



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



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

Re: Order No. 1924

Dear Mr. Szymanski:

Enclosed is Consent Order No. 1924 that addresses violations of Trading Agreement and Order No. 8137A ("Order 8137A") and Section 22a-174-22 of the Regulations of the Connecticut State Agencies ("Regulations"). On May 16, 2006 and October 31, 2007, representatives of the Department of Environmental Protection determined that your facility failed to conduct NOx emissions tests for Boilers #2 & #3 by April 11, 2006 and Boiler #1 by May 7, 2007, as required by Order 8137A and Section 22a-174-22 of the Regulations.

Because the US Army violated Order 8137A and Section 22a-174-22 of the Regulations, this Order requires that the US Army:

- Conduct NOx emissions tests for Boiler #1;
- Submit a letter requesting revision to the applicable permit and registration for Boilers #2 & #3;
- Submit a revised NOx Compliance Plan in accordance with Section 22a-174-22(m) of the Regulations; and
- Pay a civil penalty of \$28,731 for the violations described in the Order.

Please sign and return the enclosed Consent Order with your signature within seven (7) calendar days of your receipt of the Order.

Once the signed Consent Order is received by the Department, it will be presented to the Commissioner for signature. If signed by the Commissioner, Consent Order No. 1924 will become a final Order of the Commissioner and a certified copy of the Consent Order will be returned to you via registered mail.

If you have any questions regarding this letter, please do not hesitate to contact Seng Phouthakoun of my staff at 424-3702.

Sincerely,

Anne Gobin
Chief
Bureau of Air Management

1 May 2008
Date

W/Enclosure



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT

ORDER NO. 1924

vs.

DEPARTMENT OF THE ARMY

CONSENT ORDER

A. With the agreement of the Department of the Army, ("Respondent"), the Commissioner of Environmental Protection ("Commissioner") finds the following:

- 1. The Respondent owns a former manufacturing facility at 550 Main Street, Stratford, Connecticut ("facility"). The facility is operated and maintained by Ferguson Williams Inc.
2. At the facility, the Respondent continues to own three (3) industrial boilers: a Cleaver Brooks Boiler ("Boiler #1") rated with a maximum heat input capacity of 51 mmBTU/hr; a Bigelow Boiler ("Boiler #2") rated with a maximum heat input capacity of 75 mmBTU/hr and a second Bigelow Boiler ("Boiler #3") rated with a maximum heat input capacity of 89 mmBTU/hr.
3. Boiler #1 operates in accordance with Permit No. 178-0061 and Trading Agreement and Order ("Trading Order") No. 8137A. Boiler #2 operates in accordance with Stationary Source Registration No. 178-0116 and Trading Order No. 8137A. Boiler #3 operates in accordance with New Source Review Permit No. 178-0001 and Trading Order No. 8137A.
4. On May 1, 2003, the Department issued Trading Order No. 8137A, which allows the Respondent to generate and use emissions reduction credits to comply with applicable Nitrogen Oxide ("NOx") emission limits, in accordance with Section 22a-174-22 of the Regulations of Connecticut State Agencies ("Regulations"). Pursuant to paragraph C.14 of the Trading Order, the Respondent is required to test Boilers #1, #2 & #3 for emissions of NOx every five years commencing with the dates specified in Table 1 of the Trading Order.
5. On May 16, 2006, a representative of the Department of Environmental Protection ("Department") conducted an inspection at the facility and determined that the Respondent violated the requirements of the Trading Order referenced in paragraph A.4 of this Consent Order. Specifically, the Department determined that the Respondent failed to conduct NOx emissions tests for Boilers #2 & #3 by April 11, 2006, as required by Trading Order No. 8137A and Section 22a-174-22 of the Regulations. Consequently, Notice of Violation No. 15739 was issued on June 15, 2006 for the violation.
6. According to Department records, the facility has the potential to emit 274 tons per year of Nitrogen Oxides (NOx). Pursuant to Section 22a-174-33 of the Regulations, the facility is a Title V Source based on

potential emissions of Nitrogen Oxides (NOx) and subject to the requirement to either apply for a Title V Operating Permit or obtain a permit or order limiting the potential emissions from the source.

7. On June 20, 2001, the Department issued an approval to operate the facility under the General Permit to Limit Potential to Emit ("GPLPE"). The GPLPE expired on March 29, 2006.
8. On November 30, 2005, Ferguson contacted the Department on behalf of the Respondent and indicated that the Respondent did not intend to renew the approval to operate under the forthcoming, new GPLPE. Ferguson stated that the Respondent was planning to permanently shutdown Boilers #2 and #3, which would reduce potential emissions of NOx. Ferguson further claimed that the potential emissions of NOx would be less than the Title V thresholds so the Respondent would not need a Title V Permit or the new GPLPE.
9. The Department issued the new GPLPE on February 24, 2006.
10. On May 16, 2006, a representative of the Department conducted an inspection at the facility and determined that the Respondent did not permanently shut down Boiler # 2 or Boiler #3. Consequently, the facility's potential emissions of NOx were greater than the Title V threshold of 25 tons per year. Additionally, the Department discovered that the facility failed to apply for a Title V Permit or register under the February 24, 2006 GPLPE as required by Section 22a-174-33 of the Regulations.
11. Pursuant to Section 22a-174-33(f)(1) of the Regulations, the owner or operator of a Title V Source shall apply for a Title V permit within ninety (90) days of receipt of notice from the Commissioner that such application is required or nine (9) months of the implementation date of this section if the owner or operator does not receive such notice.
12. The Respondent was subject to Section 22a-174-33 of the Regulations in June 1997 and was required to either register for coverage under the February 24, 2006 GPLPE or apply for a Title V permit prior to the expiration date of the March 29, 2001 GPLPE.
13. On August 25, 2006, the Respondent submitted a registration for coverage under the February 24, 2006 GPLPE in accordance with Section 22a-174-33 of the Regulations. Since the March 29, 2001 GPLPE expired on March 29, 2006, the registration was submitted five (5) months late.
14. On August 29, 2006, the Respondent submitted an Intent to Test ("ITT") Protocol for Boilers #2 and #3. The ITT Protocol was reviewed and approved by the Commissioner on October 12, 2006.
15. On September 27, 2006, the Department issued an approval of registration for coverage under the February 24, 2006 GPLPE, Registration No. 178-0077-GPLPE, in accordance with Section 22a-174-33 of the Regulations, to the Respondent.
16. On December 5, 2006, the Respondent completed the required stack test for Boilers #2 and #3 in accordance with the approved ITT protocol referenced in paragraph A.14 of this Consent Order. On January 4, 2007, the Respondent submitted for the Commissioner's review and written approval the stack test results.

17. On January 10, 2007, the Commissioner reviewed and approved the stack test results referenced in paragraph A.16 of this Consent Order.
 18. On October 31, 2007, a representative of the Department conducted a record review and determined that the Respondent violated the requirements of the Trading Order referenced in paragraph A.4 of this Consent Order. Specifically, the Department determined that the Respondent failed to conduct NOx emissions tests for Boiler #1 by May 7, 2007, as required by Trading Order No. 8137A and Section 22a-174-22 of the Regulations.
 19. To date, the Respondent has not conducted the required stack test for Boiler #1 as required by Trading Order No. 8137A and Section 22a-174-22 of the Regulations.
 20. By virtue of the above, the Respondent violated Trading Order No. 8137A and Sections 22a-174-22 and 33 of the Regulations.
- 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. Within thirty (30) days after issuance of this Consent Order, the Respondent shall submit a letter requesting modification to Stationary Source Registration No. 178-0116 to eliminate the use of No. 6 fuel oil in Boiler #2.
 2. Within thirty (30) days after issuance of this Consent Order, the Respondent shall submit a letter requesting revision to Permit No. 178-0001 to eliminate the use of No. 6 fuel oil in Boiler #3, in accordance with Section 22a-174-2a(f)(2)(G) of the Regulations.
 3. Within sixty (60) days after issuance of this Consent Order, the Respondent shall submit for the Commissioner's review and written approval a revised NOx Compliance Plan in accordance with Section 22a-174-22(m) of the Regulations.
 4. Upon modification of Permit No. 178-0001 and Stationary Source Registration No. 178-0116, no credit will be available to the Respondent or its assigns to generate internal or external emissions offsets.
 5. The Respondent shall operate the boilers referenced in paragraph A.2 of this Consent Order in accordance with the approved NOx Compliance Plan.
 6. Within thirty (30) days after issuance of this Consent Order, the Respondent shall permanently modify Boilers #2 & #3 to operate only on natural gas. Upon completion of the modifications, the Respondent shall submit written notification to the Commissioner that such modifications are complete.
 7. Emissions testing.
 - a. Within thirty (30) days after issuance of this Consent Order, the Respondent shall submit to the Commissioner for her review and written approval an ITT protocol for NOx emissions tests for

Boiler #1. The ITT protocol shall include at least:

- i. The Department's Bureau of Air Management Test Form No. 1, "Intent to Test";
 - ii. A detailed description of all aspects of facility operations (e.g., type and quantity of fuel used) and of any air pollutant control equipment in use (e.g., thermal incinerator) which may affect emissions testing results, and how and when such information will be monitored;
 - iii. A detailed description of each emissions testing methodology to be utilized, provided that all such methodologies shall conform to those approved by the U.S. Environmental Protection Agency and the commissioner; and
 - iv. A description of each discharge point at which emissions testing is to be conducted.
- b. The Respondent shall schedule all stack testing so as to allow the Commissioner to be present during such testing and to independently verify relevant facility operations, air pollution control equipment parameters, and testing procedures.
 - c. Within thirty (30) days of performing the stack testing, the Respondent shall submit to the Commissioner a written report providing the results of the testing required by this Consent Order.
 - d. Within fifteen (15) days of a notice from the Commissioner indicating any deficiencies in such report, Respondent shall submit a revised report.
8. Civil Penalty. On or before thirty (30) days after issuance of this Consent Order, the Respondent shall pay a penalty of twenty-eight thousand seven hundred and thirty-one dollars (\$28,731) as the total civil penalty to be sought by the Commissioner for the violations identified in paragraphs A.5, A.10 & A.18 of this Consent Order.
9. Payment of penalties. Payment of penalties under this consent order shall be mailed or personally delivered to the Bureau of Financial & Support Services-Accounts Receivable Office, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127, and shall be by certified or bank check payable to the Connecticut Department of Environmental Protection. The check shall state on its face, "Air Management Civil Penalty, Compliance and Field Operations, Consent Order No. 1924."
10. 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.
11. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents 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

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.

12. **Definitions.** As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
13. **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.
14. **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 is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."
15. **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.
16. **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.
17. **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.

18. 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.
19. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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 Environmental Protection
Bureau of Air Management
Compliance and Field Operations Division
79 Elm Street
Hartford, Connecticut 06106-5127

26. 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.

Department of the Army

Signature: _____

Type Name: _____

Type Title: _____

Date: _____

Issued as a final order of the Commissioner of Environmental Protection.

Gina McCarthy
Commissioner

Date

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