



STATE OF CONNECTICUT

VS.

PSEG POWER CONNECTICUT LLC

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ORDER NO. 2490

CONSENT ORDER

A. With the agreement of PSEG Power Connecticut, LLC ("Respondent"), the Commissioner of Energy and Environmental Protection ("Commissioner") finds the following:

1. The Respondent engages in the business of electric generation at 1 Atlantic Street, Bridgeport, Connecticut ("facility").
2. At the facility, the Respondent maintains and operates a Combustion Engineering steam generator ("Unit 3") under modified New Source Review ("NSR") Permit 015-0089. Pursuant to modified NSR Permit 015-0089, Unit 3 is allowed to burn coal and fuel oil.
3. The Respondent is a major stationary source as defined in Section 22a-174-33 of the Regulations of Connecticut State Agencies ("Regulations") and was issued Title V Operating Permit 015-0217-TV.
4. Whereas the Respondent burns coal in Unit 3, hazardous air pollutants such as mercury and hydrogen chloride ("HCL") are generated and emitted into the atmosphere.
5. Respondent is also subject to the National Emission Standards for Hazardous Air Pollutants in 40 CFR Part 63 Subpart UUUUU for Coal-Fired and Oil-Fired Electric Utility Steam Generating Units.
6. Pursuant to Part III.B.5. of modified NSR Permit 015-0089, Section III.B.6.a. of Title V Operating Permit 015-0217-TV and 40 CFR §63.9991(a)(1), Unit 3 is prohibited from emitting HCL emissions greater than a rate of 0.002 lb/MMBTU.
7. On March 15, 2017, the Respondent performed HCL testing on Unit 3 as required by modified NSR Permit 015-0089 and Title V Operating Permit 015-0217-TV.

Issued date: 3/25/2019

Subsequently, the Respondent submitted the March 15, 2017 test results to the Department of Energy & Environmental Protection ("Department") for review and approval.

8. The Department reviewed the submitted test results and determined that the Respondent emitted HCL emissions at the rate of 0.005 lb/MMBTU, which exceeded the permit limit of 0.002 lb/MMBTU. Because the Respondent exceeded the permit limit, the Department determined that the Respondent violated Part III.B.5. of modified NSR Permit 015-0089, Section III.B.6.a. of Title V Operating Permit 15-0217-TV and 40 CFR §63.9991(a)(1). Consequently, the Department issued Notice of Violation ("NOV") 17822 on June 23, 2017.
 9. By virtue of the above, the Respondent has violated Part III.B.5. of modified NSR Permit 015-0089, Section III.B.6.a. of Title V Operating Permit 015-0217-TV and 40 CFR §63.9991(a)(1).
 10. Prior to the issuance of NOV 17822, the Respondent retested Unit 3 on March 23 and 24, 2017.
 11. On July 21, 2017, the Respondent responded to the NOV indicating that they implemented corrective actions and subsequently, conducted emissions compliance tests referenced in paragraph A.10. of this Consent Order and submitted the test results to show that the HCL emissions rate complies with Part III.B.5. of modified NSR Permit 015-0089, Section III.B.6.a. of Title V Operating Permit 015-0217-TV and 40 CFR §63.9991(a)(1). Additionally, the Respondent prepared a coal sampling plan to detect chlorine levels in the coals prior to burning the coals in Unit 3.
 12. 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.
- 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. The operation of Unit 3 referenced in paragraph A.2. of this Consent Order shall comply with modified NSR Permit 015-0089, Title V Operating Permit 015-0217-TV and 40 CFR §63.9991(a)(1).
 2. Within thirty (30) days after issuance of this Consent Order, the Respondent shall submit the coal sampling plan referenced in paragraph A.11. of this Consent Order for the Commissioner's review and written approval.
 3. Civil Penalty. On or before thirty (30) days after issuance of this Consent Order, the Respondent shall pay a penalty of nine thousand three hundred and fifteen dollars (\$9,315) as the total civil penalty to be sought by the Commissioner for the violation identified in paragraph A.8. of this Consent Order.
 4. Payment of penalties. Payment of penalties under this Consent Order shall be

mailed or personally delivered to the Department of Energy and 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 civil penalty, Consent Order No. 2490."

5. 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.
6. 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.
7. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
8. 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.
9. 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.

10. Noncompliance. This Consent Order is a final Consent 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.
11. 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.
12. 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.
13. 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.
14. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.
15. 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.
16. Access to site. Any representative of the Department of Energy and 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.
17. No effect on rights of other persons. This Consent Order neither creates nor

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.

PSEG Power Connecticut LLC

Signature: Vincent Fumidinisi
Type Name: VINCENT FUMIDINISI
Type Title: PLANT MANAGER Power CT.
Date: 3/5/2019

Issued as a final Consent Order of the Commissioner of the Department of Energy and Environmental Protection.



Katherine S. Dykes, Commissioner
Department of Energy & Environmental Protection

3/25/19
Date

CITY OF BRIDGEPORT
LAND RECORDS
MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

affects any rights of persons or municipalities that are not parties to this Consent Order.

18. 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.
19. 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 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, 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 unless specifically so stated by the Commissioner in writing.
20. 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 Energy and Environmental Protection
Bureau of Air Management
Engineering and Enforcement Division
79 Elm Street, Hartford
Connecticut 06106-5127
(860) 424-4152