



DEPARTMENT OF THE ARMY
STRATFORD ARMY ENGINE PLANT
550 MAIN STREET
STRATFORD CONNECTICUT 06615-7574

August 2, 2002

Mr. Roland Severance
Bureau of Air Management
Compliance and Field Operations
79 Elm Street
Hartford, Connecticut 06106

Subject: Notice of Violation (NOV) Number 14901

Dear Mr. Severance:

The United States Army Tank-automotive and Armaments Command [TACOM] Stratford Army Engine Plant [SAEP] would like to take this opportunity to state its position with regards to the referenced notice of violation and provide information to support a position that no violations of maximum rated capacity [MRC] have occurred.

In October 1995, a Stack Test Report and DEP Correspondence of Approval clearly states on page 7, Section 3.1 Process Data and Fuel Sampling that boiler #2 and #3 are not capable of operating at 90% of rated capacity due to their age, and that they were operated at 60-70% of capacity per the approval of the Connecticut Bureau of Air Management [CTBAM].

The Bureau of Air Management memorandum dated July 2, 2001 that describes the on-site observations of Bureau of Air Management Compliance and Field Operations staff during stack testing states: "Maximum rated capacity for these units was not achievable. The facility is part of the Military Base Closure Program and was empty wall to wall. Warm April days and no place to use the heat resulted in low unit loads." Connecticut Bureau of Air Management approved the stack test result in a letter dated July 2, 2001.

The Compliance Test Protocol dated February 2002 accompanying a Intent to Test application for the retesting of boiler #1 specifically states in Section 2.1 that the boiler will be tested at a normal heat input rate of 42 million Btu per hour and references the statement in Section 1.1 indicating that due to process limitations boiler #1 can not operate at MRC. Approval of the test protocol by the Acting Assistant Director, Bureau of Air Management is reflected in a letter dated April 5, 2002 to Rojac Air Testing Services, Inc.

It is the contention and position of the Stratford Army Engine Plant that no violations of MRC on any of the boilers in question occurred and that no penalties or fines are warranted in connection with the Notice of Violation Number 14901.

The Stratford Army Engine Plant recognizes that the workload burdens on Connecticut Department of Environmental Protection personnel are becoming severe due to staffing limitations and understands that information that would perhaps precluded the issuance of the NOV may have been overlooked. TACOM and SAEP are willing to entertain a settlement in this matter that involves no fines or penalties and a simple acknowledgement that this NOV is now closed out.

I appreciate your consideration of this matter and look forward to hearing from you in regards to resolving it.

Sincerely yours,

A handwritten signature in black ink, consisting of a stylized 'P' followed by a 'W' and a 'S' with a diagonal slash through it.

Peter W. Szymanski
Installation Manager



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



NOTICE OF VIOLATION

Peter W. Szymanski
Installation Manager
Stratford Army Engine Plant
550 Main Street
Stratford, CT 06497

Notice of Violation Number
14901

The purpose of this Notice is to inform you that personnel of the Department of Environmental Protection (DEP) have made observations or otherwise obtained information indicating that a violation of law has occurred at the property located at 550 Main Street, Stratford, CT. On 6/18/2002, a record review was conducted by Roland Severance of the DEP Bureau of Air Management. Based upon that review, it appears that you have during the April 2001 emissions testing operated boilers No. 2 and 3 at less than the 90% of maximum rated capacity (MRC) when burning #6 oil or natural gas, and during the May 2002 emissions testing operated boiler No. 1 at less than the 90% of MRC when burning #6 oil or natural gas as required by Connecticut General Statutes Section 22a-174 and Section 22a-174-22(k)(2) of the Regulations of Connecticut State Agencies.

Section 22a-174-22 (k)(2) of the Regulations requires boilers to be operated at or above 90% of MRC during emissions testing. During the April 2001 emission testing Boiler No. 2 was operated at 50% MRC when burning #6 oil and 45% MRC when burning natural gas. Boiler No. 3 was operated at 40% MRC when burning #6 oil and 48% MRC when burning natural gas. During the May 2002 emission testing boiler No. 1 was operated at 77% MRC when burning #6 oil and 87% MRC when burning natural gas.

When you have corrected the violation(s) alleged in this notice, you should submit in writing the details of the corrective action(s). The submittal should be made within thirty (30) days on the enclosed Compliance Statement, and sent to the contact person identified below in paragraph D. Until the DEP has received such a statement, the DEP will presume you remain in violation. If the violation(s) cannot be corrected within 30 days, provide a schedule of compliance, that includes a timetable, on the enclosed Compliance Statement within 30 days describing the actions you will take to correct the violation(s). Your actions in response to this notice, including submission of the attached Compliance Statement, may affect the DEP's decision whether or not to take formal enforcement action.

A. Other violations may exist; legal obligations. This Notice does not necessarily specify all violations of Connecticut environmental law or violations of any other legal requirements which may exist at the aforementioned property. This Notice does not preclude the DEP or other state, local or federal agencies from commencing any enforcement action regarding any such violations. Your facility may be inspected again pursuant to law and without additional prior notice to determine compliance with state and any applicable federal law. It is your responsibility to comply with all legal requirements, whether or not the DEP notifies you of any violations or takes any enforcement action against you. Nothing in this Notice relieves you of other obligations under applicable federal, state and local law.

B. Enforcement action. Civil penalties of up to \$25,000 may be assessed for each day of each violation under section 22a-175 of the Connecticut General Statutes. Notwithstanding the issuance of this Notice, the DEP may seek such penalties and may issue an order, seek an injunction, or take other legal action under Chapters 439 and 446c of the Connecticut General Statutes.

C. No assurance by Commissioner. No provision of this Notice and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that actions you may take to address the violation(s) alleged herein will result in compliance.

D. Staff contact. If you question any of the information contained in this Notice, you may contact Roland Severance of the Bureau of Air Management at 424-3028, or by mail at 79 Elm Street, Sixth Floor, Hartford, CT 06106-5127.

(Printed on Recycled Paper)
79 Elm Street • Hartford, CT 06106 - 5127
<http://dep.state.ct.us>

Dennis Demchak, Assistant Director
Compliance and Field Operations

An Equal Opportunity Employer

6/26/02

COMPLIANCE STATEMENT

This Compliance Statement shall be signed by: (I) You (if an individual-the individual signs); (if a corporation or partnership-by a responsible corporate officer/general partner or duly authorized representative of such person, as those terms are defined in Section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies); or (if a municipality-chief elected official or principal executive officer) and (II) if different, by the individual responsible for actually preparing such statement, each of whom shall read and sign the certification regarding false statements on the Compliance Statement.

Provide written response to: Roland Severance
Bureau of Air Management
Compliance and Field Operations
79 Elm Street
Hartford, Connecticut 06106

Within fifteen days of the date you become aware of a change in any information in the Compliance Statement, or that any information was inaccurate or misleading or that any relevant information was omitted, submit the correct or omitted information to the staff contact identified on the Notice of Violation.

Notice of Violation No 14901
Facility Name Stratford Army Engine Plant
(Site)Address 550 Main Street
Stratford, CT

In accordance with the directions in the above-referenced Notice of Violation, I certify that the noted violation has been corrected in the following manner

Attach additional sheet(s) as needed
(Enclose supporting documentation demonstrating compliance)

Certification of Accuracy

I certify that the information in this Compliance Statement and any attachments thereto are true, accurate and complete, and I understand that any false statement may be punishable as criminal offense under Connecticut General Statutes Section 22a-6 and 53a-157

Date

Telephone

Date

Telephone

Signature

(Type name and Title)

Address

Preparer's Signature, if different than above

(Type name and Title)

Address

ADVICE TO RECIPIENTS OF NOTICES OF VIOLATION*

Read the Notice of Violation: It tells you:

- what activity you have conducted or what condition on your property is causing or may result in damage to the environment;
- the environmental laws you are not complying with;
- in some cases, what action you need to take to address the environmental problem;
- how quickly DEP expects you to take action; and
- who to contact if you have a question or problem.

Do Not Cause Additional Problems: Make sure that you do not engage in activity that might result in further environmental harm.

Follow the Deadlines: If you can't meet the deadlines provided in the Notice of Violation, call the contact person. Explain why you can't meet the deadline. Staff will explore with you the feasibility of alternate deadlines.

Cooperate with DEP: Generally, DEP's first attempt to resolve the types of violations alleged in this case is through the issuance of a Notice of Violation. If you disregard this notice, it will be assumed you do not wish to cooperate and you should expect that DEP will take more formal enforcement action. This can include issuing an administrative order, and/or filing suit to obtain an injunction and penalties as provided by law. The most important thing to remember is to call DEP if you have any questions.

Call if you don't Understand: DEP staff name and telephone number are given at the end of the Notice of Violation. Staff are there to try to answer your questions and work with you to resolve the environmental compliance issue. In some cases you may need to obtain the services of a professional consultant to plan and implement effective corrective measures. DEP staff can discuss with you the kind of professional help you may need to address the alleged violation cited in the notice.

* The Notice of Violation does not necessarily specify all environmental violations which may exist at your property regulated by the Department. Nothing in the Notice relieves you of other obligations under applicable federal, state and local law.

All -

Attached you will find the ZeroNOV form that should be used to report ENFs within 24 hours to ACSIMZeroNOVs@hqda army mil I have updated it as a result of the FY change

I have found out that anything sent to ACSIMZeroNOVs@hqda army mil gets automatically forwarded to numerous parties at AEC (Durant Graves, Jim Briggs and others) Also, Gary Badtram has been permanently promoted to be our Division Chief So, because of these two facts, the ZeroNOV form should now be emailed to the following individuals

busket@ria army mil
badtramg@ria army mil
hagerj@hqamc army mil
gantak@hqamc army mil

Plus whoever needs to be informed at the installation and MSC level

Thanks,

Todd

<<ZeroNOVForm doc>>

ARMY RECEIVES A NEW ENVIRONMENTAL ENFORCEMENT ACTION (ENF)/FINE

MACOM: Army Materiel Command

INSTALLATION: Picatinny Arsenal, (TACOM-ARDEC)

**NAME, E-MAIL ADDRESS, AND PHONE # OF RESPONSIBLE PARTY
(INSTALLATION COMMANDER):**

Col (P) Clay L. Newman
cnewman@pica.army.mil
973/724-6000 DSN: 880

DATE RECEIVED: 22 Mar 02

REGULATOR: New Jersey Department of Environmental Protection (NJDEP)

STATUTE: New Jersey Air Pollution Control Act

TYPE: (Administrative, Operational, Project): Operational

WHAT WAS THE SPECIFIC VIOLATION OF LAW OR REGULATION?:

New Jersey Administrative Code (NJAC) 7-27-1 – Failure to meet Milestone #4 of approved Opacity Management Plan, associated with Administrative Consent Order #NEA010001-26177. Specifically, failure to submit test results to the Department for approval.

WHY DID THE VIOLATION OCCUR?: As part of an Administrative Consent Order between Picatinny and the NJ Department of Environmental Protection, the installation was required to adhere to milestones within and approved Opacity Management Plan. This plan called for, among other things to complete an opacity test on monitors for boilers #5 & #6 at the installation powerhouse. The ACO schedule required the completion of this test and approval by the DEP, over a six week period. Due to computer data collection problems, the results of the test were invalid. The test was subsequently completed, submitted to and approved by the DEP on time.

ACTIONS TAKEN OR PLANNED IN RESPONSE: A report is being submitted to the NJDEP stating, they have received and approved the test results, prior to issuing this violation.

ACTIONS TAKEN TO CORRECT ROOT CAUSE(S) OF VIOLATION IN ORDER TO PREVENT RECURRENCE: A Meeting is being set up with the Commissioner of the State of New Jersey Department of Environmental Protection and Installation Commander to properly approach future actions against Picatinny.

DATE OF EXPECTED RESOLUTION: 22 Mar 02

DATE AND STATUTE OF OTHER ENFs THIS INSTALLATION HAS RECEIVED THIS FY(02): 3

15 Nov 01 – CWA

5 Dec 01 – RCRA

10 Jan 02 - CAA

NUMBER OF ENFs THIS INSTALLATION RECEIVED LAST FY(01): 2

19 Apr 01 – CAA

3 Jul 01 – CAA

The 1st NOV listed above was received due to a late report, required under the Clean Air Act Title V Permit. This has been closed out. The second NOV was received due to exceedance for opacity in the same Title V Permit under the Clean Air Act. An Administrative Consent Order has been signed, which closes this NOV out as well.

ARMY RECEIVES A NEW ENVIRONMENTAL ENFORCEMENT ACTION (ENF)/FINE

MACOM:

INSTALLATION:

**NAME, E-MAIL ADDRESS, AND PHONE # OF RESPONSIBLE PARTY
(INSTALLATION COMMANDER):**

DATE RECEIVED:

REGULATOR:

STATUTE:

TYPE: (Administrative, Operational, Project)

WHAT WAS THE SPECIFIC VIOLATION OF LAW OR REGULATION?:

*** WHY DID THE VIOLATION OCCUR?:**

ACTIONS TAKEN OR PLANNED IN RESPONSE:

**ACTIONS TAKEN TO CORRECT ROOT CAUSE(S) OF VIOLATION IN ORDER TO
PREVENT RECURRENCE:**

DATE OF EXPECTED RESOLUTION:

**** DATE AND STATUTE OF OTHER ENFs THIS INSTALLATION HAS RECEIVED
THIS FY(02):**

NUMBER OF ENFs THIS INSTALLATION RECEIVED LAST FY(01):

* Include specific language explaining WHY [the root cause(s)] the violation occurred. For example, if the ENF was a result of a late report or a permit exceedance, include specific details on WHY (the root cause) the report was late or the permit limit was exceeded.

** If the installation has received multiple ENFs for the same statute this year, please explain in detail why [the root cause(s)] they were received and what is being done to prevent recurrence.

Burleson, John (TACOM)

From: Tighe, Terry [TigheT@tacom.army.mil]
Sent: Wednesday, July 03, 2002 9:54 AM
To: Burleson, John (TACOM)
Subject: FW: Updated Email Addresses and ZeroNOV form

This is the blank form

-----Original Message-----

From Tighe, Terry
Sent Thursday, November 08, 2001 10:57 AM
To David Parks; Greg Huber (E-mail), Krawciw, Josef, Nancy Smith (E-mail), Punyada (Puno) P Bhaduri (E-mail), Terry Funderburg, Thomas Solecki; Carollynne Blakney, Holly Foster; Joseph Clark, Printes Parker

Cc Park, Jim
Subject FW Updated Email Addresses and ZeroNOV form

All,

Change 3 to the ZeroNOV reporting form

The new form should be used to report all Enforcement Actions

The reporting procedures remain the same Within 24 hours of receipt send the completed to form to all the following

At TACOM:

- lacombew@tacom army mil
- parkj@tacom army mil
- tighet@tacom army mi
- kristofv@tacom army mil

At AMC See below

At DA ACSIMZeroNOVs@hqda army mil

Please respond that you have received the new form

Tighe

-----Original Message-----

From Buske, Todd [mailto:BuskeT@ria.army.mil]
Sent Thursday, November 08, 2001 10:24 AM
To Don Ott (E-mail), Kevin Mason (E-mail), Peggy Gieseking (E-mail), Ronald Hagler (E-mail), Terry Tighe (E-mail), Marici, Salvatore E

Cc Dave Dante (E-mail), Versluys, Dennis R, Joel Hager (E-mail), Phil Dark (E-mail); Badtram, Gary, Deporter, Veronica S

Subject Updated Email Addresses and ZeroNOV form

7/3/02

PSzymanski