

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT )
VS. )
PPL WALLINGFORD ENERGY, LLC )

Order No. 2209

CONSENT ORDER

- A. With the agreement of PPL Wallingford Energy, LLC ("Respondent"), the Commissioner of Environmental Protection ("Commissioner") finds the following:
1. Respondent operates an electricity generating facility at 115 John Street, Wallingford, Connecticut ("facility"), which is a subdivision of land located at 155 John Street, owned by the Town of Wallingford.
2. At the facility, Respondent owns and operates a nominal rated 250 megawatt simple cycle combustion turbine power plant. The facility consists of five 50 MW General Electric LM 6000 Combustion Turbines, one 33.475 MMBtu/hr Cleaver Brooks boiler and one 60kW Black Start Diesel generator.
3. The operation is subject to Section 22a-174-33 of the Regulations of Connecticut State Agencies ("RCSA") because the Respondent has the potential to emit carbon monoxide and particulate matter in excess of 100 tons per year and therefore, is a Title V source.
4. On February 11, 2008, Title V Permit #189-0021-TV was issued to the Respondent, which included the requirements of New Source Review ("NSR") Permits #189-0194 through #189-0198 for the five Combustion Turbines. On December 8, 2009, Title V Permit #189-0021-TV was modified.
5. Pursuant to Section III.A Table IIIA.3 of Title V Permit #189-0021-TV, 'The nitrogen oxides ("NOx") NOx emissions for each unit shall not exceed 2.5 ppmvd @ 15% oxygen ("O2") and the NOx emissions shall not exceed 4.3 lb/hr. and the NOx emissions for each unit shall not exceed 8.6 tons per year.'
6. Pursuant to Section III.A Table IIIA.4 of Title V Permit #189-0021-TV, 'Start-up and shutdown period shall not exceed 180 minutes for each event, the NOx emissions for

each unit shall not exceed 40 lb/hr during the start-up period, the NOx emissions for each unit shall not exceed 20 lb/hr during the shutdown period.'

7. Pursuant to Section III.A Table IIIA.7 of Title V Permit #189-0021-TV, 'The ammonia ("NH3") emissions for each unit shall not exceed 6.0 ppmvd @ 15% O2 and the ammonia emissions for each unit shall not exceed 3.73 lb/hr.'
  8. The Title V Semiannual Monitoring Reports and Continuous Emissions Quarterly Summary Reports submitted for the monitoring periods between January 1, 2008 and June 30, 2009 reported NOx and NH3 emissions in excess of permitted limits. One or more of the five GE LM 6000 Combustion turbines have exceeded the limits specified in Table III.A sections 3, 4, 7, of Title V Permit #189-0021-TV.
  9. On August 28, 2009, Notice of Violation #16401 was issued for failing to comply with the NSR permits and Title V Permit #189-0021-TV.
  10. On June 9 and June 10, 2010, an Air Pollution Control Engineer of the Department's Air Bureau conducted a Full Premises Evaluation Inspection at the facility based on the Pre-Inspection Questionnaire (PIQ) dated February 25, 2010.
  11. The Engineer determined that the Respondent was still exceeding the emission limitations for NOx and NH3 of the NSR permits and section III.A of Title V Permit #189-0021-TV during the period from July 9, 2009 through June 10, 2010.
  12. On July 30, 2010, Notice of Violation #16575 was issued to the Respondent for failing to comply with the terms of Title V Permit #189-0021-TV.
  13. By virtue of above, the Respondent violated Title V Permit #189-0021-TV, NSR Permits #189-0194 through #189-0198 and Sections 22a-174-33 and 22a-174-3a(h) of the RCSA.
  14. By agreeing to the issuance of this Consent Order, the Respondent makes no admission of fact or law with respect to the matters addressed herein other than Paragraphs A.1 and A.2
- 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. Civil Penalty. On or before thirty (30) days after the issuance of this Consent Order, the Respondent shall pay a penalty of \$23,400 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraphs A.8 through A.13 of this Consent Order for exceedances of the permit limits, including those exceedances identified by the Respondent to the Department through November 2010.

2. Payment of penalties. Payment of penalties under this Consent Order shall be mailed or personally delivered to Bureau of Financial & Support Services--Accounts Receivable Office ["F&SS"], Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106, and shall be by certified or bank check payable to the Connecticut Department of Environmental Protection. The check shall state on its face, "Air Management Civil Penalty, Engineering and Enforcement Division, Consent Order No. 2209".
3. Full compliance. 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.
4. Approvals. 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 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 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 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.
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 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 Section §53a-157b of the Connecticut General Statutes and any other applicable law."

8. 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 Respondent to an injunction and penalties.
9. False statements. Any false statement in any information submitted pursuant to this Consent Order is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
10. Notice of transfer: liability of Respondent. Until Respondent has fully complied with this Consent Order, 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. 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.
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 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. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent 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.

14. 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.
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 15 days of the date 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, Respondent shall submit the correct or omitted information to the Commissioner.
17. 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 Consent Order or of any document required hereunder, Respondent shall immediately notify by telephone the Bureau of Air Management Unit 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.
18. Submission of documents. Any document required to be submitted to the Commissioner under this Consent Order, unless otherwise specified in this Consent Order or in writing by the Commissioner, shall be directed to:

Aileen Matta  
Engineering and Enforcement Division  
Bureau of Air Management  
Department of Environmental Protection  
79 Elm Street, 5<sup>th</sup> 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.

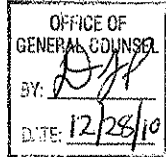
PPL Wallingford Energy, LLC

Signature: *Dennis J. Murphy*

Type Name: DENNIS J. MURPHY

Type Title: Vice President & Chief Operating Officer

Date: 01/03/2011



Issued as an order of the Commissioner of Environmental Protection.

*Amy Marrella*  
Amy Marrella  
Commissioner

January 4, 2011  
Date

TOWN OF WALLINGFORD  
LAND RECORDS

AM/am