

STATE OF CONNECTICUT

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ORDER NO. 2513

)

vs.

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NORTHERN CAPITOL REGION

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DISPOSAL FACILITY, INC (NORCAP)

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CONSENT ORDER

A. With the agreement of Northern Capitol Region Disposal Facility, Inc. ("Respondent"), the Commissioner of Energy & Environmental Protection ("Commissioner") finds the following:

1. The Respondent currently owns and operates a closed solid waste disposal facility located on Wapping Road in East Windsor, CT ("facility"). On May 15, 2001, the Respondent was issued a permit to construct a landfill gas collection system. On November 28, 2005, the original New Source Review ("NSR") permit 057-0073 was issued to operate the gas collection system. On September 1, 2006, a NSR permit 057-0073 modification was issued.
2. The facility has the potential to emit decomposition gasses, including methane and volatile organic compounds. The landfill gas collection system includes an enclosed ground flare and two 1.6 MW engines used to generate electricity from the collected landfill gas.
3. Pursuant to Part V.B.3 of NSR permit 057-0073, the Respondent is required to maintain operational conditions to ensure effective and safe operation of the landfill gas collection system which include monthly checks of all wells to ensure wellhead vacuum and proper wellhead operation is maintained.
4. On April 13, 2018 and May 2, 2018, a representative from the Department of Energy and Environmental Protection ("Department") performed an inspection of the facility (Log 2018-0156). During the inspection, the Respondent stated that monthly checks of the wellheads are conducted only when a problem arises and not on a monthly basis.
5. Whereas the Respondent failed to conduct monthly monitoring of the gas wellheads, the Respondent violated Part V.B.3 of NSR permit 057-0073. As a result, the Department issued Notice of Violation ("NOV") 17914 to the Respondent on June 30, 2018.
6. On July 31, 2018, the Department received a signed compliance statement in response to NOV 17914 from Anchor Engineering ("Anchor"), the environmental contact for the Respondent, which stated that moving forward the company intends to conduct monthly checks of the landfill gas wellheads and maintain records of these monitoring events.

Issued Date: 7/23/2019

7. Pursuant to Part V.B.3.i-ii of NSR permit 057-0073, the Respondent is required to maintain operational conditions to ensure effective and safe operation of the landfill gas collection system. Specifically, the Respondent is required to operate each interior wellhead in the collection system with negative pressure, and with either a nitrogen level less than 20 percent or an oxygen level less than 5 percent.
 8. On August 22, 2018, September 6, 2018, and September 12, 2018, the Department contacted the Respondent and Anchor, requesting records of landfill gas monitoring since NOV 17914 was issued.
 9. On September 21, 2018, the Department received monitoring records for the months of July and August, 2018. Results from some wells show a deviation from the operations and maintenance standards stipulated in the permit and require remedial action. The data submitted shows positive pressure for some wellheads, and nitrogen and oxygen levels that are both higher than 20 percent and 5 percent respectively, for some wellheads. As a result, the Department determined that the Respondent violated Part V.B.3.i-ii of NSR permit 057-0073.
 10. In a stipulation for judgment dated October 29, 2008 (Docket No. HHD-05-4017739S), a permanent injunction was issued requiring the Respondent to fully comply with NSR permit 057-0073. By failing to comply with NSR permit 057-0073, the Respondent has additionally violated the October 29, 2008 stipulation for judgement.
 11. By virtue of the above, the Respondent is in violation of Part V.B.3 of NSR permit 057-0073 and the stipulation for judgment dated October 29, 2008.
- 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. On or before thirty (30) days after the issuance of this Consent Order, the Respondent shall submit to the Department for review and written approval a Compliance Plan to address the violations of Part V.B.3 of NSR permit 057-0073 as referenced in paragraphs A.5 and A.9 of this Consent Order.
 2. On or before thirty (30) days after the issuance of this Consent Order, the Respondent shall submit to the Department a permit modification application for NSR permit 057-0073 to include a requirement for the Respondent to annually report landfill gas monitoring records to the Department.
 3. Civil Penalty. The Respondent shall pay a penalty in the amount of \$15,000 as the total civil penalty to be sought by the Commissioner for those, and only those violations described in Paragraphs A.5, A.9, and A.11 of this Consent Order. The Respondent shall submit the penalty amount of \$15,000 in accordance with the following payment schedule:
 - a. The Respondent shall submit the 1st payment, in the amount of \$3,000, within 30 days from the issuance of this Consent Order.

- b. The Respondent shall submit the 2nd payment, in the amount of \$3,000, on or before October 1, 2019.
 - c. The Respondent shall submit the 3rd payment, in the amount of \$3,000, on or before January 1, 2020.
 - d. The Respondent shall submit the 4th payment, in the amount of \$3,000, on or before April 1, 2020.
 - e. The Respondent shall submit the 5th payment, in the amount of \$3,000, on or before July 1, 2020.
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. 2513."
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 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.
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 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. 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.
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 Respondent pursuant to this Consent Order will result in compliance.

16. 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.
17. 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.
18. 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.
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 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
860-424-4152

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.

Northern Capitol Region Disposal Facility, Inc.

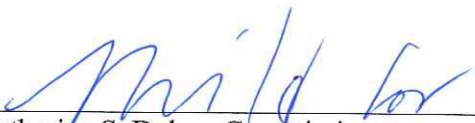
Signature: 

Type Name: Dennis Botticello

Type Title: President

Date: July 5, 2019

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


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

7/23/19
Date

TOWN OF EAST WINDSOR
LAND RECORDS
MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED
Certified Document No. 9414 8149 0158 5922 0741 86