



STATE OF CONNECTICUT)	ORDER NO. 8323
)	
vs.)	
)	
CONNECTICUT VALLEY HOSPITAL and)	
DEPARTMENT OF MENTAL HEALTH)	
AND ADDICTION SERVICES)	

CONSENT ORDER

Whereas, the Commissioner of Energy & Environmental Protection (“Commissioner”) and Connecticut Valley Hospital and Department of Mental Health and Addition Services ("Respondents") agree that it is in the public interest that they work cooperatively to improve the air quality within the State of Connecticut:

A. At the request and with the agreement of the Respondents, the Commissioner finds the following:

1. The Respondents are or have been engaged in the business of providing mental health and addiction services to the public. 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 fuel burning equipment:
 - a. Three (3) 53.29 MMBTU/hr Bigelow gas & oil-fired steam boilers (“Boiler #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.
3. Prior to May 2011, the Respondents operated their facility under a Title V Operating Permit. On June 2, 2011, the Respondent obtained approval to operate under the General Permit to Limit Potential to Emit from Major Stationary Sources of Air Pollutants, and the Title V Operating Permit was revoked.
4. The Boilers referenced in Paragraph A.2.a. of this Consent Order have potential nitrogen oxides (“NOx”) of 274 pounds or more per day, and are subject to Section 22a-174-22 of the Regulations of Connecticut State Agencies (“Regulations”) pertaining to the control of NOx emissions.

5. Section 22a-174-22(k)(2) of the Regulations requires that emissions testing be conducted when the source is operating at or above ninety percent (90%) of its maximum capacity, unless allowed otherwise by the Commissioner in a permit or order.
 6. The Respondent alleges that Boilers #2, #3 & #4 are incapable of operating at ninety percent (90%) of the maximum operating capacity due to age. The Respondents operated Boilers #2, #3 & #4 during emissions testing at less than the required ninety percent (90%) of maximum capacity. Pursuant to Section 22a-174-22(k) of the Regulations, the Respondents proposed to comply with the ninety percent (90%) of maximum capacity test by accepting a restriction on the actual operating capacity of Boilers #2, #3 & #4.
- B. The Commissioner, in accordance with the provisions of this Consent Order, pursuant to Section 22a-174-22 of the Regulations, hereby allows the Respondents to comply with Section 22a-174-22(k) of the Regulations at the facility through the use of a restriction on the actual operating capacity for Boilers #2, #3 & #4.
- C. With the agreement of the Respondents, the Commissioner, acting under Sections 22a-6, 22a-171, 22a-174, 22a-176, and 22a-177 of the Connecticut General Statutes, orders the Respondents as follows:
1. Boiler Operating Restrictions: Upon issuance of this Consent Order, the Respondents shall not cause or allow the actual operating capacity of Boilers #2, #3 & #4 to exceed levels specified in Table 1 of this Consent Order.

Boiler No.	Fuel Type	Fuel Input Rate (gallon/hr)
Boiler #2	#2 fuel oil	341.22
Boiler #2	#4 fuel oil	319.72
Boiler #3	#2 fuel oil	337.33
Boiler #4	#2 fuel oil	256.83

2. Record Keeping Requirements: The Respondents shall retain records and supporting documentation including, but not limited to, actual gallons or cubic feet per hour of fuel burned, to demonstrate that Boilers #2, #3 & #4 are operating in compliance with the maximum operating limits prescribed in Table 1 of this Consent Order. The Respondents shall retain records and supporting documentation as described for a minimum of five (5) years; commencing on the date such records were created.

The Respondents shall provide the records specified above to the Commissioner within thirty (30) days of receipt of a written request from the Commissioner. All records shall be maintained in accordance with Sections 22a-174-4 and 22a-174-22 of the Regulations.

3. Emissions testing: If at any time after issuance of this Consent Order the Respondents violate an operating restriction specified in paragraph C.1 of this Consent Order, then Respondent shall conduct NOx emissions testing of the boiler that was operated in violation of its associated operating restriction within ninety (90) days after the discovery of the violation in accordance with the following:
 - a. Not more than thirty (30) days after the discovery of the violation, the Respondents shall submit to the Commissioner for his review and written approval an Intent-To-Test ("ITT") protocol to perform the required emissions testing. The ITT protocol shall include at least:
 - i. The Department of Energy & Environmental Protection's ("Department") Bureau of Air Management Test Form No. 1, "Intent to Test";
 - ii. System operating parameters indicative of the highest operating rate since the last previous stack test or the most recent emissions test witnessed by the Department, whichever is more recent, including, but not limited to hourly fuel firing rate for all fuels burned during the test.
 - iii. Provision that the Respondents shall perform testing as specified in Sections 22a-174-5 and 22a-174-22 of the Regulations, including operating Boilers #2, #3 & #4 at not less than ninety percent (90%) of the highest operating rate for each fuel since its most recent NOx emissions test performed in accordance with this Order or Section 22a-174-22(k) of the Regulations.
 - b. The Respondents shall perform all testing required by this Consent Order in accordance with the approved ITT protocol.
 - c. In conducting and performing the testing required by this Consent Order, and analyzing the results of such testing, the Respondents shall adhere to methods specified in Sections 22a-174-5 and 22a-174-22 of the Regulations and as approved by the United States Environmental Protection Agency ("EPA") and the Commissioner.
 - d. The Respondents shall schedule all emissions testing so as to allow the Commissioner to be present during such testing and to independently verify facility operations, air pollution control equipment parameters, and testing procedures.
 - e. Within thirty (30) days after completing any emissions testing required by this Consent Order, the Respondents shall submit to the Commissioner a written report providing the

results of such testing. Within fifteen (15) days of a notice from the Commissioner indicating any deficiencies in such report, the Respondents shall submit a revised report.

The Respondent shall conduct NOx emission tests of Boilers #2, #3 & #4 pursuant to Section 22a-174-22(k) of the Regulations unless otherwise required by this paragraph.

4. Approvals: The 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 the Respondents that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved. The 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 thirty (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.
5. Definitions: As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
6. Dates: The date of "issuance" of this Consent Order is the date the Consent Order is signed by the Commissioner. 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.
7. 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' chief executive officer or a duly authorized representative of such officer, as those terms are defined in Section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, 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.”

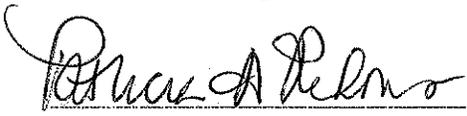
8. Non-compliance: This Consent Order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this Consent Order may subject Respondents to an injunction and penalties. Failure to operate within the limit set forth in Paragraph C.1 of this Consent Order could result in further enforcement action according to the Department of Environmental Protection’s Enforcement Response Policy.
9. 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.
10. Notice of transfer; liability of the Respondents: The Respondents 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 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.
11. Commissioner's powers: 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 the 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.
12. Respondents' obligations under law: Nothing in this Consent Order shall relieve Respondents of other obligations under applicable federal, state and local law.
13. 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 or prevent or abate pollution.
14. Access to facility: Any representative of the Department may enter the facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Consent Order.
15. 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.

16. Notice to Commissioner of changes: Within fifteen (15) days of the date Respondents 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, Respondents shall submit the correct or omitted information to the Commissioner.
17. Notification of noncompliance: In the event that Respondents 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, 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 noncompliance or delay unless specifically so stated by the Commissioner in writing. Failure of the monitoring system used to record hourly fuel consumption shall be reported in accordance with Section 22a-174-7 of the Regulations.
18. Submission of documents: Any document required to be submitted to the Commissioner under this Consent Order shall, unless otherwise specified in this Consent Order or in writing by the Commissioner, be directed to:

Seng Phouthakoun, APCE 2
Department of Environmental Protection
Bureau of Air Management
Engineering & Enforcement Division
79 Elm Street
Hartford, Connecticut 06106-5127

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 Respondents to the terms and conditions of the Consent Order.

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

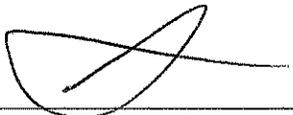
Signature: 

Type Name: Patricia Rehmer

Type Title: Commissioner

Date: 3/12/2013

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



Macky McCleary
Deputy Commissioner
Department of Energy & Environmental Protection

3/20/13
Date

CITY OF MIDDLETOWN
LAND RECORDS
MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED
Certified Document No. 94 148 1020088372 1726863

