



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the matter of
State of Connecticut Department
of Mental Health and Addiction Services)

TRADING AGREEMENT AND ORDER No. 8101

Whereas, the Commissioner of the Department of Environmental Protection ("DEP") ("Commissioner") and the Commissioner of the Department of Mental Health and Addiction Services ("DMHAS") agree that it is in the public interest that they work cooperatively to improve the air quality within the State of Connecticut and that the use of emission reduction trading will achieve this result in a timely and cost-effective manner:

A. At the request and with the agreement of two facilities operated by the DMHAS, namely the Connecticut Valley Hospital ("CVH") and Norwich Hospital ("NH") ("the facilities"), the Commissioner finds the following:

- 1. The facilities are owned and operated by the State of Connecticut DMHAS and serve as health care facilities located on Silver Street in Middletown, Connecticut (CVH) and Route 12 in Preston, Connecticut (NH).
2. At the facilities, CVH operates oil-fired steam boilers ("boilers"), which are projected, based upon historical fuel consumption records, to emit 54.5 tons of nitrogen oxides ("NOx") between June 1, 1995 and May 31, 1996. Similarly, NH operates oil-fired steam boilers which are projected to emit 70.7 tons of nitrogen oxides between June 1, 1995 and May 31, 1996. Pursuant to Section 22a-174-22, Regulations of Connecticut State Agencies ("Regulations"), the projected NOx emissions for these two facilities are 45.4 tons (CVH) and 43.1 tons (NH)(equivalent to .25 pounds/million Btu of heat input [MMBtu]) all for the same time period of June 1, 1995 to May 31, 1996.
3. Pursuant to Section 22a-174-22(j) of the Regulations, On September 28, 1995 the State of Connecticut purchased 50 (fifty) tons of approved ozone season and 50 (fifty) tons of approved non-ozone season emission reduction credits ("ERCs") from the United Illuminating Company. These ERCs were purchased by and are under the managed authority of the Connecticut Office of Policy and Management (OPM) and are for use by State agencies. Approved ERCs are defined for purposes of this order as those for which the Commissioner has provided written authorization for use in compliance with Section 22a-174-22 of the Regulations.

B. The Commissioner, in accordance with the provisions of this Trading Order, and pursuant to Sections 22a-174-22(d)(4) and 22a-174-22(j) of the Regulations, hereby allows the DMHAS to use the ERCs purchased and referenced in Section A.3 herein, to achieve compliance with the nitrogen oxide emission reduction required by Section 22a-174-22(d)(2) of the Regulations. The use of these credits will be allowed prior to and during the period of installation of the advanced low-NOx fuel-burning equipment.

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C. With the agreement of the DMHAS, the Commissioner, acting under Sections 22a-6, 22a-171, 22a-174, 22a-176, and 22a-177 of the Connecticut General Statutes, orders DMHAS as follows:

1. After May 31, 1995 and until the completion of the construction and operation of the advanced low-NOx fuel-burning equipment or until May 1, 1999, whichever comes earlier, the DMHAS shall document and record the amounts of all fuel burned at operating facilities on a daily basis and shall calculate the quantity of NOx emitted which exceeds the standard of 0.25 lbs/MMBtu. DMHAS shall maintain and provide such records in accordance with the following and Section 22a-174-4 of the Regulations:

A. The calculation of debits created will be as follows:

$$\text{Debits} = (\text{Fuel Use in MMBtu} \times (*\text{FLER lbs/MMBtu} - (0.25 \text{ lbs/MMBtu} \times .95))) / 2000 \text{ pounds.}$$

*FLER = Facility specific full load emission rate in lbs/MMBtu at CVH (0.30) and NH (0.41).

Daily NOx emission totals for the period from June 1, 1995 until completion of the installation of the advanced low-NOx fuel-burning equipment shall be maintained and made available to the Department upon request;

- B. The DMHAS shall acquire sufficient approved ERCs no later than the first of each calendar month to assure compliance for, at a minimum, that calendar month. For the months of June, July, August, and September 1995, ERCs must be acquired before September 30, 1995;
- C. No later than the tenth day of each month, calculate ERCs used in the preceding calendar month;
- D. Document and record monthly fuel and ERCs used;
- E. No later than March 1 of the years 1997, 1998, 1999 and 2000 include with its annual emissions report to the Commissioner, NOx emissions and ERCs used for the previous calendar year, in monthly increments;
- F. Retain records and supporting documentation as described in this section for a minimum of five years, commencing on the date such records were created;
- G. Maintain documentation 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; and

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- H. Provide the records specified above to the Commissioner within thirty (30) days of receipt of a written request from the Commissioner.
2. Provided that all conditions of this trading order have been and continue to be met, and prior to installing the advanced low-NOx fuel-burning equipment or vacating a facility, operation of each boiler shall be limited to the full load emission rate (FLER) limitation as listed in C.1.A above, averaged on a 24-hour basis.
 3. On or before May 1, 1999, CVH and NH shall comply with the requirements of Section 22a-174-22(d)(2) of the Regulations.
 4. On or before July 31, 1997, the DMHAS shall submit a progress report to the Commissioner describing the actions the DMHAS has taken to comply with this Trading Order to date.
 5. As used in this Trading Order, "Commissioner" means the Commissioner of Environmental Protection or an agent of the Commissioner.
 6. Notification of noncompliance. In the event that the DMHAS 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, the DMHAS 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, the DMHAS 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 the DMHAS shall comply with any dates which may be approved in writing by the Commissioner. Notification by the DMHAS 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.
 7. 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 the DMHAS 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

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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."

8. Final Agreement and Order. This Trading Agreement and Order is the final agreement and order by and between the Commissioner and the DMHAS with respect to the matters addressed herein, and shall not be modified without the written agreement of both parties.
9. 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.
10. Notice of transfer; liability of DMHAS and others. Until May 1, 1999, and in accordance with Public Act 95-218, DMHAS shall notify the Commissioner in writing at least thirty (30) days prior to transferring any license held by DMHAS to any other party and 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. DMHAS's obligations under this Trading Order shall not be affected by the passage of title to any property to any other person or municipality, unless and until the responsibilities of this trading order are transferred to another person by means of a new trading order agreement.
11. 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 the DMHAS 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 DMHAS to undertake further investigation or further action.
12. DMHAS's obligations under law. Nothing in this Trading Order shall relieve the DMHAS of other obligations under applicable federal, state and local law.
13. Access to records and facilities. Any representative of the Department of Environmental Protection may enter the facilities 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.

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14. 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.
15. Notice to Commissioner of changes. Within fifteen (15) days of the date the DMHAS 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, DMHAS shall submit the correct or omitted information to the Commissioner.
16. 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:


Mr. Eric Davis
Department of Environmental Protection
Bureau of Air Management
Engineering and Enforcement Division
79 Elm Street
Hartford, Connecticut 06106

Initials: EP

Date: 7/1/96

The DMHAS 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 the DMHAS to the terms and conditions of the Trading Order.

STATE OF CONNECTICUT
DEPARTMENT OF MENTAL HEALTH AND
ADDICTION SERVICES


Signature: 

Type Name: Albert J. Solnit

Type Title: Commissioner, State of Connecticut, Department of Mental Health and
Addiction Services

Date: _____


Issued as a final consent order of the Commissioner of Environmental Protection on 16
July, 1996.


Sidney J. Holbrook
Commissioner

TOWN OF MIDDLETOWN
LAND RECORDS
TOWN OF PRESTON
LAND RECORDS

MAILED CERTIFIED MAIL,
RETURN RECEIPT REQUESTED

Certified Document No.

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