

OFFICE OF ADJUDICATIONS

IN THE MATTER OF

: ORDER NO. SRD-173

ALLIANCE ENERGY CORP.

: JUNE 15, 2007

FINAL DECISION

The parties have agreed to resolve the respondent's appeal of the above-noted order by means of the attached consent order, which has been signed by the respondent. Regs., Conn. State Agencies §22a-3a-6(1)(2). I hereby convey this consent order to the Commissioner for her review and approval. This appeal will thereafter be terminated and removed from the docket of this office.

/s/ Jean Dellamarggio
Jean Dellamarggio, Hearing Officer

APPENDIX A
PARTY LIST

In the Matter of Alliance Energy Corp.
Consent Order/Order No. SRD-173

PARTY(IES)

REPRESENTED BY

The Applicant

Alliance Energy Corp.

M. Anne Peters, Esq.
Carmody & Torrance LLP
50 Leavenworth Street
P.O. Box 1110
Waterbury, CT 06721-1110

Mark W. Roberts, Esq.
McRoberts, Roberts and Rainer, LLP
Exchange Place
53 State Street
Boston, MA 02109

Department of Environmental Protection

Bureau of Air Management
79 Elm Street

Gary Trombly

Hartford, CT 06106

Gabrielle Frigon

John M. Looney, Esq., AAG
Office of the Attorney General
55 Elm Street
Hartford, CT 06106

STATE OF CONNECTICUT
V.
ALLIANCE ENERGY CORP.

CONSENT ORDER

A. With the agreement of Alliance Energy Corp. (“Respondent”), the Commissioner of Environmental Protection (“the Commissioner”) finds:

1. Respondent is a corporation that is or has been engaged in retail petroleum distribution at 24 Main Street in Durham, Connecticut (“the site”) and is the owner of property located at 24 Main Street in Durham, Connecticut. The site is more fully described in a deed which is recorded at page 625 of volume 151 of the Durham land records as Lot #5 on Map #58 in the Durham Tax Assessor's office.
2. Respondent stores and dispenses petroleum products, including but not limited to, gasoline and diesel at the site.
3. Respondent is responsible for releases at the site at least due to:
 - a. gasoline and diesel surface releases that occurred on or about October 7, 2002;
 - b. a reported release from an in-ground fuel oil tank failure that occurred on or about July 8, 2004;
 - c. a reported gasoline surface release that occurred on or about September 22, 2004;
4. Soil at the site and groundwater at and emanating from the site are polluted with petroleum constituents, including, but not limited to, methyl tertiary-butyl ether (“MTBE”).
5. One residential drinking water well, located near the site, is polluted with the gasoline additive MTBE at a level that exceeds the Department of Public Health (“DPH”) Action Level for MTBE in drinking water. Another drinking water well near the site has concentrations of MTBE below the DPH Action Level in drinking water.
6. By virtue of the above, Respondent has created or is maintaining a facility or condition which reasonably can be expected to create a source of pollution to the waters of the State and has polluted the waters of the State, and has created a discharge to the waters of the State without obtaining a permit as required by section 22a-430 of the

Connecticut General Statutes.

7. By agreeing to the issuance of this consent order, Respondent makes no admission of fact or law with respect to the matters addressed herein, other than the facts asserted in paragraphs A.1. and A.2.
- B. With the agreement of Respondent the Commissioner, acting under §22a-6, §22a-424, §22a-432, §22a-471 and §22a-449 of the Connecticut General Statutes, orders Respondent as follows:
1. Respondent has retained APEX Environmental, Inc. (APEX), and shall continue to retain one or more qualified consultants acceptable to the Commissioner to prepare the documents and implement or oversee the actions required by this consent order. Respondent shall retain one or more qualified consultants acceptable to the Commissioner until this consent order is fully complied with, and, within ten days after retaining any consultant other than one originally identified under this paragraph, Respondent shall notify the Commissioner in writing of the identity of such other consultant. The consultant(s) retained to prepare the documents and implement or oversee the actions required by this consent order shall be an environmental professional (“LEP”) licensed in the State of Connecticut pursuant to Connecticut General Statutes section 22a-133v. Respondent shall submit to the Commissioner a description of a consultant's education, experience and training which is relevant to the work required by this consent order within ten days after a request for such a description. Nothing in this paragraph shall preclude the Commissioner from finding a previously acceptable consultant unacceptable.
 2. a. Monitoring Within (30) days from the issuance of this consent order, Respondent shall at a minimum, sample the drinking water supply wells located at the properties identified below and in accordance with the frequency specified below thereafter for volatile organic compounds, including but not limited to MTBE, semi-volatile organic compounds and Connecticut Extractable Total Petroleum Hydrocarbons (ETPH).

<u>Town of Durham</u> <u>Address</u>	<u>Last known name of</u> <u>owner or occupant</u>	<u>Monitoring Frequency</u>
21 Main Street	Mr. & Mrs. Steven Liss	quarterly
13 Main Street	Three Licks LLC	semi-annually
5 New Haven Road	Antonios Darmoysliss	quarterly
32 Main Street	Richard & Catherine Vynalek	semi-annually

- b. On or before thirty (30) days from issuance of this consent order for the properties listed in paragraph B.2.a., and within thirty (30) days after notice from the Commissioner that additional properties are within an area the ground waters of which can reasonably be expected to become polluted as the result of any pollution emanating from the Site, and in accordance with the frequency specified in paragraph B.2.a. of this consent order, Respondent shall monitor the water supplies for each of those properties for volatile organic compounds, including MTBE, semi-volatile compounds, and Extractable Total Petroleum Hydrocarbons (ETPH).

- c. Any drinking water well which is monitored and which exceeds a level which the Commissioner of Public Health has determined, as of the time of the most recent sampling, creates or can reasonably be expected to create an unacceptable risk to the health or safety of persons using such waters for drinking or other personal or domestic uses ("then current action level"), shall be resampled within five days of Respondent's receipt of the sample results. If exceedance of such level is confirmed, Respondent shall provide short-term potable drinking water in accordance with paragraph B.2.g. of this consent order in accordance with a schedule approved in writing by the Commissioner. If the retest does not confirm the exceedance of such level, a third sample shall be taken within five days of Respondent's receipt of the results, and if two of the three tests show that such level is exceeded, Respondent shall provide short-term potable drinking water in accordance with paragraph B.2.g. of this consent order in accordance with a schedule approved in writing by the Commissioner or until the Commissioner issues an approval in accordance with paragraph B.2.f. of this consent order.
- d. The minimum duration for quarterly monitoring of any drinking water supply well shall be two years. If a concentration value of 50% of the then current action level, or a concentration value of 50% of the then current Groundwater Protection Criteria for compounds that do not have an established action level, is not exceeded at any time during four consecutive quarterly sampling periods ending no sooner than two years following commencement of the quarterly monitoring, monitoring frequency may be reduced to semi-annually for one year.
- e. Semi-annual testing shall be conducted during periods of the year specified by the Commissioner of Environmental Protection. If a concentration value of 50% of the then current action level for any volatile organic compound, including but not limited to MTBE, or a concentration value of 50% of the then current Groundwater Protection Criteria for any semi-volatile compounds or ETPH is not exceeded during the three-year duration of semi-annual samplings, monitoring for the particular supply may be terminated with the prior written approval of the Commissioner of Environmental Protection. The Commissioner will not grant such approval if the Commissioner determines that the pollution for which Respondent is responsible can still reasonably be expected to affect the particular water supply at a concentration that exceeds 50% of the then current action level for any volatile organic compound including but not limited to MTBE or the lower of either the then current action level or the then current Ground Water Protection Criteria for any semi-volatile compounds or ETPH. If a concentration value of 50% of the then current action level for any volatile organic compound, including but not limited to MTBE or the then current Groundwater Protection Criteria for any semi-volatile compounds or ETPH is exceeded, quarterly monitoring and, thereafter, semi-annual monitoring shall be reinstated as described in paragraphs B.2.d. and B.2.e. of this consent order unless the then current action level for any volatile organic compound, including but not limited to MTBE, is exceeded, in which case the supply shall be monitored and further actions taken in accordance with paragraphs B.2.c., B.2.d. and B.2.e. of this

consent order.

- f. Respondent may request the termination of maintenance and monitoring of any treatment system and/or monitoring of any drinking water supply well in the event that a long-term provision of potable water in the form of a public supply of drinking water has been extended to the location where a drinking water supply well is being monitored or Respondent demonstrates to the satisfaction of the Commissioner that it is not responsible for the pollution of the groundwater in the area of the properties whose drinking water wells are being monitored. Monitoring of a drinking water supply well may only be terminated with the written approval of the Commissioner.
- g. Respondent shall provide short-term potable drinking water to the properties required by this consent order in accordance with the following:
 - (1) Respondent shall provide one (1) gallon per person per day of bottled water to the persons served by wells which have been polluted as the result of any pollution emanating from the site, or which can reasonably be expected to become polluted within 24 hours after notification that it is required is received from the Commissioner or within 24 hours after an exceedance is confirmed pursuant to paragraph B.2.c. of this consent order, whichever is earlier. Bottled water shall be delivered on a regular basis by a company licensed to bottle water by the State of Connecticut until an alternative short-term potable water supply is provided pursuant to paragraph B.2.g.(2). of this consent order or until the Commissioner issues an approval in accordance with paragraph B.2.f. of this consent order.
 - (2) In accordance with Attachment A to this consent order, Respondent shall provide Granular Activated Carbon (GAC) filter treatment systems and any pretreatment systems which the Commissioner determines are necessary for each affected property identified in this consent order, or subsequently identified by the Commissioner in accordance with the terms of this consent order, within two weeks after notice from the Commissioner that they are required or within two weeks after an exceedance is confirmed pursuant to paragraph B.2.c. of this consent order, whichever is earlier. Respondent shall install, monitor and maintain such GAC treatment systems and any pretreatment systems in accordance with Attachment A to this consent order until the Commissioner issues an approval in accordance with paragraph B.2.f. of this consent order.
 - (3) The minimum duration for maintenance and quarterly monitoring of any drinking water supply well for which a GAC treatment system has been installed shall be two years. If a concentration value of 50% of the then current action level, or a concentration value of 50% of the then current Groundwater Protection Criteria for compounds that do not have an established action level, is not exceeded at any time during four consecutive quarterly sampling periods ending no sooner than two years following commencement of the quarterly monitoring, monitoring frequency may be reduced to semi-annually for three years.

- (4) In accordance with Attachment A to this consent order, Respondent shall monitor and maintain the Granular Activated Carbon (GAC) filter treatment systems and any pretreatment systems which the Department has provided to the property located at 21 Main Street in the Town of Durham until the Commissioner issues an approval in accordance with paragraph B.2.f. of this consent order. Such filter was installed by the Department of Environmental Protection on October 21, 2005.
 - (5) On or before five days after Respondent begins to provide potable drinking water pursuant to paragraphs B.2.g.(1) or B.2.g.(2) of this consent order, Respondent shall submit written certification to the Commissioner that provision of potable drinking water has begun as required.
- h. Scope of Study. On February 14, 2006, Respondent submitted a scope of study for the investigation of the activities described in paragraphs A.1. through A.5. inclusive, of this consent order. The scope of study was amended by Respondent's submissions dated April 17, 2006 and April 26, 2006 (via electronic mail). On May 16, 2006, Respondent submitted a supplemental scope of study for the investigation of the activities described in paragraphs A.1. through A.5. inclusive of this consent order. The investigation shall determine the potential impact of Respondent's on-site activities on human health and the environment, both on the site and off the site, including, but not limited to, the existing and potential extent and degree of soil, ground water and surface water pollution. Such scope of study included, but was not limited to:
- (1) the proposed locations and depths of ground water monitoring wells and soil and surface water sampling;
 - (2) the installation of multi level wells on-site and off-site to delineate the extent of pollution both horizontally and vertically in both the overburden and bedrock aquifers;
 - (3) a proposed sampling and analytical program, including at least the parameters to be tested, sampling and analytical methods, and quality assurance and quality control procedures; and
 - (4) a schedule for conducting the investigation required by this paragraph of the consent order. The schedule shall also include a date by which the report required by paragraph B.2.k. of this consent order will be submitted to the Commissioner.
- i. Performance of Investigation.
- (1) Respondent shall perform the investigation and other actions specified in the approved scope of study in accordance with the approved scope of study and the approved schedule.

- (2) Respondent shall notify the Commissioner in writing of the date and time of installation of monitoring wells and of each soil and water sampling event at least six business days prior to such installation or sampling.

- j. Supplemental Plan and Investigation. If the investigation carried out under an approved scope of study does not fully characterize the extent and degree of soil, surface water and ground water pollution to the satisfaction of the Commissioner, additional investigation shall be performed in accordance with a supplemental plan and schedule approved in writing by the Commissioner. Unless otherwise specified in writing by the Commissioner, the supplemental plan and schedule shall be submitted for the Commissioner's review and written approval on or before 30 days after notice from the Commissioner that they are required. Respondent shall notify the Commissioner in writing of the date and time of installation of monitoring wells and of each soil and water sampling event at least six business days prior to such installation or sampling.

- k. Investigation Report and Remedial Action Plan. On or before April 20, 2007, Respondent shall submit for the Commissioner's review and written approval a revised Conceptual Site Model that shall include all analytical data and information obtained and derived during the investigation conducted pursuant to paragraphs B.2.i. and B.2.j. of this consent order. Also, on or before August 31, 2007, Respondent shall submit for the review and written approval of the Commissioner a comprehensive and thorough report which describes in detail the investigation performed pursuant to paragraphs B.2.i. and B.2.j. of this consent order, and which:
 - (1) defines the existing and potential extent and degree of soil, surface water and ground water pollution which is on, is emanating from or has emanated from the site;
 - (2) evaluates the alternatives for remedial actions to abate such pollution in accordance with the standards adopted pursuant to section 22a-133k of the Regulations of Connecticut State Agencies. This evaluation shall include, but not be limited to, any alternative specified by the Commissioner;
 - (3) states in detail the most expeditious schedule for performing each alternative;
 - (4) lists all permits and approvals required for each alternative, including, but not limited to any permits required under sections 22a-32, 22a-39, 2a-42a, 22a-342, 22a-361, 22a-368 or 22a-430 of the Connecticut General Statutes;
 - (5) proposes a preferred alternative with supporting justification therefore; and
 - (6) proposes a detailed remedial action plan and schedule to perform the preferred remedial actions. The schedule required by this paragraph shall also include a schedule for applying for and obtaining all permits and approvals required for

such remedial actions.

- l. Submission of Ground Water Monitoring Plan. On or before 30 days after the Commissioner has approved a remedial action alternative, Respondent shall submit for the Commissioner's review and written approval:
 - (1) a plan for soil, surface water and ground water monitoring to determine the degree to which the approved remedial actions have been effective; and
 - (2) a schedule for performing the approved monitoring program.
- m. Permits.
 - (1) On or before thirty (30) days after the Commissioner has approved a remedial action plan, pursuant to paragraph B.2.k. of this consent order, the Respondent shall apply for all permits that are necessary to carry out the remedial action approved by the Commissioner.
 - (2) Respondent shall ensure that such applications are complete and shall diligently pursue the issuance of such permits. Should the Commissioner request additional information as part of the permit review and evaluation process, such information shall be submitted on or before 30 days of receiving a written request from the Commissioner.
- n. Notice. On or before 10 days after receipt of any required permit or approval, Respondent shall submit to the Commissioner notice of receiving such permit or approval, and shall, upon the Commissioner's written request, submit a copy of such permit.
- o. Performance of remedial actions.
 - (1) Respondent shall perform the approved remedial actions in accordance with the plan and schedule approved pursuant to paragraph B.2.k.(6) of this consent order.
 - (2) On or before 15 days of completing such remedial actions, the Respondent shall certify to the Commissioner in writing that the actions have been completed as approved.
- p. Monitoring.
 - (1) Respondent shall perform the monitoring program approved pursuant to paragraph B.2.l. of this consent order to determine the effectiveness of the remedial actions. Such monitoring shall be conducted in accordance with the schedule approved pursuant to paragraph B.2.l. of this consent order.
 - (2) On a schedule established by the Commissioner in writing, or, if no such

schedule is established, on a quarterly basis beginning no later than 90 days after initiation of the approved remedial actions, Respondent shall submit for the Commissioner's review and written approval a report describing the results of the monitoring program during that quarter or reporting period.

- q. Additional remedial actions, measures and reporting. If the approved remedial actions do not result in the prevention and abatement of soil, surface water and ground water pollution, resulting from Respondent's on-site activities, to the satisfaction of the Commissioner, additional remedial actions, measures for monitoring and reporting on the effectiveness of those actions shall be performed in accordance with a supplemental plan and schedule approved in writing by the Commissioner. Unless otherwise specified in writing by the Commissioner, the supplemental plan and schedule shall be submitted for the Commissioner's review and written approval on or before 30 days after written notice from the Commissioner that such plan and schedule are required.
 - r. On a schedule established by the Commissioner or, if no such schedule is established, on a quarterly basis beginning no later than ninety days after initiation of the approved remedial actions or, as applicable, supplemental remedial actions, Respondent shall submit for the Commissioner's review and written approval a report describing the results to date of the monitoring program to determine the effectiveness of the remedial actions.
 - s. Respondent may request that the Commissioner approve, in writing, revisions to any document approved hereunder in order to make such document consistent with law or for any other appropriate reason.
3. Test results.
- a. Respondent shall assure that all laboratory reports of results of any well testing required by this consent order are submitted in writing to the affected property owner and occupants, the Commissioner of Environmental Protection, the Commissioner of Public Health, and the Town of Durham Director of Health within thirty (30) days after taking a sample or within five days of receipt of such results by the Respondent, whichever is sooner. Upon receipt of any analytical results indicating that the water supply well samples exceed the groundwater protection criteria Respondent shall immediately notify the users and owners of the supply well and provide bottled water. Additionally, Respondent shall notify the DEP staff member identified in this consent order and the Town of Durham Health Director within five days of receipt of any analytical results indicating that the water supply well samples exceed the groundwater protection criteria.
 - b. Respondent shall assure that all results of any well testing required by this consent order are submitted in writing to the affected property owner and occupants with a statement identifying which, if any, parameters exceed the then current action level for any volatile organic compounds, including but not limited to MTBE, or the then current Groundwater Protection Criteria for any semi-volatile compounds or ETPH. A copy of the statement submitted to the property owner and occupants shall be sent to the Commissioner within

five (5) days of the date it is mailed to the property owner and occupants.

4. Progress reports. On or before the last day of March, June, September, and December of each year after issuance of this consent order and continuing until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction, Respondent shall submit a progress report to the Commissioner describing the actions which Respondent has taken to date to comply with this consent order.
5. Full compliance. Respondent shall not be considered in full compliance with this consent order until all actions required by this consent order have been completed as approved and to the Commissioner's satisfaction.
6. Standard for potable drinking water. All potable drinking water which is provided pursuant to this consent order shall be of a quality which meets all standards specified in the Regulations of Connecticut State Agencies, including Sections 19-13-B101 and 19-13-B102, as amended, and which the Commissioner of Public Health has determined does not create an unacceptable risk of injury to the health or safety of persons using such water as a public or private source of water for drinking or other personal and domestic uses.
7. Sampling and sample analyses. All sampling and sample analyses which are required by this consent order and all reporting of such sample analyses shall be conducted by a laboratory certified by the Connecticut Department of Public Health to conduct such analyses. All sampling and sample analyses performed under this consent order shall be performed in accordance with procedures specified or approved in writing by the Commissioner, or, if no such procedures have been specified or approved, in accordance with 40 CFR 136. Samples shall be preserved in accordance with EPA method 5035. Unless otherwise specified by the Commissioner in writing, the value of each parameter shall be reported to the maximum level of precision and accuracy specified in the applicable protocol, and if no such level is specified, to the Analytical Detection Limit as defined in Section 22a-133k-1(a)(1) of the Regulations.
8. Approvals.
 - a. Respondent shall use best efforts to submit to the Commissioner all documents required by this consent order in a complete and approvable form. If the Commissioner notifies Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within 30 days of the Commissioner's notice of deficiencies.
 - b. In approving any document or other action under this consent order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or modifications as the Commissioner deems necessary to carry out the purpose of this consent order. Nothing in this paragraph shall excuse noncompliance or delay.

9. Definitions. As used in this consent order, "Commissioner" means the Commissioner or a representative of the Commissioner. The date of "issuance" of this consent order is the date the consent order is deposited in the U.S. mail or personally delivered, whichever is earlier.
10. Dates. The date of submission to the Commissioner of any document required by this consent order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this consent order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or is personally delivered, whichever is earlier. Except as otherwise specified in this consent order, the word "day" as used in this consent order means calendar day. Any document or action which is required by this consent order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or Connecticut or federal holiday.
11. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this consent order shall be signed by Respondent or, if Respondent is not an individual, by Respondent's chief executive officer or a duly authorized representative of such officer, as those terms are defined in §22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and Respondent or Respondent's chief executive officer and each such individual 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, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."
12. Noncompliance. This consent order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this consent order may subject Respondent to an injunction and penalties.
13. False statements. Any false statement in any information submitted pursuant to this consent order is punishable as a criminal offense under Section 53a-157b or Section 22a-438 of the Connecticut General Statutes and any other applicable law.
14. Liability of the Respondent and others. The Respondent's obligations under this consent

order shall not be affected by the passage of title to any property to any other person or municipality.

15. Commissioner's powers. Nothing in this consent 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 past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by the Respondent pursuant to this consent order have not fully characterized the extent or degree of any pollution, or have not successfully provided short-term potable drinking water to all persons affected in accordance with paragraphs B.2.a. through B.2.g. inclusive, the Commissioner may institute any proceeding to require the Respondent to undertake further investigation or further action to provide potable drinking water.
16. Respondent's obligations under law. Nothing in this consent order shall relieve Respondent of other obligations under applicable federal, state and, to the extent local law is consistent with this consent order, local law.
17. No assurance by Commissioner. No provision of this consent order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by the Respondent pursuant to this consent order will result in compliance or prevent or abate pollution.
18. Access to site. Any representative of the Department of Environmental Protection may enter the site without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this consent order.
19. No effect on rights of other persons. This consent order neither creates nor affects any rights of persons or municipalities that are not parties to this consent order.
20. Notice to Commissioner of changes. Within 15 days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under this consent order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner.
21. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this consent order or of any document required hereunder, Respondent shall immediately notify by telephone the individual identified in the next paragraph 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. Within five (5) days of the initial notice, Respondent shall submit in writing the date, time, and duration of the noncompliance and 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 Respondent shall comply with any dates which may be approved in writing by the

Commissioner. Notification by Respondent 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.

22. Submission of documents. Any document required to be submitted to the Commissioner under this consent order shall, unless otherwise specified in this consent order or in writing by the Commissioner, be directed to:

Gary Trombly, Jr., Environmental Analyst
Department of Environmental Protection
Waste Management Bureau
Remediation Section
79 Elm Street
Hartford CT 06106-5127

Respondent consents to the issuance of this consent order without further notice. The undersigned certifies that he/she is fully authorized to enter into this consent order and to legally bind the Respondent to the terms and conditions of the consent order.

RESPONDENT: Alliance Energy Corp.

5/7/2007
Date

/s/ John Gargano
John Gargano
Executive Vice President

Issued as a final order of the Commissioner of the Department of Environmental Protection.

6/18/07
Date

/s/ Gina McCarthy
Gina McCarthy
Commissioner

ORDER NO. SRD-173
DISCHARGE CODE H
TOWN OF DURHAM
LAND RECORDS

ATTACHMENT A

Installation, Monitoring and Maintenance Requirements for GAC Filter Systems

1. Specifications for Installation

Unless otherwise specified or approved by the Commissioner, the GAC Filter System must consist of two (2) granular activated carbon filters (each containing a minimum of 1 cubic foot of carbon) operating in series, and appurtenances to include a prefilter, flow restrictor, flow meter, three (3) sampling taps, a minimum of two (2) pressure gauges and any necessary pretreatment as described below. The GAC Filter System must be installed following one of the two options shown on the last page of this attachment. In addition, a minimum of four (4) replacement sediment filter cartridges and written instructions for replacement must be supplied to the occupant at the time of installation.

GAC Filter Units -	Shall use virgin granular activated carbon such as Calgon Filtrasorb 300, Calgon Filtrasorb 400 or the equivalent.
Prefilter -	Shall be a cartridge type solids/sedimentation filter installed ahead of the filter units. A media type prefilter requiring backwashing is not acceptable. A minimum of four (4) replacement cartridges and written instructions for replacement must be supplied to the occupant.
Flow Restrictor -	Shall be sized in conjunction with the size of the GAC Unit.
Flow Meter -	Capable of measuring flow in gallons per minute (gpm) and totalizing flow (total gallons pumped).
Sampling Taps -	Shall be lead free and installed with a minimum of 10 inches clearance below the spout. A waterproof label must be affixed to each tap identifying the tap location (ie. raw water, after GAC filter #1, after GAC filter #2).
Pressure Gauges-	Shall be installed after each GAC canister and on or in-line after the pressure tank if one is not located on the pressure tank. The gauges must be capable of measuring water pressure in pounds per square inch (psi), ranging from 1 psi to 100 psi.
Pretreatment -	Required when iron exceeds 0.3 ppm or manganese

exceeds 0.05 ppm in the raw water. A chemical free iron/manganese removal system must be installed prior to the GAC filter units as pretreatment unless another system is approved in writing by the Commissioner. A sampling tap and pressure gauge must be installed after the pretreatment but prior to the GAC filter units. A waterproof label must be affixed to the tap identifying the tap location.

If backwashing is needed due to the design of the pretreatment system:

- A) Raw (untreated) water may be used for the backwash cycle only if the discharge is to the sanitary sewer.
 - B) If the backwash is to be discharged to the ground (via septic system or dry well) GAC treated water must be used for the backwash cycle. This requires:
 - 1) The GAC filter be installed before the pressure tank in order to provide treated water for backwashing (the GAC filter must be sized according to the level of contamination and the well pumping rate)
- OR
- 2) If the GAC filter is installed after the pressure tank, a second pressure tank must be installed after the GAC filter in order to provide treated water for backwashing.

2. Monitoring

- A) Immediately after filter installation:
 - (1) Sample and analyze raw water for volatile organic compounds (following EPA method 524.2), coliform bacteria, pH, iron and manganese
 - (2) Sample water after the Pretreatment Unit (if installed) and analyze for iron and manganese.
 - (3) Sample treated water after each GAC filter and analyze for volatile organic compounds (following EPA method 524.2) and coliform bacteria.
- B) During filter operation until breakthrough:
 - (1) The raw water and first treated tap must be sampled and analyzed for volatile organic compounds (following EPA method 524.2) and coliform bacteria according to the following schedule unless the Commissioner specifies or approves an alternative schedule:

Raw water - quarterly
Treated water between GAC filters – quarterly
Post-treatment water after GAC filters - quarterly

- C) Immediately after filter replacement:
- (1) The taps after both GAC filters must be sampled and analyzed for volatile organic compounds (following EPA method 524.2) and coliform bacteria
 - (2) Within 30 days of filter replacement following the first breakthrough, defined as the detection of any volatile organic compound above the quantification limit in any sample collected after the carbon filters, submit for the Commissioner's review and written approval a plan including a schedule for the routine replacement of carbon filters and for monitoring the effectiveness of the GAC Filter System. Respondent must implement the approved plan in accordance with the approved schedule.

3. Maintenance

Respondent is required to maintain the GAC filter system in good working condition. Maintenance includes but is not limited to:

- A. Replacing the carbon filter- Upon breakthrough after the first carbon filter, the second filter must be moved to the first carbon filter position and a new carbon filter placed into the second filter position.
- B. Disposal of spent carbon in accordance with all applicable federal, state and local laws.
- C. Inspection and service of system components including but not limited to, the flow meter, flow restrictor, sampling taps, valves and pretreatment systems.
- D. Proper disinfection following any service or maintenance of the filter system.
- E. Providing replacement pre-filters.

Emergency repair service must be provided within 24 hours of notification that it is needed.

Rev. September 25, 2006

NOTE: THIS SHEET IS NOT PART OF THE ORDER AND IS ONLY ATTACHED TO THE ORIGINAL ORDER WHICH IS RETAINED IN SEPARATE DEP FILES WHICH ARE ACCESSIBLE TO THE PUBLIC WITH CLOSE SUPERVISION. THE ORDER MUST BE MAILED TO THE RESPONDENT BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. IF THE RESPONDENT IS A BUSINESS, SEND A CERTIFIED COPY OF THE ORDER TO THE BUSINESS ALONE AND A PLAIN COPY TO THE ATTENTION OF A PERSON AT THE BUSINESS.

Certification of Mailing

On 6/19/07, at 11:00 a.m./~~p.m.~~, I mailed, ^{by} mail, a ^{certified} copy of Order No. SRD-173 to the following, by placing it in the U.S. mail:

M. Anne Peters, Esq.

Mark W. Roberts, Esq.

On 6/16/07, at ^{after} 12:00 a.m./p.m., I ~~mailed~~ a ~~plain~~ copy of Order No. SRD-173 ^{was made} available to [^] the following, ~~by placing it in the U.S. mail:~~ at the DEP Office of Adjudications, 79 Elm St., Hartford, CT 06106.

John M. Looney, Esq.
Gabrielle Frigon
Gary Trombley

/s/ Janice B. Deshais
Name

Director, Office of Adjudications
Title

June 19, 2007
Date