

STATE OF CONNECTICUT
vs.
CASCADES HOLDING US INC.

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ORDER NO. 2527

CONSENT ORDER

A. With the agreement of Cascades Holding US, Inc. ("Respondent"), the Commissioner of Energy & Environmental Protection ("Commissioner") finds the following:

1. As of June 2018, the Respondent acquired the business from Rand-Whitney Container LLC and requested transfers of all air permits associated with the manufacturing of corrugated boxes at 1 Edmond Road in Newtown, CT ("Facility").
2. On June 8, 2018, the Commissioner transferred New Source Review ("NSR") Permit Nos. 131-0051, 131-0052, 131-0053 and 131-0054 issued for four (4) flexographic printing lines to the Respondent.
3. Pursuant to Section 22a-174-3a of the Regulations of the Connecticut State Agencies ("Regulations"), a new emission unit that has potential emissions of 15 tons or more per year of an air pollutant shall apply for and obtain a permit to construct and operate prior to beginning actual construction of the stationary source.
4. In April 2019, the Respondent self-reported that they installed a new printing line at the facility. The Respondent provided information indicating that they installed a Barberan Jetmaster ink jet printing line in November 2018 and also, that they have been operating the Barberan Jetmaster printing line since installation. This printing line uses low VOC materials and has potential VOC emissions of 17.29 tons per year.
5. Whereas the Respondent constructed and has been operating the Barberan Jetmaster printing line referenced in paragraph A.4. of this Consent Order without the required operating permit, the Respondent violated Section 22a-174-3a of the Regulations. As a result, the Department of Energy and Environmental Protection ("Department") issued Notice of Violation 17992 on August 9, 2019.
6. In July 2019, the Respondent submitted a NSR permit application for the Barberan Jetmaster printing line referenced in paragraph A.4. of this Consent Order as required by Section 22a-174-3a of the Regulations.
7. In August 2019, the Respondent removed from service two flexographic printing lines that were acquired from the purchase of the business and added a new flexographic printing line:
 - a. The Respondent removed the Rapidex flexographic printing line that used to be covered under NSR Permit No. 131-0053. In September 2019, the Respondent submitted a written request to Department to revoke NSR Permit No. 131-0053.

- b. The Respondent removed the EMBA-244 flexographic printing line that used to be covered under NSR Permit No. 131-0052. In September 2019, the Respondent submitted a written request to Department to revoke NSR Permit No. 131-0052.
 - c. In August 2019, the Respondent installed a Langston Saturn 50 flexographic printing line to replace the retired EMBA-244 line. The Respondent has been operating the Langston Saturn 50 flexographic printing line since installation. The Langston Saturn 50 flexographic printing line has potential VOC emissions of 15 tons or more per year. The Respondent presumed that they could operate the Langston Saturn 50 flexographic printing line under NSR Permit No. 131-0052 because the Langston Saturn 50 printing line and EMBA-244 printing line are similar in nature.
8. Whereas the Respondent constructed and has been operating the Langston Saturn 50 printing line referenced in paragraph A.7.c. of this Consent Order without the required operating permit, the Respondent violated Section 22a-174-3a of the Regulations. As a result, the Department issued Notice of Violation 18006 on October 3, 2019.
 9. By virtue of the above, the Respondent has violated Section 22a-174-3a of the Regulations.
 10. On October 10, 2019, the Department revoked operating NSR Permit Nos. 131-0052 and 131-0053 for the EMBA-244 line and Rapidex line, respectively.
 11. On October 24, 2019, the Respondent submitted an NSR permit application for the Langston Saturn 50 flexographic printing line.
- 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 comply with the requirements of NSR Permit Nos. 131-0051 and 131-0054; and Section 22a-174-3a of the Regulations.
 2. The Respondent shall provide to the Department any information that may be requested for the review and approval of the NSR permit applications identified in paragraphs A.6. and A.11. of this Consent Order within 10 days of receipt of the request for such information from the Commissioner, unless another time frame is specified by the Commissioner.
 3. Civil Penalty. On or before thirty (30) days after issuance of this Consent Order, the Respondent shall pay a penalty of eighteen thousand five hundred and fifty dollars (\$18,550) as the total civil penalty to be sought by the Commissioner for the violations identified in paragraphs A.5. & A.8. 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. 2527."

5. 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.
6. 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.
7. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
8. 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.
9. 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."
10. 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.

11. 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.
12. 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.
13. 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.
14. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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.

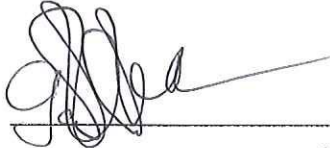
20. Submission of documents. Any document required to be submitted to the Commissioner under this Consent Order shall, unless otherwise specified in writing by the Commissioner, be directed to:

Mr. Seng Phouthakoun
Department of Energy and Environmental Protection
Bureau of Air Management
Enforcement Division
79 Elm Street
Hartford, Connecticut 06106-5127
860 424-4152

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.

Cascades Holding US, Inc.

Signature:



Type Name:

Geoffrey Schiffenhaus


Type Title:

Plant Manager

Date:

11/19/19

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



Katherine S. Dykes, Commissioner
Department of Energy and Environmental Protection

Date

12/3/19

TOWN OF NEWTOWN
LAND RECORDS
MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED
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