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Affirmative Action/Equal Opportunity Employer

STATE OF CONNECTICUT )  
 )  
 VS. )  
 )  
 LAKE ROAD GENERATING COMPANY LLC )

Order No. 2583

### CONSENT ORDER

A. With the agreement of Lake Road Generating Company, LLC ("Respondent"), the Commissioner of Energy and Environmental Protection ("Commissioner") finds the following:

1. Respondent operates a nominally rated 834 megawatt (MW) combined-cycle combustion turbine power plant ("facility") at 56 Alexander Parkway in Dayville, Connecticut.
2. The facility has potential NOx and VOC emissions in excess of fifty (50) tons per year, making the facility a "Title V source" as defined in Section 22a-174-33(a)(10)(F)(ii) of the Regulations of Connecticut State Agencies ("RCSA"). The facility is also a "Title V source" as defined in Section 22a-174-33(a)(10)(F)(i) of the RCSA as potential emissions of CO, PM10, SO2, and TSP all exceed one hundred (100) tons per year.
3. The facility operates under Title V Permit No. 089-0083-TV, most recently renewed by the Department of Energy and Environmental Protection ("Department") on August 5, 2022.
4. The facility is currently equipped with three 278 MW combined cycle Alstom (ABB) Combustion Turbines. The turbines operate under New Source Review ("NSR") Permit Nos. P-089-0067, P-089-0068, and P-089-0069, most recently modified and issued on August 29, 2022.
5. Pursuant to Part VIII.B of each NSR Permit Nos. P-089-0067, P-089-0068, and P-089-0069 (*version dated November 18, 2018*), stack emission testing shall be performed for VOC at least once every five years from the date of the last stack test while firing natural gas, and while firing No. 2 fuel oil, at least once every five years from the date of the last stack test or before 700 hours operating on oil, whichever is longer. This requirement was added to the permit modifications dated February 27, 2015, following prior Notice of Violation No. 17125 alleging Respondent's failure to determine VOC emissions. The subsequent permit modification application submitted by the Respondent requested to change the method of VOC monitoring from a VOC/CO correlation to a VOC/percent load correlation using stack test results, which was approved by the Department.
6. The Respondent was required to conduct VOC testing by February 27, 2020.

Issued date: 11/18/2022

7. On August 26, 2021, Air Pollution Control Engineer Dominik Grzywacz of the Department's Air Enforcement Division conducted an inspection at the facility. As part of a record review during this inspection, Mr. Grzywacz noted that the facility had not tested the turbines for VOC emissions within the five (5) year timeframe specified in its NSR Permits. Respondent had inadvertently not added VOCs to its stack testing parameters after it was required by the permit modifications.
8. Pursuant to Section 22a-6(a)(3) of the Connecticut General Statutes, the Commissioner may institute legal proceedings for the enforcement of any permit or order administered by her.
9. Whereas the Respondent failed to conduct testing by the required due date, the Department determined that the Respondent violated Part VIII.B of NSR Permit Nos. P-089-0067, P-089-0068, and P-089-0069. As a result, the Department issued Notice of Violation No. 18203 on April 18, 2022.
10. In response to the violation, the facility conducted VOC emissions testing on the turbines on March 15-17, 2022. The Respondent submitted the test report to the Department on May 13, 2022. VOC emissions for the three ABB combustion turbines were found to be below detection limits, however the facility did not test at the required 90% of maximum rated heat input for the three turbines. The Department's Source Emission Monitoring group evaluated the report and determined that the test would be approved contingent on Lake Road submitting permit modifications to correct the ambient temperature-based equation for natural gas maximum firing rate and maximum gross heat input. Respondent submitted the permit modifications on August 2, 2022. The facility has updated its records to ensure VOC emissions testing on the turbines in a timely manner.
11. Pursuant to Section III.B.1.b.iii of Title V Permit 089-0083-TV (*version dated December 27, 2019*) and RCSA Section 22a-174-22e, the Respondent "shall not operate the emergency engine for routine, scheduled testing or maintenance on any day for which the commissioner has forecast that ozone levels will be 'moderate to unhealthy for sensitive groups' or greater."
12. As part of a record review during the inspection, Mr. Grzywacz noted that the three Caterpillar diesel generators and the Caterpillar emergency fire pump were each operated on August 21, 2020, for a period of approximately 30 minutes as part of the weekly readiness test.
13. On August 21, 2020, the Commissioner forecasted the Air Quality Index to be "moderate to unhealthy for sensitive groups" or greater. Prior to running the diesel generators and fire pump for the short duration, Respondent had checked the Department website for the air quality forecast, but the website was not working. Respondent then checked the national AQI for the area in which the facility was located, which was forecasted as "good." Respondent inadvertently did not check the AQI for the entire State of Connecticut. Facility guidance has been updated to eliminate this occurrence.

14. Whereas the Respondent operated three diesel generators and an emergency fire pump for routine testing on a day which the commissioner forecasted the ozone levels to be moderate to unhealthy for sensitive groups or greater, the Department determined that the Respondent violated Section III.B.1.b.iii of Title V Permit 089-0083-TV. As a result, the Department issued Notice of Violation No. 18203 on April 18, 2022. No portion of the penalty in this Consent Order is allocated to this occurrence.
  15. By virtue of the above, the Respondent violated Part VIII.B of NSR Permit Nos. P-089-0067, P-089-0068, and P-089-0069 and Section III.B.1.b.iii of Title V Permit 089-0083-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 comply with Title V Permit 089-0083-TV and NSR Permit Nos. P-089-0067, P-089-0068, and P-089-0069.
  2. Civil penalty. The Respondent shall pay a penalty of \$44,000 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraphs A.1 through A.15 of this Order. This penalty is payable as follows: On or before thirty (30) days after issuance of this Order the Respondent shall pay \$22,000 in accordance with paragraph B.3 of this Order, and the Respondent shall pay \$22,000 to the Statewide SEP account in accordance with paragraph B.4 of this Order.
  3. Payment of penalties. On or before thirty (30) days after the issuance of this Order, the Respondent shall pay \$22,000 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, Consent Order #2583."
  4. Statewide Supplemental Environmental Project (SEP) account payment.
    - a. The Respondent may elect to pay \$22,000 to the Statewide SEP account.
    - b. If the Respondent elects to make a payment to the Statewide SEP account, the Respondent shall make such payment within thirty (30) days after issuance of this Consent Order. The payment 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. 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 #2583."
    - 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 a SEP, the Respondent shall include a statement that such funding was made in settlement of an enforcement action brought by the Commissioner.
5. Full compliance. The 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. The 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 the Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and the 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 the Respondent or, if the Respondent is not an individual, by the 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 the Respondent or the 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 Section §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 the 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 the 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. The 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 Respondents 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 the Respondents 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 the 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 the Respondent pursuant to this Consent Order will result in compliance.
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 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 the 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, the Respondent shall submit the correct or omitted information to the Commissioner.
19. Notification of noncompliance. In the event that the 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, the 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, the 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 the Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by the 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, unless otherwise specified in this Consent Order or in writing by the Commissioner, shall be directed to:

Crystal Taylor  
Department of Energy and Environmental Protection  
Bureau of Air Management  
Air Enforcement Division  
79 Elm Street  
Hartford, Connecticut 06106-5127  
(860) 424-3465

Lake Road Generating Company, LLC

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Consent Order 2583

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 Respondent to the terms and conditions of the Consent Order.

**Lake Road Generating Company, LLC**

Signature: DocuSigned by:  
*Cynthia E. Vodopivec*  
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Type Name: Cynthia E. Vodopivec

Type Title: SVP - Environmental, Health & Safety

Date: 11/18/2022

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

DocuSigned by:  
*Tracy Babbidge*  
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Tracy R. Babbidge, Acting Deputy Commissioner  
Department of Energy and Environmental Protection

11/18/2022

Date

MAILED CERTIFIED MAIL,  
RETURN RECEIPT REQUESTED  
Certified Document No. \_\_\_\_\_