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QUARTERLY REPORT FOR VIWAPA RANDOLPH E. HARLEY GENERATING FACILITY (JULY 1, -  
SEPTEMBER 30, 2024)

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**Case Name:** U.S. V. VIRGIN ISLANDS WATER AND POWER AUTHORITY, RANDOLPH HARLEY (KRUM BAY)(ST. THOMAS)  
**Court:** VI D. V.I.; 3rd Cir.  
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Flint, Myles



VIRGIN ISLANDS  
**WATER**  
AND **POWER**  
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October 30, 2024

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Environment and Natural Resources Division  
U.S. Department of Justice  
Box 7611 Ben Franklin Station  
Washington, D.C. 20044-7611  
Re: DOJ No. 90-5-2-1-10424

U.S. DEPARTMENT OF JUSTICE  
ENVIRONMENT AND NATURAL  
RESOURCES DIVISION

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**RE: Quarterly Report Required by Amended Consent Decree (Civil Action Number 3:14-cv-00086-CVG-RM and DOJ Case Number 90-5-2-1-10424) for VIWAPA Randolph E. Harley Generating Facility (July 1 – September 30, 2024)**

Dear Recipients:

Transmitted herein is the Virgin Islands Water and Power Authority (VIWAPA) CD Quarterly Report for the 3<sup>rd</sup> Quarter of 2024. The quarterly compliance status report is required by the above-referenced Amended Consent Decree (Amended CD) as approved by the Court that became effective on January 11, 2019.

Corr  
90-5-2-1-10424

The CD Quarterly Report identifies each Amended CD requirement/obligation followed by VIWAPA's response for the current quarter. Other attachments follow as referenced in the first document. The other attachments include the stipulated penalty calculations based on the penalty amounts specified in the Amended CD.

The violations for which penalties have been calculated are exceedances of the one-hour NOx concentration limit 55ppm for Unit 15 and the limit 42ppm for both Unit 23 and Unit 27 and for two of the one-hour CO concentration limits for Unit 23 and one of the one-hour CO concentration limits for Unit 15 in the PSD permits. Penalties are being paid for the following violations:

The NOx excursions are as follows:

- Unit 15 – 7/13, 05:00 to 07:59, 3 hours
- Unit 15 – 7/23, 16:00 to 16:59, 1 hour
- Unit 15 – 7/30, 13:00 to 23:59, 11 hours
- Unit 15 – 7/31, 00:00 to 08:59, 9 hours
- Unit 15 – 7/31, 10:00 to 12:59, 3 hours
- Unit 15 – 7/31, 14:00 to 19:59, 6 hours
- Unit 15 – 7/31, 21:00 to 21:59, 1 hour
- Unit 15 – 7/31, 23:00 to 23:59, 1 hour
- Unit 15 – 8/1, 00:00 to 23:59, 24 hours
- Unit 15 – 8/2, 00:00 to 23:59, 24 hours
- Unit 15 – 8/3, 00:00 to 16:59, 17 hours
- Unit 15 – 8/12, 18:00 to 20:59, 3 hours
- Unit 15 – 8/13, 17:00 to 18:59, 2 hours
- Unit 15 – 8/13, 21:00 to 21:59, 1 hour
- Unit 15 – 8/15, 06:00 to 07:59, 2 hours
- Unit 15 – 8/15, 19:00 to 23:59, 5 hours
- Unit 15 – 8/16, 00:00 to 05:59, 6 hours
- Unit 15 – 8/16, 19:00 to 23:59, 5 hours
- Unit 15 – 8/17, 00:00 to 05:59, 6 hours
- Unit 15 – 8/18, 16:00 to 17:59, 2 hours
- Unit 15 – 8/22, 07:00 to 07:59, 1 hour
- Unit 15 – 8/22, 09:00 to 10:59, 2 hours
- Unit 15 – 8/23, 06:00 to 22:59, 17 hours
- Unit 15 – 8/24, 06:00 to 23:59, 18 hours
- Unit 15 – 8/25, 00:00 to 06:59, 7 hours
- Unit 15 – 9/3, 05:00 to 05:59, 1 hour
- Unit 23 – 7/1, 13:00 to 13:59, 1 hour
- Unit 23 – 7/31, 00:00 to 00:59, 1 hour
- Unit 23 – 8/1, 00:00 to 23:59, 24 hours
- Unit 23, - 8/2, 00:00 to 09:59, 10 hours
- Unit 23, - 8/2, 12:00 to 23:59, 12 hours
- Unit 23 – 8/3, 06:00 to 10:59, 5 hours

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- Unit 27 – 8/15, 10:00 to 17:59, 8 hours
- Unit 27 – 8/16, 06:00 to 08:59, 3 hours
- Unit 27 – 8/16, 11:00 to 12:59, 2 hours
- Unit 27 – 8/16, 15:00 to 15:59, 1 hour
- Unit 27 – 8/17, 08:00 to 22:59, 15 hours
- Unit 27 – 9/16, 16:00 to 23:59, 8 hours
- Unit 27 – 9/17, 00:00 to 14:59, 15 hours
- Unit 27 – 9/17, 19:00 to 19:59, 1 hour
- Unit 27 – 9/29, 23:00 to 23:59, 1 hour
- Unit 27 – 9/30, 00:00 to 02:59, 3 hours

The CO excursions were as follows:

Unit 15 – 88 ppm CO limit: 3 hours on 9/18;

Unit 23 – 44 ppm CO limit: 3 hours on 7/10, 1 hour on 7/18, 1 hour on 8/2, 1 hour on 8/9,  
1 hour on 8/12, 2 hours on 8/16, 1 hour on 9/26, and 1 hour on 9/30;

Unit 23 – 174 ppm CO limit: 1 hour on 7/10, 1 hour on 7/17, 1 hour on 7/31, 1 hour on  
8/12, 1 hour on 9/8, 1 hour on 9/30

Since VIWAPA did not have EPA certified calibration gases available for CO that are needed to complete the CGAs, we are paying a substantial fine for not meeting this obligation by the due date of June 30, 2024. We were tardy 58 days. Additionally, VIWAPA ran out of the daily CO calibration gases and missed completion of the daily calibration checks on 16 days for the three generators.

#### **CERTIFICATION REQUIRED BY CONSENT DECREE**

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

You may contact the undersigned at 340.244.1292 with any questions you may have regarding this report.

Sincerely,

*Kevin D. Harrigan*

Kevin Harrigan  
Interim Plant Superintendent

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Enclosures

pc: Karl Knight, CEO  
Ashley Bryan, Interim COO  
Dionne G. Sinclair, Esq., General Counsel  
Maxwell George Jr., Environmental Affairs Manager  
Wayne L. Donadelle Jr., Environmental Specialist  
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Michael E. Lukey, Arcadis

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