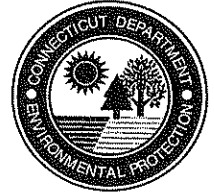


STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



Date of Issuance August 6, 2010

STATE OF CONNECTICUT :

V. :

TOWN OF HAMDEN :

CONSENT ORDER

A. With the agreement of Town of Hamden ("Respondent"), the Commissioner of Environmental Protection finds:

- 1. Respondent is a municipality which discharges stormwater associated with industrial activity from three separate and distinct facilities; the transfer station located at Wintergreen Avenue, the public works garage located at 1125 Shepard Avenue, and the VOED building located at 1255 Shepard Avenue, all in the City of Hamden, Connecticut ("stormwater discharges").
2. Since October 15, 2003, at the transfer station and the public works garage, and since January 14, 2004 at the VOED building, Respondent's stormwater discharges have been covered under the General Permit for the Discharge of Stormwater Associated with Industrial Activity ("Industrial Stormwater General Permit") issued on October 1, 1997, reissued on October 1, 2002, modified July 15, 2003, reissued October 1, 2007, reissued October 1, 2008, and reissued April 14, 2009 pursuant to Connecticut General Statute 22a-430b.
3. Respondent is required to monitor its stormwater discharges annually between October 1st and September 30th in accordance with Subsection 5(c) of the Industrial Stormwater General Permit. Since October 1, 2004, Respondent failed to monitor its stormwater discharges at the three facilities in accordance with the Industrial Stormwater General Permit during the following periods: 2003-2004, 2004-2005, 2005-2006, 2006-2007, and 2007-2008.
4. By virtue of the above, Respondent has violated a permit issued under §22a-430b of the Connecticut General Statutes.

B. With the agreement of Respondent, the Commissioner, acting under 22a-6, §22a-424, §22a-425, §22a-427, §22a-428, §22a-430, §22a-430b, and §22a-438 of the Connecticut General Statutes, orders Respondent as follows:

- 1. On or before sixty (60) days after the date of issuance of this consent order, Respondent shall prepare and implement a complete Stormwater Pollution

Prevention Plan ("SWPPP") in accordance with Section 5 of the Industrial Stormwater General Permit. Respondent shall submit a signed certification for the SWPPP, found in Attachment B of this consent order, to the Commissioner within seven (7) days after plan preparation is complete.

2. On or before one-hundred-twenty (120) days after the date of issuance of this consent order, Respondent shall review its SWPPP and perform a Comprehensive Site Compliance Evaluation in accordance with Section 5 of the Industrial Stormwater General Permit. Respondent shall use the form included in Attachment A to this consent order ("form") to assist in performing such review and evaluation.
3. Within thirty (30) days after the date Respondent performs the review and evaluation required under paragraph B.2., Respondent shall submit in writing, for the Commissioner's review, the completed form, a summary of findings from Respondent's review and evaluation, and a discussion of corrective actions required and taken, including any updates or amendments to the Stormwater Pollution Prevention Plan necessary to make such plan complete or to otherwise comply with the general permit.
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. Penalty. Respondent agrees to the assessment of a civil penalty of \$34,200 as the total civil penalty to be sought by the Commissioner for past violations described in paragraph A.3. and A.4. of this consent order to be satisfied by the following:
  - (a) Supplemental Environmental Project. Respondent has agreed to undertake the following supplemental environmental project ("SEP") expenditure of at least thirty-four thousand, two hundred dollars (\$34,200), or make payment(s) as follows:
    - i. On or before ninety (90) days after the date of issuance of this consent order, Respondent shall submit, for the Commissioner's review and written approval, a proposal and schedule to implement the recommendations of the "Ridge Hill School Energy Initiative" (Attachment C). Within six (6) months of the issuance of this consent order, Respondent shall complete such SEP and shall obtain any federal, state or local permit or approval necessary to carry out such SEP.
    - ii. If Respondent fails to fund the SEP in accordance with paragraph B.5.a.i. above, Respondent shall, instead of funding such SEP, immediately pay an additional civil penalty in the amount of \$34,200 plus \$3,420. Respondent shall pay such civil penalty in accordance with the provisions of paragraph B.6. of this consent order.

- iii. Respondent shall not claim or represent that 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, and Respondent shall not seek or obtain any other tax benefit such as a tax credit as a result of the payment under this paragraph.
  - iv. If and when Respondent disseminates any publicity, including but not limited to any press releases regarding funding a SEP, Respondent shall include a statement that such funding is in partial settlement of an enforcement action brought by the Commissioner.
6. Payment of penalties. Payment of penalties under this consent order shall be mailed or personally delivered to the Department of 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, "Materials Management and Compliance Assurance, Water Permitting and Enforcement Civil Penalty, Consent Order No. WC5688."
7. Sampling and sample analyses. All sample analyses which are required by this consent order and all reporting of such sample analyses shall be conducted by a laboratory certified by the Connecticut Department of Public Health to conduct such analyses. All sampling and sample analyses performed under this order shall be performed in accordance with procedures specified or approved in writing by the Commissioner, or, if no such procedures have been specified or approved, in accordance with 40 CFR 136. Unless otherwise specified by the Commissioner in writing, the value of each parameter shall be reported to the maximum level of precision and accuracy specified in the applicable protocol, and if no such level is specified, to the maximum level of precision and accuracy possible.
8. 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.
9. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner. The date of "issuance"

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.

11. 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:

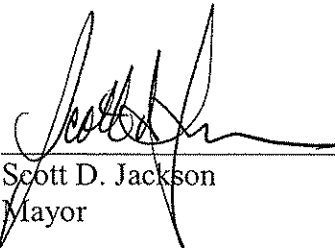
"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate 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."
12. 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.
13. False statements. Any false statement in any information submitted pursuant to this consent order is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.
14. 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.
15. 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.

16. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and local law.
17. 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.
18. Access to site. Any representative of the Department of Environmental Protection may enter Respondent's site or facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.
19. 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.
20. 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.
21. 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.
22. 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:

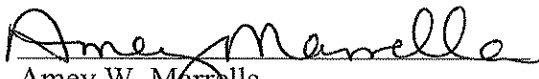
Neal Williams  
Department of Environmental Protection  
Bureau of Materials Management and Compliance Assurance  
Water Permitting and Enforcement Division  
79 Elm Street  
Hartford, Connecticut 06106-5127

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.

BY:   
Scott D. Jackson  
Mayor

7/9/10  
Date

Issued as a final order of the Commissioner.

  
Amy W. Marrella  
Commissioner

8/5/10  
Date

Order No. WC 5688  
DEP/WPC No.

Town of Hamden  
Land Records

## ATTACHMENT C

### RIDGE HILL SCHOOL ENERGY INITIATIVE SCOPE OVERVIEW

The energy initiatives at Ridge Hill School will consist of a integrated strategy to reduce overall energy consumption. The end result will create sustainable reductions in energy consumption through the use of various control strategies and efficiency technologies. The expanded implementation of conservation based measures coupled with system wide-benefit programs.

Below is a matrix of the energy systems and measures for facility:

No	Facility	Lighting Upgrade	Occupancy Sensors	Automation Controls	Metering	Wtr Heater	HVAC Replacement	Boiler Upgrade	ISO Demand Response
1	RIDGE HILL SCHOOL	X	X	X	X				

### **HIGH-EFFICIENCY LIGHTING SYSTEM UPGRADES Overview**

Lighting upgrades will consist of over 2,200 ECM's the measures will consist of the following; high-efficient fluorescent lamps T-8 systems, High Performance T-8 systems and low-power electronic ballasts; upgrading metal halide, mercury vapor, or high pressure sodium fixtures to T-5 HO fixtures; existing T12 fixtures will be replaced with high-efficiency T-8 systems; replacement of incandescent fixtures with compact fluorescent or LED fixtures; and the replacement of incandescent exit signs with LED type; the use of occupancy sensors or lighting controls, will also be installed to further enhance savings and rebates on a per-unit basis. Select areas of lighting will be integrated into the BMS for additional control capability.

Note: CL&M requirements specify technology types eligible for incentives. Only specific High Performance lighting combination systems are eligible for rebate

**Energy Conservation Measures**

<b>EXISTING</b>	<b>NEW</b>	<b>Quantity</b>
1x8 2L T12 Wrap	1x8 4L T8 Wrap	617
1x4 2L 34w T12	1x4 2L 28w T8	459
Var. Incan. Lamp	LED/ Compact Lamp	471
175-300w HID	LED/ Compact Fix.	104
2x2/2x4 T12	2x2/2x4 T12	56
Inc. Exit sign	LED Exit Sign	38
Misc., sensors,	New	502

**Energy Management System Overview**

The implementation of a distributed Internet-enabled building automation system, which will provide building controls of all major energy systems ( heating / cooling). The system will provide a software framework that will normalize the data and behavior of diverse devices, regardless of manufacturer or communication protocol, designed to enable seamless implementation.

Controls will to be used for all inductive energy loads identified at the time of audit and approved by CL&M standards. Such end uses as chillers, boilers, VAV zone dampers, heat pumps, - all HVAC equipment, energy using equipment, and auxiliary devices could be operated from the same system. Every control point will include the software necessary for all supported equipment.

The system will garner data from various internal /external systems into uniform software components. These components form the foundation for building applications to manage and control devices. The component model will focus primarily on data from the various systems to create a uniform data set for applications. The system will unify protocols and data from various systems, to integrate the entire build application.



## **ECM CONTROL POINTS**

No.	Description	Quant.
1	RTU Efan 1-6	6
2	RTU Ecoil 1-6	6
3	RTU Condensers 1-6	6
4	RTU PCB	12
5	Damper Actuators	31
6	T-Stat Set Backs	43
7	Ht Water Heaters set back	6
8	Exhaust fans	19
9	Lighting load pts	9
10	Outside Air Sensors	6
11	boiler controller	3
12	DR Controllers	12

The windows based application, offers several advantages. Designed to take full advantage of a multitasking environment necessary for DR aggregation, and will provide full data sharing capabilities. Data from trend log files can be pasted to other applications through the system and integrate DR strategies. Energy Zones will use standard Windows interface, creating a user friendly application. When a controller is connected to the system it is identified and auto-configures the equipment based on the equipment schedule switch setting.

## **REAL-TIME ENERGY INFORMATION SYSTEM OVERVIEW**

A Real-Time energy monitoring infrastructure will be implemented at each designated facility. This system will provide the basis for developing overall control strategies, used to validate the savings results from ECM's, and provide the core baseline for Demand Response program participation. This system will also be instrumental in the emerging "Time of Use" rate tariffs. The need to understand your facilities and proactively determine energy use patterns are critical. Through the various modeling and reporting capabilities of the system software, we could enhance control strategies on an on-going basis.

All Demand Response location will be equipped with a RTIS module that will meet all ISO- NE "IBCS" program requirements. The system will be used to validate Demand Reduction during ISO events.