R-39 REV. 1/77
IMPORTANT: Read Instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.

STATE OF CONNECTICUT
REGULATION
OF

SOS # 5554

NAME OF AGENCY

Environmental Protection

Concerning

Adoption of:
Section 22a-174-42, Distributed generators
Amendment of:
Section 22a-174-3b(e)(2), Emergency engines;
Section 22a-174-3a(a)(2)(B), Exemptions for stationary sources; and
Section 22a-174-22(a)(4), Definition of "emergency."

Section 1

Section 1. The Regulations of Connecticut State Agencies are amended by adding section 22a-174-42, as follows:

(NEW)
Sec. 22a-174-42. Distributed generators.

(a) **Definitions.** For purposes of this section, the following definitions shall apply:

"Certification" means documentation that a distributed generator will comply with the applicable emissions standards and certification requirements of this section when installed as supplied and operated and maintained according to the manufacturer's instructions.

"Certifying entity" means a person issuing a certification that satisfies the requirements of subsection (e) of this section.

"Combined heat and power system" or "CHP system" means a distributed generator that sequentially produces both electric power and thermal energy from a single source.

"Design system efficiency" means, for a CHP system, the sum of the full load design thermal output and electric output divided by the heat input.

"Distributed generator" means any new or existing generator with a nameplate capacity less than 15 MW that generates electricity for other than emergency use. Electricity generated may be used either on-site or for sale under an agreement with a utility, other market participant or system operator. Such a generator may also generate electricity for use during an emergency but is not defined as an emergency generator. Such a generator may burn two fuels simultaneously but is not defined as a dual-fuel generator.

"Dual-fuel generator" means a distributed generator that has the capacity to be fired by either a gaseous fuel, or a liquid fuel, such as diesel or No. 2 grade oil, but not by both a gaseous fuel and a liquid fuel simultaneously.

"Effective date" means the date on which this section is adopted in accordance with the provisions of chapter 54 of the Connecticut General Statutes.

"Emergency" means "emergency" as defined in section 22a-174-22(a) of the Regulations of Connecticut State Agencies.

"Emergency generator" means "emergency engine" as defined in section 22a-174-22(a) of the Regulations of Connecticut State Agencies.

"Existing" means, for a generator, installed prior to the effective date of this section.

"Flared fuel" means gases that are emitted directly into the ambient air or burned without generating electricity or useful mechanical or thermal energy.

"Gaseous fuel" means natural gas and other fossil fuels that are in a gaseous state when used to fuel a generator.

"Generator" means any equipment that converts primary fuel, including fossil fuel and renewable fuel, into electricity or electricity and thermal energy.

(C) ON AND AFTER THE EFFECTIVE DATE OF SECTION 22a-174-42 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES, OPERATION OF SUCH ENGINE SHALL NOT EXCEED 300 HOURS DURING ANY TWELVE (12) MONTH ROLLING AGGREGATE; AND

(D) ON AND AFTER THE EFFECTIVE DATE OF SECTION 22a-174-42 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES, ANY NONGASEOUS FUEL CONSUMED BY SUCH ENGINE SHALL NOT EXCEED THE SULFUR CONTENT OF MOTOR VEHICLE DIESEL FUEL WHERE "MOTOR VEHICLE DIESEL FUEL" IS DEFINED AS IN SECTION 22a-174-42 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

Sec. 3.
Section 22a-174-3a(a)(2)(B) of the Regulations of Connecticut State Agencies is amended to read as follows:

(B) Any stationary source that is:

(i) registered under and is in compliance with any new source review general permit to construct and operate a new or existing stationary source [issued pursuant to section 22a-174(*l*) of the Connecticut General Statutes],

(ii) a stripping facility used to remove VOC from contaminated groundwater or soil pursuant to an order issued by the commissioner, provided such facility has a control device with VOC removal efficiency of at least ninety-five percent (95%),

(iii) a portable engine or boiler temporarily replacing an existing engine or boiler, provided the replacement units have a combined emissions rate equal to or less than the existing units and that the number of days total that any and all such portable engines or boilers may be used does not exceed ninety (90) days in any calendar year, or

(iv) in compliance with section 22a-174-3b [or], section 22a-174-3c OR SECTION 22a-174-42 of the Regulations of Connecticut State Agencies, unless otherwise subject to this section pursuant to subdivision (7) of this subsection;

Sec. 4.
Section 22a-174-22(a)(4) of the Regulations of Connecticut State Agencies is amended to read as follows:

(4) "Emergency" means an unforeseeable condition that is beyond the control of the owner or operator of an emergency engine and that:

(A) Results in an interruption of electrical power from the electricity supplier to the premises;

(B) Results in a deviation of voltage from the electricity supplier to the premises of three percent (3%) above or five percent (5%) below standard voltage in accordance with subsection (a) of section 16-11-115 of the Regulations of Connecticut State Agencies;

(C) Requires an interruption of electrical power from the electricity supplier to the premises enabling the owner or operator to perform emergency repairs; [or]

(D) Requires operation of the emergency engine to minimize damage from fire, flood, or any other catastrophic event, natural or man-made[.]; OR

Section 4

(E) NOTWITHSTANDING SECTION 22a-174-22(a)(3) OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES, REQUIRES OPERATION OF THE EMERGENCY ENGINE UNDER AN AGREEMENT WITH THE NEW ENGLAND REGION SYSTEM OPERATOR DURING THE PERIOD OF TIME THE NEW ENGLAND REGION SYSTEM OPERATOR IS IMPLEMENTING VOLTAGE REDUCTIONS OR INVOLUNTARY LOAD INTERRUPTIONS WITHIN THE CONNECTICUT LOAD ZONE DUE TO A CAPACITY DEFICIENCY.

Statement of Purpose: This adoption and amendment addresses the potential air quality impacts of smaller-scale electric system generating units distributed throughout an electrical system, referred to as "distributed generators." The adoption and amendment augments and updates existing air quality regulations to ensure that clean distributed generators become available in the future and to limit the adverse impacts from existing distributed generators.

Section 1 establishes a new section of the Regulations of Connecticut State Agencies ("R.C.S.A."), section 22a-174-42 ("Section 42"), to encourage the deployment of environmentally sustainable distributed generators; encourage technological improvement to reduce emissions output from such generators; and regulate emissions from distributed generators consistent with the Ozone Transport Commission recommendation in its March 28, 2001 "Resolution of the States of the Ozone Transport Commission Concerning the Creation of Incentives for Additional Clean Distributed Generation of Electric Power." The requirements include output-based standards for emissions of oxides of nitrogen, particulate matter, carbon monoxide and carbon dioxide as well as fuel sulfur content requirements to control emissions of sulfur dioxide. The requirements restrict emissions to levels below the permit applicability thresholds for minor sources set forth in R.C.S.A. section 22a-174-3a ("Section 3a").

Section 2 revises R.C.S.A. section 22a-174-3b to reduce the operating hours and fuel sulfur content requirements for emergency engines, consistent with the "Model Regulations for the Output of Emissions from Smaller-Scale Electric Generation Resources" of the Regulatory Assistance Project and Section 42.

Section 3 revises Section 3a to provide a limited exemption from the minor source permitting requirements of that section for owners and operators of sources that are operated in compliance with Section 42.

Section 4 revises the definition of "emergency" in R.C.S.A. section 22a-174-22 to add a provision to address operation of emergency generators during time periods when the Independent Systems Operator - New England has declared that there is a capacity deficiency of the New England electric system. The same definition of "emergency" is incorporated by reference in Section 42.

CERTIFICATION

Be it known that the foregoing:

Are: [x] Regulations ☐ Emergency Regulations

[x] Adopted [x] Amended as hereinabove stated ☐ Repealed

By the aforesaid agency pursuant to:

[x] Section 22a-174 of the General Statutes.

☐ Section_____of the General Statutes, as amended by Public Act No.____of the___Public Acts.

☐ Public Act No._____of the Public Acts.

After publication in the Connecticut Law Journal on March 2, 2004 of the notice of the proposal to:

[x] Adopt [x] Amend ☐ Repeal such regulations

(If applicable): [x] And the holding of a public hearing on the 7th day of April 2004

WHEREFORE, the foregoing regulations are hereby:

[x] Adopted [x] Amended as herein above stated ☐ Repealed

Effective:

☐ When filed with the Secretary of State.

(OR)

[x] The 1st day of January 2005.

09/27/04 — DATE

SIGNED *(Head of Board, Agency or Commission)* — OFFICIAL TITLE, DULY AUTHORIZE: Commissioner

In Witness Whereof:

SIGNED — DATE — OFFICIAL TITLE, DULY AUTHORIZE

Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.: 10/1/04 Assoc. Atty. General

☒ Approved

☐ Disapproved

☐ Disapproved in part, *(Indicate Section Numbers disapproved only)*

☐ Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance with Sec. 4-170 amended, of the General Statutes. DATE 10/26/04 SIGNED *(Clerk of the Legislative Regulation Review Committee)*

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE SIGNED *(Secretary of the State.)* BY

INSTRUCTIONS

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to th Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes
2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presente to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.
3. Each regulation must be in the form intended for publication and must include the appropriate regulation section numb and section heading. Section 4-172 of the General Statutes.
4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters deleted language in brackets. Section 4-170 of the General Statutes.

Office of Secretary of the State
State of Connecticut
30 Trinity Street, P.O. Box 150470, Hartford, CT 06115-0470

Susan Bysiewicz
Secretary of the State

Maria M Greenslade
Deputy Secretary of the State

November 1, 2004

Hon. Jane K. Stahl, Acting Commissioner
Dept. of Environmental Protection
79 Elm Street
Hartford, CT 06105

Re: Agency Regulation Concerning:

Abatement of Air Pollution: Distributed Generators; Emergency engines; Exemptions for stationary sources; Definition of "emergency"

Regulation Review Committee Docket Number: 2004-075
Secretary of the State File Number: 5554

Dear Acting Commissioner Stahl:

This is to acknowledge receipt of two certified copies of the above referenced regulation issued by your department.

Said regulation was received and filed in this office on November 1, 2004. The effective date of this regulation is January 1, 2005.

One of the two copies has been forwarded to the Commission on Official Legal Publications as required by law.

Sincerely,

Barbara Sladek
Assistant Coordinator
Records & Legislative Services

RECEIVED
NOV 3 2004
DPT. OF ENVIRONMENTAL PROTECT
OFFICE OF DEPUTY

CC: Commission on Official Legal Publications (Letter and Copy of Regulation)

File

FILE — DATE STAMP

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MEMORANDUM

TO: Michael T. Kozik, Managing Attorney
Lead Division
Office of the Secretary of the State
30 Trinity Street, Hartford, CT

FROM: Merrily A. Gere, Environmental Analyst
Department of Environmental Protection
Bureau of Air Management
79 Elm Street, Hartford, CT

RE: ***Abatement of Air Pollution Regulations***

DATE: November 1, 2004

In accordance with the provisions of Connecticut General Statutes (C.G.S.) Section 4-172, enclosed please find the original and two copies of an action by the Department of Environmental Protection to adopt a new section and amend several sections of the Regulations of Connecticut State Agencies (R.C.S.A.). Specifically, this action adopts R.C.S.A. section 22a-174-42 and amends R.C.S.A. sections 22a-174-3b(e)(2), 22a-174-3a(a)(2)(B) and 22a-174-22(a)(4) and concerns distributed generators, emergency generators, exemptions for stationary sources and the definition of "emergency." To facilitate your procedures, I have also enclosed a diskette containing this adoption and amendment in Microsoft Word format.

The Legislative Regulations Review Committee approved this adoption and amendment in whole on October 26, 2004. The correspondence from the committee confirming this action is also enclosed.

If you have any questions regarding this adoption and amendment, please call me at 424-3416. Thank you for your assistance in this matter.

Enclosures