



COMMONWEALTH OF MASSACHUSETTS  
 EXECUTIVE OFFICE OF ENERGY & ENVIRONMENTAL AFFAIRS  
 DEPARTMENT OF ENVIRONMENTAL PROTECTION  
 WESTERN REGIONAL OFFICE

436 Dwight Street • Springfield, Massachusetts 01103 • (413) 784-1100

PAUL L. PATRICK  
 Governor

WOLFGANG P. MURRAY  
 Lieutenant Governor

IAN A. BOWLES  
 Secretary

LAURIE BURT  
 Commissioner

**Urgent Legal Matter**

Certified Mail Number: 7007 0710 0003 2182 4103, return receipt requested.

Mr. Kevin Rousseau  
 Covanta Pittsfield, LLC  
 500 Hubbard Avenue  
 Pittsfield, MA 01201

Re: BWP- Pittsfield  
 Noncompliance with M.G.L. Chapter  
 111, Sections 142A-O & 310 CMR  
 7.00

File Number: ACOP-WE-08-7004-STP

**NOTICE OF DEMAND FOR PAYMENT OF STIPULATED PENALTY**

Dear Mr. Rousseau:

For the reasons explained below, the Department of Environmental Protection (MassDEP) hereby demands that Covanta Pittsfield, LLC (you, your or Respondent) pay a stipulated penalty to the Commonwealth in the amount of **one thousand dollars (\$1,000.00)** for alleged violations of the Administrative Consent Order issued by MassDEP on September 26, 2008, File No. ACOP-WE-08-7004 (the ACOP).

By entering into the ACOP with MassDEP, you agreed to comply with all provisions of the ACOP and not to further violate the regulations cited in Section II 4.F of the ACOP, including 310 CMR 7.00: Appendix C(3)(f), which states:

Any facility subject to 310 CMR 7.00: Appendix C and operating without an operating permit, or failing to comply with any of the terms of its operating permit; or any provision of 310 CMR 7.00: Appendix C; or any order issued by the Department pursuant to 310 CMR 7.00: Appendix C, shall be subject to

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enforcement pursuant to the Massachusetts General laws and regulations promulgated thereunder.

Covanta Pittsfield, LLC agreed in the ACOP to pay stipulated civil administrative penalties to the Commonwealth if any provisions of the Consent Order are violated. Specifically, Section III.18. of the ACOP states in pertinent part that:

... if Respondent violates any provision of this Consent Order, Respondent shall pay stipulated civil administrative penalties to the Commonwealth in the amount of five hundred dollars (\$500.00) per day for each day, or portion thereof, each such violation continues.

MassDEP has determined that you have violated Operating Permit 1-O-95-113, Table 8b, Special Terms and Conditions #9 as well as 310 CMR 7.00:Appendix C(3)(f) by failing to operate such that the rate of carbon addition equals or exceeds that measured during the most recent PCDD/PCDF and mercury performance/optimization tests during which compliance was demonstrated. As such, you are, in violation of the ACOP. MassDEP bases its determination on the following facts:

A. On October 15, 2008, MassDEP was notified in writing by Covanta Pittsfield, LLC that during October 13 and 14, 2008, an approximately 16 hour period occurred during which the carbon injection rate to the air quality control system on Boiler No. 1 was not maintained at no less than 8 pounds per hour.

B. According to Covanta Pittsfield, LLC, Boiler No. 1 had been shutdown for an extended cold-iron outage on September 29, 2008. At 16:09 on October 13, 2008, the facility began to preheat the unit on fossil fuel. At approximately 19:30 on October 13, 2008, municipal solid waste was charged to the unit and the carbon feed system for Unit No. 1 was also restarted in manual mode. The carbon feed system in the manual mode resumed operation at the feeder speed that existed at the time of the shutdown on September 29, 2008. That feeder speed rate, after the approximately 2-week period of inactivity, did not provide for a carbon injection rate of 8 pounds per hour as it had prior to the shutdown. Upon realizing that the carbon injection rate was less than 8 pounds per hour at the time of shift change the following morning (October 14 at 8AM), the system was immediately placed into the automatic mode and restored conformance with the minimum carbon injection rate of 8 pounds per hour.

C. The results of the October 13 and 14, 2008 incident were that the 8-hour block average carbon injection rates for the period of 16:00-24:00 (excluding preheat and startup) on October 13 and the period of 0:00-08:00 on October 14 were less than the required 8 pounds per hour minimum feed rate.

#### STIPULATED PENALTY

As set forth above, the ACOP states that if the Respondent violates any provision of this Consent Order, Respondent shall pay stipulated civil administrative penalties to the Commonwealth in the amount of five hundred dollars (\$500.00) per day for each day, or portion thereof, that violations of the ACOP have occurred. MassDEP has determined that a provision of the Consent Order was violated on October 13 and 14, 2008. Specifically, MassDEP has determined that the Respondent failed to operate such that the rate of carbon addition equals or exceeds that measured during the most recent PCDD/PCDF and mercury

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performance/optimization tests during which compliance was demonstrated. This violation repeats the violations for which the Respondent has been cited for previously.

Pursuant to Sections III.18 and III.19 of the ACOP, MassDEP hereby demands that you pay to the Commonwealth a stipulated civil administrative penalty in the amount of **one thousand dollars (\$1,000.00)** for the violations described above. Payment of this penalty shall be due and payable within 30 calendar days of your receipt of this Notice. Payment shall be made by certified check or money order payable to the Commonwealth of Massachusetts. You shall clearly print your tax identification number and File Number ACOP-WE-08-7004-STP on the face of the payment. The payment shall be mailed to:

Commonwealth of Massachusetts  
Department of Environmental Protection  
Commonwealth Master Lockbox  
P.O. Box 3982  
Boston, MA 02241-3982

A photocopy of the payment shall also be submitted to this office to the attention of:

Saadi Motamedi  
Bureau of Waste Prevention  
Department of Environmental Protection  
Western Regional Office  
436 Dwight Street  
Springfield, MA 01103

This Notice does not constitute an adjudicatory proceeding, and it shall not give rise to the right to seek an adjudicatory hearing under M.G.L. c. 30A. If you have reason to believe that the violations alleged have not occurred, then you should respond to this Notice in writing within 30 days by sending a request for administrative review that sets forth the factual basis for your belief.

If you fail to pay the stipulated penalty within 30 days, the stipulated penalty will become final and MassDEP will proceed to collect it as a debt to the Commonwealth. The debt may be referred either to a collection agency, to the Massachusetts Attorney General's Office for collection or to the State Comptroller's Office for collection and interception of other money due to the Covanta Pittsfield, LLC from the state.

MassDEP reserves its right to seek additional relief for any future violation of the ACOP and M.G.L. c.21A, §16, and the Massachusetts Clean Air Act. All terms of the ACOP remain in full force and effect, including those pertaining to assessment and collection of penalties. In addition, each day of continued non-compliance may subject you to additional penalties.

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If you have any questions concerning this matter please contact Cortney Danneker at (413) 755-2234.

Sincerely,

Date: 11/27/08



Michael J. Gorski  
Regional Director

cc: Steve Ellis WERO  
Gary Pierce, Covanta Berkshire Operations, Inc., 79 North Pearl Street, Albany, NY 12207

ecc: Peter Czapienski

# Receivable History and Reference Query

Menu Quick Search

Search First Prev Next Last

Department: EQE

Unit: ALL

Doc Dept: EQE

Document ID: 60008WA7004STP11240

Customer: [REDACTED]

Name: COVANTA PITTSFIELD

Total Billed : \$1,000.00  
 Total Liquidated : \$1,000.00  
 Total to Collections : \$0.00  
 Total Written Off : \$0.00  
 Total Outstanding : \$0.00  
 Closed Date : 02/02/2009

Accepted	Reference Document	Billed	Liquidated	Sent to Collection	Written Off
✓ 01/30/2009	RE EQE 60008WA7004STP112408 1	\$1,000.00	\$0.00	\$0.00	\$0.00
02/02/2009	CR EQE [REDACTED]	\$0.00	\$1,000.00	\$0.00	\$0.00

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