1851

State of Connecticut

Rules and Regulations

OF

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Concerning:

INDIRECT SOURCES OF AIR POLLUTION

Rules and Regulations

SUBSECTIONS e, f, h & i OF SECTION 19-508-100 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES ARE REPEALED AND THE FOLLOWING IS SUBSTITUTED IN LIEU THEREOF:

(e) Indirect source operating permits.

(e)(1) No person shall operate or cause the operation of a new or modified indirect source without first obtaining an indirect source operating permit from the Commissioner in accordance with the requirements of this section.

(e)(2) No indirect source operating permit shall be required under subsection (e)(1) unless the source was required to obtain an indirect source construction permit under subsection (a).

(e)(3) No separate application shall be required under subsection (e) for those sources which have been granted an indirect source construction permit.

(e)(4) Prior to issuance of an indirect source operating permit, the Commissioner may require the owner or operator of a new or modified indirect source to provide such additional information as [he deems necessary] THE COMMISSIONER SHALL HAVE REQUESTED EITHER BEFORE OR AT THE TIME OF THE ISSUANCE OF THE CONSTRUCTION PERMIT and has not already been included

in the application for a construction permit [or submitted during the course of the application].

(e)(5) In circumstances where he deems it appropriate, the Commissioner may issue a temporary permit to commence operations for a period not to exceed sixty (60) days. For good cause shown, the period may be extended by the Commissioner for any additional period required. Prior to the expiration of the period covered by the temporary permit, the Commissioner shall notify the owner or operator in writing of his approval or denial of the indirect source operating permit and the reasons therefor.

(e)(6) Indirect source operating permits required by subsection (e)(1), shall be issued or renewed for the expected life of the indirect source, but not to exceed ten (10) years, unless the Commissioner shall determine that a shorter period is appropriate under the circumstances of operation of any particular indirect source.

(e)(7) Application for the renewal of an indirect source operating permit shall be made at least 120 days prior to the expiration of the existing operating permit.

(e)(8) The Commissioner may impose [reasonable conditions in any indirect source operating permit] AS CONDITIONS ON ANY INDIRECT SOURCE OPERATING PERMIT ONLY THOSE CONDITIONS WHICH WERE EXPLICITLY STATED AS CONDITIONS AT THE TIME THE INDIRECT SOURCE CONSTRUCTION PERMIT WAS ISSUED.

[(f) Standards for granting indirect source operating permits.

The Commissioner shall grant or renew an indirect source operating permit subject to subsection (e)(1) if he determines that:

(1) The indirect source has been granted an indirect source construction permit in accordance with the provisions of this section;

(2) The indirect source has been constructed and/or operated in accordance with the requirements, standards, and conditions set forth in the construction permit or in any temporary or other previously issued operating permit.]

(f) STANDARDS FOR GRANTING, RENEWING AND REISSUING INDIRECT SOURCE OPERATING PERMITS.

(f)(1) THE COMMISSIONER SHALL GRANT AN INDIRECT SOURCE OPERATING PERMIT IF HE DETERMINES THAT:

(i) THE INDIRECT SOURCE HAS BEEN GRANTED AN INDIRECT SOURCE CONSTRUCTION PERMIT;

(ii) THE INDIRECT SOURCE HAS BEEN CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS, AND CONDITIONS SET FORTH IN THE CONSTRUCTION PERMIT.

(f)(2) THE COMMISSIONER SHALL RENEW AN INDIRECT SOURCE OPERATING PERMIT IF HE DETERMINES THAT THE INDIRECT SOURCE HAS BEEN OPERATED IN ACCORDANCE WITH THE REQUIREMENTS, STANDARDS, AND CONDITIONS SET FORTH IN THE OPERATING PERMIT.

(f)(3) IN THE EVENT OF A REVOCATION OR MODIFICATION OF AN INDIRECT SOURCE OPERATING PERMIT PURSUANT TO SUBSECTION (h), THE INDIRECT SOURCE OPERATING PERMIT SHALL BE REINSTATED UPON A SATISFACTORY SHOWING TO THE COMMISSIONER BY THE OWNER OR OPERATOR THAT THE FAILURE OR FAILURES SPECIFIED IN THE REVOCATION OR MODIFICATION HAVE BEEN CORRECTED.

(g) Transfer of indirect source operating permits. The holder of an indirect source operating permit may not transfer it without prior written notification to the Commissioner. Each new owner or operator or holder of the indirect source permit shall be responsible for complying with all applicable regulations and with the conditions of the permit.

(h) [Denial,] R[r]evocation or modification of indirect source operating permits. The Commissioner may [deny a new indirect source operating permit and may] revoke [,] OR

modify [or refuse to renew] an existing indirect source operating permit for failure to comply with any [applicable requirements, standards, or] conditions imposed [by or under the provisions of these regulations] IN THE OPERATING PERMIT.

(i) Notice of approval, denial, revocation or modification of indirect source construction permits and operating permits.

(i)(1) Notice of denial, revocation or modification of any indirect source construction permit or of any indirect source operating permit shall set forth the reasons for the action taken and such denial, revocation or modification shall take final effect thirty (30) days after the date of service of the notice, unless a hearing is requested prior to the expiration of the thirty (30) day period.

(i)(2) Any party aggrieved by the approval, denial, revocation or modification of a construction or operating permit may obtain an adjudicative hearing thereon by filing a written answer and request for a hearing in accordance with Section 22a-8-2 of the Rules of Practice of the Department within thirty (30) days of the date of service of the notice. Filing of the answer and request for the hearing shall postpone the effective date of the approval, denial, revocation or modification until the conclusion of the hearing and issuance of the final decision of the Commissioner.

(i)(3) THE REVOCATION OR MODIFICATION OF AN INDIRECT SOURCE OPERATING PERMIT PURSUANT TO SUBSECTION (h) SHALL NOT BE EFFECTIVE IF THE FAILURE SO TO COMPLY IS REMEDIED TO THE SATISFACTION OF THE COMMISSIONER WITHIN THIRTY (30) DAYS AFTER SERVICE OF THE NOTICE OF REVOCATION OR MODIFICATION.

Strike out form or phrases when inapplicable

Be it known that the within and foregoing rules and regulations are made, adopted and promulgated ~~are repealed~~ by the undersigned pursuant to Section 19-508 of the ~~Supplement to~~ General Statutes ~~Public Act No. of the Public Acts after~~ after the publication in the Connecticut Law Journal on November 26, 1974 of the notice of the proposal to adopt them the holding of ~~an~~ advertised public hearings on January 3,7, 1975, on the issuance thereof and after consideration of all relevant matter presented ~~as an amendment to~~ in repeal and substitution of ~~certain~~ sections ~~of~~ Sub (e),(f),(h),(i) of 19-508-100 of the rules and regulations of his Department, pertaining to Abatement of Air Pollution.

In Witness Whereof, I have hereunto set my hand and seal this 26th day of February 1975.

..... L. S.

...Commissioner.....
(Title of office)

Strike out form or phrases when inapplicable

Be it known that the within and foregoing rules and regulations have been made, adopted and promulgated have been repealed by at a meeting held on the day of 19, pursuant to Section of the Supplement to the General Statutes, Public Act No. of the Public Acts, after publication in the Connecticut Law Journal on 19, of the notice of the proposal to adopt them the holding of an advertised public hearing on 19, on the issuance thereof and after consideration of all relevant matter presented as an amendment to in repeal and substitution of certain sections of and are no longer part of the rules and regulations of said Board Commission pertaining to

In Witness Whereof, I have hereunto set my hand and seal this day of 19.

..... L. S.
Secretary

Received and filed in triplicate, this day of 19, in accordance with Section 4-45 of the General Statutes, Revision of 1958, as amended.

.....
Secretary of the State

BY:

Approved: MAR 14 1975 19

.....
Deputy Attorney General

This is to certify that the within and foregoing rules and regulations have been published in the Connecticut Law Journal on the day of 19.

Attest:

.....
Commission on Official Legal Publications

RECEIVED AND FILED

MAY 30 1975

SECRETARY OF THE STATE
EFFECTIVE DATE: May 30, 1975