

AMENDED CONSENT DECREE QUARTERLY REPORT FOR VIWAPA ST. THOMAS AND ST. JOHN

Civil Action Number 3:14-cv-00086-CVG-RM and DOJ Case Number 90-5-2-1-10424
October 1 – December 31, 2024

PRELUDE

VIWAPA is making significant progress in meeting all of the CD obligations, but we have had several equipment malfunctions for the 4th quarter. We are reporting several hundred hours of excess emissions. On a more positive note, in late December, VIWAPA was able to bring the four new 9 MW Wartsila engines into full power production. These units burn mainly propane but require a small amount of oil as the ignition fuel (95% propane/ 5% #2 oil). As of this writing in January, and, because of the four new Wartsila, there were several periods when none of the turbines were needed, i.e., all of the equipment covered by this CD was no longer needed to generate power. As such, we are urging EPA and DOJ to accelerate the termination process that we formally initiated on May 22, 2024 with a petition to terminate.

Peak daily power production during the quarter was almost 60 MW. Prior to time in late December when the four new Wartsila units came on-line, power demand for the 4th quarter at the Harley Station was met with the operation of the three Wartsila units burning entirely propane and generating about 21 MW, Unit 15 burning mainly propane and generating about 17 MW, and Unit 23 burning oil and providing the balance of the load demand. During 4th quarter 2024, the three Wartsila units and Unit 15 produced about 55% of the total power demand for the St. Thomas and St. John Districts, operating entirely on PROPANE. And when the four new Wartsila units went online in late December, the percentage of propane power generated electricity was greater than 90%.

The solar farm on the east end of the island continues to produce approximately 3 to 5 MW when the sun is out. Additionally, a battery backup unit with a capacity of 12 MW is now able to supply power to the islands for a few hours when needed.

Our quarterly report follows for the three-month period ending December 31, 2024.

COMPLIANCE REQUIREMENTS

12. St. Thomas Facility

a. With respect to the St. Thomas Facility, Defendant shall comply with all applicable provisions of the Act, all applicable requirements of the NSPS, and the Virgin Island State Implementation Plan ("VI SIP"), as well as conditions in the Unit 25 Operating Permit, the PSD Permits and the St. Thomas Title V Operating Permit.

Response: there were a number of excursions that violated the limits established in our PSD and Title V permits that we are reporting for this 4th quarter. There was a payment issue with Seven Seas which provides the ultra pure water needed for the water injection system that resulted in 97 hours when water was not available for injection into Unit 23. As a result, we are paying a penalty for these hourly infractions. In addition,

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ATTACHMENT 1

CALCULATION OF STIPULATED PENALTIES

CONSENT DECREE STIPULATED PENALTIES VIWAPA ST. THOMAS FACILITY

Combined Quarterly Penalties

Calendar Quarter

Year

Penalty Item	Penalty (\$)	50% Discount* (\$)
PSD Excess Emissions	17,000	8,500
Percent LPG/LNG Usage	0	0
Unit 14 Opacity	0	0
NOx and CO CEMs	0	0
Video Camera System	0	0
Compliance Milestones Table 1	0	0
Compliance Milestones Table 2	0	0
Compliance Milestones Table 3	0	0
Reporting Requirements	0	0
Total	17,000	8,500

*Applies if VIWAPA self assesses, reports and pays penalties within 30 days of the end of each calendar quarter

CONSENT DECREE STIPULATED PENALTIES VIWAPA ST. THOMAS FACILITY

Civil Penalty

Payment*	Due Date	Date Paid	Days Late	Penalty Rate (\$/Late Day)	Penalty (\$)
First \$400K	10/30/2016	10/30/2016	0	750	0
Next \$300K	2/28/2017	2/28/2017	0	750	0
Next \$300K	6/30/2017	6/30/2017	0	750	0
Final \$300K	1/30/2018	1/30/2018	0	750	0

*Interest is due on each payment made after the Consent Decree effective date of September 30, 2016. The first payment is due in 30 days after the effective date or by October 30, 2016.

**CONSENT DECREE STIPULATED PENALTIES
VIWAPA ST. THOMAS FACILITY**

PSD Excess Emissions (Units covered have PSD permits)

Calendar Quarter Year

Unit	NOx Concentration or Mass*			Water to Fuel Ratio**			CO Concentration			Opacity %			SO ₂ Emissions			Total Penalty for Unit (\$)
	Excess Hours	Penalty Rate (\$/hr)	Penalty (\$)	Excess Hours	Penalty Rate (\$/hr)	Penalty (\$)	Excess Hours	Penalty Rate (\$/hr)	Penalty (\$)	Excess Hours	Penalty Rate (\$/hr)	Penalty (\$)	Excess Hours	Penalty Rate (\$/hr)	Penalty (\$)	
15	0	50	0	0		0	3		0	0		0	0		0	0
15	0	100	0													0
27	101	50	5,050	0	50	0	0		0	0		0	0		0	5,050
27	0	100	0	0	50	0	0		0	0		0	0		0	0
26		50	0		50	0			0			0			0	0
26		100	0		100	0			0			0			0	0
26		250	0		250	0			0			0			0	0
23	175	50	8,750	0	43	0	64	50	3,200	0		0	0		0	11,950
23	0	100	0	0		0	0	100	0	0		0	0		0	0
25			0			0			0			0				0
Grand Total																17,000

*Mass for low loads and concentration at other times; **does not apply during Capacity Performance Testing with required notification**

**Only applies for hours during which the unit operated above low load and no fully quality-assured NOx CEM data was available

Note: Penalties began to apply to Unit 26 on April 21, 2017 and Unit 27 on May 1, 2018; penalties did not apply to Unit 25 because it was not purchased; in addition, no exceedances of the NSPS four-hour minimum water to fuel ratio (NOx limit) occurred for Unit 25.

Penalty Rates

Hours of Excess Emissions	Penalty \$/Hour
1 - 250	50
251 - 750	100
751+	250

CONSENT DECREE STIPULATED PENALTIES VIWAPA ST. THOMAS FACILITY

Percent LPG/LNG Usage for Converted Units or Units Capable of Burning LPG/LNG

Calendar Quarter Year

Unit	Percent LPG/LNG Usage		
	12-Month Rolling Average % LPG/LNG Usage	Penalty Rate \$/12-month rolling period	Resulting Penalty (\$)
Combined Units (85% minimum)		15,000	
Unit 15 (65% minimum)		10,000	
Unit 27 (65% minimum)		10,000	
Unit 26 (65% minimum)		10,000	
Unit 23 (65% minimum)		10,000	
Unit 25 (65% minimum)		10,000	
Total			0

Notes:

1. Penalties for each unit apply only to Unit 15 (only unit to achieve substantial completion) beginning with January 2020.
2. Penalty for combined units (only Unit 15 and Wartsila units can burn LPG) applies beginning with June 2020.
3. If a penalty is paid for combined units in a given 12-month rolling period, penalties for individual units do not apply.
4. A penalty does not apply to Unit 25 because it was not purchased.

CONSENT DECREE STIPULATED PENALTIES VIWAPA ST. THOMAS FACILITY

Unit 14 SIP Opacity Violations Based on Method 9 Tests

Calendar Quarter Year

Day	Opacity Violations			
	Number of 6-minute average violations	Daily Penalty at \$400 per 6- minute violation (\$)	Daily Penalty Limit (\$)	Resultin g Penalty (\$)
	0	0	6,000	0
	0	0	6,000	0
	0	0	6,000	0
	0	0	6,000	0
	0	0	6,000	0
	0	0	6,000	0
	0	0	6,000	0
	0	0	6,000	0
	0	0	6,000	0
	0	0	6,000	0
	0	0	6,000	0
Total				0

Note: Penalties began to apply on January 1, 2020, which is about 46 days after the fuel atomizer was repaired.

CONSENT DECREE STIPULATED PENALTIES VIWAPA ST. THOMAS FACILITY

NOx and CO CEMs

Calendar Quarter Year

CEM Stack	NOx			CO			CEM Total for Unit (\$)
	Percent Availability	Penalty Rate \$/Monitor	Penalty (\$)	Percent Availability	Penalty Rate \$/Monitor	Penalty (\$)	
Unit 15			0	92.3		0	0
Unit 27			0	92.3		0	0
Unit 26			0			0	0
Unit 23			0	90.2		0	0
HRSG 21			0			0	0
Unit 25			0			0	0
Grand Total							0

Notes:

1. CEM penalties began to apply to Unit 26 on April 21, 2017 and Unit 27 on May 1, 2018; CEM penalties do not apply to Unit 25 because it was not purchased and has no CEMS.

Penalty Rates

Monitor Percent Available	\$/Monitor
75-89	2,500
50-74	7,500
0-49	15,000

**CONSENT DECREE STIPULATED PENALTIES
VIWAPA ST. THOMAS FACILITY**

Video Camera SystemCalendar Quarter Year

Stack	Video Camera		
	Percent Quarterly Availability	Penalty Rate \$/Camera	Penalty for Camera (\$)
Unit 14			0
Unit 15			0
Unit 27			0
Unit 26			0
Unit 23			0
HRSG 21			0
Total			0

Notes:

1. Penalties apply after the required camera system installation date (no later than 60 days after the September 24, 2015 date of lodging of the original CD) except for the period of relief granted by EPA when the system was undergoing repairs due to damage caused by the September 2017 hurricanes.
2. Penalties began to apply to Unit 26 on April 21, 2017 and to Unit 27 on May 1, 2018.

Penalty Rates

Video Camera Percent Available for Calendar Quarter	\$/Camera
90-95	2,000
50-89	4,000
0-49	8,000

CONSENT DECREE STIPULATED PENALTIES VIWAPA ST. THOMAS FACILITY

Compliance Milestones

Calendar Quarter 4 Year 2024

Milestone Table 1	Period of Noncompliance (days)	Penalty Rate \$/day	Penalty (\$)
Written notification/documentation of decision to purchase, refurbish or replace Unit 25 (Paragraph [PG] 12.f)			0
Creation of St. Thomas Spare Parts Tracking System, including the required lists/logs (PG 14)			0
Installation and utilization of Maximo software or such similar software that provides for monitoring of spare parts (PG 14)			0
Submission of request to DPNR for water to fuel ratios established during performance testing to be included in permit (PG 15.a)			0
Operation of industrial grade water system to supply water injection systems (PG 15.c)	0	200	0
Training of employees pursuant to Water Injection Training Program (PG 15.e and 15.f)			0
Hiring and retention of onsite technical person or engineer (PG 15.g and 15.h)			0
Implementation of O&M Plan for water injection systems (PG 15.j and 15.k)			0
Submission of Monthly Water Injection Data Sheet (PG 15.l)			0
Completion of Water Injection System Third Party Audit every 24 months (PG 15.m)			0
Submission of Water Injection System Third Party Audit proposed auditor credentials (PG 15.n)			0
Submission of Water Injection System Third Party Audit Reports, including drafts, concurrently to EPA/VIWAPA (PGs 15.p and 15.q)			0
Submission of VIWAPA's responses to the Water Injection System Third Party Audit Report (PGs 15.r, 15.p and 15.s)			0
Implementation of Water Injection System Third Party Audit and EPA approved recommendations (PG 15.t)			0
Completion of Water Injection System Self-Audit every 24 months (PG 15.u)			0
Submission of Water Injection System Self-Audit Report and VIWAPA recommendations (PG 15.v)			0
Implementation of Water Injection System Self Audit and EPA approved recommendations (PG 15.w)			0
Completion of CEMS daily calibration data sheet (PG 16.b)	23	200	4,600
Completion of CEMS Third Party Audit every 24 months (PG 16.c)			0
Submission of CEMS Third Party Audit proposed auditor credentials (PG 16.d)			0
Submission of CEMS Third Party Audit Report, including drafts, concurrently to EPA and VIWAPA (PGs 16.f and 16.g)			0
Submission of VIWAPA's responses to the CEMS Third Party Audit Report (PGs 16.h and 16.i)			0
Implementation of CEMS Third Party Audit and EPA approved recommendations (PG 16.j)			0
Completion of CEMS Self-Audit every 24 months (PG 16.k)			0
Submission of CEMS Self-Audit Report and VIWAPA recommendations (PG 16.l)			0
Implementation of CEMS Self Audit and EPA-approved recommendations (PG 16.m)			0

**CONSENT DECREE STIPULATED PENALTIES
VIWAPA ST. THOMAS FACILITY**

Milestone Table 1	Period of Noncompliance (days)	Penalty Rate \$/day	Penalty (\$)
Implementation and compliance with QAP (PGs 16.n and 16.o)			0
Installation/operation of audible alarm in St. Thomas facility control room that indicates when CEMS records emissions approaching limit (PG 16.p)			0
Installation/operation of audible alarm in St. Thomas facility control room that automatically activates when any NOx CEMS is not operating and is manually activated when any NOx CEMS has not passed CGA/RATA (PG 16.q)			0
Hiring of outside entity to train VIWAPA employees on CEMS and COMS (PG 16.r)			0
Hiring, retention, and availability onsite of technical person or engineer to properly operate and maintain CEMS and to respond (PGs 16.s and 16.t)			0
Installation of video camera system (PGs 17.a and b)			0
Conducting Method 9 readings (PG 17.c)			0
Maintenance of recordings from video camera for at least 6 rolling months and making recordings available to EPA (PG 17.d)			0
Completion of CGAs and RATAs on all CEMS (PG 18.a)	191	503.141	96,100
Completion of stack testing and any follow-up stack testing as necessary (PG 19)			0
Submission of stack testing protocol to EPA (PG 19.b)			
Submission of stack test results and Stack Test Corrective Action Plan if necessary (PGs 19.c and 19.d)			0
Operation of units using fuel types that VIWAPA demonstrated comply with applicable emission limits (PG 19.g)			0
Submission of request to permitting authority for water to fuel ratios established during performance testing (PG 19.h)			0
Submission of NSPS Subpart KKKK semiannual reports for Unit 25 (PG 20.a)			0
Installation of Unit 14 new fuel atomizer (PG 21.a)			0
Submission of Fuel Atomizer Progress Report (PG 21.c)			0
Implementation of any necessary corrective action measures and further repairs (PG 21.d)			0
Ceasing operation of Unit 14 (PG 21.f.ii)			0
Submission of request for removal of Unit 14 from St. Thomas Title V operating permit (PG 21.f.ii)			0
Compliance with requirements of the RICE NESHAP (PG 22.a)			0
Use of diesel fuel at St. John Unit that meets requirements of 40 C.F.R. § 80.510(b) for nonroad engines (PG 22.b)			0
Total			100,700

Penalty \$200-700 per day; Avg \$503.14 per day

Penalty Rates for Table 1

Days of Noncompliance	Penalty (\$/day)
Day 1 through Day 14	200
Day 15 through Day 30	500
Day 31+	750

**CONSENT DECREE STIPULATED PENALTIES
VIWAPA ST. THOMAS FACILITY**

Milestone Table 2	Period of Noncompliance (days)	Penalty Rate \$/day	Part No.	Penalty for Part (\$)
Each instance in which a listed spare part was not procured within sixty days of when it fell below the minimum quantity identified in the St. Thomas Spare Parts Inventory Program, where the failure to obtain the part did NOT result, after that sixty day period, in delays in repairing either the water injection system or any of the CEMS	0	75		0
	0	150		0
	0	300		0
				0
				0
				0
Total				0

Penalty Rates for Table 2

Days of Noncompliance	Penalty (\$/day)
Day 1 through Day 30	75
Day 31 through Day 90	150
Day 91+	300

Milestone Table 3	Period of Noncompliance (days)	Penalty Rate \$/day	Part No.	Penalty for Part (\$)
Each instance in which a listed spare part was not procured within sixty days of when it fell below the minimum quantity identified in the St. Thomas Spare Parts Inventory Program, where the failure to obtain the part resulted, after that sixty day period, in delays in repairing either the water injection system or any of the CEMS	0	150		0
				0
				0
				0
				0
				0
Total				0

Penalty Rates for Table 3

Days of Noncompliance	Penalty (\$/day)
Day 1 through Day 30	150
Day 31 through Day 90	300
Day 91+	600

CONSENT DECREE STIPULATED PENALTIES VIWAPA ST. THOMAS FACILITY

Reporting Requirements

Calendar Quarter **4**Year **2024**

Report Due	Period of Noncompliance (days)	Penalty Rate \$/day	Penalty (\$)
Quarterly reports due 4/30, 7/30, 10/30 and 1/30 to include the following:			
Amount of LPG/LNG used on an hourly basis			0
Amount of fuel oil used on an hourly basis			0
Number of operating hours of each Unit Capable of Burning LPG/LNG on an hourly basis			0
Calculations VIWAPA used to determine the 12-month rolling average percent kWh generated from individual converted units and from each Unit Capable of Burning LPG/LNG while burning LPG/LNG			0
Calculations VIWAPA used to determine the combined 12-month rolling average percent kWh from renewables and kWh generated by Units Capable of Burning LPG/LNG			0
Records of periods when LPG/LNG is or was not available and explanations			0
Status of compliance with the St. Thomas Spare Parts Inventory Program (PG 14)			0
Records of periods when industrial grade water is or was not available for the water injection system at any unit and explanations (PG 15.d)			
Explanations of any instance when an on-site trained technical person or engineer is not available at the St. Thomas Facility (PG 15.g)			0
Record of training provided pursuant to the water injection training program, including the employees trained in the reporting period, identification of employees not yet trained and scheduled training dates for those employees, and description of training materials utilized (PG 15.i)			0
Water injection data sheets (PG 15.i)			0
Status of compliance with QAP and instances of failing to comply with QAP (PG 16.o)			0
Instances when audible alarm did not sound but CEMS indicated emissions exceedances (PG 16.p)			0
Explanation of any instance when an on-site technical person or engineer trained in the proper operation and maintenance of the NOx and CO CEMS and COMS was not available at the facility to respond (PG 16.s)			0
Records of training required by PG 16.u, including the identification of employees trained in that reporting period, identification of employees required to be trained that have not been trained, and scheduled training dates for those employees (PG 16.r)			0
Identification of any hours when a video camera and/or a video feed was not in operation (PG 17.b)			0
Identification of any violations of the VI SIP opacity rule observed during Method 9 readings (PG 17.c)			0
Indication of completion and results of RATAs and CGAs (PG 18.b)			0
Start and end dates for unit outages (times when unit is not available to generate power and is taken offline to complete a repair) that lasted fourteen days or longer and a brief description of work completed and/or anticipated to be completed on the unit			0
Any anticipated start and end dates for unit outages that are expected to last fourteen days or longer on the unit and a brief description of the work planned for the unit			0
Description of any non-compliance with requirements of Amended Consent Decree to extent not addressed by items above and explanation of violation's likely cause and of remedial steps taken, or to be taken, to prevent or minimize such violation (PG 29.b)			0
Other reports			
If VIWAPA violates, or has reason to believe that it may violate, any requirement of Consent Decree, it shall notify the US of such violation and its likely duration, in writing, within ten working days of first becoming aware of the violation, with explanation of violation's likely cause and of remedial steps taken, or to be taken, to prevent or minimize such violation; if cause of violation cannot be fully explained at time report is due, VIWAPA shall so state in report and shall investigate cause of violation and then submit amendment to report, including full explanation of cause of violation, within 30 days of first becoming aware of cause of violation (PG 29.b)			0

**CONSENT DECREE STIPULATED PENALTIES
VIWAPA ST. THOMAS FACILITY**

Whenever any violation of Consent Decree or applicable permits or any other event affecting VIWAPA's performance under this Decree, or the performance of its facility, may pose an immediate threat to public health or welfare or the environment, VIWAPA shall notify EPA orally or by electronic or facsimile transmission as soon as possible, but no later than 24 hours after it first knew of violation or event (PG 30)			0
<i>Certification and Submission Requirements</i>			
Each report submitted under PG 29 must be signed by a VIWAPA official, contain the certification terminology specified in PG 32 of the CD and be submitted to the officials/addresses identified in PG 78			0
Total			0

Penalty Rates

Days of Noncompliance	Penalty (\$/day)
Day 1 through Day 14	150
Day 15 through Day 30	300
Day 31+	1,000