



STATE OF CONNECTICUT

Order No. 2414

VS.

NORWALK HOSPITAL ASSOCIATION

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CONSENT ORDER

- A. With the agreement of the Norwalk Hospital Association (the "Respondent"), the Commissioner of Energy and Environmental Protection ("Commissioner") finds the following:
 - 1. The Respondent owns and operates a medical and surgical hospital ("facility") located at 24 Stevens Street in Norwalk, Connecticut.
 - 2. The Respondent is a major source of Nitrogen Oxides ("NOx") emissions and operates the facility under Title V Permit #137-0094-TV.
 - 3. Internal record reviews and an inspection of the facility were conducted on in August 2014. At that time, the facility was operating one turbine under New Source Review ("NSR") Permit #137-0052, one boiler under NSR Permit #137-0053 and a second boiler under NSR Permit #137-0054. A second turbine (NSR Permit #137-0051) had been recently removed and the permit was revoked on August 19, 2014. A 3 Megawatt Caterpillar Cogeneration Engine ("Caterpillar Engine") operates under NSR Permit #137-0164, issued on August 6, 2014. Based upon the information obtained during the record reviews and the inspection, the facility was issued several Notices of Violation ("NOVs") on November 6, 2014.
 - 4. NSR Permit No. 137-0052 and 40 Code of Federal Regulations ("CFR") Section 60.7(a)(5) requires an Intent to Test application and test protocol to be submitted to the Department prior to conducting an authorized Relative Accuracy Test Audit ("RATA"). Additionally, the Department's Emission Test Guidelines, Permit 137-0052 (Appendix A) and 40 CFR Section 60.8(d) requires facilities to accommodate a Department auditor for such testing. In accordance with 40 CFR Section 60.13(a) a valid RATA was required to be conducted for the second quarter of calendar year 2014 (no later than June 30, 2014).

Date Issued: September 22, 2016

5. The Respondent notified the Department that a RATA was conducted on July 24, 2014 without first submitting an Intent to Test application and test protocol prior to the RATA. In doing so, the Respondent failed to accommodate a Department auditor and no valid RATA was conducted for the second quarter calendar year of 2014. Accordingly, the Respondent was issued NOV #17447 for violating NSR Permit #137-0052, and 40 CFR 60.13(a), 60.7(a)(5) and 60.8(d).
6. Section 22a-174-4(c)(5) of the Regulations of Connecticut State Agencies (“Regulations”) requires a minimum of 95% data availability for the Continuous Opacity Monitoring System (“COMS”) at the facility. Additionally, this Section requires a minimum of 90% data availability for the NOx Continuous Emission Monitoring System (“CEMS”) at the facility.
7. The Respondent failed to meet the required data availability for the 2nd quarter of 2014. Specifically, the Respondent had 87% COMS data availability and 85% of the NOx CEMs data availability. Accordingly, Notice of Violation #17448 was issued to the Respondent for violating Section 22a-174-4(c)(5) of the Regulations.
8. 40 CFR 60.334(a) requires the owner or operator of any stationary gas turbine subject to the provisions of the subpart using water or steam injection to control NO_x emissions to install, calibrate, maintain and operate a continuous monitoring system to monitor and record the fuel consumption and the ratio of water or steam to fuel being fired in the turbine.
9. The Respondent failed to monitor and record fuel consumption and the ratio of water to fuel fired in each individual turbine. Accordingly, the Respondent was issued NOV #17464 for violating 40 CFR 60.334(a).
10. Section 22a-174-22(e) of the Regulations establishes NOx emission limits for subject equipment. The owner or operator of such subject equipment is required to demonstrate compliance with the emission limits specified under this Section.
11. The Respondent’s CEM system was unable to demonstrate compliance with the applicable NOx emission limits for the two turbines and boilers required by Section 22a-174-22(e) and therefore, the Respondent was required to conduct NOx emissions testing as specified under Section 22a-174-22(k) of the Regulations. Accordingly, the Respondent was issued NOV# 17465 for failing to comply with Section 22a-174-22 of the Regulations.
12. On June 5, 2015 the Respondent was issued three modifications to NSR Permits #137-0052, #137-0053 and #137-0054. The modified permits each include NOx emissions testing requirements, the requirement to monitor and record fuel consumption for all three units and the requirement to monitor and record the ratio of water to fuel for the turbine. The Respondent’s Title V Permit was renewed on October 29, 2015 and incorporated the modified NSR Permit requirements.
13. NSR Permit #137-0164, Title V Permit #137-0094-TV and CFR 60.8(a) require the Respondent’s Caterpillar Engine to undergo initial emission performance testing and to submit a report of the results of such performance testing for Total Hydrocarbons, Carbon Monoxide, Nitrogen Oxides, Ammonia, Formaldehyde and Acrolein within 60 days of achieving maximum production rate.

14. On August 4, 2015 the Commissioner reviewed a Compliance Test Protocol for the Respondent's Caterpillar Engine. As a result of that review it was determined that the engine was not tested by the required due date. Accordingly, NOV #17585 was issued to the Respondent on August 21, 2015 for failing to comply with NSR Permit #137-0164, Title V Permit 137-0094-TV and CFR 60.8(a).
15. The Respondent conducted the required emissions testing on the Caterpillar Engine on August 25, 2015, which is approximately one month past the required due date.
16. Title V Permit #137-0094-TV and NSR Permit #137-0052 require that the Respondent conduct emissions testing while burning distillate fuel oil in the turbine within 180 days of permit issuance date. Accordingly, the Respondent was required to conduct such emissions testing on or before December 5, 2015.
17. The Respondent failed to conduct emissions testing on the turbine while burning distillate fuel oil on or before December 5, 2015.
18. Title V Permit #137-0094-TV and NSR Permit #137-0052 requires the Respondent to use water injection at a rate of 0.8 pounds per pound of fuel or such other amount demonstrated to be sufficient to maintain compliance with the applicable NOx emission limit.
19. A December 2015 emission test audit indicated that the Respondent failed to use water injection at a rate of 0.8 pounds of water per pound of fuel or such other amount demonstrated to be sufficient to maintain compliance with the applicable NOx emission limit.
20. Title V Permit #137-0094-TV and NSR Permit #137-0052 requires the Respondent to immediately institute a shutdown of the turbine in a an event that a malfunction causing either an emission exceedance or a parameter monitored out of range is not corrected within three hours.
21. A December 2015 emission test audit indicated that the Respondent failed to shut the turbine down after three hours of malfunction without the water injection system properly operating.
22. Title V Permit #137-0094-TV and NSR Permit #137-0052 require the Respondent to notify the commissioner in writing of any malfunction of the turbine within ten days of the malfunction.
23. A December 2015 emission test audit indicated that the Responded failed to notify the commissioner of the turbine malfunction within ten days.
24. Title V Permit #137-0094-TV and NSR Permits #137-0052, #137-0053 and #137-0054 require that the Respondent submit stack test results for NOx emissions testing on the turbine and boilers within 30 days after completing such testing. Therefore test results were due to be submitted on or before January 3, 2016.
25. A NOx emissions test report for the December 2015 stack test on the turbine and boilers has not been received.
26. In response to the violations discovered in the December 2015 emissions test audit, Notice of Violation #17628 was issued to the Respondent on March 2, 2016.

27. Title V Permit #137-0094-TV Section III.A.2.d.iii and 40 CFR Part 60.334(j) require that the Respondent submit reports pertaining to excess NO_x emissions on a semiannual basis to the Commissioner. Title V Permit #137-0094-TV Section III.B.1.d.iv and 40 CFR Part 60.48c(e) further requires reports to be submitted to the Administrator of the Environmental Protection Agency ("Administrator").
28. A record review conducted on March 8, 2016 indicated that the Respondent failed to submit the required reports to the Commissioner and the Administrator for the second half of 2015.
29. Title V Permit #137-0094-TV and Section 22a-174-33(o)(1) of the Regulations require the Respondent to submit monitoring reports on March 1 and September 1 of each year. Such monitoring reports shall include the date and description of each deviation from a permit requirement. Additionally, Title V Permit #137-0094-TV and Section 22a-174-33(p)(1)(B) require the Respondent to notify the Commissioner in writing of any deviation from an emissions limitation no later than ten days after such deviation commenced.
30. A record review conducted on March 8, 2016 indicated that the Respondent failed to report deviations occurring during calendar year 2015 in the Semi Annual Monitoring Reports and Prompt Deviation Reports.
31. In response to the violations discovered in the March 8, 2016 record review, Notices of Violation #17659 and #17660 were issued to the Respondent on March 11, 2016.
32. Title V Permit #137-0094-TV, NSR Permit #137-0164 and 40 CFR 60.8(a) require an emissions test report to be submitted for the Caterpillar Engine within 60 days of completion of the emission test. The test was completed on August 28, 2015 and therefore the test report was due on or before October 28, 2015.
33. A record review conducted on February 14, 2016 indicated that the Respondent did not submit the required test report until February 24, 2016. Accordingly, Notice of Violation #17664 was issued to the Respondent on March 11, 2016.
34. Title V Permit 137-0094-TV and NSR Permit #137-0164 limit the Caterpillar Engine's Volatile Organic Compound ("VOC") emissions to 0.06 pounds per hour.
35. A May 5, 2016 review of the Caterpillar Engine's emission test report for the August 28, 2015 test indicated that VOC emissions exceeded the permitted emission limit of 0.06 pounds per hour. Specifically, average VOC emissions measured during the test were 0.474 pounds per hour.
36. Title V Permit #137-0094-TV and NSR Permit #137-0052 impose limits on natural gas usage for the turbine.
37. Inspections conducted in May and June 2016 indicated that the Respondent's turbine exceeded the permitted natural gas limit on two occasions in 2014 in violation of Title V Permit #137-0094-TV and NSR Permit #137-0052. The Respondent failed to submit a deviation report for this violation.

38. Title V Permit #137-0094-TV and NSR Permits #137-0053 and #137-0054 require separate fuel meters for each boiler.
 39. Inspections conducted in May and June 2016 indicated that the Respondent has one fuel meter for both boilers in violation of Title V Permit #137-0094-TV and NSR Permits #137-0053 and #137-0054.
 40. Title V Permit #137-0074-TV and NSR Permit #137-0164 imposes limits on the Caterpillar Engine's natural gas consumption.
 41. Inspections conducted in May and June 2016 indicated that the Respondent exceeded the permitted natural gas consumption limit on ten occasions during 2014 and 2015. The Respondent did not submit deviation reports to the Commissioner for these violations.
 42. Title V Permit #137-0094-TV and NSR Permit #137-0052 requires the Respondent to use water injection at a rate of 0.8 pounds per pound of fuel or such other amount demonstrated to be sufficient to maintain compliance with the applicable NOx emission limit.
 43. On July 13, 2016 The Respondent submitted a prompt deviation report to the Commissioner stating that the facility failed to use water injection at a rate of 0.8 pounds per pound of fuel or such other amount demonstrated to be sufficient to maintain compliance with the applicable NOx emission limit for a period of approximately 5 hours on July 7, 2016.
 44. By virtue of the above, the Respondent violated Sections 22a-174-4(c) and 22a-174-33 of the Regulations, NSR Permits #137-0052, #137-0053, #137-0054, #137-0164, Title V Permit #137-0094-TV, 40 CFR Sections 60.8(a and d), 60.13(a), 60.334 and 60.7(a)(5) and 60.48c(e).
- B. With the agreement of the Respondent, the Commissioner, acting under §22a-6 and §22a-174 of CGS, orders the Respondent as follows:
1. Submittal of Reports and Test Data. Within sixty (60) days after the issuance of this Consent Order, the Respondent shall submit all reports and data required by Paragraphs A.24, A.27, A.29, A.37 and A.41 of this Consent Order to the Commissioner. Any and all information and data available from the December 2015 emissions test, as referenced in Paragraph A.24 of this Consent Order, is required to be submitted, regardless of whether the Respondent considers it to be complete.
 2. Environmental Management Plan. Within one hundred and eighty (180) days after the issuance of this Consent Order, Respondent shall develop and submit to the Commissioner for review, an Environmental Management Plan ("EM Plan"). The EM Plan shall be a written report describing, in detail, all applicable Air related permit and regulatory requirements that the facility is subject to. The Respondent shall describe, in detail, the procedures that shall be implemented and followed to ensure compliance with all identified Air environmental requirements including but not limited to, record keeping, reporting, monitoring, and testing requirements. The EM Plan should include a schedule for implementation.

3. Compliance with Permitted Emission Limits. Within sixty (60) days after issuance of this Consent Order, the Respondent shall develop and submit to the Commissioner for review and approval, a plan describing, in detail, how the Respondent intends to address the facility's failure to comply with the emission limits as referenced in Paragraph A.35. of this Order, or as discovered through any additional emission testing of other equipment. The Respondent shall describe, in detail, the procedures that shall be implemented and a proposed schedule for implementation.
4. Fuel Meter Installation. Within one hundred and eighty (180) days after the issuance of this Consent Order, the Respondent shall install a separate fuel meter for each boiler as required by Title V Permit 137-0094-TV and NSR Permits 137-0053 and 137-0054.
5. Civil penalty. On or before sixty (60) days after issuance of this Consent Order, the Respondent shall pay a penalty of \$101,498 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in Paragraphs A.44. of this Consent Order.
6. Payment of penalties. Payment of penalties under this Consent Order shall be mailed or personally delivered to Bureau of Financial and Support Services--Accounts Receivable Office ["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 the Connecticut Department of Energy and Environmental Protection. The check shall state on its face, "Bureau of Air Management Civil Penalty, Air Engineering & Enforcement Division, Consent Order #2414.
7. Supplemental Environmental Project (SEP): In lieu of paying the civil penalty in Paragraph B.5, the Respondent may elect to pursue one or more environmentally beneficial projects in accordance with the following:
 - a) Within sixty (60) days of issuance of this Consent Order, the Respondent shall submit, for the Commissioner's review and written approval, a proposal to undertake one or more SEPs consistent with the Department's Policy on Supplemental Environmental Projects, requiring expenditure of at least \$101,498. The proposal should include cost estimates and proposed schedules for implementation.
 - b) Upon the Commissioner's approval of the proposed project(s), the Respondent shall conduct the project(s) in accordance with the schedule(s) approved by the Commissioner.
 - c) If the Respondent fails to conduct the project(s) in accordance with subparagraph B.5.b. of this Consent Order, the Respondent shall immediately submit the amount of \$101,498 in accordance with the provisions of paragraph B.6. of this Consent Order.
 - d) On or before thirty (30) days after the completion of the project(s), the Respondent shall submit for the Commissioner's review and written approval a comprehensive final report that certifies completion of the project(s). Such final report shall include, at a minimum, a narrative history of the project(s) and complete final accounting of actual project costs including receipts for out-of-pocket costs.
 - e) Should the Commissioner determine that the actual cost to the Respondent of the project(s) is less than the \$101,498, as determined by the Commissioner, the Respondent

shall pay the difference between such actual cost and \$101,498 to the Commissioner as unexpended SEP funds. The Commissioner shall notify the Respondent in writing of the amount of any such unexpended SEP funds that are due. The Respondent shall, within fourteen (14) days after the date of such written notice, remit the full amount of the unexpended SEP funds in accordance with Paragraph B.6. of this Consent Order.

- f) If and when Respondent disseminates any publicity, including but not limited to any press releases regarding funding a SEP, Respondent shall include a statement that such funding is in partial settlement of an enforcement action brought by the Commissioner.
 - g) Respondent 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 Respondent shall not seek or obtain any other tax benefit such as a tax credit as a result of the payment under this paragraph.
8. Full compliance. The 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.
9. 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 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.
10. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
11. 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.
12. 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 the Respondent or, if the Respondent is not an individual, by the 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 the Respondent or the 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 Section §53a-157b of the Connecticut General Statutes and any other applicable law."

13. 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 the Respondent to an injunction and penalties.
14. 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.
15. Notice of transfer; liability of Respondent. Until the 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. The 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.
16. 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 the Respondents to undertake further investigation or further action to prevent or abate violations or pollution.
17. Respondent's obligations under law. Nothing in this Consent Order shall relieve the Respondent of other obligations under applicable federal, state and local law.
18. 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 the Respondent pursuant to this Consent Order will result in compliance.
19. Access to site. Any representative of the Department of Energy and 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.

20. 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.
21. 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 Consent 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.
22. 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 Consent Order or of any document required hereunder, the 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 the 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.
23. Submission of documents. Any document required to be submitted to the Commissioner under this Consent Order, unless otherwise specified in this Consent Order or in writing by the Commissioner, shall be directed to:

Teraesa Chagnon
Department of Energy and Environmental Protection
Air 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.

Norwalk Hospital Association

Signature: *Stephen M. Papp*

Type Name: *Stephen M. Papp*

Type Title: *Director of Facility Operations + E&C*

Date: *September 20, 2016*

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

Michael J. Sullivan

Michael J. Sullivan
Deputy Commissioner
Department of Energy and Environmental Protection

September 22, 2016

Date