



STATE OF CONNECTICUT)	ORDER NOS. 2011002DEP
)	
vs.)	
)	
CONNECTICUT VALLEY HOSPITAL and)	
DEPARTMENT OF MENTAL HEALTH)	
AND ADDICTION SERVICES)	

CONSENT ORDER

- A. With the agreement of Connecticut Valley Hospital and Department of Mental Health and Addition Services ("Respondents"), the Commissioner of Energy & Environmental Protection ("Commissioner") finds the following:
1. The Respondents are or have been engaged in the business of providing health services to the public for mental health and addition illness. The Department of Mental Health and Addiction Services is the owner of land and hospital facilities located at Silver Street and Sweet Drive, Middletown, Connecticut ("facility"). Connecticut Valley Hospital ("CVH") operates the physical plant and engineering equipment, including the boiler plant and related fuel storage units located at the facility.
 2. Presently, located at the facility are the following emission units:
 - a. Four (4) 53.29 MMBTU/hr Bigelow gas & oil-fired steam boilers ("Boiler #1, #2,#3 & #4");
 - b. A 25 MMBTU/hr Cleaver Brooks boiler ("Package Boiler #1");
 - c. A 14.7 MMBTU/hr Cleaver Brooks boiler ("Package Boiler #2);
 - d. Seventeen (17) residential sized boilers;
 - e. Nine (9) emergency engines;
 - f. A fuel dispensing station.

Findings related to air emissions:

3. On April 14, 2007, the Respondents obtained a renewed Title V Operating Permit numbered 104-0104-TV (the "Permit") because the facility was a Title V Source as defined in Section 22a-174-33 of the Regulations. The Permit was revoked on May 6, 2011, because the Respondents reduced its actual emissions and obtained approval to operate under the General Permit to Limit Potential to Emit from Major Stationary

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Sources of Air Pollutants (the "GPLPE") on June 2, 2011.

4. Pursuant to Subsection 22a-174-22(k) of the Regulations, the Respondents are required to perform NOx emissions tests ("test") for the boilers referenced in Subparagraphs 2.a. & b. of this Consent Order at least every five (5) years from the last approved test or from the previous test due date, whichever is earlier. This requirement was also set forth in Sections III.B.1.a. and III.E.1.a. of the Permit.
5. On February 1, 2010, a representative of the Department of Energy & Environmental Protection ("Department") reviewed the Respondents' 2009 Annual Compliance Certification and Semi-Annual Monitoring Reports submitted in January 2010 and discovered that the Respondents failed to perform tests for Boilers #1-#4 and the Package Boiler #1 within five (5) years as required by the Permit and the Regulations. Consequently, Notice of Violation No. 16483 was issued to the Respondents on March 2, 2010.
6. The last approved test for Boiler #1 began on August 18, 2004 and ended on August 20, 2004 and the previous test due date was on November 22, 2004. Pursuant to Subsection 22a-174-22(k) of the Regulations, the next test due date was on August 20, 2009. To date, the Respondents have not performed a test on Boiler #1 because as of January 26, 2010, Boiler #1 was rendered inoperable for repairs.
7. The last approved test for Boiler #2 began on August 14, 2004 and ended on February 10, 2005 and the previous test due date was July 20, 2004. Pursuant to Subsection 22a-174-22(k) of the Regulations, the next test due date was July 20, 2009. On March 8, 2010, the Respondents completed the required test in accordance with Subsection 22a-174-22(k) of the Regulations, 8 months after the test due date.
8. The last approved test for Boiler#3 began on June 17, 2004 and ended on August 17, 2004 and the previous test due date was July 20, 2004. Pursuant to Subsection 22a-174-22(k) of the Regulations, the next test due date was July 20, 2009. On March 8, 2010, the Respondents completed a test in accordance with Subsection 22a-174-22(k) of the Regulations, 8 months after the test due date.
9. The last approved test for Boiler #4 began on June 17, 2004 and ended on August 17, 2004 and the previous test due date was July 21, 2004. Pursuant to Subsection 22a-174-22(k) of the Regulations, the next test due date was July 21, 2009. On March 5, 2010, the Respondents completed a test in accordance with Subsection 22a-174-22(k) of the Regulations, 8 months after the test due date.
10. The last approved test for the Package Boiler #1 began on August 20, 2004 and ended on August 23, 2004 and the previous test due date was August 23, 2004. Pursuant to Subsection 22a-174-22(k) of the Regulations, the next test due date was August 23, 2009. On June 2, 2010, the Respondents completed a test in accordance with Subsection 22a-174-22(k) of the Regulations, 10 months after the test due date.

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11. Pursuant to Subsection 22a-174-22(k)(2) of the Regulations, sampling shall be conducted when the boiler is operating at or above ninety percent (90%) of maximum rated capacity. This requirement was also set forth in Sections III.B.1.a. & III.E.1.a. of the Permit.
12. On June 23, 2010, a representative of the Department reviewed the March 2010 and June 2010 NOx Emission Test Reports for the Package Boiler #1 and Boilers #2-#4 and discovered that the tests were not performed at or above 90% of the maximum rated capacity for Boilers #2-#4 and the Package Boiler #1. Consequently, Notices of Violation Nos. 16548 & 16594 were issued to the Respondents on July 16, 2010 and August 20, 2010, respectively.
13. Boiler #2 firing #2 fuel oil achieved 89% of its maximum rated capacity: Boiler #2 firing #4 fuel oil achieved 87% its of maximum rated capacity. Boiler #3 firing #2 fuel oil achieved 88% of its maximum rated capacity. Boiler #4 firing #2 fuel oil achieved 67% of its maximum rated capacity. The Package Boiler #1 firing natural gas achieved 82.2% of its maximum rated capacity. The Package Boiler #1 firing #2 fuel oil achieved 79% of its maximum rated capacity.
14. In response to the Notices of Violation No. 16548 & 16594, the Respondents proposed to limit the maximum firing rate of Boilers #2-#4 to quantities of fuel burned in each boiler such that the rates tested at are no less than 90% of newly limited maximum firing rate of the boilers capacity, in order to comply with the requirements of Subsection 22a-174-22(k)(2) of the Regulations.
15. On August 2, 2011, a representative of the Department conducted an inspection at the facility and discovered that the Respondents violated Section III of the Permit, Section 22a-174-3a and Subsection 22a-174-22(k) of the Regulations. Consequently, Notices of Violation Nos. 16777, 16758 and 16786 were issued in September 2011.
16. Pursuant to Subsection III.A.1.(l) of the Permit, the Respondents should have performed visible emission tests for the premises. Based on the August 2, 2011 inspection, the Respondents failed to perform visible emission tests for the premises.
17. Pursuant to Subsection III.C. of the Permit, the Respondent was prohibited from operating the emergency engines for routine, scheduled testing or maintenance on a day which the Department of Environmental Protection ("DEP") forecasts ozone levels that are "moderate to unhealthful". Based on the August 2, 2011 inspection, the Respondent operated a 450 KW Caterpillar Emergency Engine ("EU 29") for routine, scheduled testing or maintenance, on August 18, 2009, a day that the DEP forecasted the ozone level to be "moderate to unhealthful".
18. Pursuant to Subsection III.C.1.b.i of the Permit, the Respondents should have maintained records to demonstrate compliance for the emergency engines. Based on the August 2, 2011 inspection, the Respondents failed to maintain operating records for the emergency generator EU 32 for calendar year 2008.

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19. Pursuant to Subsection III.D.1.a.iii of the Permit, the Respondents were required to post operating instructions on the gasoline dispensers that were equipped with a Stage II vapor recovery system. Based on the August 2, 2011 inspection, the Respondents failed to label the operating instructions on the gasoline dispensers.
20. Pursuant to Subsection III.E.1.c.i of the Permit, the Respondent should have submitted the June 2, 2010 test results to the Department within 30 days of completion of the emission test. Based on the August 2, 2011 inspection, the Respondent submitted the test reports on July 13, 2010, 41 days after the completion of the emission test.
21. Pursuant to Subsection III.F.1.a of the Permit, the Respondents should have maintained records to demonstrate compliance with the coating and solvent limitations of Section 22a-174-3c of the Regulations. Based on the August 2, 2011 inspection, the Respondents failed to maintain purchase records to demonstrate compliance with applicable coating and solvent limitations of Section 22a-174-3c of the Regulations.
22. Pursuant to Section 22a-174-3a of the Regulations, a stationary source that has potential air pollutants emissions of 15 tons or more per year shall apply for a permit to construct and operate unless that source is operated in accordance with either Section 22a-174-3b or -3c of the Regulations. On August 2, 2011, the Department inspected CVH and determined that the spray booth has potential emissions in excess of 15 tons per year and the spray booth was not operated in accordance with Section 22a-174-3b of the Regulations, Subsection III.F.1.a of the Permit, or Section 22a-174-3c of the Regulations as described in Paragraph A.21. of this Consent Order. Consequently, CVH was required to apply for a permit for the spray booth as required by Section 22-174-3a of the Regulations. Because CVH failed to apply for a permit to construct and operate the spray booth, the Department determined that CVH violated Section 22a-174-3a of the Regulations.
23. Pursuant to Subsection 22a-174-22(b)(5) of the Regulations, an emergency engine is subject to Subsections 22a-174-22 (d-k) of the Regulations, if the emergency engine operates for routine, scheduled testing or maintenance on a day that the Department forecasts ozone levels to be "moderate to unhealthy".
24. As described in paragraph A.17 of this Consent Order, EU 29 operated for routine, scheduled testing or maintenance, on August 18, 2009, a day that the DEP forecasted the ozone level to be "moderate to unhealthy," which triggered the requirements of Subsection 22a-174-22(d - k) of the Regulations.
25. Pursuant to Subsections 22a-174-22(b)(1)(B) and (k) of the Regulations, a stationary source that has potential NOx emissions in excess of 274 pounds per day is required to perform a NOx emission test within 12 months after becoming subject to Section 22a-174-22 of the Regulations. Based on the August 2, 2011 inspection, EU 29 has potential NOx emissions in excess of 274 pounds per day and EU 29 became subject to the requirement to perform a NOx emissions test within 12 months of having been operated

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for routine, scheduled testing and maintenance on August 8, 2009. Because the Respondents failed to conduct the NOx emission tests by August 2010, the Respondents violated Subsection 22a-174-22(k) of the Regulations.

26. On March 28, 2012, the Respondents performed the required NOx emission test on EU 29. On May 2, 2012, the Respondents submitted the March 28, 2012 test results for the Commissioner's review and approval.

Findings related to USTs:

27. On June 22, 2000, the Commissioner issued Consent Order No. 859 to Connecticut Valley Hospital and Department of Mental Health and Addiction Services ("Respondents") for multiple violations in three (3) program areas, including underground storage tanks ("USTs").
28. The UST violations cited in Consent Order No. 859 include failure to permanently close substandard UST facilities by September 1, 1989, failure to perform failure determination tests on UST facilities and the unpermitted discharge of oil or petroleum product to the waters of the state.
29. Subparagraph B.3.b. of Consent Order No. 859 states, *"If Respondents want to store petroleum products at the site after issuance of this consent order, Respondents shall submit for the Commissioner's review and written approval a plan for best management practices for the installation, operation and maintenance of any and all underground storage tank facilities at the site. Said plan shall include, but not be limited to, the type(s) of leak detection equipment and methods to be used in monitoring all such identified tanks. After the Commissioner approves said plan, Respondents shall carry out the plan and maintain it in full effect thereafter."*
30. On February 22, 2001, the Commissioner approved in writing, to the Department of Mental Health and Addiction Services, their proposed plan for best management practices, as required by Subparagraph B.3.b. of Consent Order No. 859.
31. Paragraph B.6. of Consent Order No. 859 states, *Compliance Plan. Within sixty (60) after issuance of this consent order, Respondents CVH shall submit to the Commissioner for his review and approval a plan ("Compliance Plan") to provide appropriate training and supervision for all present and future employees engaged in (a) use or maintenance of facilities at the site for storage of petroleum products, and (b) handling, management, or disposal of solid and hazardous waste as those terms are defined in Paragraph A hereof. The Compliance Plan shall assure that all such employees are aware of federal and state law applicable to such activities and of the available methods, technologies, and procedures for complying with such law. The compliance plan shall provide a schedule for initial and ongoing training. Upon the Commissioner's approval of the Compliance Plan, Respondents CVH shall implement such plan as approved.*
32. On September 7, 2000, the Commissioner approved in writing, to the Department of

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Mental Health and Addiction Services, their proposed Compliance Plan, as required by Paragraph B.6. of Consent Order No. 859.

33. In 2003, three 30,000-gallon #6 oil USTs located at the powerhouse failed tests of their cathodic protection ("CP") systems. Respondents failed to investigate and/or repair the failed CP systems at that time or at any time thereafter, constituting a violation of Paragraphs B.3.b. and B.6. of Consent Order No. 859, and Sections 22a-449(d)-103(b) of the Regulations.
34. On October 1, 2008, the Department received and responded to Emergency Incident Report Case No. 2008-06248, regarding the loss of approximately 3,000-gallons of #6 oil from one of the 30,000-gallon USTs located at the powerhouse. The discharged oil contaminated soils, groundwater and surface waters on and adjacent to the site, and constitutes a violation of Sections 22a-449(d)-106(b)(1) of the Regulations.
35. Following the unpermitted discharge of #6 oil in 2008, CP tests were performed on the USTs located at the powerhouse. The three 30,000-gallon #6 oil USTs again failed to meet the requisite negative 0.85 volt test standard, which constitutes a continuing violation of Subparagraphs B.3.b. and B.6. of Consent Order No. 859 and Subsections 22a-449(d)-103(b) of the Regulations.
36. While investigating the cause of the unpermitted discharge referenced in Paragraph A.23. of this Consent Order, field staff of the Storage Tank & PCB Enforcement Unit ("ST & PCB EU") documented physical evidence of galvanic corrosion on Tank R1A5, the suspected leaking UST. These findings are supported by the Underground Storage Tank Closure Report, dated March 2010 and prepared by United Oil Recovery, Inc. on behalf of Connecticut Valley Hospital. Galvanic corrosion results when CP systems are inadequate or fail to meet the negative 0.85 volt test standard. Respondents' non-compliance with Subparagraphs B.3.b. and B.6. of Consent Order No. 859 and Subsections 22a-449(d)-103(b) of the Regulations can reasonably be considered a proximal cause of the unpermitted discharge of #6 oil in October 2008.
37. On November 20, 2008, ST & PCB EU field staff performed a UST compliance inspection at Connecticut Valley Hospital. Two motor fuel USTs at Cotter Hall (one 4,000-gallons in capacity and one 1,000-gallons in capacity) were found to be out of compliance with applicable release detection requirements for both tanks and lines, constituting violations of Subparagraphs B.3.b and B.6. of Consent Order No. 859 and Subsections 22a-449(d)-104(c) and 104(e) of the Regulations.
38. The Commissioner acknowledges that the four heating oil USTs located at the powerhouse (~~three 30,000-gallons in capacity and one 20,000-gallons in capacity~~) have been permanently closed through removal beginning in November 2008. These USTs have been replaced with an above-ground storage tank system ("AST").
39. The Commissioner acknowledges that Respondents has retained Loureiro Engineering Associates, Inc. in response to the unpermitted discharge referenced in Paragraph A.34.

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of this Consent Order.

40. By virtue of the above, the Respondents have violated Subsections III.A.1.(l); III. B.1.a.; III.C., III.C.1.b.i.; III.D.1.a.ii.; III.E.1.a.; III.E.1.c.ii. and III.F.1.a. of the Permit and Section 22a-174-3a and Subsection 22a-174-22(k) of the Regulations.
 41. By virtue of the above, the Respondents have violated Subparagraphs B.3.b. and B.6. of Consent Order No. 859 and Subsections 22a-449(d)-103(b), 22a-449(d)-104(c) and (e) and 22a-449(d)-106(b)(1) of the Regulations.
 42. On September 6, 2011, the Respondents sent a letter notifying the Department that the spray booth would be removed by October 31, 2011.
 43. On October 18, 2011, the Respondents sent a Compliance Statement for Notice of Violation No. 16758 indicating that the spray booth was removed from the premise.
 44. On October 7, 2011, the Respondents sent a letter requesting the revocation of the registration for Boiler #1 and revision to the registrations for Boilers #2-#4 to accurately reflect the current operational status of the boilers.
 45. By agreeing to the issuance of this consent order, the Respondents make no admission of fact or law with respect to the matters addressed herein, other than the facts asserted in paragraphs A.1. and A.2. of this Consent Order.
- B. With the agreement of the Respondents, the Commissioner, acting under §§22a-6, 22a-171, 22a-174, 22a-177, 22a-178, 22a-424, 22a-432, 22a-438 and 22a-449 of the Connecticut General Statutes orders Respondents as follows:

Requirements related to air emissions:

1. Within thirty (30) days after issuance of this Consent Order, the Respondents shall submit a revision to the Respondents' NOx Compliance Plan to reflect the change in fuels oils used in the Boilers. Additionally, the Respondents shall submit a written request to enter into a Consent Order to limit the firing rates of Boilers #2-#4 as described in the Respondents' response to Notices of Violation Nos. 16548 & 16594.
2. Not more than thirty (30) days after the issuance of this Consent Order, the Respondents shall post operating instructions on all gasoline dispensers that are equipped with a Stage II Vapor Recovery System.
3. With respect to the Emergency Engine (EU 32), the Respondents shall maintain operating records in accordance with Subsection 22a-174-3a(e)(3) of the Regulations.
4. Air Civil Penalty. On or before thirty (30) days after issuance of this Consent Order, the Respondents shall pay a penalty of forty-three thousand one hundred and fifty-one dollars (\$43,151) as the total civil penalty to be sought by the Commissioner for the violations described

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in Paragraphs A.5. - A.13., A.18., A.20., A.25. & A.40. of this Consent Order. Payment of the civil penalty shall be made in accordance with Paragraph B.8. of this Consent Order.

5. In lieu of paying the Air civil penalty referenced in Paragraph B.4 of this Consent Order, the Respondents may perform SEP(s) having total expenditures in the amount of, at least, \$43,151 in accordance with Paragraph B.7. of this Consent Order.
6. In lieu of paying the Air civil penalty referenced in Paragraph B.4 of this Consent Order or performing SEP, the Respondents may make a payment of \$43,151 to the Statewide SEP account in accordance with Subparagraph B.7.e. of this Consent Order.

7. Supplemental Environmental Project:

- a. If the Respondent intends to perform Supplemental Environmental Projects (SEP) in lieu of paying the penalty, the Respondent shall, not more than 30 days after the issuance of this Consent Order, submit for the Commissioner's review and written approval, a thorough and comprehensive SEP report. The SEP report shall include a detailed description of each SEP, its nexus to air pollution, the identity and qualifications of any consultant(s) it intends to retain to perform the project, the anticipated environmental benefits, the associated costs and an implementation schedule.
- b. Upon receiving written approval of the SEP from the Commissioner, the Respondents shall perform the approved SEP(s) in accordance with the approved schedule.
- c. If the Respondents fail to fully perform the approved SEP(s), the Respondents shall immediately notify the Commissioner in writing of such noncompliance and shall, upon written request by the Commissioner, remit a payment equal to: the total estimated cost, as determined by the Commissioner, of all such SEP(s); plus either \$2,500 or 10% of such total estimated cost, whichever is greater. Within fourteen (14) days after the date of the Commissioner's written request, the Respondents shall make such payment in accordance with the remittance procedures for unexpended SEP funds in Subparagraph B.7.e. of this consent order.
- d. On or before thirty (30) days after completion of each SEP, the Respondents shall submit for the Commissioner's review and written approval a comprehensive final report that certifies completion of such SEP. Such final report shall include, at a minimum, a narrative history of the project, detailed explanation of its design and implementation, summary of any data collected, complete final accounting of actual project costs including receipts for out-of-pocket costs, and a discussion of environmental benefits resulting from the SEP.
- e. Should the Commissioner determine that the actual cost to the Respondents of the completed SEP is less than the required expenditure under Paragraph B.4. of this consent order, the Respondents shall pay the difference between such actual cost and the required expenditure to the Commissioner as unexpended SEP funds. The Commissioner shall

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notify the Respondents in writing of the amount of any such unexpended SEP funds which are due. The Respondents shall, within fourteen (14) days after the date of such written notice, pay the full amount of the unexpended SEP funds to the Statewide SEP account. Payment of unexpended SEP funds shall be by certified or bank check payable to "Treasurer, State of Connecticut" and the check shall state on its face "Payment of Unexpended SEP Funds to the Statewide SEP Account, Consent Order No. 2011002DEP." The Respondents shall mail or personally deliver such payment to the Department of Energy and Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, Connecticut 06106-5127.

- f. If and when the Respondents disseminate any publicity, including but not limited to any press releases regarding funding a SEP, Respondents shall include a statement that such funding is in partial settlement of an enforcement action brought by the Commissioner.
 - g. The Respondents shall not claim or represent that any SEP payment made pursuant to this Consent Order constitutes an ordinary business expense or charitable contribution or any other type of tax deductible expense, and the Respondents shall not seek or obtain any other tax benefit such as a tax credit as a result of the payment under this paragraph.
8. 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, "Payment of Air Civil Penalty, Consent Order No. 2011002DEP."

Requirements related to USTs:

9. Engage consultant. On or before ninety (90) days after issuance of this Consent Order, the Respondents shall retain one or more qualified consultants acceptable to the Commissioner to prepare the documents and implement or oversee the actions as required in Paragraphs B.10.-B.14. of this Consent Order and shall, by that date, notify the Commissioner in writing of the identity of such consultants. The Respondents shall retain one or more qualified consultants acceptable to the Commissioner until this Consent Order is fully complied with, and within ten (10) days after retaining any consultant other than one originally identified under this Paragraph, the Respondents shall notify the Commissioner in writing of the identity of such other consultant. The Respondents shall submit to the Commissioner a description of a consultant's education, experience and training which is relevant to the work required by this Consent Order within ten (10) days after a request for such description. Nothing in this Paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.
10. UST Supplemental Environmental Project. In lieu of the assessment of a UST civil penalty for the violations listed in Paragraphs A.33 -A.35, A.37 and A.41 of this Consent Order, the Respondents have agreed to undertake an SEP which includes the permanent closure of all remaining UST systems at the site which are regulated under Sections 22a-449(d)-1 and 101 through 113 of the

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Regulations of Connecticut State Agencies. Should the Respondents deem it necessary to store petroleum or hazardous substances on-site, such replacement petroleum and/or hazardous substance storage facilities shall be ASTs.

- a. If and when the Respondents disseminate any publicity, including but not limited to any press releases regarding funding a SEP, Respondents shall include a statement that such funding is in partial settlement of an enforcement action brought by the Commissioner.
 - b. The Respondents shall not claim or represent that any SEP payment made pursuant to this Consent Order constitutes an ordinary business expense or charitable contribution or any other type of tax deductible expense, and the Respondents shall not seek or obtain any other tax benefit such as a tax credit as a result of the payment under this Paragraph.
11. Closed UST systems. For each UST system being closed pursuant to this Consent Order, the Respondents shall comply with the following requirements:
- a. Within 90 days of retaining a consultant in accordance with Paragraph B.9. of this Consent Order, the Respondents shall submit, for the Commissioner's review and written approval, a plan, including a schedule, for the closure of each UST currently operated at the facility.
 - b. The Respondents shall ensure that the permanent closure of each aforementioned UST fully complies with Section 22a-449(d)-1(e)(4) and Sections 22a-449(d)-107(b),(c), (e) and (f) of the Regulations. Additionally, applicable clean-up criteria, as specified in the Remediation Standard Regulations, Sections 22a-133k-1 through 22a-133k-3, shall be met. For each UST being permanently closed, the Respondents shall complete all closure activities in compliance with the approved plan and schedule submitted pursuant to subparagraph B.11.a. of this Consent Order.
 - c. Within ten (10) days of the completion of the closure of each UST, the Respondents shall notify the Commissioner, in writing, that the closure has been completed. Any such notification of closure shall be so made using Notification for Underground Storage Tanks (DEP-UST-NOT-001) and such other forms or documentation that may be prescribed by the Commissioner.
12. Release reporting. If at any time during the permanent closure of an UST system, as any of which may be required by or in response to this Consent Order, the Respondents discover or become aware of contaminated soil, contaminated groundwater or free product as a liquid or vapor anywhere at, on or emanating from the site, the Respondents shall: (1) notify the Department regarding such contamination or free product in accordance with applicable law; and (2) complete corrective action in accordance with Sections 22a-449(d)-106 of the Regulations, as applicable. Nothing in this provision shall excuse, be a substitute for, or affect any other notification or reporting requirement applicable to the Respondents or the site.
13. Free product. If qualified consultants overseeing the initial site investigation determine that free product is present, the Respondents shall, as soon as possible after such determination, develop

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and implement a plan to remove free product to the maximum extent technically practicable. Such initial site investigation shall determine:

- a. The presence and extent of free product resulting from release(s).
 - b. Ground water pollution resulting from the release that may threaten the quality of drinking water wells; and
 - c. If the release has resulted in pollution of soil vapor that poses a significant environmental hazard as identified in Section 22a-6u(e)(2) of the Connecticut General Statutes ("CGS").
14. Significant environmental hazard. If qualified consultants overseeing the initial site investigation determine that groundwater pollution resulting from the release threatens the quality of drinking water wells, Respondents shall, as soon as possible after such determination, sample such drinking water, notify the commissioner of such determination and take all necessary steps to provide potable water, in a manner determined by the commissioner, to any person impacted by the release, where the pollution exceeds groundwater protection criteria identified in CGS Section 22a-6u(g)(1). If qualified consultants overseeing the initial site investigation determine that the release has resulted in pollution of soil vapor that poses a significant environmental hazard as identified in CGS Section 22a-6u(e)(2)(A) through (C), Respondents shall, as soon as possible after such determination, take any measures necessary as determined by the commissioner to abate the hazards from those release(s).
15. Progress reports: On or before the last day of March, June, September, and December of each year after issuance of this consent order and continuing until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction, the Respondents shall submit a progress report to the Commissioner describing the actions which the Respondents have taken to date to comply with this consent order.
16. Full compliance. Respondents 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.
17. Approvals. Respondents 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 Respondents that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondents 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.
18. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner of

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Environmental Protection or an agent of the Commissioner. "Hazardous substances" shall be defined as that term defined in 42 U.S.C. subsection 9601, but shall not include any substance regulated as a hazardous waste under Subtitle C of the Resource Conservation and Recovery Act. "Underground storage tank system" shall be defined as that term is defined in RCSA subdivision 22a-449 (d)-101(d)(63). "Petroleum" shall be defined as that term is defined in RCSA Subparagraphs 22a-449(d)-101(d)(48)(b) and shall include all of the items included as a "Regulated substance" in RCSA subdivision 22a-449(d)-101(d)(48).

19. 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.
20. 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 Respondents or, if Respondents are not an individual, by Respondents' 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 Respondents or Respondents' 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."
21. 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 Respondents to an injunction and penalties.
22. 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.
23. Notice of transfer; liability of Respondents. Until Respondents have fully complied with this Consent Order, Respondents shall notify the Commissioner in writing no later than 15 days after

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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. Respondents' obligations under this Consent Order shall not be affected by the passage of title to any property to any other person or municipality.

24. 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 Respondents 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 Respondents to undertake further investigation or further action to prevent or abate violations or pollution.
25. Respondents' obligations under law. Nothing in this Consent Order shall relieve Respondents of other obligations under applicable federal, state and local law.
26. 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 Respondents pursuant to this Consent Order will result in compliance.
27. 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.
28. 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.
29. Notice to Commissioner of changes. Within 15 days of the date Respondents become 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, Respondents shall submit the correct or omitted information to the Commissioner.
30. Notification of noncompliance. In the event that Respondents become 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, Respondents 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, Respondents 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 Respondents shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondents shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse

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noncompliance or delay unless specifically so stated by the Commissioner in writing.

31. 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
Engineering and Enforcement Division
79 Elm Street
Hartford, Connecticut 06106-5127

Mr. Philip G. Wilde
Department of Energy and Environmental Protection
Bureau of Materials Management and Compliance Assurance
Storage Tank and PCB Enforcement Unit
79 Elm Street
Hartford, CT 06106-5127

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Respondents 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 Respondents to the terms and conditions of the consent order.

CT Department of Mental Health and Addition Services,
Connecticut Valley Hospital

Signature: Patricia Rehmer

Type Name: Patricia Rehmer

Type Title: Commissioner

Date: 10/3/12

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


Macky McCleary
Deputy Commissioner
Department of Energy & Environmental Protection

10/12/12
Date

CITY OF MIDDLETOWN
LAND RECORDS
MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED
Certified Document No. _____

