



Integrating Environmental Justice in Air Permitting

Presented at:

SIPRAC

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Agenda

- Overview of CT's Environmental Justice (EJ) Law
- First permit application under the EJ Law
- Lessons learned



"..no segment of the population should, because of its racial or economic makeup, bear a disproportionate share of the risks and consequences of environmental pollution or be denied equal access to environmental benefits."

CTDEP's Environmental Equity Policy, 1993



Conn. Gen. Stat. *Section 22a-20a* Environmental Justice Community

Requires: Meaningful public participation

- Must submit EJ Public Participation Plan
- Must hold a public information meeting
- Must involve community and elected officials
 - May include a Community Environmental Benefit Agreement
- www.cga.ct.gov/2011/pub/chap439.htm#Sec22a-20a.htm



EJ Public Participation Plan

Requires CTDEP approval prior to submitting a permit application:

- for an “affected facility”;
- the expansion of an “affected facility”, and
- is located in an “environmental justice community”
- Additional info at www.ct.gov/dep/cwp



Affected Facilities

- Electric generating facility—capacity > 10 megawatts
- Sludge or solid waste incinerator or combustor
- Medical waste incinerators
- Major source of air pollution as defined by the federal Clean Air Act



Expansion

At an existing affected facility, addition of new emission unit or modification of existing emission unit, such as:

- Increase emissions of any individual air pollutant by 15 tons or more per year; or
- Increase emissions of hazardous air pollutant by 10 tons or more per year



EJ Community

- Towns listed as a “distressed municipality” by the Department of Economic and Community Development (DECD)
- Towns not on the DECD “distressed municipality” list but have a U.S. census block group(s) where >30% of the population has an income of below the 200 % federal poverty level



PSEG – NEW HAVEN HARBOR STATION PEAKING POWER PLANT PROJECT NEW HAVEN, CT



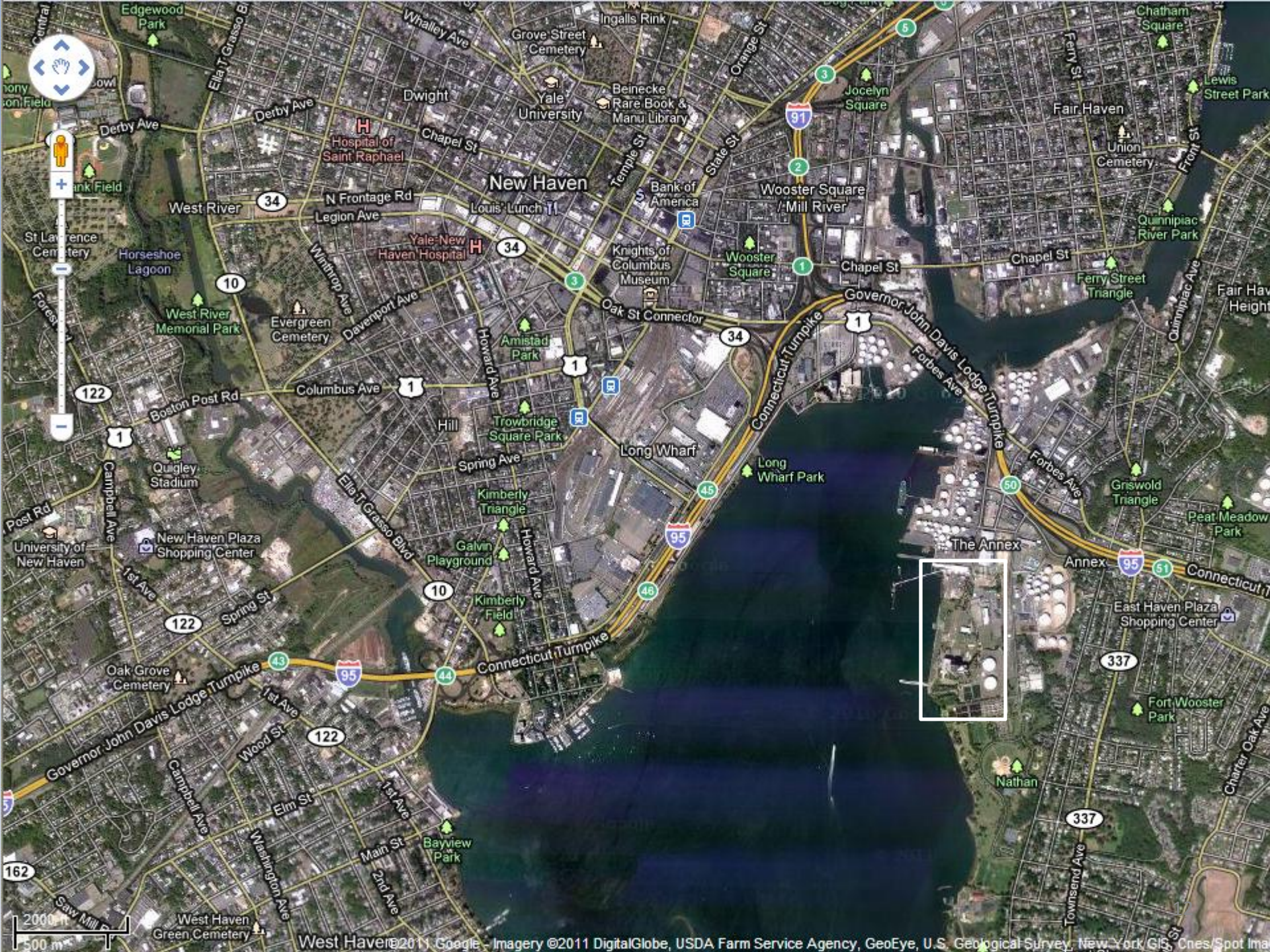
Facility Background

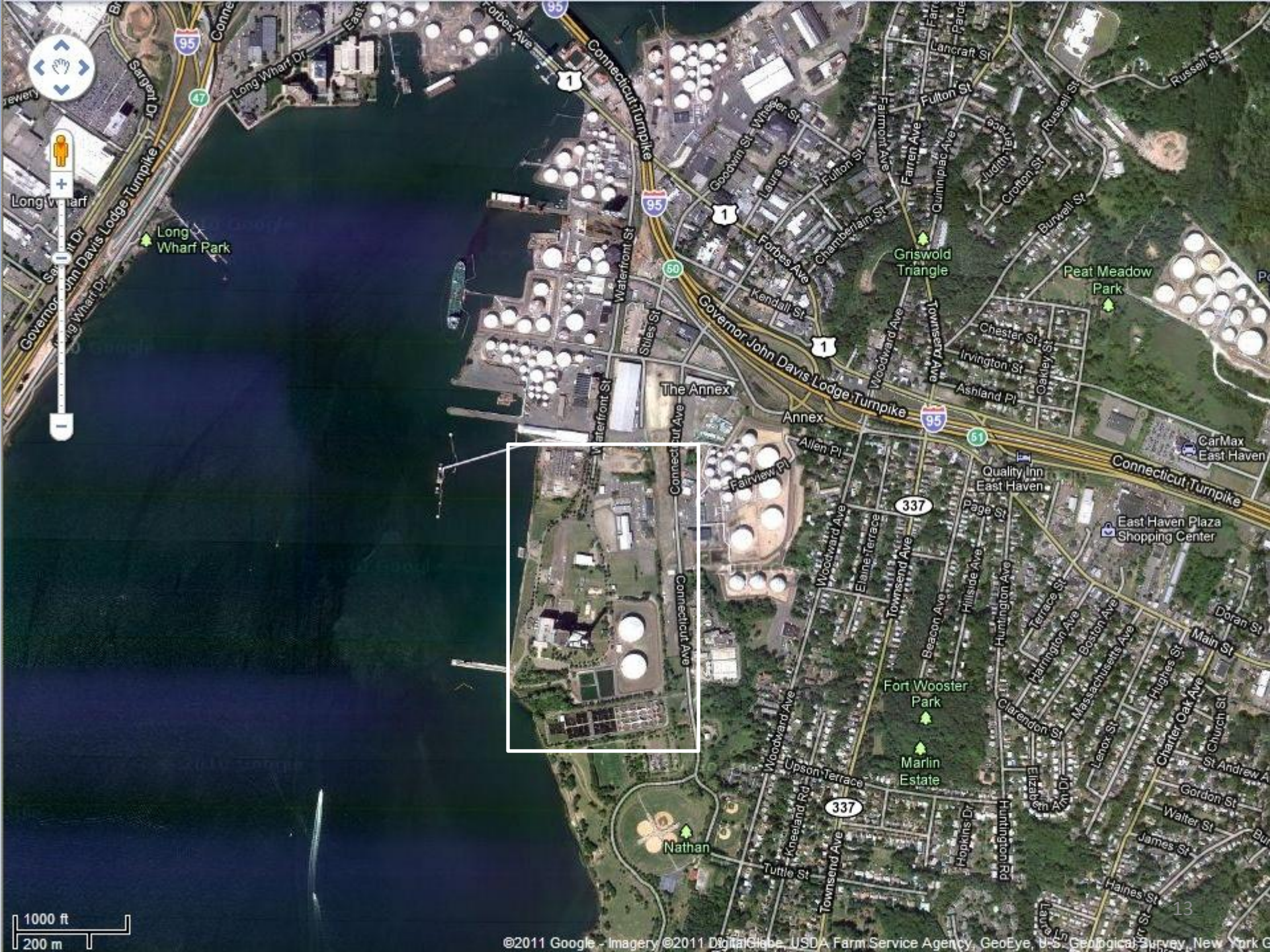
EXISTING

- 450 MW oil fired EGU
- #6 fuel oil/Natural Gas
- ESP/LNB/FGR/LSFO (0.3%)
- Load Following Boiler
- Constructed 1975
- NSR permit
- Title V renewal pending

PROPOSED

- 3 – 50 MW LM6000 CTs
- Natural Gas/ULSD (15 ppm)
- SCR/oxidation catalyst
- Peaking Units (10 min start)
- Awarded state contract requiring commercial operation by 6/1/12





1000 ft
200 m



Meaningful Public Participation

- PSEG EJ Plan approved by CTDEP
- Informational meeting held
- Public Reaction
 - Negative
 - “straw that breaks New Haven’s back”
 - 2010 Toyota Prius vs. 1975 Cadillac El Dorado
- CTDEP attended but not official party



Community Benefit Agreement

- Parties
 - PSEG, City of New Haven, CT Fund for the Environment, CT Coalition for EJ, and NH Environmental Justice Network
 - CTDEP was not a party to these negotiations
- Premise of CBA
 - No net increase in air emissions at the facility
 - Agree not to oppose project and Title V renewal



Community Benefit Agreement

- Peakers – use natural gas whenever available
- Unit 1 – redefine operating protocols to reduce NO_x, SO₂, and PM through co-firing oil/natural gas
- \$500,000 - East Shore Air Quality Account to assist in reducing PM emissions
- Incorporate CBA into Title V permit



Issues with CBA

- Permit process wrong
- Conditions were difficult to enforce, included actions from 3rd parties
- Conditions contingent on weather, electricity demand, fuel prices and emergency events
- Record keeping and monitoring lacking
- Not all conditions ensured reductions



Incorporating the CBA into the NSR Permit

- Approach 1 - Just reference the existence of the CBA
 - Bad reaction from environmental groups
- Approach 2 – Incorporate by Reference
 - Bad reaction from CTDEP Enforcement Section
- Approach 3 - Draft permit language we felt was enforceable and reduced emissions without changing intent of CBA



Approach 3 – Environmental Outcomes

- Peakers – use natural gas whenever available
- Reduced Unit 1 output by 4 MW per hour per peaker when operated
- Unit 1 - co-fire with NG during entire ozone season, (no conditions other than availability)
- Unit 1 - co-fire with NG during non-ozone season when peakers operate
- Strengthened record keeping to determine compliance with the conditions of the CBA



Lessons Learned

- EJ Law works
- Eliminated adjudicatory hearing
- Build trust with your environmental groups
- Permitting Agency needs to be involved



Other Examples

- Saint Raphael's Hospital
 - Waterbury Generation
- (Both prior to EJ Law)*