



U.S. ARMY INSTALLATION SUPPORT MANAGEMENT AGENCY
NATIONAL CAPITAL REGION FIELD OFFICE
STRATFORD ARMY ENGINE PLANT
550 MAIN STREET
STRATFORD, CONNECTICUT 06615-7574

13 February 2003

Mr. Roland L. Severance, Jr., P.E.
Department of Environmental Protection
Bureau of Air Management
Compliance and Field Operations Division
Emissions and Credit Trading Section
79 Elm Street
Hartford, Connecticut 06106

Dear Mr. Severance:

The enclosed draft Trading Order has been reviewed by the U.S. Army and is found to be satisfactory in the form and content as submitted by the Connecticut Department of Environmental Protection (CTDEP). In that we have made no changes to the most recent version submitted by CTDEP, I can sign a final version in order that we might close this portion of the process out, and proceed to amending the permit for Boiler 1.

I anticipate submitting a permit amendment within 10 working days of receipt of the final Trading Order from CTDEP.

Your consideration and assistance in resolving the issues affected by the Trading Order is appreciated. I look forward to hearing from you soon.

If you have questions or concerns, please do not hesitate to contact me at (203) 385-4453.

A handwritten signature in black ink, appearing to read "Peter W. Szymanski".

PETER W. SZYMANSKI
Installation Manager
Stratford Army Engine Plant

Enclosure: Trading Order

DRAFT
For Preliminary Discussion Only – Not for Use
W/ Permit revision for natural gas only in boiler No. 1)
(1-22-03)

| | | |
|---------------------------------------|---|----------------------|
| In the matter of |) | |
| |) | |
| The State of Connecticut and |) | Trading Agreement |
| |) | and Order No. 8137 A |
| U.S. Army Stratford Army Engine Plant |) | |

Whereas, the Commissioner of Environmental Protection (“Commissioner”) and United States Army Stratford Army Engine Plant (SAEP), an entity of the United States Government, agree that it is in the public interest that they work cooperatively to improve the air quality within the State of Connecticut and that the use of emissions averaging (“averaging”) and discrete emission reduction credit (“DERC”) trading will achieve this result in a timely and cost-effective manner:

A. At the request and with the agreement of SAEP, the Commissioner finds the following:

1. This Trading Agreement and Order supercedes Trading Agreement and Order No. 8137 issued on November 19, 1996, Trading Agreement and Order No. 8137 Modification issued on July 8, 1997, and Trading Agreement and Order No. 8137 Modification No. 2 issued on April 29, 1999.
2. SAEP is an entity of the United States Government that operates the former tank engine and turbine engine manufacturing facility at 550 Main Street in Stratford, Connecticut (“facility”). On or before June 12, 1997, as required by the Base Realignment and Closure Act, operation of this facility was transferred from AlliedSignal Inc. to SAEP for cessation of operations and shutdown of the facility.
3. At the facility, SAEP operates fuel-burning equipment consisting of three (3) steam boilers 1, 2 and 3 (“boilers 1, 2 and 3”) capable of burning natural gas and No. 6 fuel oil, which are subject to the requirements of Section 22a-174-22 of the Regulations of Connecticut State Agencies (“Regulations”) pertaining to the control of nitrogen oxides (“NOx”).

4. Official U.S. Environmental Protection Agency (“EPA”) Method 7 stack tests performed in April 2001 and May 2002 resulted in NO_x emissions rates as follows:

| Unit-Permit (P) or Reg. # (R) | Fuel | Heat Input MMBtu /hr | Stack Test Rate lbs/MM Btu | RACT Rate lbs/MM Btu | Old FLER | New FLER | Date of Stack Test | Next Test Due |
|-------------------------------|-----------|----------------------|----------------------------|----------------------|----------|----------------------|--------------------|---------------|
| Boiler #1: P-0061 | No. 6 oil | 51 | 0.318 | 0.25 | 0.300 | 0.340 ⁽¹⁾ | 5/7/02 | 5/7/07 |
| | Nat. Gas | 51 | 0.046 | 0.20 | 0.047 | N/A | | |
| Boiler #2: R-0116 | No. 6 oil | 75 | 0.382 | 0.25 | 0.390 | 0.410 | 4/11/01 | 4/11/06 |
| | Nat. Gas | 75 | 0.072 | 0.20 | 0.110 | 0.080 | | |
| Boiler #3: R-0001 | No. 6 oil | 89 | 0.331 | 0.25 | 0.340 | 0.350 | 4/11/01 | 4/11/06 |
| | Nat. Gas | 89 | 0.088 | 0.20 | 0.070 | 0.100 | | |

(1) New FLER for calculating excess emissions when burning No. 6 fuel oil until revision to permit #0061 is obtained by SAEP

5. Stack testing performed in April 10, 11, 2000, and May 7, 2002, showed the actual emission rates from boilers 1, 2 and 3 when burning No. 6 fuel oil are in excess of Section 22a-174-22 table 22-1 allowable limits as shown in Table 1 of this Trading Agreement and Order.
6. Stack testing performed on May 7, 2002 showed the actual emission rate from boiler 1, when burning No. 6 fuel oil, is in excess of Permit #0061 limit.
7. On June 16, 2002, DEP issued a Notice of Violation (“NOV”) No. 14899, to SAEP for exceeding the FLER limit specified in Trading Agreement and Order 8137 for boiler 1 when burning No. 6 fuel oil and using credits, and boiler 3 when burning natural gas and creating averaging credits. As a result, SAEP created 1.32 tons of invalid averaging credits during the time period since the previous stack test in 1998.
8. Pursuant to NOV No. 14899, SAEP proposes to compensate for exceeding the FLERs and creating invalid credits by replacing all invalid averaging credits with approved DERCs.
9. For boiler 1, SAEP proposes to cease burning No. 6 fuel oil and obtaining a permit revision to burn natural gas only.
10. For boilers 2 and 3, SAEP proposes to comply with Section 22a-174-22 of the Regulations, by requesting revision of new FLERs as shown in Table 1 above and continuing to use emissions averaging and emission reduction trading in accordance with Section 22a-174-22(d)(3) and (j) of the Regulations.
11. The use of emission averaging is a form of emission trading as defined in the EPA Economic Incentive Plan rules, 40 C.F.R. Section 51.493 et seq.

12. On May 21, 1996, pursuant to emission reduction trading Section 22a-174-22(j) of the Regulations, the previous owner, AlliedSignal, Inc., purchased 7 tons of approved DERCs and upon sale of the plant, transferred the DERCs to SAEP.

Table 2 (EXAMPLE)

| Year of Gen. | Ozone Season NOx DERC serial numbers | Ozone Season DERCs | Non-ozone season NOx DERC serial numbers | Non-ozone season DERCs | Expiration Date |
|--------------|--------------------------------------|--------------------|--|------------------------|-----------------|
| 1996 | Purchased DERCs | 7 | | | 12/31/04 |
| 1997 | | 0 | | 0 | 12/31/04 |
| 1998 | | 0 | | 0 | 12/31/04 |
| 1999 | | 0 | | 0 | 12/31/04 |
| 2000 | | 0 | | 0 | 12/31/05 |
| 2001 | | 0 | | 0 | 12/31/06 |
| 2002 | Pending Sale Finalization | 2 | | 0 | 12/31/07 |
| | Total | 9 | | 0 | |

13. During the April 2001 and May 2002 emissions testing, SAEP operated boilers 1, 2 and 3, respectively, at 77, 48, and 38 percent of their maximum rated capacity (“MRC”) when burning No. 6 fuel oil and at 85, 44 and 47 percent of their MRC when burning natural gas which is less than specified in Section 22a-174-22(k) of the Regulations which requires emissions testing to be conducted when the source is operating at or above 90 percent of its MRC or highest operating rate, if higher, unless allowed otherwise by the Commissioner in a permit or order.
14. SAEP proposes to comply with the 90 percent of highest operating rate test requirement for boilers 1, 2 and 3 by accepting an operating restriction which will reduce the maximum rated capacity (“MRC”) heat input to a level that will equal 90 percent at the emissions testing level for each boiler and fuel.
15. SAEP will comply with the requirements of Section 22a-174-22 of the Regulations when calculating averaging credits required by using discounts, a facility emission limitation “cap” and design margin specified in this Trading Agreement and Order.
- B. Whereas the Commissioner, in accordance with the provisions of this Trading Agreement and Order, pursuant to Section 22a-174-22(d)(3), (e), and (j) of the Regulations, hereby allows SAEP to comply with Section 22a-174-22 of the Regulations through use of emissions averaging and DERC trading and applicable emission limitations at the facility as provided herein.

C. With the agreement of SAEP, the Commissioner, acting under the Connecticut General Statutes Section 22a-6, 22a-171, 22a-174, 22a-176, and 22a-177, orders SAEP as follows:

1. Upon issuance of this Trading Agreement and Order, SAEP shall immediately cease burning No. 6 fuel oil in boiler 1 and burn only natural gas. Within sixty (60) days of the issuance of this Trading Agreement and Order, SAEP shall apply for a revision to its permit #P-0061 to cease burning No. 6 fuel oil and allow burning only natural gas in boiler 1.
2. Upon issuance of this Trading Agreement and Order, for having failed to meet the 90% of the maximum rated capacity requirements specified in Section 22a-174-22(k) of the Regulations, SAEP shall restrict the operating capacity of boilers 1, 2 and 3 to the operating level restrictions shown in Table 3 below:

| Boiler No. | 1 | 2 | 3 |
|---------------------------------|----------------|----------------|----------------|
| No. 6 fuel oil/ Steam Output | 44.3 39,434 | 39.8 30,000 | 37.9 31,111 |
| Natural gas/ Steam Output | 48.8 42,111 | 36.3 28,889 | 46.2 35,555 |

3. Upon issuance of this Trading Agreement and Order, SAEP shall:
 - a) Permanently retire without use 1.32 tons of valid ozone season DERCs.
 - b) Permanently retire without use another 1.32 tons of valid DERCs for a 100% penalty premium.
 - c) Submit to the Commissioner a spreadsheet showing the above required forfeitures and resulting balances in DERCs using the new FLERs as shown in Table 1 of this Trading Agreement and Order.
4. Averaging and DERC Trading: Upon issuance of this Trading Agreement and Order and until April 30, 2007, or termination of this Trading Agreement and Order, whichever is earlier, SAEP shall comply with the requirements of Section 22a-174-22-(d)(3) of the Regulations by using a combination of emissions averaging and DERC trading based on a monthly average specified in this Trading Agreement and Order for boilers 2 and 3 only, as follows:
 - a. Averaging set requirements.

Averaging set. The SAEP averaging set shall consist of boilers 2 and 3.

- b. NOx Emission Rate Limitations:
- i. Allowable Rate = Allowable emission rate limits for boilers 2 and 3 shown in Table 1 of this Trading Agreement and Order (based on Section 22a-174-22, Table 22-1 of the Regulations).
 - ii. FLER = as shown in Table 1 (New FLER) of this Trading Agreement and Order.
 - iii. Discount = includes 20% discount on RACT rate for credits, and a 10% discount and a 5% design margin on RACT rate for debits.

5. Emissions Averaging and DERCs Calculations. SAEP shall:

- a. Before the first day of each month, SAEP shall calculate the estimated worst case DERCs required for the same calendar month by substituting projected fuel use in the equations shown herein:
- b. Acquire sufficient approved DERCs to assure that an adequate number of DERCs are available at least 24 hours prior to the beginning of each monthly averaging period.
- c. No later than the last day of the following month, calculate DERCs used in the preceding calendar month as follows:
 - i. Total Monthly Averaging Credits (“MACs”) available from those units that are below the RACT rate limits when burning natural gas in the Averaging Set (as defined in Table 1). The Total MACs shall be the sum of the MACs during that month calculated for each unit in the Averaging Set as follows:

$$\text{MACs (tons)} = [\text{heat input in MMBtu} \times ((0.80^* \times \text{RACT lbs/MMBtu}) - \text{Credit FLER in lbs/MMBtu})] \div 2000 \text{ lbs/ton.}$$

* Includes 20% averaging credit discount.

- ii. Total Monthly Averaging Debits (“MADs”) generated from boilers 1 and 3 units when burning No. 6 fuel oil with emission rates in excess of RACT rate limits in the Averaging Set. The Total MADs shall be the sum of the MADs during that month calculated for each unit in the Averaging Set as follows:

$$\text{MADs (tons)} = [\text{heat input in MMBtu} \times ((0.85^* \times \text{RACT lbs/MMBtu}) - \text{Debit FLER in lbs/MMBtu})] \div 2000 \text{ lbs/ton.}$$

* Includes 10% averaging debit discount and 5% design margin.

iii. Net MADs for each calendar month as follows:

Net MADs = the sum of the Total MADs (negative number) plus the Total MACs (positive number). No approved DERCS will be required for emissions in any month during which there are more MACs than MADs. Net MACs may not be carried forward to the next month.

iv. For each month with a Net MADs, the amount of DERCS required for such month shall equal the Net MADs. The total amount of approved DERCS used and permanently retired each month shall be equal to the sum of the DERCS required for each month.

d. The above calculations will be performed on forms prescribed by the Commissioner for each unit.

6. Unit Restrictions and Annual Emissions Cap.

a. In addition to the averaging and DERC trading requirements for the Averaging Set contained in Section C.4. and C.5. of this Trading Agreement and Order, each unit included in SAEP's Averaging Set shall not exceed the new FLERs shown in Table 1.

b. To prevent exceeding the lower of historical actual or allowable (as listed in Table 22-1, Section 22a-174-22 of the Regulations) emission limits ("historic levels"), the total actual emissions shall not exceed historic levels as shown below:

SAEP's Averaging Set NO_x emissions shall not exceed **19.65** tons per year, based on the 1990 historic level.

c. Approved DERCS may be used to offset emissions above the historic level; however, said DERCS shall be separated from DERCS and/or averaging credits used for meeting emission rate limits specified in Table 22-1, Section 22a-174-22 of the Regulations. The quantity of DERCS required to offset excess monthly emissions above the historic level shall equal the difference between the total emissions (in tons) and the historic level (in tons), plus a 100% premium equal to the difference in DERCS for exceeding the cap.

d. For purposes of calculating total emissions, only emissions from sources in the averaging set shall be included; emissions used shall be for a calendar year, based on most recent official stack test results, beginning in calendar year 2003. Approved DERCS shall be in SAEP's possession before the historic level is exceeded.

7. If at any time the period while this Trading Agreement and Order remains in effect, SAEP exceeds this new maximum operating limit stated in paragraph C.2 above, SAEP shall conduct NOx emissions testing of that subject boiler on or before sixty (60) days after the exceedance of the above limits in accordance with the following:
 - a. SAEP shall submit to the Commissioner for his review and written approval an Intent-To-Test (“ITT”) protocol not less than thirty (30) days prior to the emissions testing required pursuant to paragraph C.8, of this Trading Agreement and Order. The ITT protocol shall include at least:
 - i. The Department of Environmental Protection’s Bureau of Air Management Test Form No. 1, “Intent to Test”;
 - ii. System operating parameters indicative of the highest operating rate since the April 2001 or May 2002 stack test, including but not limited to: steam output rate, temperature and pressure, fuel firing rate, and NOx emissions rate.
 - iii. The ITT protocol shall provide that SAEP shall perform testing as specified in Sections 22a-174-5 and 22a-174-22 of the Regulations, including operating boilers 1, 2 and 3 at not less than ninety percent (90%) of its maximum rated capacity limit as shown in Table 3 of this order or highest operating rate since its last/previous emissions test, whichever is higher.
 - iv. SAEP shall perform all testing required by paragraph C.8. in accordance with the approved ITT protocol.
 - v. In conducting and performing the testing required by paragraph C.8, and in analyzing the results of such testing, SAEP shall adhere to methods specified in Sections 22a-174-5 and 22a-174-22 of the Regulations and as approved by the United States Environmental Protection Agency (“EPA”) and the Commissioner.
 - vi. SAEP shall schedule all emissions testing so as to allow the Commissioner to be present during such testing and to independently verify facility operations, air pollution control equipment parameters, and testing procedures.
 - vii. Within 30 days after completing any emissions testing required by this Trading Agreement and Order, SAEP shall submit to the Commissioner a written report providing the results of such testing; within 15 days of a notice from the Commissioner indicating any deficiencies in such report, SAEP shall submit a revised report.

8. Record Keeping. SAEP shall document and record NOx emissions for each boiler in each averaging set on a monthly basis in accordance with paragraph C.4. and C.5. and will maintain records of the credits and debits generated for emission averaging purposes on a monthly basis. SAEP shall maintain documentation regarding the number of DERCS in its possession and used each month (including serial numbers (if assigned) and/or purchased from other facilities), as well as information to attest to the fact that DERCS used during the ozone season were generated during the ozone season. All records shall be maintained for a minimum of five (5) years in accordance with Section 22a-174-4 and 22a-174-22 of the Regulations and will be provided to the Commissioner within thirty (30) days of receipt of a written request from the Commissioner.
9. Annual Emission Statement. No later than March 1, of every year after issuance of this Trading Agreement and Order, SAEP shall submit to the Commissioner an annual report of NOx emissions for each boiler in the averaging set and the quantity of fuel consumed, by type, DERCS purchased, sold or used (including serial numbers, if assigned) for each boiler in the averaging set during the previous 12 month calendar year. This report shall include a demonstration that the averaging set has achieved compliance with conditions of this Trading Agreement and Order for each month and with the annual emission limit in tons.
10. Future Compliance Report. On or before September 1, 2006, SAEP shall submit a report indicating how this facility will comply with Section 22a-174-22 of the Regulations after April 30, 2007.
11. Program Review. No later than April 30, 2007, SAEP shall comply with the requirements of Section 22a-174-22(d)(1) of the Regulations. However, after full program review of this and other Trading Agreements and Orders and, if determined to be appropriate, the Commissioner may grant a written extension of this Trading Agreement and Order.
12. Emissions Testing. Pursuant to Section 22a-174-22(k) of the Regulations, SAEP shall conduct NOx emission tests of each boiler at least once every five years commencing from the dates of the NOx emission tests for the boilers as provided in Table 1 of this Trading Agreement and Order.
13. DERC Doubling. At a minimum, DERCS required shall be adjusted upwards by 100% if DERCS are not in SAEP's possession prior to the first day of each month and starting on October 1, 2003, each non-ozone season. However, based on the gravity of noncompliance, the Commissioner may require additional upwards adjustment.

14. Vintage Restriction. For the purposes of compliance with Section 22a-174-22 of the Regulations, DERCs/allowances shall only remain valid for five (5) calendar years from the year of the generation/allocation of such DERCs/allowances. DERCs/allowances generated/allocated more than five (5) calendar years ago are not valid for use for compliance with Section 22a-174-22 of the Regulations. Notwithstanding the above, the DERCs/allowances generated/allocated prior to calendar year 2000 shall be valid for use until December 31, 2004.
15. Allowance Use. Pursuant to Section 22a-174-22(d)(3) of the Regulations, SAEP may use NOx allowances, through April 30, 2007, pursuant to Subsection (j) of Section 22a-174-22 of the Regulations to achieve all or a portion of the reductions required by Section 22a-174-22 of the Regulations. Any allowance used for compliance with Section 22a-174-22(e) of the Regulations shall be subject to all restrictions and/or requirements applicable to DERCs contained in this Trading Agreement and Order;
 - a. In order for SAEP to use NOx allowances, SAEP shall create a general account in EPA's NATS; and
 - b. Each allowance used for compliance with Section 22a-174-22 of the Regulations shall be equivalent to one discrete emission reduction credit. Allowances shall be considered used for compliance with Section 22a-174-22 of the Regulations when they are transferred from the facility's NOx general account in the NATS to the CT State NOx Retirement Account (Account ID CT0000000300 in the NATS).
16. FLER Modification. FLERs set forth in Table 1 of this Trading Agreement and Order may be modified only after the consent of the Commissioner by written modification of this Trading Agreement and Order.
17. FLER Exceedance. Noncompliance with an established FLER shall subject SAEP to make restitution by matching twice the quantity of emissions ("true up") caused by the exceedance. The true up in tons of DERCs shall be equal to the FLER exceedance in lbs/MMBtu, multiplied by the total heat input during the period of noncompliance divided by 2000 lbs/ton. If the period of noncompliance is not known, the time period from the completion of the last/previous Department witnessed emission test through the date the FLER compliance is achieved as approved by the Commissioner shall be used. However, nothing in this Trading Agreement and Order shall affect the Commissioner's authority to institute any proceeding or take any other action to require additional upward adjustment, based on the gravity of any alleged non-compliance or violation of law.
18. Full compliance. SAEP shall not be considered in full compliance with this Trading Agreement and Order until all actions required by this Trading Agreement and Order have been completed as approved and to the Commissioner's satisfaction.

19. Approvals. SAEP shall use best efforts to submit to the Commissioner all documents required by this Trading Agreement and Order in a complete and approvable form. If the Commissioner notifies SAEP that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and SAEP 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 Trading Agreement and 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 Trading Agreement and Order. Nothing in this paragraph shall excuse noncompliance or delay.
20. Definitions. As used in this Trading Agreement and Order, "Approved DERCS" are those for which the Commissioner has provided written authorization for use in compliance with Section 22a-174-22 of the Regulations; "Commissioner" means the Commissioner or a representative of the Commissioner; "Ozone season" means the period from May 1 through September 30 in any given calendar year. The date of "issuance" of this Trading Agreement and Order is the date the Trading Agreement and Order is deposited in the U.S. mail or personally delivered, whichever is earlier. "Averaging credits/debits" means quantified emissions within a facility approved to use Averaging; emission reductions are termed "credits" and excess emissions are termed "debits."
21. Dates. The date of submission to the Commissioner of any document required by this Trading Agreement and Order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under Trading Agreement and 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 Trading Agreement and Order, the word "day" as used in this Trading Agreement and Order means calendar day. Any document or action which is required by this Trading Agreement and 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.

22. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this Trading Agreement and Order shall be signed by SAEP or, if SAEP is not an individual, by SAEP's chief executive officer or a duly authorized representative of such officer, as those terms are defined in Section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and SAEP or SAEP'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 is punishable as a criminal offense under Section 53a-157b of the Connecticut General Statutes and any other applicable law.”

23. Noncompliance. This Trading Agreement and 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 Trading Agreement and Order may subject SAEP to an injunction and penalties.
24. False statements. Any false statement in any information submitted pursuant to this Trading Agreement and Order is punishable as a criminal offense under Section 53a-157b of the Connecticut General Statutes and any other applicable law.
25. Notice of transfer; liability of SAEP. Until SAEP has fully complied with this Trading Agreement and Order, SAEP 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 Trading Agreement and Order or after obtaining a new mailing or location address. SAEP's obligations under this Trading Agreement and Order shall not be affected by the passage of title to any property to any other person or municipality.

26. Commissioner's powers. Nothing in this Trading Agreement and 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 SAEP pursuant to this Trading Agreement and 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 SAEP to undertake further investigation or further action to prevent or abate violations or pollution.
27. SAEP 's obligations under law. Nothing in this Trading Agreement and Order shall relieve SAEP of other obligations under applicable federal, state and local law. Liability as to SAEP shall be joint and several.
28. No assurance by Commissioner. No provision of this Trading Agreement and Order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by SAEP pursuant to this Trading Agreement and Order will result in compliance or prevent or abate pollution.
29. Access to premises. Any representative of the Department of Environmental Protection may enter the premises without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Trading Agreement and Order.
30. No effect on rights of other persons. This Trading Agreement and Order neither creates nor affects any rights of persons or municipalities that are not parties to this Trading Agreement and Order.
31. No Creation of Property Rights. This Trading Agreement and Order does not create any property rights with respect to these DERs.
32. Notice to Commissioner of changes. Within 15 days of the date SAEP becomes aware of a change in any information submitted to the Commissioner under this Trading Agreement and Order, or that any such information was inaccurate or misleading or that any relevant information was omitted, SAEP shall submit the correct or omitted information to the Commissioner.

33. Notification of noncompliance. In the event that SAEP becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this Trading Agreement and Order or of any document required hereunder, SAEP 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, SAEP 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 SAEP shall comply with any dates which may be approved in writing by the Commissioner. Notification by SAEP 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.
34. Submission of documents. Any document required to be submitted to the Commissioner under this Trading Agreement and Order shall, unless otherwise specified in this Trading Agreement and Order or in writing by the Commissioner, be directed to:

Mr. Roland L. Severance, Jr., P.E.
Department of Environmental Protection
Bureau of Air Management
Compliance and Field Operations Division
Emissions and Credit Trading Section
79 Elm Street
Hartford, Connecticut 06106

SAEP consents to the issuance of this Trading Agreement and Order without further notice. The undersigned certifies that he/she is fully authorized to enter into this Trading Agreement and Order and to legally bind SAEP to the terms and conditions of the Trading Agreement and Order.

U. S. Army Stratford Army Engine Plant (SAEP)

Signature: _____

Type Name: _____

Type Title: _____

Date: _____

Issued as a final order of the Commissioner of the Department of
Environmental Protection on _____, 2003.

Arthur J. Rocque, Jr.
Commissioner

CITY OF STRATFORD LAND RECORDS

MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Certified Document No.

[Note: This sheet is not a part of the order and is only attached to the original order, which is retained in separate DEP files which are accessible to the public with close supervision. The order must be mailed to the User by certified mail, return receipt requested. If the User is a business, send a certified copy to the attention of a person at the business.]

Certification of Mailing

On _____, 2003, at ___ A.M./P.M., I mailed a certified copy of Trading Order No. 8137 A to the following, by placing it in the [U.S. mail/interdepartmental mail]:

On _____, 2003, at ___ A.M./P.M., I mailed a plain copy of Trading Order No. 8137 A to the following, by placing it in the [U.S. mail/interdepartmental mail]:

Signature: _____

Name: _____

Title: _____

Date: _____