



STATE OF CONNECTICUT)
)
 VS.)
)
 ALGONQUIN GAS TRANSMISSION, LLC)
)

Order No. 2525

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 pipeline system. Algonquin operates a total of three (3) natural gas compressor stations in Connecticut. The compressor stations are located in the towns of Chaplin, Cromwell, and Oxford, Connecticut. The Cromwell compressor station (“facility”) is the subject of this Consent Order.
 2. The main air emission units (EMUs) at the Cromwell compressor station, located at 252 Shunpike, are:
 - a. Two (2) 4,700 hp Solar Centaur 40-T4702S turbines operating under New Source Review (“NSR”) permit Nos. 043-0005 and 043-0006 (hereafter, these units will be identified as “EMU #1” and “EMU #2”)
 - b. One (1) 15,900 hp Solar Mars 100-16002S4 turbine (permit No. 043-0031) (hereafter, this unit will be identified as “EMU #3”)
 - c. One (1) 6,130 hp Solar Centaur 50-6102 turbine (permit No. 043-0036)
 - d. One (1) 7,700 hp Solar Taurus 60-7802 turbine (permit No. 043-0035)
 3. 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. 043-0020-TV was most recently renewed on 11/8/2019. The facility is in a serious ozone nonattainment area.

Date Issued: August 27, 2021

VOC RACT

4. In 2014, potential non-excludable volatile organic compound (“VOC”) emissions from the facility exceeded fifty (50) tons; the facility is therefore subject to Section 22a-174-32 of the RCSA, entitled “Reasonable Available Control Technology for volatile organic compounds” (“VOC RACT”).
5. Section 22a-174-32(d)(1) of the RCSA requires sources to submit a VOC RACT compliance plan within six (6) months of becoming subject to the provisions of the Section. The Respondent failed to do so, in violation of Section 22a-174-32(d)(1) of the RCSA.
6. Section 22a-174-32(e)(1) of the RCSA requires sources to implement one of the VOC RACT control methods described in Section 22a-174-32(e)(1)(A) through (D) within one (1) year of becoming subject to the provisions of the Section. The Respondent failed to do so, in violation of Section 22a-174-32(e)(1) of the RCSA.
7. In lieu of requiring a source to implement VOC RACT, Section 22a-174-32(c)(1) of the RCSA gives the Commissioner the authority to issue an Order or a permit to cap a facility’s premise-wide emissions below the VOC RACT applicability threshold in Section 22a-174-32(b)(1) of the RCSA. For the Respondent to obtain such an Order or emission cap, the Respondent must demonstrate that actual emissions of VOC from the facility have not exceeded 50 tons per year, in any year, since 12/31/1995.
8. In its 2016 Annual Emission Statement, the Respondent reported that actual VOC emissions from the facility were 69 tons. Consequently, the facility may not obtain an emission cap from the Commissioner for the purposes of avoiding VOC RACT applicability.
9. Notice of Violation (“NOV”) #18022 was issued to the Respondent on 12/5/2019, for violating Section 22a-174-32(d)(1) and Section 22a-174-32(e)(1) of the RCSA.

EMU #3

10. EMU #3 is equipped with SoLoNO_x technology to control Nitrogen Oxides (“NO_x”) emissions. Carbon Monoxide (“CO”) and VOC emissions are controlled with an oxidation catalyst.
11. Pursuant to Part III.D of permit No. 043-0031 and Section III.B.2.v of permit No. 043-0020-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.”
12. 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.”

13. In February of 2019, staff of the Department of Energy and Environmental Protection (“DEEP”) conducted a Pre-Inspection Questionnaire (“PIQ”) inspection of the facility. Staff discovered that the Respondent failed to operate the oxidation catalyst in accordance with manufacturer’s specifications. Specifically:
 - a. Differential pressures were above the manufacturer’s recommended operating pressures from 4/27/2017 through 2/2/2019. During the inspection, staff observed that the pressure drop was 10.5 inches of water. The manufacturer’s recommended pressure is 4.0 inches of water.
 - b. The facility has not been keeping CO destruction measurements for the unit.
14. Pursuant to Part V.A.2 of permit No. 043-0031 and Section III.B.2.b.i of permit No. 043-0020-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.”
15. During the PIQ, staff discovered that the facility was not accurately monitoring the oxidation catalyst’s inlet temperature, from 6/22/2017 through 10/3/2018.
16. On 7/1/2019, NOV #17973 was issued for the violations described in paragraph A.13 and A.15 of this Consent Order.
17. On 7/25/2019, the Respondent submitted a compliance statement in response to the issuance of NOV #17973. The Respondent stated that the catalyst was cleaned on 4/18/2019, the differential pressure transmitters were repaired, and the thermocouple was replaced. According to the Respondent, the oxidation catalyst is now operating within the manufacturer’s recommend specifications.
18. There are five operating modes defined in the facility’s permit for EMU #3: “*Low temperature event*,” “*Shutdown event*,” “*Startup event*,” “*Steady-state*,” and “*Transient event*.”
19. Pursuant to Part B.1 of permit No. 043-0031, “The Permittee shall not operate the turbine without the SoLoNO_x (control device), except as allowed during startup/shutdown, transient events and low temperature events.”
20. In its Title V semiannual monitoring report, submitted on 3/30/2020, the Respondent reported that EMU #3 operated for several minutes during what the Respondent has termed “low load” events. These events are not one of the operating parameters described in the facility’s operating permits.
21. The SoLoNO_x is not active during these “low load” events. Therefore, the facility is in violation of Part B.1.of permit No. 043-0031.

EMU #1 and EMU #2

22. EMUs #1 and #2 were originally permitted by the Department in 1985. The permits for the units were most recently modified on 6/1/2015. Part I.B of permit Nos. 043-0005 and 043-0006 lists the units' maximum fuel firing rate as 50,512 standard cubic feet per hour ("scfh") at 0 °F.
 23. Part III.A.1 of permit Nos. 043-0005 and 043-0006 limits the units' short-term emission rate to: 0.33 lb/hr for particulate matter 10 microns in diameter or less (PM₁₀), 0.18 lb/hr for sulfur oxides (SO_x), 0.32 lb/hr for VOC, and 5.64 lb/hr for CO.
 24. During the February 2019 PIQ inspection, DEEP staff discovered that EMUs #1 and #2 exceeded the permitted maximum fuel flow rate. In calendar year 2017, EMU #1 exceeded the maximum fuel flow and short-term pound ("lb")/hour emission rate for PM₁₀, VOC, SO_x and CO one time, and EMU #2 exceeded the maximum fuel flow and lb/hour emission rate for PM₁₀, VOC, SO_x, and CO 130 times. The violation was cited in NOV #17973.
 25. A subsequent record review revealed that in calendar years 2018 and 2019, EMU #1 exceeded the maximum fuel flow and short-term lb/hour emission rates for PM₁₀, VOC, SO_x, and CO a total of eleven times, and EMU #2 exceeded the maximum fuel flow and short-term lb/hour emission rates for PM₁₀, VOC, SO_x, and CO a total of 555 times.
 26. To correct the violation, the Respondent installed and programmed fuel flow clamps to keep hourly fuel rates within the permitted limit. There have been no further exceedances since this corrective action was taken in October of 2019.
 27. Section 22a-174-3a(h) of the RCSA requires an owner or operator to comply with the permit or modification thereto issued by the Commissioner.
 28. By virtue of the above, the Respondent has violated and/or is in violation of Sections 22a-174-3a(h) and Section 22a-174-32 of the RCSA and permit Nos. 043-0031, 043-0005, 043-0006, and 043-00020-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. 043-0031, 043-0005, 043-0006 and Title V permit No. 043-0020-TV.
 2. VOC RACT Compliance 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 VOC RACT compliance plan. The compliance plan shall be submitted in conformance with Section 22a-174-32(d)(2) of the RCSA. The compliance plan shall

contain the Respondent's proposed method of RACT and shall be submitted on a form provided by the Commissioner. The plan shall also include an implementation schedule.

Pursuant to Section 22a-174-32(e) of the RCSA, to comply with VOC RACT, the Respondent must perform one of the following:

- a.) Install and operate a system to capture and control VOCs at a minimum control efficiency of 85%;
 - b.) Implement a program of reformulation, or process change to reduce VOC use and VOC emissions by at least 80%;
 - c.) Use alternative emission reductions or emission credits; or
 - d.) Implement an alternative compliance plan that is subject to the Commissioner's review and approval.
3. Upon receiving written notice that the VOC RACT compliance plan has been approved by the Commissioner, the Respondent shall implement the compliance plan in accordance with the approved implementation schedule.
 4. If the Commissioner disapproves any portion the VOC RACT compliance plan, then the Respondent must submit a revised compliance plan and make a good-faith effort to resolve any deficiencies within thirty (30) days of being notified that the plan was not approved.
 5. 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 EMUs #1, #2, and #3 into full regulatory compliance with their NSR permits, with their Title V permit, and with all violations cited in Paragraphs A.4 to A.28 of this Consent Order.
 6. The Respondent shall conduct emissions testing to demonstrate that EMU #3 is in compliance with the CO and VOC emission limits of its permit. Emissions testing is to be conducted in accordance with paragraph B.7. 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 V.I.C of the unit's NSR permit.
 7. 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.

8. Civil penalty. The Respondent shall pay a penalty of \$193,460.40 as the total civil penalty to be sought by the Commissioner for those, and only those, violations described in paragraphs A.4. through A.28. of this Order. This penalty is payable as follows: On or before thirty (30) days after issuance of this Order the Respondent shall pay \$96,730.20 in accordance with paragraph B.9. of this Order and the Respondent shall pay \$96,730.20 as a Supplemental Environmental Project in accordance with paragraph B.10. of this Order.
9. Payment of penalties. On or before thirty (30) days after the issuance of this Order, the Respondent shall pay \$96,730.20 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 #2525."
10. Statewide Supplemental Environmental Project (SEP) Account Payment.
 - a. On or before thirty (30) days after issuance of this Consent Order, the Respondent shall pay \$96,730.20 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 #2525."
 - 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.

11. 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.
12. 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.
13. Definitions. As used in this Order, "Commissioner" means the Commissioner or a representative of the Commissioner.
14. 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.
15. 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.”

16. 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.
17. 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.
18. 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.
19. 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.
20. Respondent’s obligations under law. Nothing in this Order shall relieve Respondent of other obligations under applicable federal, state, and local law.
21. 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.
22. 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.
23. 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.

24. 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

25. 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.

26. 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, 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.

ALGONQUIN GAS TRANSMISSION, LLC

Signature: Roy Taylor

Type Name: Roy Taylor

Type Title: Director, Field Operations Northeast Region

Date: 8/19/2021

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

Betsey
Wingfield

Digitally signed by
Betsey Wingfield
Date: 2021.08.27
15:39:09 -04'00'

Betsy Wingfield
Deputy Commissioner
Department of Energy & Environmental Protection

August 27, 2021
Date