



STATE OF CONNECTICUT

VS.

U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
FCI DANBURY

Order No. 2517

CONSENT ORDER

- A. With the agreement of FCI Danbury (the “Respondent”), the Commissioner of the Department of Energy & Environmental Protection (“Commissioner”) finds the following:
1. FCI Danbury (“FCI”), which is operated by the Federal Bureau of Prisons, an agency of the United States Department of Justice, houses inmates at a facility in Danbury, Connecticut (“the facility”).
 2. At the facility, FCI operates three (3) permitted Cleaver-Brooks boilers. Two (2) of the boilers operate under New Source Review (“NSR”) permit No. 044-0013. A third boiler operates under NSR permit No. 044-0014. The permits allow the boilers to burn both natural gas and No. 2 fuel oil.
 3. The facility has potential nitrogen oxide (“NO_x”) emissions in excess of twenty five (25) tons per year, and they are therefore a “Title V source”, as defined in Section 22a-174-33(a)(10)(F) of the Regulations of Connecticut State Agencies (“RCSA”).
 4. In lieu of a Title V operating permit, the Department granted the Respondent permission to register under the General Permit to Limit the Potential to Emit (“GPLPE”), registration No. 044-0186.
 5. Section 5(e)(1) of the GPLPE requires registered sources to submit an Annual Compliance Certification by March 1st of each calendar year.
 6. The Respondent failed to submit an Annual Compliance Certification for calendar year 2018 by the March 1st, 2019 due date.

Date Issued: 12/31/2019

7. The Respondent failed to submit an Annual Compliance Certification for calendar year 2017 by the March 1st 2018 due date.
 8. The Respondent failed to submit an Annual Compliance Certification for calendar year 2016 by the March 1st 2017 due date. As a result, a Notice of Violation ("NOV") No. 17856 was issued to the facility on 10/19/2017. Following the issuance of the NOV, the Respondent submitted the required certification on 2/20/2018.
 9. The Respondent failed to submit an Annual Compliance Certification for calendar year 2015 by the March 1st, 2016 due date. As a result, NOV No. 17688 was issued to the facility on 5/6/2016. Following the issuance of the NOV, the Respondent submitted the required certification on 6/23/2016.
 10. By virtue of the above, the Respondent violated and is in violation of Section 5(c)(1) of the GPLPE.
- 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. The Respondent shall fully comply with Section 5(c)(1) of the GPLPE.
 2. 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.
 3. Submittal of Annual Compliance Certifications: Within thirty (30) days after the issuance of this Consent Order, the Respondent shall submit an Annual Compliance Certification for calendar years 2017 and 2018. The certifications shall be submitted on forms provided by the Commissioner and shall contain the information specified in 40 CFR §§70.6(c)(5)(iii)(A) to (C), inclusive.
 4. Corrective Action Plan. Within thirty (30) days from the date of issuance of this Consent Order, the Respondent shall submit, for the Commissioner's review and written approval, a corrective action plan. The plan shall describe process improvements that the Respondent will implement to prevent a reoccurrence of the violations cited in paragraphs A.1. through A.10. of this Consent Order. The Respondent shall implement the Corrective Action Plan within fourteen (14) days after it is approved by the Commissioner.
 5. Civil Process and Sanction. On or before thirty (30) days after issuance of this consent order, Respondent shall pay a Civil Process and Sanction of \$5,320 as the total amount to be sought by the Commissioner for those, and only those, violations described in paragraphs A.1. through A.10. of this Consent Order.
 6. Payment of the Civil Process and Sanction. Payment of the Civil Process and Sanction 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 Enforcement Civil Process and Sanction, Consent Order No. 2517."

7. 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.
8. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner.
9. 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.
10. 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 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."

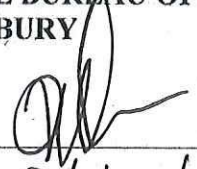
11. Noncompliance. This consent order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this consent order may subject Respondent to an injunction and penalties.
12. False statements. Any false statement 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.
13. 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.
14. Commissioner's powers. Except as provided hereinabove with respect to payment of the Civil Process and Sanction, 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.
15. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
16. 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 [or prevent or abate pollution].
17. 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, provided such access does no compromise the safety and security of the facility as determined by the warden.
18. 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.
19. 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.

20. 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.
21. Submission of documents. Any document required to be submitted to the Commissioner under this consent order shall, unless otherwise specified in this consent order or in writing by the Commissioner, be directed to:

Lakisha Stephenson
Department of Energy and Environmental Protection
Bureau of Air management
Air Enforcement Division
79 Elm Street, 5th Floor
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.

**U.S. DEPARTMENT OF JUSTICE
FEDERAL BUREAU OF PRISONS
FCI DANBURY**


Signature: 

Type Name: D. Womeldorff

Type Title: Acting Warden

Date: 12/12/19

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


Katherine S. Dykes
Commissioner

Department of Energy & Environmental Protection

12/31/19
Date