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

NAME OF AGENCY

Environmental Protection

Concerning

ABATEMENT OF AIR POLLUTION

Amendment of:

Sections 22a-174-1(29) and (94); 22a-174-2a(e)(1); 22a-174-2a(e)(3); 22a-174-2a(f)(1); 22a-174-2a(f)(2); 22a-174-2a(f)(4); 22a-174-2a(j); 22a-174-3b(a), (b), (c), (d) and (f); 22a-174-3c(a) and (b); 22a-174-5(b), (e)(2) and (g); 22a-174-19a(a)(1), (a)(7), (g)(1) and (h)(5); 22a-174-20(m), (n), (o), (p), (q), (r), (s) and (v); 22a-174-22(a)(17), (j) and (k); 22a-174-22a(f)(5); 22a-174-22b(c); 22a-174-22b(i)(6); 22a-174-23(h); 22a-174-24(b); 22a-174-29(b), (c) and (e) and 22a-174-33(d)(3)

Sec. 30. Subsection (b) of section 22a-174-29 of the Regulations of Connecticut State Agencies is amended to read as follows:

(b) ["]Maximum Allowable Stack Concentrations["].

[(b)](1) On or after October 1, 1986, no ["]person["] shall cause or permit the ["]emission["] of any ["]hazardous air pollutant["] listed in Table 29-1 from any ["]stationary source["] at a concentration at the ["]discharge point["] in excess of the ["]maximum allowable stack concentration["], unless the ["]stationary source["] is operating in accordance with the terms of an order or permit of the ["Commissioner"] commissioner specifically allowing the continued operation of the ["]stationary source["] in violation of this subdivision while coming into compliance or the ["]source["] is in compliance with the provisions of [subdivision 22a-174-29(d)(3)] subsection (d)(3) of this section.

[(b)](2) [No person shall cause or permit the emission of any "hazardous air pollutant" from any "resources recovery facility", or "incinerator" or from any "stationary source" or "modification" for which the person applies for and obtains a permit under section 22a-174-3 on or after July 1, 1986 at a concentration at the "discharge point" in excess of the "maximum allowable stack concentration" unless the source is in compliance with the provisions of subdivision (d)(3) of this section.] No person, who is required to obtain a permit under section 22a-174-3a of the Regulations of Connecticut State Agencies or, who, between July 1, 1986 and March 15, 2002, should have applied for and obtained a permit under former section 22a-174-3 of the Regulations of Connecticut State Agencies, shall cause or permit the emission of any hazardous air pollutant from any stationary source or modification at a concentration at the discharge point in excess of the maximum allowable stack concentration unless such source is in compliance with the provisions of subsection (d)(3) of this section. The ["Commissioner"] commissioner shall not apply the provisions of this subdivision to the owner or ["]operator["] of any ["]stationary source["] who applied for a ["]permit to construct["] under former section 22a-174-3 of the Regulations of Connecticut State Agencies prior to March 1, 1986 and who received a notice of a complete application prior to July 1, 1986 or to any other owner or ["]operator["] who received a ["]permit to construct[" under these regulations] prior to July 1, 1986. Notwithstanding the foregoing, all ["]resources recovery facilities["] and all ["]incinerators["] shall meet the standards of this subdivision for all ["]hazardous air pollutants["].

[(b)](3) If the owner or ["]operator["] of a ["]stationary source[" which] that emits or may emit a ["]hazardous air pollutant["] is in compliance with the ["]MASC["] at the ["]discharge point["] of that source, but the ["Commissioner"] commissioner determines, through ambient monitoring, that the ["]HLV["] is exceeded, then the ["Commissioner"] commissioner may require that the concentration of the ["]hazardous air pollutant["] at the ["]discharge point["] be further reduced.

[(b)](4) The owner or ["]operator["] of any ["]stationary source["] or ["]modification["] not subject to the provisions of subdivision [22a-174-29(b)](2) of this subsection [which] that emits or may emit a ["]hazardous air pollutant["] shall comply with the requirements of subdivision [22a-174-29(b)](2) of this subsection if the ["Commissioner"] commissioner determines, through ambient monitoring, that the ["]HLV["] is exceeded as a result of the ["emission"] emissions from that ["]stationary source["].

[(b)](5) For the purposes of subdivisions [22a-174-29(b)](3) and [22a-174-29(b)](4) of this subsection, any person who performs ambient air monitoring shall use methods and procedures approved by the ["Commissioner"] commissioner.

Sec. 31. Subsections (d) and (e) of section 22a-174-29 of the Regulations of Connecticut State Agencies are amended to read as follows:

(d) ["]Ambient Air Quality Standards["].

[(d)](1) The provisions of this subsection apply to any ["]stationary source["] which] that emits an ["]air pollutant for which there is an ["]ambient air quality standard["] ("AAQS") found in section 22a-174-24 of the Regulations of Connecticut State Agencies except for any ["]criteria air pollutant["] other than lead.

[(d)](2) If the ["]source["] complies with the ["]MASC["] and there is an applicable ["]AAQS["], then the owner or ["]operator["] shall not cause or exacerbate a violation of the applicable ["]AAQS["] unless the impact of the source is less than significant as [determined in subsection 22a-174-3(c)] listed in Table 3a(i)-1 set forth in section 22a-174-3a(i) of the Regulations of Connecticut State Agencies.

[(d)](3) If the ["]source["] does not comply with the ["]MASC["] and there is an applicable ["]AAQS["], then the owner or ["]operator["] shall:

(A) [install] Install and use ["]Best Available Control Technology["] for the applicable ["]hazardous air pollutant["]; and

(B) [not] Not cause an impact in excess of the applicable ["]AAQS["] if such impact is significant as [determined in subsection 22a-174-3(c)] listed in Table 3a(i)-1 set forth in section 22a-174-3a(i) of the Regulations of Connecticut State Agencies.

[(d)](4) Upon the request of the ["Commissioner"] commissioner, the owner or ["]operator["] of any ["]stationary source["] shall make and submit to the ["Commissioner"] commissioner, for his approval, a ["]BACT["] determination for each ["]hazardous air pollutant["] for which an ["]AAQS["] has been set, as required by the ["Commissioner"] commissioner, including costs estimates of all control options as may be specified by the ["Commissioner"] commissioner.

[(d)](5) For the purposes of this subsection, the ["Commissioner"] commissioner shall allow the use of only air quality models, data bases or other requirements approved by the ["Commissioner"] commissioner prior to the determination of compliance with the ["]AAQS["].

(e) Sampling for ["]Hazardous Air Pollutants["].

[(e)](1) Testing to determine concentrations of ["]hazardous air pollutants["] in the ["]ambient air["] contiguous to a ["]source["] may be required if the ["Commissioner"] commissioner determines that the operation of a ["]source["] might reasonably be expected to cause an exceedance of an applicable ["]HLV["] or ["]AAQS.["]

[(e)](2) In addition to any testing required by [subdivision (e)(2) of section 22a-174-5] section 22a-174-5(e)(2) of the Regulations of Connecticut State Agencies, testing to determine concentrations of ["]hazardous air pollutants["] at ["]discharge points["] of ["]sources["] may be required by the ["Commissioner"] commissioner if:

(A) [an] An exceedance of a ["]HLV["] with an 8-hour averaging time is observed; [or]

(B) [two] Two (2) or more exceedances of a ["]HLV["] with a 30-minute averaging time are observed within two (2) non-overlapping 8-hour periods within any seven (7)-day period; [or]

(C) [the] The ["]source["] is required to meet the requirements of subdivision (b)(2) of this section; [or]

(D) [the] The emissions from a ["]source are suspected of causing a violation of an ["]AAQS["]; [or]

(E) [there] There is an enforcement action for violation of section 22a-174-20 or 22a-174-23 of the Regulations of Connecticut State Agencies; or

(F) [the] The ["]source["] is suspected of emitting a ["]hazardous air pollutant["] listed in Table 29-1.

[(e)](3) Testing to determine concentrations of ["]hazardous air pollutants["] at either ["]discharge points["] of ["]stationary sources["] or in the ["]ambient air["] shall be conducted by the ["Commissioner"] commissioner, the ["Commissioner's"] commissioner's authorized representative or by persons qualified by training or experience in the field of sampling emissions from air pollution sources or in the ["]ambient air["]. All sampling, emissions testing and laboratory analyses shall be done using procedures and techniques approved by the ["Commissioner"] commissioner prior to the commencement of such testing.

[(e)](4) In addition to the provisions of subdivision [22a-174-29(e)](1) of this subsection, the [department] commissioner shall perform testing for dioxin emissions in the ambient air in accordance with the requirements of this subdivision. The [department] commissioner shall perform the following tests in the area of any resources recovery facility. The tests shall be representative of conditions existing prior to the commencement of operation and representative of conditions existing after the issuance of the permit to operate.

(A) For tests representative of conditions existing prior to the commencement of operation for each subject resources recovery facility the [Commissioner] commissioner shall analyze at a minimum a total of eight (8) samples. At a minimum, such tests shall consist of the collection of samples at four locations deemed representative by the [Commissioner] commissioner during four distinct time periods and the analysis of two samples for each time period for a total of eight samples. The [Commissioner] commissioner shall make every effort to perform such testing once per calendar quarter prior to the commencement of operation.

(B) For tests representative of conditions existing after the issuance of [the permit to operate under subsection 22a-174-3(f)] a permit under section 22a-174-3a of the Regulations of Connecticut State Agencies for each subject resources recovery facility the [Commissioner] commissioner shall analyze at a minimum a total of eight (8) samples. At a minimum, such

tests shall consist of the collection of samples at four locations deemed representative by the [Commissioner] commissioner during four distinct time periods and the analysis of two representative samples per calendar quarter for the first year following issuance of [the] a permit [to operate] under [subsection 22a-174-3(f)] section 22a-174-3a of the Regulations of Connecticut State Agencies. Based upon an analysis of the ambient data, results of stack tests, data from the continuous emission monitors and other pertinent information, the [Commissioner] commissioner shall determine a representative ambient sampling program for subsequent years. The [Commissioner] commissioner shall provide notice of this determination to the chief elected official of each town participating in the subject resources recovery facility.

Statement of Purpose:
The amendment primarily concerns adjustments to internal citations within the Regulations of Connecticut State Agencies to reflect the adoption in March 2002 of sections 22a-174-2a and 22a-174-3a, and the amendment of sections 22a-174-1 and 22a-174-33, concerning respectively, the new source review and Title V operating permit programs. This amendment also corrects or improves the clarity of numerous regulatory provisions; corrects miscellaneous typographical and formatting errors; and makes technical corrections. Specifically, each section in the amendment makes the following revisions:

- Sections 1, 4, and 6 correct typographical errors in sections 22a-174-1(29), 22a-174-2a(e)(3) and 22a-174-2a(f)(2).
- Section 2 replaces an outdated fuel specification in section 22a-174-1(94).
- Section 3 clarifies when an obligation to modify an existing permit arises under section 22a-174-2a(e)(1).
- Section 5 clarifies section 22a-174-2a(f)(1) regarding activities that do not require a permit.
- Section 7 clarifies section 22a-174-2a(f)(4) regarding a permittee's ability to make a permit revision after submitting a written request so to do.
- Section 8 clarifies that a registration issued under former section 22a-174-2 is a license and remains in effect unless revoked in accordance with identified procedures.
- Section 9 clarifies language pertaining to VOC controls for automotive refinishing operations under section 22a-174-3b and corrects typographical errors in section 22a-174-3b(c)(3)(D) and section 22a-174-3b(d)(3)(B).
- Section 10 clarifies section 22a-174-3b(f) regarding the operating requirements for nonmetallic mineral processing equipment.
- Section 11 clarifies that the provisions of section 22a-174-3c may cap the emissions from multiple emission units at a premises and corrects a technical error in section 22a-174-3c(b)(5).
- Sections 12, 15, 16, 19, 20, 21 and 24 through 31, inclusive, update citations in the following regulatory provisions: section 22a-174-5(b); section 22a-174-19a(a)(1) and (7); section 22a-174-20(m), (n), (o), (p), (q), (r), (s) and (v); section 22a-174-22(a)(17); section 22a-174-22a(f)(5); section 22a-174-22b(c); section 22a-174-22b(i)(6); section 22a-174-23(h); section 22a-174-24(b); section 22a-174-33(d)(3); and section 22a-174-29(b), (d) and (e).
- Sections 13 and 14 delete provisions in subsections (e)(2) and (g) of section 22a-174-5 that are redundant of section 22a-174-38.
- Consistent with the adoption of Public Act 02-64, Section 17 clarifies that the fuel emergency provisions of section 22a-174-19a(g) apply to sources that combust low sulfur solid fuel.
- Section 18 clarifies the baseline emission rate from which sulfur dioxide early reduction credits and discreet emission reduction credits (DERCs) may be created pursuant to section 22a-174-19a(h)(5).

Section 1

- Section 22 adopts a five-year vintage restriction on the use of DERCs and nitrogen oxide allowances for compliance with section 22a-174-22.
- Section 23 revises the emissions testing and monitoring requirements for sources subject to the provisions of section 22a-174-22(k) to allow the commissioner to approve an alternative means to demonstrate compliance with the requirements of section 22a-174-22 in limited situations.

CERTIFICATION

Be it known that the foregoing:

[x] Regulations Emergency Regulations

Are:

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 January 25, 2005 of the notice of the proposal to:

Adopt [x] Amend Repeal such regulations

(If applicable): [x] And the holding of a public hearing on the 1st day of March 2005

WHEREFORE, the foregoing regulations are hereby:

Adopted [x] Amended as herein above stated Repealed

Effective:

[x] When filed with the Secretary of State.

(OR)

The __ day of _____ 200_.

	DATE	SIGNED *(Head of Board, Agency or Commission)*	OFFICIAL TITLE, DULY AUTHORIZED
In Witness Whereof:	12/23/05	Gina McCarthy	Commissioner

	SIGNED	DATE	OFFICIAL TITLE, DULY AUTHORIZED
Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:	William B. Gundling	01/09/06	Assoc. Attorney Gener

[x] Approved with technical corrections

Disapproved

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

Rejected without prejudice.

	DATE	SIGNED *(Clerk of the Legislative Regulation Review Committee)*
By the Legislative Regulation Review Committee in accordance with Sec. 4-170 amended, of the General Statutes.	05/28/06	Pamela B. Booth

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 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.

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

RECEIVED
APR 07 2006
DEPT. OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER

Susan Bysiewicz
Secretary of the State

April 5, 2006

Hon. Gina McCarthy, Commissioner
Department of Environmental Protection
79 Elm Street
Hartford, CT 06105

RECEIVED
APR 12 2006
DEPT. OF ENVIRONMENTAL PROTECTION
OFFICE OF DEPUTY COMMISSIONER

Re: Agency Regulation Concerning:
Abatement of Air Pollution
Regulation Review Committee Docket Number: 2006-009
Secretary of the State File Number: 5686

Dear Commissioner McCarthy:

This is to acknowledge receipt of two certified copies of the above referenced regulation issued by the Department of Environmental Protection.

We request that you please forward the original or a copy of this acknowledgement letter to your agency's Legal Services Department for its files.

Said regulation was received and filed in this office on April 4, 2006. The effective date of this regulation is April 4, 2006.

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

Sincerely,

Barbara Sladek
RLS Assistant Coordinator
860-509-6147

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

File