



STATE OF CONNECTICUT DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT)	ORDER NO. 2151
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VS.)	
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PFIZER, INC)	
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CONSENT ORDER

- A. With the agreement of Pfizer Inc. ("Respondent"), the Commissioner of Environmental Protection ("Commissioner") finds the following:
1. The Respondent is a corporation located on Eastern Point Road in Groton ("facility").
 2. At the facility, the Respondent operates a Kohler 500ROZD generator powered by a 830 horsepower diesel engine ("EU-19") and a Caterpillar 3406C-DITA generator powered by a 587 horsepower diesel engine ("EU-38") that are subject to Section 22a-174-22 of the Regulations of Connecticut State Agencies ("Regulations") pertaining to the control of nitrogen oxides ("NOx") emissions. Both EU-19 and EU-38 are classified as emergency engines in accordance with Section 22a-174-22(a)(3) of the Regulations. The Respondent also operates a combined heat and power Cogeneration Facility consisting of a Solar Mars 100S Turbine with a Coen Duct Burner and Deltak Heat Recovery Steam Generator ("Cogen").
 3. Pursuant to Section 22a-174-22(b)(3) of the Regulations, subsections (d) through (k) of Section 22a-174-22 of the Regulations shall not apply to the owner or operator of an emergency engine.
 4. Pursuant to Section 22a-174-22(b)(5) of the Regulations, subsections (d) through (k) of Section 22a-174-22 of the Regulations shall apply to the owner or operator of an emergency engine if, after May 1, 1997, such engine operates for routine, scheduled

testing or maintenance on any day for which the Commissioner has forecast that ozone levels will be “moderate to unhealthy”.

5. Pursuant to Section 22a-174-22(k)(1) of the Regulations, the owner or operator of stationary source subject to an emission limitation under Section 22a-174-22 of the Regulations, shall conduct an emission test to demonstrate compliance no later than one year after becoming subject.
6. On January 10, 2003, the Respondent was issued Title V Operating Permit No. 070-0192-TV.
7. On July 16, 2008, the Respondent was issued Permit No. 070-0268 for the operation of the Cogen.
8. On January 29, 2009, in accordance with Title V Operating Permit No. 070-0192-TV, the Respondent reported a deviation from Condition No. 62 of Table III.G of Title V Operating Permit No. 070-0192-TV in their Title V Semi-Annual Monitoring Report dated January 23, 2009. The report indicated that EU-19 and EU-38 were inadvertently operated on July 22, 2008 and July 2, 2008, respectively, for routine maintenance related activities on days that the Commissioner had forecasted as “moderate to unhealthy”. As a result, EU-19 and EU-38 became subject to subsections (d) through (k) of Section 22a-174-22 of the Regulations.
9. Notice of Violation (“NOV”) No. 16419 was issued to the Respondent on October 27, 2009 for failing to conduct NO_x emission tests on EU-19 and EU-38 no later than one year after becoming subject to Section 22a-174-22(k)(1) of the Regulations.
10. On December 23, 2009, the Respondent replied to NOV No. 16419 and confirmed that EU-19 and EU-38 were operated for routine maintenance related activities on days that the Commissioner had forecasted as “moderate to unhealthy” and that emission tests had not been performed on either unit.
11. On July 16, 2010, in accordance with Title V Operating Permit No. 070-0192-TV, the Respondent reported a deviation from Permit Conditions III.E.3, III.E.4 and III.L in a Title V Prompt Deviation Report dated July 14, 2010. The report indicated that the Cogen failed to properly operate the selective catalytic reduction system during normal operations in accordance with Permit No. 070-0268 and that this failure caused an exceedance of the NO_x limit, on a pound per hour basis, found in Permit No. 070-0268.
12. By virtue of the above, the Respondents violated Sections 22a-174-22 of the Regulations of Connecticut State Agencies, Permit No. 070-0268 and Title V Operating Permit No. 070-0192-TV.

B. With the agreement of the Respondents, the Commissioner, acting under §22a-6, 22a-171, 22a-174, 22a-177, and 22a-178 of the Connecticut General Statutes, orders the Respondent as follows:

1. Respondent shall perform NO_x emission testing on the two generators identified in paragraph A.2. of this consent order. Such testing shall be done in accordance with Sections 22a-174-22(k) and 22a-174-5 of the Regulations and paragraph B.2 of this consent order. For each unit, Respondent shall submit a final test report as required under subparagraph B.4.(d) of this consent order.
2. Emission Testing. Except as otherwise provided in this consent order or by the Commissioner in writing, all emissions testing required under this consent order shall be conducted and reported as follows:
 - a. Within 30 days after issuance of this consent order, Respondent shall submit to the Commissioner for the Commissioner's review and written approval an Intent to Test ("ITT") protocol for such emission testing. The ITT protocol shall include at least:
 - i. The Department's Bureau of Air Management "Emission Testing or CEM Intent-to-Test Transmittal Form (DEP-AIR-ITT-001) revised on 4/22/09;
 - ii. A detailed description of all aspects of facility operations (e.g., type and quantity of raw materials utilized) and of any air pollution control equipment in use (e.g., screen mesh size, control equipment efficiency) which may affect emissions testing results, and how and when such information will be monitored;
 - iii. A detailed description of each emissions testing methodology to be utilized, provided that all such methodologies shall conform to those approved by the U.S. Environmental Protection Agency and the Commissioner; and
 - iv. A description of each discharge point at which emissions testing is to be conducted.
 - b. The Respondent shall provide to the Commissioner any information that the Commissioner deems necessary to review Respondent's ITT protocol.
 - c. Within 45 days after the Commissioner approves an ITT protocol, Respondent shall complete emission testing in accordance therewith. Respondent shall schedule all emission testing so as to allow the Commissioner to be present during such testing and to independently verify relevant facility operations, air pollution control parameters and testing procedures.

- d. Within 30 days after completing any emission testing required by this consent order, Respondent shall submit to the Commissioner a written report providing the results of such testing; within 15 days of a notice from the Commissioner indicating any deficiencies in such report, Respondent shall submit a revised report.
3. If the results of the emissions tests required by Paragraph B.1 of this consent order exceed the emission limitations of Section 22a-174-22(e) of the Regulations; then the Respondent shall:
 - a. Submit a compliance plan, for the Commissioner's review and written approval, within thirty (30) days of receiving the Commissioner's written acknowledgement that the results of the emissions tests were representative of actual emissions. Such compliance plan shall propose methods and a schedule for the Respondent to bring the engine(s) that exceed the emissions limits of Section 22a-174-22(e) of the Regulations into full compliance with Section 22a-174-22 of the Regulations.
 - b. Should the Commissioner issue a written notice of deficiency regarding the Respondent's compliance plan, the Respondent shall submit a revised plan in accordance with the timeframes specified in the notice of deficiency.
 - c. The Respondent shall implement all compliance methods approved by the Commissioner in accordance with the schedule approved by the Commissioner.
4. Within ninety (90) days of the issuance of this Consent Order, the Respondent shall submit to the Commissioner, for review and written approval, an augmented Operations and Maintenance Plan for the Cogen that contains provisions to prevent the recurrence of the violations described in Paragraph A.11 of this Consent Order.
5. Civil Penalty. On or before thirty (30) days after issuance of this consent order, the Respondent shall submit a penalty of \$31,266 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in Paragraph A.12 of this consent order.
6. Payment of penalties. Payment of penalties under this consent order shall be mailed or personally delivered to the Department of Environmental Protection, Bureau of Financial and Support Services, Accounts Receivable Office, 79 Elm Street, Hartford, CT 06106-5127, and shall be by certified or bank check payable to "Treasurer, State of Connecticut." The check shall state on its face, "Bureau of Air Management, Engineering and Enforcement Division Civil Penalty, Consent Order 2151".

7. Progress Reports. On or before the last day of March, June, September, and December of each year after issuance of this consent order, and continuing until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction, Respondent shall submit a progress report to the Commissioner describing the actions which Respondent has taken to date to comply with this consent order.
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 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, 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 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."

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, the 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 the Respondent 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 Respondent 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 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. Joint and several liability. Respondent shall be jointly and severally liable for compliance with this Consent Order.
24. 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:

Supervisor of Administrative Enforcement
Department of Environmental Protection
Bureau of Air Management
Engineering and 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 the Respondent to the terms and conditions of the consent order.

Pfizer, Inc.

Signature: Cameron MacKenzie, PE

Type Name: Cameron MacKenzie, PE

Type Title: Executive Director

Date: September 23, 2010

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

Amey Marrella
Amey Marrella
Commissioner

9/28/10
Date

MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED