

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT  
DIVISION OF AIR RESOURCES

In Re:

Naval Education and Training Center  
Public Works Department  
Building 1, Simonpietri Drive  
Newport, RI 02841

In Reference to A.H. File No. 96-07-AP

CONSENT AGREEMENT

This Consent Agreement is entered by and between the Rhode Island Department of Environmental Management, Division of Air Resources (hereinafter "the Division"); and the Naval Education and Training Center, Newport, RI 02841 (hereinafter "NETC"), pursuant to the Rhode Island Clean Air Act, Title 23, Chapter 23 of the General Laws of the State of Rhode Island and Providence Plantations, as amended, and the Air Pollution Control Regulations adopted in accordance therewith, and the Department of Environmental Management Act, R.I.G.L. 42-17.1-2 et seq., and constitutes an alternative RACT determination pursuant to Section 27.4.8 of Air Pollution Control Regulation No. 27, effective 1 February 1994, last amended 16 January 1996.

NETC is regulated under Air Pollution Control Regulation No. 27, entitled "Control of Nitrogen Oxides Emissions." In order to assure that NETC complies and/or continues to comply with the provisions of Air Pollution Control Regulation No. 27, the Division and NETC hereby agree as follows:

1. That the Division has jurisdiction over the subject matter of this Consent Agreement and over the parties consenting to this Consent Agreement.
2. That NETC is subject to the provisions of Title 23, Chapter 23 of the Rhode Island General Laws, as amended, and the Air Pollution Control Regulations adopted in accordance therewith.
3. That the provisions of this Consent Agreement shall apply to, and be binding upon NETC, its officers, directors, agents, servants, employees, operators, successors and assignees and persons, firms and corporations acting under, through and for it.
4. That NETC operates three boilers, all of which burn #4 fuel oil, at the Coasters Harbor Island Building #86 (hereinafter "the 86CHI boiler plant"); one 112.8 million BTU per hour boiler (hereinafter "boiler #1"), one 56.41 million BTU per hour boiler (hereinafter boiler #2"), and one 98.3 million BTU per hour boiler (hereinafter "boiler #3"). An additional 70.08 million BTU per hour boiler (hereinafter "boiler #4") is not currently in operation, but is maintained at the 86CHI boiler plant for emergency use.
6. That NETC shall cease all use of boilers #1, #2, #3 and #4 at the 86CHI boiler

plant on or before 31 December 2002.

7. That NETC shall submit an annual report to the Division by 15 January of each year until the 86CHI boiler plant is shut down. The report shall include the total fuel usage for boilers #1, #2, #3 and #4 for the prior twelve months, as well as, a summary of the progress which has been made toward the permanent shut down of the 86CHI boiler plant.
8. That should NETC elect to install a boiler at the Coddington Cove Building #7 (hereinafter "7CC boiler plant) to replace the boilers at the 86CHI boiler plant, the boiler shall be installed in compliance with all applicable air pollution control regulations, specifically Air Pollution Control Regulation No. 9, entitled "Air Pollution Control Permits."
9. That until steam production ceases at the 86CHI boiler plant, NETC shall comply with the following:
  - a. NETC shall not operate boilers #1, #2, #3 or #4 from 1 June through 31 August of each year, without prior written approval from the Director. Written approval will only be granted if construction, to increase the capacity at the 7CC boiler plant, necessitates the use of the 86CHI boiler plant.

- b. NETC shall burn #4 fuel oil, #2 fuel oil or natural gas in boilers #1, #2, #3 and #4 at the 86CHI boiler plant at all times.
- c. Within 30 days of the execution of this Consent Agreement, NETC shall install, operate and maintain fuel flow meters each of the boilers #1, #2 and #3. Should NETC choose to operate boiler #4, a fuel flow meter shall be installed prior to start-up.
- d. Fuel usage at the 86CHI boiler plant shall not exceed 2,103,450 gallons of #4 fuel oil in any consecutive twelve month period. — Action
- e. Should NETC exceed the fuel usage limitation established in item 9(d) of this Consent Agreement, all of the operational boilers at the 86CHI boiler plant must immediately comply with the RACT requirements specified in Section 27.4.2 of Air Pollution Control Regulation No. 27.
- f. On a monthly basis, no later than five days after the first of each month, NETC shall determine and record the fuel usage for the 86CHI boiler plant for the previous twelve month period.
- g. NETC shall notify the Division, in writing, within ten calendar days whenever the fuel usage in the 86CHI boiler plant exceeds the limitation established in 9(d) for any consecutive twelve month period.
- h. NETC shall perform a tune-up on each operational boiler at the 86CHI boiler plant on or before 31 May 1996, and prior to 31 May of each subsequent year of operation, in accordance with the procedure described

in Appendix A of Air Pollution Control Regulation No. 27, and NETC shall keep all required records.

10. That NETC shall comply with all applicable record keeping and reporting requirements contained in Section 27.6 of Regulation No. 27, as revised.
11. That all other NO<sub>x</sub> emitting sources at NETC shall comply with RACT as specified in Regulation No. 27.
12. That all records required by this Consent Agreement and by Air Pollution Control Regulation No. 27 must be maintained by NETC at the Newport facility for a period of five years, and made available to representatives of the Division and United States Environmental Protection Agency upon request. Failure to maintain or produce the required records is a violation of this Consent Agreement.
13. That if an event, arising from causes beyond the control of NETC, should occur which would prevent NETC from meeting any of the deadlines established in this consent agreement, NETC shall notify the Division, in writing, prior to the deadline. Notification shall include the reason for the delay in compliance, as well as, any steps NETC has taken to rectify the situation. An extension may be granted, at the sole discretion of the Division, based on the severity of the event

and the efforts made by NETC to achieve compliance with the consent agreement and the deadlines contained therein.

14. That it is agreed and understood by the parties that the implementation of the requirements of this Consent Agreement does not relieve NETC from compliance with any and all requirements of the Rhode Island Clean Air Act and applicable Air Pollution Control Regulations, or with any applicable Air Pollution Control Regulations that become effective and/or amended subsequent to the execution of this Consent Agreement.

Consented to in Substance and in Form:

State of Rhode Island and Providence Plantations

Department of Environmental Management

For the Director:



Stephen Majkut, Chief

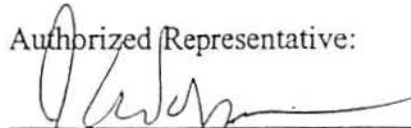
Division of Air Resources

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Date

Naval Education and Training Center hereby agrees to the above Consent Agreement, which becomes effective immediately upon being entered and issued.

Authorized Representative:



Signature

NETC, Director of Public Works

Title

28 Feb 96

Date