

## ADMINISTRATIVE REGULATIONS

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*A cumulative list of effective amendments to the Regulations of Connecticut State Agencies may be found in the Connecticut Law Journal dated August 1, 2000.*

### DEPARTMENT OF ENVIRONMENTAL PROTECTION

#### Notice of Intent to Adopt and Amend Regulations

The Commissioner of Environmental Protection hereby gives notice of a public hearing as part of a rulemaking proceeding. The purpose of this proceeding is to amend the Regulations of Connecticut State Agencies (R.C.S.A.) concerning the abatement of air pollution in accordance with Executive Order No. 19 issued by Governor John G. Rowland on May 17, 2000. By Executive Order No. 19, the Governor has directed the Department take steps to significantly reduce air pollution in the state of Connecticut.

Executive Order No. 19 directed the Commissioner of Environmental Protection to propose the adoption of regulations, in accordance with the provisions of chapter 54 of the general statutes. The proposed regulations are to limit air pollution from sixty-one emission units in the state of Connecticut. These units include power plants and other large stationary sources of air pollution. The proposed regulations are intended to reduce annual sulfur dioxide emissions by an amount at least 30 to 50% greater than current commitments through the establishment of appropriate reduction targets and the implementation of control strategies designed to protect natural resources, reduce acid deposition and further protect public health. The proposed regulations are also intended to reduce annual nitrogen oxide emissions by an amount at least 20 to 30% greater than current commitments through the establishment of appropriate reduction targets and the implementation of control strategies designed to protect natural resources, reduce acid deposition, reduce nitrogen deposition, reduce eutrophication and further protect public health.

Executive Order No. 19 further directed that any proposed regulations include the use of market-based incentives and a system of creditable emission allowances or credits to foster early, meaningful and cost-effective emission reductions. Emission reduction trading is intended to maximize the generation and use of locally created allowances or credits, to the extent practicable, and to create a net air quality benefit for the people of Connecticut.

The public hearing concerns two proposed regulations. The first is the proposed adoption of a new section, R.C.S.A. section 22a-174-19a concerning Control of Sulfur Dioxide Emissions from Power Plants and Other Large Stationary Sources of Air Pollution. The second is the proposed amendment of an existing regulation, R.C.S.A. section 22a-174-22 concerning Control of Nitrogen Oxide Emissions. The proposed amendments are more fully described below.

All interested persons are invited to comment on the proposed regulations. Comments should be directed to the attention of Ellen Walton of the Department of Environmental Protection, Bureau of Air Management, Planning and Standards Division, 79 Elm Street, Hartford, Connecticut 06106-5127. In addition to submitting comments at the public hearing described below, comments may be submitted by facsimile to (860) 424-4063 or by electronic mail to [ellen.walton@po.state.ct.us](mailto:ellen.walton@po.state.ct.us). All comments must be received by 5:00 PM, September 22, 2000.

**R.C.S.A. section 22a-174-19a – Control of Sulfur Dioxide Emissions from Power Plants and Other Large Stationary Sources of Air Pollution.** This regulation is being proposed for adoption to meet the requirements of Executive Order No. 19 as described above. The proposal contains two phases. In phase one, effective December 31, 2001, the owners and operators of fossil fuel fired power plants and large industrial sources of air pollution will be required to significantly reduce sulfur emissions by either combusting low sulfur fuel (0.50 % sulfur by weight, dry basis) or meet a facility-wide monthly average emission rate of 0.50 pounds of sulfur dioxide per million British Thermal Units of heat input. In phase two, effective December 31, 2002, the owners and operators of fossil fuel fired power plants will be required to significantly reduce sulfur emissions by either combusting low sulfur fuel (0.30 % sulfur by weight, dry basis) or meet a facility-wide monthly average emission rate of 0.30 pounds of sulfur dioxide per million British Thermal Units of heat input. Phase two provides additional flexibility in that the owners or operators of affected emission units would be authorized to use discrete emission reduction credits and/or federal acid rain allowances to comply with the more stringent standard. **The Department is also requesting comment on whether there is a demonstrated need for the proposed regulation to contain emission reduction trading provisions. Public comment on this issue will assist the Department in making a determination as to whether the final proposed rule will contain such provisions.**

The Department is also proposing to require additional emission reductions from the owners and operators of power plants that would be subject to both this proposed rule and the federal acid rain program. This provision would require the owners and operators of these sources to surrender one federal acid rain allowance for each ton of sulfur dioxide emitted in Connecticut. This proposal is consistent with the terms of the Executive Order in that it provides a market-based incentive for local air pollution reductions. As a source reduced its sulfur dioxide emissions, it would be required to surrender fewer acid rain allowances. Since acid rain allowances have a market value, there is an economic incentive to preserve these allowances by minimizing sulfur dioxide emissions.

**R.C.S.A. section 22a-174-22 – Control of Nitrogen Oxide Emissions.** This amendment is being proposed to meet the requirements of Executive Order No. 19 described above. This proposed amendment implements an emission rate of 0.15 pounds of NOx per million British Thermal Units of heat input for the period of October through April. This emission rate limitation will be implemented beginning October 1, 2003 on the sixty-one emission units specified in the executive order. In accordance with the executive order, these proposed amendments authorize the creation and use of NOx discrete emission reduction credits and the use of NOx allowances for compliance.

In addition to the provisions necessary to implement the executive order, this proposed amendment clarifies the emissions trading provisions and provides an alternate means of demonstrating compliance for the owner or operators of emissions units unable to meet emissions testing requirements because of inherent limitations.

In addition to accepting written comments, the Department of Environmental Protection will also hold a public hearing as described below. Due to the anticipated length of this public hearing, periodic recesses may be called at the discretion of the Hearing Officer. Persons appearing at this public hearing are requested to submit a written copy of their statement. However, oral comments will also be made a part of the hearing record and are welcome.

**PUBLIC HEARING**

**Thursday September 21, 2000**

**10:00 AM - 8:00 PM, Room 2E**

**Legislative Office Building**

**300 Capitol Avenue Hartford, CT 06106**

Copies of the amendments described above are available for public inspection during normal business hours and may be obtained from Ellen Walton at the Bureau of Air Management, Planning and Standards Division, 5th Floor, 79 Elm Street, Hartford, CT. Additional copies are also available for review at the Law Reference Desk of the Connecticut State Library, the Russell Public Library in Middletown, the Raymond Public Library in Montville, the Torrington Public Library, the New London Public Library, the New Haven Public Library, the Norwalk Public Library and the Bridgeport Public Library. For further information, contact Ellen Walton of the Bureau of Air Management at (860) 424-3027.

The Department of Environmental Protection supports the goals of the Americans with Disabilities Act of 1990. Any individual who needs auxiliary aids for effective communication during this public hearing or in submitting public comments should contact Betty Lirot, ADA Coordinator at (860) 424-3035 or TDD (860) 424-3333 at least one week before the public hearing.

The authority to adopt this amendment is granted by sections 22a-6 and 22a-174 of the Connecticut General Statutes (C.G.S.). This notice is required pursuant to C.G.S. sections 22a-6 and 4-168.

Arthur J. Rocque, Jr.

*Commissioner*

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**OFFICE OF HEALTH CARE ACCESS**

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**Notice of Intent to Adopt Regulations  
And Notice of Public Hearing**

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In accordance with the provisions of subsection (a) of section 4-168 of the Connecticut General Statutes, notice is hereby given that the Office of Health Care Access, under sections 19a-643, 19a-630 and 19a-613 of the Connecticut General Statutes, proposes to adopt the following regulation entitled "Outpatient Surgical Facility" to amend sections 19a-643-10 and 19a-643-11 and to add a new section 19a-643-13, to read as follows.

**Outpatient Surgical Facility**

Section 1. Section 19a-643-10 of the Regulations of Connecticut State Agencies is amended by adding new subdivisions (19) through (30) to read as follows: