

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of General Counsel, Region 4
1130 North Westcott Road, Schenectady, NY 12306-2014
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CERTIFIED - RETURN RECEIPT REQUESTED
7017 1070 0001 0125 8800

July 24, 2018

Daniel C. Lynch
Albany County Attorney
County of Albany
Department of Law
112 State Street, Room 600
Albany, NY 12207

Re: Order on Consent
R4-2017-0426-210

Dear Mr. Lynch:

Enclosed please find a copy of the fully executed Order on Consent referenced above.

Pursuant to Paragraph I payment of \$5,000 is due within 90 calendar days of the effective date of this order.

Sincerely,



Richard Ostrov
Regional Attorney
Region 4

Enclosure

cc: M. Lanzafame
R. Leone



Department of
Environmental
Conservation

STATE OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Violations of Article 19
of the Environmental
Conservation Law of the State of
New York and Title 6 of the Official
Compilation of the Codes, Rules and
Regulations of the State of New York

DEC CASE NO.
R4-2017-0426-210

ORDER ON CONSENT

Albany County Water Purification District
P.O. Box 4187
Albany, NY 12204

Respondent.

1. The New York State Department of Environmental Conservation (DEC or Department) is the State agency with jurisdiction over the environmental law and policy of the State pursuant to §3-0301 of the Environmental Conservation Law (ECL). DEC is and has been responsible for the protection of air resources of the State pursuant to ECL Article 19 and the rules and regulations promulgated thereunder.
2. Respondent operates two Waste Water Treatment Plants (“WWTPs”) designated as the North Plant and South Plants in the Village of Menands and City of Albany pursuant to Title V facility permits (Title V permits) with effective dates of June 6, 2016, (Permit ID: 4-0126-00138/00012) and June 21, 2016 (4-0101-00020/00012), respectively.
3. Respondent operates two sewage sludge incinerators (SSI) at each of its North and South plants with a wet scrubber on each incinerator.
4. The SSIs are subject to federal Clean Air Act regulations (40 CFR Part 60, Subpart MMMM) which are incorporated by reference at 6 NYCRR Part 200.10 and 6 NYCRR Part 219-9.
5. Respondent established initial operating parameters for each incinerator during its 2015 stack test. The operating parameters include minimum incinerator temperature, minimum scrubber pressure drop, minimum scrubber liquid flow rate, and minimum scrubber effluent pH.
6. Respondent is required to submit semi-annual monitoring and deviation reports for exceedances of emission standards and operating parameters (40 CFR §60.5235(d) (1) and (2)).

7. Respondent submitted 2016 deviation reports identifying operating parameter exceedances at both plants.

8. Respondent reported operational parameter exceedances resulting from more stringent than necessary operating parameters previously established by the Respondent during higher than normal feed rates during a 2015 stack test.

9. Respondent conducted stack tests in 2016 and 2017 to evaluate whether less stringent operating parameters would ensure continuous compliance with permit emission limits.

10. Respondent reported that the 2016 and 2017 stack tests demonstrated that less stringent operating parameters will ensure compliance with existing permit emission limits and had these less stringent operating parameters been in effect in 2015, the number of reported operating parameter exceedances reported by the Respondent would have been significantly lower.

11. Respondent reported that it took the following actions to mitigate the occurrence of subsequent operating parameter exceedances:

Implemented improved electronic tracking procedures to provide operators with real time information to adjust operating conditions reducing operating parameter exceedances.

Adjusted the wet scrubber to provide a greater range of acceptable operating conditions to reduce scrubber water flow rate operating parameter exceedances

Modified startup and shutdown procedures to reduce pressure drop operating parameter exceedances.

Relocated the combustion zone temperature monitor to a more appropriate location to reduce temperature operating parameter exceedances.

Provided additional training to incinerator operators on operating parameters and procedures to minimize operating parameter exceedances.

12. Respondent's first 2017 semiannual deviation report included significantly fewer operating parameter exceedances and no reported air emission violations.

WAIVER OF HEARING

13. Respondent has affirmatively waived its right to notice and hearing in the manner provided by law, has consented to the issuing and entering of this Order, and agrees to be bound by the terms, provisions and conditions contained therein.

NOW, having considered this matter and being duly advised, it is **ORDERED THAT**:

I. Civil Penalty

Respondent is hereby assessed a civil penalty in the amount of FIVE THOUSAND DOLLARS (\$5,000) for exceedances of operating parameters reported by Respondent in deviation reports prior to the effective date of this Order. The civil penalty shall be paid to the Department of Environmental Conservation by check within 90 days of the effective of the Order

II. Environmental Benefit Project

In addition to the civil penalty payable pursuant to Section I, Respondent agrees to a fund TWENTY THOUSAND DOLLARS (\$20,000) Environmental Benefit Project ("EBP") in accordance with the Commissioner's EBP Policy. Respondent shall establish a budget line for the 2019 fiscal year in the amount of TWENTY THOUSAND DOLLARS (\$20,000) for the sole purpose of funding the EBP ("EBP account"). The Department has approved the use of the EBP funds for the engineering costs associated with the anaerobic digesters to replace the four Respondent owned and operated Multiple Hearth Incinerators because the anaerobic digesters will result in a reduction in air emissions, and an improvement in surface water quality due to a reduction in scrubber water recirculated constituents and atmospheric deposition. Additionally, materials that can clog pipes and pumps both in the public sewer lines as well as in wastewater treatment facilities will be diverted from the wastewater infrastructure to anaerobic digesters thus preventing the potential for combined sewer overflows and which protects water quality while saving money.

III. Settlement

The timely payment of the civil penalty and the implementation of the approved EBP will be considered full compliance with the terms and conditions of this Order and Schedule of Compliance and is accepted as full settlement of the exceedances of permit operating parameters reported by the Respondent, and that have occurred prior to the effective date of this Order that are not based on the failure to properly: operate the facility control equipment; implement procedures as required by the permit; and operate monitoring equipment.

IV. Schedule of Compliance

The attached Schedule of Compliance is incorporated into the Order on Consent.

V. Communications

All communications required herein shall be made to: Department -- DEC Region 4, 1130 North Westcott Road, Schenectady, NY 12306, Attn: Regional Engineer; and Respondent – Albany County Water Purification District, P.O. Box 4187, Albany, NY 12204, Attn: Plant Operator.

VI. Access

Respondent shall allow duly authorized representatives of DEC access to the facilities without prior notice, at such times as may be desirable or necessary for DEC to inspect and determine the status of Respondent's compliance with this Order and the ECL.

VII. Summary Abatement

This Order shall not be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers, either at common law or as granted pursuant to statute or regulation.

VIII. Indemnification

Respondent shall indemnify and hold DEC, New York State, and their representatives and employees harmless for all claims, suits, damages, and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of the provisions hereof by Respondent, its directors, officers, employees, servants, agents, successors or assigns.

IX. Entire Agreement; Modification

This Order constitutes the entire agreement of the parties, and no provision of the agreement shall be deemed waived or otherwise modified except as is specifically set forth in a writing executed by the Commissioner or Regional Director of DEC indicating an intent to modify this Order.

X. Document Reviews

1. All documents, which Respondent must submit pursuant to this Order, are subject to Department approval.

2. The Department shall review each of the submittals Respondent makes pursuant to this Order to determine whether it was prepared, and whether the work done

to generate the data and other information in the submittal was done, in accordance with this Order and generally accepted technical and scientific principles. The Department shall notify Respondent in writing of its approval or disapproval of the submittal. All Department-approved submittals shall be incorporated into and become an enforceable part of this Order; and Respondent shall implement them in accordance with their respective schedules and terms, as approved.

3. a. If the Department disapproves a submittal, it shall so notify Respondent in writing and shall specify the reasons for its disapproval. Within the time frame set forth in that written notification, Respondent shall make a revised submittal to the Department that addresses and resolves all the Department's stated reasons for disapproving the first submittal.

b. After receipt of the revised submittal, the Department shall notify Respondent in writing of its approval or disapproval. If the revised submission is not approvable as submitted, the Department, at its option, may disapprove it or may approve it on condition that Respondent accepts such modifications as may be specified by Department to make it approvable. If Respondent does not accept such modifications, the revised submission will be disapproved. If the Department disapproves the revised submittal, Respondent shall be in violation of this Order. If the Department approves the revised submittal, it shall be incorporated into and become an enforceable part of this Order.

c. Respondent shall modify and/or amplify and expand a submittal upon the Department's direction to do so if the Department determines, because of reviewing data generated by an activity required under this Order or because of reviewing any other data or facts, that further work is necessary. The Department agrees that any modifications it specifies will be reasonable and consistent with customary engineering standards.

XI. Effective Date

The effective date of this Order shall be the date it is signed by the Regional Director.

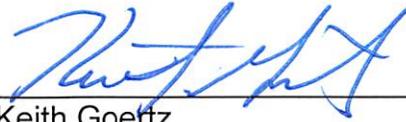
XII. Termination Date

This Order shall terminate upon the Department's determination that Respondent has complied with all the requirements of this Order.

DATED: Rotterdam, New York
July 23 2018

BY:

Basil Seggos
Commissioner
New York State Department of
Environmental Conservation



Keith Goertz
Regional Director
Region 4

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order on Consent, waives its rights to notice and hearing herein and agrees to be bound by the provisions, terms and conditions contained herein.

BY: John R. Adams Jr.
TITLE: Chairman
DATE: 7/11/18

STATE OF NEW YORK)
) ss.:
COUNTY OF Albany

On the 11th day of July in the year 2018, before me, the undersigned, John R. Adams Jr., personally known to me who, being duly sworn, did depose and say that he resides at

54 KAKELY ST., ALBANY, N.Y. 12208
(Full mailing address)

and that he has the full legal authority to execute this Order on Consent.

Melanie J. Bunzey
Notary Public, State of New York

MELANIE J. BUNZEY
Notary Public, State of New York
Qualified in Albany County
No. 01BU6048902
Commission Expires Oct. 2, 2018

Schedule of Compliance

- 1) Within 60 days of the effective date of this Order, Respondent shall submit a report to the Department detailing the actions taken to mitigate operating parameter exceedances.
- 2) Within 180 days of the effective date of this Order, Respondent shall submit a schedule to the Department describing the timetable for the replacement of all sewage sludge incineration units at the North and South plants with anaerobic digesters. The schedule shall include intermediate milestones that the Respondent shall use to demonstrate that progress is being made on the project, and a projected in-service date for the anaerobic digesters.
- 3) During the period commencing with the effective date of this Order and ending on its termination, Respondent shall comply with a minimum scrubber effluent pH of 4.5 at each scrubber at the North and South plants. Respondent shall continue to monitor and record the scrubber effluent pH as described in 40 CFR §60.5210, and using the averaging times described in Table 4 of 40 CFR 60 Subpart M. Respondent shall continue to report deviations from this limit on a semiannual basis as required by 40 CFR §60.5235(d). Respondent shall continue to comply with the performance testing schedule described in 40 CFR §60.5205 during this period.
- 4) Respondent shall continue to use the electronic recording system for operating parameters, and shall state the cause and corrective action taken for each deviation in its operating log.