



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT

ORDER No. 8090

VS.

ALGONQUIN GAS TRANSMISSION COMPANY

NOx-40% REDUCTION CONSENT AGREEMENT AND ORDER

A. With the agreement of Algonquin Gas Transmission Company ("Respondent"), the Commissioner of Environmental Protection ("Commissioner") finds the following:

1. Respondent is a corporation which owns and operates a natural gas compressor station facility at Shunpike Road, Cromwell, Connecticut ("premise").
2. At the premise, Respondent operates six (numbers 1, 2, 3, 4, 5, and 6) Cooper-Bessemer GMWA-8 reciprocating internal combustion engines ("engines").
3. Respondent's engines have a maximum rated capacity of 16.3 MMbtu/hr/engine and are located at a premise that is a major stationary source of nitrogen oxides ("NOx"). Section 22a-174-22 of the Regulations of Connecticut State Agencies ("Regulations") is applicable to the Respondent.
4. This Consent Order is entered into by the Respondent for the purpose of complying with Section 22a-174-22 of the Regulations. The Respondent has selected Section 22a-174-22(g) of the Regulations, forty (40%) reduction of NOx emission rate, to achieve compliance.
5. The Commissioner and the Respondent agree that the 1990 baseline emission rate for the engines is 14.53 grams per brake horsepower hour ("gm/bhp-hr")

B. With the agreement of Respondent, the Commissioner, pursuant to Sections 22a-6, 22a-171, 22a-174, and 22a-177 of the Connecticut General Statutes, orders as follows:

1. On and after May 31, 1995, Respondent shall reduce the NOx emission rate from each of the engines by forty percent (40%) from the 1990 baseline emission rate. Therefore, the NOx emission rate limit pursuant to Section 22a-174-22(g) of the Regulations shall be 8.72 gm/bhp-hr for each of the six (6) engines.

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2. On or before May 31, 1996, Respondent shall perform emission testing on engines numbers 1, 2, 3, 4 and 5 and shall submit the final test report required under subparagraph B.3.(e) of this Consent Order. Such testing shall be done in accordance with Sections 22a-174-22(k) and 22a-174-5 of the Regulations and paragraph B.3. of this Consent Order.
3. Respondent shall submit a written intent-to-test ("ITT") protocol for the Commissioner's review and written approval not less than sixty (60) days prior to the emissions testing performed pursuant to paragraph B.2. of this Consent Order. The ITT submission shall comply with the format as outlined on Department of Environmental Protection ("Department") Emission Test Guidelines and Form AE-404 and shall include, but not necessarily be limited to, the following information:
 - (a) i. Test methodology description;
 - ii. A description of methods to be used to determine the fuel feed rate;
 - iii. A description of methods to be used to determine boiler stack temperatures (degrees F); and
 - iv. A listing of process and control equipment operating parameter(s) proposed to be monitored.

The ITT protocol shall provide that Respondent shall perform emissions testing for oxides of nitrogen as specified in Section 22a-174-22(k) of the Regulations including operating the equipment at not less than ninety percent (90%) of its maximum rated capacity.

(b) Respondent shall perform all testing and sampling required by paragraph B.2. in accordance with the approved ITT protocol.

(c) In conducting and performing the testing required by paragraph B.2., and in analyzing the results of such testing, Respondent shall adhere to methods specified in Section 22a-174-22(k) of the Regulations and as approved by the United States Environmental Protection Agency ("EPA") and the Department.

(d) Respondent shall schedule the emissions testing so as to allow representatives of the Department to be present during such testing, and shall allow such representatives to conduct procedural and operational audits.

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- (e) Respondent shall submit a final test report for the review and written approval of the Commissioner with the results of said emissions testing and analysis not more than thirty (30) days after the completion of testing.
4. If Respondent does not install or operate a continuous emissions monitor on the six Cooper-Bessemer GMWA-8 engines, Respondent shall conduct emission tests in accordance with subparagraphs B.3.a. through B.3.e. at least once every five years after the issuance of this Consent Order.
5. Recordkeeping. Respondent shall maintain at the premise, and make available at the premise for the Commissioner's review and inspection, the following records on a five (5) year rolling basis:
- a) six Cooper-Bessemer GMWA-8 engines operating hours;
 - b) six Cooper-Bessemer GMWA-8 engines fuel use;
 - c) six Cooper-Bessemer GMWA-8 engines daily (pounds per day), monthly (tons per month) and annual (tons per year) NOx emissions and procedures for calculating said NOx emission rates;
 - d) six Cooper-Bessemer GMWA-8 engines tune-ups, repairs, replacement of parts and other maintenance;
 - e) copies of all documents submitted to the Commissioner pursuant to Section 22a-174-22 of the Regulations; and
 - f) the dates, times, and places of all emission testing required by paragraphs B.2. and B.3. and B.4. of this Consent Order, the persons performing the measurements, the testing methods used, the operating conditions at the time of testing, and the results of such testing.
6. 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 thirty (30) days of the Commissioner's notice of deficiencies. In approving any document or other action under this Consent Order, the

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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 an agent of the Commissioner.
8. Dates. 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 personally delivered or the date three (3) days after it is mailed by the Commissioner, 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 on or before the next day which is not a Saturday, Sunday or Connecticut or federal holiday.
9. 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 the Commissioner 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. In so notifying the Commissioner, Respondent shall state in writing the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which the 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.
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 the chief executive officer of Respondent or a duly authorized representative of such officer, as those terms are defined in Section 22a-430-3(b)(2) of the Regulations, and by the individual or individuals responsible for actually preparing such document, each of whom shall certify in writing as follows:

Respondent's Initials

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Date

10/6/95

"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, 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, in accordance with Section 22a-6 of the Connecticut General Statutes, pursuant to Section 53a-157 of the Connecticut General Statutes, and in accordance with any other applicable statute."

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 under Chapters 439 and 446c of the Connecticut General Statutes.
12. False statements. Any false statement in any information submitted pursuant to this Consent Order may be punishable as a criminal offense under Section 22a-175 of the Connecticut General Statutes or, in accordance with Section 22a-6, under Section 53a-157 of the Connecticut General Statutes.
13. Notice of transfer; liability of Respondent and others. Until Respondent has fully complied with this Consent Order, Respondent shall notify the Commissioner in writing no later than fifteen (15) days after transferring all or any portion of the operations, the premises or the business which are the subject of this Consent Order, or 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. Any future owner of the premise may be subject to the issuance of an order from the Commissioner.
14. Commissioner's powers. Nothing in this Consent Order shall affect the Commissioner's authority to institute any proceeding to prevent or abate violations of the law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for violations of law which are willful or criminally negligent or for which penalties have not been specifically provided in this Consent Order, including but not limited to violations of any permit issued by the Commissioner. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this Consent Order, have not fully characterized the extent and degree of pollution or have not achieved compliance with Section 22a-174-22 of the Regulations, the Commissioner may institute any proceeding to require Respondent to undertake further investigation or further actions to prevent or abate 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. Access to premises. Any representative of the Department of Environmental Protection may

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10/6/95

enter the premises 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 shall neither create nor affect any rights of persons who or municipalities which are not parties to this Consent Order.
18. Notice to Commissioner of changes. Within fifteen (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.
19. Submission of documents. Any document required to be submitted to the Commissioner under this Consent Order shall, unless otherwise specified in writing by the Commissioner, be directed to:

Ms. Liliana Rodriguez
Department of Environmental Protection
Bureau of Air Management
Engineering & Enforcement Division
79 Elm Street
Hartford, Connecticut 06106-5127

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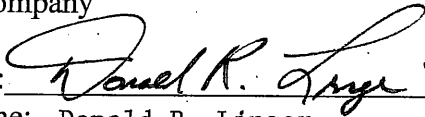

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Respondent consents to the issuance of this Consent Order without further notice. The undersigned certifies that he/she is fully authorized to enter into this Consent Order and to legally bind the Respondent to the terms and conditions of the Consent Order.


Algonquin Gas Transmission Company

Signature:  
Type Name: Donald R. Linger

Type Title: Vice President, Transmission

Date: 10/6/95

Issued as a final order of the Commissioner of Environmental Protection on 16 Oct 1995, 1995.


Sidney J. Holbrook
Commissioner

SJH/lr

Cromwell LAND RECORDS

MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Certified Document No. 345 565 591

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