

RESOLUTION NO. 2023-552

RESOLUTION AUTHORIZING THE EXECUTION OF SETTLEMENT AGREEMENTS BY AND BETWEEN THE CITY OF VINELAND AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION REGARDING THE DOWN GENERATING STATION, THE CLAYVILLE GENERATING STATION, AND THE WEST GENERATING STATION.

WHEREAS, the Vineland Municipal Electric Utility (VMEU) has air operating permits from the New Jersey Department of Environmental Protection (NJDEP) covering the allowed operation of, and air emissions from, equipment located at the Down Generating Station, the Clayville Generating Station and the West Generating Station; and

WHEREAS, the emissions and operating parameters of the Down Generating Station, the Clayville Generating Station, and the West Generating Station are monitored according to the provisions of the permit; and any emission exceedances and any deviations from operating requirements must be reported to the NJDEP in quarterly, semiannual and annual reports; and

WHEREAS, deviations from the operating requirements which apply to the Down Generating Station, the Clayville Generating Station, and the West Generating Station have sometimes occurred, and have been reported to the NJDEP as required; and

WHEREAS, the NJDEP has recently concluded an evaluation of such filed reports for the Down Generating Station for 2020, 2021 and 2022, the Clayville Generating Station for 2021 and 2022, and the West Generating Station for 2021 and 2022; and

WHEREAS, affirmative defenses have been granted, based on submitted incident reports, for certain of the reported violations, with associated penalties waived for those violations; and

WHEREAS, the NJDEP has assessed penalties for the remaining violations, based on a standard schedule of fines contained in the air pollution regulations for incidents identified by permit reports, and has issued a proposed settlement for each Generating Station which covers these alleged violations and penalty assessments; and

WHEREAS, for the Down Generating Station, the NJDEP has offered a settlement with an overall 25% penalty reduction from the initially calculated \$51,200 to **\$38,400**; and

WHEREAS, for the Clayville Generating Station, the NJDEP has offered a settlement with an overall 32% penalty reduction from the initially calculated \$48,600 to **\$33,000**; and

WHEREAS, for the West Generating Station, the NJDEP has offered a settlement of **\$3,000**; and

WHEREAS, the City Council of the City of Vineland deems it in the best interest of the City to settle these matters for the amounts proposed by the NJDEP;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Vineland that the Mayor of the City of Vineland is hereby authorized to execute on behalf of the City of Vineland the three Settlement Agreements in the forms attached hereto.

Adopted:

President of Council

ATTEST:

City Clerk



Memorandum

To: Mayor Anthony Fanucci
Bob Dickenson, Business Administrator

CC: John Lillie, Director, Municipal Utilities
Richard P. Tonetta, Esq., City Solicitor

From: Jeff Davis, Supervising Engineer, Vineland Municipal Electric Utility

Date: November 9, 2023

Re: DEP Settlement Agreement – NEA220001 – 75507
For air permit violations at Howard Down Generating Station from 2020 to 2022

DEP Settlement Agreement – NEA230001 – 75808
For air permit violations at Clayville Generating Station from 2021 to 2022

DEP Settlement Agreement – NEA230001 – 75482
For air permit violations at West Generating Station from 2021 to 2022

VMEU has air operating permits from the NJDEP covering the operation of each of VMEU's three electric generating stations, namely Down Generating Station, Clayville Generating Station, and West Generating Station. The most significant sources of air pollution at these facilities are the combustion turbines located at each station, namely Down Unit 11, Clayville Unit 1 and West CT, respectively.

The NJDEP air operating permits set limits on the emissions of certain pollutants. There are also other permit provisions which govern general operating requirements. While emissions controls and other equipment perform very well, equipment problems do sometimes occur which can cause an exceedance of the emission limits or a violation of operational requirements.

VMEU is required to file periodic reports with the NJDEP, describing any exceedances, violations or deviations from the permit requirements. The NJDEP has recently concluded an evaluation of past reports which have not been previously addressed by NJDEP Enforcement. This includes reports for Down Generating Station for 2020 through 2022, Clayville Generating Station for 2021 through 2022, and West Generating Station for 2021 through 2022. Affirmative defenses were granted by the NJDEP for a number of the reported exceedances or violations, based on incident reports explaining the circumstances surrounding these events, and the associated penalties were waived in those cases.



The NJDEP has now assessed penalties for the remaining exceedances or violations. For each of the three generating stations, VMEU has received a proposed settlement agreement from the NJDEP regional enforcement section regarding these violations and penalty assessments (see attachments) The air pollution regulations contain a standard schedule of fines for permit exceedances and violations, and this schedule forms the basis of the initial NJDEP penalty assessments.

In consideration of all circumstances, including the fact that all incidents have been resolved, DEP has offered a reduction in the initial penalty amounts for Down Generating Station and Clayville Generating Station. The initial and reduced penalties for all facilities are detailed in the table below:

Facility	Initial Penalty	Reduced Penalty	% Reduction
Down Generating Station	\$51,200.00	\$38,400.00	25%
Clayville Generating Station	\$48,600.00	\$33,000.00	32%
West Generating Station	\$3,000.00	\$3,000.00	0%
TOTAL		\$74,400.00	

VMEU recommends that the proposed settlement agreements be approved and signed by the mayor, and that the proposed reduced penalties be paid. We are requesting that a resolution authorizing execution of all three Settlement Agreements be added to the City Council agenda for November 28, 2023.

If you have any questions about the settlement or facts of the matter, please feel free to contact me at jdavis@vinelandcity.org or call me at City Extension x4541.



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
AIR, ENERGY AND MATERIALS SUSTAINABILITY
DIVISION OF AIR ENFORCEMENT
BUREAU OF AIR COMPLIANCE & ENFORCEMENT - SOUTHERN
2 Riverside Drive, Suite 201
Camden, New Jersey 08103
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SHAWN M. LATOURETTE
Commissioner

PAUL BALDAUF
Asst. Commissioner

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

November 3, 2023

ANTHONY FANUCCI c/o JEFF DAVIS
VINELAND CITY MUNICIPAL ELECTRIC UTILITY
57 W. PARK AVENUE – SUITE A
VINELAND, NJ 08362

Re: VINELAND MUNICIPAL ELEC UTIL HOWARD M. DOWN /75507
New Jersey Administrative Code 7:27-22.3(d), 7:27-22.3(e), and 7:27-22.16(a)
Settlement Agreement with EA ID #: NEA220001

Dear Mr. Fanucci,

In accordance with the agreement reached between the Department and VINELAND CITY MUNICIPAL ELECTRIC UTILITY and in conformity with subsequent telephone discussions, a Revised Settlement Agreement regarding compliance with the referenced subchapter has been prepared for signature.

If this Settlement Agreement meets with your approval, please have a representative of VINELAND CITY MUNICIPAL ELECTRIC UTILITY execute the Revised Settlement Agreement and return the executed document to this office within 30 days of receipt. **Note: the payment invoice will be included with the final copy of the settlement agreement after it has been fully executed by all parties.**

If you have any questions regarding this matter, please contact Alison Stidworthy of my staff at (856)614-3601.

Sincerely,

James S. Scarvalli, Manager
Bureau of Air Compliance &
Enforcement - Southern

Enclosure



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
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Commissioner

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Asst. Commissioner

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Governor

TAHESHA L. WAY
Lt. Governor

IN THE MATTER OF
VINELAND CITY MUNICIPAL ELECTRIC UTILITY
HOWARD DOWN STATION
211 N. WEST AVENUE
VINELAND, NJ 08362

REVISED SETTLEMENT AGREEMENT

EA ID # NEA220001 - 75507

1. This Settlement Agreement is entered into pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection ("Department") by N.J.S.A. 13:1D-1 et seq., and the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq. (the "Act"), and duly delegated to the Manager, Division of Air Enforcement, Bureau of Air Compliance & Enforcement - Southern pursuant to N.J.S.A.13:1B-4.
2. You are hereby NOTIFIED that during a compliance evaluation of the above location on January 1, 2020, January 1, 2021, July 1, 2021, September 15, 2021, November 10, 2021, January 1, 2022, March 30, 2022, April 1, 2022, July 1, 2022, June 30, 2023, and July 3, 2023 the following violations of the Air Pollution Control Act (N.J.S.A. 26:2C-1 et seq.) and the Air Pollution Control regulations (N.J.A.C. 7:27-1 et seq.) were observed. These violations shall be recorded as part of the permanent enforcement history of VINELAND CITY MUNICIPAL ELECTRIC UTILITY at the above location and will be considered as an offense for future penalty determinations.
 - A. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), Ammonia Flow Rate to SCR \geq 84 lb./hr. The facility shall maintain the minimum flow rate during all operation, except during periods of startup and shutdown. The permittee shall not be considered in violation for any deviations from this requirement if corresponding NO_x emissions from the gas turbine are in compliance with applicable emission limits as established in this permit.

Description of Noncompliance: You failed to fulfill all conditions and provisions of operating permit BOP190003, U11, OS Summary, Ref. #44 on July 13, August 26, and December 4, 2021, when the ammonia injection rate fell below the minimum value of 84 lb./hr.

- B. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), Ammonia Flow Rate to SCR \geq 84 lb./hr. The facility shall maintain the minimum flow rate during all operation, except during periods of startup and shutdown. The permittee shall not be considered in violation for any deviations from this requirement if corresponding NOx emissions from the gas turbine are in compliance with applicable emission limits as established in this permit.

Description of Noncompliance: You failed to fulfill all conditions and provisions of operating permit BOP190003, U11, OS Summary, Ref. #44 on November 28, 2022, when the ammonia injection rate fell below the permitted minimum of 84 lb./hr.

- C. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), Ammonia Flow Rate to SCR \geq 84 lb./hr. The facility shall maintain the minimum flow rate during all operation, except during periods of startup and shutdown. The permittee shall not be considered in violation for any deviations from this requirement if corresponding NOx emissions from the gas turbine are in compliance with applicable emission limits as established in this permit.

Description of Noncompliance: You failed to fulfill all conditions and provisions of operating permit BOP190003, U11, OS Summary, Ref. #44 when the ammonia injection rate fell below the minimum value of 84 lb./hr. on Unit 11 Howard Down Turbine. Specifically, the ammonia injection rate was reported to be a minimum of 77 lb./hr. on June 29, 2021.

- D. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), Start-up Period: Startup commences with initiation of the combustion of fuel in the combustion turbine and concludes when the turbine reaches steady state operation, or when combustion is ceased prior to attaining steady state operation (e.g. if start-up is abandoned due to malfunction). The duration of start-up shall not exceed 20 minutes.

Description of Noncompliance: You failed to fulfill all conditions and provisions of operating permit BOP190003, U11, OS Summary, Ref. #12 on December 4, 2021, when the permitted startup time of 20 minutes was exceeded.

- E. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), maximum Gross Heat Input \leq 590 MMBTU/hr. (HHV) while firing natural gas.

Description of Noncompliance: You failed to fulfill all conditions and provisions of operating permit BOP190003, U11, OS1, Ref. #44 on November 2, 2021, when the heat input exceeded the permitted limit of 590 MMBtu/hr. while firing natural gas.

- F. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), Ammonia \leq 5 ppmvd @ 15% O₂. Based on vendor specification / SOTA.

Description of Noncompliance: You have failed to fulfill all conditions and provisions of your operating permit BOP190003, U11, OS1, Ref. #24, by exceeding the emissions limit of ammonia. Specifically, on April 14, 2022, the ammonia emissions were reported to be 5.05 ppm @ 15% O₂, 1% above the allowable, for a duration of one 3-hour block.

- G. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), Ammonia \leq 5 ppmvd @ 15% O₂. Based on vendor specification / SOTA.

Description of Noncompliance: You failed to fulfill all conditions and provisions of operating permit BOP190003, U11, OS1, Ref. #24, by exceeding the permitted limit of ammonia. Specifically, excess ammonia emissions were reported to be 6.0 lbs. on March 28, April 26, May 1, May 18, June 19, June 21, June 22, June 23, June 25, and August 5, 2020.

- H. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), Maximum Gross Heat Input \leq 590 MMBTU/hr. (HHV) while firing natural gas.

Description of Noncompliance: You failed to fulfill all conditions and provisions of operating permit BOP170003, U11, OS1, Ref. #44 by exceeding the maximum gross heat input. Specifically, on January 28, 2020, the heat input was reported to be 592.5 MMBtu/hr.

- I. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), Maximum Gross Heat Input \leq 590 MMBTU/hr. (HHV) while firing natural gas.
Description of Noncompliance: You failed to fulfill all conditions and provisions of operating permit BOP190003, U11, OS1, Ref. #44 when the maximum gross heat input exceeded the permitted limit of 590 MMBtu/hr. Specifically, on October 12, 2022, the maximum gross heat input was reported to be 599.5 MMBtu/hr.
- J. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), Ammonia \leq 5 ppmvd @ 15% O₂. Based on vendor specification / SOTA.
Description of Noncompliance: During the 1st quarter of 2021, the concentration of emissions of Ammonia (ppmvd) from the U11 Combustion Turbine, Permit/Certificate BOP190003, exceeded the maximum allowable concentration of 5 ppmvd @ 15% O₂ on March 25, 2021.
- K. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), CO \leq 5 ppmvd @ 15% O₂. Based on vendor guarantee.
Description of Noncompliance: During the 2nd quarter of 2021, the concentration of emissions of CO (ppmvd) from the U11 Combustion Turbine, Permit/Certificate BOP190003, exceeded the maximum allowable concentration of 5 ppmvd @ 15% O₂ on June 28, 2021.
- L. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), NO_x (Total) \leq 2.5 ppmvd @ 15% O₂. Based on vendor guarantee / SOTA.
Description of Noncompliance: During the 3rd quarter of 2021, the concentration of emissions of NO_x (ppmvd) from the U11 Combustion Turbine, Permit/Certificate BOP190003, exceeded the maximum allowable concentration of 2.5 ppmvd @ 15% O₂ on July 1, 2021, and August 26, 2021.
- M. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), NO_x (Total) \leq 5.4 lb./hr. Based on vendor guarantee.
Description of Noncompliance: During the 3rd quarter of 2021, the concentration of emissions of NO_x (lb./hr.) from the U11 Combustion Turbine, Permit Number BOP190003, exceeded the maximum allowable concentration of 5.4 lb./hr. on August 26, 2021.

- N. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), CO \leq 5 ppmvd @ 15% O₂. Based on vendor guarantee.
Description of Noncompliance: During the 3rd quarter of 2021, the concentration of emissions of CO (ppmvd) from the U11 Combustion Turbine, Permit Number BOP190003, exceeded the maximum allowable concentration of 5 ppmvd @15% O₂ on July 26, 2021, and August 5, 2021.
- O. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), CO \leq 6.4 lb./hr. Based on vendor guarantee.
Description of Noncompliance: During the 3rd quarter of 2021, the concentration of emissions of CO (lb./hr.) from the U11 Combustion Turbine, Permit Number BOP190003, exceeded the maximum allowable concentration of 6.4 lb./hr. on August 5, 2021.
- P. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), NO_x (Total) \leq 2.5 ppmvd @ 15% O₂. Based on vendor guarantee / SOTA.
Description of Noncompliance: During the 4th quarter of 2021, the concentration of emissions of NO_x (ppmvd) from the U11 Combustion Turbine, Permit Number BOP190003, exceeded the maximum allowable concentration of 2.5 ppmvd @15% O₂ on December 4, 2021.
- Q. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), NO_x (Total) \leq 0.01 lb./MMBTU. Based on method 19 calculations and a NO_x concentration of 2.5 ppm.
Description of Noncompliance: During the 4th quarter of 2021, the concentration of emissions of NO_x (lb./MMBtu) from the U11 Combustion Turbine, Permit Number BOP190003, exceeded the maximum allowable concentration of 0.01 lb./MMBtu on December 4, 2021.
- R. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), NO_x (Total) \leq 5.4 lb./hr. Based on vendor guarantee.
Description of Noncompliance: During the 4th quarter of 2021, the concentration of emissions of NO_x (lb./hr.) from the U11 Combustion Turbine, Permit Number BOP190003, exceeded the maximum allowable concentration of 5.4 lb./hr. on December 4, 2021.

- S. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), NO_x (Total) ≤ 2.5 ppmvd @ 15% O₂. Based on vendor guarantee / SOTA.
Description of Noncompliance: During the 4th quarter of 2022, the concentration of emissions of NO_x (ppmvd) from the U11 Combustion Turbine, Permit Number BOP190003, exceeded the maximum allowable concentration of 2.5 ppmvd @15% O₂ on November 29, 2022.
- T. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), NO_x (Total) ≤ 5.4 lb./hr. Based on vendor guarantee.
Description of Noncompliance: During the 4th quarter of 2022, the concentration of emissions of NO_x (lb./hr.) from the U11 Combustion Turbine, Permit Number BOP190003, exceeded the maximum allowable concentration of 5.4 lb./hr. on November 29, 2022.
- U. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), CO ≤ 6.4 lb./hr. Based on vendor guarantee.
Description of Noncompliance: During the 4th quarter of 2022, the concentration of emissions of CO (lb./hr.) from the U11 Combustion Turbine, Permit Number BOP190003, exceeded the maximum allowable concentration of 6.4 lb./hr. on October 11, 2022.
- V. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), CO ≤ 5 ppmvd @ 15% O₂. Based on vendor guarantee.
Description of Noncompliance: During the 3rd quarter of 2022, the concentration of emissions of CO (ppmvd) from the U11 Combustion Turbine, permit number BOP190003, exceeded the maximum allowable concentration of 5 ppmvd @15% O₂ on September 29, 2022.
- W. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), CO ≤ 6.4 lb./hr. Based on vendor guarantee.
Description of Noncompliance: During the 3rd quarter of 2022, the concentration of emissions of CO (lb./hr.) from the U11 Combustion Turbine, permit number BOP190003, exceeded the maximum allowable concentration of 6.4 lb./hr. on September 29, 2022.

3. Therefore, the Department has determined that the VINELAND CITY MUNICIPAL ELECTRIC UTILITY is liable for civil administrative penalties totaling \$51,200.00 for the above referenced violations pursuant to N.J.S.A. 26:2C-19 and N.J.A.C. 7:27A-3.1 et seq.

4. The Department and VINELAND CITY MUNICIPAL ELECTRIC UTILITY had a telephone conversation on September 1, 2023, and have agreed to settle this matter in accordance with the following terms:
 - a. The Department has determined that the above violations have been corrected and thus is willing to accept a reduced penalty as follows. VINELAND CITY MUNICIPAL ELECTRIC UTILITY agrees to operate in compliance with all applicable regulations and permits.
 - b. In full settlement of the aforementioned violations VINELAND CITY MUNICIPAL ELECTRIC UTILITY shall pay a penalty of \$38,400.00 by check made payable to "Treasurer, State of New Jersey" and remit to the Division of Revenue at the address stated on the enclosed invoice within thirty (30) calendar days from the date of full execution of this Settlement Agreement.
 - c. If VINELAND CITY MUNICIPAL ELECTRIC UTILITY fails to pay the above reduced penalty in accordance with the terms and conditions of this Settlement Agreement, then VINELAND CITY MUNICIPAL ELECTRIC UTILITY is liable for the full penalty amount. The full penalty amount will be included in a formal enforcement action that will also include formal withdrawal of this settlement agreement.
 - d. Nothing in this Settlement Agreement shall preclude the Department from taking enforcement action against VINELAND CITY MUNICIPAL ELECTRIC UTILITY for violations not set forth in this Settlement Agreement.
 - e. VINELAND CITY MUNICIPAL ELECTRIC UTILITY hereby waives its right to an administrative hearing with respect to the violations which are listed in paragraph 2. above.
 - f. Nothing in this Settlement Agreement restricts the ability of the Department to raise the above findings in any other proceeding, specifically including, but not limited to, proceedings pursuant to N.J.S.A. 13:1E-126 et seq., (commonly referred to as A-901).

g. This Settlement Agreement shall be effective upon execution by both parties. The Department does not waive its right to consider any violations set forth above as an offense in determining penalties in any future enforcement action.

NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

DATE: _____

BY: _____
James S. Scarvalli, Manager
Bureau of Air Compliance & Enforcement-
Southern

VINELAND CITY MUNICIPAL ELECTRIC UTILITY

DATE: _____

BY: _____
Anthony R. Fanucci, Mayor
City of Vineland

PENALTY CALCULATION FORM

New Jersey Administrative Code 7:27-22.3(e) – Operating Permits

Program Interest: VINELAND CITY MUNICIPAL ELECTRIC UTILITY PI ID# 75507
Responsible Organization: VINELAND MUNICIPAL ELEC UTIL HOWARD M. DOWN EA ID # NEA220001

Date of Investigation: 01/01/2020, 01/01/2021, 07/01/2021, 09/15/2021, 11/10/2021, 03/30/2022, 04/01/2022, 07/01/2022, 12/09/2022

Equipment Class (based on estimate of air contaminant with greatest emission rate w/o controls):

1. Less than 0.5 lbs/hr. 2. From 0.5 through 10 lbs/hr, or 0.5 through 2.5 lbs/hr for VOC and NOx.
3. Greater than 10 lbs/hr through 22.8 lbs/hr, or greater than 2.5 through 5.7 lbs/hr for VOC and NOx.
4. Greater than 22.8 lbs/hr, or greater than 5.7 lbs/hr for VOC and NOx.
5. If the equipment is regulated by NSPS, NESHAPS, PSDAQ, EOR, TXS or HAP (Table B).

Equipment Description	Permit Activity	Subject Item	Class	Pollutant	Allowable Rate
U11: Rolls Royce Turbine rated at 628.0 MMBtu/hr.	BOP190002	U11	5	NSPS	-

Prior Administrative Order(s) by Enforcement Action #(s) and Class:

Action(s) With N.J.A.C. 7:27-22.3(e)	Class	Action(s) With N.J.A.C. 7:27-22.3(e)	Class
NEA210001	5		

Violation	Subject Item	Class	Offense #	Base Penalty	# of Violations	Assessment (Base Penalty x # of Violations)
N.J.A.C. 7:27-22.3(e)	U11	5	2	\$6,000.00	1	\$6,000.00
N.J.A.C. 7:27-22.3(e)						
N.J.A.C. 7:27-22.3(e)						
N.J.A.C. 7:27-22.3(e)						

Signature of Investigator: Alison Stidworthy **Total Penalty Assessment*** \$6,000.00

Date: 5/23/2023

*Not to exceed statutory maximum

Should economic benefit be evaluated Yes- No- See additional pages.

VINELAND MUNICIPAL ELEC UTIL HOWARD M. DOWN (75507)
 SUB210008

Date: 5/22/2023

New Jersey Department of Environmental Protection
 CMS Excursions

Inspector: Stidworthy, Alison

Year: 2021 Quarter #: 3

Subject Item: U11 Unit No. 11

Operating Scenario: OS1 Turbine-NG

Step:

Start Time End Time	Parameter Monitored Averaging Period	Upper Bound Lower Bound	Units	Parameter Reading	Duration (Hrs.)	Percent Deviation	Level	Base	Multi- plier	Permit Exempt	Affirmative Defense	Penalty
07/01/21 09:00 AM 07/01/21 12:00 PM	NOx (Total) Not Applicable	<= 2.50E+00	ppm @ 15% O2	2.6000	3	4.00%	1	200	4	No	No	\$800.00
											Daily Total:	\$800.00
07/26/21 05:00 PM 07/26/21 08:00 PM	CO Not Applicable	<= 5.00E+00	ppm @ 15% O2	5.1000	3	2.00%	1	200	4	No	No	\$800.00
											Daily Total:	\$800.00
08/05/21 04:00 PM 08/05/21 09:00 PM	CO Not Applicable	<= 5.00E+00	ppm @ 15% O2	5.1000	5	2.00%	1	200	6	No	No	\$1,200.00
08/05/21 05:00 PM 08/05/21 09:00 PM	CO Not Applicable	<= 6.40E+00	lb/hr	6.5000	4	1.56%	1	200	6	No	No	\$1,200.00
											Daily Total:	\$2,400.00
08/26/21 06:00 PM 08/26/21 09:00 PM	NOx (Total) Not Applicable	<= 5.40E+00	lb/hr	7.5000	3	38.89%	2	400	4	No	No	\$1,600.00
08/26/21 06:00 PM 08/26/21 09:00 PM	NOx (Total) Not Applicable	<= 2.50E+00	ppm @ 15% O2	3.8000	3	52.00%	3	1000	4	No	No	\$4,000.00
											Daily Total:	\$5,600.00
											Subject Item Quarterly Total:	\$9,600.00

Signature: 

New Jersey Department of Environmental Protection
 CMS Excursions

Inspector: Stidworthy, Alison

Year: 2021 Quarter #: 4

Subject Item: U11 Unit No. 11

Operating Scenario: OS0 Summary

Step:

Start Time End Time	Parameter Monitored Averaging Period	Upper Bound Lower Bound	Units	Parameter Reading	Duration (Hrs.)	Percent Deviation	Level	Base	Multi- plier	Permit Exempt	Affirmative Defense	Penalty
12/04/21 06:00 AM 12/04/21 09:00 AM	NOx (Total) Not Applicable	<= 1.00E-02	lb/MMBTU	.0445	3	345.00%	3	1000	4	No	No	\$4,000.00
12/04/21 06:00 AM 12/04/21 09:00 AM	NOx (Total) Not Applicable	<= 5.40E+00	lb/hr	24.4000	3	351.85%	3	1000	4	No	No	\$4,000.00
12/04/21 06:00 AM 12/04/21 09:00 AM	NOx (Total) Not Applicable	<= 2.50E+00	ppm @ 15% O2	12.1000	3	384.00%	3	1000	4	No	No	\$4,000.00
											Daily Total:	\$12,000.00
											Subject Item Quarterly Total:	\$12,000.00

Signature: 

May 31, 2023

New Jersey Department of Environmental Protection
 Division of Air Enforcement
 Penalty Calculation for Violations of Continuous Monitoring Systems
 Penalty Code 7:27 A-1(n)1

VMEU Howard Down (PI #75507)

Date	Parameter Monitored	Limit	Unit	Level	Base Penalty	Duration (Hrs.)	Multiplier	Penalty
	<i>OS1 Ref. #24</i>							
3/28/2020	Ammonia	5	ppmvd	I	\$ 200.00	7	6	\$ 1,200.00
4/26/2020	Ammonia	5	ppmvd	I	\$ 200.00	3	4	\$ 800.00
5/1/2020	Ammonia	5	ppmvd	I	\$ 200.00	6	6	\$ 1,200.00
5/18/2020	Ammonia	5	ppmvd	I	\$ 200.00	7	6	\$ 1,200.00
6/19/2020	Ammonia	5	ppmvd	I	\$ 200.00	5	6	\$ 1,200.00
6/21/2020	Ammonia	5	ppmvd	I	\$ 200.00	3	4	\$ 800.00
6/22/2020	Ammonia	5	ppmvd	I	\$ 200.00	4	6	\$ 1,200.00
6/23/2020	Ammonia	5	ppmvd	I	\$ 200.00	3	4	\$ 800.00
6/25/2020	Ammonia	5	ppmvd	I	\$ 200.00	3	4	\$ 800.00
8/5/2020	Ammonia	5	ppmvd	I	\$ 200.00	3	4	\$ 800.00
3/25/2021	Ammonia	5	ppmvd	I	\$ 200.00	3	4	\$ 800.00
4/14/2022	Ammonia	5	ppmvd	I	\$ 200.00	3	4	\$ 800.00
	<i>OS1 Ref. #44</i>							
1/28/2020	Max Gross Heat Input	590	MMBtu/hr.	I	\$ 200.00	<0.5	1	\$ 200.00
11/2/2021	Max Gross Heat Input	590	MMBtu/hr.	I	\$ 200.00	1.25	4	\$ 800.00
10/12/2022	Max Gross Heat Input	590	MMBtu/hr.	I	\$ 200.00	2	4	\$ 800.00
	<i>OSO Ref. #44</i>							
6/29/2021	Ammonia Flow Rate	84	lb./hr.	I	\$ 200.00	<0.5	1	\$ 200.00
7/13/2021	Ammonia Flow Rate	84	lb./hr.	III	\$ 1,000.00	<0.5	1	\$ 1,000.00
8/26/2021	Ammonia Flow Rate	84	lb./hr.	II	\$ 400.00	<0.5	1	\$ 400.00
12/4/2021	Ammonia Flow Rate	84	lb./hr.	I	\$ 200.00	1.5	4	\$ 800.00
11/28/2022	Ammonia Flow Rate	84	lb./hr.	III	\$ 1,000.00	<0.5	1	\$ 1,000.00
9/28/2022	CO CEMS: 6.55 lb./hr.	6.4	lb./hr.	I	\$ 200.00	3	4	\$ 800.00
9/29/2022	CO CEMS: 5.11 ppm	5	ppm	I	\$ 200.00	9	8	\$ 1,600.00
							TOTAL	\$ 19,200.00

Signature: *Alison Stidworthy*Date: May 26, 2023

VINELAND MUNICIPAL ELEC UTIL HOWARD M. DOWN (75507)
SUB210005

Date: 10/26/2022

New Jersey Department of Environmental Protection
CMS Excursions

Inspector: Stidworthy, Alison

Year: 2021 Quarter #: 2

Subject Item: U11 Unit No. 11

Operating Scenario: OS1 Turbine-NG

Step:

Start Time End Time	Parameter Monitored Averaging Period	Upper Bound Lower Bound	Units	Parameter Reading	Duration (Hrs.)	Percent Deviation	Level	Base	Multi- plier	Permit Exempt	Affirmative Defense	Penalty
06/28/21 08:00 PM 06/28/21 11:00 PM	CO a 3 hour rolling average based on a 1	<= 5.00E+00	ppmvd @ 15% O2	5.1000	3	2.00%	1	200	4		No	\$800.00
											Daily Total:	\$800.00
											Subject Item Quarterly Total:	\$800.00

Signature: Alison Stidworthy

New Jersey Department of Environmental Protection
 Division of Air Enforcement
 Penalty Calculation for Violations of Continuous Monitoring Systems
 Penalty Code 7:27 A-1(n)1

Start Time End Time	Parameter Monitored	Upper/Lower Bound	Limit	Unit	Paramter Reading	Duration (Hrs.)	Percent Deviation	Level	Base Penalty	Multiplier	Penalty
10/10/2022 16:00 10/11/2022 8:00	CO	<=	6.4	lb/hr	6.42	5	0.31%	I	\$ 200.00	6	\$ 1,200
11/28/2022 16:00 11/29/2022 21:00	NOx	<=	2.5	ppm	2.65	5	6.00%	I	\$ 200.00	6	\$ 1,200
11/28/2022 17:00 11/29/2022 9:00	NOx	<=	5.4	lb/hr	5.50	5	1.85%	I	\$ 200.00	6	\$ 1,200
										TOTAL	\$ 3,600

Signature: *Alison Stidworthy*Date: October 26, 2023



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
AIR, ENERGY AND MATERIALS SUSTAINABILITY
DIVISION OF AIR ENFORCEMENT

BUREAU OF AIR COMPLIANCE & ENFORCEMENT - SOUTHERN

2 Riverside Drive, Suite 201

Camden, New Jersey 08103

Tel. (856) 614-3601 • Fax. (856) 614-6313

www.nj.gov/dep

SHAWN M. LATOURETTE
Commissioner

PAUL BALDAUF
Asst. Commissioner

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

November 3, 2023

ANTHONY FANUCCI c/o JEFF DAVIS
VINELAND CITY MUNICIPAL ELECTRIC UTILITY
57 W. PARK AVENUE – SUITE A
VINELAND, NJ 08362

Re: VINELAND CITY MEU CLAYVILLE / 75808
New Jersey Administrative Code 7:27-22.3(d), 7:27-22.3(e)
Settlement Agreement with EA ID #: NEA230001

Dear Mr. Fanucci,

In accordance with the agreement reached between the Department and VINELAND CITY MUNICIPAL ELECTRIC UTILITY and in conformity with subsequent telephone discussions, a Revised Settlement Agreement regarding compliance with the referenced subchapter has been prepared for signature.

If this Settlement Agreement meets with your approval, please have a representative of VINELAND CITY MUNICIPAL ELECTRIC UTILITY execute the Revised Settlement Agreement and return the executed document to this office within 30 days of receipt. **Note: the payment invoice will be included with the final copy of the settlement agreement after it has been fully executed by all parties.**

If you have any questions regarding this matter, please contact Alison Stidworthy of my staff at (856) 614-3601.

Sincerely,

 for:

James S. Scarvalli, Manager
Bureau of Air Compliance &
Enforcement - Southern

Enclosure



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
AIR, ENERGY AND MATERIALS SUSTAINABILITY
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SHAWN M. LATOURETTE
Commissioner

PAUL BALDAUF
Asst. Commissioner

PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

IN THE MATTER OF
VINELAND CITY MUNICIPAL ELECTRIC UTILITY
CLAYVILLE STATION
4087 SOUTH LINCOLN AVENUE
VINELAND, NJ 08361

REVISED SETTLEMENT AGREEMENT

EA ID # NEA230001 - 75808

1. This Settlement Agreement is entered into pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection ("Department") by N.J.S.A. 13:1D-1 et seq., and the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq. (the "Act"), and duly delegated to the Manager, Division of Air Enforcement, Bureau of Air Compliance & Enforcement - Southern pursuant to N.J.S.A.13:1B-4.
2. You are hereby NOTIFIED that during a compliance evaluation of the above location on January 1, 2021, January 1, 2022, April 1, 2022, April 22, 2022, August 18, 2022, AND November 30, 2022, the following violations of the Air Pollution Control Act (N.J.S.A. 26:2C-1 et seq.) and the Air Pollution Control regulations (N.J.A.C. 7:27-1 et seq.) were observed. These violations shall be recorded as part of the permanent enforcement history of VINELAND CITY MUNICIPAL ELECTRIC UTILITY at the above location and will be considered as an offense for future penalty determinations.
 - A. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), N.J.A.C. 7:27-22.16(a), N.J.A.C. 7:27-19.5(g), and 40 CFR 60, a permittee shall ensure that all requirements of the operating permit are met.

Description of Noncompliance: You failed to fulfill all conditions and provisions of BOP190002, U1, OS1, Ref. #42 and #43 by exceeding the permitted limit of NOx emissions for the Turbine. Specifically, you reported on the NSPS Subpart KKKK report that four exceedances occurred on January 28 through February 1, 2022, as follows:

<i>4-hour Block Ending in Hour</i>	<i>Limit (ppmvd)</i>	<i>NOx (ppmvd)</i>	<i>Limit (lb./MW-hr.)</i>	<i>NOx (lb./MW-hr.)</i>
11:00 on 1/28/22	78.25	124.91	3.825	4.902
17:00 on 1/30/22	78.25	112.60	3.825	4.655
18:00 on 1/30/22	78.25	108.48	3.825	4.500
10:00 on 2/1/22	78.25	99.67	3.825	4.140

- B. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), the SCR (CD1) shall be operated, and reagent shall be injected at all times that the turbine is operating, except during periods of start-up and shutdown as defined in this permit.

Description of Noncompliance: You failed to fulfill all conditions and provisions of BOP190002, U1, OS Summary, Ref. #21 by failing to operate the ammonia injection to the SCR while operating the combustion turbine. Specifically, you failed to operate the ammonia injection to the SCR while operating the combustion turbine on July 8, 2021.

- C. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), the SCR (CD1) shall be operated, and reagent shall be injected at all times that the turbine is operating, except during periods of start-up and shutdown as defined in this permit.

Description of Noncompliance: You failed to fulfill all conditions and provisions of BOP190002, U1, OS Summary, Ref. #21 by failing to operate the ammonia injection to the SCR while operating the combustion turbine. Specifically, you failed to operate the ammonia injection to the SCR while operating the combustion turbine on May 25, 2022.

- D. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), the SCR (CD1) shall be operated, and reagent shall be injected at all times that the turbine is operating, except during periods of start-up and shutdown as defined in this permit.

Description of Noncompliance: You failed to fulfill all conditions and provisions of BOP190002, U1, OS Summary, Ref. #21 by failing to operate the ammonia injection to the SCR while operating the combustion turbine. Specifically, you failed to operate the ammonia injection to the SCR while operating the combustion turbine on July 14, 2022.

- E. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), the SCR (CD1) shall be operated, and reagent shall be injected at all times that the turbine is operating, except during periods of start-up and shutdown as defined in this permit.

Description of Noncompliance: You failed to fulfill all conditions and provisions of BOP190002, U1, OS Summary, Ref. #21 by failing to operate the ammonia injection to the SCR while operating the combustion turbine. Specifically, you failed to operate the ammonia injection to the SCR while operating the combustion turbine on July 29, 2022.

- F. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), the permittee shall operate and maintain the Water Injection System, as per manufacturer's requirements, during all periods of operation, except during periods of start-up and shut down as defined in this permit.

Description of Noncompliance: You failed to fulfill all conditions and provisions of BOP190002, U1, OS Summary, Ref. #18 by failing to operate the water injection system while operating the combustion turbine. Specifically, you failed to operate the water injection system while operating the combustion turbine on May 25, 2022.

- G. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-19.5(g), NO_x (Total) \leq 1 lb./MW-hr. (net). NO_x RACT emission limit applies during all periods of natural gas combustion during which useful energy is being produced by the turbine.

Description of Noncompliance: You failed to fulfill all conditions and provisions of your operating permit BOP190002, U1, OS1, Ref. #4 by exceeding the permitted limit of NO_x. Specifically, the NO_x emissions were reported to be 2.28 lb./MW-hr. on May 25-26, 2022, exceeding the permit limit of 1.00 lb./MW-hr.

- H. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), NO_x (Total) \leq 2.5 ppmvd @ 15% O₂. Based on vendor guarantee / SOTA.

Description of Noncompliance: You failed to fulfill all conditions and provisions of operating permit BOP190002, U1, OS1, Ref. #7 by exceeding the permitted limit of NO_x. Specifically, the NO_x emissions were reported to be 43.06 ppm @15% O₂ on May 24-26, 2022, exceeding the permit limit of 2.5 ppmvd @15% O₂.

- I. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), NO_x (Total) \leq 5.79 lb./hr. Based on permitted maximum heat input (628 MMBtu/hr.) and a lb./MMBtu value equivalent to the 2.5 ppm SOTA limit (0.00921 lb/MMBtu).

Description of Noncompliance: You failed to fulfill all conditions and provisions of operating permit BOP190002, U1, OS1, Ref. #9 by exceeding the permitted limit of NO_x. Specifically, the NO_x emissions were reported to be 6.10 lb./hr. on July 14, 2022, and 8.40 lb./hr. on July 29, 2022, exceeding the permit limit of 5.79 lb./hr.

- J. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), NO_x (Total) \leq 2.5 ppmvd @ 15% O₂. Based on vendor guarantee / SOTA.

Description of Noncompliance: You failed to fulfill all conditions and provisions of operating permit BOP190002, U1, OS1, Ref. #7 by exceeding the permitted limit of NO_x. Specifically, the NO_x emissions were reported to be 3.04 ppm @15% O₂ on July 14, 2022, and 4.31 ppm @15% O₂ on July 29, 2022, exceeding the permit limit of 2.5 ppmvd @15% O₂.

- K. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), NO_x (Total) \leq 5.79 lb./hr. Based on permitted maximum heat input (628 MMBtu/hr.) and a lb./MMBtu value equivalent to the 2.5 ppm SOTA limit (0.00921 lb./MMBtu).

Description of Noncompliance: You failed to fulfill all conditions and provisions of operating permit BOP190002, U1, OS1, Ref. #9 by exceeding the permitted limit of NO_x. Specifically, the NO_x emissions were reported to be 61.7 lb./hr. on May 24-26, 2022, exceeding the permit limit of 5.79 lb./hr.

- L. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), CO \leq 14.4 lb./hr. during any hour which includes a start-up event, except for hours which include both a start-up and a shutdown event. Based on worst case actual emissions for a normal start-up.

Description of Noncompliance: You have failed to fulfill all conditions and provisions of your operating permit BOP190002, OS2, Ref. #10 by exceeding the allowable emission rate of CO during startup of the Unit 1 combustion turbine. Specifically, on February 15, 2022, the engine was reported to emit CO at a rate of 15.10 lb./hr. during start-up.

3. Therefore, the Department has determined that the VINELAND CITY MUNICIPAL ELECTRIC UTILITY is liable for civil administrative penalties totaling \$48,600.00 for the above referenced violations pursuant to N.J.S.A. 26:2C-19 and N.J.A.C. 7:27A-3.1 et seq.

4. The Department and VINELAND CITY MUNICIPAL ELECTRIC UTILITY had a telephone conversation on September 1, 2023, and have agreed to settle this matter in accordance with the following terms:
 - a. The Department has determined that the above violations have been corrected and thus is willing to accept a reduced penalty as follows. VINELAND CITY MUNICIPAL ELECTRIC UTILITY agrees to operate in compliance with all applicable regulations and permits.

 - b. In full settlement of the aforementioned violations VINELAND CITY MUNICIPAL ELECTRIC UTILITY shall pay a penalty of \$33,000.00 by check made payable to "Treasurer, State of New Jersey" and remit to the Division of Revenue at the address stated on the enclosed invoice within thirty (30) calendar days from the date of full execution of this Settlement Agreement.

 - c. If VINELAND CITY MUNICIPAL ELECTRIC UTILITY fails to pay the above reduced penalty in accordance with the terms and conditions of this Settlement Agreement, then VINELAND CITY MUNICIPAL ELECTRIC UTILITY is liable for the full penalty amount. The full penalty amount will be included in a formal enforcement action that will also include formal withdrawal of this settlement agreement.

 - d. Nothing in this Settlement Agreement shall preclude the Department from taking enforcement action against VINELAND CITY MUNICIPAL ELECTRIC UTILITY for violations not set forth in this Settlement Agreement.

 - e. VINELAND CITY MUNICIPAL ELECTRIC UTILITY hereby waives its right to an administrative hearing with respect to the violations which are listed in paragraph 2. above.

 - f. Nothing in this Settlement Agreement restricts the ability of the Department to raise the above findings in any other proceeding, specifically including, but not limited to, proceedings pursuant to N.J.S.A. 13:1E-126 et seq., (commonly referred to as A-901).

- g. This Settlement Agreement shall be effective upon execution by both parties. The Department does not waive its right to consider any violations set forth above as an offense in determining penalties in any future enforcement action.

NJ DEPARTMENT OF ENVIRONMENTAL
PROTECTION

DATE: _____

BY: _____
James S. Scarvalli, Manager
Bureau of Air Compliance & Enforcement-
Southern

VINELAND CITY MUNICIPAL ELECTRIC
UTILITY

DATE: _____

BY: _____
Anthony Fanucci, Mayor
City of Vineland

NJDEP
 CMS Excursions Penalties
 Facility: VMEU Clayville
 PI #: 75808
 Subject Item: U1 Turbine
 Inspector: Alison Stidworthy

Subpart KKKK Report: SUB220005
 Report for Dec. 2021 - May 2022

Start Time	End Time	Paramter Monitored	Upper/Lower Bound	Units	Paramter Reading	Duration (Hrs.)	Percent Deviation	Level	Base	Multiplier	Permit Exempt	Affirmative Defense	Penalty
1/28/2022 7:00	2/1/2022 10:00	NOx	96	ppm	Maximum 182.14	7	39%	II	\$ 400.00	6	No	No	\$ 2,400.00

EEMPR: SUB220004
 Year: 2022
 Quarter: 1

Start Time	End Time	Paramter Monitored	Upper/Lower Bound	Units	Paramter Reading	Duration (Hrs.)	Percent Deviation	Level	Base	Multiplier	Permit Exempt	Affirmative Defense	Penalty
2/15/2022 7:00	2/15/2023 8:00	CO	14.40	lb./hr.	15.10	1	5%	I	\$ 200.00	2	No	No	\$ 400.00

EEMPR: SUB220007
 Year: 2022
 Quarter: 2

Start Time	End Time	Paramter Monitored	Upper/Lower Bound	Units	Paramter Reading	Duration (Hrs.)	Percent Deviation	Level	Base	Multiplier	Permit Exempt	Affirmative Defense	Penalty
5/24/2022 16:00	5/26/2022 14:00	NOx	2.50	ppm @15%O2	43.06	5	1622%	III	\$ 1,000.00	6	No	No	\$ 6,000.00
5/24/2022 16:00	5/26/2022 14:00	NOx	5.79	lb./hr.	61.70	5	966%	III	\$ 1,000.00	6	No	No	\$ 6,000.00
5/25/2022 0:00	5/26/2022 0:00	NOx	1.00	lb./MW-hr.	2.28	24	128%	III	\$ 1,000.00	8	No	No	\$ 8,000.00

EEMPR: SUB220008
 Year: 2022
 Quarter: 3

Start Time	End Time	Paramter Monitored	Upper/Lower Bound	Units	Paramter Reading	Duration (Hrs.)	Percent Deviation	Level	Base	Multiplier	Permit Exempt	Affirmative Defense	Penalty
7/14/2022 11:00	7/14/2023 16:00	NOx	2.50	ppm @15%O2	3.04	5	22%	1	\$ 200.00	6	No	No	\$ 1,200.00
7/14/2022 11:00	7/14/2023 16:00	NOx	5.79	lb./hr.	6.10	5	5%	1	\$ 200.00	6	No	No	\$ 1,200.00
7/29/2022 11:00	7/29/2022 16:00	NOx	2.50	ppm @15%O2	4.31	5	72%	3	\$ 1,000.00	6	No	No	\$ 6,000.00
7/29/2022 11:00	7/29/2022 16:00	NOx	5.79	lb./hr.	8.40	5	45%	2	\$ 400.00	6	No	No	\$ 2,400.00

CMS PENALTY TOTAL: \$ 33,600.00

Signature of Inspector: Alison Stidworthy

Date: October 26, 2023



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
AIR, ENERGY AND MATERIALS SUSTAINABILITY
DIVISION OF AIR ENFORCEMENT

BUREAU OF AIR COMPLIANCE & ENFORCEMENT - SOUTHERN

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PHILIP D. MURPHY
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Lt. Governor

SHAWN M. LATOURETTE
Commissioner

PAUL BALDAUF
Asst. Commissioner

October 3, 2023

ANTHONY FANUCCI c/o JEFF DAVIS
VINELAND CITY MUNICIPAL ELECTRIC UTILITY
57 W. PARK AVENUE – SUITE A
VINELAND, NJ 08362

Re: VINELAND CITY MEU WEST STATION / 75482
New Jersey Administrative Code 7:27-22.3(d), 7:27-22.3(e), and 7:27-22.16(a)
Settlement Agreement with EA ID #: NEA230001

Dear Mr. Fanucci,

In accordance with the agreement reached between the Department and VINELAND CITY MUNICIPAL ELECTRIC UTILITY and in conformity with subsequent telephone discussions, a Settlement Agreement regarding compliance with the referenced subchapter has been prepared for signature.

If this Settlement Agreement meets with your approval, please have a representative of VINELAND CITY MUNICIPAL ELECTRIC UTILITY execute the Settlement Agreement and return the executed document to this office within 30 days of receipt. **Note: the payment invoice will be included with the final copy of the settlement agreement after it has been fully executed by all parties.**

If you have any questions regarding this matter, please contact Ms. Alison Stidworthy of my staff at (856)614-3601.

Sincerely,

James S. Scarvalli, Manager
Bureau of Air Compliance &
Enforcement - Southern

Enclosure



State of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION
AIR, ENERGY AND MATERIALS SUSTAINABILITY
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PHILIP D. MURPHY
Governor

TAHESHA L. WAY
Lt. Governor

SHAWN M. LATOURETTE
Commissioner

PAUL BALDAUF
Asst. Commissioner

IN THE MATTER OF
VINELAND CITY MUNICIPAL ELECTRIC UTILITY
WEST STATION
NEW PEACH STREET
VINELAND, NJ 08360

SETTLEMENT AGREEMENT

EA ID # NEA230001 - 75482

1. This Settlement Agreement is entered into pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection ("Department") by N.J.S.A. 13:1D-1 et seq., and the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq. (the "Act"), and duly delegated to the Manager, Division of Air Enforcement, Bureau of Air Compliance & Enforcement - Southern pursuant to N.J.S.A.13:1B-4.
2. You are hereby NOTIFIED that during a compliance evaluation of the above location on January 1, 2021, the following violation of the Air Pollution Control Act (N.J.S.A. 26:2C-1 et seq.) and the Air Pollution Control regulations (N.J.A.C. 7:27-1 et seq.) was observed. This violation shall be recorded as part of the permanent enforcement history of VINELAND CITY MUNICIPAL ELECTRIC UTILITY at the above location and will be considered as an offense for future penalty determinations.
 - A. Requirement: Pursuant to N.J.A.C. 7:27-22.3(d), N.J.A.C. 7:27-22.3(e), and N.J.A.C. 7:27-22.16(a), the starter engine will run maximum of 20 minutes per each start-up event which is used for NOx averaging plan.
Description of Noncompliance: You failed to fulfill all conditions and provisions of your permit, BOP180001, OS Summary, Ref. #9 on August 24, 2021, when the U2 starter engine operated for 2 minutes beyond the permit limit of 20 minutes.
3. Therefore, the Department has determined that the VINELAND CITY MUNICIPAL ELECTRIC UTILITY is liable for civil administrative penalties totaling \$3,000 for the above referenced violation pursuant to N.J.S.A. 26:2C-19 and N.J.A.C. 7:27A-3.1 et seq.

4. The Department and VINELAND CITY MUNICIPAL ELECTRIC UTILITY had a telephone conversation on September 1, 2023, and have agreed to settle this matter in accordance with the following terms:
- a. The Department has determined that the above violation has been corrected and agrees to operate in compliance with all applicable regulations and permits.
 - b. In full settlement of the aforementioned violation VINELAND CITY MUNICIPAL ELECTRIC UTILITY shall pay a penalty of \$3,000.00 by check made payable to "Treasurer, State of New Jersey" and remit to the Division of Revenue at the address stated on the enclosed invoice within thirty (30) calendar days from the date of full execution of this Settlement Agreement.
 - c. If VINELAND CITY MUNICIPAL ELECTRIC UTILITY fails to pay the above reduced penalty in accordance with the terms and conditions of this Settlement Agreement, then VINELAND CITY MUNICIPAL ELECTRIC UTILITY is liable for the full penalty amount. The full penalty amount will be included in a formal enforcement action that will also include formal withdrawal of this settlement agreement.
 - d. Nothing in this Settlement Agreement shall preclude the Department from taking enforcement action against VINELAND CITY MUNICIPAL ELECTRIC UTILITY for violations not set forth in this Settlement Agreement.
 - e. VINELAND CITY MUNICIPAL ELECTRIC UTILITY hereby waives its right to an administrative hearing with respect to the violation which is listed in paragraph 2. above.
 - f. Nothing in this Settlement Agreement restricts the ability of the Department to raise the above findings in any other proceeding, specifically including, but not limited to, proceedings pursuant to N.J.S.A. 13:1E-126 et seq., (commonly referred to as A-901).

- g. This Settlement Agreement shall be effective upon execution by both parties. The Department does not waive its right to consider any violations set forth above as an offense in determining penalties in any future enforcement action.

NJ DEPARTMENT OF ENVIRONMENTAL PROTECTION

DATE: _____

BY: _____
James S. Scarvalli, Manager
Bureau of Air Compliance & Enforcement-
Southern

VINELAND CITY MUNICIPAL ELECTRIC UTILITY

DATE: _____

BY: _____
Anthony Fanucci, Mayor
City of Vineland

PENALTY CALCULATION FORM

New Jersey Administrative Code 7:27-22.3(e) – Operating Permits

Program Interest: VINELAND CITY MUNICIPAL ELECTRIC UTILITY PI ID# 75482
Responsible Organization: VINELAND MUNICIPAL ELECTRIC UTILITY (VMEU - W) EA ID # NEA230001

Date of Investigation: 01/01/2021

Equipment Class (based on estimate of air contaminant with greatest emission rate w/o controls):

1. Less than 0.5 lbs/hr. 2. From 0.5 through 10 lbs/hr, or 0.5 through 2.5 lbs/hr for VOC and NOx.
3. Greater than 10 lbs/hr through 22.8 lbs/hr, or greater than 2.5 through 5.7 lbs/hr for VOC and NOx.
4. Greater than 22.8 lbs/hr, or greater than 5.7 lbs/hr for VOC and NOx.
5. If the equipment is regulated by NSPS, NESHAPS, PSDAQ, EOR, TXS or HAP (Table B).

Equipment Description	Permit Activity	Subject Item	Class	Pollutant	Allowable Rate
Excess run time on Starter Engine for U1 Turbine	BOP180001	U2	5	NESHAPS	N/A

Prior Administrative Order(s) by Enforcement Action #(s) and Class:

Action(s) With N.J.A.C. 7:27-22.3(e)	Class	Action(s) With N.J.A.C. 7:27-22.3(e)	Class
N/A	N/A		

Violation	Subject Item	Class	Offense #	Base Penalty	# of Violations	Assessment (Base Penalty x # of Violations)
N.J.A.C. 7:27-22.3(e)	U2	5	1	\$3,000.00	1	\$3,000.00
N.J.A.C. 7:27-22.3(e)						
N.J.A.C. 7:27-22.3(e)						
N.J.A.C. 7:27-22.3(e)						

Signature of Investigator: Alison Stidworthy **Total Penalty Assessment*** \$3,000.00

Date: 06/21/2023

*Not to exceed statutory maximum

Should economic benefit be evaluated Yes- No- See additional pages.

PENALTY CALCULATION FORM

New Jersey Administrative Code 7:27-22.3(e) – Operating Permits

Program Interest: VINELAND CITY MEU CLAYVILLE	PI ID# 75808
Responsible Organization: VINELAND CITY MEU CLAYVILLE	EA ID # NEA230001

Date of Investigation: 01/01/2021, 07/01/2021, 09/14/2021, 01/01/2022, 04/01/2022, 04/22/2022, 08/18/2022, 11/30/2022

Equipment Class (based on estimate of air contaminant with greatest emission rate w/o controls):

1. Less than 0.5 lbs/hr. 2. From 0.5 through 10 lbs/hr, or 0.5 through 2.5 lbs/hr for VOC and NOx.
3. Greater than 10 lbs/hr through 22.8 lbs/hr, or greater than 2.5 through 5.7 lbs/hr for VOC and NOx.
4. Greater than 22.8 lbs/hr, or greater than 5.7 lbs/hr for VOC and NOx.
5. If the equipment is regulated by NSPS, NESHAPS, PSDAQ, EOR, TXS or HAP (Table B).

Equipment Description	Permit Activity	Subject Item	Class	Pollutant	Allowable Rate
U1 Gas Turbine	BOP230002	U1	5	NSPS	N/A
• <i>Water Injection: 5/25/22</i>					
• <i>SCR Operation: 7/8/21, 5/25/22, 7/14/22, 7/29/22</i>					

Prior Administrative Order(s) by Enforcement Action #(s) and Class:

Action(s) With N.J.A.C. 7:27-22.3(e)	Class	Action(s) With N.J.A.C. 7:27-22.3(e)	Class
N/A			

Violation	Subject Item	Class	Offense #	Base Penalty	# of Violations	Assessment (Base Penalty x # of Violations)
N.J.A.C. 7:27-22.3(e)	U1	5	1	\$3,000	5	\$15,000
N.J.A.C. 7:27-22.3(e)						
N.J.A.C. 7:27-22.3(e)						
N.J.A.C. 7:27-22.3(e)						

Signature of Investigator: *Alison Stidworthy* **Total Penalty Assessment*** \$15,000.00

Date: 10/26/2023

*Not to exceed statutory maximum

Should economic benefit be evaluated Yes- No- See additional pages.