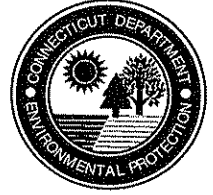


STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT)
VS.)
CITY OF SHELTON)
WATER POLLUTION CONTROL)
AUTHORITY)

ORDER NO. 2227

CONSENT ORDER

- A. With the agreement of the City of Shelton's Water Pollution Control Authority ("Respondent"), The Commissioner of Environmental Protection ("Commissioner") finds the following:
1. The Respondent is a municipal water pollution control authority, which operates a sewage treatment facility located at 10 Riverdale Avenue, Shelton, Connecticut ("facility").
2. At the facility, the Respondent treats domestic wastewater by a treatment process, which typically involves influent screening, influent pumping, flow measurement, primary settling, aeration, final settling, chlorination, and sludge thickening and storage ("wastewater treatment process").
3. Pursuant to Section 22a-174-23(a)(1) of the Regulations of the Connecticut State Agencies ("Regulations"), no person shall cause or permit the emission of any substance or combination of substances, which creates or contributes to an odor, in the ambient air, that constitutes a nuisance which term is defined in Section 22a-174-23(a)(2) of the Regulations.
4. On May 5, 2009, March 26, 2010, February 25, 2011, April 1, 2011 and April 25, 2011 representatives of the Department of Environmental Protection ("Department") inspected the facility and determined that the Respondent caused or permitted nuisance odors at the facility that violated Section 22a-174-23 of the Regulations.
5. Pursuant to Section 22a-174-22 of the Regulations, a stationary source with potential Nitrogen Oxides ("NOx") emissions greater than two hundred seventy-four (274) pounds per any day from May 1 to September 30 is subject to the provisions in Section 22a-174-22 of the Regulations.
6. On April 11, 2011, a representative of the Department conducted an inspection at the facility and determined that the potential emissions of NOx for the emergency generator referenced in paragraph B.2 of this Consent Order are greater than two hundred seventy-four (274) pounds per day from May 1 to September 30; therefore, the emergency generator is subject to the provisions of Section 22a-174-22(m) of the Regulations.

7. Pursuant to Section 22a-174-22(m) of the Regulations, the Respondent was required to submit a NOx Compliance Plan for the emergency generator referenced in Paragraph B.2 of this Consent Order.
 8. The Respondent has not submitted a NOx Compliance Plan to the Commissioner as required by Section 22a-174-22(m) of the Regulations.
 9. By virtue of the above, the Respondent has violated Sections 22a-174-22 & 23 of the Regulations.
- B. With the agreement of the Respondent, 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. Within thirty (30) days after issuance of this Consent Order, the Respondent shall notify the Commissioner, in writing, of the identity of the consultant it intends to retain to prepare the documents and implement or oversee the actions specified in paragraphs B.5. to B.10. of this Order. The consultant retained shall be a qualified professional engineer licensed to practice in Connecticut who has training and experience in odor science. The Respondent's submission shall include a description of the consultant's relevant education, experience, and training for the Commissioner's review and written approval.
 2. Within thirty (30) days after the receipt of the Commissioner's approval, the Respondent shall retain one or more of the qualified consultants approved by the Commissioner.
 3. Until this Order has been fully complied with, the Respondent shall retain one or more qualified consultants approved by the Commissioner in accordance with Paragraphs B.2. and B.3. of this Order. At least ten (10) days prior to retaining any consultant other than those originally identified under Paragraph B.2. of this Order, the Respondent shall notify the Commissioner, in writing, of the identity of such other consultant, and provide a description of the consultant's relevant education, experience and training for the Commissioner's review and approval.
 4. Within ninety (90) days after issuance of this Consent Order, the Respondent shall submit a NOx Compliance Plan in accordance with Section 22a-174-22(m) of the Regulations.
 5. Within ninety (90) days after issuance of this Order, the Respondent shall submit for the Commissioner's review and written approval an initial comprehensive, thorough, and approvable report ("initial report") which contains the following:
 - i. Identification of the source(s), cause(s) and characteristics of odors emanating from the facility and the daily frequency and duration of the activity, which causes the generation of such odor.
 - ii. A proposal of one or more remedial actions to abate such odor.

- iii. An estimate of cost for each proposed action, a schedule for implementing each proposed action, and supporting justification as to why the proposed remedial action(s) is likely to abate such odor.
- iv. A detailed program and schedule to perform the proposed action(s).
- v. A detailed program and schedule to monitor the effectiveness of such remedial action(s).

The Respondent shall address deficiencies within the timeframe specified in any Notice of Deficiency sent by the Commissioner.

6. Upon receipt of the Commissioner's approval of the initial report, the Respondent shall perform the approved remedial action(s) in accordance with the initial report and approved schedule.
7. Within fifteen (15) days after completing the actions required by paragraphs B.5. and B.6. of this Order, the Respondent shall certify to the Commissioner in writing that the actions have been completed as approved.
8. If the approved remedial actions identified in the initial report do not result in abatement of the odors to the satisfaction of the Commissioner, additional abatement actions and a program for monitoring and reporting on the effectiveness of those actions shall be presented to the Commissioner in a supplemental report. The supplemental report shall:
 - i. Evaluate alternatives for remedial action(s) to abate such odor, including an estimate of cost for each alternative identified, and a schedule for implementing each alternative.
 - ii. Propose a preferred alternative for abating such odor with supporting justification as to why the preferred remedial action is likely to abate the odor.
 - iii. Propose a detailed program and schedule to perform the preferred remedial action and to monitor the effectiveness of such remedial action.

Unless otherwise specified in writing by the Commissioner, the supplemental report and schedule shall be submitted for the Commissioner's review and written approval on or before thirty days (30) after notice from the Commissioner that they are required.

9. Upon receipt of the Commissioner's approval of the supplemental report, the Respondent shall perform the preferred remedial action identified in the supplemental report in accordance with the supplemental report and approved schedule.
10. Until the Respondent's corrective actions result in the prevention and abatement of violation of Section 22a-174-23 of the Regulations to the Commissioner's satisfaction, the Respondent shall submit a written supplemental plan and schedule for the implementation of additional corrective

action. The Respondent shall submit the plan and schedule within thirty (30) days of receipt of notice from the Commissioner that additional corrective action is required. The plan and schedule shall be subject to the Commissioner's review and written approval and/or amendment. The Respondent shall complete all additional corrective actions according to the schedule approved by the Commissioner.

11. Civil Penalty. On or before thirty (30) days after issuance of this Consent Order, the Respondent shall pay a penalty of three thousand and nine hundred dollars (\$3,900) as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraph A.4 of this Consent Order.
12. Payment of penalties. Payment of penalties under this consent order shall be mailed or personally delivered to the Bureau of Financial & Support Services—Accounts Receivable Office, Department of Environmental Protection, 79 Elm Street, Hartford, CT 06106-5127, 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 & Enforcement Division, Consent Order No. 2227."
13. 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.
14. 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.
15. 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.
16. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
17. 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.

18. 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 may be punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."
19. 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.
20. 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.
21. 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.
22. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of

other obligations under applicable federal, state and local law.

23. 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 Respondents pursuant to this Consent Order will result in compliance or prevent pollution.
24. 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.
25. Notice to Commissioner of changes. Within 15 days of the date Respondent become 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.
26. 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:

Mr. Seng Phouthakoun
Department of Environmental Protection
Bureau of Air Management
Engineering and Enforcement Division
79 Elm Street, Hartford
Connecticut 06106-5127
27. Joint and several liability. Respondents shall be jointly and severally liable for compliance with this Consent Order.

The 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.

City of Shelton WPCA

Signature: G. Michael DeAngelis
Type Name: G. MICHAEL DEANGELIS
Type Title: WPCA CHAIRMAN
Date: 6/8/11

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

Robert E. Kaliszewski
for Daniel C. Esty Robert E. Kaliszewski, Director
Commissioner Planning & Program Development

7/5/11
Date

*Department of Energy and Environmental Protection

*Public Act 11-80, effective July 1, 2011, established the Department of Energy and Environmental Protection as the successor agency to the Department of Environmental Protection.

CITY OF SHELTON
LAND RECORDS
MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED
Certified Document No. _____