

AMERICAN REF-FUEL CO. TRADING AGREEMENT AND ORDER NO. 8095

- B. The Commissioner, in accordance with the provisions of this Trading Order, and pursuant to Sections 22a-174-22(j) of the Regulations, hereby allows Company to use the ERCs referenced in Section A herein, to achieve the nitrogen oxide emission reduction required by Sections 22a-174-22(e)(1)(B) and (e)(2) of the Regulations.

Provided that all conditions of this trading order have been, and continue to be met, an extension of one year until May 31, 1996 is allowed by the Commissioner pursuant to the Regulations, Section 22a - 174-22(d) (3).

- C. With the agreement of Company, the Commissioner, acting under Sections 22a-6, 22a-171, 22a-174, 22a-176, and 22a-177 of the Connecticut General Statutes, orders Company as follows:
1. After May 1, 1995, Company shall execute a contract for the purchase of monthly ERC's as required under this order. ERCs shall be purchased for the period beginning June 1, 1995 until the Company achieves permanent compliance with the emission standard in Section 22a-174-22(e).
 2. If Company obtains monthly ERCs required as described in paragraph C.1. after 9/30/95, Company shall purchase an additional 10% of ERCs actually required from June 1, 1995 through the date of the acquisition of ERCs.
 3. Company shall acquire ERCs and document and record the amounts of NOx emissions and ERCs used by each boiler each month, and shall maintain and provide such records in accordance with the following and Sections 22a-174-4 of the Regulations, until May 1, 1999:
 - A. Before the twentieth day of each month, calculate projected ERCs required for the next month as follows:

$$\text{ERCs (tons) =} \\ \left[\frac{1.05[(76.2) \times (\text{Hrs}) - (61.2) (\text{Hrs})]}{2000} \right] \times 2$$

Where (Hrs) = the total number of hours in the upcoming month
 The value of 76.2 lb/hr represents the 24-hour permit emission limit for each boiler. The value of 61.2 lb/hr is the RACT limit for each boiler, as calculated by the facility's continuous emissions monitoring system (CEMS) data acquisition system (DAS) using the RACT limit of 0.38 lb/mmbtu and the full load steam production rate of 91,734 lb steam / hr / boiler.

- B. Except as otherwise specified in paragraph C.2. above, the Company shall acquire sufficient approved ERCs no later than the first of each calendar month to assure compliance for, at a minimum, that month. Excess credits from previous months can be applied to subsequent months.

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Documentation shall be maintained by the Company to attest to the fact that ERCs used during the ozone season were generated during the ozone season. The ozone season is May 1 to September 30 in any calendar year. Generator certification of this fact shall be sufficient.

- C. No later than the twentieth day of each month, calculate ERCs used in the preceding calendar month;
 - D. Document and record monthly NOx emissions and ERCs used;
 - E. No later than March 1, 1996, 1997, 1998 and 1999 include with its annual emissions report to the Commissioner, the Nox emissions and ERCs used for the previous calendar year and
 - F. Retain records and supporting documentation as described in Section C for a minimum of five years commencing from the date such records were created.
 - G. Company shall provide the records specified above to the Commissioner within 30 days of receipt of a written request from the Commissioner for such records.
4. From May 31, 1995 to May 1, 1999, Company shall comply during operation of each boiler with a full load emission rate limitation of 0.60 lb/MMbtu heat input, averaged on a 24-hour basis.
 5. On or before September 30, 1995, Company shall submit a progress report to the Commissioner describing the actions Company has taken to comply with this Trading Order to date, and the status of any ERC contract negotiations.
 6. As used in this Trading Order, "Commissioner" means the Commissioner of Environmental Protection or an agent of the Commissioner.
 7. If Company fails to obtain ERCs by 12/31/95, Company may comply with this Order through the alternative method provided by Section 22a-174-22(j)(1). Specifically, Company may deposit into an escrow account an amount equal to \$2,000 multiplied by the number of pounds per day of NOx emission reductions needed to achieve compliance with the appropriate emission limitation. For purposes of compliance with this Order, the amount to be deposited shall be converted into a fixed cost per ton of ERC, not to exceed \$2,000 per ton. Modifications to this requirement may be authorized in writing by the Commissioner. Failure to obtain ERCs or deposit into said escrow account shall result in noncompliance with this order.

8. Notification of noncompliance. In the event that Company becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this Trading Order or of any document required hereunder, Company 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, Company 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 compliance will be achieved, and Company shall comply with any dates which may be approved in writing by the Commissioner. Notification by Company 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.
9. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this Trading Order shall be signed by the chief executive officer of Company 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:

"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."
10. Final Agreement and Order. This Trading Agreement and Order is the final agreement and order by and between the Commissioner and Company with respect to the matters addressed herein, and shall not be modified without the written agreement of both parties.
11. False statements. Any false statement in any information submitted pursuant to this Trading 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.

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12. Notice of transfer; liability of Company and others. Until May 1, 1999, Company shall notify the Commissioner in writing no later than fifteen (15) days after transferring all or any portion of the operations, the facility or the business which are the subject of this Trading Order, or obtaining a new mailing or location address. Company's obligations under this Trading Order shall not be affected by the passage of title to any property to any other person or municipality.
13. Commissioner's powers. Nothing in this Trading 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 violations of law which are willful or criminally negligent or for which penalties have not been specifically provided in this Trading 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 Company pursuant to this Trading Order have not fully achieved compliance with Section 22a-174-22(j) of the Regulations, the Commissioner may institute any independent proceeding to require Company to undertake further investigation or further action.
14. Company's obligations under law. Nothing in this Trading Order shall relieve Company of other obligations under applicable federal, state and local law.
15. Access to records and facility. Any representative of the Department of Environmental Protection may enter the facility and inspect and copy records pertaining to this trading order, within normal business hours without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Trading Order.
16. No effect on rights of other persons. This Trading Order shall neither create nor affect any rights of persons who or municipalities which are not parties to this Trading Order.
17. Notice to Commissioner of changes. Within fifteen (15) days of the date Company becomes aware of a change in any information submitted to the Commissioner under this Trading Order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Company shall submit the correct or omitted information to the Commissioner.

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18. Submission of documents. Any document required to be submitted to the Commissioner under this Trading Order shall, unless otherwise specified in writing by the Commissioner, be directed to:

Ms. Wendy Jacobs
Department of Environmental Protection
Bureau of Air Management
Engineering and Enforcement Division
79 Elm Street
Hartford, Connecticut 06106

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

American Ref-Fuel of Southeastern Connecticut

Signature: 

Type Name: James Kevin Crant

Type Title: Plant Manager

Date: 6/1/95

Issued as a final consent order of the Commissioner of Environmental Protection on 6-2-95, 1995.



Sidney J. Holbrook
Commissioner

CITY OF PRESTON
LAND RECORDS

MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Certified Document No.