

STATE OF CONNECTICUT	)	Order No. 2556
	)	
VS.	)	
	)	
ALGONQUIN GAS TRANSMISSION, LLC	)	
	)	

CONSENT ORDER

A. With the agreement of Algonquin Gas Transmission, LLC (the “Respondent”), the Commissioner of the Department of Energy & Environmental Protection (“Commissioner”) finds the following:

1. Algonquin Gas Transmission, LLC (“Algonquin”), a subsidiary of Enbridge Inc., transports natural gas throughout New England, by way of a 1,129-mile-long pipeline system. Algonquin operates a total of three (3) natural gas compressor stations in Connecticut. The Oxford compressor station is the subject of this Consent Order.
2. The main emission units at the Oxford compressor station, located at 40 Woodruff Hill Road are:
  - a. One Solar Mars 100-15000 natural gas turbine that was constructed in October of 2008. The unit operates under New Source Review (“NSR”) permit No. 144-0019 and is identified as “Unit #1” in the facility’s Title V operating permit.
  - b. One Solar Mars 100-15000 natural gas turbine that was constructed in October 2008. The unit operates under NSR permit No. 144-0020 and is identified as “Unit #3” in the facility’s Title V operating permit.
  - c. One Solar Taurus 60 -7800 natural gas turbine that was constructed in October of 2008. The unit operates under NSR permit No. 144-0021 and is identified as “Unit #2” in the facility’s Title V operating permit.
  - d. One Solar Taurus 60-7802 natural gas turbine that was constructed in June of 2017. The unit operates under NSR permit No. 144-0029 and is identified as “Unit #4” in the facility’s Title V permit.

Date Issued: \_\_\_\_\_

3. The NSR permits for Units #'s 1, 2, 3, and 4 were most recently modified on 9/4/2018.
4. The facility is a "Title V source" as defined in Section 22a-174-33(a)(10) of the Regulations of Connecticut State Agencies ("RCSA"). Title V permit No. 144-0032-TV was most recently renewed on 7/11/2019.
5. Unit #'s 1, 2, 3, and 4 are each equipped with SoLoNO<sub>x</sub> technology to control Nitrogen Oxide ("NO<sub>x</sub>") emissions.
6. The newest unit, Unit #4, is equipped with an oxidation catalyst to control Carbon Monoxide ("CO") and Volatile Organic Compound ("VOC") emissions. The oxidation catalyst is platinum metal-based and was manufactured by Advanced Catalyst Systems, LLC. The ADCAT™ CO oxidation catalyst is to control 95% of CO emissions and 50% of VOC emissions.

**40 CFR 60, Subpart OOOOa:**

7. The Respondent is subject to Title 40 of the Code of Federal Regulations, Part 60, Subpart OOOOa, entitled "*Standards of Performance for Crude Oil and Natural Gas Facilities for which Construction, Modification or Reconstruction Commenced After September 18, 2015*" (hereafter "Subpart OOOOa").
8. Section III.A.7.a.i.A of the facility's Title V permit and § 60.5397a of Subpart OOOOa require the Respondent to develop and implement a Leak Detection and Repair ("LDAR") program for fugitive emissions at the site.
9. In their Title V Semi-Annual Monitoring Report, submitted on 2/25/2020, the Respondent reported that they failed to repair two (2) fugitive emission leaks within the timeframe specified their Title V permit and Subpart OOOOa. As a result, NOV #18183 was issued to the Respondent on 7/6/2021.
10. The Respondent submitted a compliance statement in response to NOV #18183 on 7/15/2021. The Respondent stated that the violation was an oversight by site personnel. The Respondent stated that they repaired the leaks and updated their work practice procedures for the repair of fugitive leaks.

**Unit #4:**

11. Unit # 4 is equipped with SoLoNO<sub>x</sub> to control Nitrogen Oxide ("NO<sub>x</sub>") emissions. CO and VOC emissions are controlled with an oxidation catalyst.
12. Pursuant to Part III.D of permit No. 144-0029 and Section III.B.2.v of permit No. 144-0032-TV, "The Permittee shall operate and maintain the turbine, air pollution control equipment and monitoring equipment in accordance with manufacturer's specifications and written recommendations."

13. The operation and maintenance manual for the oxidation catalyst states: “Pressure drop and CO destruction measurements across the catalyst should be taken on a regular basis by Plant operators to monitor the catalyst performance and need for maintenance.”
14. On 11/6/2020, the Respondent submitted a Title V Prompt Deviation Report to the Department. In it, the Respondent reports that, for Unit #4, the differential pressure readings across the oxidation catalyst were inaccurate for several hours in the latter part of calendar year 2020.
15. The Respondent reported that they do not take CO destruction measurements across the catalyst, as recommended by the manufacturer.
16. Pursuant to Part V.A.2 of permit No. 144-0029 and Section III.B.2.b.i of permit No. 144-0032-TV, “The Permittee shall continuously monitor the oxidation catalyst inlet temperature (°F). The Permittee shall maintain this parameter within the ranges recommended by the manufacturer to achieve compliance with the emission limits in this permit.”
17. On 2/22/2019 the Respondent submitted a Title V Prompt Deviation Report to the Department. In it, the Respondent reported that, for Unit #4, they failed to record the oxidation catalyst inlet temperature, from the Unit’s startup date in June of 2017, through 1/31/2019.
18. On 12/17/2019 the Respondent submitted a Title V Prompt Deviation Report to the Department. In it, the Respondent reported that, for Unit #4, the oxidation catalyst inlet readings for Unit #4 were inaccurate from 11/18/2019 through 12/11/2019.
19. The Respondent corrected the violations identified in Paragraph A.17 and A.18 of this Consent Order by installing notification alarms and replacing the thermocouples with a different model. The Respondent has not reported any further incidences since these corrective action measures were taken.

**Units #1, #2, and #4:**

20. There are five operating modes defined in the facility’s permits for Units #1, #2, #3, and #4: “*Low temperature event*,” “*Shutdown event*,” “*Startup event*,” “*Steady-state*,” and “*Transient event*.”
21. Pursuant to Part B.1 of permit Nos. 144-0019, 144-0020, and 144-0029, “The Permittee shall not operate the turbine without the SoLoNO<sub>x</sub> (control device), except as allowed during startup/shutdown, transient events and low temperature events.”

22. The Respondent reported that they have operated Unit #1, Unit #3, and Unit #4 outside of the operating modes listed in their permits, several times in calendar years 2017, 2018, and 2019.
  23. Section 22a-174-3a(h) of the RCSA requires the owner or operator to comply with the permit or modification thereto issued by the Commissioner.
  24. By virtue of the above, the Respondent has violated § 60.5397a of Subpart OOOOa, Section 22a-174-3a(h) of the RCSA, and permit Nos. 144-0019, 144-0020, 144-0029, and 144-0032-TV.
- 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 immediately comply with all terms and conditions of NSR permit Nos. 144-0019, 144-0020, 144-0021, and 144-0029 and Title V permit No. 144-0032-TV.
  2. Corrective Action Plan: Within sixty (60) days of the date of issuance of this Consent Order, the Respondent shall submit, for the Commissioner's review and written approval, a detailed corrective action plan. Such plan shall detail the action steps the Respondent will take to bring Units #1, #2, and #4 into full regulatory compliance with their NSR permits, with their Title V permit, and with all violations cited in Paragraphs A.7. to A.24. of this Consent Order.
  3. The Respondent shall conduct emissions testing to demonstrate that Unit #4 is in compliance with the CO and VOC emission limits of its permit. Emissions testing is to be conducted in accordance with paragraph B.4. of this Consent Order. The emissions test that is required under this Consent Order will not count towards the recurrent test that is required in Part VI.C.1 of the unit's NSR permit.
  4. Emissions Testing. Except as otherwise provided in this Consent Order or by the Commissioner in writing, all emissions testing required under this Consent Order shall be conducted and reported as follows: Within 30 days after issuance of this Consent Order, the Respondent shall submit to the Commissioner for the Commissioner's review and written approval an Intent To Test ("ITT") protocol for such emissions testing. The ITT protocol shall include at least:
    - a. The Department's Bureau of Air Management Test Form No. 1, "Intent to Test";
    - b. A detailed description of all aspects of facility operations (e.g., type and quantity of raw materials utilized) and of any air pollutant control equipment in use (e.g., screen mesh size, control equipment efficiency) which may affect emissions testing results, and how and when such information will be monitored;

- c. A detailed description of each emissions testing methodology to be utilized, provided that all such methodologies shall conform to those approved by the U.S. Environmental Protection Agency and the Commissioner; and
- d. A description of each discharge point at which emissions testing is to be conducted.

The Respondent shall provide to the Commissioner any information that the Commissioner deems necessary to review Respondent's ITT protocol. Within thirty (30) days after the Commissioner approves an ITT protocol, the Respondent shall complete emissions testing in accordance therewith. The Respondent shall schedule all emissions testing so as to allow the Commissioner to be present during such testing and to independently verify relevant facility operations, air pollution control equipment parameters, and testing procedures. Within forty-five (45) days after completing any emissions testing required by this Consent Order, the Respondent shall submit to the Commissioner a written report providing the results of such testing; within fifteen (15) days of a notice from the Commissioner indicating any deficiencies in such report, the Respondent shall submit a revised report.

5. Civil penalty. The Respondent shall pay a penalty of \$38,640 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraphs A.7. through A.24. of this Order. This penalty is payable as follows: On or before thirty (30) days after issuance of this Order the Respondent shall pay \$19,320 in accordance with paragraph B.6. of this Order and the Respondent shall pay \$19,320 as a Supplemental Environmental Project in accordance with paragraph B.7. of this Order.
6. Payment of penalties. On or before thirty (30) days after the issuance of this Order, the Respondent shall pay \$19,320 by mail 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. Such payment shall be by certified or bank check payable to the "Connecticut Department of Energy and Environmental Protection." The check shall state on its face, "Bureau of Air Management Civil Penalty, Air Enforcement Division" and "Consent Order #2556."
7. Statewide Supplemental Environmental Project (SEP) Account Payment.
  - a. On or before thirty (30) days after issuance of this Consent Order, the Respondent shall pay \$19,320 by mail 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. The payment shall be by certified or bank check payable to the "Connecticut Department of Energy and Environmental Protection." The check shall state on its face, "Statewide SEP Account" and "Consent Order #2556."
  - b. 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.

- c. If the Respondent disseminates any publicity, including but not limited to any press releases regarding funding a SEP, the Respondent shall include a statement that such funding was made in settlement of an enforcement action brought by the Commissioner.
8. 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.
  9. 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.
  10. Definitions. As used in this Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
  11. 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.
  12. 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.”

13. 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.
14. 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.
15. 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.
16. 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.
17. Respondent’s obligations under law. Nothing in this Order shall relieve Respondent of other obligations under applicable federal, state, and local law.
18. 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.

19. 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.
20. 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.
21. 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
22. 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.
23. 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 Enforcement Division  
79 Elm Street, 5<sup>th</sup> 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.

**ALGONQUIN GAS TRANSMISSION, LLC**

Signature: Roy Taylor

Type Name: Roy Taylor

Type Title: Director, Field Operations Northeast Region

Date: 3/21/2022

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

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

April 11, 2022  
Date