



STATE OF CONNECTICUT)	Order No. 8338
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COVANTA PROJECTS of)	
WALLINGFORD, LLC)	

CONSENT ORDER

- A. With the agreement of Covanta Projects of Wallingford, LLC ("Respondent"), formerly known as Covanta Projects of Wallingford, L.P., the Commissioner of Energy & Environmental Protection ("Commissioner") finds the following:
1. The Respondent owns and operates a waste-to-energy plant, located at 530 South Cherry Street in Wallingford, CT. The facility is also known as the Wallingford Resource Recovery Facility ("facility").
 2. At the facility, the Respondent owns and operates three (3) municipal waste combustors ("MWCs"), which are regulated under Section 22a-174-38 of the Regulations of Connecticut State Agencies ("RCSA"). The MWCs were permitted by the Department in 1986, New Source Review ("NSR") permit Nos. 189-0061, 189-0062, and 189-0063.
 3. The facility is a "major source" of nitrogen oxide and hazardous air pollutants and is a "Title V source", as defined in Section 22a-174-33(a)(10) of the RCSA. The facility's current Title V permit No. 189-0157-TV was issued on 3/13/2014.
 4. The Respondent has decided to temporarily shut down the MWCs and operate the facility as a transfer station. The Respondent has indicated that the MWCs may be re-started again in the future.
 5. Since the MWCs will be shut down, there are certain requirements contained in the NSR permits, Title V permit, and Section 22a-174-38 of the RCSA, with which the Respondent will be unable to comply.

Date Issued: April 6, 2015

- 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. According to the Respondent, MWC #3 (permit No. 189-0063) was shut down on 2/3/2015.
 2. According to the Respondent, MWC #1 (permit No. 189-0061) will be shut down on 3/26/2015, and MWC #2 (permit No. 189-0062) will be shut down on 4/4/2015.
 3. Within five (5) days following the shutdown of MWC #1 and MWC #2, the Respondent shall submit written notice to the Commissioner stating the exact date that each unit was shutdown. Individual written notices shall be submitted for each unit. The MWC's may not be re-started without written approval from the Commissioner.
 4. For up to a two (2) year period following the date of shutdown of each MWC, the Commissioner hereby exempts the Respondent from the following for each shutdown unit:
 - a. All CEM activities and source emissions tests required by permit Nos. 189-0061, 189-0062, 189-0063, 189-0157-TV, and Section 22a-174-38 of the RCSA.
 - b. Section III.A.20: Operator Training and Certification
 - c. Section III.A.21: MWC O&M Manual: Only Section 21.a.ii.3 must be reviewed annually regarding procedures for receiving and handling MSW.
 5. While the MWCs are shutdown, the Respondent shall continue to comply with all other terms and conditions of permit Nos. 189-0061, 189-0062, 189-0063, 189-0157-TV, and Section 22a-174-38 of the RCSA except for those requirements identified in paragraph B.4. of this Consent Order.
 6. Should the Respondent decide to re-start any or all of the MWCs, the Respondent shall first notify the Commissioner, in writing, no later than sixty (60) days prior to re-starting the units.
 7. Prior to re-starting any or all of the MWCs, the Respondent shall perform a re-activation analysis. Such analysis shall include a report to be submitted for the Commissioner's review and written approval. Such report shall include the documentation of:
 - a. intentions by the Respondent to re-start the MWCs, including the creation of a timeline for the re-start of the MWCs.
 - b. demonstration of continual compliance with permit Nos. 189-0061, 189-0062, 189-0063, 189-0157-TV, and Section 22a-174-38 of the RCSA, except for those requirements identified in paragraph B.4. of this Consent Order.
 - c. maintenance of the facility in Connecticut's emissions inventory.
 - d. records of specific continued maintenance of the MWCs, including a recording of the number of man-hours dedicated to the maintenance of the units.
 - e. proposed emissions from the MWCs after re-start.
 - f. demonstration that CEM equipment has been properly maintained and is certified to be properly operating; or that a new and certified, or certified temporary CEM system is available.

8. All CEM activities required by permit Nos. 189-0061, 189-0062, 189-0063, 189-0157-TV, and Section 22a-174-38 of the RCSA, shall resume immediately upon re-start of the MWCs. All Source Emissions tests that are required by permit Nos. 189-0061, 189-0062, 189-0063, 189-0157-TV, and Section 22a-174-38 of the RCSA, will be required to be conducted within thirty (30) days of re-starting the units.
9. The Respondent shall continue to comply with the Stipulated Judgment Docket CV-10-6013746-S, which was issued in Hartford Superior Court on July 15, 2011.
10. Two (2) years after the shutdown dates provided for in paragraphs B.1. and B.2. of this Consent Order; the Respondent shall submit permit applications to the Commissioner. The type of applications required will be determined by the Commissioner and based on the reactivation analysis report that is required by Paragraph B.7. of this Consent Order. The facility shall not operate the MWCs until all permit applications have been acted on by the Commissioner and the necessary permits and/or permit revisions have been obtained.
11. 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.
12. 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.
13. Definitions. As used in this order, "Commissioner" means the Commissioner or a representative of the Commissioner.
14. 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.
15. 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."

16. 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.
17. 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.
18. Notice of transfer; liability of Respondent. Until the Respondent have 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.
19. 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.
20. Respondent's obligations under law. Nothing in this order shall relieve Respondent of other obligations under applicable federal, state and local law.
21. 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.
22. 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.

23. 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.
24. 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.
25. Notification of noncompliance. In the event that 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, 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.
26. 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
Air Engineering & Enforcement Division
79 Elm Street, 5th 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.

Covanta Projects of Wallingford, LLC

Signature: 

Type Name: PAUL E STANDER

Type Title: SVP

Date: 3/30/15

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



Robert J. Klee
Commissioner
Department of Energy & Environmental Protection

4/6/15
Date

MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED