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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

Original

4081 4081

NAME OF AGENCY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Concerning

SUBJECT MATTER OF REGULATION

Abatement of Air Pollution - Control of Odors

SECTION 1

Section 22a-174-23 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 22a-174-23. Control of odors

[(a) No person shall emit or cause to be emitted into the outdoor air any substance which creates an objectionable odor beyond his property line. An odor will be deemed objectionable when:

(a)(1) A staff member of the Department of Environmental Protection determines, following personal observation, that the odor is objectionable, taking into account its nature, concentration, location, and duration; or,

(a)(2) Samples for the source are taken and found to rate over 120 odor units per cubic foot as determined by Mills' adaptation of ASTM D-1391-57. "(Quantitative Odor Measurement," a paper by John L. Mills, 56th Annual Meeting of the Air Pollution Control Association, in Detroit, Michigan, June 9-14, 1963); or,

(a)(3) If the odor is caused in whole or in part by a substance listed in Table 8-1, and when the concentration in Table 8-1 is exceeded for any period of time as demonstrated by analysis made in accordance with methods approved by qualified professional chemists.]

(a)(1) NO PERSON SHALL CAUSE OR PERMIT THE EMISSION OF ANY SUBSTANCE OR COMBINATION OF SUBSTANCES WHICH CREATES OR CONTRIBUTES TO AN ODOR, IN THE AMBIENT AIR, THAT CONSTITUTES A NUISANCE.

(2) AN ODOR CONSTITUTES A NUISANCE IF PRESENT WITH SUCH INTENSITY, CHARACTERISTICS, FREQUENCY AND DURATION THAT:

(A) IT IS, OR CAN REASONABLY BE EXPECTED TO BE, INJURIOUS TO PUBLIC HEALTH OR WELFARE, OR

(B) IT UNREASONABLY INTERFERES WITH THE ENJOYMENT OF LIFE OR THE USE OF PROPERTY, CONSIDERING THE CHARACTER AND DEGREE OF INJURY TO, OR INTERFERENCE WITH, THE HEALTH, GENERAL WELFARE, PROPERTY, OR USE OF PROPERTY OF THE PEOPLE AFFECTED, AND THE LOCATION OF THE POLLUTION SOURCE AND CHARACTER OF THE AREA OR NEIGHBORHOOD AFFECTED. WHETHER THE SOURCE OF THE EMISSIONS WAS PRESENT IN THE LOCATION FIRST SHALL NOT BE A CONSIDERATION.

(3) EXCEPT AS PROVIDED IN SUBSECTION (b) OF THIS SECTION, IN DETERMINING WHETHER AN ODOR CONSTITUTES A NUISANCE THE COMMISSIONER SHALL REVIEW INFORMATION GATHERED FROM ANY SOURCE OF INFORMATION, INCLUDING BUT NOT LIMITED TO CITIZEN COMPLAINTS AND SITE INSPECTIONS OR SURVEYS.

[(b) Nothing in this section shall permit emission of any air pollutant in violation of any other section.

Table 8-1 Odor Threshold Limits

Chemical	Odor Threshold (ppm by volume)
Acetaldehyde	0.21
Acetic acid	1.0
Acetone	100.0
Acrolein	0.21*
Acrylonitrile	21.4*
Allyl chloride	0.47
Amine, dimethyl	0.047
Amine, monomethy	0.021
Amine, trimethyl	0.00021
Ammonia	46.8*
Aniline	1.0
Benzene	46.8*
Benzyl Chloride	0.047
Benzyl sulfide	0.0021
Bromine	0.047
Butyric acid	0.001
Carbon disulfide	0.21
Carbon tetrachloride (chlorination of CS2)	21.4*
Carbon tetrachloride (chlorination of CH4)	100.0*
Chloral	0.047
Chlorine	0.314
Dimethylacetamide	46.8*
Dimethylformamide	100.0*
Dimethyl sulfide	0.001
Diphenyl ether	0.1
Diphenyl sulfide	0.0047
Ethanol (synthetic)	10.0
Ethyl acrylate	0.00047
Ethyl mercaptan	0.001
Formaldehyde	1.0
Hydrochloric acid gas	10.0*
Hydrogen sulfide (from Na2S)	0.0047
Hydrogen sulfide gas	0.00047
Methanol	100.0
Methyl chloride	(above 10 ppm)
Methylene chloride	214.0*
Methyl ethyl ketone	10.0
Methyl isobutyl ketone	0.47
Methyl mercaptan	0.0021
Methyl methacrylate	0.21
Monochlorobenzene	0.21
Monomethylamine	0.021
Nitrobenzene	0.0047
Paracresol	0.001
Paraxylene	0.47
Perchloroethylene	4.68
Phenol	0.047
Phosgene	1.0*
Phosphine	0.021
Pyridine	0.021
Styrene (inhibited)	0.1
Styrene (uninhibited)	0.047
Sulfur dichloride	0.001
Sulfur dioxide	0.47
Toluene (from coke)	4.68

Toluene (from petroleum)	2.14
Toluene diisocynate	2.14*
Trichloroethylene	21.4

* Exceeds the Threshold Limit Value adopted by the American Conference of Industrial Governmental Hygienists for 1971. "Threshold Limit Values refer to airborne concentrations of substances and represent conditions under which it is believed that nearly all workers may be repeatedly exposed day after day without adverse effect."]

(b) ODOR IN THE AMBIENT AIR SHALL BE DEEMED TO CONSTITUTE A NUISANCE IF A REPRESENTATIVE OF THE COMMISSIONER OR AT LEAST FIFTY PERCENT OF ANY GROUP OF REPRESENTATIVES OF THE COMMISSIONER DETERMINES, BASED UPON AT LEAST THREE SAMPLES OR OBSERVATIONS IN A ONE HOUR PERIOD, THAT AFTER A DILUTION OF SEVEN PARTS CLEAN AIR TO ONE PART SAMPLED AIR, THE ODOR IS EQUAL TO OR GREATER THAN THE ODOR DETECTION THRESHOLD. EACH OF THE THREE OR MORE SAMPLES OR OBSERVATIONS SHALL BE SEPARATED BY AT LEAST FIFTEEN MINUTES. THE BURDEN OF REBUTTING THE PRESUMPTION OF NUISANCE CREATED BY THIS SUBSECTION SHALL BE ON THE OWNER OR OPERATOR OF THE SOURCE.

(c)[Agricultural activities are exempt from the provisions of subsection (a), as long as these activities are conducted in a manner as to minimize odors by using good agricultural practices.]

ODOR IN THE AMBIENT AIR SHALL BE DEEMED TO CONSTITUTE A NUISANCE IF ANY SUBSTANCE OR COMBINATION OF SUBSTANCES IS PRESENT AT A CONCENTRATION IN EXCESS OF ANY CONCENTRATION STATED IN TABLE 23-1 OF THIS SECTION. THE BURDEN OF REBUTTING THE PRESUMPTION OF NUISANCE CREATED BY THIS SUBSECTION SHALL BE ON THE OWNER OR OPERATOR OF THE SOURCE.

(d) [The provisions of subsection (a) do not apply to mobile sources and private residences.]

THE COMMISSIONER MAY DETERMINE THAT AN AMBIENT ODOR WHICH DOES NOT EXCEED THE LIMITS SET FORTH IN SUBSECTIONS (b) OR (c) OF THIS SECTION NEVERTHELESS CONSTITUTES A VIOLATION OF SUBSECTION (a) OF THIS SECTION.

(e) IF THE COMMISSIONER FINDS THAT A VIOLATION OF THIS SECTION HAS OCCURRED AND REASONABLY SUSPECTS THAT A CERTAIN SOURCE HAS CAUSED OR CONTRIBUTED TO SUCH VIOLATION, THE COMMISSIONER MAY ISSUE AN ORDER REQUIRING THE OWNER AND/OR OPERATOR OF SUCH SOURCE TO INVESTIGATE WHETHER IT HAS CAUSED OR CONTRIBUTED TO SUCH VIOLATION. THE COMMISSIONER MAY REASONABLY SUSPECT THAT A SOURCE HAS CAUSED OR CONTRIBUTED TO A VIOLATION BASED UPON ONE (1) OR MORE OF THE FOLLOWING: CITIZEN COMPLAINTS; COMPARISONS OF ODORS UPWIND AND DOWNWIND OF THE SOURCE; MATERIAL HANDLING AND STORAGE PRACTICES; METHODS OF OPERATION; SITE INSPECTIONS; SURVEYS; INFORMATION GATHERED FROM ANY OTHER SOURCE; OR ACTUAL OR ESTIMATED STACK EMISSIONS, FUGITIVE EMISSIONS OR AMBIENT POLLUTANT CONCENTRATIONS.

(f) THE COMMISSIONER MAY USE AIR QUALITY MODELING TECHNIQUES TO CALCULATE AMBIENT POLLUTANT CONCENTRATIONS. THE COMMISSIONER SHALL NOT USE AIR QUALITY MODELING RESULTS AS THE SOLE BASIS FOR FINDING A VIOLATION OF THIS SECTION, UNLESS THE COMMISSIONER HAS RECEIVED TEN OR MORE WRITTEN COMPLAINTS WITHIN NINETY (90) CONSECUTIVE DAYS FROM SEPARATE HOUSEHOLDS.

(g) ANY PERSON WHO IS REQUIRED TO UNDERTAKE AN INVESTIGATION OR REMEDIATION PURSUANT TO THIS SECTION SHALL ASSURE THAT ALL SAMPLES AND MEASUREMENTS TAKEN IN ANY INVESTIGATION AND REMEDIATION ARE REPRESENTATIVE OF THE ACTIVITY REQUIRED TO BE SAMPLED. IN CALCULATING AMBIENT AIR QUALITY IMPACTS, SUCH PERSON SHALL USE APPLICABLE AIR QUALITY MODELS, DATA BASES OR OTHER TECHNIQUES APPROVED IN WRITING BY THE COMMISSIONER FOR THE SUBJECT SOURCE AND ANY OTHER SOURCE WHICH IS INCLUDED IN THE ANALYSIS.

(h) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION 22a-174-3(c) OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES, IN ACTING ON AN APPLICATION FOR A PERMIT TO CONSTRUCT, THE COMMISSIONER NEED NOT PERFORM OR REVIEW MODELING TO DETERMINE THAT A PROPOSED SOURCE WILL OPERATE IN COMPLIANCE WITH SUBSECTION (c) OF THIS SECTION.

(i) NOTHING IN THIS SECTION SHALL PERMIT EMISSION OF ANY POLLUTANT IN VIOLATION OF ANY OTHER SECTION, AND COMPLIANCE WITH ANY OTHER SECTION SHALL NOT CONSTITUTE COMPLIANCE WITH THIS SECTION.

(j) AN AGRICULTURAL OR FARMING OPERATION SHALL BE EXEMPT FROM THE PROVISIONS OF THIS SECTION TO THE EXTENT PROVIDED BY SECTION 19a-341 OF THE GENERAL STATUTES.

(k) THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO MOBILE SOURCES OR STRUCTURES WHICH ARE OCCUPIED SOLELY AS A DWELLING AND CONTAIN SIX OR FEWER DWELLING UNITS.

TABLE 23-1

ODOR LIMIT VALUE IN PARTS PER MILLION, FIFTEEN-MINUTE AVERAGE

COMPOUND	CONCENTRATION
CHLORINE	0.0240
ETHYL ACRYLATE	0.00037
ETHYL MERCAPTAN	0.00040
FORMALDEHYDE	2.49
HYDROGEN SULFIDE	0.0045
METHYL ETHYL KETONE	17.0
METHYL MERCAPTAN	0.0010
METHYL METHACRYLATE	0.34
PERCHLOROETHYLENE	71.0
PHENOL	0.12
STYRERE	0.15
TOLUENE	11.0

Statement of Purpose: To amend the regulations for the Abatement of Air Pollution to control objectionable odors.

CERTIFICATION
P-39 REV. 1/77

4081

Be it known that the foregoing:

[X] Regulations [ ] Emergency Regulations

[ ] 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 November 7, 19 89, of the notice of the proposal to:

[ ] Adopt [X] Amend [ ] Repeal such regulations

(If applicable): [X] And the holding of an advertised public hearing on 7th day of December 19 89.

WHEREFORE, the foregoing regulations are hereby:

[ ] Adopted [X] Amended as hereinabove stated [ ] Repealed

Effective:

[X] When filed with the Secretary of the State.

(OR)

[ ] The _____ day of _____ 19____.

In Witness Whereof:	DATE 7/18/90	SIGNED (Head of Board, Agency or Commission) Leslie Carothers	OFFICIAL TITLE, DULY AUTHORIZED Commissioner
Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:		SIGNED	OFFICIAL TITLE, DULY AUTHORIZED Deputy Atty. Gen. 8/6/90

[X] Approved in Part (See my letter of 9/18/90

[ ] Disapproved

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

[ ] Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes.	DATE 9/18	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 October 1, 1990	SIGNED (Secretary of the State.) Julia H. Tashjian	BY Peter J. Bontura

INSTRUCTIONS

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the 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 presented 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 number 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 and deleted language in brackets. Section 4-170 of the General Statutes.

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