

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT**

OFFICE OF COMPLIANCE & INSPECTION

**IN RE: City of Cranston and
Veolia Water North America Operating
Services, LLC**

FILE NO.: AIR 10 – 01

NOTICE OF VIOLATION

A. Introduction

Pursuant to Sections 42-17.1-2(21) and 42-17.6-3 of the Rhode Island General Laws, as amended, (“R.I. Gen. Laws”) you are hereby notified that the Director of the Department of Environmental Management (the “Director” of “DEM”) has reasonable grounds to believe that the above-named parties (“Respondents”) have violated certain statutes and/or administrative regulations under DEM's jurisdiction.

B. Administrative History

On 4 June 2009 DEM issued a Notice of Alleged Violation to the City of Cranston for violations of the air pollution operating permit issued by DEM for the city’s wastewater treatment facility. On 2 July 2009 Veolia Water North America Operating Services, LLC submitted a response to the Notice of Alleged Violation on behalf of the City of Cranston. At this time, there remain outstanding issues related to the Notice of Alleged Violation.

C. Facts

- (1) The subject facility, known as the “Cranston Water Pollution Control Facility”, is located at 140 Pettaconsett Avenue, Cranston, Rhode Island (the “Facility”) and is owned by the City of Cranston (“Cranston”).
- (2) Veolia Water North America Operating Services, LLC operates the Facility on behalf of Cranston.
- (3) The Facility is a stationary source of air pollutants subject to the DEM Air Pollution Control (“APC”) Regulations.
- (4) On 7 June 2004, the DEM Office of Air Resources (“OAR”) issued the Facility Operating Permit No. RI-40-04 pursuant to the APC Regulations. On 19 September 2008, OAR issued a revised Operating Permit No. RI-40-04(R1) to include conditions contained in Minor Source Permit Approval Nos. 647, 648, 649 and 1818.

- (5) The Operating Permit requires Cranston to:
- (a) Measure and record daily fuel used in the Facility's four (4) boilers;
 - (b) Not exceed ten (10) percent opacity on emissions, averaged over six (6) minutes, while sludge is being discharged to the Facility's two (2) multiple hearth incinerators;
 - (c) Report exceedances of any emission limitation to OAR within twenty four (24) hours of the exceedance;
 - (d) Submit results of monthly metals analysis on the sewage sludge to OAR within sixty (60) days after collecting the samples;
 - (e) Submit a true, accurate, and complete annual certification of compliance (the "ACC") to OAR; and
 - (f) Make written notification to OAR prior to replacing an emission unit.
- (6) On 18 March 2009, OAR inspected the Facility. The inspection and related review of the Facility's file revealed that the Respondents failed to:
- (a) Measure and record daily fuel used in each of the four (4) boilers;
 - (b) Comply with the emissions limit for opacity for the stacks servicing the two (2) multiple hearth incinerators;
 - (c) Report the opacity exceedances to OAR within twenty-four (24) hours of the exceedance;
 - (d) Report hydrocarbon emissions limit exceedances from the two (2) multiple hearth sewage sludge incinerators to OAR within twenty-four (24) hours of the exceedance;
 - (e) Submit to OAR the results of the monthly sewage sludge sample metals analysis within sixty (60) days after collecting the sludge samples;
 - (f) Submit a true, accurate, and complete ACC for 2008; and
 - (g) Submit written notification to OAR prior to the installation of a Trane Commercial Systems Group natural gas boiler to replace a Jacson & Church natural gas boiler.

- (7) As of the date of this Notice of Violation (“NOV”), Cranston has failed to implement all corrective actions required to comply with the terms of the Operating Permit.

D. Violation

Based on the foregoing facts, the Director has reasonable grounds to believe that you have violated the following statutes and/or regulations:

- (1) APC Regulation No. 9, Section 9.6.8 – requiring any person who receives a permit to comply with all conditions in the permit.

E. Order

Based upon the violations alleged above and pursuant to R.I. Gen. Laws Section 42-17.1-2(21), you are hereby ORDERED to:

- (1) **Within thirty (30) days of receipt of this NOV**, submit a revised ACC for 2008 that addresses the following deficiencies:
 - (a) Change “compliance” to “noncompliance” for conditions I.C.1.f (1), I.C.1.g, I.C.6.e, I.D.1.f(1), I.D.1.g, and I.D.6.e;
 - (b) Change the summary of deviation for conditions I.C.3.1 and I.D.3.1 to “reporting deficiencies”;
 - (c) Complete conditions I.C.4.i, I.C.4.j, I.D.4.i, I.D.4.j and all of Section II, and;
 - (d) Accurately label I.D.6.d and I.D.6.e as I.D.6.e and I.D.6.f.

F. Penalty

- (1) Pursuant to R.I. Gen. Laws Section 42-17.6-2, the following administrative penalty, as more specifically described in the attached penalty summary and worksheets, is hereby ASSESSED, jointly and severally, against each named respondent:

Six thousand dollars (\$ 6,000.00)

- (2) The proposed administrative penalty is calculated pursuant to the DEM Rules and Regulations for Assessment of Administrative Penalties, as amended, and must be paid to the Director within twenty (20) days of your receipt of this NOV. Payment shall be in the form of a check made payable to the “General Treasury - Water & Air Protection Program Account,” and shall be forwarded to the DEM Office of Compliance and Inspection, 235 Promenade Street, Suite 220, Providence, Rhode Island 02908-5767.

- (3) Penalties assessed against respondents in this NOV are penalties payable to and for the benefit of the State of Rhode Island and are not compensation for actual pecuniary loss.
- (4) If any violation alleged herein shall continue, then each day during which the violation occurs or continues shall constitute a separate offense and the penalties and/or costs for that violation shall continue to accrue in the manner set forth in the attached penalty summary and worksheets. The accrual of additional penalties and costs shall be suspended if the Director determines that reasonable efforts have been made to comply promptly with this NOV.

G. Right to Administrative Hearing

- (1) Pursuant to R.I. Gen. Laws Chapters 42-17.1, 42-17.6, 42-17.7 and 42-35, each named respondent is entitled to request a hearing before the DEM Administrative Adjudication Division regarding the allegations, orders and/or penalties set forth in Sections B through F above. All requests for hearing MUST:
 - (a) Be in writing. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and 42-17.6-4(b),
 - (b) Be **RECEIVED** by DEM's Administrative Adjudication Division, at the following address, within twenty (20) days of your receipt of this NOV. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and 42-17.7-9:

Administrative Clerk
DEM - Administrative Adjudication Division
235 Promenade Street, 3RD Floor
Providence, RI 02908-5767

- (c) Indicate whether you deny the alleged violations and/or whether you believe that the administrative penalty is excessive. See R.I. Gen. Laws Section 42-17.6-4(b); **AND**
 - (d) State clearly and concisely the specific issues which are in dispute, the facts in support thereof and the relief sought or involved, if any. See Rule 7.00(b) of the DEM Administrative Rules of Practice and Procedure for the Administrative Adjudication Division of Environmental Matters.
- (2) A copy of each request for hearing must also be forwarded to:

Marisa Desautel, Esquire
DEM - Office of Legal Services
235 Promenade Street, 4TH Floor
Providence, RI 02908-5767

- (3) Each named respondent has the right to be represented by legal counsel at all administrative proceedings relating to this matter.

- (4) Each respondent must file a separate and timely request for an administrative hearing before DEM's Administrative Adjudication Division as to each violation alleged in the written NOV. If any respondent fails to request a hearing in the above-described time or manner with regard to any violation set forth herein, then this NOV shall automatically become a Final Compliance Order enforceable in Superior Court as to that respondent and/or violation and any associated administrative penalty proposed in the NOV shall be final as to that respondent. See R.I. Gen. Laws Sections 42-17.1-2(21)(i) and (v) and 42-17.6-4(b) and (c).
- (5) Failure to comply with this NOV may subject each respondent to additional civil and/or criminal penalties.
- (6) This NOV does not preclude the Director from taking any additional enforcement action nor does it preclude any other local, state, or federal governmental entities from initiating enforcement actions based on the acts or omissions described herein.

If you have any legal questions, you may contact (or if you are represented by an attorney, please have your attorney contact) Marisa Desautel at the DEM Office of Legal Services at (401) 222-6607. All other inquiries should be directed to Martha Mulcahey of DEM's Office of Compliance and Inspection at (401) 222-1360 ext. 7032.

Please be advised that any such inquiries do not postpone, eliminate, or otherwise extend the need for a timely submittal of a written request for a hearing, as described in Section G above.

FOR THE DIRECTOR

David E. Chopy, Chief
DEM Office of Compliance and Inspection

Date: _____

CERTIFICATION

I hereby certify that on the _____ day of _____
the within Notice of Violation was forwarded to:

The Honorable Allan Fung
Mayor, City of Cranston
869 Park Avenue
Cranston, RI 02910

Veolia Water North America Operating Services, LLC
c/o CT Corporation System, Registered Agent
155 South Main Street, Suite 301
Providence, RI 02903

by Certified Mail.

ADMINISTRATIVE PENALTY SUMMARY



ADMINISTRATIVE PENALTY SUMMARY

Program: OFFICE OF COMPLIANCE AND INSPECTION, AIR
 File No.: AIR 10 – 01
 Respondents: City of Cranston
 Veolia Water North America Operating Services, LLC

GRAVITY OF VIOLATION					
SEE ATTACHED "PENALTY MATRIX WORKSHEETS."					
VIOLATION No. & CITATION	APPLICATION OF MATRIX		PENALTY CALCULATION		AMOUNT
	Type	Deviation	Penalty from Matrix	Number or Duration of Violations	
D (1) – Failure to measure and record daily fuel use; report permit exceedances; submit sludge sample metals analysis reports; and submit written notification of a changed emission unit	Type III (\$ 2,500 Max. Penalty)*	Major	\$ 2,500	1	\$2,500.00
D (1) – Failure to submit true, accurate, and complete ACC	Type III (\$ 2,500 Max. Penalty)*	Major	\$ 2,500	1	\$2,500.00
D (1) – Failure to comply with the opacity limitation	Type II (\$ 5,000 Max. Penalty)*	Minor	\$ 1,000	1	\$1,000.00
SUB-TOTAL					\$6,000.00

*Maximum Penalties represent the maximum penalty amounts per day, per violation.

TOTAL PENALTY PROPOSED UNDER PENALTY REGULATIONS = \$ 6,000.00

PENALTY MATRIX WORKSHEET

CITATION: Failure to measure and record daily fuel use, report permit exceedances, submit sludge analysis reports, and submit written notification of a changed emission unit
 VIOLATION NO.: D (1)

TYPE		
<u> </u> TYPE I <u>DIRECTLY</u> related to protecting health, safety, welfare or environment.	<u> </u> TYPE II <u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.	<u> X </u> TYPE III <u>INCIDENTAL</u> to protecting health, safety, welfare or environment.

DEVIATION FROM THE STANDARD
 THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.

FACTORS CONSIDERED:

Taken from Section 10 (a) (2) of the DEM *Rules and Regulations for Assessment of Administrative Penalties*

- (A) **The extent to which the act or failure to act was out of compliance:** Respondents failed to keep and/or submit timely and accurate reports required by the permit. Specifically, the Respondents failed to:
- Measure and record daily records of fuel use in four boilers,
 - Submit timely opacity exceedances and hydrocarbon emissions limitation exceedances reports for multiple hearth sewage sludge incinerators,
 - Submit timely sludge sample metals analysis reports, and
 - Submit written notification of a changed emission unit.
- Having regulated facilities adhere to regular reporting requirements is an essential component of the regulatory program.
- (B) **Environmental conditions:** Not relevant.
- (C) **Amount of the pollutant:** Not relevant.
- (D) **Toxicity or nature of the pollutant:** Not relevant.
- (E) **Duration of the violation:** Not relevant.

(continued)

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- (F) **Areal extent of the violation:** Not relevant.
- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondents have the responsibility of assembling data and documentation pertaining to compliance with the Facility's operating permit. Cranston was issued a Notice of Alleged Violations (NOAV) by DEM on 4 June 2009, but the response submitted on 2 July 2009 failed to fully comply with the NOAV.
- (H) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce:** In previous years, the Respondents failed to comply with operating permit requirements pertaining to semi-annual monitoring reports and the Annual Compliance Certifications. DEM issued informal notices and formal notices of violation and the Respondents have paid administrative penalties as a result of their noncompliance.
- (I) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** Negligence is attributable to the Respondents for their failure to prepare and submit reports to OAR within the deadlines specified in the subject operating permit.
- (J) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Not relevant.

<u> X </u> MAJOR	MODERATE	MINOR
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Penalty Matrix where the applicable statute provides for a civil penalty up to \$ 10,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$5,000 to \$10,000	\$2,500 to \$5,000	\$1,000 to \$2,500 \$2,500
	MODERATE	\$2,500 to \$5,000	\$1,000 to \$2,500	\$500 to \$1,000
	MINOR	\$1,000 to \$2,500	\$500 to \$1,000	\$100 to \$500

PENALTY MATRIX WORKSHEET

CITATION: Failure to submit a true, accurate, and complete ACC
 VIOLATION NO.: D (1)

TYPE		
<u> </u> TYPE I <u>DIRECTLY</u> related to protecting health, safety, welfare or environment.	<u> </u> TYPE II <u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.	<u> X </u> TYPE III <u>INCIDENTAL</u> to protecting health, safety, welfare or environment.

DEVIATION FROM THE STANDARD
 THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.

FACTORS CONSIDERED:

Taken from Section 10 (a) (2) of the DEM *Rules and Regulations for Assessment of Administrative Penalties*

- (A) **The extent to which the act or failure to act was out of compliance:** Respondents failed to submit a true, accurate, and complete ACC report as required by the permit. Having regulated facilities submit true, accurate and complete reports is essential to the regulatory program.
- (B) **Environmental conditions:** Not relevant.
- (C) **Amount of the pollutant:** Not relevant.
- (D) **Toxicity or nature of the pollutant:** Not relevant.
- (E) **Duration of the violation:** 2 years. The ACC report for 2008 was due no later than 29 February 2008. The report was submitted on 18 February 2009 and was determined to be inaccurate and incomplete. A revised report was submitted on 3 April 2009 and was determined to be inaccurate and incomplete.

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- (F) **Areal extent of the violation:** Not relevant.
- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondents have the responsibility of assembling data and documentation pertaining to compliance with the Facility's operating permit. Cranston was issued a Notice of Alleged Violations (NOAV) by DEM on 4 June 2009, but the response submitted on 2 July 2009 failed to fully comply with the NOAV.
- (H) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce:** In previous years, the Respondents failed to comply with operating permit requirements pertaining to semi-annual monitoring reports and the Annual Compliance Certifications. DEM issued informal notices and formal notices of violation and the Respondents have paid administrative penalties as a result of their noncompliance.
- (I) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** Negligence is attributable to the Respondents for their failure to prepare and submit a true, accurate, and complete report to DEM within the deadlines specified in the subject operating permit.
- (J) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Not relevant.

<u> X </u> MAJOR	MODERATE	MINOR
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Penalty Matrix where the applicable statute provides for a civil penalty up to \$ 10,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$5,000 to \$10,000	\$2,500 to \$5,000	\$1,000 to \$2,500 \$2,500
	MODERATE	\$2,500 to \$5,000	\$1,000 to \$2,500	\$500 to \$1,000
	MINOR	\$1,000 to \$2,500	\$500 to \$1,000	\$100 to \$500

PENALTY MATRIX WORKSHEET

CITATION: Failure to comply with the opacity limitation

VIOLATION NO.: D (1)

TYPE		
<p style="text-align: center;"><u> </u> TYPE I</p> <p><u>DIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;"><u> X </u> TYPE II</p> <p><u>INDIRECTLY</u> related to protecting health, safety, welfare or environment.</p>	<p style="text-align: center;"><u> </u> TYPE III</p> <p><u>INCIDENTAL</u> to protecting health, safety, welfare or environment.</p>
DEVIATION FROM THE STANDARD		
THE DEGREE TO WHICH A PARTICULAR VIOLATION IS OUT OF COMPLIANCE WITH THE REQUIREMENT VIOLATED.		
<p><u>FACTORS CONSIDERED:</u></p> <p>Taken from Section 10 (a) (2) of the DEM <i>Rules and Regulations for Assessment of Administrative Penalties</i></p> <p>(A) The extent to which the act or failure to act was out of compliance: Respondents failed to comply with the 10% opacity limitation from the stacks servicing the multiple hearth incinerators while sludge is being charged to the incinerators. Having regulated facilities adhere to visible emission requirements is important to the regulatory program but indirectly related to the protection of the public health, safety, welfare, or environment.</p> <p>(B) Environmental conditions: Not relevant.</p> <p>(C) Amount of the pollutant: Not relevant.</p> <p>(D) Toxicity or nature of the pollutant: Not relevant.</p> <p>(E) Duration of the violation: Not relevant.</p> <p style="text-align: right; margin-top: 20px;">(continued)</p>		

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- (F) **Areal extent of the violation:** Not relevant.
- (G) **Whether the person took reasonable and appropriate steps to prevent and/or mitigate the noncompliance:** Respondents have the responsibility of compliance with the Facility's operating permit.
- (H) **Whether the person has previously failed to comply with any regulations, order, statute, license, permit or approval issued or adopted by the Department, or any law which the Department has the authority or responsibility to enforce:** In previous years, the Respondents failed to comply with operating permit requirements pertaining to semi-annual monitoring reports and the Annual Compliance Certifications. DEM issued informal notices and formal notices of violation and the Respondents have paid administrative penalties as a result of their noncompliance.
- (I) **The degree of willfulness or negligence, including but not limited to, how much control the violator had over the occurrence of the violation and whether the violation was foreseeable:** Negligence is attributable to the Respondents for their failure to comply with the opacity limit in the subject operating permit.
- (J) **Any other factor(s) that may be relevant in determining the amount of a penalty:** Not relevant.

MAJOR	MODERATE	<u> </u> X MINOR
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Penalty Matrix where the applicable statute provides for a civil penalty up to \$ 10,000		TYPE I	TYPE II	TYPE III
DEVIATION FROM STANDARD	MAJOR	\$5,000 to \$10,000	\$2,500 to \$5,000	\$1,000 to \$2,500 \$2,500
	MODERATE	\$2,500 to \$5,000	\$1,000 to \$2,500	\$500 to \$1,000
	MINOR	\$1,000 to \$2,500	\$500 to \$1,000 \$1,000	\$100 to \$500

CERTIFIED MAIL

Veolia Water North America Operating Services, LLC
c/o CT Corporation System, Registered Agent
155 South Main Street, Suite 301
Providence, RI 02903

Re: **NOTICE OF VIOLATION**
File No.: AIR 10 – 01

Dear Sir or Madam:

Enclosed please find a Notice of Violation (“NOV”) relating to the City of Cranston’s wastewater treatment facility located at 140 Pettaconsett Avenue, Cranston, Rhode Island operated by Veolia Water North America Operating Services, LLC.

PLEASE READ THIS DOCUMENT CAREFULLY. Pursuant to R.I. General Laws Chapters 42-17.1, 42-17.6, 42-17.7 and 42-35 each named Respondent is entitled to request an administrative hearing before the Director or his designee regarding the alleged violations, orders and/or penalties set forth in this NOV. Further details regarding each Respondent’s right to an administrative hearing are provided within the NOV.

If Veolia Water North America Operating Services, LLC (“Veolia”) wishes to request an administrative hearing concerning this NOV, the request must **be made in writing and be received within twenty (20) days of your receipt of this NOV.** The written request for an administrative hearing must be submitted to:

RIDEM – Administrative Adjudication Division (“AAD”)
235 Promenade Street, 3rd Floor
Providence, RI 02908-5767

A copy of the request for an administrative hearing must also be forwarded to:

Marisa Desautel, Esquire
RIDEM – Office of Legal Services
235 Promenade Street, 4th Floor
Providence, RI 02908-5767

Veolia may also wish to arrange for an informal meeting to discuss this NOV with representatives of the Office of Compliance & Inspection (“OC&I”). At that informal meeting, representatives of the OC&I will be prepared to discuss the facts set forth in the NOV, steps that may be necessary to comply with the orders contained therein, pertinent regulatory requirements, as well as issues related to the penalty assessed in this NOV. If agreement on resolution of the enforcement action can be reached, a Consent Agreement may be entered that both resolves the NOV and eliminates the need for an administrative hearing.

Representatives of the OC&I are prepared to discuss a resolution of this matter with Veolia; however, please be advised that correspondence with the OC&I, including a request for an informal meeting to discuss this NOV, does not constitute a formal request for a hearing and will not protect the right of Veolia to a formal hearing before AAD.

If Veolia wishes to arrange for an informal meeting to discuss this NOV, please contact:

Christopher R. John, Supervising Air Quality Specialist
Office of Compliance & Inspection
235 Promenade Street, Room 220
Providence, RI 02908 – 5767
Telephone: (401) 222 – 4700, ext. 7023

Or

Sherry Washington, Technical Staff Assistant
Telephone: (401) 222 – 4700, ext. 7425

Veolia has a right to be represented by legal counsel before AAD or in an informal meeting with the OC&I. Veolia is not obligated to do so, but if Veolia plans on having legal representation present at an informal meeting with the OC&I, please inform us at the time of the request for an informal meeting so that we can make arrangements to have legal counsel present.

Sincerely,

Christopher R. John, Supervising Air Quality Specialist
Office of Compliance & Inspection

Enclosure

cc: Doug McVay, Acting Chief, DEM Office of Air Resources
Thomas McCusker, Environmental Protection Agency, Region I

CERTIFIED MAIL

The Honorable Allan Fung
Mayor, City of Cranston
869 Park Avenue
Cranston, RI 02910

Re: **NOTICE OF VIOLATION**
File No.: AIR 10 – 01

Dear Mayor Fung:

Enclosed please find a Notice of Violation (“NOV”) relating to the City of Cranston regarding its wastewater treatment facility located at 140 Pettaconsett Avenue, Cranston, Rhode Island and operated by Veolia Water North America Operating Services, LLC.

PLEASE READ THIS DOCUMENT CAREFULLY. Pursuant to R.I. General Laws Chapters 42-17.1, 42-17.6, 42-17.7 and 42-35 each named Respondent is entitled to request an administrative hearing before the Director or his designee regarding the alleged violations, orders and/or penalties set forth in this NOV. Further details regarding each Respondent’s right to an administrative hearing are provided within the NOV.

If the City of Cranston (“Cranston”) wishes to request an administrative hearing concerning this NOV, the request must **be made in writing and be received within twenty (20) days of your receipt of this NOV.** The written request for an administrative hearing must be submitted to:

RIDEM – Administrative Adjudication Division (“AAD”)
235 Promenade Street, 3rd Floor
Providence, RI 02908-5767

A copy of the request for an administrative hearing must also be forwarded to:

Marisa Desautel, Esquire
RIDEM – Office of Legal Services
235 Promenade Street, 4th Floor
Providence, RI 02908-5767

Cranston may also wish to arrange for an informal meeting to discuss this NOV with representatives of the Office of Compliance & Inspection (“OC&I”). At that informal meeting,

representatives of the OC&I will be prepared to discuss the facts set forth in the NOV, steps that may be necessary to comply with the orders contained therein, pertinent regulatory requirements, as well as issues related to the penalty assessed in this NOV. If agreement on resolution of the enforcement action can be reached, a Consent Agreement may be entered that both resolves the NOV and eliminates the need for an administrative hearing.

Representatives of the OC&I are prepared to discuss a resolution of this matter with Cranston; however, please be advised that correspondence with the OC&I, including a request for an informal meeting to discuss this NOV, does not constitute a formal request for a hearing and will not protect the right of Cranston to a formal hearing before AAD.

If Cranston wishes to arrange for an informal meeting to discuss this NOV, please contact:

Christopher R. John, Supervising Air Quality Specialist
Office of Compliance & Inspection
235 Promenade Street, Room 220
Providence, RI 02908 – 5767
Telephone: (401) 222 – 4700, ext. 7023
Or
Sherry Washington, Technical Staff Assistant
Telephone: (401) 222 – 4700, ext. 7425

Cranston has a right to be represented by legal counsel before AAD or in an informal meeting with the OC&I. Cranston is not obligated to do so, but if Cranston plans on having legal representation present at an informal meeting with the OC&I, please inform us at the time of the request for an informal meeting so that we can make arrangements to have legal counsel present.

Sincerely,

Christopher R. John, Supervising Air Quality Specialist
Office of Compliance & Inspection

Enclosure

cc: Doug McVay, Acting Chief, DEM Office of Air Resources
Thomas McCusker, Environmental Protection Agency, Region I