



STATE OF CONNECTICUT )

Order No. 2380

VS. )

ST. VINCENT'S MEDICAL CENTER )

CONSENT ORDER

- A. With the agreement of St. Vincent's Medical Center (the "Respondent"), the Commissioner of Energy & Environmental Protection ("Commissioner") finds the following:
1. St. Vincent's Medical Center is a healthcare facility located at 2800 Main Street in Bridgeport, Connecticut.
  2. The facility has potential nitrogen oxide ("NO<sub>x</sub>") emissions greater than twenty-five (25) tons per year, and potential sulfur oxide ("SO<sub>x</sub>") emissions greater than one-hundred (100) tons per year; thereby making the facility a "Title V source" as defined in Section 22a-174-33(a)(10) of the Regulations of Connecticut State Agencies ("RCSA").
  3. In lieu of a Title V permit, the Respondent has been granted registration under the General Permit to Limit Potential to Emit ("GPLPE"). The Respondent was approved for registration under the GPLPE on November 11, 2011.
  4. Pursuant to Section 5(d)(1) of the GPLPE, *"A permittee shall submit to the commissioner on or before March 1<sup>st</sup> of each year in which the permittee is registered under this general permit, an annual compliance certification with respect to the premises for the previous calendar year, or portion thereof."*
  5. The Respondent failed to submit an Annual Compliance Certification for calendar year 2011, on or before March 1, 2012. Consequently, a Notice of Violation ("NOV") No. 16909 was issued to the Respondent on April 26, 2012.
  6. In response to the NOV, the Respondent submitted an Annual Compliance Statement on August 13, 2012; approximately five (5) months after the due date.

Date Issued: August 5, 2013

7. A record review conducted by DEEP staff on May 7, 2013 revealed that the Respondent did not submit an Annual Compliance Certification for calendar year 2012. Consequently, NOV No. 17100 was issued to the Respondent on May 10, 2013.
  8. By virtue of the above, the Respondent violated, and is in violation of Section 5(d)(1) of the GPLPE.
- B. With the agreement of the Respondent, the Commissioner, pursuant to Sections 22a-6, 22a-171, 22a-174, 22a-177, and 22a-178 of the Connecticut General Statutes, orders as follows:
1. Within thirty (30) days after the issuance of this Order, the Respondent shall submit an Annual Compliance Certification for calendar year 2012. The certification shall be submitted on forms provided by the Commissioner and shall contain the information specified in 40 CFR 70.6(c)(5)(iii)(A) to (C), inclusive.
  2. Civil Penalty. On or before thirty (30) days after issuance of this consent order, Respondent shall pay a penalty of \$3,400 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraph A.8. of this consent order.
  3. Full Compliance. Respondent shall not be considered in full compliance with this order until all actions required by this order have been completed as approved and to the Commissioner's satisfaction.
  4. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this order in a complete and approvable form. If the Commissioner notifies Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within thirty (30) days of the Commissioner's notice of deficiencies. In approving any document or other action under this 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 order. Nothing in this paragraph shall excuse noncompliance or delay.
  5. Definitions. As used in this order, "Commissioner" means the Commissioner or a representative of the Commissioner.
  6. Dates. The date of "issuance" of this order is the date the order is deposited in the U.S. mail or personally delivered, whichever is earlier. The date of the submission to the Commissioner of any document required by this order shall be date such document is received by the Commissioner. The date of any notice by the Commissioner under this 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 order, the word "day" as used in this order means calendar day. Any document or action which is required by this 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.

7. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this 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."
8. Noncompliance. This 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 order may subject Respondent to an injunction and penalties.
9. False statements. Any false statement in any information submitted pursuant to this order is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
10. Notice of transfer; liability of Respondent. Until the Respondent has fully complied with this order, Respondent shall notify the Commissioner in writing no later than fifteen (15) days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this order or after obtaining a new mailing or location address. Respondent's obligations under this order shall not be affected by the passage of title to any property to any other person or municipality.
11. Commissioner's powers. Except as provided hereinabove with respect to payment of civil penalties, nothing in this 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 the Respondent pursuant to this 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.
12. Respondent's obligations under law. Nothing in this order shall relieve Respondent of other obligations under applicable federal, state and local law.

13. No assurance by Commissioner. No provision of this 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 order will result in compliance or prevent or abate pollution.
14. Access to site. Any representative of the Department of Energy & Environmental Protection may enter the facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this order.
15. No effect on rights of other persons. This order neither creates nor affects any rights of persons or municipalities that are not parties to this order.
16. Notice to Commissioner of changes. Within fifteen (15) days of the date Respondent become aware of a change in any information submitted to the Commissioner under this 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.
17. Notification of noncompliance. In the event that Respondent become aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this 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.
18. Submission of documents. Any document required to be submitted to the Commissioner under this order shall, unless otherwise specified in this order or in writing by the Commissioner, be directed to:

Lakisha Stephenson  
Department of Energy & Environmental Protection  
Bureau of Air Management  
Engineering & Enforcement Division  
79 Elm Street, 5<sup>th</sup> Floor  
Hartford, Connecticut 06106-5127

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

**ST. VINCENT'S MEDICAL CENTER**

Signature: 

Type Name: KEITH J. CASANOVA

Type Title: DIRECTOR ENVIRONMENTAL

Date: 7/31/13

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

  
Macky McCleary  
Deputy Commissioner

8/5/13  
Date

MAILED CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED