

Managing Environmental Compliance in Connecticut



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Arthur J. Rocque, Jr.
Commissioner

<http://www.dep.state.ct.us>

Connecticut Department of Environmental Protection
Office of Enforcement Policy and Coordination

Issue 3

Connecticut Adopts More Stringent Underground Storage Tank Requirements

Recognizing a critical need to protect the State's ground water from the harmful effects of leaking underground storage tanks, Governor Rowland recently signed legislation designed to insure the structural integrity of new tanks installed in the State. Effective October 1, 2003, Section 12 of Public Act 03-218 requires double walled containment and continuous interstitial monitoring for all new non-residential underground storage systems. The bill also prohibits the operation and use of other types of underground storage tanks that are installed after that date.

By continuously monitoring the space between inner and outer walls of double-walled tanks and piping, UST owners will be alerted to breaches of outer walls (entry of groundwater into the interstitial spaces) or breaches of inner walls (entry of chemicals and petroleum products into the interstitial spaces) before contaminants enter the environment and threaten public health and safety. This "failsafe" provided by the additional containment wall and continuous interstitial monitoring will alert the UST owner/operator to looming problems and to affect repairs or replace the failed UST components before environmental damage occurs.



VEPCO Settlement Yields Significant Benefits to State

On April 22nd, 2003 EPA and the State of Connecticut, among others, announced the largest federal Clean Air Act enforcement settlement against a utility. The case against Virginia Electric Power (VEPCO), part of Dominion Resources was a well-coordinated effort between EPA, the Justice Department, the Connecticut Department of Environmental Protection, the Connecticut Attorney General's Office, and the states of New York, New Jersey, Virginia and West Virginia. The settlement resolves charges that the company violated applicable law by making major modifications to its power plants without installing equipment to control pollution that causes smog, acid rain and soot. The settlement requires VEPCO to take remedial action to control nitrous oxide (NOx), sulfur dioxide (SO2) and to reduce particulate matter. The settlement also includes 5.3 million dollars in penalties and 13.9 million dollars to fund supplemental environmental projects in affected states.

To control NOx (responsible for ozone, acid rain, PM2.5 and nitrogen deposition into Long Island Sound), the settlement requires VEPCO to install at their facilities pollution control equipment that will achieve an overall reduction of NOx throughout its entire system to .15 lb/mm BTU.

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Specialty Minerals Inc. and Minteq International Inc. Settle Environmental Violations

In the Town of North Canaan, Specialty Minerals Inc. ("Specialty") operates limestone processing facilities and Minteq International Inc. ("Minteq") manufactures calcium. Specialty and Minteq are wholly owned subsidiaries of Minerals Technologies, Inc. In early April 2003, Specialty and Minteq entered into an administrative consent order with the Department to resolve alleged environmental violations related to the release of polychlorinated biphenyls ("PCBs"), unpermitted wastewater discharges and underground storage tank system mismanagement.

The consent order alleges that Specialty and Minteq discharged approximately 100 gallons of PCB-containing oil to an unnamed tributary of the Blackberry River¹ without a permit. Specialty also failed to comply with the provisions of the General Permit for the Discharge of Stormwater Associated with Industrial Activity and discharged wastewaters to the storm sewer without a permit issued by the Commissioner. In addition, Specialty and Minteq operated four underground storage tank ("UST") systems in violation of UST regulations by failing to upgrade or modify the systems to bring them into compliance with standards for new UST systems. The UST systems were found to be leaking oil that contained PCBs and mercury.



The consent order requires Specialty and Minteq to investigate areas of potential contamination and to perform remedial actions to the satisfaction of the Commissioner. Minteq is already undertaking site investigations of contaminants released from the UST systems pursuant to previous orders - one issued by the Commissioner and one issued by the United States Environmental Protection Agency. Pursuant to the April 9, 2003 consent order, Specialty and Minteq paid a civil penalty of \$11,000 and funded a \$250,000 supplemental environmental project designed to identify, remove and properly dispose of PCB-containing electrical equipment found at abandoned industrial sites in the State. Specialty and Minteq also provided an additional \$80,000 for various local supplemental environmental projects related to pollution prevention and emergency response.

Web Tools Available for Colleges and Universities

The U.S. Environmental Protection Agency's New England Office has made two on-line tools available to help colleges and universities come into compliance with environmental laws and further improve their environmental performance. The web sites provide practical information on environmental requirements, specific steps for achieving compliance, improving environmental performance and the potential resulting savings for colleges, universities, high schools and other educational institutions working with hazardous chemicals in their various departments.

The first website - at <http://www.c2e2.org/evc> - is a Virtual Environmental Campus developed by the Massachusetts Institute of Technology that provides compliance information and good management practices on numerous issues. The second web tool is a catalog of best management practice case studies included as part of EPA New England's college and university assistance web site. The case studies highlight successful strategies colleges and universities have used to make environmental improvements. The catalog (along with the EMS guide and other information for colleges and universities) is available at <http://www.epa.gov/ne/assistance/univ>.

¹The Department is currently investigating the source, extent and cause of a July 10th incident that killed an estimated 4,000 fish in the Blackberry River. The Department has no reason to believe there is a connection to Specialty or Minteq operations at this time.

VEPCO Settlement *(continued from page 1)*

To be installed over an eleven year period beginning in 2004, the controls will reduce NOx emissions from the VEPCO system from 104,000 tons per year in 2003 to slightly over 30,000 tons per year by 2013. To put these reductions into perspective, Connecticut's limit of allowable NOx emissions from all of its facilities combined is 4,477 tons per five-month ozone season.

VEPCO is further responsible for reducing its SO₂ (responsible for acid rain, particulate matter and haze) emissions by 95 percent by 2013. Finally, as a result of pollution controls being placed on equipment by VEPCO, particulate matter (responsible for haze and respiratory illness) will be substantially reduced. VEPCO has agreed to install continuous emission monitoring to measure emission of particulate matter, and to study ways to further reduce these emissions.

Regarding supplemental environmental projects included in the settlement, Connecticut will receive 1.1 million dollars to support the Department's Clean School Bus Program, a project designed to reduce diesel emissions from school buses. Diesel fuel powers 99% of the State's school buses. Diesel exhaust contains fine particulate matter and forty chemicals that are classified as hazardous air pollutants under the Clean Air Act. Classified as a probable human carcinogen by EPA, diesel emissions are a likely contributor to the prevalence of childhood asthma in the State. Relying on bus retrofit technology and clean fuels to significantly cut harmful bus emissions, the Clean School Bus Program is expected to reduce risk exposure to children and improve air quality. If you would like more information on the settlement, please contact Chris James, Planning Director, Bureau of Air Management at (860) 424-3027.

Department Issues Decisions on Two Power Plant Applications

On June 26, 2003, the Department issued final decisions on two separate permit applications involving power generating facilities. Commissioner Arthur J. Rocque, Jr. issued a Final Decision recommending the granting of permits to Towantic Energy, LLC to construct and operate a combined cycle gas turbine plant in Oxford capable of producing 512 megawatts of power. The Commissioner also issued a Final Decision denying permits to Quinnipiac Energy, LLC to operate two existing deactivated boilers at the English Station facility located on Grand Avenue in New Haven. Quinnipiac Energy had proposed to reactivate two oil-burning burners for operation during peak electricity demands in Connecticut.

In the Towantic Energy, LLC decision the Commissioner, after considering issues raised by the parties to the proceeding and the broader energy and environmental impacts of the proposed project, concluded "...that the benefits of the proposed project include not only its potential to substantially augment the existing reliability and quantity of electrical power available to the New England region but also its potential to improve air quality by supplanting power generation by older, fossil-fueled facilities that presently contribute to the degradation of air quality in the region."

In the Quinnipiac Energy, LLC decision, among the issues and factors considered by Commissioner Rocque were current air quality and proposed air quality standards and potential health implications of the proposed facility. As stated in the Final Decision, the proposed project met current applicable standards under the applicant's self-imposed operating restrictions. In denying the applications for permits to operate the two boilers, Commissioner Rocque took a broader look at both the current and future air quality regulatory scheme and whether the proposed facility would directly impact the City of New Haven's ability to attain state and federal air quality standards.

Final Decisions, including the Towantic Energy, LLC and the Quinnipiac Energy, LLC decisions, are available on the Department's website at <http://www.dep.state.ct.us/adjud/decisions.htm>.

General Permit Initiative Results in Increased Registrations

The Department continues to direct resources to assuring compliance with general permits. One recent initiative was designed to increase the number of registrants covered under the General Permit for the Discharge of Minor Printing and Publishing Wastewater. As a result, the number of registrants covered by the printing and publishing wastewater general permit grew by more than 200%.

When the initiative began in January 2002, the Department had records of less than 60 registrants under the printing and publishing wastewater general permit. Based on Department of Economic and Community Development records, the size of the printer universe in Connecticut was estimated at over 1000. The Department mailed to all known unregistered printers a copy of the general permit, a general permit registration form, printing and publishing environmental fact sheets and a questionnaire to be returned to the Department. Unregistered dischargers of printing and publishing wastewaters were offered a limited time to register for the printing general permit or to apply for an individual permit, as necessary, without fear of enforcement for not having obtained a permit in a timely manner.

Over fifty-three percent of the recipients replied to the Department's questionnaire. Of them, sixty-six percent indicated that they did not discharge wastewater as part of their operations or that they no longer engaged in the printing/publishing business. Another eight percent indicated that wastewaters are shipped off-site and twenty-six percent of those responding indicated an on site discharge. The Department followed up with on site dischargers to assure that a complete registration was submitted in a timely fashion. As a result, the number of registrants under the General Permit for the Discharge of Minor Printing and Publishing Wastewater increased from less than 60 to 180.

In addition, the Department randomly selected and then inspected 30 sites that did not respond to the questionnaire. Of the facilities inspected, four had a discharge; however two of the four were already registered but under another name. The unregistered dischargers were subject to enforcement action and required to register for the general permit.

Connecticut Department of Environmental Protection

Arthur J. Rocque, Jr.
Commissioner

Jane K. Stahl
Deputy Commissioner

Office of Enforcement Policy and Coordination

Paul Balavender, Director
Michael Hart
Susan Zampaglione

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EPA Best Practices Guide

EPA has released a comprehensive voluntary industrial waste management guide that identifies the best management practices for a full range of non-hazardous industrial wastes. The guide encourages effective communications and pollution prevention and provides useful information on waste management topics such as siting, designing, operating, monitoring, taking corrective action and closing industrial waste management units. The guide is available on CD-ROM and in hard copy. Visit www.epa.gov/epaoswer/non-hw/industd/info.htm or call the RCRA Call Center at (800) 424-9346.