



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



In the matter of

BRIDGEPORT HOSPITAL

TRADING AGREEMENT AND ORDER No. 8132

Whereas, the Commissioner of Environmental Protection ("Commissioner") and BRIDGEPORT HOSPITAL ("BH") 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 BH, the Commissioner finds the following:

- 1. BH is a medical hospital located on 267 Grant Street, Bridgeport, Connecticut ("facility").
2. At the facility, BH operates four (4) oil/natural gas-fired steam boilers ("boilers") which are projected to emit a maximum of six (6) tons per year of nitrogen oxides ("NOx") when burning No. 6 fuel oil between June 1, 1995 and April 30, 1999. Pursuant to Section 22a-174-22, Regulations of Connecticut State Agencies ("Regulations"), the projected NOx emissions for this facility when burning No. 6 fuel oil is 3.8 tons per year (equivalent to 0.25 pounds/million Btu of heat input [MMBtu]) for the time period of June 1, 1995 to May 1, 1999.
3. Pursuant to Section 22a-174-22(j) of the Regulations, BH will acquire approved emission reduction credits ("ERCs") until May 1, 1999 in sufficient amounts as to comply with Section C.2. of this Trading Agreement and Order. 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 Agreement and Order, and pursuant to Sections 22a-174-22(d)(4) and 22a-174-22(j) of the Regulations, hereby allows BH to use the ERCs purchased and referenced in Section A.3 herein, to achieve compliance with the NOx emission reduction required by Section 22a-174-22(d)(2) of the Regulations. The use of these credits shall not be allowed later than May 1, 1999.

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

- 1. After May 31, 1995, BH shall execute a contract for the purchase of approved ERCs as required under this Trading Agreement and Order. ERCs shall be purchased for the period beginning June 1, 1995 and ending when BH achieves permanent compliance with the emission standard in Section 22a-174-22(e) or May 1, 1999, whichever occurs earlier.

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2. After May 31, 1995 and until facility boilers comply with limits specified in Section 22a-174-22 of the Regulations or until May 1, 1999, whichever occurs earlier, BH shall document and record the amounts of all fuel burned at the facility on a daily basis and shall calculate the quantity of NOx emitted which exceeds the standard of 0.25 lbs/MMBtu. BH shall maintain and provide such records to the Department upon request in accordance with the following and Section 22a-174-4 of the Regulations:
- A. The calculation of ERCs will be as follows:
- $$\text{ERCs (tons)} = (\#6 \text{ Fuel Oil Use in MMBtu} \times (*\text{FLER lbs/MMBtu} - (0.25 \text{ lbs/MMBtu} \times .95))) / 2000 \text{ pounds,}$$
- *FLER = Facility specific full load emission rate in lbs/MMBtu at BH (0.4) when burning #6 oil;
- B. BH shall purchase and retire an additional 35% of ERCs acquired after December 31, 1995, which were required from the period between June 1, 1995 and the date of purchase;
- C. BH shall acquire sufficient approved ERCs no later than the first of each calendar month to assure compliance for, at a minimum, that calendar month, except as specified in Section C.2.B. above;
- D. After facility boilers comply with Section 22a-174-22(e) of the Regulations or after May 1, 1999, whichever occurs earlier, BH must emit NOx at a rate no greater than 0.20 lbs/MMBtu when burning natural gas, nor more than 0.25 lbs/MMBtu when burning No. 6 fuel oil (residual oil);
- E. No later than the tenth day of each month, calculate ERCs used in the preceding calendar month;
- F. Document and record monthly fuel burned, NOx emissions and ERCs used;
- G. 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;
- H. Retain records and supporting documentation as described in this section for a minimum of five years, commencing on the date such records were created;
- I. 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

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certification of this fact shall be sufficient; and

- J. Provide the records specified above to the Commissioner within thirty (30) days of receipt of a written request from the Commissioner.
3. Provided that all conditions of this Trading Agreement and Order have been, and continue to be, met, comply during operation of each boiler with a full load emission rate (FLER) limitation of 0.4 lbs/MMBtu, averaged on a 24-hour basis.
4. By May 1, 1999, BH shall comply with the requirements of Section 22a-174-22(d)(2) of the Regulations.
5. As used in this Trading Agreement and Order, "Commissioner" means the Commissioner of Environmental Protection or an agent of the Commissioner.
6. In the event that BH fails to obtain ERCs by May 31, 1996, BH shall purchase and retire an additional 100% of ERCs acquired after May 31, 1996, which were required from the period between June 1, 1995 and the date of purchase.
7. Notification of noncompliance. In the event that BH 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 Agreement and Order or of any document required hereunder, BH 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, BH 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 BH shall comply with any dates which may be approved in writing by the Commissioner. Notification by BH 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.
8. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this Trading Agreement and Order shall be signed by the chief executive officer of BH 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

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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 Section 22a-175 of the Connecticut General Statutes or, 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."

9. Final Agreement and Order. This Trading Agreement and Order is the final agreement and order by and between the Commissioner and BH with respect to the matters addressed herein, and shall not be modified without the written agreement of both parties.
10. False statements. Any false statement in any information submitted pursuant to this Trading Agreement and 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.
11. Notice of transfer; liability of BH and others. Until May 1, 1999, and in accordance with Public Act 95-218, BH shall notify the Commissioner in writing at least thirty (30) days prior to transferring any license held by BH 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 Agreement and Order, or obtaining a new mailing or location address. BH's obligations under this Trading Agreement and Order shall not be affected by the passage of title to any property to any other person or municipality.
12. Commissioner's powers. Nothing in this Trading Agreement and 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 Agreement and 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 BH pursuant to this Trading Agreement and Order have not fully achieved compliance with Section 22a-174-22(j) of the Regulations, the Commissioner may institute any independent proceeding to require BH to undertake further investigation or further action.
13. BH's obligations under law. Nothing in this Trading Agreement and Order shall relieve BH of other obligations under applicable federal, state and local law.
14. 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 Agreement and Order within normal business hours

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without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Trading Agreement and Order.

- 15. No effect on rights of other persons. This Trading Agreement and Order shall neither create nor affect any rights of persons who or municipalities which are not parties to this Trading Agreement and Order.
- 16. Notice to Commissioner of changes. Within fifteen (15) days of the date BH becomes aware of a change in any information submitted to the Commissioner under this Trading Agreement and Order, or that any such information was inaccurate or misleading or that any relevant information was omitted, BH shall submit the correct or omitted information to the Commissioner.
- 17. Submission of documents. Any document required to be submitted to the Commissioner under this Trading Agreement and 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

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

BRIDGEPORT HOSPITAL

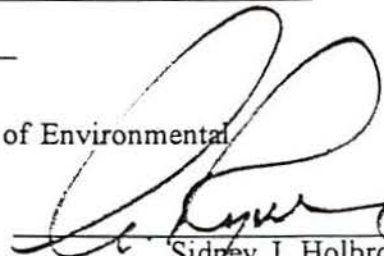
Signature: 

Type Name: ROBERT J. TREFFAY

Type Title: PRESIDENT

Date: 8/25/96

Issued as a final consent order of the Commissioner of Environmental Protection on September 10, 1996.



 Sidney J. Holbrook
 Commissioner

TOWN OF BRIDGEPORT LAND RECORDS
 MAILED CERTIFIED MAIL, RETURN RECEIPT REQUESTED
 Certified Document No.