be by certified check 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. 2502."
8. Full Compliance. Respondent shall not be considered in full compliance with this Order until all actions required by this Order have been completed as approved and to the Commissioner's satisfaction.
9. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this 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 thirty (30) days of the Commissioner's notice of deficiencies. In approving any document or other action under this 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 Order. Nothing in this paragraph shall excuse noncompliance or delay.
10. Definitions. As used in this Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
11. Dates. The date of "issuance" of this Order is the date the Order is deposited in the U.S. mail or personally delivered, whichever is earlier. The date of the submission to the Commissioner of any document required by this Order shall be date such document is received by the Commissioner. The date of any notice by the Commissioner under this 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 Order, the word "day" as used in this Order means calendar day. Any document or action which is required by this 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.
12. 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 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.”

13. Noncompliance. This 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 Order may subject Respondent to an injunction and penalties.
14. False statements. Any false statement in any information submitted pursuant to this Order is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
15. Notice of transfer; liability of Respondent. Until the Respondent have fully complied with this Order, 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 Order or after obtaining a new mailing or location address. Respondent's obligations under this Order shall not be affected by the passage of title to any property to any other person or municipality.
16. Commissioner's powers. Except as provided hereinabove with respect to payment of civil penalties, nothing in this 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 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.
17. Respondent's obligations under law. Nothing in this Order shall relieve Respondent of other obligations under applicable federal, state and local law.
18. No assurance by Commissioner. No provision of this 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 Order will result in compliance or prevent or abate pollution.

19. 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 Order.
20. No effect on rights of other persons. This Order neither creates nor affects any rights of persons or municipalities that are not parties to this Order.
21. Notice to Commissioner of changes. Within fifteen (15) days of the date Respondent become aware of a change in any information submitted to the Commissioner under this 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
22. Notification of noncompliance. In the event that Respondent become aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this 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.
23. Submission of documents. Any document required to be submitted to the Commissioner under this Order shall, unless otherwise specified in this order or in writing by the Commissioner, be directed to:

Lakisha Stephenson
Department of Energy and Environmental Protection
Bureau of Air Management
Air Enforcement Division
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 the Respondent to the terms and conditions of the Consent Order.

LEGERE GROUP, LTD.Signature: Craig FrohType Name: CRAIG FROHType Title: Co - CEODate: 10/11/2019

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

Katherine S. Dykes

Katherine S. Dykes

Commissioner

Department of Energy & Environmental Protection

10/30/19

Date