



April 30, 2020

Via Email

Catherine R. McCabe, Commissioner
New Jersey Department of Environmental Protection

Joseph L. Fiordaliso, President
New Jersey Board of Public Utilities

Re: Eligibility of New Jersey Waste Incinerators in State Renewable Portfolio Standard and Request for Meeting

Dear Commissioner McCabe and President Fiordaliso:

The Ironbound Community Corporation (“ICC”), represented by Earthjustice and the Environmental Advocacy Clinic at Vermont Law School, and the New Jersey Environmental Justice Alliance (“NJEJA”) request that the New Jersey Board of Public Utilities (“BPU”) and the New Jersey Department of Environmental Protection (“DEP”) take immediate action to stop the purchase and sale of Renewable Energy Certificates (“RECs”) from New Jersey waste incinerators in violation of their Clean Air Act permits or other Federal or State environmental permits. These waste incinerators are located in environmental justice communities, i.e., communities of color and low-income communities, and are major contributors to the poor air quality that makes communities more susceptible to respiratory diseases and infections like COVID-19.¹ Now, more than ever, BPU and DEP must ensure that a renewable energy system intended to clean our air is not thwarted by having ratepayers subsidize the polluters that are devastating communities.

Since 2004, New Jersey electric power suppliers and service providers (“suppliers/providers”) retired nearly 11 million RECs from New Jersey waste incinerators for compliance with New Jersey’s Renewable Portfolio Standard (“RPS”). But these incinerators violated their Clean Air Act operating permits nearly every year since 2004, including during the

¹ See Xiao Wu et al., Exposure to air pollution and COVID-19 mortality in the United States 11 (2020), <https://projects.iq.harvard.edu/covid-pm> (“[A] small increase in long-term exposure to PM2.5 leads to a large increase in COVID-19 death rate of a magnitude that is 20 times the one estimated for all-cause mortality.”); see also Yaron Ogen, Assessing nitrogen dioxide levels as a contributing factor to coronavirus fatality, 726 *Sci. Total Environ.* (2020), <https://www.sciencedirect.com/science/article/pii/S0048969720321215?via%3Dihub> (“[L]ong-term exposure to [nitrogen dioxide] may be one of the most important contributors to fatality caused by the COVID-19 virus.”).

current energy year. The law is clear that these permit violations should have precluded incinerators from generating RECs under the Electric Discount and Energy Competition Act (“EDECA”) and BPU’s implementing rules.² BPU and DEP must fulfill their duty under the law to ensure that these waste incinerators do not continue to sell RECs for energy year 2020 and all subsequent energy years in which they violate an environmental permit.³

Legal Framework

The EDECA and BPU’s rules require suppliers/providers to source at least 2.5% of the kilowatt hours sold in New Jersey from “Class II renewable energy” sources.⁴ Under the EDECA, “Class II renewable energy” includes “electric energy produced at . . . a resource recovery facility . . . provided further that the Commissioner of Environmental Protection has determined that the facility meets the highest environmental standards and minimizes any impacts to the environment and local communities.”⁵ “Resource recovery facility,” in turn, is defined as “a solid waste facility constructed and operated for the incineration of solid waste for energy production and the recovery of metals and other materials for reuse, which [DEP] has determined to be in compliance with current environmental standards, including, but not limited to, all applicable requirements of the Federal Clean Air Act, 42 U.S.C. §§ 7401 et seq.”⁶

BPU’s implementing rules adopt these definitions of “Class II renewable energy”⁷ and “resource recovery facility”⁸ and further clarify that electricity generated by a resource recovery facility in New Jersey qualifies for Class II RECs only if the facility is “covered by all required NJDEP approvals, and operating in compliance with all applicable New Jersey environmental laws.”⁹ This provision, as explained by BPU in response to public comments on these rules, means that if a resource recovery facility “violates its operating permit, the NJDEP would remove the facility’s Class II determination until the violation is remedied and the facility again meets NJDEP standards,” and that BPU would “exclude the facility from eligibility to participate in the RPS in the reporting year following the violation.”¹⁰

Ineligible New Jersey Waste Incinerators Selling RECs

Despite this commitment from BPU, ICC and NJEJA are unaware of any indication that DEP or BPU have investigated New Jersey waste incinerators for their environmental compliance prior to participation in the RPS in any energy year or excluded a facility from RPS participation on that basis.

² See N.J.S.A. § 48:3-51 (Definition of Class II renewable energy); N.J.A.C. § 14:8-1.2.

³ *Id.*

⁴ N.J.S.A. § 48:3-87(d)(1); N.J.A.C. § 14:8-2.3(a).

⁵ N.J.S.A. § 48:3-51 (emphasis added).

⁶ *Id.*

⁷ N.J.A.C. § 14:8-1.2.

⁸ N.J.A.C. § 14:8-2.2.

⁹ N.J.A.C. § 14:8-2.6(a), (b)(2) (emphasis added).

¹⁰ BPU RPS Rulemaking, 36 N.J.R. 2053(b) (Apr. 19, 2004), Response to Comment 83 (emphasis added), attached as Attachment 1.

The five New Jersey waste incinerators registered in the generator attributes tracking system (“GATS”) are the Covanta Essex County Resource Recovery Facility,¹¹ Covanta Union County Resource Recovery Facility, Covanta Camden Resource Recovery Facility, Covanta Warren Energy,¹² and Wheelabrator Gloucester LP.¹³ Public records show that suppliers/providers have retired almost 11 million Class II RECs from these waste incinerators for RPS compliance between energy years 2005 and 2019.¹⁴ We estimate total sales of New Jersey waste incinerator RECs through energy year 2018 to be over \$30 million.

Table 1: Sales of NJ Incinerator RECs by Reporting Year

Energy Year	NJ Incinerator RECs Retired for RPS Compliance	Average Weighted Price of Class II REC (\$) ¹⁵	Total Retail Sales of NJ Incinerator Class II RECs (\$) ¹⁵
2019	891,741	(unavailable)	(unavailable)
2018	843,391	5.56	4,689,254
2017	1,038,850	6.32	6,565,532
2016	988,250	5.27	5,208,078
2015	666,731	4.47	2,980,288
2014	983,229	2.87	2,821,867
2013	1,024,607	2.72	2,786,931
2012	712,754	1.36	969,345
2011	835,870	1.17	977,968
2010	697,754	1.11	774,507
2009	815,305	1.00	815,305
2008	402,486	1.00	402,486
2007	414,586	1.00	414,586
2006	529,611	1.00	529,611
2005	121,795	1.00	121,795
Total 2005-2019	10,845,165	n/a	\$30,057,553

¹¹ GATS lists this facility as American Ref-Fuel of Essex, the name of the facility prior to 2005 when Covanta took over operations. The Covanta Essex County Resource Recovery Facility is located within the Ironbound community.

¹² Covanta Warren Energy closed in 2018. *See Covanta Releases Q2 Results, Plans to Close New Jersey efw Plant*, Biomass Magazine, July 31, 2018, <http://biomassmagazine.com/articles/15490/covanta-releases-q2-results-plans-to-close-new-jersey-efw-plant>. As of March 31, 2020, Covanta Warren Energy was listed in the GATS system, but more recent reports suggest it may no longer be registered.

¹³ *See* GATS Generators Report, attached as Attachment 2.

¹⁴ This information is summarized in Table 1 and available on the GATS website, <https://gats.pjm-ais.com/gats2/PublicReports/RPSRetiredCertificatesReportingYear> (Select Parameters “NJ” and reporting year, listed in GATS as “municipal solid waste facility” or “MSW”).

¹⁵ New Jersey Clean Energy Program, RPS Compliance Reporting Results and Data 2005-2018, <https://njcleanenergy.com/files/file/rps/EY18/RPS%20Comp%20EY%202005-2018.pdf>.

Each of these waste incinerators have been in violation of their Clean Air Act operating permits nearly every year since 2004, including current energy year 2020, meaning they are ineligible to sell RECs.¹⁶ Covanta Essex reported nearly 100 air permit violations in energy years 2017 to 2020, including approximately 50 particulate matter (opacity) violations—some over 8 times the permit limit—18 carbon monoxide violations—some nearly 5 times the permit limit—16 O₂ violations, three SO₂ violations, and a NO_x violation.¹⁷ During this same period, Covanta Camden reported nearly 60 air permit violations—including 50 opacity violations and seven O₂ violations—while Covanta Union reported 19 O₂ violations and an opacity violation.¹⁸ Covanta Warren Energy closed in 2018, but reported at least one violation every energy year except 2012 and 2017. Wheelabrator Gloucester reported 12 violations energy years 2017 to 2020, including opacity, particulate matter stack testing, mercury emissions, and unpermitted fuel types. Thus, it appears that New Jersey ratepayers have paid up to \$30 million of RPS subsidies to polluting waste incinerators that should never have been given in the first place.

The placement of these waste incinerators follows a well-established pattern of environmental injustice, where sources of pollution are far more likely to be located in and next to communities of color and low-income communities than other communities.¹⁹ All of the New Jersey waste incinerators currently in operation are located in environmental justice communities, and the incinerators with the *most* violations—Covanta Essex and Covanta Camden—are in the communities with the *highest* Environmental Protection Agency EJ Screen indices.²⁰ To add insult to injury, these environmental justice communities are not only harmed by this increased air pollution, they are also subsidizing the sources of dirty energy and pollution they breathe every day. This pollution harms these communities, and the subsidization of dirty energy undermines the entire RPS system because it occurs at the detriment of impacted communities, ratepayers, and clean and renewable energy sources that play by the rules.²¹

¹⁶ Only one of these facilities did not have at least one permit violation every year since 2004, as reported on NJDEP DataMiner. During this period, Covanta Warren Energy had at least one violation every year except 2012 and 2017. See NJDEP DataMiner, <https://www13.state.nj.us/DataMiner> (search by “Site” then “ID,” select Program “Air” and enter IDs: Covanta Essex ID 07736, Covanta Union ID 41814, Covanta Camden ID 51614, Covanta Warren ID 85455, Wheelabrator Gloucester ID 55793; select Report “Violations by Date”); see also Summary of Recent Air Permit Violations, attached as Attachment 3.

¹⁷ See Attachment 3.

¹⁸ *Id.*

¹⁹ See Ana Isabel Baptista et al., *U.S. Municipal Solid Waste Incinerators: An Industry in Decline* (2019), https://static1.squarespace.com/static/5d14dab43967cc000179f3d2/t/5d5c4bea0d59ad00012d220e/1566329840732/CR_GaiaReportFinal_05.21.pdf.

²⁰ See EPA EJ SCREEN Reports, attached as Attachment 4.

²¹ This issue is gaining national attention. In October 2019, the Energy Justice Network and Public Employees for Environmental Responsibility (PEER) sent an open letter to the Maryland Attorney General and Public Service Commission arguing that under Maryland law, waste incinerators cannot sell RECs unless they are complying with environmental laws. Available at <http://www.energyjustice.net/files/md/2019PSCletter.pdf>; *Maryland’s renewable energy facilities break pollution rules*, Baltimore Sun (Oct. 11, 2019), <https://www.baltimoresun.com/news/environment/bs-md-renewable-energy-pollution-20191011-jflm7krincvtimfduohoyksl4-story.html>.

Lack of Oversight by BPU and DEP

Both BPU and DEP should already be aware that these waste incinerators are participating in an RPS program for which they are not eligible. DEP has direct knowledge of waste incinerator violations through inspection and enforcement actions, and by directly receiving notification from the facilities as required by their Clean Air Act permits, such as through the biannual permit violation summary reports.²² BPU, meanwhile, receives and reviews the RPS compliance reports from each supplier/provider, which must identify “each generating unit, including its location, fuel and technology type” used for RPS compliance.²³ And at the very least, BPU was on notice of the likelihood that waste incinerators participating in the New Jersey RPS program were in violation of their air permits when, upon denying the waiver request by one of Covanta’s out-of-state incinerators, BPU noted that “no one at the Covanta Facility was willing to sign the affidavit even to go so far as attesting that it ‘has not violated its Federal or State environmental permits in the previous year.’”²⁴

BPU and DEP’s failure to review the RPS eligibility of New Jersey waste incinerators is in stark contrast to both agencies’ apparent oversight of out-of-state waste incinerators through regulatory provisions that require initial environmental compliance determinations and subsequent annual affidavits for out-of-state facilities.²⁵ This disparate oversight between in-state and out-of-state incinerators may result in impermissible preferential treatment for in-state waste incinerators, which are held to less-stringent environmental standards and oversight than out-of-state waste incinerators. As a result, in-state incinerators gain economic advantage through RPS participation they would otherwise be denied if located out-of-state.²⁶ And the disparate oversight conflicts with the language of the EDECA, which does not differentiate between in-state and out-of-state when requiring waste incinerators to “meet the highest environmental

²² See 40 C.F.R. § 60.59b(g), (h).

²³ N.J.A.C. § 14:8-2.11(d)(1).

²⁴ Covanta Fairfax Denial at 3 n.4, attached as Attachment 5.

²⁵ Under the regulations, out-of-state waste incinerators can qualify for Class II RECs in New Jersey only upon receiving an environmental compliance determination from NJDEP. N.J.A.C. § 14:8-2.11(c). On at least one occasion, BPU has found an out-of-state waste incinerator ineligible for Class II RECs after DEP denied that incinerator’s request for an environmental compliance determination, and BPU subsequently advised suppliers/providers that those RECs would not be accepted for compliance with New Jersey’s RPS. Covanta Fairfax, Att. 5 at 2 n.3 & 4-5. In addition, the regulations require suppliers/providers to submit an annual affidavit that the out-of-state waste incinerator “has not violated its Federal or State environmental permits in the previous year, and continues to operate in conformity with the request and documentation originally provided to NJDEP.” N.J.A.C. § 14:8-2.6(g)(2)(iii). BPU continues to require the submittal of such affidavits for out-of-state incinerators as part of the annual RPS Compliance Report. See Energy Year 2019 RPS Reporting Instructions, <https://njcleanenergy.com/files/file/rps/EY19/EY19%20RPS%20Compliance%20Instructions.pdf>.

²⁶ See, e.g., *Am. Trucking Ass’n, Inc. v. Whitman*, 437 F.3d 313, 315 (3d Cir. 2006) (finding New Jersey regulations impermissible because they “favor in-state businesses over those out-of-state businesses . . . by imposing economic burdens on the out-of-state interests while not imposing similar burdens on the in-state interests.”).

standards and minimize any impacts to the environment and local communities.”²⁷ Nor could it be that the Legislature intended to protect the communities and environment *outside* of New Jersey more than those *within* New Jersey, particularly given the Legislature’s intent to “[p]revent any adverse impacts on environmental quality *in this State*” from the EDECA.²⁸

Moreover, DEP and BPU’s lack of oversight means that New Jersey ratepayers are paying a premium for “clean energy” coming from one of—if not *the* most—polluting methods of generating electricity.²⁹ This underscores our position that waste incineration is a dirty industry that should not be considered renewable energy. When BPU denied RPS eligibility to an out-of-state waste incinerator, BPU noted that “[t]he rules governing the New Jersey RPS were promulgated, in significant part, to ensure that the energy upon which a REC was based, be it solar, Class I, or Class II, did in fact constitute *clean energy* as defined at N.J.S.A. 48:3-51 and as implemented through the Board’s rules.”³⁰ But it appears that polluting *in-state* waste incinerators have fallen through the cracks and have sold, and continue to sell, Class II RECs that are used for RPS compliance, despite their ineligibility.

Conclusion

We respectfully urge BPU and DEP to fulfill their oversight and enforcement duties—and comply with BPU’s commitment³¹—by (1) reviewing the permit violations of all waste incinerators that participate in the New Jersey RPS program; and (2) excluding from RPS eligibility those waste incinerators with permit violations in the previous energy year. BPU and DEP must do this for this energy year and all subsequent energy years. Because the four New Jersey waste incinerators in operation this energy year are in violation of their Clean Air Act operating permits this energy year,³² none of these waste incinerators should be eligible to sell Class II RECs for RPS compliance in the following energy year.

ICC and NJEJA are alarmed by New Jersey waste incinerators’ repeated air permit violations and sale of ineligible Class II RECs, and are exploring all options to rectify this issue. Given the heightened importance of enforcing air pollution regulations during the COVID-19 crisis, time is of the essence. But before taking the issue public in June, we would like to provide BPU and DEP the opportunity to rectify this lack of enforcement. We therefore kindly request a meeting with both agencies prior to May 31, 2020, the end of energy year 2019, to discuss this matter further.

²⁷ N.J.S.A. § 48:3-51.

²⁸ N.J.S.A. § 48:3-50(a)(9) (emphasis added).

²⁹ See NYSDEC Comments at 3-4 & App. A fig. 3, 6 (Aug. 19, 2011), attached as Attachment 6 (comments submitted in response Covanta’s petition to include waste incinerators in New York’s renewable portfolio standard, finding that New York waste incinerators “emit most air pollutants at emission rates that are greater than coal-fired power plants on a per megawatt-hour (MWh) basis,” including mercury, NOx, CO, Cadmium, HCl, and lead).

³⁰ Covanta Fairfax Denial, Att. 5 at 4 (emphasis added).

³¹ BPU RPS Rulemaking, Response to Comment 83, Att. 1.

³² See Attachment 3. Covanta Warren Energy did not have a violation listed this energy year because the facility is closed.

Thank you for your consideration and prompt attention to this matter.

Sincerely,

/s/ Jonathan Smith

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*On behalf of the
New Jersey Environmental Justice Alliance*

On behalf of the Ironbound Community Corporation

Attachments:

Attachment 1, BPU RPS Rulemaking Response to Comments

Attachment 2, GATS Generators Report

Attachment 3, Summary of Recent Air Permit Violations

Attachment 4, EPA EJ SCREEN Reports

Attachment 5, Covanta Fairfax Denial

Attachment 6, NYSDEC Comments

CC:

Mary-Anna Holden, Commissioner
Dianne Solomon, Commissioner
Upendra Chivukula, Commissioner
Bob Gordon, Commissioner
Benjamin Hunter, Office of Clean Energy
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Attachment 1

36 N.J.R. 2053(b)

Copy Citation

VOLUME 36, NUMBER 8, MONDAY, APRIL 19, 2004

RULE ADOPTION

Reporter

36 N.J.R. 2053(b)

NJ - New Jersey Register 2004 APRIL MONDAY, APRIL 19, 2004 RULE ADOPTION PUBLIC UTILITIES -- BOARD OF PUBLIC UTILITIES

Agency

PUBLIC UTILITIES > BOARD OF PUBLIC UTILITIES

Administrative Code Citation

Adopted Amendments: N.J.A.C. 14:4-8.1 and 8.2

Adopted Repeals and New Rules: N.J.A.C. 14:4-8.3 through 8.7

Adopted New Rules: N.J.A.C. 14:4-8.8 through 8.11

Adopted Recodification with Amendment: N.J.A.C. 14:4-8.8 as 8.12

Text

RENEWABLE ENERGY PORTFOLIO STANDARDS

Proposed: October 6, 2003 at 35 N.J.R. 4445(a).

Adopted: March 18, 2004 by the New Jersey Board of Public Utilities, Jeanne M. Fox, President, and Frederick F. Butler, Carol J. Murphy, Connie O. Hughes, and Jack Alter, Commissioners.

Filed: March 19, 2004 as R.2004 d.151 **with substantive and technical changes** not requiring additional public notice and comment (see N.J.A.C. 1:30-6.3).

Authority: N.J.S.A. 48:2-13 and 48:3-49 et seq., in particular, 48:3-51 and 48:3-87.

BPU Docket Number: EX 03080616 (companion to BPU Docket Number EX 04020093).

Effective Date: April 19, 2004.

Expiration Date: January 9, 2006.

The Board of Public Utilities (Board or BPU) is herein adopting amendments to its rules governing renewable energy portfolio standards. The rules, set forth at N.J.A.C. 14:4-8, implement provisions of the New Jersey Electric Discount and Energy Competition Act, N.J.S.A. 48:3-49 et seq. (EDECA). These amendments implement several recommendations made by Governor McGreevey's Renewable Energy Task Force (Task Force) in a report submitted to the Governor on April 24, 2003. A copy of the report can be found on the Board's website at www.bpu.state.nj.us.

N.J.A.C. 14:4-8 (Subchapter 8), Renewable Energy Portfolio Standards, requires each electric power supplier and basic generation service provider that sells electricity to retail customers in New Jersey to include in its New Jersey electric energy portfolio a percentage of electricity generated from renewable energy sources. (An energy portfolio is the combined energy generated or supplied by a company.) The renewable portfolio standards (RPS) are intended to encourage the development of renewable sources of electricity and cleaner generation technology; minimize the environmental impact of air pollutant emissions, water use, wastewater discharges, land use impacts and waste generation caused by traditional fossil fuel and nuclear electricity generation; reduce the possible transport of air pollutant emissions; and minimize any adverse environmental impact from the deregulation of energy generation. Because electricity generation can be a significant source of air pollution, the RPS are also a component of New Jersey's efforts to meet State and Federal clean air goals.

The proposed amendments were published on October 6, 2003 at 35 N.J.R. 4445(a). The proposed amendments provided for the option of an alternative compliance payment (ACP) as a means of RPS compliance, as an efficient mechanism to mitigate unreasonable REC prices that might be caused by an unforeseen lack of supply or exertion of market power. After these amendments were proposed on October 6, 2003, the Board adopted ACP rates for 2004 on December 18, 2003, based on the recommendations of the ACP Advisory Committee.

A public hearing on the proposal was held on October 30, 2003, before Lance Miller, Chief of Staff, the Board's designated hearing officer. The Board also accepted written comments on the proposal through December 5, 2003. At the direction of the hearing officer, the transcript and filed written comments were certified directly to the Board for its consideration. Thirty-two persons submitted comments, which are summarized below, with the Board's responses. The record is available for review by contacting Kristi Izzo, Secretary of the Board, at:

ATTN: BPU Docket Number: EX 04020093
Two Gateway Center
Newark, New Jersey 07102

Summary of Public Comments and Agency Responses:

The following persons submitted timely comments on the proposal:

1. Brent Beerley, Community Energy, Inc. (CEI);
2. Chip Bircher, Utility Solar Water Heating Initiative (H2O);
3. Richard Bonte, Solar Living, Inc. (SLI);
4. Michael G. Briggs, Reliant Resources, Inc. (RRI);
5. Adam Browning, Vote Solar Initiative (VS);
6. Gregory Eisenstark, Public Service Electric and Gas Company (PSE & G);
7. Pamela Frank, Sun Farm Ventures (SFV);
8. Julie L. Friedberg, Thelen Reid & Priest LLP, on behalf of Jersey Central Power & Light (JCP & L);
9. Frank E. Giordano, Pollution Control Financing Authority of Camden County (PCFACC);
10. Andrew Golembeski, Everpower Global (EG);
11. Derek Grasso, American Ref-Fuel (ARF);
12. Adam Kaufman, Independent Energy Producers of New Jersey (IEPNJ);
13. Frederic Lee Klein, Northeast Utilities Service Company, on behalf of Select Energy (Select);
14. John Lerch, Schweitzer-Mauduit International, Inc. (SMI);
15. James P. McCormick, Strategic Energy LLC (SE);
16. Alan Noguee, Union of Concerned Scientists (UCS);
17. Ed O'Brien, McConnell Energy Solutions (McConnell);
18. James O'Hern, Consensus LLC (CS);
19. Delores Phillips, Energy Photovoltaics (EPV);

N.J.A.C. 14:4-8.6 Compliance with class II renewable energy requirements

82. COMMENT: N.J.A.C. 14:4-8.6 requires that out-of-State resource recovery facilities include, in their request for an environmental compliance determination, detailed information regarding the recycling programs and waste delivery contracts in the facility's service area. This information will presumably be used by NJDEP to judge if the out-of-State facility "meets or exceeds all NJDEP requirements that would apply to the facility if it were located in New Jersey, or meets equivalent environmental standards." We have no objection to holding all resource recovery facilities to equivalent, quantitative environmental performance standards. However, we believe that using community recycling rates and waste customer profiles as a criterion against which to judge the waste-to-energy plant is inappropriate, and this requirement should be removed. The proposal is vague with regard to exactly what standards would be judged by the NJDEP using this data, but we cannot understand how it would pertain to the environmental performance of the facility itself. (AFR)

RESPONSE: The requirement cited by the commenter is intended to ensure equivalent treatment for out-of-State and in-State Resource Recovery Facilities (RRFs), and to carry out the EDECA mandate that class II renewable energy be produced at a facility that "meets the highest environmental standards and minimizes any impacts to the environment and local communities." One of the environmental standards that applies to New Jersey RRFs under NJDEP rules at N.J.A.C. 7:26-2.11 is a requirement to provide information on waste inspection programs for recyclable material. RRFs are both municipal solid waste processing facilities and energy generators. Therefore, NJDEP evaluates RRFs in a holistic manner, and has determined that waste should be managed according to a hierarchy based on environmental impact, with source reduction as the most environmentally beneficial management method, followed by recycling, and finally disposal. Recycling is thus a key component of ensuring that overall waste management practices have minimal environmental impact. To this end, NJDEP requires New Jersey counties that host RRFs to have recycling plans in place. In order to ensure equivalence in the environmental standards applied to in-State and out-of-State RRFs, the RPS rules must ensure that out-of-State facilities promote recycling in their communities to an extent equivalent to New Jersey RRFs.

83. COMMENT: N.J.A.C. 14:4-8.6(b)2 requires that resource recovery facilities in New Jersey that are used to meet a supplier's class II RPS requirement must be "operating in compliance with all applicable New Jersey environmental laws." For out-of-State facilities, the standard is even more stringent. N.J.A.C. 14:4-8.6(g)2iii requires these facilities to provide an annual affidavit "certifying that the facility has not violated its Federal or State environmental permits in the previous year." We recommend deleting both of the cited phrases. First, State and Federal environmental agencies already have enforcement mechanisms in place for facilities that violate their permits. Second, these provisions treat in-State and out-of-State facilities unfairly, imposing stricter requirements on out-of-State facilities. This differential treatment appears to facially impact interstate commerce in violation of the Commerce Clause of the United States Constitution. Furthermore, the requirements on out-of-State facilities are likely to cause confusion and uncertainty in the marketplace for class II RECs. For example, what constitutes a violation? What happens if a facility receives a notice of violation, but decides to contest it? "Environmental violation" should be clearly defined and should only apply to the most serious of violations. Moreover, the strict requirements of proposed N.J.A.C. 14:4-8.6(b)2 and (g)2iii will ultimately penalize BGS suppliers who enter into good faith contracts with resource recovery facilities, but have no real control over a facility's operations. A supplier won't really know if their contract with a facility will qualify for RPS compliance until after the compliance year closes. BGS suppliers will be forced to hedge against this uncertainty by factoring higher RPS compliance costs into their BGS bids, which will ultimately be passed on to consumers in the form of higher electric rates. These higher rates will not result in any direct benefit to the environment, nor will they encourage the development of any new renewable energy sources. If the Board wishes to exclude facilities from participating in New Jersey's RPS program due to an environmental violation, the exclusion should take place in a subsequent year. This will at least give suppliers sufficient time to find an alternative supply, and will give the market sufficient time to react to the loss of a significant source of class II renewable energy. (PSE & G)

RESPONSE: First, it should be noted that the commenter's concerns about confusion in the market for class II RECs are premature, since the Board does not yet accept RECs for use in meeting class II renewable energy requirements under the New Jersey RPS rules as adopted herein. Second, the rules adopted herein do not apply more stringent standards to out-of-State resource recovery facilities than those applied to New Jersey facilities. The intent of the rule is to ensure that out-of-State facilities operate in accordance with the regulations of the state in which they are located, and meet environmental standards that are the same as, or equivalent to, the standards NJDEP applies to resource recovery facilities located in New Jersey. The definition of "class II renewable energy," set forth in EDECA at N.J.S.A. 48:3-51, requires that NJDEP determine that resource recovery and hydropower facilities meet "the highest environmental standards and minimize any impacts to the environment and local communities." NJDEP rules governing resource recovery facilities in New Jersey meet or exceed Federal regulations governing such facilities. However, regulations in other states might be less stringent. Therefore, the rule requires a supplier/provider using energy from out-of-State facilities to provide affidavits certifying that the facilities meet Federal requirements, as well as the rules of the state in which they are located. These affidavits are not required from operators of facilities located in New Jersey because the NJDEP already has compliance information on these facilities, obtained through its air pollution programs. If a New Jersey resource recovery facility violates its operating permit, the NJDEP would remove the facility's class II determination until the violation is remedied and the facility again meets NJDEP standards. The Board agrees with the commenter that there may be cases in which a supplier/provider has entered into a contract in good faith, to obtain energy from a facility with an NJDEP class II determination, and some time later the facility violates its environmental permits, unbeknownst to the supplier/provider. In such a case, the Board's current policy would be to allow suppliers a reasonable time to find an alternative supply, and to exclude the facility from eligibility to participate in the RPS in the reporting year following the violation.

84. COMMENT: Under the proposed rule, an entity wishing to use an out-of-State resource recovery facility would need to get approval from the New Jersey Department of Environmental Protection (DEP) prior to using energy from that facility. This gives DEP undue influence over the process to determine if an out-of-State resource complies for the New Jersey RPS and may raise market power issues. Moreover, these determinations (if existing facilities are included) may have the unintended effect of denying ratepayers the benefits of the very resources they have

invested in over many years, leaving them with the additional cost of obtaining these attributes in an uncertain open market. Under the proposal, it is also required that out-of-State facilities submit annual affidavits certifying that the "facility has not violated its Federal or State environmental permits in the previous year." (PHI)

RESPONSE: Regarding the requirement for an NJDEP determination for class II facilities, please see the Response to Comment 83 above. Both New Jersey facilities and out-of-State facilities must meet equivalent standards in this regard. This requirement will not affect existing out-of-State facilities because this is a long-standing requirement found not only in EDECA but in the previously effective RPS rules at N.J.A.C. 14:4-8.4(c).

85. COMMENT: In order to avoid undue delays in a supplier/provider obtaining RECs from an out-of-State resource recovery facility, there should be a deadline for the NJDEP to issue a compliance determination for out-of-State resource recovery facilities, such as 45 days from the date of receipt of the request. The BPU should also ensure that generators and LSEs are informed of DEP's response in a timely manner so that alternate reliance measures can be taken. (JCP & L, PHI)

RESPONSE: The rules adopted herein do not currently allow the use of RECs for class I and II renewable energy for RPS compliance in New Jersey. Therefore, the issue raised by the commenter is moot at present. The BPU and NJDEP have worked cooperatively to ensure timely responses to requests for biomass determinations, and believes that the current system is not causing undue delays in these determinations. Therefore, the Board does not believe that imposing the 45-day deadline suggested by the commenter is necessary.

N.J.A.C. 14:4-8.7 Requirements that apply to both class I and class II renewable energy

86. COMMENT: The limitations on eligibility of resources outside of PJM in N.J.A.C. 14:4-8.7(c) are overly restrictive and will put undue pressure on rates. Given the extremely tight market within New Jersey for RECs, we urge the Board to provide suppliers/providers with the maximum number of options for procurement. Both "new" and "old" renewable facilities should be eligible to satisfy the RPS in order to provide a more balanced range of pricing and other benefits. Such a limitation also undermines the economic viability of existing facilities, could potentially result in their closure and, ultimately, would make the achievement of the RPS less cost-efficient. The Board should allow existing facilities to participate. Existing facilities have experience in the market, which translates into a more accurate reflection of known risks in their pricing, reducing the need for pricing "placeholders," which only serve to increase prices. The State would suffer a huge loss if, in attempting to displace non-renewable electric generation resources, the State also displaced existing renewable resources and their contributions to the State's efforts to reduce air emissions in the region. Rather than adding to the region's renewable resources, the region would merely be replacing older renewable resources with newer ones, making the New Jersey RPS more difficult to achieve, depriving the region--and the State--of valuable environmental and other benefits, and greatly increasing RPS costs. Accordingly, we urge the Board to eliminate this limitation from the RPS. (JCP & L)

RESPONSE: N.J.A.C. 14:4-8.7(c) states that, if class I or II renewable energy is generated outside of PJM, but is delivered into the PJM region, the energy is eligible for use in RPS compliance only if it is generated at a facility that commenced construction on or after January 1, 2003. This "vintage" requirement is intended to ensure that the increased RPS requirements are met primarily through an increase in the development of renewable generation facilities in the region, rather than through an increase in contributions from existing renewable facilities in a larger geographic area. This requirement was recommended by the Renewable Energy Task Force, after extensive analysis and discussion regarding the existing and projected supply of renewable energy in the PJM region. (The Task Force Report can be viewed at <http://www.bpu.state.nj.us/renewEnergy/renEnergy.shtml>.) Modeling and analysis indicated that the interaction of the increased percentages and the vintage requirement would not create supply deficiencies or significantly increase the cost of electricity to retail customers. Furthermore, the Task Force determined that the vintage limits are necessary to provide sufficient incentives for the development of new renewable energy facilities to meet New Jersey's renewable energy goals. Therefore, the rule includes this vintage limit as proposed. However, the phrasing of the vintage limit, as well as the definition of "PJM region," have been modified upon adoption to resolve a confusing inconsistency in the proposal. While the proposed definition of "PJM region" at N.J.A.C. 14:4-8.2 stated that the PJM region was delineated by the amended and restated PJM operating agreement, proposed N.J.A.C. 14:4-8.7(c) used two different terms--"the PJM region, as it was configured on January 1, 2003" and "the PJM region." To resolve this, the rule has been modified upon adoption to consistently refer to the PJM region as it is reflected in the PJM Operating Agreement. It may be desirable, as PJM expands, to limit eligible energy to a smaller area that reflects PJM borders as they existed at a fixed time in the past. However, to do this the Board would have to rely on information supplied by PJM to determine where such energy is delivered within PJM. Because of the way that PJM tracks energy, this information will not be available, rendering any such attempted limit unenforceable. Resolving the inconsistency in the proposal by aligning with the PJM Operating Agreement will allow for enforceability as well as compatibility with regional policy. Finally, it should be noted that, while the commenter uses the term "class II RECs," the rules do not currently allow for use of RECs for RPS compliance except for solar RECs. The Board anticipates adopting some form of tracking system for class I and II renewable energy as soon as feasible, and will at that time issue an order authorizing use of RECs to satisfy class I and II renewable energy requirements.

87. COMMENT: We agree that renewable energy must be generated within or delivered into the PJM region. The Board should also ensure that the greatest number of renewable energy technologies would receive the incentives intended under the rule. Likewise, the Board should continue to acknowledge the regional nature of New Jersey's energy supply as well as the regional efforts of the states and the United States Environmental Protection Agency that continue to improve air quality throughout the region. (PHI)

RESPONSE: The Board agrees that a regional approach to energy and air quality improvement is important, and it is for that reason that the rule allows use of certain types of renewable energy generated within or delivered into PJM for RPS compliance. In addition, the Board is a major participant in efforts to develop a regional tracking system to assist in implementation of RPS requirements. The incentives to which the commenter refers are administered by the BPU's Office of Clean Energy, but are not part of this rule.

Attachment 2

GATS Generators

Report includes all data up to 3/31/2020 11:02:00 PM

Unit ID	Plant Name	Unit Name	Balancing Authority	Fuel Type	Owner?	New Jersey	Maryland	District of Columbia	Pennsylvania	Delaware
MSET51330101	Covanta Warren Energy	1	PJM Interconnection	Solid Waste - Municipal Solid Waste		Class II				
MSET31240101	PL HARRISBURG NUG 1 F	1	PJM Interconnection	Solid Waste - Municipal Solid Waste	Yes	Class II			Tier II	
MSET10932220	Camden Resource Recovery Facility	20	PJM Interconnection	Solid Waste - Municipal Solid Waste	Yes	Class II				
MSET10910107	American Ref-Fuel of Essex	7	PJM Interconnection	Solid Waste - Municipal Solid Waste	Yes	Class II				
MSET52670101	Lancaster County Resource Recovery	GEN1	PJM Interconnection	Solid Waste - Municipal Solid Waste	Yes	Class II			Tier II	
MSET10930101	Union County Resource Recovery	GEN1	PJM Interconnection	Solid Waste - Municipal Solid Waste	Yes	Class II				
MSET10252220	Wheelabrator Gloucester LP	GEN1	PJM Interconnection	Solid Waste - Municipal Solid Waste	Yes	Class II			Tier II	
MSET52720101	York County Resource Recovery	GEN1	PJM Interconnection	Solid Waste - Municipal Solid Waste	Yes	Class II			Tier II	
MSET20910101	Montenay Montgomery LP	TGI	PJM Interconnection	Solid Waste - Municipal Solid Waste		Class II				
MSET10930102	Wheelabrator Falls	WFI1	PJM Interconnection	Solid Waste - Municipal Solid Waste	Yes	Class II			Tier II	

NEITHER THE GATS ADMINISTRATOR NOR PJM EIS NOR THE SYSTEM OPERATOR NOR THE PJM EIS
GATS PROJECT MANAGER KNOWS OR ENDORSES THE CREDITWORTHINESS OR REPUTATION OF ANY
GATS ACCOUNT HOLDER LISTED IN THIS DIRECTORY

Attachment 3

Attachment 3: Summary of Air Permit Noncompliance, Updated September 28, 2020

The following charts of New Jersey incinerator permit noncompliance are updates to the attachments to our April 30, 2020 letter. The charts add additional instances of noncompliance and provide additional information, where available, about each noncompliance event, such as:

- a) Whether the event was self-reported by the facility in a compliance report (certified by the facility pursuant to N.J.A.C. 7:27–22.19(f)) or an annual or semi-annual report under 40 C.F.R. § 60.59b(g), (h) (certified by the facility pursuant to 40 C.F.R. § 70.6(a)(3)(iii)(A));
- b) Whether the event was associated with a designation of “Out of Compliance” in a DEP inspection report; and
- c) Whether the event was associated with an enforcement event, such as a Notice of Violation (“NOV”), Administrative Consent Order (“ACO”), Administrative Order and Notice of Civil Administrative Penalty Assessment (“AONOCAPA”), or Settlement Agreement.

The charts are not comprehensive, and present only the subset of information to which we have access through DEP’s websites, mailings, or through public records requests.

As you can see from the attached chart, since 2004 Covanta Essex has a total of 846 non-compliance events, Covanta Camden has a total of 407 noncompliance events, Covanta Warren has a total of 312 noncompliance events, Covanta Union has a total of 182 noncompliance events, and Wheelabrator Gloucester has a total of 38 non-compliance events. Each of these waste incinerators had noncompliance events nearly every year since 2004, including current energy year 2020.

As our previous correspondence highlighted, the Electric Discount and Energy Competition Act (“EDECA”) and BPU’s implementing regulations prevent incinerators that are not “in compliance” with environmental standards from participating in the RPS program. EDECA requires that eligible incinerators be in compliance with the “highest environmental standards” and “minimiz[e] any impacts to the environmental and local communities.” N.J.S.A. § 48:3-51. The regulations further state an eligible incinerator is one that is “*in compliance with current environmental standards, including, but not limited to, all applicable requirements of the Federal Clean Air Act, 42 U.S.C. §§ 7401 et seq.*” N.J.A.C. 14:8-2.2 (emphasis added). BPU and DEP must fulfill their duty under the law to ensure that these waste incinerators do not continue to sell RECs when they violate their environmental permits.

COVANTA ESSEX PERMIT VIOLATIONS						
	Date¹	Permit Emission Limit	Self-Reported in Compliance Report?	Self-Reported in Semi/Annual Report?	Compliance Status from Inspection Report?	Enforcement Action
2005 ENERGY YEAR (June 1, 2004- May 31, 2005)						
1	8/15/04	Temp. in exit gas stream fell below 1136 degrees F.	--	--	Out of Compliance as of 3/18/05 Inspection Report	AONOCAPA
2	9/7/04	6-min. 10% opacity	--	--	Out of Compliance as of 3/23/05 Inspection Report	AONOCAPA
3	9/8/04	6-min. 10% opacity	--	--	Out of Compliance as of 3/23/05 Inspection Report	AONOCAPA
4	9/8/04	6-min. 10% opacity	--	--	Out of Compliance as of 3/18/05 Inspection Report	AONOCAPA
5	9/8/04	6-min. 10% opacity	--	--	Out of Compliance as of 3/16/05 Inspection Report	AONOCAPA
6	9/22/04	6-min. 10% opacity	--	--	Out of Compliance as of 3/16/05 Inspection Report	AONOCAPA
7	10/24/04	Temp. in exit gas stream fell below 1136 degrees F.	--	--	Out of Compliance as of 2/3/05 Inspection Report	AONOCAPA
8	10/27/04	94 ppm SO2 / 70% SO2 RE	--	--	Out of Compliance as of 2/3/05 Inspection Report	AONOCAPA
9	10/27/04	94 ppm SO2 / 70% SO2 RE	--	--	Out of Compliance as of 2/4/05 Inspection Report	AONOCAPA
10	10/27/04	94 ppm SO2 / 70% SO2 RE	--	--	Out of Compliance as of 2/3/05 Inspection Report	AONOCAPA
11	10/29/04	94 ppm SO2 / 70% SO2 RE			Out of Compliance as of 2/3/05 Inspection Report	AONOCAPA

¹ Dates with an asterisk are entries where the date of the violation was not listed so the date in the table is the "Discovery Date."

			--	--		
12	11/7/04	6-min. 10% opacity	--	--	Out of Compliance as of 2/4/05 Inspection Report	NOV Issued
13	11/8/04	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/3/05 Inspection Report	AONOCAPA
14	11/15/04	6-min. 10% opacity	--	--	Out of Compliance as of 2/4/05 Inspection Report	AONOCAPA
15	11/18/04	6-min. 10% opacity	--	--	Out of Compliance as of 2/3/05 Inspection Report	AONOCAPA
16	11/18/04	6-min. 10% opacity	--	--	Out of Compliance as of 2/3/05 Inspection Report	AONOCAPA
17	11/21/04	6-min. 10% opacity	--	--	Out of Compliance as of 2/3/05 Inspection Report	AONOCAPA
18	11/28/04	6-min. 10% opacity	--	--	Out of Compliance as of 2/4/05 Inspection Report	AONOCAPA
19	12/3/04	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/4/05 Inspection Report	NOV Issued
20	1/14/05	6-min. 10% opacity	--	--	Out of Compliance as of 6/1/05 Inspection Report	AONOCAPA
21	3/5/05	6-min. 10% opacity	--	--	Out of Compliance as of 5/20/05 Inspection Report	AONOCAPA
22	3/6/05	6-min. 10% opacity	--	--	Out of Compliance as of 5/20/05 Inspection Report	AONOCAPA
23	3/13/05	6-min. 10% opacity	--	--	Out of Compliance as of 5/20/05 Inspection Report	AONOCAPA
24	3/14/05	6-min. 10% opacity	--	--	Out of Compliance as of 5/20/05 Inspection Report	AONOCAPA
25	3/15/05	6-min. 10% opacity	--	--	Out of Compliance as of 5/20/05 Inspection Report	AONOCAPA

26	3/18/05	Temp. in exit gas stream fell below 1136 degrees F.	--	--	Out of Compliance as of 6/1/05 Inspection Report	AONOCAPA
27	3/22/05	Temp. in exit gas stream fell below 1136 degrees F.	--	--	Out of Compliance as of 6/1/05 Inspection Report	AONOCAPA
28	3/24/05	94 ppm SO2 / 70% SO2 RE	--	--	Out of Compliance as of 6/2/05 Inspection Report	AONOCAPA
29	3/25/05	6-min. 10% opacity	--	--	Out of Compliance as of 6/2/05 Inspection Report	AONOCAPA
30	4/5/05	6-min. 10% opacity	--	--	Out of Compliance as of 8/17/05 Inspection Report	AONOCAPA
31	4/5/05	6-min. 10% opacity	--	--	Out of Compliance as of 8/8/05 Inspection Report	AONOCAPA
2006 ENERGY YEAR (June 1, 2005- May 31, 2006)						
32	8/13/05	Exceeded max. PM control device temp.	--	--	Out of Compliance as of 11/23/05 Inspection Report	NOV Issued
33	8/23/05	6-min. 10% opacity	--	--	Out of Compliance as of 11/23/05 Inspection Report	NOV Issued
34	8/23/05	6-min. 10% opacity	--	--	Out of Compliance as of 11/23/05 Inspection Report	NOV Issued
35	8/27/05	Temp. fell below min. allowed temp. of 1136 degrees F.	--	--	Out of Compliance as of 11/23/05 Inspection Report	AONOCAPA
36	9/13/05	6-min. 10% opacity	--	--	Out of Compliance as of 11/23/05 Inspection Report	AONOCAPA
37	9/20/05	6-min. 10% opacity	--	--	Out of Compliance as of 11/23/05 Inspection Report	NOV Issued
38	9/23/05	6-min. 10% opacity	--	--	Out of Compliance as of 11/23/05 Inspection Report	AONOCAPA
39	11/3/05	6-min. 10% opacity	--	--	Out of Compliance as of 3/8/06 Inspection Report	AONOCAPA
40	11/11/05	6-min. 10% opacity	--	--	Out of Compliance as of 3/8/06 Inspection Report	AONOCAPA
41	11/11/05	6-min. 10% opacity	--	--	Out of Compliance as of 3/7/06 Inspection Report	AONOCAPA

42	11/11/05	6-min. 10% opacity	--	--	Out of Compliance as of 3/10/06 Inspection Report	AONOCAPA
43	11/12/05	6-min. 10% opacity	--	--	Out of Compliance as of 3/10/06 Inspection Report	NOV Issued
44	11/30/05	6-min. 10% opacity	--	--	Out of Compliance as of 3/10/06 Inspection Report	NOV Issued
45	12/7/05	6-min. 10% opacity	--	--	Out of Compliance as of 3/7/06 Inspection Report	NOV Issued
46	1/3/06	6-min. 10% opacity	--	--	Out of Compliance as of 5/10/06 Inspection Report	AONOCAPA
47	1/9/06	Temp. fell below min. allowed temp. of 1136 degrees F.	--	--	Out of Compliance as of 5/10/06 Inspection Report	AONOCAPA
48	1/9/06	100 ppm CO, 4-hr. average	--	--	Out of Compliance as of 5/11/06 Inspection Report	AONOCAPA
49	1/9/06	6-min. 10% opacity	--	--	Out of Compliance as of 5/11/06 Inspection Report	AONOCAPA
50	1/9/06	3% O2 (5-min. block period)	--	--	Out of Compliance as of 5/11/06 Inspection Report	AONOCAPA
51	1/9/06	Temp. below 1-min. temp allowable of 1136 degrees F.	--	--	Out of Compliance as of 5/17/06 Inspection Report	AONOCAPA
52	1/9/06	Temp. below 1-min. temp allowable of 1136 degrees F.	--	--	Out of Compliance as of 5/11/06 Inspection Report	AONOCAPA
53	1/24/06	6-min. 10% opacity	--	--	Out of Compliance as of 5/11/06 Inspection Report	AONOCAPA
54	1/25/06	Temp. below 1-min. temp allowable of 1136 degrees F.	--	--	--	AONOCAPA (\$23,400)
55	1/25/06	6-min. 10% opacity	--	--	Out of Compliance as of 5/17/06 Inspection Report	AONOCAPA
56	1/27/06	6-min. 10% opacity	--	--	Out of Compliance as of 5/11/06 Inspection Report	NOV Issued

57	2/20/06	6-min. 10% opacity	--	--	Out of Compliance as of 5/17/06 Inspection Report	NOV Issued
58	2/28/06	6-min. 10% opacity	--	--	Out of Compliance as of 5/17/06 Inspection Report	NOV Issued
59	3/13/06	6-min. 10% opacity	--	--	Out of Compliance as of 5/10/06 Inspection Report	NOV Issued
60	3/19/06	6-min. 10% opacity	--	--	Out of Compliance as of 5/10/06 Inspection Report	NOV Issued
61	3/21/06	6-min. 10% opacity	--	--	--	AONOCAPA (\$23,400)
62	3/28/06 – 3/30/06	Performed a RATA test using an expired cylinder gas.	--	--	Out of Compliance as of 6/1/06 Inspection Report	NOV Issued
63	4/1/06	6-min. 10% opacity	--	--	Out of Compliance as of 9/29/06 Inspection Report	Settlement Agreement
64	4/29/06	6-min. 10% opacity	--	--	Out of Compliance as of 9/29/06 Inspection Report	Settlement Agreement
65	4/29/06	Exceedance of steam flow rate (max. allowable 4-hr steam flow is 247,5000 lbs/hr).	--	--	Out of Compliance as of 9/29/06 Inspection Report	Settlement Agreement
66	5/24/06	6-min. 10% opacity	--	--	Out of Compliance as of 9/28/06 Inspection Report	Settlement Agreement
2007 ENERGY YEAR (June 1, 2006- May 31, 2007)						
67	6/7/06	6-min. 10% opacity	--	--	Out of Compliance as of 9/29/06 Inspection Report	NOV Issued
68	6/7/06	Temp. below permitted min. of 1136 degrees F	--	--	Out of Compliance as of 9/29/06 Inspection Report	NOV Issued
69	7/4/06	6-min. 10% opacity	--	--	Out of Compliance as of 11/16/06 Inspection Report	NOV Issued
70	8/18/06	6-min. 10% opacity	--	--	Out of Compliance as of 11/8/06 Inspection Report	NOV Issued
71	8/31/06	6-min. 10% opacity	--	--	Out of Compliance as of 11/16/06 Inspection Report	NOV Issued

72	9/29/06	6-min. 10% opacity	--	--	Out of Compliance as of 11/16/06 Inspection Report	Settlement Agreement
73	9/30/06	6-min. 10% opacity	--	--	Out of Compliance as of 11/8/06 Inspection Report	Settlement Agreement
74	10/3/06	6-min. 10% opacity	--	--	Out of Compliance as of 2/9/07 Inspection Report	AONOCAPA
75	10/6/06	6-min. 10% opacity	--	--	Out of Compliance as of 2/7/07 Inspection Report	NOV Issued
76	10/14/06	6-min. 10% opacity	--	--	Out of Compliance as of 2/9/07 Inspection Report	--
77	11/6/06	6-min. 10% opacity	--	--	Out of Compliance as of 2/9/07 Inspection Report	AONOCAPA
78	11/20/06	6-min. 10% opacity	--	--	Out of Compliance as of 2/9/07 Inspection Report	NOV Issued
79	12/15/06	6-min. 10% opacity	--	--	Out of Compliance as of 2/9/07 Inspection Report	AONOCAPA
80	12/27/06	6-min. 10% opacity	--	--	Out of Compliance as of 2/9/07 Inspection Report	AONOCAPA
81	1/6/07	3% O2 (5-min. block period)	--	--	Out of Compliance as of 5/12/07 Inspection Report	NOV Issued
82	1/10/07	6-min. 10% opacity	--	--	Out of Compliance as of 5/4/07 Inspection Report	NOV Issued
83	1/18/07	6-min. 10% opacity	--	--	Out of Compliance as of 5/12/07 Inspection Report	Settlement Agreement
84	1/21/07	6-min. 10% opacity	--	--	Out of Compliance as of 5/18/07 Inspection Report	NOV Issued
85	2/3/07	6-min. 10% opacity	--	--	Out of Compliance as of 5/4/07 Inspection Report	Settlement Agreement
86	2/7/07	6-min. 10% opacity	--	--	Out of Compliance as of 5/12/07 Inspection Report	Settlement Agreement
87	2/9/07	Temp. below permitted min. of 1136 degrees F	--	--	Out of Compliance as of 5/4/07 Inspection Report	NOV Issued
88	2/11/07	6-min. 10% opacity	--	--	Out of Compliance as of 5/4/07 Inspection Report	Settlement Agreement
89	2/24/07	Temp. below permitted min. of 1136 degrees F	--	--	Out of Compliance as of 5/4/07 Inspection Report	NOV Issued

90	3/1/07	6-min. 10% opacity	--	--	Out of Compliance as of 5/18/07 Inspection Report	Settlement Agreement
91	3/21/07	6-min. 10% opacity	--	--	Out of Compliance as of 5/12/07 Inspection Report	Settlement Agreement
92	3/24/07	6-min. 10% opacity	--	--	Out of Compliance as of 5/12/07 Inspection Report	Settlement Agreement
93	5/10/07	Temp. below permitted min. of 1136 degrees F	--	--	Out of Compliance as of 8/16/07 Inspection Report	Settlement Agreement
94	5/18/07	Temp. below permitted min. of 1136 degrees F	--	--	Out of Compliance as of 8/16/07 Inspection Report	Settlement Agreement
95	5/30/07*	Failed to record duration of SO2, CO, and NOx excursions caused by emergency malfunctions	--	--	Out of Compliance as of 5/31/07 Inspection Report	Settlement Agreement
96	5/30/07*	Failed to record duration of temp. excursions caused by emergency malfunctions	--	--	Out of Compliance as of 5/31/07 Inspection Report	Settlement Agreement
97	5/30/07*	Failed to keep records of results of Sept. 14, 2000, optimization tests	--	--	Out of Compliance as of 5/31/07 Inspection Report	Settlement Agreement
98	5/30/07*	Failed to check fuel oil sulfur content on invoices of fuel oil supplier	--	--	Out of Compliance as of 5/31/07 Inspection Report	Settlement Agreement
99	5/30/07*	Failed to check fuel oil sulfur content on invoices of fuel oil supplier	--	--	Out of Compliance as of 5/31/07 Inspection Report	Settlement Agreement
100	5/30/07*	Failed to have certified statement in accordance with NJAC Ch. 7:27, 1.39 available	--	--	Out of Compliance as of 5/31/07 Inspection Report	Settlement Agreement

101	5/31/07	Failed to retain records of 3-hr visual observation test	--	--	Out of Compliance as of 5/31/07 Inspection Report	Settlement Agreement
2008 ENERGY YEAR (June 1, 2007- May 31, 2008)						
102	7/25/07	Temp. fell below allowable limit of 1136 degrees F	--	--	Out of Compliance as of 12/20/07 Inspection Report	Settlement Agreement
103	7/25/07	6-min. 10% opacity	--	--	Out of Compliance as of 12/20/07 Inspection Report	NOV Issued
104	8/19/07	6-min. 10% opacity	--	--	Out of Compliance as of 12/20/07 Inspection Report	Settlement Agreement
105	8/31/07	6-min. 10% opacity	--	--	Out of Compliance as of 12/20/07 Inspection Report	NOV Issued
106	9/12/07	6-min. 10% opacity	--	--	Out of Compliance as of 12/20/07 Inspection Report	Settlement Agreement
107	10/6/07	6-min. 10% opacity	--	--	Out of Compliance as of 1/31/08 Inspection Report	Settlement Agreement
108	10/29/07	6-min. 10% opacity	--	--	Out of Compliance as of 2/5/08 Inspection Report	Settlement Agreement
109	10/30/07	6-min. 10% opacity	--	--	Out of Compliance as of 2/5/08 Inspection Report	Settlement Agreement
110	11/22/07	6-min. 10% opacity	--	--	Out of Compliance as of 2/5/08 Inspection Report	NOV Issued

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111	12/21/07	6-min. 10% opacity	--	--	Out of Compliance as of 1/31/08 Inspection Report	Settlement Agreement
112	12/20/07*	100 ppm CO, 4-hr. average	--	--	Out of Compliance as of 12/20/07 Inspection Report	Settlement Agreement
113	12/28/07	6-min. 10% opacity	--	--	Out of Compliance as of 1/31/08 Inspection Report	NOV Issued
114	1/9/08	6-min. 10% opacity	--	--	Out of Compliance as of 5/14/08 Inspection Report	Settlement Agreement
115	1/17/08	6-min. 10% opacity	--	--	Out of Compliance as of 5/14/08 Inspection Report	Settlement Agreement
116	1/26/08	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 5/14/08 Inspection Report	Settlement Agreement
117	1/26/08	6-min. 10% opacity	--	--	Out of Compliance as of 5/14/08 Inspection Report	Settlement Agreement
118	1/29/08	6-min. 10% opacity	--	--	Out of Compliance as of 5/14/08 Inspection Report	Settlement Agreement
119	2/1/08	6-min. 10% opacity	--	--	Out of Compliance as of 5/14/08 Inspection Report	Settlement Agreement
120	2/28/08	6-min. 10% opacity	--	--	Out of Compliance as of 5/14/08 Inspection Report	Settlement Agreement
121	3/10/08	6-min. 10% opacity	--	--	Out of Compliance as of 5/13/08 Inspection Report	NOV Issued
122	3/13/08	Exceedance of nickel.	--	--	--	Settlement Agreement
123	3/17/08	6-min. 10% opacity	--	--	Out of Compliance as of 5/14/08 Inspection Report	NOV Issued
124	3/25/08	6-min. 10% opacity	--	--	Out of Compliance as of 5/7/08 Inspection Report	NOV Issued
125	4/10/08	6-min. 10% opacity	--	--	Out of Compliance as of 9/18/08 Inspection Report	NOV Issued

126	4/11/08	6-min. 10% opacity	--	--	Out of Compliance as of 9/24/08 Inspection Report	Settlement Agreement
127	4/12/08	6-min. 10% opacity	--	--	Out of Compliance as of 9/23/08 Inspection Report	NOV Issued
128	4/14/08	6-min. 10% opacity	--	--	Out of Compliance as of 9/18/08 Inspection Report	Settlement Agreement
129	5/24/08	6-min. 10% opacity	--	--	Out of Compliance as of 9/24/08 Inspection Report	NOV Issued
2009 ENERGY YEAR (June 1, 2008- May 31, 2009)						
130	6/6/08	6-min. 10% opacity	--	--	Out of Compliance as of 9/24/08 Inspection Report	Settlement Agreement
131	8/20/08	94 ppm SO ₂ , 1-hr. block	--	--	Out of Compliance as of 10/30/08 Inspection Report	Settlement Agreement
132	8/26/08	6-min. 10% opacity	--	--	Out of Compliance as of 10/30/08 Inspection Report	NOV Issued
133	10/28/08*	6-min. 10% opacity	--	--	Out of Compliance as of 10/28/08 Inspection Report	Settlement Agreement
134	11/3/08	6-min. 10% opacity	--	--	Out of Compliance as of 2/4/08 Inspection Report	NOV Issued
135	11/8/08	6-min. 10% opacity	--	--	Out of Compliance as of 2/10/09 Inspection Report	NOV Issued
136	11/18/08	6-min. 10% opacity	--	--	Out of Compliance as of 2/5/09 Inspection Report	NOV Issued
137	12/24/08	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/10/09 Inspection Report	Settlement Agreement
138	12/24/08	6-min. 10% opacity	--	--	Out of Compliance as of 2/10/09 Inspection Report	Settlement Agreement
139	1/8/09	6-min. 10% opacity	--	--	Out of Compliance as of 8/11/09 Inspection Report	NOV Issued
140	1/15/09	6-min. 10% opacity	--	--	Out of Compliance as of 8/13/09 Inspection Report	NOV Issued
141	1/18/09	6-min. 10% opacity	--	--	Out of Compliance as of 8/13/09 Inspection Report	NOV Issued
142	1/30/09	6-min. 10% opacity	--	--	Out of Compliance as of 8/12/09 Inspection Report	Settlement Agreement
143	3/2/09	6-min. 10% opacity	--	--	Out of Compliance as of 8/12/09 Inspection Report	Settlement Agreement

144	3/11/09	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 8/13/09 Inspection Report	Settlement Agreement
145	3/16/09	6-min. 10% opacity	--	--	Out of Compliance as of 8/13/09 Inspection Report	Settlement Agreement
146	4/17/09	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 8/14/09 Inspection Report	Settlement Agreement
147	4/20/09	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 8/14/09 Inspection Report	Settlement Agreement
148	5/21/09	100 ppm CO, 4-hr average	--	--	--	Settlement Agreement
2010 ENERGY YEAR (June 1, 2009- May 31, 2010)						
149	11/3/09	6-min. 10% opacity	--	--	Out of Compliance as of 2/17/10 Inspection Report	Settlement Agreement
150	11/14/09	94 ppm SO2, 1-hr	--	--	Out of Compliance as of 2/18/10 Inspection Report	Settlement Agreement
151	11/16/09	6-min. 10% opacity	--	--	Out of Compliance as of 2/17/10 Inspection Report	NOV Issued
152	11/19/09	6-min. 10% opacity	--	--	Out of Compliance as of 2/17/10 Inspection Report	Settlement Agreement
153	12/3/09	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/16/10 Inspection Report	NOV Issued
154	12/5/09	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/18/10 Inspection Report	NOV Issued
155	12/5/09	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/18/10 Inspection Report	NOV Issued
156	12/17/09	6-min. 10% opacity	--	--	Out of Compliance as of 2/18/10 Inspection Report	NOV Issued
157	12/28/09	6-min. 10% opacity	--	--	Out of Compliance as of 2/16/10 Inspection Report	Settlement Agreement
158	12/29/09	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/17/10 Inspection Report	NOV Issued
159	12/29/09	6-min. 10% opacity	--	--	Out of Compliance as of 2/17/10 Inspection Report	NOV Issued
160	12/29/09	6-min. 10% opacity	--	--	Out of Compliance as of 2/18/10 Inspection Report	Settlement Agreement
161	1/3/10	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/15/11 Inspection Report	Settlement Agreement

162	1/9/10	6-min. 10% opacity	--	--	Out of Compliance as of 11/3/10 Inspection Report	Settlement Agreement
163	1/29/10	6-min. 10% opacity	--	--	Out of Compliance as of 2/15/11 Inspection Report	Settlement Agreement
164	1/29/10	6-min. 10% opacity	--	--	Out of Compliance as of 2/15/11 Inspection Report	NOV Issued
165	2/2/10	Emitted visible emissions from silo	--	--	Out of Compliance as of 12/2/10 Inspection Report	NOV Issued
166	2/2/10	Emitted carbon dust into the atmosphere instead of through the Carbon Silo Dust Collector	--	--	Out of Compliance as of 3/1/11 Inspection Report	NOV Issued
167	2/8/10	6-min. 10% opacity	--	--	Out of Compliance as of 11/3/10 Inspection Report	Settlement Agreement
168	2/10/10	Failed to submit Q4 2009 EEMPR on time.	--	--	Out of Compliance as of 2/17/10 Inspection Report	NOV Issued
169	2/15/10	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/15/11 Inspection Report	Settlement Agreement
170	3/7/10	6-min. 10% opacity	--	--	Out of Compliance as of 11/3/10 Inspection Report	Settlement Agreement
171	3/28/10	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 11/3/10 Inspection Report	NOV Issued
172	4/17/10	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/3/11 Inspection Report	NOV Issued
173	4/17/10	6-min. 10% opacity	--	--	Out of Compliance as of 2/3/11 Inspection Report	NOV Issued
174	4/26/10	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/3/11 Inspection Report	Settlement Agreement
175	4/26/10	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/3/11 Inspection Report	Settlement Agreement
176	5/11/10	6-min. 10% opacity	--	--	Out of Compliance as of 2/3/11 Inspection Report	Settlement Agreement
177	5/27/10	6-min. 10% opacity	--	--	Out of Compliance as of 2/3/11 Inspection Report	Settlement Agreement

2011 ENERGY YEAR (June 1, 2010- May 31, 2011)						
178	6/20/10	6-min. 10% opacity	--	--	Out of Compliance as of 2/3/11 Inspection Report	Settlement Agreement
179	6/21/10	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 11/18/10 Inspection Report	Settlement Agreement
180	6/21/10	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 11/18/10 Inspection Report	Settlement Agreement
181	6/21/10	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/10 Inspection Report	Settlement Agreement
182	7/7/10	6-min. 10% opacity	--	--	Out of Compliance as of 1/27/11 Inspection Report	Settlement Agreement
183	7/13/10	6-min. 10% opacity	--	--	Out of Compliance as of 1/27/11 Inspection Report	Settlement Agreement
184	8/9/10	6-min. 10% opacity	--	--	Out of Compliance as of 2/10/11 Inspection Report	Settlement Agreement
185	8/14/10	6-min. 10% opacity	--	--	Out of Compliance as of 1/27/11 Inspection Report	Settlement Agreement
186	8/15/10	6-min. 10% opacity	--	--	Out of Compliance as of 1/27/11 Inspection Report	Settlement Agreement
187	9/3/10	6-min. 10% opacity	--	--	Out of Compliance as of 1/27/11 Inspection Report	Settlement Agreement
188	9/28/10	6-min. 10% opacity	--	--	Out of Compliance as of 12/1/10 Inspection Report	NOV Issued
189	10/12/10	6-min. 10% opacity	--	--	Out of Compliance as of 2/23/11 Inspection Report	NOV Issued
190	11/9/10	6-min. 10% opacity	--	--	Out of Compliance as of 2/16/11 Inspection Report	Settlement Agreement
191	11/16/10	6-min. 10% opacity	--	--	Out of Compliance as of 2/23/11 Inspection Report	NOV Issued
192	11/17/10	6-min. 10% opacity	--	--	Out of Compliance as of 2/23/11 Inspection Report	NOV Issued
193	12/2/10	6-min. 10% opacity	--	--	Out of Compliance as of 2/23/11 Inspection Report	Settlement Agreement
194	12/15/10	6-min. 10% opacity	--	--	Out of Compliance as of 2/16/11 Inspection Report	NOV Issued
195	1/22/11	Temp. of ESP exceeded max. of 349.6 degrees F.	--	--	Out of Compliance as of 5/31/11 Inspection Report	NOV Issued

196	2/9/11	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 6/6/11 Inspection Report	NOV Issued
197	2/26/11	94 ppm SO2, 1-hr.	--	--	Out of Compliance as of 6/7/11 Inspection Report	Settlement Agreement
198	2/26/11	Failed to meet SO2 min. removal efficiency of 70%	--	--	--	Settlement Agreement
2012 ENERGY YEAR (June 1, 2011- May 31, 2012)						
199	7/30/11	6-min. 10% opacity	--	--	Out of Compliance as of 11/16/11 Inspection Report	NOV Issued
200	8/4/11	6-min. 10% opacity	--	--	Out of Compliance as of 11/16/11 Inspection Report	NOV Issued
201	8/4/11	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 11/17/11 Inspection Report	NOV Issued
202	8/4/11	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 11/17/11 Inspection Report	NOV Issued
203	8/4/11	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 11/16/11 Inspection Report	NOV Issued
204	8/4/11	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 11/16/11 Inspection Report	NOV Issued
205	8/4/11	6-min. 10% opacity	--	--	Out of Compliance as of 11/17/11 Inspection Report	NOV Issued
206	10/16/11	6-min. 10% opacity	--	--	Out of Compliance as of 1/31/12 Inspection Report	NOV Issued
207	11/10/11	94 ppm SO2, 1-hr.	--	--	Out of Compliance as of 2/7/12 Inspection Report	Settlement Agreement
208	11/10/11	Failed to meet SO2 min. removal efficiency of 70%	--	--	Out of Compliance as of 2/7/12 Inspection Report	Settlement Agreement
209	11/16/11	6-min. 10% opacity	--	--	Out of Compliance as of 2/7/12 Inspection Report	NOV Issued
210	1/5/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/12/13 Inspection Report	NOV Issued
211	1/20/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/12/13 Inspection Report	Settlement Agreement
212	1/20/12	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/12/13 Inspection Report	Settlement Agreement

213	3/12/12	ESP inlet temp. exceeded max. allowable (349.6 degrees F).	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued
214	3/25/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued
215	3/25/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued
216	3/25/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued
217	3/25/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued
218	3/25/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued
219	3/25/12	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued
220	3/25/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/12/13 Inspection Report	NOV Issued
221	3/25/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/12/13 Inspection Report	NOV Issued
222	3/25/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/12/13 Inspection Report	NOV Issued
223	3/25/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/12/13 Inspection Report	NOV Issued
224	3/25/12	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/12/13 Inspection Report	NOV Issued
225	3/25/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/13/13 Inspection Report	NOV Issued
226	3/25/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/13/13 Inspection Report	NOV Issued
227	3/25/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/13/13 Inspection Report	NOV Issued
228	3/25/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/13/13 Inspection Report	NOV Issued
229	3/25/12	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/13/13 Inspection Report	NOV Issued
230	3/25/12	300 ppm NOx, 1-hr	--	--	Out of Compliance as of 2/12/13 Inspection Report	NOV Issued

231	3/25/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/13/13 Inspection Report	NOV Issued
232	3/25/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued
233	3/25/12	94 ppm SO2, 1-hr.	--	--	Out of Compliance as of 2/12/13 Inspection Report	NOV Issued
234	3/25/12	94 ppm SO2, 1-hr.	--	--	Out of Compliance as of 2/12/13 Inspection Report	NOV Issued
235	3/25/12	94 ppm SO2, 1-hr.	--	--	Out of Compliance as of 2/12/13 Inspection Report	NOV Issued
236	3/25/12	94 ppm SO2, 1-hr.	--	--	Out of Compliance as of 2/12/13 Inspection Report	NOV Issued
237	3/25/12	94 ppm SO2, 1-hr.	--	--	Out of Compliance as of 2/13/13 Inspection Report	NOV Issued
238	3/25/12	94 ppm SO2, 1-hr.	--	--	Out of Compliance as of 2/13/13 Inspection Report	NOV Issued
239	3/25/12	94 ppm SO2, 1-hr.	--	--	Out of Compliance as of 2/13/13 Inspection Report	NOV Issued
240	3/26/12	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued
241	3/26/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued
242	3/26/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued
243	3/26/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued
244	3/26/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued
245	3/26/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued
246	3/26/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued
247	3/26/12	94 ppm SO2, 1-hr.	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued
248	3/26/12	94 ppm SO2, 1-hr.	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued
249	3/26/12	94 ppm SO2, 1-hr.	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued

250	3/26/12	94 ppm SO2, 1-hr.	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued
251	3/26/12	94 ppm SO2, 1-hr.	--	--	Out of Compliance as of 2/14/13 Inspection Report	NOV Issued
252	4/16/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/15/13 Inspection Report	NOV Issued
253	4/16/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/15/13 Inspection Report	NOV Issued
254	4/16/12	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/15/13 Inspection Report	NOV Issued
255	4/16/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/15/13 Inspection Report	NOV Issued
256	4/16/12	94 ppm SO2	--	--	Out of Compliance as of 2/15/13 Inspection Report	NOV Issued
257	5/6/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/15/13 Inspection Report	NOV Issued
258	5/6/12	94 ppm SO2	--	--	Out of Compliance as of 2/15/13 Inspection Report	NOV Issued
259	5/6/12	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/15/13 Inspection Report	NOV Issued
260	5/6/12	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/15/13 Inspection Report	NOV Issued
261	5/6/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/15/13 Inspection Report	NOV Issued
262	5/6/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/15/13 Inspection Report	NOV Issued
263	5/6/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/15/13 Inspection Report	NOV Issued
264	5/6/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/15/13 Inspection Report	NOV Issued
265	5/6/12	100 ppm CO, 4-day	--	--	Out of Compliance as of 2/15/13 Inspection Report	Settlement Agreement
2013 ENERGY YEAR (June 1, 2012- May 31, 2013)						
266	6/20/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/15/13 Inspection Report	NOV Issued
267	7/18/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/20/13 Inspection Report	Settlement Agreement

268	7/18/12	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/20/13 Inspection Report	Settlement Agreement
269	7/18/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/19/13 Inspection Report	NOV Issued
270	7/18/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/19/13 Inspection Report	NOV Issued
271	7/18/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/19/13 Inspection Report	NOV Issued
272	7/18/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/19/13 Inspection Report	NOV Issued
273	7/26/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/19/13 Inspection Report	Settlement Agreement
274	7/26/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/19/13 Inspection Report	Settlement Agreement
275	7/26/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/19/13 Inspection Report	Settlement Agreement
276	7/26/12	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/19/13 Inspection Report	Settlement Agreement
277	7/30/12	Submitted Annual Stack Test report 21 days late.	--	--	Out of Compliance as of 2/19/13 Inspection Report	NOV Issued
278	8/22/12	94 ppm SO2, 1-hr.	--	--	Out of Compliance as of 2/20/13 Inspection Report	NOV Issued
279	8/31/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/19/13 Inspection Report	NOV Issued.
280	9/2/12	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/19/13 Inspection Report	NOV Issued
281	10/27/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/26/13 Inspection Report	NOV Issued
282	10/27/12	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/26/13 Inspection Report	NOV Issued
283	11/15/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/26/13 Inspection Report	NOV Issued
284	11/15/12	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/26/13 Inspection Report	NOV Issued
285	11/16/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/25/13 Inspection Report	Settlement Agreement

286	11/16/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/25/13 Inspection Report	Settlement Agreement
287	11/16/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/25/13 Inspection Report	NOV Issued
288	11/16/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/25/13 Inspection Report	NOV Issued
289	11/16/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/25/13 Inspection Report	NOV Issued
290	11/16/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/25/13 Inspection Report	NOV Issued
291	11/16/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/25/13 Inspection Report	NOV Issued
292	11/16/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/25/13 Inspection Report	NOV Issued
293	11/18/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/26/13 Inspection Report	NOV Issued
294	11/18/12	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 2/26/13 Inspection Report	NOV Issued
295	11/18/12	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/26/13 Inspection Report	NOV Issued
296	11/18/12	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/26/13 Inspection Report	NOV Issued
297	12/7/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/26/13 Inspection Report	NOV Issued
298	12/12/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/25/13 Inspection Report	NOV Issued
299	12/13/12	94 ppm SO2, 1-hr.	--	--	Out of Compliance as of 2/26/13 Inspection Report	Settlement Agreement
300	12/28/12	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 2/26/13 Inspection Report	NOV Issued
301	12/28/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/26/13 Inspection Report	NOV Issued
302	12/29/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/26/13 Inspection Report	Settlement Agreement
303	12/29/12	6-min. 10% opacity	--	--	Out of Compliance as of 2/26/13 Inspection Report	Settlement Agreement
304	1/4/13	6-min. 10% opacity	--	--	Out of Compliance as of 7/14/13 Inspection Report	NOV Issued.

305	1/5/13	6-min. 10% opacity	--	--	Out of Compliance as of 7/18/13 Inspection Report	NOV Issued
306	1/18/13	6-min. 10% opacity	--	--	Out of Compliance as of 7/14/13 Inspection Report	Settlement Agreement
307	1/18/13	Rate of carbon injection fell below permitted limit of 34 lb/hr	--	--	Out of Compliance as of 7/18/13 Inspection Report	Settlement Agreement
308	1/19/13	Rate of carbon injection fell below permitted limit of 34 lb/hr	--	--	Out of Compliance as of 7/18/13 Inspection Report	Settlement Agreement
309	1/21/13	Operated mercury emission control system below reagent feed rate of 34 lbs/hr	--	--	Out of Compliance as of 7/18/13 Inspection Report	NOV Issued
310	1/27/13	6-min. 10% opacity	--	--	Out of Compliance as of 7/14/13 Inspection Report	NOV Issued
311	2/14/13	6-min. 10% opacity	--	--	Out of Compliance as of 7/14/13 Inspection Report	Settlement Agreement
312	2/14/13	6-min. 10% opacity	--	--	Out of Compliance as of 7/14/13 Inspection Report	Settlement Agreement
313	2/14/13	6-min. 10% opacity	--	--	Out of Compliance as of 7/14/13 Inspection Report	Settlement Agreement
314	2/14/13	6-min. 10% opacity	--	--	Out of Compliance as of 7/14/13 Inspection Report	Settlement Agreement
315	2/14/13	6-min. 10% opacity	--	--	Out of Compliance as of 7/14/13 Inspection Report	Settlement Agreement
316	2/20/13	6-min. 10% opacity	--	--	Out of Compliance as of 7/18/13 Inspection Report	NOV Issued
317	2/28/13	6-min. 10% opacity	--	--	Out of Compliance as of 7/18/13 Inspection Report	NOV Issued
318	3/4/13	400 ppm CO, 1-hr average	--	--	Out of Compliance as of 7/18/13 Inspection Report	NOV Issued
319	3/9/13	100 ppm CO, 4-hr average	--	--	Out of Compliance as of 7/18/13 Inspection Report	NOV Issued
320	3/31/13	6-min. 10% opacity	--	--	Out of Compliance as of 7/18/13 Inspection Report	NOV Issued

321	4/1/13	6-min. 10% opacity	--	--	Out of Compliance as of 8/9/13 Inspection Report	Settlement Agreement
322	4/3/13	6-min. 10% opacity	--	--	Out of Compliance as of 8/8/13 Inspection Report	NOV Issued
323	5/7/13	6-min. 10% opacity	--	--	Out of Compliance as of 8/9/13 Inspection Report	Settlement Agreement
324	5/7/13	6-min. 10% opacity	--	--	Out of Compliance as of 8/8/13 Inspection Report	Settlement Agreement
325	5/7/13	6-min. 10% opacity	--	--	Out of Compliance as of 8/8/13 Inspection Report	Settlement Agreement
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326	7/15/13	6-min. 10% opacity)	--	Yes	Out of Compliance as of 12/12/13 Inspection Report	Settlement Agreement
327	7/27/13	Exceeded max. 4-hr steam flow rate of 247,500 lbs/hr	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
328	8/22/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	NOV Issued
329	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
330	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
331	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
332	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
333	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
334	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
335	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
336	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
337	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
338	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement

339	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
340	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
341	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
342	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
343	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
344	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
345	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
346	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
347	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
348	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
349	8/29/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
350	9/5/13	100 ppm CO, 4-hr	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	NOV Issued
351	9/12/13	100 ppm CO, 4-hr	--	Yes	Out of Compliance as of 12/12/13 Inspection Report	NOV Issued
352	9/14/13	100 ppm CO, 1-hr	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
353	9/14/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
354	9/14/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
355	9/14/13	100 ppm CO, 4-day	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
356	9/14/13	100 ppm CO, 4-hr	--	Yes	Out of Compliance as of 1/2/14 Inspection Report	Settlement Agreement
357	9/14/13	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 12/13/13 Inspection Report	Settlement Agreement

358	9/14/13	100 ppm CO, 4-hr	--	Yes	Out of Compliance as of 12/13/13 Inspection Report	Settlement Agreement
359	10/4/13	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
360	10/4/13	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
361	10/4/13	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
362	10/4/13	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
363	10/4/13	100 ppm CO, 4-day	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
364	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
365	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
366	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
367	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
368	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
369	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
370	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
371	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
372	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement

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373	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
374	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
375	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
376	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
377	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
378	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
379	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
380	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
381	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
382	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
383	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
384	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement

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385	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
386	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
387	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
388	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
389	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
390	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
391	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
392	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
393	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
394	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
395	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
396	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement

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397	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
398	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
399	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
400	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
401	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
402	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
403	10/4/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
404	10/4/13	100 ppm CO, 4-hr	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
405	10/4/13	100 ppm CO, 4-hr	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
406	10/4/13	100 ppm CO, 4-hr	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
407	10/4/13	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
408	10/4/13	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement

409	10/4/13	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
410	10/4/13	100 ppm CO, 4-day	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
411	10/4/13	100 ppm CO, 4-hr	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
412	10/4/13	100 ppm CO, 4-hr	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
413	10/4/13	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
414	10/4/13	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
415	10/4/13	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
416	10/4/13	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
417	10/4/13	100 ppm CO, 4-day	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
418	10/4/13	100 ppm CO, 4-hr	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
419	10/4/13	100 ppm CO, 4-hr	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
420	10/4/13	94 ppm SO ₂ , 1-hr	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
421	10/4/13	94 ppm SO ₂ , 1-hr	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
422	10/4/13	94 ppm SO ₂ , 1-hr	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
423	10/4/13	94 ppm SO ₂ , 1-hr	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement
424	10/4/13	94 ppm SO ₂ , 1-hr	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
425	10/4/13	Temp. at inlet to ESP exceeded 4-hr limit of 343.2 degrees F	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
426	10/4/13	Temp. at inlet to ESP exceeded 4-hr	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	Settlement Agreement

		limit of 343.2 degrees F				
427	10/4/13	Temp. at inlet to ESP exceeded 4-hr limit of 343.2 degrees F	--	Yes	Out of Compliance as of 1/24/14 Inspection Report	Settlement Agreement
428	10/6/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	NOV Issued
429	10/6/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	NOV Issued
430	10/11/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
431	10/30/13	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/28/14 Inspection Report	Settlement Agreement
433	12/28/13	94 ppm SO2, 1-hr	--	Yes	Out of Compliance as of 2/6/14 Inspection Report	NOV Issued
433	1/3/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
434	2/3/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
435	2/3/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
436	2/3/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
437	2/3/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
438	2/3/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
439	2/3/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
440	2/3/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
441	2/3/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
442	2/3/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
443	2/3/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued

444	2/3/14	100 ppm CO	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
445	2/3/14	400 ppm CO	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
446	2/6/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
447	2/27/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
448	3/6/14	100 ppm CO	--	No	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
449	3/6/14	400 ppm CO	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
450	3/6/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
451	3/6/14	3% O2 (5 min.)	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
452	3/13/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
453	3/17/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	Settlement Agreement
454	3/23/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
455	3/25/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
456	3/25/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
457	3/25/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
458	3/25/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
459	3/31/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
460	3/31/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 4/1/14 Inspection Report	NOV Issued
461	4/2/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 9/3/14 Inspection Report	NOV Issued
462	4/9/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 9/3/14 Inspection Report	NOV Issued

463	4/9/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 9/3/14 Inspection Report	NOV Issued
464	4/9/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 9/3/14 Inspection Report	NOV Issued
465	4/9/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 9/3/14 Inspection Report	NOV Issued
466	4/9/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 9/3/14 Inspection Report	NOV Issued
467	4/20/14	100 ppm CO	--	Yes	Out of Compliance as of 9/3/14 Inspection Report	Settlement Agreement
468	5/26/14	100 ppm CO	--	Yes	Out of Compliance as of 9/3/14 Inspection Report	Settlement Agreement
469	5/26/14	3% O2 (5 min.)	--	Yes	Out of Compliance as of 9/3/14 Inspection Report	Settlement Agreement
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470	10/20/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/3/15 Inspection Report	NOV Issued;
471	11/10/14	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 2/10/15 Inspection Report	Settlement Agreement
472	11/10/14	100 ppm CO, 4-hr average	--	Yes	Out of Compliance as of 2/10/15 Inspection Report	Settlement Agreement
473	11/10/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/10/15 Inspection Report	Settlement Agreement
474	11/17/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/3/15 Inspection Report	Settlement Agreement
475	11/24/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/18/15 Inspection Report	Settlement Agreement
476	12/1/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/18/15 Inspection Report	Settlement Agreement
477	12/14/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/18/15 Inspection Report	Settlement Agreement
478	12/14/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/18/15 Inspection Report	Settlement Agreement
479	12/14/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/18/15 Inspection Report	Settlement Agreement
480	12/16/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/18/15 Inspection Report	Settlement Agreement

481	12/16/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/18/15 Inspection Report	Settlement Agreement
482	12/16/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/18/15 Inspection Report	Settlement Agreement
483	12/16/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/18/15 Inspection Report	Settlement Agreement
484	12/16/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/18/15 Inspection Report	Settlement Agreement
485	12/16/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/18/15 Inspection Report	Settlement Agreement
486	12/16/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/18/15 Inspection Report	Settlement Agreement
487	12/16/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/18/15 Inspection Report	Settlement Agreement
488	12/16/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/18/15 Inspection Report	Settlement Agreement
489	12/21/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/3/15 Inspection Report	Settlement Agreement
490	12/21/14	6-min. 10% opacity	--	Yes	Out of Compliance as of 2/3/15 Inspection Report	Settlement Agreement
491	1/8/15	400 ppm CO, 1-hr average	--	Yes	--	NOV Issued
492	1/8/15	100 ppm CO, 4-hr average	--	Yes	--	NOV Issued
493	1/8/15	3% O2 (5 min.)	--	Yes	--	NOV Issued
494	1/26/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	Settlement Agreement
495	1/26/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	Settlement Agreement
496	1/26/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	Settlement Agreement

497	1/26/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	Settlement Agreement
498	1/26/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	Settlement Agreement
499	1/26/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	Settlement Agreement
500	1/26/15	6-min. 10% opacity	--	Yes	--	Settlement Agreement (\$19,460)
501	1/26/15	6-min. 10% opacity	--	Yes	--	Settlement Agreement (\$19,460)
502	1/26/15	6-min. 10% opacity	--	Yes	--	Settlement Agreement (\$19,460)
503	1/31/15	6-min. 10% opacity	--	Yes	--	Settlement Agreement (\$19,460)
504	1/31/15	6-min. 10% opacity	--	Yes	--	Settlement Agreement (\$19,460)
505	2/3/15	6-min. 10% opacity	--	Yes	--	Settlement Agreement (\$19,460)
506	2/10/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
507	2/10/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
508	2/14/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued

509	2/14/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
510	2/14/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
511	2/14/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
512	2/14/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
513	2/14/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
514	2/14/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
515	2/14/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
516	2/21/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
517	2/21/15	6-min. 10% opacity	--	Yes	--	--
518	2/21/15	100 ppm CO, 4-hr average	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
519	2/21/15	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
520	2/21/15	100 ppm CO, 4-hr average	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued

521	2/21/15	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
522	2/22/15	100 ppm CO, 4-day	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
523	2/22/15	94 ppm SO ₂ , 1-hr	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
524	2/22/15	94 ppm SO ₂ , 1-hr	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
525	2/22/15	300 ppm NO _x , 1-hr	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
526	2/22/15	100 ppm CO, 4-day	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
527	2/22/15	300 ppm NO _x , 1-hr	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
528	2/22/15	100 ppm CO, 4-hr average	--	No	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
529	2/22/15	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
530	2/22/15	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
531	2/22/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 5/27/15 Inspection Report	NOV Issued
532	3/27/15*	Failed to continuously monitor ESP Inlet Temp.	--	No	Out of Compliance as of 3/27/15 Inspection Report	Settlement Agreement

533	3/27/15*	Failed to continuously monitor steam flow rate.	--	No	Out of Compliance as of 3/27/15 Inspection Report	Settlement Agreement
534	4/3/15	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 6/13/15 Inspection Report	NOV Issued
535	4/25/15	94 ppm SO2, 1-hr	--	Yes	Out of Compliance as of 6/13/16 Inspection Report	Settlement Agreement
536	5/9/15	94 ppm SO2, 1-hr	--	Yes	Out of Compliance as of 6/13/15 Inspection Report	Settlement Agreement
2016 ENERGY YEAR (June 1, 2015- May 31, 2016)						
537	6/21/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/13/16 Inspection Report	Settlement Agreement
538	6/24/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/13/16 Inspection Report	Settlement Agreement
539	6/24/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/13/16 Inspection Report	Settlement Agreement
540	6/24/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/13/16 Inspection Report	Settlement Agreement
541	7/30/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/15/16 Inspection Report	Settlement Agreement
542	7/30/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/15/16 Inspection Report	Settlement Agreement
543	7/30/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/15/16 Inspection Report	Settlement Agreement
544	8/10/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/14/16 Inspection Report	Settlement Agreement
545	8/17/15	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 6/14/16 Inspection Report	Settlement Agreement
546	8/17/15	100 ppm CO, 4-hr average	--	Yes	Out of Compliance as of 6/14/16 Inspection Report	Settlement Agreement
547	8/17/15	3% O2, 5-min. reading	--	Yes	Out of Compliance as of 6/14/16 Inspection Report	Settlement Agreement
548	8/30/15	100 ppm CO, 4-hr average	--	Yes	Out of Compliance as of 6/15/16 Inspection Report	Settlement Agreement
549	9/2/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/15/16 Inspection Report	Settlement Agreement

550	9/2/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/15/16 Inspection Report	Settlement Agreement
551	10/4/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/15/16 Inspection Report	Settlement Agreement
552	10/6/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/15/16 Inspection Report	Settlement Agreement
553	10/6/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/15/16 Inspection Report	Settlement Agreement
554	10/6/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/15/16 Inspection Report	Settlement Agreement
555	10/6/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
556	10/6/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
557	10/6/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
558	10/6/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
559	10/6/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
560	10/6/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
561	10/12/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
562	10/12/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
563	10/12/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
564	10/12/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement (\$19,460)
565	10/12/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement (\$19,460)
566	10/12/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement (\$19,460)
567	10/12/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement (\$19,460)
568	10/14/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement (\$19,460)

569	10/14/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement (\$19,460)
570	10/14/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement (\$19,460)
571	10/23/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/15/16 Inspection Report	Settlement Agreement (\$19,460)
572	11/10/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/15/16 Inspection Report	Settlement Agreement (\$19,460)
573	11/10/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/15/16 Inspection Report	Settlement Agreement (\$19,460)
574	11/10/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/15/16 Inspection Report	Settlement Agreement (\$19,460)
575	11/15/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement (\$19,460)
576	11/18/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement (\$19,460)
577	11/18/15	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement (\$19,460)
578	11/18/15	3% O2, 5-min. reading	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
579	12/20/15	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
580	1/13/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
581	1/13/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
582	1/13/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
583	1/13/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
584	1/13/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
585	1/13/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
586	1/13/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
587	1/20/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement

588	2/13/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
589	2/17/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	Settlement Agreement
590	2/21/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	--
591	2/22/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	--
592	2/22/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	--
593	2/22/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	--
594	2/28/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	NOV Issued
595	2/28/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	NOV Issued
596	2/28/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	NOV Issued
597	3/3/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	NOV Issued
598	3/3/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	NOV Issued
599	3/3/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	NOV Issued
600	3/3/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 6/20/16 Inspection Report	NOV Issued
601	4/10/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 11/4/16 Inspection Report	Settlement Agreement
602	4/10/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 11/4/16 Inspection Report	Settlement Agreement
603	4/10/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 11/4/16 Inspection Report	Settlement Agreement
604	4/10/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 11/4/16 Inspection Report	Settlement Agreement
605	4/10/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 11/4/16 Inspection Report	Settlement Agreement
606	4/10/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 11/4/16 Inspection Report	Settlement Agreement

607	4/21/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 11/4/16 Inspection Report	NOV Issued
608	4/21/16	400 ppm CO, 1-hr average	--	No	Out of Compliance as of 11/4/16 Inspection Report	NOV Issued
609	4/21/16	100 ppm CO, 4-hr average	--	No	Out of Compliance as of 11/4/16 Inspection Report	NOV Issued
610	4/24/16	6-min. 10% opacity	--	No	Out of Compliance as of 10/3/16 Inspection Report	NOV Issued
611	5/6/16	400 ppm CO, 1-hr average	--	Yes	Out of Compliance as of 11/4/16 Inspection Report	Settlement Agreement
612	5/6/16	100 ppm CO, 4-hr average	--	Yes	Out of Compliance as of 11/4/16 Inspection Report	Settlement Agreement
613	5/23/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 11/2/16 Inspection Report	Settlement Agreement
614	5/23/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 11/2/16 Inspection Report	Settlement Agreement
615	5/23/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 11/2/16 Inspection Report	Settlement Agreement
616	5/23/16	6-min. 10% opacity	--	Yes	Out of Compliance as of 11/2/16 Inspection Report	Settlement Agreement
2017 ENERGY YEAR (June 1, 2016-May 31, 2017)						
617	Q3 2016	Continuously Monitor Steam Flow Rate	--	No	Out of Compliance as of 2/2/17 Inspection Report	Settlement Agreement
618	Q3 2016	Continuously Monitor Temperature	--	No	Out of Compliance as of 2/2/17 Inspection Report	Settlement Agreement
619	6/8/2016	6-min. 10% opacity	--	Yes	Out of Compliance as of 10/3/16 Inspection Report	NOV Issued
620	6/9/2016	6-min. 10% opacity	--	Yes	Out of Compliance as of 10/3/16 Inspection Report	Settlement Agreement
621	7/1/2016	100 ppm CO, 4-hr.	--	--	Out of Compliance as of 11/18/16 Inspection Report	NOV Issued
622	7/1/2016	400 ppm CO, 1-hr.	--	--	Out of Compliance as of 11/18/16 Inspection Report	NOV Issued
623	7/1/2016	3% O2 (5-min. block)	--	--	Out of Compliance as of 11/18/16 Inspection Report	NOV Issued

624	7/14/2016	400 ppm CO, 1-hr.	--	--	Out of Compliance as of 11/22/16 Inspection Report	NOV Issued
625	7/14/2016	3% O2 (5-min. block)	--	--	Out of Compliance as of 11/22/16 Inspection Report	NOV Issued
626	7/18/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
627	7/18/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
628	7/18/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
629	7/18/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
630	7/25/2016	100 ppm CO, 4-hr.	--	--	Out of Compliance as of 11/17/16 Inspection Report	NOV Issued
631	7/25/2016	3% O2 (5-min. block)	--	--	Out of Compliance as of 11/17/16 Inspection Report	NOV Issued
632	8/3/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/22/16 Inspection Report	Settlement Agreement
633	8/3/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/22/16 Inspection Report	Settlement Agreement
634	8/3/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/22/16 Inspection Report	Settlement Agreement
635	8/3/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/22/16 Inspection Report	Settlement Agreement
636	8/3/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/22/16 Inspection Report	Settlement Agreement
637	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
638	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
639	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
640	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
641	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
642	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement

643	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
644	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
645	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
646	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
647	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
648	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
649	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
650	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
651	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
652	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
653	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
654	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
655	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
656	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
657	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
658	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
659	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
660	9/2/2016	6-min. 10% opacity	--	--	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement
661	10/19/2016	6-min. 10% opacity	--	--	Out of Compliance as of 1/26/17 Inspection Report	Settlement Agreement

662	12/23/2016	6-min. 10% opacity	--	--	Out of Compliance as of 1/25/17 Inspection Report	Settlement Agreement
663	12/23/2016	6-min. 10% opacity	--	--	Out of Compliance as of 1/25/17 Inspection Report	Settlement Agreement
664	12/23/2016	6-min. 10% opacity	--	--	Out of Compliance as of 1/25/17 Inspection Report	Settlement Agreement
665	12/23/2016	6-min. 10% opacity	--	--	Out of Compliance as of 1/25/17 Inspection Report	Settlement Agreement
666	12/23/2016	6-min. 10% opacity	--	--	Out of Compliance as of 1/24/17 Inspection Report	Settlement Agreement
667	12/23/2016	6-min. 10% opacity	--	--	Out of Compliance as of 1/24/17 Inspection Report	Settlement Agreement
668	12/23/2016	6-min. 10% opacity	--	--	Out of Compliance as of 1/24/17 Inspection Report	Settlement Agreement
669	12/23/2016	6-min. 10% opacity	--	--	Out of Compliance as of 1/24/17 Inspection Report	Settlement Agreement
670	Q4 2016	Continuous Emission Monitoring (CEM) not in continuous operation	--	--	Out of Compliance as of 1/25/17 Inspection Report	Settlement Agreement
671	Calendar Year 2016	Failed to meet 95% Annual CEM availability requirement for SO2 Outlet Monitors.	--	--	Out of Compliance as of 2/2/17 Inspection Report	Settlement Agreement
672	Calendar Year 2016	Failed to meet 95% Annual CEM availability requirement for SO2 Outlet Monitors.	--	--	Out of Compliance as of 2/2/17 Inspection Report	Settlement Agreement
673	Calendar Year 2016	Failed to meet 95% Annual CEM availability requirement for SO2 Outlet Monitors.	--	--	Out of Compliance as of 2/2/17 Inspection Report	Settlement Agreement

674	1/4/2017	6-min. 10% opacity	--	--	Out of Compliance as of 4/24/17 Inspection Report	Settlement Agreement
675	1/4/2017	6-min. 10% opacity	--	--	Out of Compliance as of 4/24/17 Inspection Report	Settlement Agreement
676	1/4/2017	6-min. 10% opacity	--	--	Out of Compliance as of 4/24/17 Inspection Report	Settlement Agreement
677	3/30/2017	6-min. 10% opacity	--	--	Out of Compliance as of 4/24/17 Inspection Report	Settlement Agreement
678	4/25/2017	100 ppm CO, 4-hr.	--	--	Out of Compliance as of 8/21/17 Inspection Report	Settlement Agreement
679	4/25/2017	6-min. 10% opacity	--	--	Out of Compliance as of 8/21/17 Inspection Report	Settlement Agreement
680	4/25/2017	6-min. 10% opacity	--	--	Out of Compliance as of 8/21/17 Inspection Report	Settlement Agreement
681	4/25/2017	6-min. 10% opacity	--	--	Out of Compliance as of 8/21/17 Inspection Report	Settlement Agreement
682	4/25/2017	6-min. 10% opacity	--	--	Out of Compliance as of 8/21/17 Inspection Report	Settlement Agreement
2018 ENERGY YEAR (June 1, 2017-May 31, 2018)						
683	7/5/2017	100 ppm CO, 4-hr.	--	Yes	Out of Compliance as of 11/27/17 Inspection Report	Settlement Agreement
684	7/5/2017	400 ppm CO, 1-hr.	--	Yes	Out of Compliance as of 11/27/17 Inspection Report	Settlement Agreement
685	7/5/2017	400 ppm CO, 1-hr.	--	Yes); Out of Compliance as of 11/27/17 Inspection Report	Settlement Agreement
686	7/5/2017	3% O2 (5-min. block)	--	Yes	Out of Compliance as of 11/27/17 Inspection Report	Settlement Agreement
687	7/5/2017	3% O2 (5-min. block)	--	Yes	Out of Compliance as of 11/27/17 Inspection Report	Settlement Agreement
688	7/5/2017	3% O2 (5-min. block)	--	Yes	Out of Compliance as of 11/27/17 Inspection Report	Settlement Agreement
689	7/5/2017	3% O2 (5-min. block)	--	Yes	Out of Compliance as of 11/27/17 Inspection Report	Settlement Agreement
690	7/5/2017	3% O2 (5-min. block)	--	Yes	Out of Compliance as of 11/27/17 Inspection Report	Settlement Agreement
691	7/5/2017	3% O2 (5-min. block)	--	Yes	Out of Compliance as of 11/27/17 Inspection Report	Settlement Agreement

692	9/6/2017	6-min. 10% opacity	--	Yes	Out of Compliance as of 11/27/17 Inspection Report	Settlement Agreement
693	9/20/2017	6-min. 10% opacity	--	Yes	Out of Compliance as of 11/21/17 Inspection Report	Settlement Agreement
694	9/20/2017	6-min. 10% opacity	--	Yes	Out of Compliance as of 11/21/17 Inspection Report	Settlement Agreement
695	9/20/2017	6-min. 10% opacity	--	Yes	Out of Compliance as of 11/21/17 Inspection Report	Settlement Agreement
696	9/21/2017	94 ppm SO ₂ , 1-hr	--	Yes	Out of Compliance as of 11/24/17 Inspection Report	Settlement Agreement
697	9/22/2017	94 ppm SO ₂ , 1-hr	--	Yes	Out of Compliance as of 11/24/17 Inspection Report	NOV Issued
698	9/28/2017	400 ppm CO, 1-hr	--	Yes	Out of Compliance as of 11/27/17 Inspection Report	Settlement Agreement
699	9/28/2017	3% O ₂ (5-min. block)	--	Yes	Out of Compliance as of 11/27/17 Inspection Report	Settlement Agreement
700	9/28/2017	3% O ₂ (5-min. block)	--	Yes	Out of Compliance as of 11/27/17 Inspection Report	Settlement Agreement
701	9/28/2017	3% O ₂ (5-min. block)	--	Yes	Out of Compliance as of 11/27/17 Inspection Report	Settlement Agreement
702	10/20/2017	5-yr stack Test for SO ₂ , NO _x , Sulfuric Acid Mists, VOC, Ammonia, Heavy Metal Compounds.	--	No	--	NOV Issued
703	10/20/2017	5-yr stack Test for CO Emissions and HF Emission.	--	No	--	NOV Issued
704	10/23/2017	100 ppm CO, 4-hr	--	Yes	Out of Compliance as of 1/31/18 Inspection Report	Settlement Agreement
705	11/4/2017	Pressure drop range 1-6 in. w.c.	--	No	--	NOV Issued
706	12/2/2017	Pressure drop range 1-6 in. w.c.	--	No	--	NOV Issued
707	12/24/2017	Pressure drop range 1-6 in. w.c.	--	No	--	NOV Issued
708	1/5/2018	100 ppm CO, 4-hr	--	--	Out of Compliance as of 5/23/18 Inspection Report	NOV Issued

709	1/13/2018	Pressure drop range 1-6 in. w.c.	--	--	--	NOV Issued
710	2/8/2018	Pressure drop range 1-6 in. w.c.	--	--	--	NOV Issued
711	3/2/2018	100 ppm CO, 4-hr	--	--	Out of Compliance as of 5/23/18 Inspection Report	NOV Issued
712	5/20/2018	Dust collector CD 1019 was not in operation for several periods between 5/20 and 12/10 due to equipment failure	--	--	Out of Compliance as of 12/31/18 Inspection Report	Settlement Agreement
713	5/30/2018	6-min. 10% opacity	--	--	Out of Compliance as of 10/11/18 Inspection Report	Settlement Agreement
714	5/30/2018	6-min. 10% opacity	--	--	Out of Compliance as of 10/11/18 Inspection Report	Settlement Agreement
2019 ENERGY YEAR (June 1, 2018- May 31, 2019)						
715	7/4/2018	6-min. 10% opacity	--	Yes	Out of Compliance as of 9/30/18 Inspection Report	Settlement Agreement
716	7/11/2018	100 ppm CO, 4-hr	--	Yes	Out of Compliance as of 9/30/18 Inspection Report	NOV Issued
717	9/2/2018	6-min. 10% opacity	--	Yes	Out of Compliance as of 9/30/18 Inspection Report	NOV Issued
718	9/4/2018	6-min. 10% opacity	--	Yes	Out of Compliance as of 9/30/18 Inspection Report	Settlement Agreement
719	9/4/2018	6-min. 10% opacity	--	Yes	Out of Compliance as of 9/30/18 Inspection Report	Settlement Agreement
720	9/4/2018	6-min. 10% opacity	--	Yes	Out of Compliance as of 9/30/18 Inspection Report	Settlement Agreement
721	9/4/2018	6-min. 10% opacity	--	Yes	Out of Compliance as of 9/30/18 Inspection Report	Settlement Agreement
722	9/4/2018	6-min. 10% opacity	--	Yes	Out of Compliance as of 9/30/18 Inspection Report	Settlement Agreement
723	10/6/2018	100 ppm CO, 4-hr	--	Yes	Out of Compliance as of 12/31/18 Inspection Report	Settlement Agreement
724	11/23/2018	100 ppm CO, 4-hr	--	Yes	Out of Compliance as of 12/31/18 Inspection Report	NOV Issued

725	12/6/2018	100 ppm CO, 4-hr	--	Yes	Out of Compliance as of 12/31/18 Inspection Report	Settlement Agreement
726	12/6/2018	6-min. 10% opacity	--	Yes	Out of Compliance as of 12/31/18 Inspection Report	Settlement Agreement
727	12/6/2018	6-min. 10% opacity	--	Yes	Out of Compliance as of 12/31/18 Inspection Report	Settlement Agreement
728	12/6/2018	6-min. 10% opacity	--	Yes	Out of Compliance as of 12/31/18 Inspection Report	Settlement Agreement
729	1/14/2019	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/1/19 Inspection Report	Settlement Agreement
730	1/14/2019	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/1/19 Inspection Report	Settlement Agreement
731	1/14/2019	6-min. 10% opacity	--	Yes	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement
732	1/14/2019	6-min. 10% opacity	--	Yes	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement
733	1/14/2019	6-min. 10% opacity	--	Yes	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement
734	1/14/2019	6-min. 10% opacity	--	Yes	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement
735	1/14/2019	6-min. 10% opacity	--	Yes	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement
736	1/14/2019	6-min. 10% opacity	--	Yes	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement
737	1/14/2019	6-min. 10% opacity	--	No	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement
738	1/14/2019	6-min. 10% opacity	--	No	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement
739	1/14/2019	6-min. 10% opacity	--	No	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement
740	1/14/2019	6-min. 10% opacity	--	No	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement
741	1/14/2019	6-min. 10% opacity	--	No	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement
742	1/14/2019	6-min. 10% opacity	--	No	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement
743	1/14/2019	6-min. 10% opacity	--	No	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement

744	1/14/2019	6-min. 10% opacity	--	No	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement
745	1/14/2019	6-min. 10% opacity	--	No	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement
746	1/14/2019	6-min. 10% opacity	--	No	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement
747	1/14/2019	6-min. 10% opacity	--	No	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement
748	1/14/2019	6-min. 10% opacity	--	No	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement
749	1/14/2019	6-min. 10% opacity	--	No	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement
750	1/25/2019	100 ppm CO, 4-hr	--	Yes	Out of Compliance as of 1/1/19 Inspection Report	Settlement Agreement
751	1/28/2019	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/1/19 Inspection Report	Settlement Agreement
752	1/28/2019	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/1/19 Inspection Report	Settlement Agreement
753	1/28/2019	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/1/19 Inspection Report	Settlement Agreement
754	1/28/2019	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/1/19 Inspection Report	Settlement Agreement
755	1/28/2019	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/1/19 Inspection Report	Settlement Agreement
756	1/28/2019	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/1/19 Inspection Report	Settlement Agreement
757	1/28/2019	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/1/19 Inspection Report	Settlement Agreement
758	1/28/2019	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/1/19 Inspection Report	Settlement Agreement
759	1/28/2019	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/1/19 Inspection Report	Settlement Agreement
760	1/28/2019	6-min. 10% opacity	--	Yes	Out of Compliance as of 1/1/19 Inspection Report	Settlement Agreement
761	1/28/2019	6-min. 10% opacity	--	No	Out of Compliance as of 1/1/19 Inspection Report	Settlement Agreement
762	1/28/2019	6-min. 10% opacity	--	No	Out of Compliance as of 1/1/19 Inspection Report	Settlement Agreement

763	5/2/2019	6-min. 10% opacity	--	Yes	--	--
764	5/2/2019	6-min. 10% opacity	--	Yes	--	--
765	5/2/2019	6-min. 10% opacity	--	Yes	--	--
2020 ENERGY YEAR (June 1, 2019- May 31, 2020)²						
767	6/3/19	6-min. 10% opacity	--	Yes	--	--
768	6/3/19	6-min. 10% opacity	--	Yes	--	--
769	6/3/19	6-min. 10% opacity	--	Yes	--	--
770	6/3/19	6-min. 10% opacity	--	Yes	--	--
771	6/3/19	6-min. 10% opacity	--	Yes	--	--
772	6/3/19	6-min. 10% opacity	--	Yes	--	--
773	6/3/19	6-min. 10% opacity	--	Yes	--	--
774	6/3/19	6-min. 10% opacity	--	Yes	--	--
775	6/3/19	6-min. 10% opacity	--	Yes	--	--
776	6/3/19	6-min. 10% opacity	--	Yes	--	--

² DEP informed ICC on May 6, 2020 that an Enforcement Action for outstanding 2019-2020 violations is pending.

777	6/3/19	6-min. 10% opacity	--	Yes	--	--
778	6/3/19	6-min. 10% opacity	--	Yes	--	--
779	6/3/19	6-min. 10% opacity	--	Yes	--	--
780	6/3/19	6-min. 10% opacity	--	Yes	--	--
781	6/3/19	6-min. 10% opacity	--	Yes	--	--
789	6/16/19	6-min. 10% opacity	--	Yes	--	--
790	6/16/19	6-min. 10% opacity	--	Yes	--	--
791	6/19/19	6-min. 10% opacity	--	Yes	--	--
792	6/19/19	6-min. 10% opacity	--	Yes	--	--
793	6/19/19	6-min. 10% opacity	--	Yes	--	--
794	6/19/19	6-min. 10% opacity	--	Yes	--	--
795	6/19/19	6-min. 10% opacity	--	Yes	--	--
796	6/19/19	6-min. 10% opacity	--	Yes	--	--
797	6/19/19	6-min. 10% opacity	--	Yes	--	--
798	6/19/19	6-min. 10% opacity	--	Yes	--	--

799	6/19/19	6-min. 10% opacity	--	Yes	--	--
800	6/19/19	6-min. 10% opacity	--	Yes	--	--
801	6/19/19	6-min. 10% opacity	--	Yes	--	--
802	6/19/19	6-min. 10% opacity	--	Yes	--	--
803	6/19/19	6-min. 10% opacity	--	Yes	--	--
804	6/19/19	6-min. 10% opacity	--	Yes	--	--
805	6/19/19	6-min. 10% opacity	--	Yes	--	--
806	6/19/19	6-min. 10% opacity	--	Yes	--	--
807	6/19/19	6-min. 10% opacity	--	Yes	--	--
808	6/19/19	6-min. 10% opacity	--	Yes	--	--
809	6/19/19	6-min. 10% opacity	--	Yes	--	--
810	6/19/19	6-min. 10% opacity	--	Yes	--	--
811	6/19/19	6-min. 10% opacity	--	Yes	--	--
812	6/19/19	6-min. 10% opacity	--	Yes	--	--
813	6/19/19	6-min. 10% opacity	--	Yes	--	--

814	6/19/19	6-min. 10% opacity	--	Yes	--	--
815	6/19/19	6-min. 10% opacity	--	Yes	--	--
816	6/19/19	6-min. 10% opacity	--	Yes	--	--
817	6/19/19	6-min. 10% opacity	--	Yes	--	--
818	6/19/19	6-min. 10% opacity	--	Yes	--	--
819	6/19/19	6-min. 10% opacity	--	Yes	--	--
820	6/19/19	6-min. 10% opacity	--	Yes	--	--
821	6/19/19	6-min. 10% opacity	--	Yes	--	--
822	6/19/19	6-min. 10% opacity	--	Yes	--	--
823	6/19/19	6-min. 10% opacity	--	Yes	--	--
824	6/19/19	6-min. 10% opacity	--	Yes	--	--
825	6/19/19	6-min. 10% opacity	--	Yes	--	--
826	6/19/19	6-min. 10% opacity	--	Yes	--	--
827	6/19/19	6-min. 10% opacity	--	Yes	--	--
828	6/19/19	6-min. 10% opacity	--	Yes	--	--

829	6/19/19	6-min. 10% opacity	--	Yes	--	--
830	6/24/19	6-min. 10% opacity	--	Yes	--	--
831	6/24/19	6-min. 10% opacity	--	Yes	--	--
832	6/24/19	6-min. 10% opacity	--	Yes	--	--
833	6/24/19	6-min. 10% opacity	--	Yes	--	--
834	6/24/19	6-min. 10% opacity	--	Yes	--	--
835	6/24/19	6-min. 10% opacity	--	Yes	--	--
836	6/27/19	100 ppm CO, 4-hr	--	Yes	--	--
837	6/27/19	400 ppm CO, 1-hr	--	Yes	--	--
838	6/27/19	3% O2 (5-min. block)	--	Yes	--	--
839	6/28/19	100 ppm CO, 4-hr	--	Yes	--	--
840	8/7/19	6-min. 10% opacity	Yes	No	--	--
841	9/20/19	6-min. 10% opacity	Yes	No	--	--
842	10/9/19	6-min. 10% opacity	Yes	No	--	--
843	10/10/19	6-min. 10% opacity	Yes	No	--	--

844	4/7/20	6-min. 10% opacity	--	No	--	--
845	7/26/20 ³	100 ppm CO, 4-hr	--	No	--	--
846	7/26/20	400 ppm CO, 1-hr	--	No	--	--

³ The two violations on July 26, 2020, were reported by Covanta Essex in an email message to Ironbound Community Corporation.

COVANTA CAMDEN NONCOMPLIANCE				
	Date	Permit Emission Limit	Compliance Status in Inspection Report	Enforcement Action
2005 ENERGY YEAR (June 1, 2004- May 31, 2005)				
1	10/1/04	100 ppm CO	Out of Compliance as of 2/15/05 Inspection Report	NOV Issued
2	10/18/04	100 ppm CO	Out of Compliance as of 2/15/05 Inspection Report	NOV Issued
3	10/22/04	6-min. 10% opacity	Out of Compliance as of 2/14/05 Inspection Report	NOV Issued
4	10/25/04	6-min. 10% opacity	Out of Compliance as of 2/14/05 Inspection Report	NOV Issued
5	10/30/04	6-min. 10% opacity	Out of Compliance as of 2/15/05 Inspection Report	NOV Issued
6	11/10/04	100 ppmvd @ 7% O2	Out of Compliance as of 2/14/05 Inspection Report	NOV Issued
7	1/1/05	6-min. 10% opacity	Out of Compliance as of 3/31/05 Inspection Report	NOV Issued
8	1/19/05	6-min. 10% opacity	Out of Compliance as of 3/31/05 Inspection Report	NOV Issued
9	1/25/05	6-min. 10% opacity	Out of Compliance as of 3/31/05 Inspection Report	NOV Issued
10	1/25/05	6-min. 10% opacity	Out of Compliance as of 3/31/05 Inspection Report	NOV Issued
11	1/25/05	6-min. 10% opacity	Out of Compliance as of 3/31/05 Inspection Report	NOV Issued
12	1/25/05	6-min. 10% opacity	Out of Compliance as of 3/31/05 Inspection Report	NOV Issued
13	1/28/05	6-min. 10% opacity	--	NOV Issued
14	2/21/05	6-min. 10% opacity	Out of Compliance as of 3/31/05 Inspection Report	NOV Issued
15	2/24/05	6-min. 10% opacity	Out of Compliance as of 3/31/05 Inspection Report	NOV Issued
16	2/24/05	SO2 3-hr. average concentration	Out of Compliance as of 3/31/05 Inspection Report	NOV Issued
17	2/24/05	100 ppm CO	Out of Compliance as of 3/31/05 Inspection Report	NOV Issued
18	3/7/05	100 ppm CO	Out of Compliance as of 3/31/05 Inspection Report	NOV Issued
19	3/7/05	100 ppm CO	Out of Compliance as of 3/31/05 Inspection Report	Settlement Agreement (\$900)
20	3/7/05	400 ppm CO, 1-hr. block	Out of Compliance as of 3/31/05 Inspection Report	NOV Issued
21	3/22/05	6-min. 10% opacity	Out of Compliance as of 3/31/05 Inspection Report	NOV Issued
22	3/28/05	Temp. at inlet of the particulate control device (ESP) exceeded the allowable of 368 degrees F.	Out of Compliance as of 3/2/06 Inspection Report	Settlement Agreement (\$13,100)
23	3/31/05*	Oxygen monitor exceeded allowable 10% downtime.	Out of Compliance as of 3/31/05 Inspection Report	--
24	4/8/05	Limit of 421,600 pounds of steam was exceeded.	Out of Compliance as of 3/2/06 Inspection Report	Settlement Agreement (\$13,100)

25	4/11/05	Temp. at inlet of the particulate control device (ESP) exceeded the allowable of 368 degrees F.	Out of Compliance as of 3/2/06 Inspection Report	Settlement Agreement (\$13,100)
26	4/12/05	6-min. 10% opacity	Out of Compliance as of 10/7/05 Inspection Report	NOV Issued
27	4/13/05	Temp. at inlet of the particulate control device (ESP) exceeded the allowable of 368 degrees F.	Out of Compliance as of 3/2/06 Inspection Report	Settlement Agreement (\$13,100)
28	4/13/05	Temp. at inlet of the particulate control device (ESP) exceeded the allowable of 368 degrees F.	Out of Compliance as of 3/2/06 Inspection Report	Settlement Agreement (\$13,100)
29	4/13/05	Temp. at inlet of the particulate control device (ESP) exceeded the allowable of 368 degrees F.	Out of Compliance as of 3/2/06 Inspection Report	Settlement Agreement (\$13,100)
30	4/13/05	Temp. at inlet of the particulate control device (ESP) exceeded the allowable of 368 degrees F.	Out of Compliance as of 3/2/06 Inspection Report	Settlement Agreement (\$13,100)
31	4/14/05	Temp. at inlet of the particulate control device (ESP) exceeded the allowable of 368 degrees F.	Out of Compliance as of 3/2/06 Inspection Report	Settlement Agreement (\$13,100)
32	4/14/05	Temp. at inlet of the particulate control device (ESP) exceeded the allowable of 368 degrees F.	Out of Compliance as of 3/2/06 Inspection Report	Settlement Agreement (\$13,100)
33	4/14/05	Temp. at inlet of the particulate control device (ESP) exceeded the allowable of 368 degrees F.	Out of Compliance as of 3/2/06 Inspection Report	Settlement Agreement (\$13,100)
34	4/15/05	100 ppm CO, 4-hr. block average	Out of Compliance as of 10/7/05 Inspection Report	Settlement Agreement (\$960)
35	4/19/05	Temp. at inlet of the particulate control device (ESP) exceeded the allowable of 368 degrees F.	Out of Compliance as of 3/2/06 Inspection Report	Settlement Agreement (\$13,100)
36	4/20/05 – 4/21/05	50 ppm SO ₂ , 3-hr. average	Out of Compliance as of 10/7/05 Inspection Report	NOV Issued
37	4/20/05 – 4/21/05	50 ppm SO ₂ , 3-hr. average	Out of Compliance as of 10/7/05 Inspection Report	NOV Issued
38	4/21/05	50 ppm SO ₂ , 3-hr. average	Out of Compliance as of 10/7/05 Inspection Report	NOV Issued
39	4/21/05	50 ppm SO ₂ , 3-hr. average	Out of Compliance as of 10/7/05 Inspection Report	NOV Issued
40	4/21/05	50 ppm SO ₂ , 3-hr. average	Out of Compliance as of 10/7/05 Inspection Report	NOV Issued
41	4/21/05	50 ppm SO ₂ , 3-hr. average	Out of Compliance as of 10/7/05 Inspection Report	NOV Issued
42	4/21/05	50 ppm SO ₂ , 3-hr. average	Out of Compliance as of 10/7/05 Inspection Report	NOV Issued
43	4/21/05	50 ppm SO ₂ , 3-hr. average	Out of Compliance as of 10/7/05 Inspection Report	NOV Issued
44	5/7/05	6-min. 10% opacity	Out of Compliance as of 10/7/05 Inspection Report	NOV Issued
45	5/11/05	6-min. 10% opacity	Out of Compliance as of 9/29/06 Inspection Report	NOV Issued
46	5/11/05	6-min. 10% opacity	--	NOV Issued

2006 ENERGY YEAR (June 1, 2005- May 31, 2006)				
47	6/6/05	6-min. 10% opacity	Out of Compliance as of 10/7/05 Inspection Report	NOV Issued
48	6/6/05	6-min. 10% opacity	Out of Compliance as of 10/7/05 Inspection Report	NOV Issued
49	6/6/05	6-min. 10% opacity	Out of Compliance as of 10/7/05 Inspection Report	NOV Issued
50	6/6/05	6-min. 10% opacity	Out of Compliance as of 10/7/05 Inspection Report	NOV Issued
51	6/6/05	6-min. 10% opacity	Out of Compliance as of 10/7/05 Inspection Report	NOV Issued
52	6/10/05	6-min. 10% opacity	Out of Compliance as of 10/7/05 Inspection Report	NOV Issued
53	6/12/05	Exceeded allowable 4-hr. average.	Out of Compliance as of 9/30/05 Inspection Report	NOV Issued
54	6/12/05	3% O2, 5-min. blocks.	Out of Compliance as of 9/30/05 Inspection Report	NOV Issued
55	6/12/05	3% O2, 5-min. blocks.	Out of Compliance as of 9/30/05 Inspection Report	NOV Issued
56	6/12/05	3% O2, 5-min. blocks.	Out of Compliance as of 9/30/05 Inspection Report	NOV Issued
57	6/12/05	3% O2, 5-min. blocks.	Out of Compliance as of 9/30/05 Inspection Report	NOV Issued
58	6/12/05	3% O2, 5-min. blocks.	Out of Compliance as of 9/30/05 Inspection Report	NOV Issued
59	6/12/05	3% O2, 5-min. blocks.	Out of Compliance as of 9/30/05 Inspection Report	NOV Issued
60	6/12/05	3% O2, 5-min. blocks.	Out of Compliance as of 9/30/05 Inspection Report	NOV Issued
61	6/15/05	6-min. 10% opacity	Out of Compliance as of 9/29/06 Inspection Report	NOV Issued
62	7/2/05	Exceeded allowable 4-hr. average.	Out of Compliance as of 1/18/06 Inspection Report	NOV Issued
63	7/2/05	6-min. 10% opacity	Out of Compliance as of 9/30/05 Inspection Report	NOV Issued
64	7/2/05	6-min. 10% opacity	Out of Compliance as of 1/18/06 Inspection Report	NOV Issued
65	7/2/05	3% O2, 5-min. blocks.	Out of Compliance as of 1/18/06 Inspection Report	NOV Issued
66	7/2/05	3% O2, 5-min. blocks.	Out of Compliance as of 1/18/06 Inspection Report	NOV Issued
67	7/2/05	3% O2, 5-min. blocks.	Out of Compliance as of 1/18/06 Inspection Report	NOV Issued
68	7/2/05	3% O2, 5-min. blocks.	--	NOV Issued
69	7/30/05	6-min. 10% opacity	Out of Compliance as of 1/18/06 Inspection Report	NOV Issued
70	8/8/05	6-min. 10% opacity	Out of Compliance as of 1/18/06 Inspection Report	NOV Issued
71	8/8/05	6-min. 10% opacity	Out of Compliance as of 1/18/06 Inspection Report	NOV Issued
72	8/15/05	6-min. 10% opacity	Out of Compliance as of 9/30/05 Inspection Report	NOV Issued
73	8/16/05	6-min. 10% opacity	Out of Compliance as of 1/18/06 Inspection Report	NOV Issued

74	8/16/05	6-min. 10% opacity	Out of Compliance as of 9/30/05 Inspection Report	NOV Issued
75	8/16/05	6-min. 10% opacity	Out of Compliance as of 1/18/06 Inspection Report	NOV Issued
76	10/03/05	6-min. 10% opacity	Out of Compliance as of 3/2/06 Inspection Report	NOV Issued
77	10/03/05	6-min. 10% opacity	Out of Compliance as of 3/2/06 Inspection Report	NOV Issued
78	10/03/05	6-min. 10% opacity	Out of Compliance as of 3/10/06 Inspection Report	NOV Issued
79	10/03/05	6-min. 10% opacity	Out of Compliance as of 3/10/06 Inspection Report	NOV Issued
80	10/03/05	6-min. 10% opacity	Out of Compliance as of 3/11/06 Inspection Report	NOV Issued
81	10/03/05	6-min. 10% opacity	Out of Compliance as of 3/11/06 Inspection Report	NOV Issued
82	10/04/05	6-min. 10% opacity	Out of Compliance as of 3/10/06 Inspection Report	NOV Issued
83	10/11/05	Temp. at inlet of particulate control device (ESP) exceeded the allowable of 368 degrees F	--	Settlement Agreement (\$13,100)
84	12/7/05	Temp. at inlet of particulate control device (ESP) exceeded the allowable of 368 degrees F	Out of Compliance as of 3/1/06 Inspection Report	Settlement Agreement (\$13,100)
85	12/11/05	4-hour block period limit of 421,600 pounds of steam was exceeded	Out of Compliance as of 3/1/06 Inspection Report	Settlement Agreement (\$13,100)
86	12/16/05	6-min. 10% opacity	Out of Compliance as of 3/11/06 Inspection Report	NOV Issued
87	12/24/05	6-min. 10% opacity	Out of Compliance as of 3/11/06 Inspection Report	NOV Issued
88	2/2/06	Failed to submit reports conforming to an acceptable format on time.	Out of Compliance as of 3/1/06 Inspection Report	Settlement Agreement (\$13,100)
89	2/7/06	6-min. 10% opacity	Out of Compliance as of 5/11/06 Inspection Report	NOV Issued
90	2/7/06	6-min. 10% opacity	Out of Compliance as of 5/11/06 Inspection Report	NOV Issued
91	2/11/06	Exceeded max. allowable steam production	Out of Compliance as of 9/19/06 Inspection Report	ACO (\$1,040)
92	3/1/06	Temp. at inlet of particulate control device (ESP) exceeded the allowable of 368 degrees F	Out of Compliance as of 9/19/06 Inspection Report	ACO (\$1,040)
93	3/5/06	6-min. 10% opacity	Out of Compliance as of 5/11/06 Inspection Report	NOV Issued
94	5/11/06	6-min. 10% opacity	Out of Compliance as of 9/29/06 Inspection Report	--
95	5/11/06*	Failed to submit accurate information in the 6-month deviation report.	Out of Compliance as of 5/11/06 Inspection Report	--
96	5/15/06	Failed to submit Emission Stmt. For 2005.	Out of Compliance as of 8/24/06 Inspection Report	AO
2007 ENERGY YEAR (June 1, 2006- May 31, 2007)				
97	7/2/06	6-min. 10% opacity	Out of Compliance as of 11/9/06 Inspection Report	NOV Issued

98	7/2/06	6-min. 10% opacity	Out of Compliance as of 11/9/06 Inspection Report	NOV Issued
99	7/2/06	6-min. 10% opacity	Out of Compliance as of 11/13/06 Inspection Report	NOV Issued
100	7/9/06	6-min. 10% opacity	Out of Compliance as of 11/13/06 Inspection Report	NOV Issued
101	8/23/06	6-min. 10% opacity	Out of Compliance as of 11/9/06 Inspection Report	NOV Issued
102	8/23/06	6-min. 10% opacity	Out of Compliance as of 11/9/06 Inspection Report	NOV Issued
103	8/23/06	6-min. 10% opacity	Out of Compliance as of 11/13/06 Inspection Report	NOV Issued
104	12/2/06	6-min. 10% opacity	Out of Compliance as of 12/31/06 Inspection Report	NOV Issued
105	2/5/07	6-min. 10% opacity	Out of Compliance as of 6/14/07 Inspection Report	NOV Issued
106	2/12/07	100 ppm CO 4-hr. block limit	Out of Compliance as of 6/15/07 Inspection Report	NOV Issued
107	3/24/07	6-min. 10% opacity	Out of Compliance as of 6/14/07 Inspection Report	NOV Issued
108	3/24/07	6-min. 10% opacity	Out of Compliance as of 6/14/07 Inspection Report	NOV Issued
109	3/24/07	6-min. 10% opacity	Out of Compliance as of 6/15/07 Inspection Report	NOV Issued
110	3/24/07	6-min. 10% opacity	Out of Compliance as of 6/15/07 Inspection Report	NOV Issued
111	3/24/07	6-min. 10% opacity	Out of Compliance as of 6/15/07 Inspection Report	NOV Issued
112	3/30/07	6-min. 10% opacity	Out of Compliance as of 6/14/07 Inspection Report	NOV Issued
2008 ENERGY YEAR (June 1, 2007- May 31, 2008)				
113	6/14/07*	6-min. 10% opacity	Out of Compliance as of 6/14/07 Inspection Report	NOV Issued
114	6/26/07	6-min. 10% opacity	Out of Compliance as of 6/30/07 Inspection Report	NOV Issued
115	6/26/07	6-min. 10% opacity	Out of Compliance as of 6/30/07 Inspection Report	NOV Issued
116	7/11/07	6-min. 10% opacity	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued
117	7/11/07	6-min. 10% opacity	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued
118	7/29/07	6-min. 10% opacity	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued
119	7/29/07	6-min. 10% opacity	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued
120	7/29/07	6-min. 10% opacity	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued
121	7/29/07	6-min. 10% opacity	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued
122	7/29/07	6-min. 10% opacity	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued
123	7/29/07	6-min. 10% opacity	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued
124	7/29/07	6-min. 10% opacity	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued

125	7/29/07	6-min. 10% opacity	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued
126	7/29/07	6-min. 10% opacity	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued
127	9/5/07	6-min. 10% opacity	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued
128	9/5/07	6-min. 10% opacity	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued
129	10/20/07	6-min. 10% opacity	Out of Compliance as of 12/31/07 Inspection Report	NOV Issued
130	12/13/07	6-min. 10% opacity	Out of Compliance as of 12/31/07 Inspection Report	NOV Issued
131	12/13/07	6-min. 10% opacity	Out of Compliance as of 12/31/07 Inspection Report	NOV Issued
132	12/13/07	6-min. 10% opacity	Out of Compliance as of 12/31/07 Inspection Report	NOV Issued
133	12/13/07	6-min. 10% opacity	Out of Compliance as of 12/31/07 Inspection Report	NOV Issued
134	12/13/07	6-min. 10% opacity	Out of Compliance as of 12/31/07 Inspection Report	NOV Issued
135	12/13/07	6-min. 10% opacity	Out of Compliance as of 12/31/07 Inspection Report	NOV Issued
136	12/27/07	6-min. 10% opacity	Out of Compliance as of 12/31/07 Inspection Report	NOV Issued
137	1/15/08	6-min. 10% opacity	Out of Compliance as of 6/2/08 Inspection Report	Settlement Agreement (\$100)
138	3/8/08	100 ppm CO 4-hr. block average	Out of Compliance as of 6/2/08 Inspection Report	NOV Issued
139	3/8/08	100 ppm CO 1-hr. block average	Out of Compliance as of 6/2/08 Inspection Report	NOV Issued
140	4/28/08	6-min. 10% opacity	Out of Compliance as of 4/1/08 Inspection Report	NOV Issued
141	4/28/08	6-min. 10% opacity	Out of Compliance as of 6/30/08 Inspection Report	NOV Issued
142	4/28/08	6-min. 10% opacity	Out of Compliance as of 6/30/08 Inspection Report	NOV Issue
143	4/28/08	6-min. 10% opacity	Out of Compliance as of 6/30/08 Inspection Report	NOV Issued
2009 ENERGY YEAR (June 1, 2008- May 31, 2009)				
144	6/26/08	SO2 3-hr. block average	Out of Compliance as of 4/1/08 Inspection Report	Settlement Agreement (\$5,400)
145	6/26/08	SO2 3-hr. block average	Out of Compliance as of 4/1/08 Inspection Report	Settlement Agreement (\$5,400)
146	8/14/08	6-min. 10% opacity)	Out of Compliance as of 9/30/08 Inspection Report	--
147	8/14/08	CO 4-hr. limit	Out of Compliance as of 9/30/08 Inspection Report	NOV Issued
148	8/14/08	6-min. 10% opacity	Out of Compliance as of 9/30/08 Inspection Report	NOV Issued
149	8/14/08	Low oxygen violation.	Out of Compliance as of 9/30/08 Inspection Report	NOV Issued
150	8/14/08	Low oxygen violation.	Out of Compliance as of 9/30/08 Inspection Report	NOV Issued
151	8/14/08	6-min. 10% opacity	Out of Compliance as of 9/30/08 Inspection Report	NOV Issued

152	8/14/08	6-min. 10% opacity	Out of Compliance as of 9/30/08 Inspection Report	NOV Issued
153	9/9/08	6-min. 10% opacity	Out of Compliance as of 9/30/08 Inspection Report	NOV Issued
154	9/9/08	Low oxygen violation.	Out of Compliance as of 9/30/08 Inspection Report	NOV Issued
155	9/9/08	6-min. 10% opacity	Out of Compliance as of 9/30/08 Inspection Report	NOV Issued
156	9/9/08	6-min. 10% opacity	Out of Compliance as of 9/30/08 Inspection Report	NOV Issued
157	9/9/08	6-min. 10% opacity	Out of Compliance as of 9/30/08 Inspection Report	NOV Issued
158	10/27/08	6-min. 10% opacity	Out of Compliance as of 10/1/08 Inspection Report	Settlement Agreement (\$5,400)
159	12/21/08	6-min. 10% opacity	Out of Compliance as of 10/21/08 Inspection Report	Settlement Agreement (\$5,400)
160	1/15/09	100 ppm CO	Out of Compliance as of 1/1/09 Inspection Report	NOV Issued
161	1/15/09	6-min. 10% opacity	Out of Compliance as of 1/1/09 Inspection Report	NOV Issued
162	1/15/09	CO exceedance	Out of Compliance as of 1/1/09 Inspection Report	NOV Issued
163	1/15/09	CO exceedance	Out of Compliance as of 1/1/09 Inspection Report	NOV Issued
164	2/6/09	100 ppm CO	Out of Compliance as of 1/1/09 Inspection Report	NOV Issued
165	3/20/09	SO2 exceedance	Out of Compliance as of 1/1/09 Inspection Report	Settlement Agreement (\$5,400)
166	4/7/09	CO, 4-hr. rolling average	Out of Compliance as of 10/1/09 Inspection Report	Settlement Agreement (\$5,400)
167	4/7/09	CO, rolling hourly CO limit	Out of Compliance as of 10/1/09 Inspection Report	Settlement Agreement (\$5,400)
168	4/18/09	6-min. 10% opacity	Out of Compliance as of 10/1/09 Inspection Report	NOV Issued
169	4/24/09	6-min. 10% opacity	Out of Compliance as of 10/1/09 Inspection Report	NOV Issued
2010 ENERGY YEAR (June 1, 2009- May 31, 2010)				
170	6/18/09	6-min. 10% opacity	Out of Compliance as of 10/1/09 Inspection Report	NOV Issued
171	6/18/09	6-min. 10% opacity	Out of Compliance as of 10/1/09 Inspection Report	NOV Issued
172	6/18/09	6-min. 10% opacity	Out of Compliance as of 10/1/09 Inspection Report	NOV Issued
173	6/18/09	6-min. 10% opacity	Out of Compliance as of 10/1/09 Inspection Report	NOV Issued
174	6/18/09	6-min. 10% opacity	Out of Compliance as of 10/1/09 Inspection Report	NOV Issued
175	6/19/09	6-min. 10% opacity	Out of Compliance as of 10/1/09 Inspection Report	NOV Issued
176	6/19/09	6-min. 10% opacity	Out of Compliance as of 10/1/09 Inspection Report	NOV Issued
177	6/19/09	6-min. 10% opacity	Out of Compliance as of 10/1/09 Inspection Report	NOV Issued
178	7/24/09	20% Opacity	Out of Compliance as of 9/30/09 Inspection Report	NOV Issued

179	7/31/09	20% Opacity	Out of Compliance as of 9/30/09 Inspection Report	NOV Issued
180	7/31/09	20% Opacity	--	NOV Issued
181	7/31/09	3% Oxygen	Out of Compliance as of 9/30/09 Inspection Report	NOV Issued
182	7/31/09	3% Oxygen	Out of Compliance as of 9/30/09 Inspection Report	NOV Issued
183	7/31/09	3% Oxygen	Out of Compliance as of 9/30/09 Inspection Report	NOV Issued
184	7/31/09	20% Opacity	Out of Compliance as of 9/30/09 Inspection Report	NOV Issued
185	8/8/09	20% Opacity	Out of Compliance as of 9/30/09 Inspection Report	NOV Issued
186	8/8/09	20% Opacity	Out of Compliance as of 9/30/09 Inspection Report	NOV Issued
187	8/8/09	20% Opacity	Out of Compliance as of 9/30/09 Inspection Report	NOV Issued
188	8/13/09	Exceeded temp. at inlet of ESP	Out of Compliance as of 12/31/09 Inspection Report	NOV Issued
189	10/27/09	6-min. 10% opacity	Out of Compliance as of 12/31/09 Inspection Report	NOV Issued
190	12/30/09	6-min. 10% opacity	Out of Compliance as of 12/31/09 Inspection Report	Settlement Agreement (\$150)
191	1/9/10	6-min. 10% opacity	Out of Compliance as of 3/31/10 Inspection Report	Settlement Agreement (\$300)
192	1/2/10	6-min. 10% opacity	Out of Compliance as of 3/31/10 Inspection Report	NOV Issued
193	1/18/10	6-min. 10% opacity	Out of Compliance as of 3/31/10 Inspection Report	NOV Issued
194	3/19/10	6-min. 10% opacity	Out of Compliance as of 3/31/10 Inspection Report	Settlement Agreement (\$300)
195	3/30/10	PM-10 exceedance	--	Settlement Agreement (\$1,300)
196	5/24/10	6-min. 10% opacity	Out of Compliance as of 6/30/10 Inspection Report	Settlement Agreement (\$150)
2011 ENERGY YEAR (June 1, 2010- May 31, 2011)				
197	8/19/10	6-min. 10% opacity	Out of Compliance as of 9/30/10 Inspection Report	NOV Issued
198	10/5/10	6-min. 10% opacity	Out of Compliance as of 12/31/10 Inspection Report	NOV Issued
199	5/11/11	6-min. 10% opacity	Out of Compliance as of 6/30/11 Inspection Report	Settlement Agreement (\$600)
200	5/25/11	6-min. 10% opacity (OS1)	Out of Compliance as of 6/30/11 Inspection Report	NOV Issued
201	5/25/11	6-min. 10% opacity (OS3)	Out of Compliance as of 6/30/11 Inspection Report	NOV Issued
202	5/27/11	6-min. 10% opacity (OS1)	Out of Compliance as of 6/30/11 Inspection Report	NOV Issued
203	5/27/11	6-min. 10% opacity (OS3)	Out of Compliance as of 6/30/11 Inspection Report	NOV Issued
2012 ENERGY YEAR (June 1, 2011- May 31, 2012)				
204	6/8/11	6-min. 10% opacity	Out of Compliance as of 6/30/11 Inspection Report	Settlement Agreement (\$600)

205	7/4/11	6-min. 10% opacity	Out of Compliance as of 9/30/11 Inspection Report	Settlement Agreement (\$300)
206	7/7/11	6-min. 10% opacity	Out of Compliance as of 9/30/11 Inspection Report	NOV Issued
207	8/18/11	6-min. 10% opacity	Out of Compliance as of 9/30/11 Inspection Report	NOV Issued
208	11/21/11	6-min. 10% opacity	Out of Compliance as of 12/31/11 Inspection Report	Settlement Agreement (\$300)
209	1/4/12	6-min. 10% opacity	Out of Compliance as of 3/31/12 Inspection Report	Settlement Agreement (\$150)
210	1/8/12	400 ppm CO	Out of Compliance as of 3/31/12 Inspection Report	NOV Issued
211	1/8/12	100 ppm CO	Out of Compliance as of 3/31/12 Inspection Report	NOV Issued
212	3/18/12	6-min. 10% opacity	Out of Compliance as of 3/31/12 Inspection Report	NOV Issued
213	3/18/12	6-min. 10% opacity	Out of Compliance as of 3/31/12 Inspection Report	NOV Issued
214	3/18/12	6-min. 10% opacity	Out of Compliance as of 3/31/12 Inspection Report	NOV Issued
215	3/30/12	6-min. 10% opacity	Out of Compliance as of 3/31/12 Inspection Report	NOV Issued
216	4/18/12	6-min. 10% opacity	Out of Compliance as of 6/30/12 Inspection Report	Settlement Agreement (\$450)
217	4/28/12	6-min. 10% opacity	Out of Compliance as of 6/30/12 Inspection Report	NOV Issued
218	5/9/12	6-min. 10% opacity	Out of Compliance as of 6/30/12 Inspection Report	NOV Issued
219	5/24/12	6-min. 10% opacity	Out of Compliance as of 6/30/12 Inspection Report	NOV Issued
220	5/24/12	6-min. 10% opacity	Out of Compliance as of 6/30/12 Inspection Report	NOV Issued
2013 ENERGY YEAR (June 1, 2012- May 31, 2013)				
221	6/10/12	6-min. 10% opacity	Out of Compliance as of 6/30/12 Inspection Report	NOV Issued
222	6/27/12	6-min. 10% opacity	Out of Compliance as of 6/30/12 Inspection Report	Settlement Agreement (\$450)
223	7/14/12	6-min. 10% opacity	Out of Compliance as of 11/13/12 Inspection Report	Settlement Agreement (\$150)
224	12/22/12	6-min. 10% opacity	Out of Compliance as of 12/31/12 Inspection Report	NOV Issued
225	12/25/12	6-min. 10% opacity	Out of Compliance as of 12/31/12 Inspection Report	NOV Issued
226	1/13/13	6-min. 10% opacity	Out of Compliance as of 3/31/13 Inspection Report	NOV Issued
227	1/26/13	6-min. 10% opacity	Out of Compliance as of 3/31/13 Inspection Report	NOV Issued
228	1/28/13	6-min. 10% opacity	Out of Compliance as of 3/31/13 Inspection Report	Settlement Agreement (\$150)
229	3/15/13	Ammonia exceedance	--	Settlement Agreement (\$2,800)
230	4/5/13	6-min. 10% opacity	Out of Compliance as of 6/30/13 Inspection Report	Settlement Agreement (\$600)
231	4/5/13	6-min. 10% opacity	Out of Compliance as of 6/30/13 Inspection Report	NOV Issued

232	4/11/13	6-min. 10% opacity	Out of Compliance as of 6/30/13 Inspection Report	Settlement Agreement (\$600)
233	4/19/13	6-min. 10% opacity	Out of Compliance as of 6/30/13 Inspection Report	Settlement Agreement (\$600)
234	5/21/13	6-min. 10% opacity	Out of Compliance as of 6/30/13 Inspection Report	NOV Issued
235	5/22/13	6-min. 10% opacity	Out of Compliance as of 6/30/13 Inspection Report	Settlement Agreement (\$600)
236	5/22/13	6-min. 10% opacity	Out of Compliance as of 6/30/13 Inspection Report	NOV Issued
2014 ENERGY YEAR (June 1, 2013- May 31, 2014)				
237	6/11/13	6-min. 10% opacity	Out of Compliance as of 6/30/13 Inspection Report	NOV Issued
238	10/25/13	6-min. 10% opacity	Out of Compliance as of 12/31/13 Inspection Report	NOV Issued
239	11/26/13	6-min. 10% opacity	Out of Compliance as of 12/31/13 Inspection Report	Settlement Agreement (\$450)
240	12/25/13	6-min. 10% opacity	Out of Compliance as of 12/31/13 Inspection Report	NOV Issued
241	1/22/14	6-min. 10% opacity	Out of Compliance as of 3/31/14 Inspection Report	NOV Issued
242	2/7/14	6-min. 10% opacity	Out of Compliance as of 3/31/14 Inspection Report	NOV Issue
243	3/3/14	6-min. 10% opacity	Out of Compliance as of 3/31/14 Inspection Report	Settlement Agreement (\$150)
244	3/4/14	6-min. 10% opacity	Out of Compliance as of 3/31/14 Inspection Report	NOV Issued
245	3/4/14	6-min. 10% opacity	Out of Compliance as of 3/31/14 Inspection Report	NOV Issued
246	4/1/14*	Failed to meet 90% data availability for the THC CEM	Out of Compliance as of 6/30/14 Inspection Report	Settlement Agreement (\$1,800)
247	4/4/14	6-min. 10% opacity	Out of Compliance as of 6/30/14 Inspection Report	NOV Issued
248	4/4/14	6-min. 10% opacity	Out of Compliance as of 6/30/14 Inspection Report	NOV Issued
249	4/13/14	6-min. 10% opacity	Out of Compliance as of 6/30/14 Inspection Report	Settlement Agreement (\$1,800)
250	4/16/14	6-min. 10% opacity	Out of Compliance as of 6/30/14 Inspection Report	Settlement Agreement (\$1,800)
251	5/2/14	6-min. 10% opacity	Out of Compliance as of 6/30/14 Inspection Report	NOV Issued
252	5/2/14	6-min. 10% opacity	Out of Compliance as of 6/30/14 Inspection Report	NOV Issued
253	5/4/14	6-min. 10% opacity	Out of Compliance as of 6/30/14 Inspection Report	Settlement Agreement (\$1,800)
2015 ENERGY YEAR (June 1, 2014- May 31, 2015)				
254	6/9/14	6-min. 10% opacity	Out of Compliance as of 6/30/14 Inspection Report	Settlement Agreement (\$1,800)
255	6/13/14	6-min. 10% opacity	Out of Compliance as of 6/30/14 Inspection Report	Settlement Agreement (\$1,800)
256	6/25/14	6-min. 10% opacity	Out of Compliance as of 6/30/14 Inspection Report	Settlement Agreement (\$1,800)
257	7/8/14	6-min. 10% opacity	Out of Compliance as of 9/30/14 Inspection Report	NOV Issued

258	7/12/14	6-min. 10% opacity	Out of Compliance as of 9/30/14 Inspection Report	Settlement Agreement (\$1,200)
259	7/13/14	6-min. 10% opacity	Out of Compliance as of 9/30/14 Inspection Report	NOV Issued
260	7/14/14	6-min. 10% opacity	Out of Compliance as of 9/30/14 Inspection Report	Settlement Agreement (\$1,200)
261	7/23/14	6-min. 10% opacity	Out of Compliance as of 9/30/14 Inspection Report	NOV Issued
262	7/23/14	6-min. 10% opacity	Out of Compliance as of 9/30/14 Inspection Report	Settlement Agreement (\$1,200)
263	7/25/14	6-min. 10% opacity	Out of Compliance as of 9/30/14 Inspection Report	Settlement Agreement (\$1,200)
264	9/13/14	6-min. 10% opacity	Out of Compliance as of 9/30/14 Inspection Report	NOV Issued
265	9/14/14	6-min. 10% opacity	Out of Compliance as of 9/30/14 Inspection Report	Settlement Agreement (\$1,200)
266	10/5/14	6-min. 10% opacity	Out of Compliance as of 11/1/16 Inspection Report	Settlement Agreement (\$22,050)
267	11/7/14	6-min. 10% opacity	Out of Compliance as of 10/25/16 Inspection Report	Settlement Agreement (\$22,050)
268	11/24/14	6-min. 10% opacity	Out of Compliance as of 10/25/16 Inspection Report	Settlement Agreement (\$22,050)
269	11/29/14	100 ppm CO, 4-hr block	Out of Compliance as of 10/25/16 Inspection Report	Settlement Agreement (\$22,050)
270	11/29/14	400 ppm CO, 1-hr block	Out of Compliance as of 10/25/16 Inspection Report	Settlement Agreement (\$22,050)
271	1/8/15	400 ppm CO, 1-hr block	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
272	1/8/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
273	1/28/15	Exceeded max. steam production limit	Out of Compliance as of 9/26/16 Inspection Report	Settlement Agreement (\$22,050)
274	2/1/15	6-min. 10% opacity	Out of Compliance as of 11/14/16 Inspection Report	NOV Issued
275	2/1/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	NOV Issued
276	2/13/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	NOV Issued
277	2/13/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	NOV Issued
278	2/13/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
279	2/13/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
280	3/29/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
281	3/29/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
282	3/29/15	6-min. 10% opacity	--	Settlement Agreement (\$22,050)
283	3/29/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
284	3/29/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)

285	3/29/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
286	3/29/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
287	3/29/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
288	3/29/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
289	3/29/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
290	3/29/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
291	3/29/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
292	3/29/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
293	3/29/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
294	3/29/15	6-min. 10% opacity	--	Settlement Agreement (\$22,050)
295	3/29/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
296	3/29/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
297	3/29/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
298	3/29/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
299	3/29/15	6-min. 10% opacity	Out of Compliance as of 1/1/15 Inspection Report	Settlement Agreement (\$22,050)
300	4/1/15	6-min. 10% opacity	Out of Compliance as of 11/15/16 Inspection Report	Settlement Agreement (\$22,050)
301	4/13/15	6-min. 10% opacity	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement (\$22,050)
302	4/13/15	6-min. 10% opacity	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement (\$22,050)
303	4/20/15	6-min. 10% opacity	Out of Compliance as of 11/18/16 Inspection Report	Settlement Agreement (\$22,050)
2016 ENERGY YEAR (June 1, 2015- May 31, 2016)				
304	6/8/15	6-min. 10% opacity	Out of Compliance as of 11/18/16 Inspection Report	NOV Issued
305	6/12/15	6-min. 10% opacity	Out of Compliance as of 11/18/16 Inspection Report	--
306	6/12/15	100 ppm CO, 4-hr. block	Out of Compliance as of 11/18/16 Inspection Report	NOV Issued
307	6/12/15	400 ppm CO, 1-hr. block	Out of Compliance as of 11/18/16 Inspection Report	NOV Issued
308	6/30/15	6-min. 10% opacity	Out of Compliance as of 11/15/16 Inspection Report	NOV Issued
309	7/24/15	6-min. 10% opacity	Out of Compliance as of 11/21/15 Inspection Report	Settlement Agreement (\$22,050)
310	9/5/15	6-min. 10% opacity	Out of Compliance as of 11/21/15 Inspection Report	Settlement Agreement (\$22,050)

311	10/2/15	6-min. 10% opacity	Out of Compliance as of 11/22/16 Inspection Report	Settlement Agreement (\$22,050)
312	10/17/15	6-min. 10% opacity	Out of Compliance as of 11/22/16 Inspection Report	NOV Issued
313	10/17/15	6-min. 10% opacity	Out of Compliance as of 11/22/16 Inspection Report	NOV Issued
314	12/6/15	6-min. 10% opacity	Out of Compliance as of 11/22/16 Inspection Report	NOV Issued
315	1/4/16	6-min. 10% opacity	Out of Compliance as of 11/30/16 Inspection Report	Settlement Agreement (\$22,050)
316	1/4/16	6-min. 10% opacity	Out of Compliance as of 11/30/16 Inspection Report	Settlement Agreement (\$22,050)
317	1/4/16	6-min. 10% opacity	Out of Compliance as of 11/30/16 Inspection Report	Settlement Agreement (\$22,050)
318	2/1/16	6-min. 10% opacity	Out of Compliance as of 12/1/16 Inspection Report	NOV Issued
319	2/11/16	6-min. 10% opacity	Out of Compliance as of 11/30/16 Inspection Report	Settlement Agreement (\$22,050)
320	2/11/16	6-min. 10% opacity	Out of Compliance as of 11/30/16 Inspection Report	Settlement Agreement (\$22,050)
321	2/13/16	6-min. 10% opacity	Out of Compliance as of 12/1/16 Inspection Report	Settlement Agreement (\$22,050)
322	2/18/16	6-min. 10% opacity	Out of Compliance as of 12/1/16 Inspection Report	NOV Issued
323	2/18/16	6-min. 10% opacity	Out of Compliance as of 12/1/16 Inspection Report	NOV Issued
324	2/18/16	6-min. 10% opacity	Out of Compliance as of 12/1/16 Inspection Report	NOV Issued
325	2/18/16	6-min. 10% opacity	Out of Compliance as of 12/1/16 Inspection Report	NOV Issued
326	2/24/16	6-min. 10% opacity	Out of Compliance as of 12/1/16 Inspection Report	NOV Issued
327	2/28/16	6-min. 10% opacity	Out of Compliance as of 11/30/16 Inspection Report	NOV Issued
328	4/6/16	6-min. 10% opacity	Out of Compliance as of 12/1/16 Inspection Report	Settlement Agreement (\$22,050)
2017 ENERGY YEAR (June 1, 2016 – May 31, 2017)				
329	7/12/16	6-min. 10% opacity	Out of Compliance as of 12/8/16 Inspection Report	Settlement Agreement (\$22,050)
330	7/12/16	6-min. 10% opacity	Out of Compliance as of 12/8/16 Inspection Report	Settlement Agreement (\$22,050)
331	7/12/16	6-min. 10% opacity	Out of Compliance as of 12/8/16 Inspection Report	Settlement Agreement (\$22,050)
332	7/12/16	6-min. 10% opacity	Out of Compliance as of 12/8/16 Inspection Report	Settlement Agreement (\$22,050)
333	7/12/16	6-min. 10% opacity	Out of Compliance as of 12/8/16 Inspection Report	Settlement Agreement (\$22,050)
334	9/5/16	100 ppm CO, 4-hr block	Out of Compliance as of 12/8/16 Inspection Report	Settlement Agreement (\$22,050)
335	9/5/16	6-min. 10% opacity	Out of Compliance as of 12/9/16 Inspection Report	Settlement Agreement (\$22,050)
336	9/15/16	6-min. 10% opacity	Out of Compliance as of 12/9/16 Inspection Report	Settlement Agreement (\$22,050)
337	11/11/16	Max. steam production limit of <= 421,600 lbs	Out of Compliance as of 12/31/16 Inspection Report	Settlement Agreement (\$22,050)

338	11/30/16	6-min. 10% opacity	Out of Compliance as of 12/31/16 Inspection Report	Settlement Agreement (\$22,050)
339	12/4/16	50 ppm SO2	Out of Compliance as of 12/31/16 Inspection Report	Settlement Agreement (\$22,050)
340	12/8/16	6-min. 10% opacity	Out of Compliance as of 12/31/16 Inspection Report	Settlement Agreement (\$22,050)
341	12/30/16	6-min. 10% opacity	Out of Compliance as of 12/31/16 Inspection Report	Settlement Agreement (\$22,050)
342	2/1/17	6-min. 10% opacity	Out of Compliance as of 3/31/17 Inspection Report	NOV Issued
343	2/1/17	6-min. 10% opacity	Out of Compliance as of 3/31/17 Inspection Report	NOV Issued
344	2/3/17	6-min. 10% opacity	Out of Compliance as of 3/31/17 Inspection Report	Settlement Agreement (\$3,000)
345	2/4/17	6-min. 10% opacity	Out of Compliance as of 3/31/17 Inspection Report	Settlement Agreement (\$3,000)
346	2/9/17	6-min. 10% opacity	Out of Compliance as of 3/31/17 Inspection Report	Settlement Agreement (\$3,000)
347	2/11/17	6-min. 10% opacity	Out of Compliance as of 3/31/17 Inspection Report	Settlement Agreement (\$3,000)
348	3/6/17	50 ppm SO2	Out of Compliance as of 3/31/17 Inspection Report	Settlement Agreement (\$3,000)
349	4/11/17	6-min. 10% opacity	Out of Compliance as of 6/30/17 Inspection Report	Settlement Agreement (\$300)
2018 ENERGY YEAR (June 1, 2017 – May 31, 2018)				
350	6/21/17	6-min. 10% opacity	Out of Compliance as of 6/30/17 Inspection Report	Settlement Agreement (\$300)
351	7/1/17*	Failed to fulfill 95% data availability for Continuous Opacity Monitoring	Out of Compliance as of 9/3/17 Inspection Report	Settlement Agreement (\$300)
352	10/7/17	400 ppm CO, 1-hr block average	Out of Compliance as of 12/31/17 Inspection Report	NOV Issued
353	10/7/17	100 ppm CO, 4-hr block average	Out of Compliance as of 12/31/17 Inspection Report	NOV Issued
354	10/7/17	6-min. 10% opacity	Out of Compliance as of 12/31/17 Inspection Report	NOV Issued
355	10/11/17	6-min. 10% opacity	Out of Compliance as of 12/31/17 Inspection Report	NOV Issued
356	10/14/17	6-min. 10% opacity	Out of Compliance as of 12/31/17 Inspection Report	NOV Issued
357	10/23/17	6-min. 10% opacity	Out of Compliance as of 12/31/17 Inspection Report	NOV Issued
358	11/27/17	6-min. 10% opacity	Out of Compliance as of 12/31/17 Inspection Report	Settlement Agreement (\$6,300)
359	11/30/17 – 12/1/17	Operated below min. carbon feed rate (Ref. #97)	Out of Compliance as of 12/31/17 Inspection Report	NOV Issued
360	12/14/17	6-min. 10% opacity	Out of Compliance as of 12/31/17 Inspection Report	NOV Issued
361	12/15/17	6-min. 10% opacity	Out of Compliance as of 12/31/17 Inspection Report	NOV Issued
362	1/26/18	100 ppm CO, 4-hour block average	Out of Compliance as of 3/31/18 Inspection Report	NOV Issued

363	1/26/18	6-min. 10% opacity	Out of Compliance as of 3/31/18 Inspection Report	Settlement Agreement (\$6,300)
364	1/26/18	6-min. 10% opacity	Out of Compliance as of 3/31/18 Inspection Report	NOV Issued
365	2/16/18	6-min. 10% opacity	Out of Compliance as of 3/31/18 Inspection Report	Settlement Agreement (\$6,300)
366	3/1/18	6-min. 10% opacity	Out of Compliance as of 3/31/18 Inspection Report	Settlement Agreement (\$6,300)
367	3/9/18	100 ppm CO, 4-hour block average	Out of Compliance as of 3/31/18 Inspection Report	Settlement Agreement (\$6,300)
368	3/9/18	100 ppm CO, 4-hour block average	Out of Compliance as of 3/31/18 Inspection Report	Settlement Agreement (\$6,300)
369	3/26/18	6-min. 10% opacity	Out of Compliance as of 3/31/18 Inspection Report	Settlement Agreement (\$6,300)
370	5/3/18	6-min. 10% opacity	Out of Compliance as of 6/30/18 Inspection Report	NOV Issued
371	5/17/18	6-min. 10% opacity	Out of Compliance as of 6/30/18 Inspection Report	Settlement Agreement (\$300)
372	5/22/18	6-min. 10% opacity	Out of Compliance as of 6/30/18 Inspection Report	NOV Issued
2019 ENERGY YEAR (June 1, 2018 – May 31, 2019)				
373	6/2/18	6-min. 10% opacity	Out of Compliance as of 6/30/18 Inspection Report	NOV Issued
374	7/11/18	6-min. 10% opacity	Out of Compliance as of 9/30/18 Inspection Report	Settlement Agreement (\$300)
375	8/25/18	6-min. 10% opacity	Out of Compliance as of 9/30/18 Inspection Report	NOV Issued
376	9/4/18	6-min. 10% opacity	Out of Compliance as of 9/30/18 Inspection Report	NOV Issued
377	9/26/18	6-min. 10% opacity	Out of Compliance as of 9/30/18 Inspection Report	NOV Issued
378	11/15/18	6-min. 10% opacity	Out of Compliance as of 12/31/18 Inspection Report	Settlement Agreement (\$1,650)
379	12/5/18	6-min. 10% opacity	Out of Compliance as of 12/31/18 Inspection Report	Settlement Agreement (\$1,650)
380	12/26/18	6-min. 10% opacity	Out of Compliance as of 12/31/18 Inspection Report	NOV Issued
381	1/1/19	6-min. 10% opacity	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement (\$1,650)
382	1/3/19	6-min. 10% opacity	--	Settlement Agreement (\$1,650)
383	1/9/19	6-min. 10% opacity	Out of Compliance as of 3/31/19 Inspection Report	NOV Issued
384	1/10/19	6-min. 10% opacity	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement (\$1,650)
385	1/21/19	6-min. 10% opacity	Out of Compliance as of 3/31/19 Inspection Report	NOV Issued
386	1/21/19	6-min. 10% opacity	Out of Compliance as of 3/31/19 Inspection Report	NOV Issued
387	1/21/19	6-min. 10% opacity	Out of Compliance as of 3/31/19 Inspection Report	NOV Issued
388	1/29/19	6-min. 10% opacity	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement (\$1,650)
389	1/30/19	6-min. 10% opacity	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement (\$1,650)

390	2/7/19	6-min. 10% opacity	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement (\$1,650)
391	2/13/19	6-min. 10% opacity	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement (\$1,650)
392	2/28/19	6-min. 10% opacity	Out of Compliance as of 3/31/19 Inspection Report	Settlement Agreement (\$1,650)
2020 ENERGY YEAR (June 1, 2019 – May 31, 2020)				
393	5/8/19	6-min. 10% opacity	Out of Compliance as of 5/8/19 Inspection Report	Settlement Agreement (\$8,240)
394	6/25/19	6-min. 10% opacity	Out of Compliance as of 6/25/19 Inspection Report	Settlement Agreement (\$8,240)
395	6/29/19	6-min. 10% opacity	Out of Compliance as of 5/8/19 Inspection Report	Settlement Agreement (\$8,240)
396	7/2/19	6-min. 10% opacity	Out of Compliance as of 9/30/19 Inspection Report	Settlement Agreement (\$8,240)
397	8/26/19	6-min. 10% opacity	Out of Compliance as of 9/19/19 Inspection Report	Settlement Agreement (\$8,240)
398	8/26/19	6-min. 10% opacity	Out of Compliance as of 9/30/19 Inspection Report	Settlement Agreement (\$8,240)
399	8/26/19	6-min. 10% opacity	Out of Compliance as of 8/26/19 Inspection Report	Settlement Agreement (\$8,240)
400	9/19/19	6-min. 10% opacity	Out of Compliance as of 9/19/19 Inspection Report	Settlement Agreement (\$8,240)
401	10/3/19	6-min. 10% opacity	Out of Compliance as of 12/31/19 Inspection Report	Settlement Agreement (\$8,240)
402	10/27/19	6-min. 10% opacity	Out of Compliance as of 12/31/19 Inspection Report	--
403	11/3/19	6-min. 10% opacity	Out of Compliance as of 12/31/19 Inspection Report	Settlement Agreement (\$8,240)
404	11/14/19	6-min. 10% opacity	Out of Compliance as of 12/31/19 Inspection Report	Settlement Agreement (\$8,240)
405	11/15/19	6-min. 10% opacity	Out of Compliance as of 12/31/19 Inspection Report	Settlement Agreement (\$8,240)
406	12/4/19	6-min. 10% opacity	Out of Compliance as of 12/31/19 Inspection Report	Settlement Agreement (\$8,240)
407	12/8/19	6-min. 10% opacity	Out of Compliance as of 12/31/19 Inspection Report	Settlement Agreement (\$8,240)

COVANTA WARREN NONCOMPLIANCE¹				
	Date	Permit Emission Limit	Compliance Status in Inspection Report	Enforcement Action
2005 ENERGY YEAR (June 1, 2004- May 31, 2005)				
1	8/12/04	Temp. below allowable limit	Out of Compliance as of 9/30/04 Inspection Report	NOV Issued
2	8/12/04	Temp. below allowable limit	Out of Compliance as of 9/30/04 Inspection Report	NOV Issued
3	8/13/04	400 ppm CO	Out of Compliance as of 9/30/04 Inspection Report	NOV Issued
4	8/13/04	50 ppm SO ₂	Out of Compliance as of 9/30/04 Inspection Report	NOV Issued
5	8/13/04	50 ppm SO ₂	Out of Compliance as of 9/30/04 Inspection Report	NOV Issued
6	8/13/04	300 ppm NO _x	Out of Compliance as of 9/30/04 Inspection Report	NOV Issued
7	8/13/04	Temp. below allowable limit	Out of Compliance as of 9/30/04 Inspection Report	NOV Issued
8	8/13/04	400 ppm CO	Out of Compliance as of 9/30/04 Inspection Report	NOV Issued
9	8/13/04 – 8/17/04	100 ppm CO	Out of Compliance as of 9/30/04 Inspection Report	NOV Issued
10	8/13/04 – 8/17/04	100 ppm CO	Out of Compliance as of 9/30/04 Inspection Report	NOV Issued
11	8/15/04	400 ppm CO	Out of Compliance as of 9/30/04 Inspection Report	Settlement Agreement (\$2,300)
12	8/15/04	Temp. below allowable limit	Out of Compliance as of 9/30/04 Inspection Report	Settlement Agreement (\$2,300)
13	8/15/04	400 ppm CO	Out of Compliance as of 9/30/04 Inspection Report	Settlement Agreement (\$2,300)
14	8/15/04	Temp. below allowable limit	Out of Compliance as of 9/30/04 Inspection Report	Settlement Agreement (\$2,300)
15	8/16/04	Temp. below allowable limit	Out of Compliance as of 9/30/04 Inspection Report	NOV Issued
16	8/21/04	300 ppm NO _x	Out of Compliance as of 9/30/04 Inspection Report	NOV Issued
17	8/21/04	400 ppm CO	Out of Compliance as of 9/30/04 Inspection Report	NOV Issued
18	8/21/04 – 8/23/04	100 ppm CO	Out of Compliance as of 9/30/04 Inspection Report	NOV Issued
19	8/22/04	400 ppm CO	Out of Compliance as of 9/30/04 Inspection Report	NOV Issued
20	8/31/04	Temp. below allowable limit	Out of Compliance as of 9/30/04 Inspection Report	NOV Issued
21	9/8/04	Temp. below allowable limit	Out of Compliance as of 9/30/04 Inspection Report	Settlement Agreement (\$2,300)

¹ Covanta Warren Energy closed in 2018. See *Covanta Releases Q2 Results, Plans to Close New Jersey efw Plant*, Biomass Magazine, July 31, 2018 <http://biomassmagazine.com/articles/15490/covanta-releases-q2-results-plans-to-close-new-jersey-efw-plant>.

22	9/8/04	Temp. below allowable limit	Out of Compliance as of 9/30/04 Inspection Report	Settlement Agreement (\$2,300)
23	9/15/04	Max. fuel oil usage must be less than 8,400 gallons/year total for both boilers.	Out of Compliance as of 4/10/06 Inspection Report	Settlement Agreement (\$9,000)
24	10/3/04	Total production rate is required to be less than 1,356 Mlbs. per day	Out of Compliance as of 4/10/06 Inspection Report	Settlement Agreement (\$9,000)
25	10/4/04	Total production rate is required to be less than 1,356 Mlbs. per day	Out of Compliance as of 4/10/06 Inspection Report	Settlement Agreement (\$9,000)
26	10/6/04	Failed to meet the min. temp. without burners of 865 degrees F.	Out of Compliance as of 12/31/04 Inspection Report	NOV Issued
27	10/22/04	Failed to meet the min. temp. without burners of 865 degrees F.	Out of Compliance as of 12/31/04 Inspection Report	Settlement Agreement (\$2,300)
28	10/29/04	Total production rate is required to be less than 1,356 Mlbs. per day	Out of Compliance as of 4/10/06 Inspection Report	Settlement Agreement (\$9,000)
29	11/11/04	Total production rate is required to be less than 1,356 Mlbs. per day	Out of Compliance as of 4/10/06 Inspection Report	Settlement Agreement (\$9,000)
30	11/11/04	Failed to meet the min. temp. without burners of 865 degrees F.	Out of Compliance as of 12/31/04 Inspection Report	NOV Issued
31	11/24/04	Failed to meet the min. temp. without burners of 865 degrees F.	Out of Compliance as of 12/31/04 Inspection Report	Settlement Agreement (\$2,300)
32	11/30/04	400 ppm CO	Out of Compliance as of 12/31/04 Inspection Report	NOV Issued
33	11/30/04	400 ppm CO	Out of Compliance as of 12/31/04 Inspection Report	NOV Issued
34	11/30/04	6-min. 10% opacity.	Out of Compliance as of 12/31/04 Inspection Report	NOV Issued
35	11/30/04	Failed to meet the min. temp. without burners of 865 degrees F.	Out of Compliance as of 12/31/04 Inspection Report	NOV Issued
36	11/30/04	300 ppm NOx	Out of Compliance as of 12/31/04 Inspection Report	NOV Issued
37	11/30/04	50 ppm SO2	Out of Compliance as of 12/31/04 Inspection Report	NOV Issued
38	12/14/04	Max. fuel oil usage must be less than 8,400 gallons/year total for both boilers.	Out of Compliance as of 4/10/06 Inspection Report	Settlement Agreement (\$9,000)
39	1/3/05	400 ppm CO 1-hr average concentration	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
40	1/3/05	100 ppm CO 4-day average concentration	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued

41	1/3/05	Temp. below allowable limit	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
42	1/4/05	Temp. below allowable limit	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
43	1/4/05	400 ppm CO 1-hr average concentration	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
44	1/4/05	100 ppm CO 4-day average concentration	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
45	1/18/05	400 ppm CO 1-hr average concentration	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
46	1/19/05	6-min. 10% opacity	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
47	1/19/05	Temp. below allowable limit	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
48	1/25/05	400 ppm CO 1-hr average concentration	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
49	2/13/05	100 ppm CO 4-day average concentration	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
50	2/13/05	50 ppm SO2 3-hr average concentration	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
51	2/13/05	400 ppm CO 1-hr average concentration	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
52	2/13/05	Temp. below allowable limit	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
53	3/24/05	400 ppm CO 1-hr average concentration	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
54	3/24/05	400 ppm CO 1-hr average concentration	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
55	3/24/05	100 ppm CO 4-day average concentration	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
56	3/24/05	100 ppm CO 4-day average concentration	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
57	3/24/05	6-min. 10% opacity	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
58	3/24/05	Temp. below allowable limit	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued

59	3/24/05	Temp. below allowable limit	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
60	4/14/05	Temp. below allowable limit.	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
61	4/22/05	Temp. below allowable limit.	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
62	4/23/05	400 ppm CO	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
63	4/23/05	Temp. below allowable limit.	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
64	5/1/05	Temp. below allowable limit.	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
65	5/25/05	100 ppm CO	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
66	5/25/05	400 ppm CO	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
67	5/25/05	50 ppm SO2	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
68	5/25/05	Temp. below allowable limit.	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
2006 ENERGY YEAR (June 1, 2005- May 31, 2006)				
69	6/5/05	Temp. below allowable limit.	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
70	6/6/05	400 ppm CO	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
71	6/6/05	Temp. below allowable limit.	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
72	6/12/05	Temp. below allowable limit.	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
73	6/12/05 – 6/13/05	400 ppm CO	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
74	6/13/05	Temp. below allowable limit.	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
75	6/16/05	Temp. below allowable limit.	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
76	7/5/05	Temp. below allowable limit.	--	NOV Issued

77	7/5/05	Temp. below allowable limit.	Out of Compliance as of 12/23/08 Inspection Report	Settlement Agreement (\$100)
78	7/8/05	Temp. below allowable limit.	--	NOV Issued
79	7/8/05	Temp. below allowable limit.	Out of Compliance as of 12/23/08 Inspection Report	Settlement Agreement (\$100)
80	7/25/05	Temp. below allowable limit.	--	NOV Issued
81	7/27/05	6-min. 10% opacity	Out of Compliance as of 12/23/08 Inspection Report	NOV Issued
82	7/27/05	Temp. below allowable limit.	Out of Compliance as of 12/23/08 Inspection Report	Settlement Agreement (\$100)
83	7/31/05	Temp. below allowable limit.	Out of Compliance as of 12/23/08 Inspection Report	Settlement Agreement (\$100)
84	7/31/05	Temp. below allowable limit.	--	NOV Issued
85	8/3/05	Temp. below allowable limit.	--	NOV Issued
86	8/3/05	Temp. below allowable limit.	Out of Compliance as of 12/23/08 Inspection Report	Settlement Agreement (\$100)
87	8/4/05	50 ppm SO2	Out of Compliance as of 12/23/08 Inspection Report	NOV Issued
88	8/15/05	Temp. below allowable limit.	--	NOV Issued
89	8/15/05	Temp. below allowable limit.	Out of Compliance as of 12/23/08 Inspection Report	Settlement Agreement (\$100)
90	8/21/05	50 ppm SO2	Out of Compliance as of 12/23/08 Inspection Report	NOV Issued
91	8/21/05	400 ppm CO	Out of Compliance as of 12/23/08 Inspection Report	NOV Issued
92	8/31/05	400 ppm CO	Out of Compliance as of 12/23/08 Inspection Report	NOV Issued
93	8/31/05	Temp. below allowable limit.	--	NOV Issued
94	8/31/05	Temp. below allowable limit.	Out of Compliance as of 12/23/08 Inspection Report	Settlement Agreement (\$100)
95	9/2/05	Temp. below allowable limit.	--	NOV Issued
96	9/2/05	Temp. below allowable limit.	Out of Compliance as of 12/23/08 Inspection Report.	Settlement Agreement (\$100)
97	9/3/05	Temp. below allowable limit.	--	NOV Issued
98	9/3/05	Temp. below allowable limit.	Out of Compliance as of 12/23/08 Inspection Report	Settlement Agreement (\$100)
99	9/4/05	Temp. below allowable limit.	--	NOV Issued
100	9/4/05	Temp. below allowable limit.	Out of Compliance as of 12/23/08 Inspection Report.	Settlement Agreement (\$100)
101	9/19/05	Temp. below allowable limit.	--	NOV Issued

102	9/19/05	Temp. below allowable limit.	Out of Compliance as of 12/23/08 Inspection Report.	Settlement Agreement (\$100)
103	9/24/05	50 ppm SO2	Out of Compliance as of 12/23/08 Inspection Report	Settlement Agreement (\$1,000)
104	10/11/05	400 ppm CO	--	NOV Issued
105	10/22/05	400 ppm CO	--	NOV Issued
106	11/6/05	100 ppm CO	--	NOV Issued
107	11/19/05	100 ppm CO	--	NOV Issued
108	11/28/05	100 ppm CO	--	NOV Issued
109	12/10/05	100 ppm CO	--	NOV Issued
110	12/13/05	100 ppm CO	--	NOV Issued
111	12/15/05	100 ppm CO	--	NOV Issued
112	12/16/05	100 ppm CO	--	NOV Issued
113	12/18/05	100 ppm CO	--	NOV Issued
114	12/18/05	400 ppm CO	--	NOV Issued
115	12/19/05	100 ppm CO	--	NOV Issued
116	12/25/05	100 ppm CO	--	NOV Issued
117	1/4/06	100 ppm CO	Out of Compliance as of 3/31/06 Inspection Report	NOV Issued
118	1/4/06	100 ppm CO	Out of Compliance as of 3/31/06 Inspection Report	NOV Issued
119	1/6/06	Carbon mass feed rate was less than required.	Out of Compliance as of 10/26/06 Inspection Report	NOV Issued
120	1/11/06	Exceeded max. 4-hour steam production limit.	Out of Compliance as of 10/26/06 Inspection Report	Settlement Agreement (\$9,000)
121	1/14/06	100 ppm CO	Out of Compliance as of 3/31/06 Inspection Report	NOV Issued
122	1/14/06	100 ppm CO	Out of Compliance as of 3/31/06 Inspection Report	NOV Issued
123	1/19/06	Carbon mass feed rate was less than required.	Out of Compliance as of 10/26/06 Inspection Report	NOV Issued
124	1/19/06	100 ppm CO	Out of Compliance as of 3/31/06 Inspection Report	NOV Issued
125	2/1/06	100 ppm CO	Out of Compliance as of 3/31/06 Inspection Report	NOV Issued
126	2/5/06	Carbon mass feed rate was less than required.	Out of Compliance as of 10/26/06 Inspection Report	NOV Issued
127	2/6/06	Carbon mass feed rate was less than required.	Out of Compliance as of 10/26/06 Inspection Report	NOV Issued
128	2/14/06	Exceeded standards for sulfuric acid mist.	--	AONOCAPA (\$4,000)
129	2/15/06	Carbon mass feed rate was less than required.	Out of Compliance as of 10/26/06 Inspection Report	NOV Issued
130	2/16/06	50 ppm SO2	Out of Compliance as of 3/31/06 Inspection Report	Settlement Agreement (\$11,600)

131	2/19/06 – 2/20/06	100 ppm CO	Out of Compliance as of 3/31/06 Inspection Report	NOV Issued
132	2/21/06	Exceeded standards for sulfuric acid mist.	--	AONOCAPA (\$4,000)
133	2/21/06	Carbon mass feed rate was less than required.	Out of Compliance as of 10/26/06 Inspection Report	NOV Issued
134	2/22/06	Carbon mass feed rate was less than required.	Out of Compliance as of 10/26/06 Inspection Report	NOV Issued
135	2/25/06	50 ppm SO ₂	Out of Compliance as of 3/31/06 Inspection Report	Settlement Agreement (\$11,600)
136	2/28/06	100 ppm CO	Out of Compliance as of 3/31/06 Inspection Report	NOV Issued
137	2/28/06	Failed to meet the min. temp. without burners of 865 degrees F.	Out of Compliance as of 3/31/06 Inspection Report	NOV Issued
138	4/11/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
139	4/23/06	50 ppm SO ₂	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
140	5/12/06	Failed to meet the min. temp. without burners of 865 degrees F.	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
141	5/12/06	Failed to meet the min. temp. without burners of 865 degrees F.	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
142	5/12/06	400 ppm CO 1-hr. average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
143	5/29/06	400 ppm CO 1-hr. average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
144	5/29/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
145	5/29/06	Failed to meet the min. temp. without burners of 865 degrees F.	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
146	5/29/06 – 5/30/06	Failed to meet the min. temp. without burners of 865 degrees F.	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
147	5/29/06 – 6/2/06	100 ppm CO 4-day average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
148	5/29/06 – 5/30/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
149	5/30/06	Failed to meet the min. temp. without burners of 865 degrees F.	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
150	5/30/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
151	5/30/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
152	5/30/06	400 ppm CO 1-hr. average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
153	5/30/06	400 ppm CO 1-hr. average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
154	5/30/06	Failed to meet the min. temp. without burners of 865 degrees F.	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued

2007 ENERGY YEAR (June 1, 2006- May 31, 2007)

155	6/8/06	50 ppm SO2	Out of Compliance as of 6/30/06 Inspection Report	Settlement Agreement (\$11,600)
156	6/9/06	400 ppm CO 1-hr. average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
157	6/9/06	400 ppm CO 1-hr. average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
158	6/9/06	Failed to meet the min. temp. without burners of 865 degrees F.	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
159	6/9/06	Failed to meet the min. temp. without burners of 865 degrees F.	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
160	6/9/06 – 6/10/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
161	6/9/06 – 6/10/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
162	6/10/06	50 ppm SO2	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
163	6/10/06	400 ppm CO 1-hr. average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
164	6/10/06	50 ppm SO2 3-hr. average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
165	6/10/06	400 ppm CO 1-hr. average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
166	6/10/06	400 ppm CO 1-hr. average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
167	6/10/06 – 6/14/06	100 ppm CO 4-day average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
168	6/10/06 – 6/17/06	100 ppm CO 4-day average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
169	6/12/06	400 ppm CO 1-hr. average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
170	6/12/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
171	6/12/06	50 ppm SO2	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
172	6/12/06	Failed to meet the min. temp. without burners of 865 degrees F.	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
173	6/17/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 6/30/06 Inspection Report	NOV Issued
174	6/30/06	Carbon mass feed rate was less than required.	Out of Compliance as of 10/26/06 Inspection Report	NOV Issued
175	7/4/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
176	7/4/06	100 ppm CO 4-day average concentration	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
177	7/4/06	400 ppm CO 1-hr average concentration	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
178	7/4/06	400 ppm CO 1-hr average concentration	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
179	7/4/06	Temp. did not meet min. temp. without burners of 865 degrees F.	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued

180	7/4/06	8-hour carbon feed was less than the level est. during perf. tests for mercury and dioxin/furan emissions (OS #1, Ref. #47)	Out of Compliance as of 4/9/07 Inspection Report	NOV Issued
181	7/4/06	8-hour carbon feed was less than the level est. during perf. tests for mercury and dioxin/furan emissions (OS #2, Ref. #47)	Out of Compliance as of 4/9/07 Inspection Report	NOV Issued
182	7/10/06	8-hour carbon feed was less than the level est. during perf. tests for mercury and dioxin/furan emissions (OS #1, Ref. #47)	Out of Compliance as of 4/9/07 Inspection Report	NOV Issued
183	7/10/06	8-hour carbon feed was less than the level est. during perf. tests for mercury and dioxin/furan emissions (OS #2, Ref. #47)	Out of Compliance as of 4/9/07 Inspection Report	NOV Issued
184	7/12/06	400 ppm CO 1-hr average concentration	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
185	7/12/06	400 ppm CO 1-hr average concentration	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
186	7/12/06	400 ppm CO 1-hr average concentration	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
187	7/12/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
188	7/12/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
189	7/12/06	50 ppm SO2	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
190	7/12/06	Temp. did not meet min. temp. without burners of 865 degrees F.	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
191	7/12/06	Temp. did not meet min. temp. without burners of 865 degrees F.	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
192	7/12/06 – 7/13/06	50 ppm SO2	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
193	7/12/06 – 7/16/06	100 ppm CO 4-day average concentration	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
194	7/12/06 – 7/16/06	100 ppm CO 4-day average concentration	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
195	7/13/06	Temp. at particulate control device exceeded the max.(OS #3, Ref. #46)	Out of Compliance as of 4/9/07 Inspection Report	NOV Issued
196	7/13/06	Temp. at particulate control device exceeded the max. (Ref. #46)	Out of Compliance as of 4/9/07 Inspection Report	NOV Issued
197	7/13/06	Temp. did not meet min. temp. without burners of 865 degrees F.	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
198	7/13/06	Temp. did not meet min. temp. without burners of 865 degrees F.	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
199	8/20/06	Max. steam production of greater than 225,896	Out of Compliance as of 4/9/07 Inspection Report	Settlement Agreement (\$9,000)

		pounds of steam in a 4-hour block period		
200	8/29/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
201	9/16/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
202	9/16/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
203	9/16/06	400 ppm CO 1-hr average concentration	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
204	9/16/06	Temp. did not meet min. temp. without burners of 865 degrees F.	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
205	9/18/06	Temp. did not meet min. temp. without burners of 865 degrees F.	Out of Compliance as of 9/30/06 Inspection Report	NOV Issued
206	10/4/06	Temp. failed to meet min. operating temp. without burners of 865 degrees F.	Out of Compliance as of 12/31/06 Inspection Report	NOV Issued
207	10/4/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 12/31/06 Inspection Report	Settlement Agreement (\$11,600)
208	10/4/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 12/31/06 Inspection Report	Settlement Agreement (\$11,600)
209	10/4/06	400 ppm CO 1-hr average concentration	--	Settlement Agreement (\$11,600)
210	10/4/06	400 ppm CO 1-hr average concentration	Out of Compliance as of 12/31/06 Inspection Report	Settlement Agreement (\$11,600)
211	10/4/06	Failed to meet the min. temp. without burners of 865 degrees F.	Out of Compliance as of 12/31/06 Inspection Report	Settlement Agreement (\$11,600)
212	10/4/06	Failed to meet the min. temp. without burners of 865 degrees F.	Out of Compliance as of 12/31/06 Inspection Report	Settlement Agreement (\$11,600)
213	10/4/06	Failed to meet the min. temp. without burners of 865 degrees F.	Out of Compliance as of 12/31/06 Inspection Report	Settlement Agreement (\$11,600)
214	10/4/06	Failed to meet the min. temp. without burners of 865 degrees F.	Out of Compliance as of 12/31/06 Inspection Report	Settlement Agreement (\$11,600)
215	10/4/06	100 ppm CO 4-day average concentration	--	NOV Issued
216	10/4/06	6-min. 10% opacity	Out of Compliance as of 12/31/06 Inspection Report	NOV Issued
217	10/4/06 – 10/8/06	100 ppm CO 4-day average concentration	Out of Compliance as of 12/31/06 Inspection Report	NOV Issued
218	10/4/06 – 10/5/06	400 ppm CO 1-hr. average concentration	Out of Compliance as of 12/31/06 Inspection Report	NOV Issued
219	10/4/06 – 10/5/06	Temp. failed to meet min. operating temp. without burners of 865 degrees F.	Out of Compliance as of 12/31/06 Inspection Report	NOV Issued

220	10/5/06	400 ppm CO 1-hr. average concentration	Out of Compliance as of 12/31/06 Inspection Report	NOV Issued
221	10/5/06	6-min. 10% opacity	Out of Compliance as of 12/31/06 Inspection Report	NOV Issued
222	10/5/06	50 ppm SO2	Out of Compliance as of 12/31/06 Inspection Report	NOV Issued
223	10/5/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 12/31/06 Inspection Report	NOV Issued
224	10/5/06	Temp. failed to meet min. operating temp. without burners of 865 degrees F.	Out of Compliance as of 12/31/06 Inspection Report	NOV Issued
225	10/22/06	Temp. failed to meet min. operating temp. without burners of 865 degrees F.	Out of Compliance as of 12/31/06 Inspection Report	NOV Issued
226	10/26/06	8-hour carbon feed was less than the level est. during perf. tests for mercury and dioxin/furan emissions (OS #1, Ref. #47)	Out of Compliance as of 4/9/07 Inspection Report	NOV Issued
227	10/26/06	8-hour carbon feed was less than the level est. during perf. tests for mercury and dioxin/furan emissions (OS #2, Ref. #47)	Out of Compliance as of 4/9/07 Inspection Report	NOV Issued
228	11/7/06	50 ppm SO2	Out of Compliance as of 12/31/06 Inspection Report	NOV Issued
229	11/23/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 12/31/06 Inspection Report	NOV Issued
230	12/13/06	6-min. 10% opacity	Out of Compliance as of 12/31/06 Inspection Report	NOV Issued
231	12/26/06	100 ppm CO 4-hr average concentration	Out of Compliance as of 12/31/06 Inspection Report	NOV Issued
232	12/26/06	Temp. failed to meet min. operating temp. without burners of 865 degrees F.	Out of Compliance as of 12/31/06 Inspection Report	NOV Issued
233	12/27/06	Temp. failed to meet min. operating temp. without burners of 865 degrees F.	Out of Compliance as of 12/31/06 Inspection Report	NOV Issued
234	1/5/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 3/31/07 Inspection Report	NOV Issued
235	1/11/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 3/31/07 Inspection Report	NOV Issued
236	1/12/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 3/31/07 Inspection Report	NOV Issued
237	1/25/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 1/30/07 Inspection Report	NOV Issued

238	2/23/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 1/30/07 Inspection Report	NOV Issued
239	2/27/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 1/30/07 Inspection Report	NOV Issued
240	3/2/07	400 ppm CO 1-hr average concentration	Out of Compliance as of 3/31/07 Inspection Report	NOV Issued
241	3/2/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 3/31/07 Inspection Report	NOV Issued
242	3/14/07	400 ppm CO 1-hr average concentration	Out of Compliance as of 1/30/07 Inspection Report	NOV Issued
243	3/14/07	Temp. did not meet min. operating temp. without burners of 865 degrees F.	Out of Compliance as of 1/30/07 Inspection Report	NOV Issued
244	3/14/07	Temp. did not meet min. operating temp. without burners of 865 degrees F.	Out of Compliance as of 3/31/07 Inspection Report	NOV Issued
245	3/14/07	400 ppm CO 1-hr average concentration	Out of Compliance as of 3/31/07 Inspection Report	NOV Issued
246	3/14/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 3/31/07 Inspection Report	NOV Issued
247	3/14/07	Exceeded max. inlet temp. to the baghouse.	--	NOV Issued
248	3/14/07 – 3/18/07	50 ppm CO 4-day average concentration	Out of Compliance as of 1/30/07 Inspection Report	NOV Issued
249	3/26/07 – 3/27/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 3/31/07 Inspection Report	Settlement Agreement (\$600)
250	4/5/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 6/30/07 Inspection Report	NOV Issued
251	4/8/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 6/30/07 Inspection Report	NOV Issued
252	4/8/07	Temp. did not meet min. operating temp. with burners of 865 degrees F	Out of Compliance as of 6/30/07 Inspection Report	NOV Issued
253	4/12/07	Exceeded max. steam production limit.	--	Settlement Agreement (\$9,000)
254	4/14/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 6/30/07 Inspection Report	NOV Issued
255	4/18/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 6/30/07 Inspection Report	NOV Issued
256	4/18/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 6/30/07 Inspection Report	NOV Issued
257	5/2/07	Temp. did not meet min. operating temp. with burners of 865 degrees F.	Out of Compliance as of 6/30/07 Inspection Report	NOV Issued
258	5/4/07	Temp. did not meet min. operating temp. with burners of 865 degrees F.	Out of Compliance as of 6/30/07 Inspection Report	NOV Issued
259	5/4/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 6/30/07 Inspection Report	NOV Issued
260	5/4/07	400 ppm CO 1-hr average concentration	Out of Compliance as of 6/30/07 Inspection Report	NOV Issued
261	5/16/07	Exceeded max. steam production limit.	--	Settlement Agreement (\$9,000)
262	5/21/07	Exceeded max. steam production limit.	--	Settlement Agreement (\$9,000)
2008 ENERGY YEAR (June 1, 2007- May 31, 2008)				
263	6/18/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 6/30/07 Inspection Report	NOV Issued

264	6/18/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 6/30/07 Inspection Report	NOV Issued
265	7/1/07	3.0% O2	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued
266	7/1/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued
267	7/1/07	400 ppm CO 1-hr average concentration	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued
268	7/1/07	Temp. failed to meet min. operating temp. without burners of 865 degrees F.	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued
269	7/1/07	Temp. failed to meet min. operating temp. without burners of 865 degrees F.	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued
270	7/3/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued
271	8/27/07	50 ppm SO2	Out of Compliance as of 9/30/07 Inspection Report	NOV Issued
272	10/29/07	100 ppm CO 4-hr average concentration	Out of Compliance as of 12/31/07 Inspection Report	NOV Issued
273	1/3/08	50 ppm SO2 3-hr average concentration	Out of Compliance as of 12/18/08 Inspection Report	NOV Issued
274	2/10/08	100 ppm CO 4-hr average concentration	Out of Compliance as of 3/31/08 Inspection Report	NOV Issued
275	3/24/08	100 ppm CO 4-hr average concentration	Out of Compliance as of 3/31/08 Inspection Report	NOV Issued
276	5/22/08	Failed to meet min. carbon mass feed rate	Out of Compliance as of 9/15/08 Inspection Report	NOV Issued
2009 ENERGY YEAR (June 1, 2008- May 31, 2009)				
277	10/15/08	100 ppm CO, 4-hr. average	Out of Compliance as of 2/3/09 Inspection Report	NOV Issued
278	10/31/08	6-min. 10% opacity	Out of Compliance as of 2/3/09 Inspection Report	NOV Issued
2010 ENERGY YEAR (June 1, 2009- May 31, 2010)				
279	7/31/09	100 ppm CO, 4-hr. rolling	Out of Compliance as of 11/5/09 Inspection Report	NOV Issued
280	8/16/09	100 ppm CO, 4-hr. rolling	Out of Compliance as of 11/5/09 Inspection Report	NOV Issued
281	10/16/09	Failed to maintain adequate carbon feed	Out of Compliance as of 2/17/10 Inspection Report	NOV Issued
282	1/23/10	50 ppm SO2	Out of Compliance as of 5/27/10 Inspection Report	NOV Issued
283	1/31/10	100 ppm CO	Out of Compliance as of 5/27/10 Inspection Report	NOV Issued
284	3/2/10	100 ppm CO	Out of Compliance as of 5/27/10 Inspection Report	NOV Issued
285	3/22/10	100 ppm CO	Out of Compliance as of 5/27/10 Inspection Report	NOV Issued
2011 ENERGY YEAR (June 1, 2010- May 31, 2011)				
286	6/23/10	100 ppm CO	Out of Compliance as of 12/16/10 Inspection Report	Settlement Agreement (\$600)

287	6/29/10	100 ppm CO	Out of Compliance as of 12/16/10 Inspection Report	NOV Issued
288	7/15/10	100 ppm CO	Out of Compliance as of 12/16/10 Inspection Report	NOV Issued
289	7/15/10	100 ppm CO	Out of Compliance as of 12/28/10 Inspection Report	NOV Issued
290	8/10/10	6-min. 10% opacity.	Out of Compliance as of 12/16/10 Inspection Report	NOV Issued
291	8/11/10	100 ppm CO	Out of Compliance as of 12/16/10 Inspection Report	NOV Issued
292	9/17/10	100 ppm CO	Out of Compliance as of 12/16/10 Inspection Report	NOV Issued
293	12/28/10	6-min. 10% opacity.	Out of Compliance as of 4/6/11 Inspection Report	NOV Issued
2012 ENERGY YEAR (June 1, 2011- May 31, 2012)				
294	10/17/11	Emitted uncontrolled emissions from the boiler	Out of Compliance as of 2/29/12 Inspection Report	NOV Issued
2014 ENERGY YEAR (June 1, 2013- May 31, 2014)				
295	6/14/13	100 ppm CO	Out of Compliance as of 12/17/13 Inspection Report	NOV Issued
296	6/17/13	100 ppm CO	Out of Compliance as of 12/18/13 Inspection Report	NOV Issued
297	6/17/13	400 ppm CO 1-hr. concentration	Out of Compliance as of 12/18/13 Inspection Report	NOV Issued
298	12/10/13	100 ppm CO, 4-hr. average	Out of Compliance as of 10/3/14 Inspection Report	NOV Issued
299	12/19/13	100 ppm CO, 4-hr. average	Out of Compliance as of 10/6/14 Inspection Report	NOV Issued
300	12/19/13	400 ppm CO, 1-hr. average	Out of Compliance as of 10/6/14 Inspection Report	NOV Issued
301	12/30/13	100 ppm CO, 4-hr. average	Out of Compliance as of 10/6/14 Inspection Report	NOV Issued
302	2/11/14	100 ppm CO, 4-hr. average	Out of Compliance as of 10/8/14 Inspection Report	NOV Issued
303	2/12/14	100 ppm CO, 4-hr. average)	Out of Compliance as of 10/8/14 Inspection Report	NOV Issued
304	5/28/14	Exceeded allowable baghouse inlet temperature of 339 degrees F.	Out of Compliance as of 6/30/14 Inspection Report	NOV Issued
2015 ENERGY YEAR (June 1, 2014- May 31, 2015)				
305	6/6/14	Exceeded Max. Steam Production Limit of 255,604 lbs of steam per boiler in a 4-hr block.	Out of Compliance as of 6/30/14 Inspection Report	NOV Issued

306	2/8/15	100 ppm CO, 4-hr. average	Out of Compliance as of 9/3/15 Inspection Report	NOV Issued
307	5/27/15	100 ppm CO, 4-hr. average	Out of Compliance as of 9/3/15 Inspection Report	NOV Issued
2016 ENERGY YEAR (June 1, 2015- May 31, 2016)				
308	10/20/15	6-min. 10% opacity.	Out of Compliance as of 10/20/15 Inspection Report	NOV Issued
2017 ENERGY YEAR (June 1, 2016 – May 31, 2017)				
309	6/20/16	Left power supply on; caused the hour meter to run without the generator being in use.	Out of Compliance as of 6/20/16 Inspection Report	NOV Issued
2018 ENERGY YEAR (June 1, 2017 – May 31, 2018)				
310	10/31/17	400 ppm CO	Out of Compliance as of 7/6/2018 Inspection Report	NOV Issued
311	3/10/18	100 ppm CO, 4-hr. average	Out of Compliance as of 3/31/2018 Inspection Report	NOV Issued
312	3/19/18	100 ppm CO, 4-hr. average	Out of Compliance as of 3/31/2018 Inspection Report	Settlement Agreement (\$900)

COVANTA UNION NONCOMPLIANCE				
	Date	Permit Emission Limit	Compliance Status in Inspection Report	Enforcement Action
2004 ENERGY YEAR (June 1, 2003- May 31, 2004)				
1	8/14/03	180 ppm NOx, 24-hr. block concentration	--	NOV Issued
2	8/14/03	180 ppm NOx, 24-hr. block concentration	--	NOV Issued
3	8/14/03	50 ppm SO2, 3-hr. rolling concentration	--	NOV Issued
4	8/14/03	225 ppm NOx, 3-hr. rolling concentration	--	NOV Issued
5	8/14/03	225 ppm NOx, 3-hr. rolling concentration	--	NOV Issued
6	8/14/03	50 ppm SO2, 3-hr. rolling concentration	--	NOV Issued
7	8/14/03	50 ppm SO2, 3-hr. rolling concentration	--	NOV Issued
8	8/14/03	100 ppm CO	--	NOV Issued
9	8/14/03	100 ppm CO	--	NOV Issued
10	8/14/03	100 ppm CO	--	NOV Issued
11	8/15/03	100 ppm CO	--	NOV Issued
12	8/15/03	100 ppm CO	--	NOV Issued
13	8/15/03	100 ppm CO	--	NOV Issued
14	8/15/03	50 ppm SO2, 3-hr. rolling concentration	--	NOV Issued
15	8/15/03	50 ppm SO2, 3-hr. rolling concentration	--	NOV Issued
16	8/15/03	225 ppm NOx, 3-hr. rolling concentration	--	NOV Issued
17	8/15/03	225 ppm NOx, 3-hr. rolling concentration	--	NOV Issued
18	8/15/03	50 ppm SO2, 3-hr. rolling concentration	--	NOV Issued
19	8/15/03	180 ppm NOx, 24-hr. block concentration	--	NOV Issued
20	8/15/03	180 ppm NOx, 24-hr. block concentration	--	NOV Issued
21	8/15/03	29 ppm SO2, 24-hr. block concentration	--	NOV Issued
22	8/15/03	50 ppm Ammonia	--	NOV Issued
23	8/16/03	50 ppm Ammonia	--	NOV Issued
24	8/31/03	100 ppm CO	--	NOV Issued
25	10/1/03	225 ppm NOx, 3-hr. rolling concentration	--	NOV Issued
26	10/1/03	50 ppm SO2	--	NOV Issued
27	4/13/04	100 ppm CO	Out of Compliance as of 10/8/04 Inspection Report	NOV Issued
2005 ENERGY YEAR (June 1, 2004- May 31, 2005)				
28	7/18/04	100 ppm CO	Out of Compliance as of 12/13/04 Inspection Report	NOV Issued
29	9/27/04	100 ppm CO	Out of Compliance as of 12/13/04 Inspection Report	AONOCAPA (\$2,200)

30	11/7/04	100 ppm CO	Out of Compliance as of 2/25/05 Inspection Report	AONOCAPA (\$2,200)
31	12/2/04	6-min. 10% opacity	Out of Compliance as of 2/25/05 Inspection Report	AONOCAPA (\$2,200)
32	12/31/04	100 ppm CO	Out of Compliance as of 2/25/05 Inspection Report	NOV Issued
33	12/31/04	50 ppm SO ₂ , 3-hr. rolling concentration	Out of Compliance as of 2/25/05 Inspection Report	NOV Issued
34	1/13/05	100 ppm CO	Out of Compliance as of 5/16/05 Inspection Report	NOV Issued
35	1/13/05	100 ppm CO		NOV Issued
36	2/7/05	225 ppm NO _x , 3-hr. rolling concentration	Out of Compliance as of 5/16/05 Inspection Report	AONOCAPA (\$800)
37	2/18/05	100 ppm CO	Out of Compliance as of 5/16/05 Inspection Report	NOV Issued
38	2/18/05	100 ppm CO	Out of Compliance as of 5/16/05 Inspection Report	NOV Issued
39	2/18/05	100 ppm CO		NOV Issued
40	2/18/05	100 ppm CO		NOV Issued
41	2/18/05	100 ppm CO	Out of Compliance as of 5/16/05 Inspection Report	NOV Issued
42	2/25/05*	Failed to keep records of the monthly Visible Emissions monitoring.	Out of Compliance as of 2/25/05 Inspection Report	NOV Issued
43	2/25/05*	Failed to keep records of Carbon Silo baghouse inspections.	Out of Compliance as of 2/25/05 Inspection Report	NOV Issued
44	2/25/05*	Failed to keep records of Lime Silo baghouse inspections.	Out of Compliance as of 2/25/05 Inspection Report	NOV Issued
45	2/25/05*	Failed to keep records of the monthly Visible Emissions monitoring.	Out of Compliance as of 2/25/05 Inspection Report	NOV Issued
46	2/25/05*	Failed to keep records of the monthly Visible Emissions monitoring.	Out of Compliance as of 2/25/05 Inspection Report	NOV Issued
47	3/27/05	100 ppm CO	Out of Compliance as of 5/16/05 Inspection Report	NOV Issued
48	4/18/05	225 ppm NO _x	Out of Compliance as of 8/4/05 Inspection Report	AONOCAPA (\$1,600)

2006 ENERGY YEAR (June 1, 2005- May 31, 2006)

49	8/15/05	100 ppm CO	Out of Compliance as of 11/9/05 Inspection Report	AONOCAPA (\$7,200)
50	8/16/05	100 ppm CO	Out of Compliance as of 11/9/05 Inspection Report	AONOCAPA (\$7,200)
51	9/19/05	100 ppm CO	Out of Compliance as of 11/9/05 Inspection Report	NOV Issued
52	9/19/05	50 ppm SO2, 3-hr. rolling average	Out of Compliance as of 11/9/05 Inspection Report	NOV Issued
53	10/10/05	100 ppm CO, 4-hr. rolling average	Out of Compliance as of 3/6/06 Inspection Report	NOV Issued
54	11/15/05	50 ppm SO2, 3-hr. rolling average	Out of Compliance as of 3/6/06 Inspection Report	AONOCAPA (\$1,600)
55	11/16/05	50 ppm SO2, 3-hr. rolling average	Out of Compliance as of 3/6/06 Inspection Report	AONOCAPA (\$1,600)
56	2/16/06	100 ppm CO	Out of Compliance as of 5/16/06 Inspection Report	NOV Issued
57	2/16/06	100 ppm CO	Out of Compliance as of 5/16/06 Inspection Report	NOV Issued
58	3/22/06	100 ppm CO	Out of Compliance as of 5/16/06 Inspection Report	NOV Issued
59	3/30/06	50 ppm SO2	Out of Compliance as of 5/16/06 Inspection Report	AONOCAPA (\$12,200)
60	4/5/06	Failed to submit Annual Compl. Cert. on time.	Out of Compliance as of 5/16/06 Inspection Report	AONOCAPA (\$12,200)
61	4/11/06	Failed to submit stack test reports on time.	--	NOV Issued
62	4/12/06	100 ppm CO	Out of Compliance as of 8/17/06 Inspection Report	--
63	4/12/06	50 ppm NH3	Out of Compliance as of 8/17/06 Inspection Report	NOV Issued
64	4/12/06	225 ppm NOx	Out of Compliance as of 8/17/06 Inspection Report	NOV Issued
65	4/12/06	50 ppm SO2	Out of Compliance as of 8/17/06 Inspection Report	NOV Issued
66	4/20/06*	Failed to submit 2005 Annual Waste Separation Report	Out of Compliance as of 4/20/06 Inspection Report	NOV Issued

67	5/25/06	100 ppm CO	Out of Compliance as of 8/17/06 Inspection Report	NOV Issued
68	5/25/06	100 ppm CO	Out of Compliance as of 8/17/06 Inspection Report	NOV Issued
69	5/25/06	100 ppm CO	Out of Compliance as of 8/17/06 Inspection Report	NOV Issued
2007 ENERGY YEAR (June 1, 2006- May 31, 2007)				
70	6/1/06	100 ppm CO	Out of Compliance as of 8/17/06 Inspection Report	NOV Issued
71	6/20/06	100 ppm CO	Out of Compliance as of 8/17/06 Inspection Report	NOV Issued
72	8/22/06	50 ppm SO2	Out of Compliance as of 11/27/06 Inspection Report	AONOCAPA (\$12,200)
73	8/30/06	100 ppm CO	Out of Compliance as of 11/20/06 Inspection Report	NOV Issued
74	12/3/06	50 ppm NH3	Out of Compliance as of 2/22/07 Inspection Report	NOV Issued
75	12/3/06	225 ppm NOx	Out of Compliance as of 2/22/07 Inspection Report	NOV Issued
76	1/16/07	180 ppm NOx	Out of Compliance as of 5/9/07 Inspection Report	NOV Issued
77	1/31/07	50 ppm Ammonia	Out of Compliance as of 5/9/07 Inspection Report	NOV Issued
78	3/10/07	50 ppm Ammonia	Out of Compliance as of 5/9/07 Inspection Report	NOV Issued
79	3/10/07	50 ppm SO2	Out of Compliance as of 5/9/07 Inspection Report	NOV Issued
80	3/29/07	6-min. 10% opacity	Out of Compliance as of 5/9/07 Inspection Report	NOV Issued
2008 ENERGY YEAR (June 1, 2007- May 31, 2008)				
81	8/2/07	50 ppm NH3	Out of Compliance as of 12/5/07 Inspection Report	NOV Issued
82	8/2/07	225 ppm NOx	Out of Compliance as of 12/5/07 Inspection Report	NOV Issued
83	8/2/07	50 ppm SO2	Out of Compliance as of 12/5/07 Inspection Report	NOV Issued

84	11/25/07	100 ppm CO	Out of Compliance as of 2/21/08 Inspection Report	Settlement Agreement (\$26,050)
2009 ENERGY YEAR (June 1, 2008- May 31, 2009)				
85	6/2/08	50 ppm SO2	Out of Compliance as of 11/12/08 Inspection Report	Settlement Agreement (\$26,050)
86	6/13/08	50 ppm NH3	--	NOV Issued
87	6/13/08	225 ppm NOx	--	NOV Issued
88	6/13/08	50 ppm SO2	--	NOV Issued
89	8/24/08	100 ppm CO	Out of Compliance as of 1/7/09 Inspection Report	Settlement Agreement (\$3,600)
90	9/1/08	100 ppm CO	Out of Compliance as of 1/7/09 Inspection Report	Settlement Agreement (\$3,600) O
91	12/1/08 – 12/2/08	100 ppm CO	Out of Compliance as of 2/4/09 Inspection Report	NOV Issued
92	12/1/08 – 12/3/08	100 ppm CO	Out of Compliance as of 2/5/09 Inspection Report	NOV Issued
93	12/2/08	180 ppm NOx	Out of Compliance as of 2/5/09 Inspection Report	NOV Issued
94	1/19/09	50 ppm NH3	Out of Compliance as of 6/8/09 Inspection Report	NOV Issued
95	2/1/09	100 ppm CO	Out of Compliance as of 6/8/09 Inspection Report	Settlement Agreement (\$26,050)
96	3/7/09 – 3/8/09	100 ppm CO	Out of Compliance as of 6/8/09 Inspection Report	Settlement Agreement (\$26,050)
97	4/26/09	50 ppm Ammonia	Out of Compliance as of 10/20/09 Inspection Report	NOV Issued
98	4/27/09	50 ppm Ammonia	Out of Compliance as of 10/20/09 Inspection Report	NOV Issued
99	4/28/09	50 ppm Ammonia	Out of Compliance as of 10/20/09 Inspection Report	NOV Issued
100	5/3/09	100 ppm CO	Out of Compliance as of 10/20/09 Inspection Report	Settlement Agreement (\$26,050)
2010 ENERGY YEAR (June 1, 2009- May 31, 2010)				
101	6/14/09	Failure to meet min. required carbon bin count of 7.5.	Out of Compliance as of 10/20/09 Inspection Report	Settlement Agreement (\$26,050)
102	2009 Q2	Failed to continuously monitor NOx.	Out of Compliance as of 10/20/09 Inspection Report	Settlement Agreement (\$26,050)

103	10/7/09	6-min. 10% opacity.	Out of Compliance as of 1/27/10 Inspection Report	Settlement Agreement (\$2,600)
104	12/27/09	100 ppm CO	Out of Compliance as of 1/27/10 Inspection Report	NOV Issued
105	2/9/10	6-min. 10% opacity.	Out of Compliance as of 5/4/10 Inspection Report	Settlement Agreement (\$2,600)
106	5/30/10	100 ppm CO	Out of Compliance as of 11/4/10 Inspection Report	NOV Issued
2011 ENERGY YEAR (June 1, 2010- May 31, 2011)				
107	9/21/10	100 ppm CO	Out of Compliance as of 11/9/10 Inspection Report	NOV Issued
108	9/21/10	100 ppm CO	Out of Compliance as of 11/9/10 Inspection Report	NOV Issued
109	9/28/10	100 ppm CO	Out of Compliance as of 11/9/10 Inspection Report	NOV Issued
110	9/29/10	100 ppm CO	Out of Compliance as of 11/9/10 Inspection Report	NOV Issued
111	10/4/10	Inlet to control device exceeded temp. limit.	Out of Compliance as of 2/8/11 Inspection Report	Settlement Agreement (\$6,300)
112	10/4/10	100 ppm CO	Out of Compliance as of 2/3/11 Inspection Report	NOV Issued
113	12/28/10	100 ppm CO	Out of Compliance as of 2/3/11 Inspection Report	NOV Issued
114	12/28/10 – 12/29/10	100 ppm CO	Out of Compliance as of 2/3/11 Inspection Report	NOV Issued
115	12/28/10 – 12/29/10	100 ppm CO	Out of Compliance as of 2/8/11 Inspection Report	NOV Issued
116	1/15/11	100 ppm CO	Out of Compliance as of 10/13/11 Inspection Report	NOV Issued
117	2/8/11*	Operated with a shift supervisor that wasn't fully certified or wasn't scheduled for a full certification exam.	Out of Compliance as of 2/8/11 Inspection Report	NOV Issued
118	5/2/11	100 ppm CO	Out of Compliance as of 10/17/11 Inspection Report	Settlement Agreement (\$6,300)
119	5/2/11	150 ppm NOx	Out of Compliance as of 10/17/11 Inspection Report	Settlement Agreement (\$6,300)
2012 ENERGY YEAR (June 1, 2011- May 31, 2012)				

120	9/11/11	100 ppm CO	Out of Compliance as of 11/9/11 Inspection Report	NOV Issued
121	9/11/11	100 ppm CO	Out of Compliance as of 11/9/11 Inspection Report	Settlement Agreement (\$6,300)
122	1/19/12	6-min. 10% opacity.	Out of Compliance as of 7/12/12 Inspection Report	Settlement Agreement (\$300)
2013 ENERGY YEAR (June 1, 2012- May 31, 2013)				
123	9/4/12 – 9/5/12	100 ppm CO	Out of Compliance as of 11/29/12 Inspection Report	Settlement Agreement (\$3,600)
124	9/15/12	100 ppm CO	Out of Compliance as of 11/29/12 Inspection Report	NOV Issued
125	12/11/12	100 ppm CO	Out of Compliance as of 2/1/13 Inspection Report	NOV Issued
126	2/6/13 – 2/7/13	6-min. 10% opacity.	Out of Compliance as of 5/20/13 Inspection Report	Settlement Agreement (\$5,900)
127	2/8/13	100 ppm CO	Out of Compliance as of 5/20/13 Inspection Report	NOV Issued
128	2/14/13 - 2/15/13	100 ppm CO	Out of Compliance as of 5/20/13 Inspection Report	NOV Issued
129	3/8/13	6-min. 10% opacity.	Out of Compliance as of 5/20/13 Inspection Report	Settlement Agreement (\$5,900)
130	3/9/13	6-min. 10% opacity.	Out of Compliance as of 5/20/13 Inspection Report	Settlement Agreement (\$5,900)
131	4/23/13	100 ppm CO	Out of Compliance as of 9/3/13 Inspection Report	NOV Issued
132	5/19/13	6-min. 10% opacity.	Out of Compliance as of 9/3/13 Inspection Report	Settlement Agreement (\$300)
2014 ENERGY YEAR (June 1, 2013- May 31, 2014)				
133	7/23/13	Failed to meet min. carbon mass feed rate of 7.5 bin counts per 24-hr. calendar day.	Out of Compliance as of 2/19/14 Inspection Report	Settlement Agreement (\$1,550)
134	8/1/13	100 ppm CO	Out of Compliance as of 11/20/13 Inspection Report	NOV Issued
135	8/3/13	100 ppm CO	Out of Compliance as of 11/20/13 Inspection Report	NOV Issued
136	10/1/13	100 ppm CO	Out of Compliance as of 2/18/14 Inspection Report	NOV Issued

137	10/1/13	100 ppm NOx	Out of Compliance as of 2/18/14 Inspection Report	NOV Issued
138	10/1/13	100 ppm SO2	Out of Compliance as of 2/18/14 Inspection Report	NOV Issued
139	10/20/13	6-min. 10% opacity.	Out of Compliance as of 2/18/14 Inspection Report	Settlement Agreement (\$1,550)
140	11/7/13	Failed to record the sulfur content of the diesel purchased in the past year.	--	NOV Issued
141	1/6/14	100 ppm CO	Out of Compliance as of 5/5/14 Inspection Report	Settlement Agreement (\$16,200)
142	1/7/14	100 ppm CO	Out of Compliance as of 5/2/14 Inspection Report	NOV Issued
143	1/7/14	100 ppm CO	Out of Compliance as of 5/5/14 Inspection Report	NOV Issued
144	1/7/14	100 ppm CO	Out of Compliance as of 5/5/14 Inspection Report	NOV Issued
145	1/13/14	100 ppm CO	Out of Compliance as of 5/2/14 Inspection Report	Settlement Agreement (\$16,200)
146	1/13/14	100 ppm CO	Out of Compliance as of 5/5/14 Inspection Report	Settlement Agreement (\$16,200)
147	1/13/14	100 ppm CO	Out of Compliance as of 5/5/14 Inspection Report	Settlement Agreement (\$16,200)
2015 ENERGY YEAR (June 1, 2014- May 31, 2015)				
148	6/22/14	100 ppm CO	Out of Compliance as of 7/29/14 Inspection Report	NOV Issued
149	6/22/14	100 ppm CO	Out of Compliance as of 7/29/14 Inspection Report	NOV Issued
150	6/22/14	100 ppm CO	Out of Compliance as of 7/29/14 Inspection Report	NOV Issued
151	7/6/14 - 7/7/14	100 ppm CO	Out of Compliance as of 9/30/14 Inspection Report	NOV Issued
152	9/8/14	100 ppm CO	Out of Compliance as of 11/10/14 Inspection Report	NOV Issued
153	9/8/14	100 ppm CO	Out of Compliance as of 9/30/14 Inspection Report	NOV Issued

154	9/8/14	100 ppm CO	Out of Compliance as of 11/10/14 Inspection Report	NOV Issued
155	12/9/14	100 ppm CO	Out of Compliance as of 2/11/15 Inspection Report	NOV Issued
156	12/9/14	100 ppm CO	Out of Compliance as of 2/11/15 Inspection Report	NOV Issued
157	12/9/14	100 ppm CO	Out of Compliance as of 2/11/15 Inspection Report	NOV Issued
2016 ENERGY YEAR (June 1, 2015- May 31, 2016)				
158	8/21/15	100 ppm CO	Out of Compliance as of 11/6/15 Inspection Report	NOV Issued
2017 ENERGY YEAR (June 1, 2016 – May 31, 2017)				
159	7/12/16	6-min. 10% opacity	Out of Compliance as of 11/7/16 Inspection Report	Settlement Agreement (\$15,300)
160	7/25/16	100 ppm CO	Out of Compliance as of 11/9/16 Inspection Report	Settlement Agreement (\$15,300)
161	7/25/16	100 ppm CO	Out of Compliance as of 11/9/16 Inspection Report	Settlement Agreement (\$15,300)
162	10/9/2016	50 ppm SO2, 3-hr. block	Out of Compliance as of 1/25/17 Inspection Report	Settlement Agreement (\$600)
163	2/13/17	100 ppm CO	Out of Compliance as of 5/26/17 Inspection Report	NOV Issued
164	2/13/17	100 ppm CO	Out of Compliance as of 5/26/17 Inspection Report	NOV Issued
165	5/28/17 – 5/29/17	100 ppm CO	Out of Compliance as of 9/7/17 Inspection Report	Settlement Agreement (\$3,600)
2018 ENERGY YEAR (June 1, 2017 – May 31, 2018)				
166	9/8/17	100 ppm CO	Out of Compliance as of 10/30/17 Inspection Report	NOV Issued
167	9/24/17	100 ppm CO	Out of Compliance as of 11/2/17 Inspection Report	Settlement Agreement (\$1,800)
168	10/2/17	100 ppm CO	Out of Compliance as of 1/19/18 Inspection Report	Settlement Agreement (\$1,800)
2019 ENERGY YEAR (June 1, 2018 – May 31, 2019)				

169	8/27/18	100 ppm CO, 4-hr. average	Out of Compliance as of 9/30/18 Inspection Report	Settlement Agreement (\$1,800)
170	10/12/18	100 ppm CO, 4-hr average	Out of Compliance as of 12/31/18 Inspection Report	NOV Issued
171	10/12/18	100 ppm CO, 4-hr average	Out of Compliance as of 12/31/18 Inspection Report	NOV Issued
172	10/12/18	100 ppm CO, 4-hr average	Out of Compliance as of 12/31/18 Inspection Report	NOV Issued
173	10/12/18	100 ppm CO, 4-hr average	Out of Compliance as of 12/31/18 Inspection Report	NOV Issued
174	3/9/19	100 ppm CO	Out of Compliance as of 5/21/19 Inspection Report	NOV Issued
175	3/17/19	100 ppm CO	Out of Compliance as of 5/21/19 Inspection Report	NOV Issued
176	3/20/19	100 ppm CO	Out of Compliance as of 5/21/19 Inspection Report	NOV Issued
177	3/20/19 – 3/21/19	100 ppm CO	Out of Compliance as of 5/21/19 Inspection Report	NOV Issued
178	3/20/19	100 ppm CO	Out of Compliance as of 5/21/19 Inspection Report	NOV Issued
179	5/26/19	100 ppm CO	Out of Compliance as of 5/27/19 Inspection Report	Settlement Agreement (\$13,200)
180	5/27/19	100 ppm CO	Out of Compliance as of 5/27/19 Inspection Report	Settlement Agreement (\$13,200)
2020 ENERGY YEAR (June 1, 2019 – May 31, 2020)				
181	6/24/19	100 ppm CO	Out of Compliance as of 6/24/19 Inspection Report	Settlement Agreement (\$13,200)
182	12/3/19 – 12/4/19	100 ppm CO	Out of Compliance as of 1/27/20 Inspection Report	NOV Issued

WHEELABRATOR GLOUCESTER NONCOMPLIANCE				
	Date	Permit Emission Limit	Compliance Status in Inspection Report	Enforcement Action
2005 ENERGY YEAR (June 1, 2004- May 31, 2005)				
1	2/22/05	Exceedance of particulate standards	--	AONOCAPA (\$2,000)
2	2/24/05	Exceedance of mercury standards	--	AONOCAPA
3	5/11/05*	Failure to operate at a removal efficiency (RE) of 80%.	--	AONOCAPA
2006 ENERGY YEAR (June 1, 2005- May 31, 2006)				
4	04/24/06	50 ppm SO2	Out of Compliance as of 6/30/06 Inspection Report	AONOCAPA (\$4,800)
2007 ENERGY YEAR (June 1, 2006- May 31, 2007)				
5	6/30/06*	Failure to operate at RE of 80%	Out of Compliance as of 6/30/06 Inspection Report	AONOCAPA (\$4,800)
6	6/30/06*	Failure to operate at RE of 80%	Out of Compliance as of 6/30/06 Inspection Report	AONOCAPA (\$4,800)
7	4/24/07	Failed to submit the stack test report within 45 days.	--	NOV Issued
2010 ENERGY YEAR (June 1, 2009- May 31, 2010)				
8	10/24/09	100 ppm CO	Out of Compliance as of 3/10/10 Inspection Report	Settlement Agreement (\$1,200)
2012 ENERGY YEAR (June 1, 2011- May 31, 2012)				
9	9/15/11	6-min. 10% opacity	Out of Compliance as of 7/1/11 Inspection Report	NOV Issued
10	3/19/12 – 3/23/12	Failed to meet the federal mercury standards of 50 ug/dcm	--	ACO (\$2,500)
11	3/19/12 – 3/23/12	Failed to meet NJ standard for mercury emissions of 28 ug/dcm and failed to meet 95% RE.	--	ACO (\$2,500)
2015 ENERGY YEAR (June 1, 2014- May 31, 2015)				
12	3/9/15	Exceeded 100 ppm allowable concentration	Out of Compliance as of 6/18/15 Inspection Report	Settlement Agreement (\$4,500)
13	3/25/15	PM-10 exceedance	--	Settlement Agreement (\$6,000)
14	3/26/15	PM-10 exceedance	--	Settlement Agreement (\$6,000)
15	2015 Q2	Failed to maintain 90% data availability for SO2 CEM.	Out of Compliance as of 8/28/15 Inspection Report	Settlement Agreement (\$12,900)
16	2015 Q2	Failed to maintain 90% data availability for SO2 CEM	Out of Compliance as of 8/28/15 Inspection Report	Settlement Agreement (\$12,900)

17	5/30/15	Exceeded 100 ppm concentration.	Out of Compliance as of 8/28/15 Inspection Report	Settlement Agreement (\$12,900)
2016 ENERGY YEAR (June 1, 2015- May 31, 2016)				
18	2015 Q3	Failed to electronically submit the required deviation reports	Out of Compliance as of 12/31/15 Inspection Report	Settlement Agreement (\$2,700)
19	6/3/15	Exceeded 100 ppm concentration.	Out of Compliance as of 8/28/15 Inspection Report	Settlement Agreement (\$12,900)
20	8/9/15	100 ppm CO	Out of Compliance as of 9/30/15 Inspection Report	Settlement Agreement (\$12,900)
21	8/9/15	Failed to report a CO emission in Q3 excess emission monitoring and performance report.	Out of Compliance as of 9/30/15 Inspection Report.	Settlement Agreement (\$12,900)
22	2/11/16	100 ppm CO	--	Settlement Agreement (\$2,700)
23	2/12/16	100 ppm CO	--	Settlement Agreement (\$2,700)
24	3/17/16 - 3/24/16	PM-10 emissions exceeded the standards (Ref. #2)	--	AONOCAPA (\$2,000)
25	3/20/16	100 ppm CO	Out of Compliance as of 3/31/16 Inspection Report.	Settlement Agreement (\$2,700)
26	4/13/16	100 ppm CO	Out of Compliance as of 6/30/16 Inspection Report.	Settlement Agreement (\$1,800)
27	4/29/16	100 ppm CO	Out of Compliance as of 6/30/16 Inspection Report	Settlement Agreement (\$1,800)
2018 ENERGY YEAR (June 1, 2017 – May 31, 2018)				
28	11/6/17	Failed to submit Q3 2017 EEMPR for SO2	Out of Compliance as of 9/30/17 Inspection Report	NOV Issued
29	11/6/17	Failed to submit Q3 2017 EEMPR for SO2	Out of Compliance as of 9/30/17 Inspection Report	NOV Issued
30	11/6/17	Failed to submit Q3 2017 EEMPR for O2	Out of Compliance as of 9/30/17 Inspection Report	NOV Issued
31	11/6/17	Failed to submit Q3 2017 EEMPR for Opacity on time	Out of Compliance as of 9/30/17 Inspection Report	NOV Issued
32	11/6/17	Failed to submit Q3 2017 EEMPR for O2	Out of Compliance as of 9/30/17 Inspection Report	NOV Issued
33	11/6/17	Failed to submit Q3 2017 EEMPR for NOx on time	Out of Compliance as of 9/30/17 Inspection Report	NOV Issued
34	11/6/17	Failed to submit Q3 2017 EEMPR for CO	Out of Compliance as of 9/30/17 Inspection Report	NOV Issued

35	11/6/17	Failed to submit Q3 2017 EEMPR for CO	Out of Compliance as of 9/30/17 Inspection Report	NOV Issued
36	5/16/18	6-min. 10% opacity	Out of Compliance as of 6/30/18 Inspection Report	Settlement Agreement (\$150)
2019 ENERGY YEAR (June 1, 2018 – May 31, 2019)				
37	9/10/18	100 ppm CO	Out of Compliance as of 9/30/18 Inspection Report	Settlement Agreement (\$900)
2020 ENERGY YEAR (June 1, 2019 – May 31, 2020)				
38	7/2/19	Failed to submit annual air emission statement	Out of Compliance as of 7/15/19 Inspection Report	Settlement Agreement (\$1,600)

Attachment 4

Covanta Essex County Resource Recovery Facility
EPA EJ SCREEN Report
1 Mile Radius

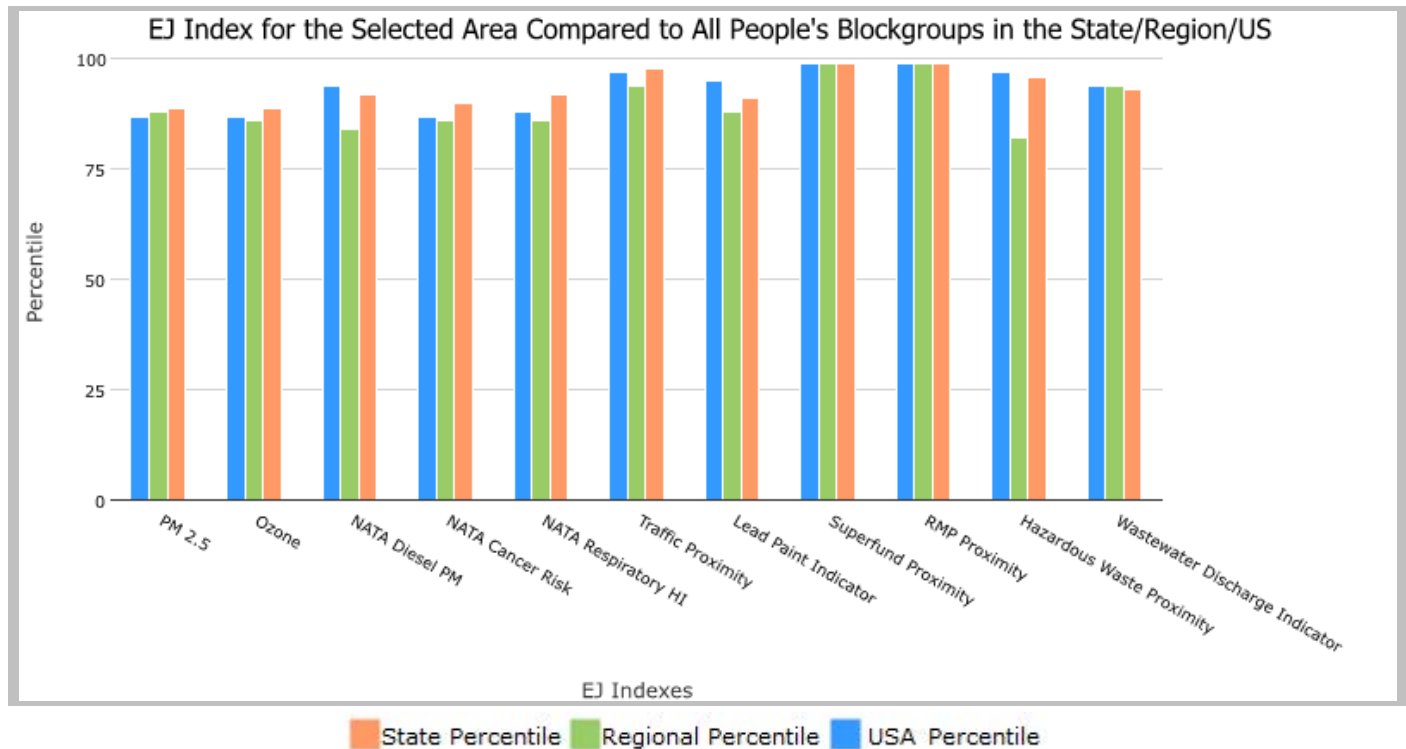
1 miles Ring Centered at 40.734684,-74.126996, NEW JERSEY, EPA Region 2

Approximate Population: 4,747

Input Area (sq. miles): 3.14

Essex (The study area contains 1 blockgroup(s) with zero population.)

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	89	88	87
EJ Index for Ozone	89	86	87
EJ Index for NATA* Diesel PM	92	84	94
EJ Index for NATA* Air Toxics Cancer Risk	90	86	87
EJ Index for NATA* Respiratory Hazard Index	92	86	88
EJ Index for Traffic Proximity and Volume	98	94	97
EJ Index for Lead Paint Indicator	91	88	95
EJ Index for Superfund Proximity	99	99	99
EJ Index for RMP Proximity	99	99	99
EJ Index for Hazardous Waste Proximity	96	82	97
EJ Index for Wastewater Discharge Indicator	93	94	94



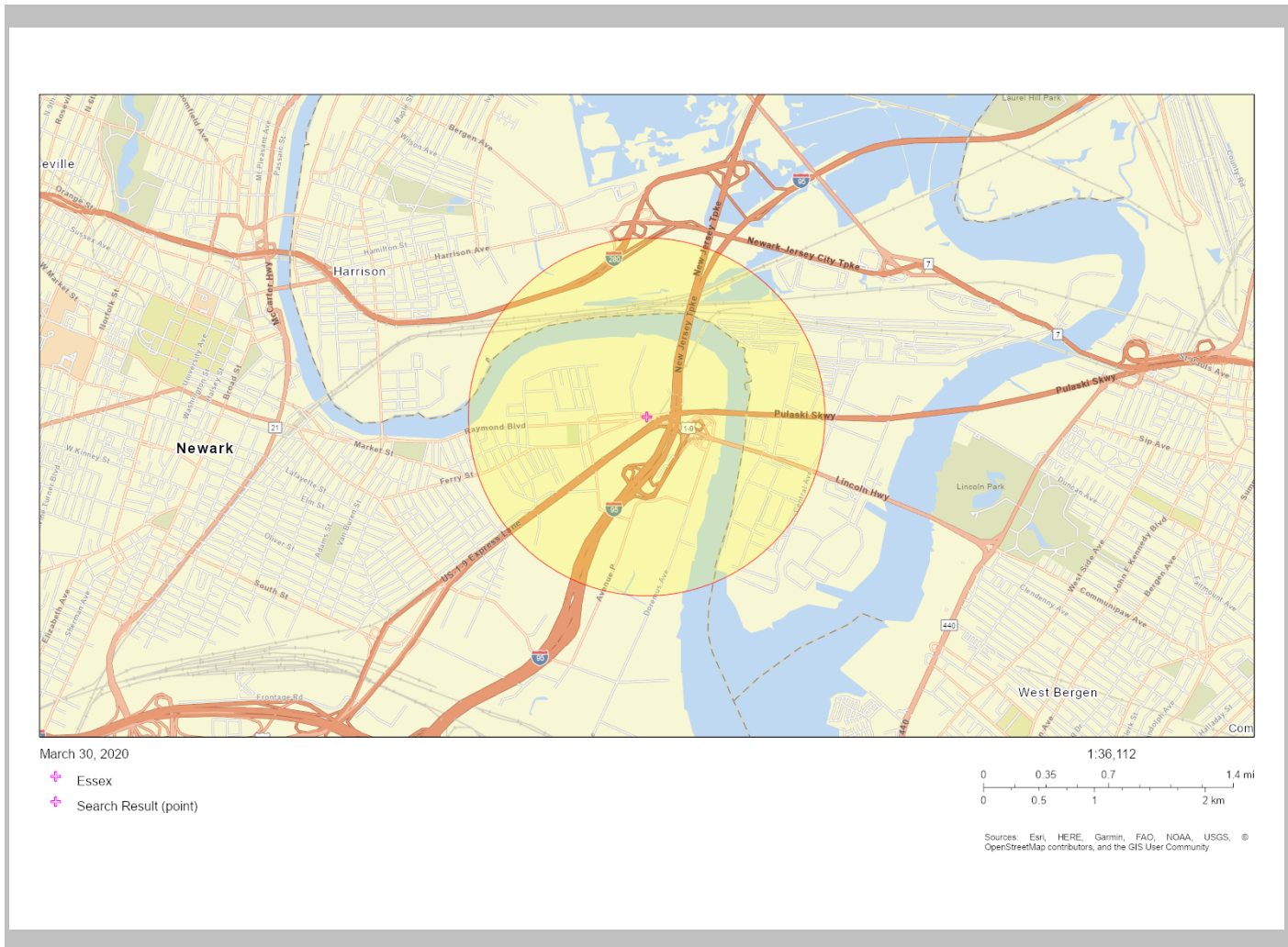
This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

1 miles Ring Centered at 40.734684,-74.126996, NEW JERSEY, EPA Region 2

Approximate Population: 4,747

Input Area (sq. miles): 3.14

Essex (The study area contains 1 blockgroup(s) with zero population.)



Sites reporting to EPA	
Superfund NPL	3
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	7

EJSCREEN Report (Version 2019)



1 miles Ring Centered at 40.734684,-74.126996, NEW JERSEY, EPA Region 2

Approximate Population: 4,747

Input Area (sq. miles): 3.14

Essex (The study area contains 1 blockgroup(s) with zero population.)

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	8.95	8.48	85	7.88	95	8.3	70
Ozone (ppb)	44.1	45.5	9	44.4	27	43	53
NATA* Diesel PM ($\mu\text{g}/\text{m}^3$)	1.15	0.696	89	0.941	60-70th	0.479	95-100th
NATA* Cancer Risk (lifetime risk per million)	36	31	89	32	60-70th	32	70-80th
NATA* Respiratory Hazard Index	0.57	0.43	92	0.47	60-70th	0.44	80-90th
Traffic Proximity and Volume (daily traffic count/distance to road)	3300	830	94	1400	88	750	94
Lead Paint Indicator (% Pre-1960 Housing)	0.59	0.41	68	0.51	55	0.28	82
Superfund Proximity (site count/km distance)	3.3	0.44	99	0.29	99	0.13	99
RMP Proximity (facility count/km distance)	11	0.75	99	0.58	99	0.74	99
Hazardous Waste Proximity (facility count/km distance)	17	5.5	94	30	71	4	97
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0.045	0.24	88	0.92	88	14	87
Demographic Indicators							
Demographic Index	70%	34%	89	37%	86	36%	89
Minority Population	75%	44%	77	44%	73	39%	81
Low Income Population	64%	24%	94	29%	91	33%	90
Linguistically Isolated Population	32%	7%	95	8%	93	4%	97
Population With Less Than High School Education	36%	11%	95	13%	93	13%	93
Population Under 5 years of age	12%	6%	93	6%	93	6%	93
Population over 64 years of age	8%	15%	17	15%	17	15%	20

* The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <https://www.epa.gov/national-air-toxics-assessment>.

For additional information, see: www.epa.gov/environmentaljustice

EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.

Covanta Camden Resource Recovery Facility
EPA EJ SCREEN Report
1 Mile Radius

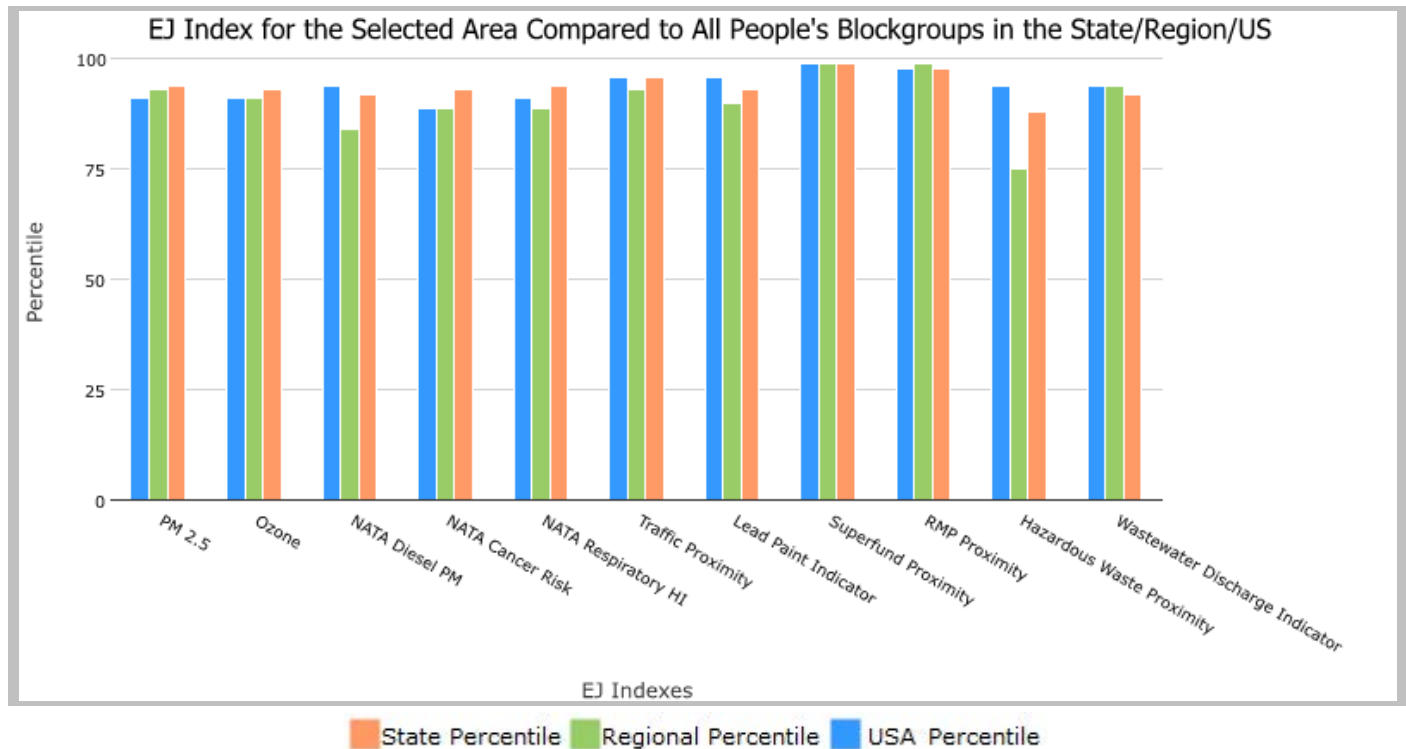
1 miles Ring Centered at 39.912583,-75.117595, NEW JERSEY, EPA Region 2

Approximate Population: 15,191

Input Area (sq. miles): 3.14

Camden (The study area contains 1 blockgroup(s) with zero population.)

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	94	93	91
EJ Index for Ozone	93	91	91
EJ Index for NATA* Diesel PM	92	84	94
EJ Index for NATA* Air Toxics Cancer Risk	93	89	89
EJ Index for NATA* Respiratory Hazard Index	94	89	91
EJ Index for Traffic Proximity and Volume	96	93	96
EJ Index for Lead Paint Indicator	93	90	96
EJ Index for Superfund Proximity	99	99	99
EJ Index for RMP Proximity	98	99	98
EJ Index for Hazardous Waste Proximity	88	75	94
EJ Index for Wastewater Discharge Indicator	92	94	94



This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

1 miles Ring Centered at 39.912583,-75.117595, NEW JERSEY, EPA Region 2

Approximate Population: 15,191

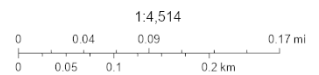
Input Area (sq. miles): 3.14

Camden (The study area contains 1 blockgroup(s) with zero population.)



March 30, 2020

✚ Camden



Source: Erii, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Sites reporting to EPA	
Superfund NPL	2
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	2

EJSCREEN Report (Version 2019)

1 miles Ring Centered at 39.912583,-75.117595, NEW JERSEY, EPA Region 2

Approximate Population: 15,191

Input Area (sq. miles): 3.14

Camden (The study area contains 1 blockgroup(s) with zero population.)

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	9.74	8.48	99	7.88	99	8.3	85
Ozone (ppb)	46.8	45.5	83	44.4	91	43	79
NATA* Diesel PM ($\mu\text{g}/\text{m}^3$)	0.98	0.696	83	0.941	60-70th	0.479	90-95th
NATA* Cancer Risk (lifetime risk per million)	35	31	79	32	60-70th	32	60-70th
NATA* Respiratory Hazard Index	0.56	0.43	90	0.47	60-70th	0.44	80-90th
Traffic Proximity and Volume (daily traffic count/distance to road)	2400	830	91	1400	83	750	92
Lead Paint Indicator (% Pre-1960 Housing)	0.65	0.41	74	0.51	61	0.28	85
Superfund Proximity (site count/km distance)	1.8	0.44	96	0.29	98	0.13	99
RMP Proximity (facility count/km distance)	3.4	0.75	95	0.58	98	0.74	96
Hazardous Waste Proximity (facility count/km distance)	4.5	5.5	76	30	59	4	89
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0.028	0.24	84	0.92	86	14	85
Demographic Indicators							
Demographic Index	78%	34%	95	37%	93	36%	94
Minority Population	87%	44%	85	44%	80	39%	88
Low Income Population	70%	24%	96	29%	94	33%	93
Linguistically Isolated Population	7%	7%	67	8%	64	4%	77
Population With Less Than High School Education	28%	11%	90	13%	86	13%	88
Population Under 5 years of age	12%	6%	93	6%	92	6%	92
Population over 64 years of age	7%	15%	16	15%	15	15%	18

* The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <https://www.epa.gov/national-air-toxics-assessment>.

For additional information, see: www.epa.gov/environmentaljustice

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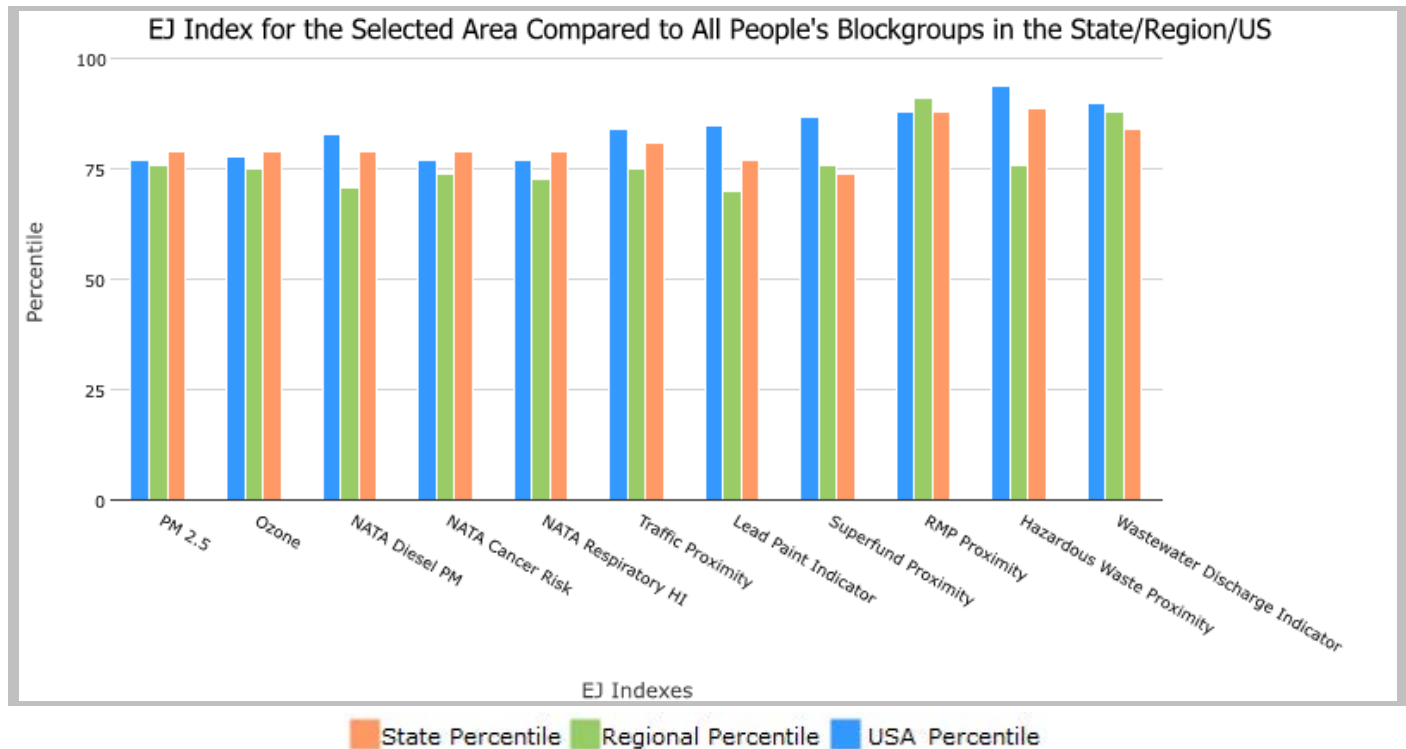
Covanta Union County Resource Recovery
EPA EJ SCREEN Report
1 Mile Radius

1 miles Ring Centered at 40.605077,-74.262950, NEW JERSEY, EPA Region 2

Approximate Population: 13,728

Input Area (sq. miles): 3.14

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	79	76	77
EJ Index for Ozone	79	75	78
EJ Index for NATA* Diesel PM	79	71	83
EJ Index for NATA* Air Toxics Cancer Risk	79	74	77
EJ Index for NATA* Respiratory Hazard Index	79	73	77
EJ Index for Traffic Proximity and Volume	81	75	84
EJ Index for Lead Paint Indicator	77	70	85
EJ Index for Superfund Proximity	74	76	87
EJ Index for RMP Proximity	88	91	88
EJ Index for Hazardous Waste Proximity	89	76	94
EJ Index for Wastewater Discharge Indicator	84	88	90



This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

1 miles Ring Centered at 40.605077,-74.262950, NEW JERSEY, EPA Region 2

Approximate Population: 13,728

Input Area (sq. miles): 3.14



March 30, 2020

✚ Project 3



Source: Eeri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Sites reporting to EPA	
Superfund NPL	0
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	7

EJSCREEN Report (Version 2019)



1 miles Ring Centered at 40.605077,-74.262950, NEW JERSEY, EPA Region 2

Approximate Population: 13,728

Input Area (sq. miles): 3.14

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	8.87	8.48	77	7.88	92	8.3	67
Ozone (ppb)	45.8	45.5	56	44.4	71	43	71
NATA* Diesel PM ($\mu\text{g}/\text{m}^3$)	0.792	0.696	70	0.941	50-60th	0.479	80-90th
NATA* Cancer Risk (lifetime risk per million)	34	31	76	32	60-70th	32	60-70th
NATA* Respiratory Hazard Index	0.48	0.43	73	0.47	60-70th	0.44	60-70th
Traffic Proximity and Volume (daily traffic count/distance to road)	750	830	71	1400	60	750	76
Lead Paint Indicator (% Pre-1960 Housing)	0.44	0.41	51	0.51	39	0.28	72
Superfund Proximity (site count/km distance)	0.2	0.44	49	0.29	64	0.13	86
RMP Proximity (facility count/km distance)	1.8	0.75	87	0.58	92	0.74	88
Hazardous Waste Proximity (facility count/km distance)	11	5.5	91	30	69	4	96
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0.012	0.24	75	0.92	79	14	80
Demographic Indicators							
Demographic Index	55%	34%	79	37%	73	36%	78
Minority Population	78%	44%	79	44%	75	39%	83
Low Income Population	33%	24%	72	29%	63	33%	55
Linguistically Isolated Population	9%	7%	73	8%	70	4%	82
Population With Less Than High School Education	10%	11%	60	13%	51	13%	51
Population Under 5 years of age	7%	6%	69	6%	68	6%	64
Population over 64 years of age	11%	15%	35	15%	34	15%	37

* The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <https://www.epa.gov/national-air-toxics-assessment>.

For additional information, see: www.epa.gov/environmentaljustice

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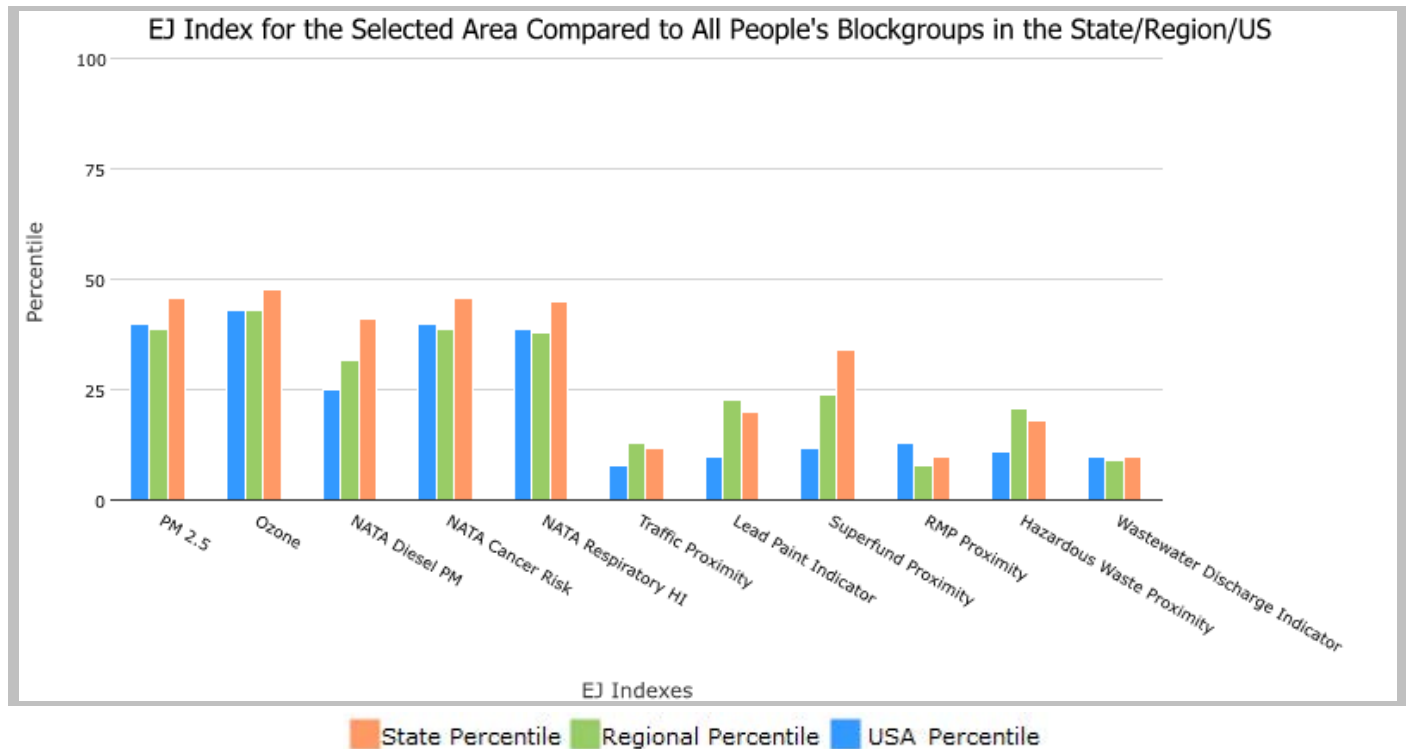
Wheelabrator Gloucester LP
EPA EJ SCREEN Report
1 Mile Radius

1 miles Ring Centered at 39.869049,-75.134016, NEW JERSEY, EPA Region 2

Approximate Population: 6,883

Input Area (sq. miles): 3.14

Selected Variables	State Percentile	EPA Region Percentile	USA Percentile
EJ Indexes			
EJ Index for PM2.5	46	39	40
EJ Index for Ozone	48	43	43
EJ Index for NATA* Diesel PM	41	32	25
EJ Index for NATA* Air Toxics Cancer Risk	46	39	40
EJ Index for NATA* Respiratory Hazard Index	45	38	39
EJ Index for Traffic Proximity and Volume	12	13	8
EJ Index for Lead Paint Indicator	20	23	10
EJ Index for Superfund Proximity	34	24	12
EJ Index for RMP Proximity	10	8	13
EJ Index for Hazardous Waste Proximity	18	21	11
EJ Index for Wastewater Discharge Indicator	10	9	10

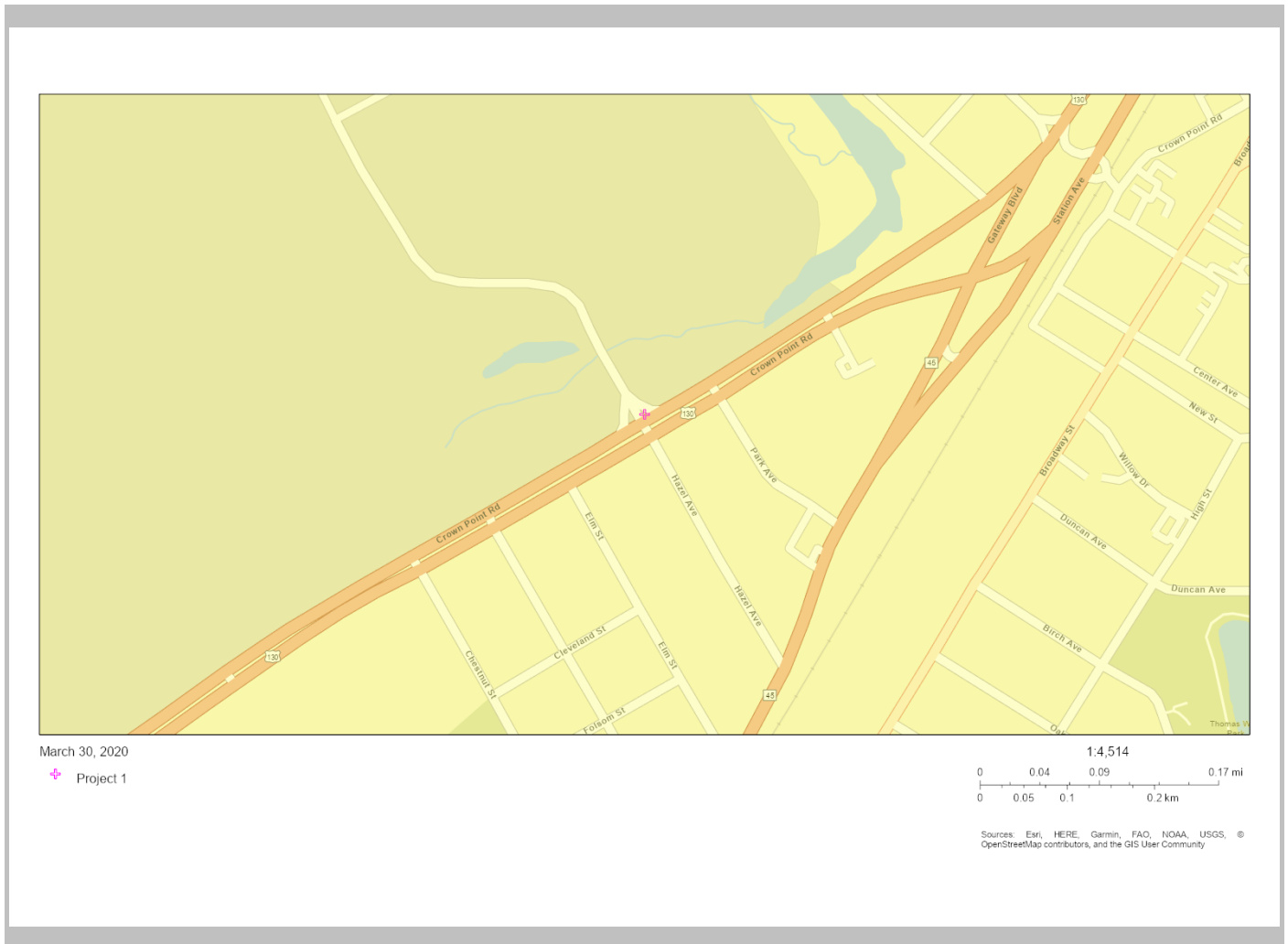


This report shows the values for environmental and demographic indicators and EJSCREEN indexes. It shows environmental and demographic raw data (e.g., the estimated concentration of ozone in the air), and also shows what percentile each raw data value represents. These percentiles provide perspective on how the selected block group or buffer area compares to the entire state, EPA region, or nation. For example, if a given location is at the 95th percentile nationwide, this means that only 5 percent of the US population has a higher block group value than the average person in the location being analyzed. The years for which the data are available, and the methods used, vary across these indicators. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports.

1 miles Ring Centered at 39.869049,-75.134016, NEW JERSEY, EPA Region 2

Approximate Population: 6,883

Input Area (sq. miles): 3.14



Sites reporting to EPA	
Superfund NPL	0
Hazardous Waste Treatment, Storage, and Disposal Facilities (TSDF)	1

EJSCREEN Report (Version 2019)



1 miles Ring Centered at 39.869049,-75.134016, NEW JERSEY, EPA Region 2

Approximate Population: 6,883

Input Area (sq. miles): 3.14

Selected Variables	Value	State Avg.	%ile in State	EPA Region Avg.	%ile in EPA Region	USA Avg.	%ile in USA
Environmental Indicators							
Particulate Matter (PM 2.5 in $\mu\text{g}/\text{m}^3$)	9.62	8.48	97	7.88	99	8.3	83
Ozone (ppb)	46.6	45.5	77	44.4	88	43	77
NATA* Diesel PM ($\mu\text{g}/\text{m}^3$)	0.732	0.696	66	0.941	50-60th	0.479	80-90th
NATA* Cancer Risk (lifetime risk per million)	34	31	74	32	60-70th	32	60-70th
NATA* Respiratory Hazard Index	0.47	0.43	71	0.47	50-60th	0.44	60-70th
Traffic Proximity and Volume (daily traffic count/distance to road)	1300	830	83	1400	73	750	85
Lead Paint Indicator (% Pre-1960 Housing)	0.76	0.41	86	0.51	75	0.28	91
Superfund Proximity (site count/km distance)	0.29	0.44	62	0.29	76	0.13	91
RMP Proximity (facility count/km distance)	1.1	0.75	78	0.58	85	0.74	79
Hazardous Waste Proximity (facility count/km distance)	2.5	5.5	62	30	50	4	81
Wastewater Discharge Indicator (toxicity-weighted concentration/m distance)	0.018	0.24	79	0.92	83	14	82
Demographic Indicators							
Demographic Index	23%	34%	43	37%	41	36%	38
Minority Population	22%	44%	32	44%	36	39%	40
Low Income Population	25%	24%	62	29%	51	33%	42
Linguistically Isolated Population	2%	7%	39	8%	42	4%	56
Population With Less Than High School Education	9%	11%	58	13%	49	13%	50
Population Under 5 years of age	4%	6%	29	6%	30	6%	25
Population over 64 years of age	12%	15%	40	15%	38	15%	41

* The National-Scale Air Toxics Assessment (NATA) is EPA's ongoing, comprehensive evaluation of air toxics in the United States. EPA developed the NATA to prioritize air toxics, emission sources, and locations of interest for further study. It is important to remember that NATA provides broad estimates of health risks over geographic areas of the country, not definitive risks to specific individuals or locations. More information on the NATA analysis can be found at: <https://www.epa.gov/national-air-toxics-assessment>.

For additional information, see: www.epa.gov/environmentaljustice

EJSCREEN is a screening tool for pre-decisional use only. It can help identify areas that may warrant additional consideration, analysis, or outreach. It does not provide a basis for decision-making, but it may help identify potential areas of EJ concern. Users should keep in mind that screening tools are subject to substantial uncertainty in their demographic and environmental data, particularly when looking at small geographic areas. Important caveats and uncertainties apply to this screening-level information, so it is essential to understand the limitations on appropriate interpretations and applications of these indicators. Please see EJSCREEN documentation for discussion of these issues before using reports. This screening tool does not provide data on every environmental impact and demographic factor that may be relevant to a particular location. EJSCREEN outputs should be supplemented with additional information and local knowledge before taking any action to address potential EJ concerns.

Attachment 5



Agenda Date: 6/18/14

Agenda Item: 8B

STATE OF NEW JERSEY
Board of Public Utilities
44 South Clinton Avenue, 9th Floor
Post Office Box 350
Trenton, New Jersey 08625-0350
www.nj.gov/bpu/

CLEAN ENERGY

IN THE MATTER OF THE PETITION OF COVANTA) ORDER
FAIRFAX, INC. AND VIRGINIA ELECTRIC POWER)
COMPANY - FOR PARTIAL WAIVER OF N.J.A.C. 14:8-) DOCKET NO. QO131009098
2.6(C)-(G)

Parties of Record:

James L. Neal, on behalf of Virginia Electric Power Company
Nancy Tammi, Esq., on behalf of Covanta Energy Corporation

BY THE BOARD:

By this Order, the New Jersey Board of Public Utilities ("Board") considers a petition filed jointly by Covanta Fairfax, Inc. ("Covanta") and Virginia Electric and Power Company ("Virginia Electric") for a "retroactive waiver" of N.J.A.C. 14:8-2.6.

BACKGROUND

Covanta which owns and operates the Covanta Fairfax Resource Recovery Facility ("Covanta Facility") is a wholly-owned subsidiary of Covanta Holding Corporation ("CHC"), a public company with its principal offices at 445 South Street, Morristown, New Jersey. Virginia Electric is a public service corporation in the Commonwealth of Virginia (together with Covanta, "Petitioners"). Petitioners state that the Covanta Facility sells its entire generation output to Virginia Electric pursuant to a long-term power purchase agreement. The Covanta Facility is located outside of New Jersey and, accordingly, the creation of Class II RECs on the basis of its generation is subject to specific rules and requirements set forth in N.J.S.A. 48:3-51 and N.J.A.C. 14:8-2.6 (c)-(g). To qualify for Class II Renewable Energy Certificates ("RECs") under the rule, a resource recovery facility located outside of New Jersey must satisfy two criteria: it must be located in a state with retail competition as defined in N.J.A.C. 14:4-1.2, and it must have received an environmental compliance determination from the New Jersey Department of Environmental Protection ("NJDEP") that the facility meets or exceeds all New Jersey Clean Energy Program ("NJCEP") requirements that would apply if the facility were located in New Jersey, or meets equivalent environmental requirements. N.J.A.C. 14:8-2.6(c).

Petitioners allege and Staff does not dispute that in 2005, the Board included the REC certification number for the Covanta Facility, NJ-10009-MSW-11-AC, in a list of eligible Class II generators provided to PJM-EIS Generation Attributes Tracking System ("GATS") as the

administrator of the Class I and Class II REC market.¹

According to the petition, in 2013, “based on reliance on the GATS REC certification number provided by the Board to the GATS [sic] in 2005,” Virginia Electric sold a number of EY² 2013 RECs to various third parties. Petition at 3. Following Virginia Electric’s sale of Class II RECs under the above-referenced REC certification number, Petitioners state that Virginia Electric was informed by supplier/providers that Covanta would be required to submit an annual Class II generator affidavit for EY 2013, pursuant to N.J.A.C. 14:8-2.6(g). Petitioners further state that Virginia Electric discussed this matter with Board and GATS staff, but that neither Covanta nor Virginia Electric was able to produce a copy of the NJDEP determination that was needed to provide the basis of the annual certification. Petition at 4. On further investigation, there proved to be no record that Covanta or any other party had ever requested an environmental compliance determination for this facility, as required by N.J.A.C. 14:8-2.6(c) and (d). In the absence of such a determination, Covanta represents that it was unable to sign the annual affidavit required by N.J.A.C. 14:8-2.6(g)(iii) and, consequently, any Class II RECs based on its EY 2013 energy production were not eligible to satisfy the New Jersey Renewable Portfolio Standard. Petitioners state that Virginia Electric proceeded to cancel some, but not all, of the outstanding EY 2013 Class II REC purchase and sale agreements that it had entered into with third parties.³

On October 1, 2013, Petitioners filed a petition with the Board for a “retroactive” waiver of N.J.A.C. 14:8-2.6(c)-(g) as these rules apply to RECs issued by GATS to the Covanta Facility, and an extension of time for the Covanta Facility to comply with the relevant rules. According to the petition, Covanta submitted a copy of its request for an environmental compliance determination on the same date to the Board’s Office of Clean Energy (“OCE”) and the NJDEP’s Office of Innovative Technology.

Petitioners maintain that N.J.A.C. 14:1-1.2 supports waiver of the rule.

STAFF RECOMMENDATION

As noted above, the determination as to whether an out-of-state resource recovery facility qualifies as a Class II renewable energy generator eligible to produce Class II RECs that may be used to satisfy New Jersey’s Renewable Portfolio Standard (“RPS”) is governed by N.J.A.C. 14:8-2.6 (c)-(g). These rules provide, in pertinent part, that:

(c) Electricity generated by a resource recovery facility located outside of New Jersey shall qualify as class II renewable energy if both the following criteria are met:

1. The facility is located in a state with retail competition, as defined at N.J.A.C. 14:4-1.2; and

¹ In the Matter of the Authorization to use Class I and Class II Renewable Energy Certificates Issued by PJM-Environmental Information Services, Inc., for Compliance with New Jersey’s Renewable Portfolio Standards, Non-Docketed (July 6, 2005).

² “EY” or Energy Year is defined in N.J.S.A. 48:3-51 as the 12-month period from June 1 to May 31, numbered according to the calendar year in which it ends.

³ Upon learning that Covanta was unable to sign the requisite affidavit, Board Staff reached out to those supplier/providers that had purchased Class II RECs from Virginia Electric and advised them that these RECs would not be accepted for compliance with New Jersey’s RPS.

2. NJDEP makes an environmental compliance determination, stating that the facility meets or exceeds all NJDEP requirements that would apply to the facility if it were located in New Jersey, or meets equivalent environmental requirements.

The facility operator must request and obtain this environmental compliance determination prior to generation of the energy. N.J.A.C. 14:8-2.6(d), (f). In addition, the facility operator must provide an annual affidavit certifying that: 1) the facility "has not violated its Federal or State environmental permits in the previous year"; and 2) "it continues to operate in conformity with the request and documentation originally provided to DEP." N.J.A.C. 14:8-2.6(g)(iii).⁴

Petitioners did, as asserted in the petition, submit a request for an Environmental Compliance Determination to the Office of Clean Energy and the NJDEP on October 1, 2013. The OCE has since received a memo from the NJDEP stating that the Covanta Facility does not meet the environmental standards required for an out-of-state resource recovery facility to generate energy eligible to form the basis for a Class II REC that may be used to meet the New Jersey RPS. (Attachment A). More specifically, the NJDEP concluded that the Covanta Facility is not the equivalent of New Jersey municipal solid waste facilities from an air pollution control perspective, and that significant additional data would be needed to determine that it met the standards for solid and hazardous waste management.

Briefly stated, Covanta failed to receive the necessary Environmental Compliance Determination. Staff believes that fact moots Covanta's request for retroactive application as the determination does not support the use of EY2013 Class II RECs to demonstrate compliance with New Jersey's RPS. Staff recommends that the Board deny the petition.

DISCUSSION AND FINDINGS

The Board has reviewed the record in this matter and the recommendation of Staff. While the Board does not disagree with Staff's conclusions and recommendation, the Board will address the claims made by Petitioners more fully. In support of their request for a retroactive waiver of these rules, Petitioners cite N.J.A.C. 14:1-1.2(b)(1). This rule provides that:

[t]he Board shall, in accordance with the general purposes and intent of its rules, waive section(s) of its rules if full compliance with the rule(s) would adversely affect the ratepayers of a utility or other regulated entity [or] the ability of said utility or other regulated entity to continue to render safe, adequate and proper service, or the interests of the general public.

In other words, Petitioners have the burden of demonstrating that requiring full compliance with N.J.A.C. 14:8-2.6(c)-(g) would: 1) thwart the general purpose and intent of the rule; and 2) that such compliance would adversely affect either:

- the ratepayers of a regulated entity;
- the ability of that regulated entity to provide safe, adequate, and proper service; or,
- the interests of the general public

⁴ Staff notes that no one at the Covanta Facility was willing to sign the affidavit even to go so far as attesting that it "has not violated its Federal or State environmental permits in the previous year." N.J.A.C. 14:8-2.6 (d).

As noted by Staff, to be eligible to generate energy on which Class II RECs may be based, facilities located outside of New Jersey must receive from the NJDEP an environmental compliance determination that the facility either meets or exceeds New Jersey environmental requirements or meets equivalent environmental requirements; in addition, this determination must be made prior to the generation of the energy on which Class II RECs are intended to be based. N.J.A.C. 14:8-2.6(c)(2), - (f). The general purpose and intent of these provisions is to ensure that when Class II RECs are based on energy generated out of state, that energy meets New Jersey's criteria for Class II renewable energy.

Petitioners have acknowledged that they became aware of the need to submit an annual affidavit when the providers/suppliers to whom Petitioners had sold Class II RECs informed them of this requirement. Petitioners also admit to lacking not only the environmental compliance determination but any record that a request for such a determination was ever made. (Petition at 4). It appears that Petitioners were not familiar with the applicable New Jersey law prior to entering into the New Jersey Class II REC market.

The rules governing the New Jersey RPS were promulgated, in significant part, to ensure that the energy upon which a REC was based, be it solar, Class I, or Class II, did in fact constitute clean energy as defined at N.J.S.A. 48:3-51 and as implemented through the Board's rules. "Class II renewable energy' means electric energy produced at a resource recovery plant . . . provided . . . that the [NJDEP] has determined that such facility meets the highest environmental standards and minimizes any impacts to the environment and local communities." N.J.S.A. 48:3-51; N.J.A.C. 14:8-2.6 (c). See also N.J.A.C. 14:8-2.1(a): "This subchapter is designed to encourage the development of renewable sources of electricity and new, cleaner generation technology; minimize the environmental impact of air pollutant emissions from electric generation; reduce possible transport of emissions and minimize any adverse environmental impact from deregulation of energy generation[.]"

As noted by Staff, Petitioners did not receive a favorable Environmental Compliance Determination from the DEP and their request for retroactive application of that determination to allow RECs from the Covanta Facility to be used for compliance with the New Jersey RPS is therefore moot. The timely submission of the documentation on which an Environmental Compliance Determination can be based is one important means of ensuring that the promotion of clean energy by the RPS is not compromised.

Petitioners also argue that, since the Board has designated GATS as the entity charged with issuing RECs, all RECs issued by GATS are "pre-authorized" and automatically eligible for use for compliance with New Jersey's RPS. Ibid. The Board does not find this novel argument convincing. Petitioner's interpretation would render superfluous and meaningless not only the Board's rules on the eligibility requirements for Class II RECs but the statutory definition quoted above, which requires a determination from the NJDEP. The annual certification requirement underscores the need for each facility to continue to meet the standards on an ongoing basis.

In consideration of the foregoing, the Board **FINDS** that the Covanta Facility generated energy during Energy Year 2013 and sold that energy to Virginia Electric. The Board **FINDS** that Virginia Electric subsequently sold Class II RECs based upon this energy to supplier/providers required to comply with the New Jersey RPS. The Board **FURTHER FINDS** that neither the Covanta Facility nor Virginia Electric was able to produce the documentation of the environmental compliance determination required for out-of-state resource recovery facilities from the NJDEP for EY 2013. The Board **FINDS** that after Petitioners submitted a request for an environmental compliance determination to the NJDEP in October 2013, the NJDEP denied the request and determined that the Covanta Facility did not meet the NJDEP's standards.

Finally, the Board **FINDS** that the Class II RECs based upon the energy generated at the Covanta Facility during EY 2013 were not eligible for demonstrating compliance with the New Jersey RPS.

Therefore, the Board **HEREBY DENIES** Petitioners' request for a retroactive waiver of the requirements of N.J.A.C. 14:8-2.6 (c)-(g) for RECs based on energy generated by the Covanta Facility during EY 2013.

DATED: 6/18/14

BOARD OF PUBLIC UTILITIES
BY:


DIANNE SOLOMON
PRESIDENT


JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER


MARY-ANNA HOLDEN
COMMISSIONER

ATTEST:

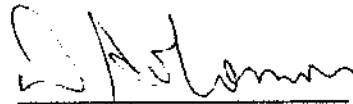
KRISTI IZZO
SECRETARY


Finally, the Board **FINDS** that the Class II RECs based upon the energy generated at the Covanta Facility during EY 2013 were not eligible for demonstrating compliance with the New Jersey RPS.

Therefore, the Board **HEREBY DENIES** Petitioners' request for a retroactive waiver of the requirements of N.J.A.C. 14:8-2.6 (c)-(g) for RECs based on energy generated by the Covanta Facility during EY 2013.

DATED: 6/18/14

BOARD OF PUBLIC UTILITIES
BY:


DIANNE SOLOMON
PRESIDENT



JEANNE M. FOX
COMMISSIONER


JOSEPH L. FIORDALISO
COMMISSIONER


MARY-ANNA HOLDEN
COMMISSIONER

ATTEST:

KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within document is a true copy of the original in the files of the Board of Public Utilities




State of New Jersey

DEPARTMENT of ENVIRONMENTAL PROTECTION

Chris Christie
Governor
Kim Guadagno
Lt. Governor

Sustainability and Green Energy
401 E. State Street, P.O. Box 402, Mail Code 401-07E
Trenton, NJ 08625-0402

Bob Martin
Commissioner

January 6th, 2014

MEMORANDUM

TO: Ronald Jackson, Research Scientist
NJBPU – Office of Clean Energy (OCE)

FROM: Ravi Patraju, Research Scientist
NJDEP - Sustainability and Green Energy (SAGE)

SUBJECT: Covanta Fairfax, Inc.
Request for Class II REC Environmental Compliance Determination

NJDEP's Division of Air Quality (DAQ) and Solid and Hazardous Waste Management Program (SHWMP) conducted the appropriate environmental compliance determination of Covanta's Fairfax, Inc. application for Class II RECs. The results of the environmental reviews are as follows:

Comments from Division of Air Quality (DAQ)

"Air pollution control technology and emission test results for the referenced facility with all five NJ RRF facilities and with USEPA emission guidelines and standards for municipal solid waste combustion units. Based on the test report submitted, nitrogen oxides emissions do not meet the highest environmental standards required of New Jersey facilities, namely New Jersey Reasonably Available Control Technology (RACT) at N.J.A.C. 7:27-19.12, requiring a maximum allowable emission concentration of 150 ppmvd at seven percent oxygen. On the basis of emissions of nitrogen oxides, the Covanta Fairfax municipal solid waste facility is not equivalent to the NJ facilities from an air pollution control perspective."

Comments from Solid and Hazardous Waste Management Program (SHWMP)

"The Bureau of Landfill and Hazardous Waste Permitting (Bureau) has reviewed the "1st 2013 Semi-Annual TCLP Ash Sampling and Test Report" submitted by Covanta for its Fairfax, VA, MSW incineration facility in support of Covanta's application to NJBPU for Class II renewable energy credits (RECs). The data suggest that the ash residue that were sampled and analyzed is not a toxicity characteristic (TC) waste. The sampling occurred over a seven-day period between May 28 and June 11, 2013.

Based on the review, the Bureau needs additional clarification that:

- The ash sampling and monitoring would continue at the facility;
- The ash sampling plan including but not limited to sampling frequency, location, compositing of samples, test parameters, monitoring and reporting requirements, etc.

would meet at a minimum the requirements of the June 1995 Guidance for the Sampling and Analysis of Municipal Waste Combustion Ash for the Toxicity Characteristic (EPA Pub No.: EPA530-R-95-036) and/or the regulatory standards at the NJ solid waste regulations. Note that, in addition to TCLP analysis, periodic tests are required for dioxins and furans during stack tests at the NJ facilities;

- Any disposal of ash residue would occur at a RCRA Subtitle D Landfill (double lined or equivalent); and
- Any beneficial use of the residual ash would meet the New Jersey standards specified at N.J.A.C. 7:26-1.7(g).

Also, unlike New Jersey facilities, which go through an involved permit application and review process prior to being authorized to operate, the Fairfax, VA, facility operates under Permit-by-Rule #545. Therefore, the sampling plan including the frequency of sampling, test parameters, monitoring, and reporting requirements, etc. must be vetted and determined adequate.”

Therefore, based on the above analyses, this facility does not meet the NJDEP’s regulatory requirements that would apply to a similar facility located in New Jersey. To satisfy regulatory compliance, the above deficiencies must be addressed. Please feel free to contact me at (609) 292-0125 if you have any questions.

Attachment 6

New York State Department of Environmental Conservation

Office of General Counsel, 14th Floor

625 Broadway, Albany, New York 12233-1500

Phone: (518) 402-9185 Fax: (518) 402-9018

Website: www.dec.ny.gov



Joe Martens
Commissioner

August 19, 2011

The Honorable Jaclyn A. Brillig
Secretary
New York State Public Service Commission
Three Empire State Plaza
Albany, New York 12223-1350
secretary@dps.state.ny.us

Filed: Via Email Only

Re: Matter of the Application of Covanta Energy Corporation for
Inclusion of Energy from Waste Facilities as an Eligible
Technology in the Main Tier of the Renewable Portfolio
Standard Program. **Case No. 03-E-0188.**

Dear Secretary Brillig,

Enclosed please find the New York State Department of Environmental Conservation's Comment on the Petition of Covanta Energy Corporation in the captioned proceeding. Service of this Comment is also being made upon parties pursuant to the active party list in this proceeding. Please note that the party list should be amended as to the Department of Environmental Conservation's representatives. James Ferreira can be removed from the party list and substituted with the following:

Steven Russo, Esq.
Deputy Commissioner and General Counsel
New York State Department of
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625 Broadway
Albany, New York 12233-1500
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scrusso@gw.dec.state.ny.us

William Little, Esq.
Associate Counsel
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Environmental Conservation
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wglittle@gw.dec.state.ny.us

Sincerely yours,

Michael S. Caruso
Senior Attorney

mscaruso@gw.dec.state.ny.us

Enc.

cc.: Active Party List: Case 03-E-0188 w/enc
EDMS # 409141

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

In the Matter of the Application of:)
)
COVANTA ENERGY CORPORATION)
)
For Modification of the List of Eligible Resources)
Included in the Main Tier of New York's Renewable)
Portfolio Standard Program to include Energy from)
Waste Technology)

Case 03-E-0188

**COMMENTS OF THE NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION REGARDING THE VERIFIED
PETITION OF COVANTA ENERGY CORPORATION**

August 19, 2011

Steven C. Russo, Esq.,
Deputy Commissioner and
General Counsel

William Little,
Associate Counsel

Michael Caruso,
Senior Attorney

Dana Schaefer,
Senior Attorney

New York State Department of
Environmental Conservation
Office of General Counsel
625 Broadway
Albany, New York 12233-1500
Ph: 518-402-9188

**STATE OF NEW YORK
PUBLIC SERVICE COMMISSION**

In the Matter of the Application of:)
)
COVANTA ENERGY CORPORATION)
)
For Modification of the List of Eligible Resources)
Included in the Main Tier of New York’s Renewable)
Portfolio Standard Program to include Energy from)
Waste Technology)

Case 03-E-0188

**COMMENTS OF THE NEW YORK STATE DEPARTMENT
OF ENVIRONMENTAL CONSERVATION REGARDING THE VERIFIED
PETITION OF COVANTA ENERGY CORPORATION**

INTRODUCTION

The New York State Department of Environmental Conservation (NYSDEC) hereby submits comments regarding the February 11, 2011 Petition filed by Covanta Energy Corporation (Covanta), which seeks a declaratory ruling from the Public Service Commission (PSC or Commission) determining that waste-to-energy facilities (WTEs¹) should be eligible for credits under the Renewable Portfolio Standard (RPS). Prior to this time, and ever since the Commission issued its Order creating the RPS on September 24, 2004, WTEs have not been included in the RPS’s Main Tier eligible electric generation sources. The Commission made a second determination that WTEs do not satisfy the criteria to be included in the Main Tier of eligible electric generation sources in its Order dated April 2, 2010.

¹ Waste-to-energy (WTE) and energy from waste (EfW) are industry terms associated with facilities that combust municipal solid waste to produce electricity. NYSDEC uses the term municipal waste combustor to describe these facilities but for the purposes of these comments will use the WTE designation that has been used by the Commission in the past.

NYSDEC regulates individual WTEs by virtue of its regulatory programs administering air emissions controls (Environmental Conservation Law [ECL] Article 19, Air Pollution Control, and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York [6 NYCRR] Parts 200 *et seq.*) and solid waste management facility controls (ECL Article 27 and 6 NYCRR Parts 360 *et seq.*). NYSDEC submits these comments in order to provide the Commission with information as to the status of air emissions and municipal solid waste management in the WTE field so that the Commission may review the pertinent data and reports maintained by the State's environmental regulatory authority.

NYSDEC does not take a position directly on the merits of Covanta's petition for declaratory ruling. Instead, NYSDEC is providing: a current analysis of air emissions produced by Covanta's WTE facilities; a current analysis of WTE facilities in relation to New York State's municipal solid waste management hierarchy; and a recommended approach to administering the RPS in an environmentally responsible manner in the event that the Commission determines that WTEs should be eligible for Main Tier credits.

In the event that the Commission determines that oral argument is appropriate in this proceeding, NYSDEC would welcome the opportunity to present its position and recommendations in that forum.

AIR EMISSIONS

1. In 2004, the PSC found that WTE facilities employing mass burn technology did not meet the criteria to be an eligible resource in the NYS RPS program. The basis for its determination was primarily its concern over the high levels of mercury emissions from WTE facilities, noting that "in 2000, the average mercury emission rate from New York's WTE facilities was six times higher than the average emission rate from coal plants." PSC 2004 Order Regarding Retail Renewable Portfolio Standard at 39. The PSC's 2010 decision reaffirmed its 2004 decision.
2. Covanta makes several representations regarding the decline in air emissions from WTEs in support of its Petition to add WTE to the RPS. In response to Covanta's Petition, NYSDEC performed a detailed set of calculations to address two primary items raised in the Commission's 2004 and 2010 Orders, and Covanta's Petition. These include: 1) the trend in pollutant emissions for WTEs over the last 15 years, and 2) an emission comparison of WTEs to coal fired electricity generating facilities. The latter analysis relied on information from a single, but representative recent year (2009). The NYSDEC has not performed any explicit comparison of the WTE emissions to other sources of emissions for other energy sources such as gas burning facilities because the latter sources have lower emissions than either WTE or coal facilities.
3. NYSDEC has assessed the more recent data from the WTE and coal facilities and determined that there has been an overall reduction in emissions of most pollutants from the WTEs in terms of total annual emissions from the mid-90s to the present, averaged across the five Covanta-owned facilities in New York. Despite this incremental improvement, WTE facilities continue to

emit most air pollutants at emission rates that are greater than coal-fired power plants on a per megawatt-hour (MWh) basis. The details of NYSDEC's review are presented below.

Comparison of Pollutant Trends from Covanta's WTEs

4. Covanta's Petition used data from EPA on average total emissions of eight "key" pollutants from WTEs across the US for two individual years, 1990 versus 2005, to present the levels of reduction in these pollutants (see Covanta Petition, Table 1, Emissions Performance of Energy from Waste Facilities, 1990-2005, page 27).² In support of its Petition, Covanta states there is approximately a 90 percent or greater reduction for seven of these pollutants and a 25 percent reduction for nitrogen oxide (NOx). NYSDEC performed an independent analysis using data for the five Covanta facilities in New York for the period from 1996 to 2010.

5. Of the total of ten WTEs located in New York, five are owned by Covanta. These facilities dominate the overall total emissions from the WTEs such that the NYSDEC results are representative of the source category in general. NYSDEC plotted the time trends for seven of the pollutants noted by Covanta, plus carbon monoxide (CO), for each of Covanta's five facilities and for the average of the emissions across all five of the facilities³. This was done for the years 1996 thru 2010. The results are presented herein for the average emissions across the five facilities since this is a more statistically sound representation of trends for WTEs emissions in general.

² The graph in Table 1 of Covanta's Petition is poorly identified and perhaps misleading in that it actually compares only two years, the year 1990 to the year 2005. The text in paragraph 36 implies that the emissions reduction is for a span of 15 years, from 1990 – 2005.

³ The stack test data reported to NYSDEC by the WTEs was reviewed and a small set of data "outliers" were removed from this assessment.

6. The time trends of average emissions across the five Covanta facilities are presented in Appendix A, Figure 1 for the four criteria pollutants, and in Appendix A, Figure 2 for the four non-criteria “hazardous air pollutants” (HAPs) pollutants. Appendix A is attached to these comments. It is important not to make any general conclusions from these graphs based on individual source variability or discrete time steps. To accurately understand the time trends, the best fit lines as depicted in these graphs should be used.

7. The general conclusion from these graphs is that, as with many other energy sources, there has been an overall reduction in essentially all pollutants in terms of annual emissions from the mid-90s to the present, averaged across these five Covanta facilities in New York. Similarly, a reduction – albeit a smaller reduction -- can be seen in emissions in many pollutants from the years immediately preceding the PSC’s determination in 2004 that WTE facilities are not eligible for the RPS, which determination was based in part on the high level of air emissions. The large reduction in mercury emissions from 1996 to the present is attributed by Covanta to the fact that New York requirements for mercury are more restrictive than the federal limits. Reductions in other pollutants, however, are below the mid-90 percentiles noted by Covanta (see Petition at ¶35, Table 1). NYSDEC data demonstrates these reductions are more in the range of 30 to 60 percent. Regarding dioxin emissions, NYSDEC data does not show the large reductions in dioxin emissions that the EPA’s data shows from 1990 to 2005 as NYSDEC does not have sufficient data back to 1990 to confirm or refute similar trends for Covanta’s New York facilities.

Comparison of Emissions from WTE to Coal Fired Facilities

8. NYSDEC compared the average emissions from the ten WTE facilities in New York to the eight coal burning facilities in New York. In order to be representative of more recent conditions this analysis was limited to 2009 data. The analysis included seven of the eight pollutants considered in Covanta's trends analysis, but excluded dioxins, as NYSDEC does not have any dioxin emissions data for coal burning facilities. The analysis was conducted in a two-step approach. The first step involved looking at the total annual emissions of those seven pollutants. The second step scales these annual emissions to the same level of "output production" (in this case electricity) by using the MWh production data.

9. The detailed calculated emissions for the seven pollutants from each WTE and each coal facility are presented in Appendix A, Figures 4, 5 and 6. Figure 4 provides the total annual emissions for each facility and Figure 5 provides the electricity output in terms of MWh. Figure 6 uses the data from Figures 4 and 5 to calculate each plant's emissions scaled by the corresponding MWh capacity output.⁴ This approach was also used in Covanta's petition and by the Attorney General's Office in the 2003 RPS proceedings and serves as a means to compare the resultant emissions based on the ability of the different sources to deliver a product.

10. Figure 3 in Appendix A expresses the emissions from these sources in terms of ratios between WTEs and coal facilities. It shows that the WTEs produce more emissions than the coal facilities on a MWh basis, except for SO₂. Looking specifically at mercury, the WTEs produce

⁴ It should be noted that some entries are in "scientific notation"; for example the average emission per MWh for Mercury from the WTEs is 8.1E-5 which is equivalent to 0.000081.

up to 14 times more mercury than the coal plants when these two sources produce the same amount of electricity.⁵

Covanta's Assessment of GHG emissions from WTEs

11. Covanta's claim that WTEs provide greenhouse gas (GHG) emission benefits cannot be substantiated because of various scientific uncertainties. For instance, Covanta's claim that WTEs emit GHGs at rates less than fossil-fired facilities relies, in part, on the premise that all GHG emissions from the combustion of all biogenic materials should be discounted. The treatment of carbon dioxide emissions from biogenic sources is the subject of ongoing analysis and debate as well as a continually developing and complex state of science. This issue is so unsettled that EPA has deferred for a period of three years any calculation and inclusion of biogenic CO₂ emissions from Clean Air Act PSD and Title V applicability in order "to conduct a detailed examination of the science associated with biogenic CO₂ emissions from stationary sources [including WTEs], . . . and resolve technical issues in order to account for biogenic CO₂ emissions in ways that are scientifically sound and also manageable in practice." 76 Fed. Reg. 43490, 43496 (July 20, 2011). If emissions from biogenic sources are included, carbon dioxide emissions from WTE facilities are higher than any fossil-fired sources. *See Beyond Waste, A Sustainable Materials Management Strategy for New York State (hereinafter Beyond Waste), Petition Exhibit 5, at 52-53* (the average emission rate from [WTEs] in the US are 2,988 lbs/MWh of CO₂, compared with national averages of 1,672 lb/MWh for oil, 2,249 for coal, and 1,135 for natural gas). Even if the biogenic carbon dioxide emissions are deducted, the resulting

⁵ Note: this value is different from the value in the Attorney General Office's previous analysis since, in the latter, only data from the Huntley coal facility was used.

average emissions from WTE facilities nationwide (1,045 lbs/MWh) are higher than emissions from modern state-of-the-art combined cycle natural gas-fired plants.⁶

12. Covanta's contention that WTEs are superior to landfills from a GHG perspective is not supported by the record. Covanta is correct that methane emissions can be higher from landfills, particularly if methane is not properly captured from the landfill. Accordingly, *Beyond Waste* refers to a study that notes that lifetime GHG emissions from landfills can be much higher than from WTEs on a MWh basis (in part because landfills produce much less electricity than WTEs). *Id.* However, this comparison does not account for the GHG benefit of sequestering carbon in landfills; in addition to plastics, the carbon in wood, paper and other biogenic materials can remain sequestered.⁷ In addition, methane is not the only relevant GHG for comparison; WTEs emit high levels of carbon dioxide as well.

Covanta's Assessment Of WTE Emissions Compared To Landfill and Biomass Emissions

13. Additionally, Covanta's comparisons of WTE emissions with landfill and biomass emissions on a MWh basis present other issues with insufficient data or information to support.

A. Covanta claims that mercury emissions from WTEs (EfW in the petition) on a per MWh basis are comparable to landfill and biomass emissions. (See Covanta Petition, page 28, Table 5.)

⁶ The national average of 1,135 lbs/MWh referenced in *Beyond Waste* includes various types of natural gas-fired plants, not limited to the more efficient combined-cycle plants that predominate in New York.

⁷ For example, the USDA Forest Service used published estimates of methane yields to estimate the amount of carbon released into the atmosphere from landfilled forest products. Its calculations suggested that maximally only 30% of the carbon from paper and 0-3% of the carbon from wood are ever emitted as landfill gas. The remaining carbon remains in the landfill indefinitely and serves as a significant carbon sink. Micales, J.A. and Skog, K.E. USDA Forest Service. The decomposition of forest products in landfills. *International Biodeterioration & Biodegradation*, Vol. 39, No. 2-3(1997), pp. 145-158.

NYSDEC finds that there is very little data from the landfill gas and biomass sector to make definitive claims on this assessment. With this caveat, NYSDEC notes that the data presented by Covanta shows that emissions from WTEs are slightly higher than both landfill and biomass emissions, when the average rates are compared.

B. Covanta claims that nitrogen oxide (NO_x) and sulfur oxide (SO_x) emissions are lower from the WTEs in comparison to NO_x and SO_x emissions from landfills. (Covanta Petition pages 29-30.)

NYSDEC finds that this conclusion is supportable if the emissions from combustion of landfill gas are considered.

EXAMINING WTEs IN THE WASTE MANAGEMENT HIERARCHY

14. NYSDEC recently published a new State Solid Waste Management Plan, *Beyond Waste* (Petition, Exhibit 5), wherein NYSDEC discusses the pros and cons of solid waste management alternatives. Current WTE treatment of residual waste that cannot be prevented, reused, recycled, or recovered has several advantages over the disposal in landfills of residual wastes. As mentioned above, WTEs prevent methane production by the treatment of waste that would otherwise be disposed in landfills; recover and recycle metals that would have been disposed in landfills; and generate electricity more efficiently than landfill gas-to-energy (LGTE) facilities. Moreover, WTEs offset the use of fossil fuels to generate electricity, thereby contributing to the

diversity of New York's electrical supply and decreasing the state's dependence on fossil fuels.

See Beyond Waste, Petition, Exhibit 5, at 52.

15. One of the issues of concern in the Commission's 2004 Order was the potential detrimental impacts on recycling programs. NYSDEC stated in *Beyond Waste* that appropriately sized and permitted municipal waste combustion facilities can co-exist with strong recycling programs. While the national average demonstrates that municipalities with WTEs have a slightly higher recycling rate (3 percent) than the national overall average, Covanta's Petition, overstates the compatibility of municipal waste combustion and recycling. As noted in *Beyond Waste*:

Success in recycling in New York State has a stronger correlation to the level of investment in recycling outreach, education and infrastructure in the facility's service area than the type of facility, the facility's financing, facility permit conditions, and flow control or other legal support structures. In particular, public outreach and education to gain public support for and participation in recycling programs is critical to good performance." *Beyond Waste, Petition Exhibit 5, at 190.*

16. The Covanta Petition points to the Onondaga Resource Recovery Facility as proof that WTEs can coexist with a strong recycling program. While it is true that there are examples of areas, such as Onondaga County and Westchester County, where WTEs do not appear to detract from recycling, these areas are the exception, not the rule, in New York State. It is not necessarily the WTE facility itself that causes weak recycling rates but, as discussed above and in *Beyond Waste*, a successful recycling program requires a strong local program, together with adequate funding, outreach, public education, and enforcement.

17. While Covanta's Petition also points to recycling rates in the Town of Islip (40%), Town of Hempstead (40%), and Town of Babylon (32%) (*See Covanta Petition ¶22*) it must be noted that

these are not rates calculated by NYSDEC or in the same manner as NYSDEC calculated Onondaga County's recycling rate.⁸ With the current data available to NYSDEC, the recycling rates for these municipalities would be lower. When calculated in the same manner as Onondaga County the recycling rates are: Town of Islip (28.6%), Town of Hempstead (21%), and Town of Babylon (20.4%). It must also be kept in mind that yard trimmings constitute a large portion of those Towns' recycling rates. The percent of yard waste of the total recycling rate noted herein is: Town of Islip (61.9%), Town of Hempstead (43.8%) and Town of Babylon (51%), whereas yard trimmings constitute 18% of Onondaga County's 51% recycling rate. It also may be helpful to know that the paper & container per capita totals for these three municipalities were lower than the statewide per capita average for these materials - 74.6% of the statewide average for Babylon, 80.7% for Hempstead and 72.4% for Islip - compared to Onondaga County's per capita rate for these materials exceeds the statewide average by 335%.

18. Another reason cited in the Commission's April 2010 Order for denying RPS eligibility for WTEs was that waste management, not energy production, is the focus of WTE technology. As noted in *Beyond Waste*, more energy is conserved by reducing waste and reusing and recycling materials than is generated by combusting them. A WTE, however, will generate energy from the waste that remains for disposal. WTEs can offer electricity and steam for consumer use, in addition to supplying electricity for its own operational needs.

19. WTEs serve the dual purpose of generating electricity and reducing waste volume consistent with the New York State Solid Waste Management Policy (Environmental Conservation Law §

⁸ NYSDEC examines only the recovery of MSW generated by households, commercial or institutional sources, not C&D debris, industrial waste, or biosolids. In some areas recycling rates have been inflated by including C&D debris recovery in the calculation.

27-0106(1)(c)), to recover, in an environmentally acceptable manner, energy from solid waste that cannot be economically and technically reused or recycled. NYSDEC found that:

The energy value of MSW is 4,500–6,000 BTU/lb, while coal has an energy value of 8,000–13,000 BTU/lb and natural gas has a value of approximately 24,000 BTU/lb.

A more appropriate comparison from a solid waste perspective is between [WTE] and other energy generating technologies for residual waste, such as landfill gas to energy. Landfill gas is generated during a longer time frame after a significant amount of waste is in place, while [WTE] generates energy immediately using incoming waste. A landfill gas to energy facility will not extract as much energy value from the residual waste stream because certain materials with high BTU values for [WTE] (*e.g.* plastics) will not break down into methane in a landfill, and, therefore, their embedded energy will be lost. And landfill gas collection systems do not completely capture all methane gas produced, contributing to the inefficiencies in that system. Taking these factors into account, a landfill gas-to-energy project can provide about 105 kWh per ton of MSW as compared to 585 kWh per ton from [WTE] and 2,250 kWh per ton of energy saved through recycling. *Beyond Waste, Petition Exhibit 5, at 188.*

These data underscore the point made in *Beyond Waste* that WTEs have a place in New York State's solid waste hierarchy higher than extracting and combusting gas for energy from landfills, or landfilling itself, but below reduction, reuse, and recycling.

20. In its 2004 Order, the Commission made a point of discussing the lack of public support and continuing controversy surrounding the development of WTEs in New York. Though there was and remains a public concern related to the permitting of new WTEs, state and federal regulatory programs as well as improvements in technologies have led to reduced environmental impacts and a growing and supportive base of environmental monitoring data collected over the past few decades. As articulated in *Beyond Waste*, and the state solid waste management policy, a properly designed and operated WTE is preferable to landfilling waste that remains after waste

prevention, reuse, recycling and composting programs have been maximized. *Beyond Waste, Petition Exhibit 5, at 188.*

21. NYSDEC is aware that the receipt of public funding may disqualify a RPS participant from eligibility. The Commission should be aware that many municipalities received moneys from the 1972 Bond Act for purposes of constructing WTEs. Attached as Appendix B is a list of municipalities that received funding; those with currently operating WTE facilities are highlighted in yellow with nearly \$90 million of state funding previously provided to those. Many of these initially municipally owned facilities have since been transferred to private ownership. Also attached as Appendix C is a list of the facility owners as they appear on their current 6 NYCRR Part 360 Permits. Wheelabrator Hudson Falls will soon be transferred from the Warren and Washington County IDA to Wheelabrator. Covanta Niagara is the only currently operating facility that did not begin as a municipally owned facility and did not receive funding from NYSDEC.

SUMMARY AND RECOMMENDATION

NYSDEC does not take issue with Covanta's statements to the effect that technological advancements and improvements in waste stream management have occurred since the Commission's original September 2004 Order, which noted that "[I]n 2000, the average mercury emission rate [per MWh generated] from New York's WTE facilities was six times higher than the average emissions [per MWh generated] from coal plants." But as explained above, it remains true "that [WTEs'] remaining emissions of mercury and NOx exceed those of the dirtiest coal-type fossil fuel generating stations." (September 2004 Order, page 39.) Today, if WTEs

produced as much electricity as coal facilities, the WTEs would be responsible for 14 times more mercury emissions.

Accordingly, the record of the Commission's September 2004 and April 2010 Orders should be updated to reflect current emissions data and the other information supplied by NYSDEC herein. This updated information will provide a contemporary perspective for comparing WTEs to New York State's various, diverse energy sources. This current information provides clarity regarding the position of WTEs in New York State's solid waste management hierarchy and the dual nature of WTEs in New York as both energy generation and waste management facilities.

Although NYSDEC does not take a position on whether WTEs should be deemed renewable sources of energy for purposes of the RPS program or be permitted to participate in the RPS program, sources of energy with significant air emissions should not divert resources from zero emission, clean renewable energy production such as wind or solar-powered plants from the RPS program. Therefore, in the event that the Commission determines that the Covanta Petition should be granted, or if the Commission otherwise opens the RPS proceeding to consider new parameters to RPS Main Tier eligibility, NYSDEC recommends that the Main Tier be bifurcated to introduce an entry point for WTE eligibility. This contemplates segregating zero emission energy sources, such as wind and solar powered plants, into a separate tier within the Main Tier that qualifies for separate funding before all other generation sources in a second tier are considered. A second tier within the Main Tier could devote separate funding to eligible zero emission generation sources prior to funding eligible expanded or new WTEs, LGTE facilities or other emitting facilities. Without creation of a two tier system, NYSDEC would oppose the

extension of WTE into the RPS program based on the position that the program should strongly favor and encourage zero emission energy sources.

Furthermore, in the event that the Commission determines that it will grant Covanta's Petition, or engages in other relief that reopens the RPS Main Tier process, NYSDEC recommends that the Commission incorporate into its review whether Main Tier credits should be reduced by removing the electricity generated from the combustion of the non-biogenic portion of the MSW feedstock. The Commission's September 2004 Order determined that, to the extent biomass was co-fired with other fuels, only the biomass portion would be eligible under the RPS. September 2004 Order, Appendix B, page 1. If this proceeding is re-opened, WTE eligibility should be further evaluated to determine whether credits should be reduced by an amount equivalent to the portion of biogenic materials that would otherwise be sequestered and act as a carbon sink if it were to be disposed of in a landfill. The emissions from these two components would not occur if the MSW was not combusted and therefore should not be included in the calculation of credits.⁹

In summary, NYSDEC observes that WTEs that otherwise meet environmental emissions and discharge thresholds, and are thus in regulatory compliance, have on this record been shown to

⁹ As of 2007, the DOE Energy Information Agency (EIA) will include MSW in renewable energy only to the extent that the energy content of the MSW source stream is biogenic. Standard ASTM D6866 method testing is available to accurately measure biogenic CO₂ emissions, partitioning CO₂ emissions into biogenic and non-biogenic portions. Bahor, B., Weitz, K., & Szurgot, A. (June 2008). Updated analysis of greenhouse gas emissions and mitigation from municipal solid waste management options using a carbon balance. Paper presented at the 2008 Global Waste Management Symposium, Colorado, September 8-10. This article discusses "how the variability in total carbon and the biogenic/fossil split must be considered when conducting an analysis of GHG emissions and/or mitigation. ASTM D6866 is a demonstrated and proven technique for determining whether CO₂ is from biogenic or fossil-based waste components." ASTM D6866 has already been incorporated in the EPA's Mandatory Greenhouse Gas Reporting Rule (40 CFR Part 98) and Western Climate Initiative's Mandatory Reporting Requirements, among others.

be trending toward lower emissions over all since 1996. However, as with other eligible emitting facilities, WTEs still have considerable air emissions that exceed coal-powered plants on a per megawatt basis. Accordingly, RPS should not be expanded unless a two-tier or other system favoring zero emission sources is implemented. In addition, to the extent expanded or new WTEs emit fewer air emissions and toxics than other eligible emitting facilities, as well as existing WTEs, they should not be deemed eligible unless sponsors of proposals to expand or construct new WTEs are able to demonstrate that they will construct and operate using the most advanced and lowest emitting technology.

FURTHER RECOMMENDATION
PURSUANT TO THE
STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQR)

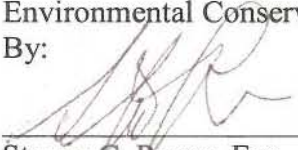
In addition, in the event that the Commission determines that it will grant Covanta's Petition, or engages in other relief that reopens the RPS Main tier process, NYSDEC recommends that the Commission prepare a supplement to its 2004 GEIS on the RPS and order/findings statement. SEQR regulations at § 617.9 (a) (7) (i) provide: "[t]he lead agency may require a supplemental EIS, limited to the specific significant adverse environmental impacts not addressed or inadequately addressed in the EIS that arise from: ('a') changes proposed for the project; or ('b') newly discovered information" The regulation then states: "The decision to require preparation of a supplemental EIS, in the case of newly discovered information, must be based upon the following criteria: ('a') the importance and relevance of the information; and ('b') the present state of the information in the EIS."

Covanta's request for a declaratory ruling that would allow WTEs to be included in the RPS main tier eligible electric generation sources would amount to a substantial change in the RPS. A supplemental GEIS is thus the administrative and regulatory mechanism to assess the environmental impacts of whether exclusion of WTE facilities from the RPS main tier is still warranted today in light of updated technological information concerning emission controls from such facilities; increasing awareness of the relative contributions of greenhouse gas emissions from all energy sectors, including those from landfills versus WTE facilities; and the relative reduction in the volume of wastes that would otherwise be directed to landfills for disposal or, possibly, combustion in landfill-gas-to energy facilities; along with other appropriate alternatives.

DATED: August 19, 2011
Albany, New York

New York State Department of
Environmental Conservation.

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APPENDIX A

Figure 1. Trends for Criteria Pollutants for Average Emissions for Five Covanta Facilities in New York.

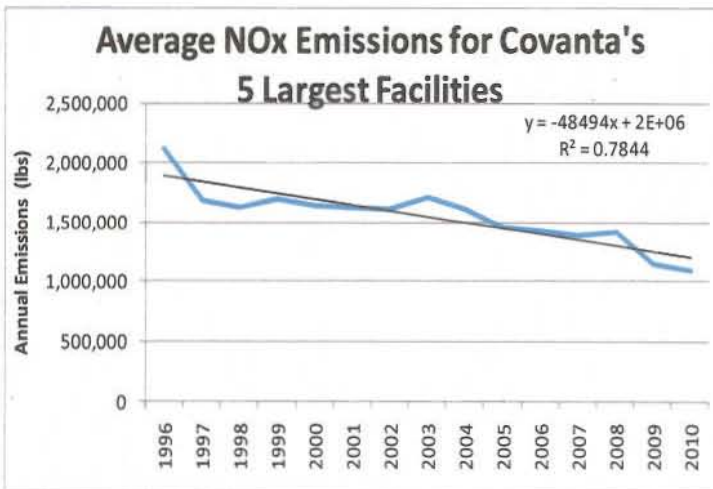
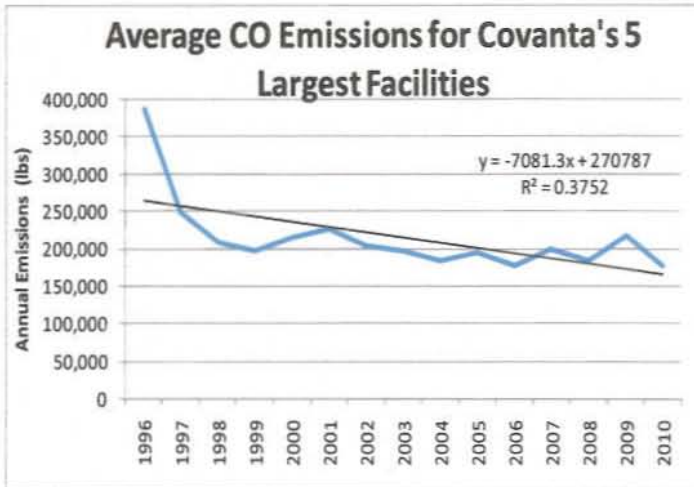


Figure 1 continued

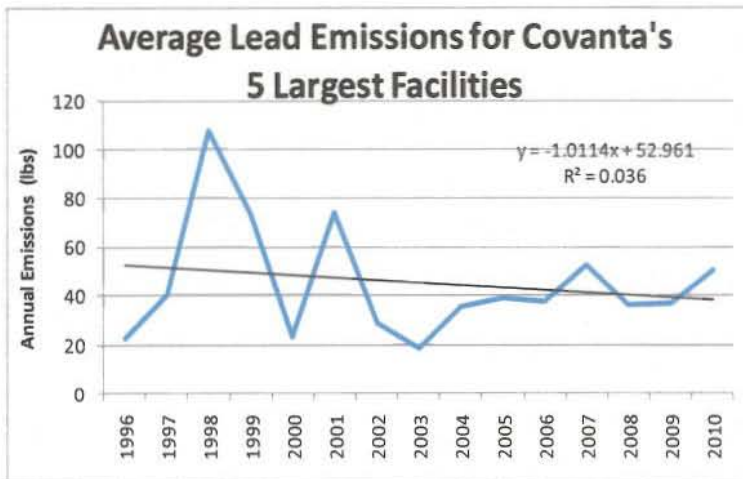
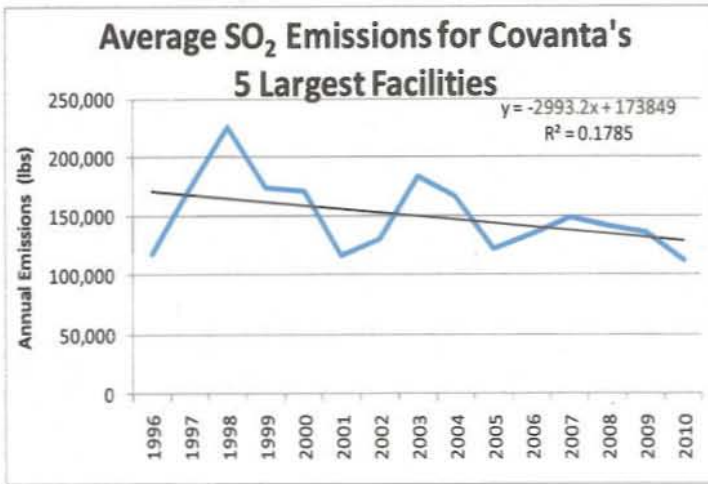


Figure 2. Trends for Non-criteria (HAPs) Pollutant Average Emissions for Five Covanta Facilities in New York.

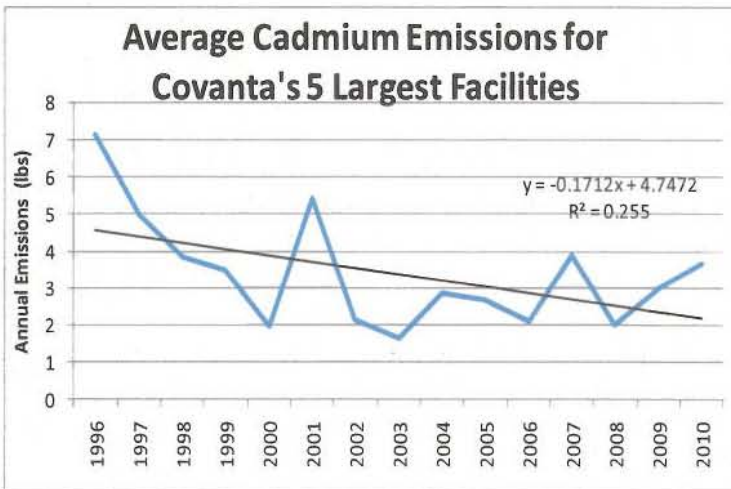
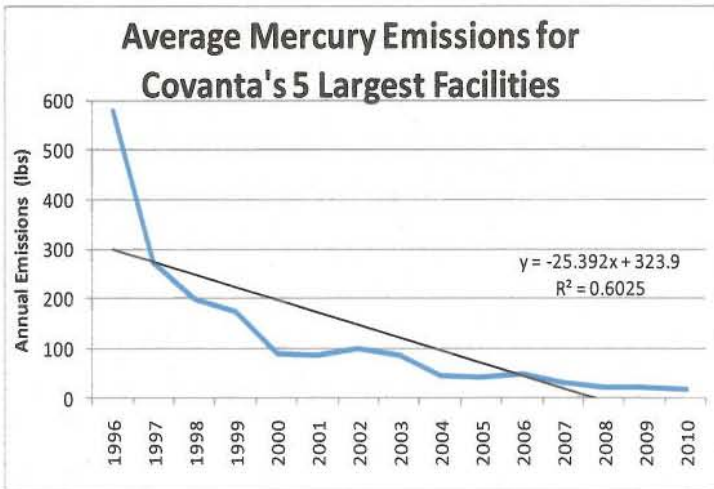


Figure 2 continued

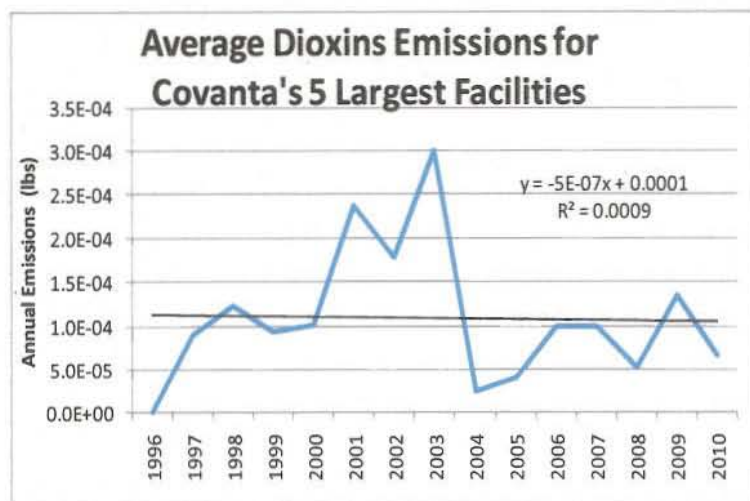
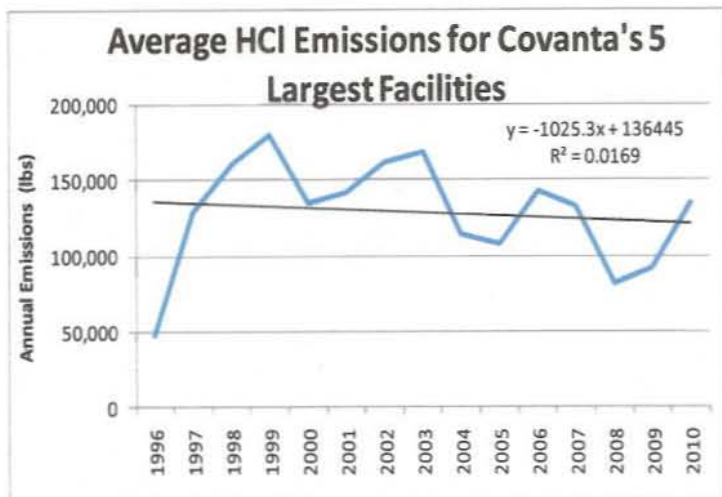


Figure 3.

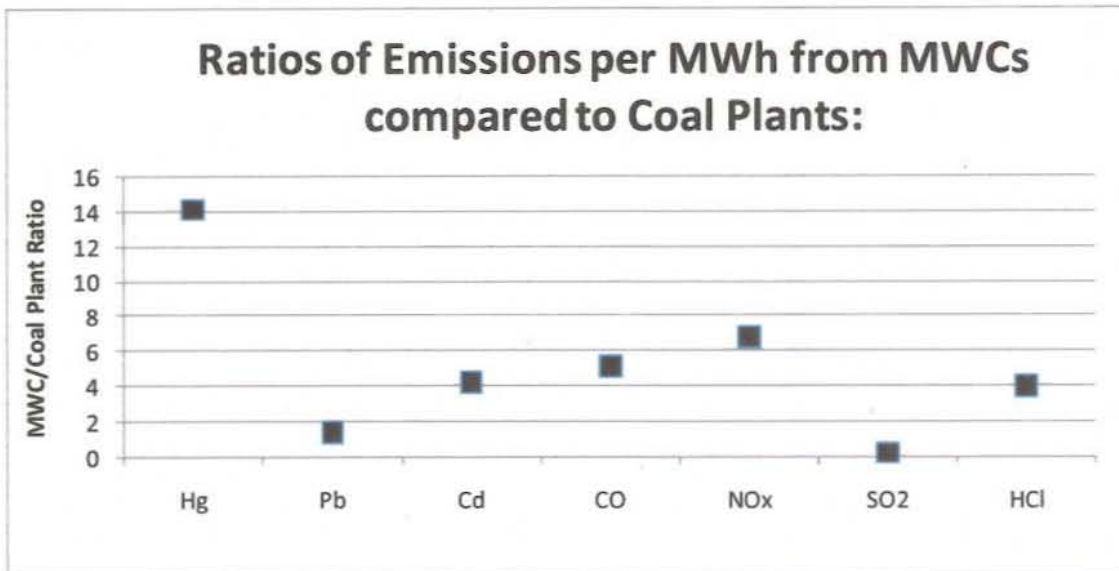


Figure 4

Annual Emissions								
Municipal Waste Combustors - 2009 Data								
DEC ID	Facility	Hg (lbs)	Pb (lbs)	Cd (lbs)	CO (tons)	NOx (tons)	SO2 (tons)	HCl (tons)
1282001727	Hempstead Resource Recovery Facility	28.7	16.2	1.4	256.06	625.33	35.17	43.81
1472000777	Babylon Resource Recovery Facility	25.7	15.8	0.92	34.64	181.79	46.22	30.13
1472600790	Huntington Resource Recovery Facility	4.5	21.3	1.5	57.81	359.07	5.25	4.27
1472800185	Islip McArthur Resource Recovery Facility	1.84	0.55	0.14	64.36	198.05	24.53	12.39
3134600019	Dutchess Co. Resource Recovery Facility	7.24	2.49	0.82	85.39	166.78	28.69	26.82
3551200031	Wheelabrator Westchester LP	18	179	9	29.02	674.78	56.61	NA
5534400001	Wheelabrator Hudson Falls	5.8	40.7	3.9	9.6	117.28	14.65	10.1
7314200028	Onondaga Co. Resource Recovery Facility	2.1	26.5	1.7	22.09	539.31	28.86	10.14
7355800013	Oswego Co. Energy Recovery Facility	0.0065	0.0035	0.0055	0.58	161.15	23.06	12.66
9291100113	Covanta Niagara LP	34	80	0	95.55	746.72	136.7	89.95
Average Emissions		12.79	38.25	1.94	65.51	377.03	39.97	24.03
Total Emissions		127.88	382.55	19.38	655.10	3770.26	399.74	240.27
Coal Fired Electric Generating Stations - 2009 Data								
DEC ID	Facility	Hg (lbs)	Pb (lbs)	Cd (lbs)	CO (tons)	NOx (tons)	SO ₂ (tons)	HCl (tons)
3334600011	Danskammer Generating Station	26	0.013	16	77.69	915.49	3770.73	186.48
7034600045	AES Westover	0.14	112.80	0.38	53.73	714.99	6232.56	128.95
7503200019	AES Cayuga	2.21	784.74	2.62	153.86	2110	2196.4	369.25
8573600004	AES Greenidge LLC	0.015	33.009	0.11	47.76	381.16	427.72	6.41
9060300021	Dunkirk Steam Generating Station	39	101	15	398.85	2270.4	4317.8	26.9
9146400130	Huntley Steam Generating Station	26	30	6	297.03	1541.1	6018	18.35
9291100152	Niagara Generating Facility	0.0094	0.018	0.04	1.53	3.45	0.01	NA
9293800003	AES Somerset LLC	0.15	301.28	1.0058	312	3748.2	5070.1	791.86
Average Emissions		11.69	170.36	5.14	167.81	1460.60	3504.17	191.03
Total Emissions		93.52	1362.86	41.15	1342.45	11684.79	28033.32	1528.20
Ratios of Average Annual Emissions from MWCs compared to Coal Plants:		1.09	0.22	0.38	0.39	0.26	0.01	0.13

Figure 5

Capacity					
Municipal Waste Combustors - 2008 Data					
DEC ID	Facility	MWh (Yr)			
1282001727	Hempstead Resource Recovery Facility	566,701			
1472000777	Babylon Resource Recovery Facility	101,976			
1472600790	Huntington Resource Recovery Facility	189,082			
1472800185	Islip McArthur Resource Recovery Facility	53,215			
3134600019	Dutchess Co. Resource Recovery Facility	44,201			
3551200031	Wheelabrator Westchester LP	378,340			
5534400001	Wheelabrator Hudson Falls	82,584			
7314200028	Onondaga Co. Resource Recovery Facility	219,491			
7355800013	Oswego Co. Energy Recovery Facility	3,637			
9291100113	Covanta Niagara LP	217,345			
Average Capacity		185,657			
Total Capacity		1,856,572			
Coal Fired Electric Generating Stations - 2009 Data					
DEC ID	Facility	MWh (Yr)	MW (Summer)	Summer/Yr	Yr/Summer
3334600011	Danskammer Generating Station	1,442,668	367.2	0.00025	3928.83
7034600045	AES Westover	267,983	121.1	0.00045	2212.91
7503200019	AES Cayuga	1,792,489	306.1	0.00017	5855.89
8573600004	AES Greenidge LLC	546,419	155.5		
9060300021	Dunkirk Steam Generating Station	2,774,156	534.8	0.00019	5187.28
9146400130	Huntley Steam Generating Station	2,144,634	375.2	0.00017	5715.98
9291100152	Niagara Generating Facility	157,185			
9293800003	AES Somerset LLC	3,557,862	682.8	0.00019	5210.69
Average Capacity		1,585,424		Average:	3513.95
Total Capacity		12,683,396			
Color Code: Calculated from the average of the annual coal power plant output to Summer capacity (from the 2009 NYS Energy Plan) ratios for the other NYS coal fired power plants included above.					

Figure 6

Emissions per MWh								
Municipal Waste Combustors - 2009 Data								
DEC ID	Facility	Hg (lbs)	Pb (lbs)	Cd (lbs)	CO (tons)	NOx (tons)	SO ₂ (tons)	HCl (tons)
1282001727	Hempstead Resource Recovery Facility	5.06E-05	2.86E-05	2.47E-06	4.52E-04	1.10E-03	6.21E-05	7.73E-05
1472000777	Babylon Resource Recovery Facility	2.52E-04	1.55E-04	9.01E-06	3.40E-04	1.78E-03	4.53E-04	2.95E-04
1472600790	Huntington Resource Recovery Facility	2.38E-05	1.13E-04	7.93E-06	3.06E-04	1.90E-03	2.78E-05	2.26E-05
1472800185	Islip McArthur Resource Recovery Facility	3.45E-05	1.04E-05	2.69E-06	1.21E-03	3.72E-03	4.61E-04	2.33E-04
3134600019	Dutchess Co. Resource Recovery Facility	1.64E-04	5.63E-05	1.85E-05	1.93E-03	3.77E-03	6.49E-04	6.07E-04
3551200031	Wheelabrator Westchester LP	4.76E-05	4.73E-04	2.38E-05	7.67E-05	1.78E-03	1.50E-04	NA
5534400001	Wheelabrator Hudson Falls	7.02E-05	4.93E-04	4.72E-05	1.16E-04	1.42E-03	1.77E-04	1.22E-04
7314200028	Onondaga Co. Resource Recovery Facility	9.57E-06	1.21E-04	7.75E-06	1.01E-04	2.46E-03	1.31E-04	4.62E-05
7355800013	Oswego Co. Energy Recovery Facility	1.78E-06	9.62E-07	1.51E-06	1.59E-04	4.43E-02	6.34E-03	3.48E-03
9291100113	Covanta Niagara LP	1.56E-04	3.68E-04	0	4.40E-04	3.44E-03	6.29E-04	4.14E-04
Average Emissions		8.10E-05	1.82E-04	1.21E-05	5.13E-04	6.57E-03	9.08E-04	5.30E-04
Total Emissions		8.10E-04	1.82E-03	1.21E-04	5.13E-03	6.57E-02	9.08E-03	5.30E-03
Coal Fired Electric Generating Stations - 2009 Data								
DEC ID	Facility	Hg (lbs)	Pb (lbs)	Cd (lbs)	CO (tons)	NOx (tons)	SO ₂ (tons)	HCl (tons)
3334600011	Danskammer Generating Station	1.80E-05	9.01E-09	1.11E-05	5.39E-05	6.35E-04	2.61E-03	1.29E-04
7034600045	AES Westover	5.06E-07	4.21E-04	1.41E-06	2.00E-04	2.67E-03	2.33E-02	4.81E-04
7503200019	AES Cayuga	1.24E-06	4.38E-04	1.46E-06	8.58E-05	1.18E-03	1.23E-03	2.06E-04
8573600004	AES Greenidge LLC	2.82E-08	6.04E-05	2.02E-07	8.74E-05	6.98E-04	7.83E-04	1.17E-05
9060300021	Dunkirk Steam Generating Station	1.41E-05	3.64E-05	5.41E-06	1.44E-04	8.18E-04	1.56E-03	9.70E-06
9146400130	Huntley Steam Generating Station	1.21E-05	1.40E-05	2.80E-06	1.38E-04	7.19E-04	2.81E-03	8.56E-06
9291100152	Niagara Generating Facility	5.98E-08	1.15E-07	2.54E-07	9.73E-06	2.19E-05	6.36E-08	NA
9293800003	AES Somerset LLC	4.10E-08	8.47E-05	2.83E-07	8.77E-05	1.05E-03	1.43E-03	2.23E-04
Average Emissions		5.76E-06	1.32E-04	2.86E-06	1.01E-04	9.74E-04	4.21E-03	1.34E-04
Total Emissions		4.61E-05	1.05E-03	2.29E-05	8.07E-04	7.79E-03	3.37E-02	1.07E-03
Ratios of Emissions per MW from MWCs compared to Coal Plants:		14.07	1.38	4.22	5.08	6.75	0.22	3.96

APPENDIX B

Summary of 1972 Bond Act Funds Provided For High Technology Resource Recovery Projects				
Project/ Municipality	Original Targeted Funding Amount	Final Funding Amount	Amount Reappropriated to Recycling Projects	Amount Reappropriated to Solid Waste Projects
Hempstead (T) (Hempstead RRF)	\$2,000,000	\$2,000,000		
North Hempstead (T)	\$4,000,000	\$0	\$1,520,941	\$2,479,059
Oyster Bay (T)	\$5,057,000	\$34,879		\$22,121 (\$5,000,000 authorized for waterfront revitalization project)
Smithtown (T)	\$2,699,000	\$2,418,474	\$280,526	
Islip (T) (MacArthur WtE Facility)	\$7,500,000	\$7,500,000		
Babylon (T) (Covanta Babylon)	\$14,000,000	\$14,000,000		
Huntington (T) (Huntington RRF)	\$14,000,000	\$14,000,000		
Brookhaven (T)	\$8,250,000	\$0	\$6,250,000 - Town Use \$2,000,000-Statewide Use	
New York (C)	\$46,871,000	\$92,340	\$46,778,660	
Westchester County (Wheelabrator Westchester)	\$34,865,000	\$32,298,333	\$2,566,667	
Dutchess County (Dutchess County RRF)	\$13,449,000	\$13,449,000		
Albany County	\$6,642,000	\$5,701,743	\$940,257	
Washington County (Wheelabrator Hudson Falls)	\$1,700,000	\$1,700,000		

Summary of 1972 Bond Act Funds Provided For High Technology Resource Recovery Projects				
Project/ Municipality	Original Targeted Funding Amount	Final Funding Amount	Amount Reappropriated to Recycling Projects	Amount Reappropriated to Solid Waste Projects
Oneida County	\$3,500,000	\$3,308,256	\$191,744	
St. Lawrence County	\$6,083,000	\$0	\$750,000 - County Use \$5,333,000-Statewide Use	
Onondaga County (Onondaga County RRF)	\$295,000	\$295,000		
Broome County	\$8,779,000	\$0	\$286,559	\$8,492,441
Oswego County (Oswego County Energy Recovery Facility)	\$4,583,000	\$4,583,000		
Chemung County	\$556,000	\$556,000		
Monroe County	\$19,500,000	\$17,848,125	\$1,651,875	
Western Finger Lakes SWMA	\$1,500,000	\$0	\$1,300,000 Authority Use \$200,000 - Statewide Use	
Chautauqua County	\$287,000	\$249,573	\$37,427	
Erie County	\$7,000,000	\$0	\$7,000,000 - Use by any Erie County Municipality	
Cattaraugus County	\$1,800,000	\$1,800,000		
Allegany County	\$500,000	\$500,000		
SUB-TOTAL (currently operating WtE)	\$92,392,000	\$89,825,333	\$2,566,667	
TOTAL	\$215,416,000	\$122,334,723	\$77,087,656	\$10,993,621-Solid Waste \$5,000,000 - Waterfront Revitalization

APPENDIX C

Municipal Waste Combustors

Facility

Hempstead RRF
MacArthur WtE Facility (Islip)
Covanta Babylon
Huntington Resource Recovery Facility
Dutchess County RRF
Onondaga County RRF
Covanta Niagara
Wheelabrator Westchester
Wheelabrator Hudson Falls
Oswego County Energy Recovery Facility

Owner(s)

Covanta Hempstead Company
Islip Resource Recovery Agency
Covanta Babylon, Inc.
Town of Huntington/Covanta Huntington, LP
Dutchess County RRA
OCCRA/Covanta Onondaga, LP
Covanta Niagara
Westchester County IDA
Warren/Washington IDA
Oswego County