



of New Jersey

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Air Compliance & Enforcement
Southern Regional Office
2 Riverside Drive, Suite 201
Camden, NJ 08103

Telephone: (856) 614-3601 Fax: (856) 614-3613

JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

CERTIFIED MAIL RRR
#7005 1160 0004 0982 2571

September 8, 2008

James Klickovich, Environmental Manager
CONECTIV DEEPWATER GENERATING STATION
Po Box 6066 - Mail Code 92dc72
NEWARK, DE 19714-6066

RE: DEEPWATER GENERATING STATION
Administrative Order of Revocation and Notice of Administrative Penalty (AORNOCAPA)
EA ID #PEA080004 - 65495

Dear Mr. Klickovich:

Enclosed for service upon you is an AORNOCAPA issued by the Department. Contained within the enclosed document is a notice and instructions for requesting an Administrative Hearing. Failure to request a hearing within 20 days as per the instructions will result in loss of your right to a hearing.

If you have any questions concerning the enclosed AORNOCAPA, you may contact Matthew Zehr of my staff at (856) 614-3601 or by letter at the above address.

Sincerely,

Richelle B. Wormley, Manager
Southern Regional Office
Air Compliance & Enforcement

Enclosure



State of New Jersey

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JON S. CORZINE
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IN THE MATTER OF
CONECTIV DEEPWATER
GENERATING STATION
PO BOX 6066 - MAIL CODE 92DC72
NEWARK, DE 19714-6066

ADMINISTRATIVE ORDER OF
REVOCATION
AND
NOTICE OF CIVIL ADMINISTRATIVE
PENALTY ASSESSMENT

ATTN: S. Deater, Plant Manager

EA ID # PEA080004 - 65495

This Administrative Order of Revocation and Notice of Civil Administrative Penalty Assessment (hereinafter AORNOCAPA) are issued pursuant to the authority vested in the Commissioner of the New Jersey Department of Environmental Protection or the Department) by N.J.S.A. 13:1D-1 et seq., and the Air?(hereinafter NJDEP Pollution Control Act, N.J.S.A. 26:2C-1 et seq. (the "Act"), and duly delegated to the Manager, Southern Regional Office. Air Compliance & Enforcement pursuant to N.J.S.A.13:1B-4.

FINDINGS

1. CONECTIV DEEPWATER GENERATING STATION owns and/or operates a facility located at Route 49, Block(s) 78-78C Lot(s) 15-18, Township of Pennsville, County of Salem, State of New Jersey (ID# 65495).
2. As the result of an investigation(s) conducted on April 24, 2008, the Department has determined that CONECTIV DEEPWATER GENERATING STATION failed to comply with applicable requirements as follows:
 - A. Requirement: Pursuant to N.J.A.C. 7:27-22.16(a) and N.J.A.C. 7:27-22.3(e), hydrogen chloride <= 108 lb/hr is the maximum emission rate, from the operating permit application.

Description of Noncompliance: The Department has determined that as a result of stack emission test conducted on April 24, 2008, you operated the Steam Generator, Unit 6 8 (Emission Unit 003) while emissions to the outdoor atmosphere exceeded the standards stated in Operating Permit #070001, in violation of Operating Scenario OS1, Reference #18 as follows:

Emission Rates (lb/hr)

Contaminant	Run#1	Run#2	Run#3	Allowable Emission Rate
HCL	148	148	127	108

3. Based on the facts set forth in these FINDINGS, the Department has determined that CONECTIV DEEPWATER GENERATING STATION has violated the Air Pollution Control Act, N.J.S.A. 26:2C-1 et seq., and the regulations promulgated pursuant thereto specifically, N.J.A.C. 7:27-22.16(a).

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

4. CONECTIV DEEPWATER GENERATING STATION shall comply with the following:
 - a. Comply with the existing HCL emission limit specified in permit BOP070001 for Steam Generator 6/8 (Emission Unit 003) or
 - b. Pursuant to N.J.S.A. 26 C-9.2, authority to operate Steam Generator 6/8 (Emission Unit 003), as referenced in Operating Permit Activity No. BOP070001 is hereby revoked effective October 21, 2008. Any operation of the equipment (Steam Generator 6/8 (Emission Unit 003)) referenced in the Operating Permit Activity No.: BOP070001 after that date will constitute a violation of N.J.A.C. 7:27-22.1 et seq. and you will be subject to additional penalties in accordance with Paragraph 16 of this Administrative Order and Notice.
 - c. The Department orders Conectiv to conduct stack emission tests for Hydrogen Chloride (HCL). These tests must be conducted within 45 days of receipt of this document.
5. This Order shall be effective upon receipt by CONECTIV DEEPWATER GENERATING STATION or someone on the violator's behalf authorized to accept service.

NOTICE OF CIVIL ADMINISTRATIVE PENALTY ASSESSMENT
AND
NOTICE OF RIGHT TO A HEARING

6. Pursuant to N.J.S.A. 26:2C-19 and N.J.A.C. 7:27A-3.1 et seq., and based upon the above FINDINGS, the Department has determined that a civil administrative penalty is hereby assessed against CONECTIV DEEPWATER GENERATING STATION in the amount of \$5,300,000.00. The Department's rationale for the civil administrative penalty is set forth in the attachment, and incorporated herein.
7. Pursuant to N.J.S.A. 26:2C-19 and N.J.A.C. 7:27A-3.12, the Department may, in addition to any civil administrative penalty assessed, include as a civil administrative penalty the economic benefit (in dollars) which a violator has realized as a result of not complying with, or by delaying compliance with the requirements of this Act, or any rule, administrative order, operating certificate or permit issued pursuant thereto.
8. Pursuant to N.J.S.A. 52:14B-1 et seq. and N.J.S.A. 26:2C-14.1, CONECTIV DEEPWATER GENERATING STATION is entitled to request a hearing. CONECTIV DEEPWATER GENERATING STATION shall, in its request for a hearing, complete and submit the enclosed ADMINISTRATIVE HEARING REQUEST AND CHECKLIST TRACKING FORM along with all required information. Submittal or granting of a hearing request does not stay the terms or effect of this ORDER.
9. If no request for a hearing is received within twenty (20) calendar days from receipt of this AORNOCAPA, it shall become a Final Order upon the twenty-first (21st) calendar day following its receipt, and the penalty shall be due and payable.
10. If a timely request for a hearing is received, payment of the penalty is due when CONECTIV DEEPWATER GENERATING STATION receives a notice of the denial of the request, or, if the hearing request is granted, when CONECTIV DEEPWATER GENERATING STATION withdraws the request or abandons the hearing, or, if the hearing is conducted, when CONECTIV DEEPWATER GENERATING STATION receives a final decision from the Commissioner in this matter.
11. Payment shall be made by check payable to Treasurer, State of New Jersey and shall be submitted along with the enclosed Enforcement Invoice to:

Department of Treasury
Division of Revenue
P.O. Box 417
Trenton, NJ 08646-0417

GENERAL PROVISIONS

12. This AORNOCAPA is binding on CONECTIV DEEPWATER GENERATING STATION their principals, directors, officers, agents, successors, assigns, employees, tenants, any trustee in bankruptcy or other trustee, and any receiver appointed pursuant to a proceeding in law or equity.
13. No obligations imposed by this AORNOCAPA are intended to constitute a debt which should be limited or discharged in a bankruptcy proceeding. All obligations are imposed pursuant to the police powers of the State of New Jersey, intended to protect the public health, safety, welfare and the environment.
14. This AORNOCAPA is issued only for the violation(s) identified in the FINDINGS hereinabove and that violations of any statutes, rules or permits other than those herein cited may be cause for additional enforcement actions, either administrative or judicial, being instituted. By issuing this AORNOCAPA, NJDEP does not waive its rights to initiate additional enforcement actions.
15. Neither the issuance of this AORNOCAPA nor anything contained herein shall relieve CONECTIV DEEPWATER GENERATING STATION of the obligation to comply with all applicable laws, including but not limited to the statutes and regulations cited herein.
16. Pursuant to N.J.S.A. 26:2C-19(b) and N.J.S.A. 26:2C-19(d), any person who violates the provisions of the Act, or any code, rule regulation or order promulgated or issued pursuant thereto, or who fails to pay a civil administrative penalty in full, shall be liable to a penalty of up to \$10,000 for the first offense, \$25,000 for the second offense, and \$50,000 for the third and each subsequent offense. Each day during which the violation continues constitutes an additional, separate and distinct offense.
17. Pursuant to N.J.S.A. 26:2C-19(f)1, any person who purposely or knowingly violates the provisions of the Act, or any code, rule, regulation, administrative order or court order, promulgated or issued pursuant thereto, is guilty of a crime of the third degree.
18. Pursuant to N.J.S.A. 26:2C-19(f)2, any person who recklessly violates the provisions of the Act, or any code, rule, regulation, administrative order or court order promulgated or issued pursuant thereto, is guilty of a crime of the fourth degree.

DATE:

September 8, 2008



Richelle B. Wormley,
Manager
Southern Regional Office
Air Compliance & Enforcement

**Administrative Hearing Request Checklist
and Tracking Form**

I. Document Being Appealed: **EA ID #** PEA080004 - 65495

II. Person Requesting Hearing:

_____ **Date Document Issued**

Name/Company

Name of Attorney (if applicable)

Address

Address

Telephone #

Telephone #

III. Please Include the Following Information As Part of Your Request:

- A. The date the alleged violator received the Enforcement Document.
- B. A **copy of the Enforcement Document** and a list of all issues being appealed.
- C. An admission or denial of each of the findings of fact, or a statement of insufficient knowledge;
- D. The defenses to each of the findings of fact in the enforcement document;
- E. Information supporting the request;
- F. An estimate of the time required for the hearing;
- G. A request, if necessary, for a barrier-free hearing location for physically disabled persons;
- H. A clear indication of any willingness to negotiate a settlement with the Department prior to the Department's processing of your hearing request to the Office of Administrative Law; and
- I. This form, completed, signed and dated with all of the information listed above, including attachment, to:

- 1. New Jersey Department of Environmental Protection
Office of Legal Affairs
Attention: Adjudicatory Hearing Requests
401 E. State Street, P.O. Box 402
Trenton, New Jersey 08625
- 2. Richelle B. Wormley, Manager
Air Compliance & Enforcement
One Port Center, 2 Riverside Drive, Suite 201
Camden, NJ 08103
- 3. All co-permittees (w/ attachments)

IV. Signature: _____

Date: _____



AIR & ENVIRONMENTAL QUALITY COMPLIANCE AND ENFORCEMENT

Program Interest
DEEPWATER GENERATING STATION
RT 49
Pennsville Twp, NJ. 08070
65495

Type of Notice
ORIGINAL (NON-INITIAL)

Amount Due
\$ 5,300,000.00

Billing Date
09/05/08

Due Date
10/14/08

NJEMS Bill ID
000000053719900

Summary	
Total Amount Assessed	5,300,000.00
Amount Received Before Creating Installment Plan (if installment plans is allowed)	0.00
Amount Transferred To Installment Plan	0.00
Installment Amount	0.00
Total Amount Credited	0.00
Total Amount Debited (Other Than Amounts Assessed)	0.00
Total Amount Due	5,300,000.00

REMINDER:

- SEE BACK OF INVOICE FOR DEP CONTACT INFORMATION
- MAKE CHECKS PAYABLE TO: TREASURER - STATE OF NEW JERSEY
- WRITE PROGRAM INTEREST ID ON YOUR CHECK (SEE BOTTOM STUB)
- RETURN THE BOTTOM STUB WITH YOUR PAYMENT
- MAIL PAYMENT AND STUB TO NJ DEPARTMENT OF TREASURY (SEE BOTTOM STUB)

See Back Of Page for Billing Inquiries

INVOICE NO. 081572020

D9901F (R 3/14/02)



NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AIR & ENVIRONMENTAL QUALITY COMPLIANCE AND ENFORCEMENT

INVOICE NO. 081572020

NJEMS Bill ID
000000053719900

Program Interest ID
65495

Type of Notice
ORIGINAL (NON-INITIAL)

Billing Date
09/05/08

Due Date
10/14/08

Amount Due
\$ 5,300,000.00

For name and/or address change, check box and write corrections on the back of this invoice.

DO NOT FOLD, BEND OR MARK

Enter the Amount of your payment → \$

RETURN THIS PORTION

with your check made payable to:

TREASURER - STATE OF NEW JERSEY and mail to:

NJ DEPARTMENT OF TREASURY DIVISION OF REVENUE PO BOX 417 TRENTON, NJ 08646-0417



A2

CONECTIV DEEPWATER GENERATING STATION ATTN: MAY JOHNSON PO BOX 6066 MSC 92DC72 NEWARK DE 19714-6066

EP1010101010101010101006050409051111115300000000000030815720203A21



AIR & ENVIRONMENTAL QUALITY
COMPLIANCE AND ENFORCEMENT

Program Interest
DEEPWATER GENERATING STATION RT 49 Pennsville Twp, NJ. 08070 65495

Type of Notice
ORIGINAL (NON-INITIAL)

Amount Due
\$ 5,300,000.00

Billing Date
09/05/08

Due Date
10/14/08

NJEMS Bill ID
000000053719900

AOR and NOCAPA
Prescribed Enforcement Action
This bill was created by the Assessments Trigger.

ASSESSMENTS

Start-End Date: 09/05/2008-09/05/2008

Activity: PEA080004

Assessment Type: PENALTY

Status: Open (Pending Payment)

Regulatory Basis:

Amount: \$ 5300000.00

Total Amount Assessed: \$ 5,300,000.00

