



STATE OF CONNECTICUT

VS.

WESLEYAN UNIVERSITY

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Order No. 2496

CONSENT ORDER

- A. With the agreement of Wesleyan University ("Respondent"), the Commissioner of Energy and Environmental Protection ("Commissioner") finds the following:
1. The Respondent is a private education institution located at 170 Long Lane in Middletown, CT ("the facility").
 2. The facility is a "Title V source", as defined in Section 22a-174-33(a)(10) of the Regulations of Connecticut State Agencies ("RCSA"); with potential NOx emissions in excess of fifty (50) tons per year.
 3. In lieu of applying for a Title V operating permit, the facility applied for, and was granted registration for coverage under the General Permit to Limit the Potential to Emit ("GPLPE"). The Respondent's registration under the GPLPE limited aggregate potential emissions of NOx for the premise below fifty (50) tons per year.
 4. On 11/10/2015, the Respondent was notified by the Air Permitting Group that their registration under the GPLPE would expire on 11/19/2015.
 5. On 5/16/2017, Air Pollution Control Engineer Debbie Tedford conducted an inspection at the facility. During the inspection, Ms. Tedford determined that the facility failed to re-register under the GPLPE, when it expired on 11/19/2015.
 6. Pursuant to Section 22a-174-33(f)(2) of the RCSA, the owner or operator of a Title V source, is required to apply for a Title V permit within twelve (12) months of becoming a Title V source. The Respondent failed to do so, and as a result, Notice of Violation ("NOV") No. 17840 was issued to the Respondent on 8/7/2017.

Date Issued: April 26, 2018

7. In response to the issuance of the NOV, the Respondent submitted a GPLPE renewal application to the Department on 11/27/2017. The GPLPE registration renewal was issued by the Department on 12/12/2017.
 8. Pursuant to Section 22a-174-26(d) of the RCSA, a Title V source is required to pay an emission fee each year to the Department. The Respondent has failed to pay Title V emission fees for the time they have been a Title V source, in violation of Section 22a-174-26(d) of the RCSA.
 9. At the facility, the Respondent owns and operates a Cummins DFEH-1331103 emergency engine. The engine burns ultra-low sulfur diesel and has potential NOx emissions of 1635.6 lbs/day. The unit therefore is subject to Section 22a-174-22(b)(3) of the RCSA.
 10. Pursuant to Section 22a-174-22(l)(1) of the RCSA, for the Cummins engine, the Respondent is required to keep daily records of the unit's operating hours, identifying emergency and non-emergency use. Pursuant to Section 22a-174-22(l)(5) of the RCSA, such records shall be available for inspection at reasonable hours by the Commissioner. During the 5/16/2017 inspection, the Respondent was unable to provide such records to the Department. As a result, NOV #17839 was issued to the facility on 8/7/2017 for violation of Section 22a-174-22(l) of the RCSA.
 11. In response to the violation, the Respondent submitted the records required pursuant to Section 22a-174-22(l) on 10/11/2017. A review of the records submitted reveals that the Cummins was operated for non-emergency purposes on 8/18/2015. This day was designated as an "unhealthy" ozone day.
 12. Pursuant to Section 22a-174-22(b)(3) of the RCSA, the operation of an emergency engine, for non-emergency purposes, on an "unhealthy" ozone day, is expressly prohibited.
 13. By virtue of the above, the Respondent is in violation of Section 22a-174-26(d) of the RCSA, and the Respondent has violated Sections 22a-174-33(f)(2), 22a-174-22(b)(3) and Section 22a-174-22(l)(5) of the RCSA.
- 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. Corrective Action Plan. Within thirty (30) days after the date of issuance of this Consent Order, the Respondent shall submit a corrective action plan detailing the steps they have taken, or will take, to fully comply with the requirements of Sections 22a-174-22(b) and 22a-174-22(l) of the RCSA.
 2. Civil Penalty. The Respondent shall pay a penalty of \$11,500 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraphs A.1. through A.13. of this Consent Order.
 3. Title V Emission Fees: The Respondent shall pay all owed Title V emission fees for calendar years 2016 and 2017 by not later than July 1, 2018.
 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 the "Connecticut Department of Energy and Environmental Protection". The check shall state on its face, "Air Engineering & Enforcement Division, civil penalty Consent Order No. 2496".

5. Full Compliance. Respondent shall not be considered in full compliance with this Order until all actions required by this 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 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 thirty (30) days of the Commissioner's notice of deficiencies. In approving any document or other action under this 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 Order. Nothing in this paragraph shall excuse noncompliance or delay.
7. Definitions. As used in this Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
8. Dates. The date of "issuance" of this Order is the date the Order is deposited in the U.S. mail or personally delivered, whichever is earlier. The date of the submission to the Commissioner of any document required by this Order shall be date such document is received by the Commissioner. The date of any notice by the Commissioner under this 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 Order, the word "day" as used in this Order means calendar day. Any document or action which is required by this 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 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 §53a-157b of the Connecticut General Statutes and any other applicable law."

10. Noncompliance. This 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 Order may subject Respondent to an injunction and penalties.
11. False statements. Any false statement in any information submitted pursuant to this Order is 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 the Respondent have fully complied with this Order, Respondent shall notify the Commissioner in writing no later than fifteen (15) days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this Order or after obtaining a new mailing or location address. Respondent's obligations under this Order shall not be affected by the passage of title to any property to any other person or municipality.
13. Commissioner's powers. Except as provided hereinabove with respect to payment of civil penalties, nothing in this 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 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 Respondent to undertake further investigation or further action to prevent or abate violations or pollution.
14. Respondent's obligations under law. Nothing in this Order shall relieve Respondent of other obligations under applicable federal, state and local law.
15. No assurance by Commissioner. No provision of this 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 Order will result in compliance or prevent or abate 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 Order.
17. No effect on rights of other persons. This Order neither creates nor affects any rights of persons or municipalities that are not parties to this Order.
18. Notice to Commissioner of changes. Within fifteen (15) days of the date Respondent become aware of a change in any information submitted to the Commissioner under this 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 become aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this Order or of any

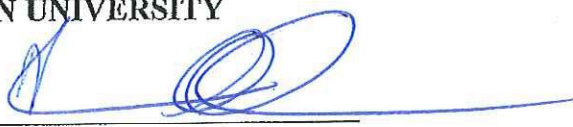
document required hereunder, Respondent shall immediately notify by telephone the individual identified in the next paragraph and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible.

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 Order shall, unless otherwise specified in this order or in writing by the Commissioner, be directed to:

Lakisha Stephenson
Department of Energy and Environmental Protection
Bureau of Air Management
Air Engineering & Enforcement Division
79 Elm Street, 5th Floor
Hartford, Connecticut 06106-5127

Respondent consent 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.

WESLEYAN UNIVERSITYSignature: Type Name: Nathan PetersType Title: VP In Finance Adm.Date: 4/18/2018

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



Robert E. Kaliszewski

Deputy Commissioner

Department of Energy & Environmental Protection

4/26/18
Date