



STATE OF CONNECTICUT)
)
VS.)
)
DST REALTY CONNECTICUT, INC)

Order No. 2387

CONSENT ORDER

- A. With the agreement of DST Realty Connecticut, Inc. ("Respondent"), the Commissioner of Energy and Environmental Protection ("Commissioner") finds the following:
1. The Respondent is a statement processing facility ("facility") located at 125 Ellington Road in South Windsor, Connecticut.
 2. At the facility, the Respondent owns and operates two Caterpillar 1250 kilowatt diesel fired engines that were installed in 2002 ("engines").
 3. The Respondent held a registration (#169-0075) pursuant to the "General Permit to Construct and/or Operate a New or Existing Emergency Engine" ("GPEE") which limited the potential emissions of the engines, until its expiration in 2006.
 4. After the expiration of the GPEE, the Respondent chose to limit the engines' potential to emit by operating the engines in accordance with the Section 22a-174-3c of the Regulations of Connecticut State Agencies ("RCSA").
 5. On February 13, 2013 an inspection of the facility was conducted by Department of Energy & Environmental Protection staff. During this inspection, it was determined that the engines had been operated during periods of time that were not an emergency, as that term is defined in Section 22a-174-22(a)(4) of the RCSA.
 6. Based on records submitted by the Respondent, for the calendar years 2008 through 2012 the engines were operated for up to 49.5 hours during periods of time which do not meet the definition of an emergency. Therefore, the engines were not operating as emergency engines as that term is defined in Section 22a-174-22(a)(3) of the RCSA.

Date Issued: November 26, 2013

7. Since the engines were not operating as emergency engines, they were ineligible to limit their potential to emit through Section 22a-174-3c of the RCSA.
 8. Without a limitation on potential to emit, the potential Nitrogen Oxides (NOx) emissions of each of the engines is greater than 15 tons per year and the potential NOx emissions of the facility are greater than 50 tons per year.
 9. Section 22a-174-3a(a)(1)(D) of the RCSA requires sources with potential emissions greater than 15 tons per year to apply for and obtain a permit.
 10. Notice of Violation 17077 was issued to the Respondent on May 10, 2013 for failure to obtain New Source Review permits for the engines as required by Section 22a-174-3a(a)(1)(D) of the RCSA.
 11. Section 22a-174-33(f)(2) of the RCSA requires sources with potential emissions greater than 50 tons per year to apply for a Title V permit within 12 months of becoming subject.
 12. Notice of Violation 17079 was issued to the Respondent on May 10, 2013 for failure to apply for a Title V permit for the facility as required by Section 22a-174-33(f)(2) of the RCSA.
 13. The State of Connecticut's "ozone season" is from May 1 to September 30, of any given year. During the ozone season, the engines emitted greater than 274 pounds of NOx per day; the engines, therefore, became subject to regulation under subsections (d) through (k) of section 22a-174-22 of the RCSA.
 14. The engines were not tested as required under Section 22a-174-22(k) of the RCSA.
 15. By virtue of the above, the Respondent has violated Sections 22a-174-3a, 22a-174-22, and 22a-174-33 of the RCSA.
 16. By agreeing to the issuance of this Consent Order, the Respondent makes no admission of fact or law with respect to the matters addressed herein.
- 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. New Source Review Permit. The Respondent shall: immediately comply with Section 22a-174-3b of the RCSA OR immediately comply with Section 22a-174-3c of the RCSA OR within sixty (60) days of the issuance of this Order, submit New Source Review permit applications for the two engines in accordance with Section 22a-174-3a(c) of the RCSA. If the Respondent decides to operate the engines in compliance with RCSA Section 22a-174-3b or 22a-174-3c, the Respondent shall notify the Commissioner in writing within sixty (60) days of the issuance of this Order.

2. As long as the Respondent operates the engines as "emergency engine(s)", as the term is strictly defined in Section 22a-174-22(a)(3) of the RCSA; said engines are exempt from subsections (d) through (k), of Section 22a-174-22 of the RCSA.
3. Civil Penalty. Within sixty (60) days of the issuance of this Order, the Respondent shall pay a penalty of \$6,228.00 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in Paragraph A.5 through A.15 of this Consent Order.
4. Payment of the Civil Penalty. Payments of the civil penalty under this Order shall be mailed or personally delivered to the Bureau of Financial and Support Services - Accounts Receivable ("F&SS"), Department of Energy and Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127, and shall be by certified or bank check payable to CT DEEP. The check shall state on its face, "Bureau of Air Management Civil Penalty, Order #2387."
5. Full compliance. The 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.
6. Approvals. The 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 the Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and the 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 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.
7. Definitions. As used in this order, "Commissioner" means the Commissioner or a representative of the Commissioner.
8. 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 submission to the Commissioner of any document required by this order shall be the 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.

9. False Statements. Any false statement in any information submitted pursuant to this order may be 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 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. The 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. 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 violations of law, including but not limited to those described in this order. If at any time the Commissioner determines that the actions taken by 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 any pollution, the Commissioner may institute any proceeding to require the Respondent to undertake further investigation or further action to prevent or abate pollution.
12. Respondent's obligations under law. Nothing in this order shall relieve the 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 the Respondent pursuant to this order will result in compliance.
14. 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.
15. Notice to Commissioner of changes. Within 15 days of the date the Respondent becomes 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, the Respondent shall submit the correct or omitted information to the Commissioner.
16. Notification of noncompliance. In the event that the 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 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, the 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 the 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.

17. Submission of documents. Any document required to be submitted to the Commissioner under this order shall, unless otherwise specified in writing by the Commissioner, be directed to:

Lakisha Stephenson
Department of Energy and Environmental Protection
Bureau of Air Management
Engineering & Enforcement Division
79 Elm Street
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.

DST REALTY CONNECTICUT, INC.

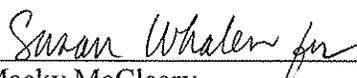
Signature: 

Print Name: Vincent R. Dasta

Print Title: President

Date: November 12, 2013

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


Macky McCleary
Deputy Commissioner
Department of Energy & Environmental Protection

Nov. 25, 2013
Date