



79 Elm Street • Hartford, CT 06106-5127

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Affirmative Action/Equal Opportunity Employer

STATE OF CONNECTICUT)	ORDER NO. 2501
)	
vs.)	
)	
WALLINGFORD ENERGY, LLC)	
)	

CONSENT ORDER

A. With the agreement of Wallingford Energy, LLC ("Respondent"), the Commissioner of Energy & Environmental Protection ("Commissioner") finds the following:

1. The Respondent engages in the business of power generation at 115 John Street, Wallingford, Connecticut ("facility").
2. The facility consists of a nominally rated 350 megawatt ("MW") simple cycle combustion turbine power plant with seven 50 MW General Electric LM6000 Simple Cycle Jet Turbines, one 33.475 MMBtu/hr Cleaver Brooks Boiler and one 560kW Black Start Diesel generator.
3. The Respondent is a major stationary source for Nitrogen Oxides ("NO_x") and Carbon Monoxide ("CO").
4. The Respondent operates under Title V Permit No. 189-0221-TV ("Operating Permit"). On June 22, 2015, the Respondent renewed their Operating Permit.
5. Construction of the facility was originally completed in 2001 with:
 - a. Five (5) 50 MW General Electric LM6000 Simple Cycle Jet Turbines ("Turbine nos. 1 – 5") operating under NSR permit nos. 189-0194, 189-0195, 189-0196, 189-0197 & 189-0198, respectively;
 - b. A 33.475 MMBtu/hour Cleaver Brooks Boiler ("Cleaver Brooks Boiler"). The Cleaver Brooks Boilers operates under NSR permit no. 189-0199; and
 - c. A 560 kW Black Start Generator ("Emergency Generator"). The Emergency Generator operates under conditions set forth in Section 22a-174-3b of the Regulations of Connecticut State Agencies ("Regulations").
6. On February 5, 2015, the Respondent submitted New Source Review ("NSR") applications for two (2) additional 50 MW General Electric LM6000 Simple Cycle Jet Turbines pursuant to Section 22a-174-3a of the Regulations.
7. On May 6, 2016, the Department of Energy & Environmental Protection ("Department") issued NSR permit Nos. 189-0246 and 189-0247 for the two (2) new 50 MW General Electric LM6000 Simple

Issued date: 1/31/2018

Cycle Jet Turbines ("Turbine nos. 6 and 7") at the facility. The construction of the two new turbines resulted in the increase of potential air emissions at the facility and triggered a major modification for PM₁₀.

8. Pursuant to Section 22a-174-2a(d)(1) of the Regulations, prior to making the change that is subject of the non-minor permit modification application the Respondent shall apply for and obtain a non-minor permit modification of the Operating Permit.
 9. Pursuant to Section 22a-174-33(r)(1) of the Regulations, non-minor permit modifications, minor permit modifications or revisions to Title V permits shall be made in accordance with Section 22a-174-2a(d), 22a-174-2a(e) or 22a-174-2a(f) of the Regulations.
 10. The Respondent failed to obtain a non-minor permit modification of their Operating Permit prior to the construction of the two (2) new turbines in January 2017. Consequently, the Department determined that the Respondent violated Sections 22a-174-2a(d)(1) and 22a-174-33(r)(1) of the Regulations.
 11. By virtue of the above, the Respondent has violated Sections 22a-174-2a(d)(1) and 22a-174-33(r)(1) of the Regulations.
 12. On January 16, 2018, the Respondent submitted a non-minor permit modification of the Operating Permit for the Department's review and approval.
 13. 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 Respondent shall cooperate with the Department and provide any information that may be requested for the review and approval of the non-minor permit modification referenced in paragraph A.12. of this Consent Order within thirty (30) days of receipt of the request for such information from the Commissioner, unless another time frame is specified by the Commissioner.
 2. Until the issuance of the non-minor permit modification of the Operating Permit, the Respondent is authorized to operate the power plant and its associated operating equipment referenced in this Consent Order provided the operations comply with the NSR permits identified in paragraphs A.6. and A.7. of this Consent Order.
 3. Supplemental Environmental Project. The Respondent shall fund a supplemental environmental project ("SEP") through the Center for Sustainable Energy for the purposes of pursuing air pollution reductions through the funding of Zero Emission Vehicle ("ZEV") implementation within Connecticut in accordance with the following:
 - a. On or before thirty (30) days after issuance of this Consent Order, the Respondent shall pay fifty thousand dollars (\$50,000) to the Center for Sustainable Energy for the violations identified in

Paragraphs A.10. and A.11. of this Consent Order. The payment shall be mailed to: Center of Sustainable Energy, 9325 Sky Park Ct. Suite 100, San Diego, CA 92123 and shall be by certified or bank check payable to "Center for Sustainable Energy," with a notation thereon "CT ZEV Implementation" and "Consent Order No. 2501". At the time of payment, a copy of the check shall be provided to the Commissioner in accordance with Paragraph B.19.

- b. If the Respondent fails to fund the SEP in accordance with Paragraph 3.a. above, the Respondent shall immediately pay a civil penalty of fifty thousand dollars (\$50,000). The civil penalty 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. 2501."
 - c. The Respondent shall not claim or represent any SEP payment made pursuant to this Consent Order constitutes an ordinary business expense or charitable contribution or any other type of tax deductible expense. The Respondent shall not seek or obtain any other tax benefit, such as a tax credit, as a result of the payment under this paragraph.
 - d. If the Respondent disseminates any publicity, including but not limited to any press releases regarding funding an SEP, the Respondent shall include a statement that such funding was made in settlement of an enforcement action brought by the Commissioner.
4. 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.
5. Approvals. Respondent shall use best efforts to submit to the Commissioner documents, if any, 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.
6. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
7. 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.

8. 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."

9. 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.
10. 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.
11. 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.
12. 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 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 Respondent to undertake further investigation or further action to prevent or abate violations or pollution.

13. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.
14. 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.
15. 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.
16. 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.
17. 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.
18. 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.
19. Submission of documents. Any document required to be submitted to the Commissioner under this Consent Order shall, unless otherwise specified in writing by the Commissioner, be directed to:

Mr. Seng Phouthakoun
Department of Energy and Environmental Protection
Bureau of Air Management
Engineering & 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.

Wallingford Energy, LLC


Signature:  _____

Type Name: Carolyn Murff

Type Title: Senior Vice-President

Date: 29 Jan 2018

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


Robert E. Kaliszewski, Deputy Commissioner
Department of Energy and Environmental Protection

1/31/18
Date

TOWN OF WALLINGFORD
LAND RECORDS
MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Certified Document No. 9414 8149 0158 5922 0269 94