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), (d) and (e); and 22a-174-33(d)(3)**

**Sec. 3. Subdivision (1) of subsection (e) of section 22a-174-2a of the Regulations of Connecticut State Agencies is amended to read as follows:**

(1) The permittee of any source that is subject to a new source review permit issued by the commissioner [pursuant to section 22a-174-3a(a)(1)(D) or (E)] pursuant to section 22a-174-3a or former section 22a-174-3 of the Regulations of Connecticut State Agencies shall apply for a new source review minor permit modification to [incorporate any modification of an emission unit with any increase in potential emissions, above allowable emissions, of less than fifteen (15) tons per year of any individual air pollutant, unless such modification is subject to the provisions of section 22a-174-3a(a)(1)(A), (B), (C) or (F) of the Regulations of Connecticut State Agencies] make any change to such permit, unless such change is allowed pursuant to subsection (f) of this section or unless the change is required to receive a non-minor permit modification pursuant to subsection (d)(3) of this section.

**Sec. 4. Subdivision (3) of subsection (e) of section 22a-174-2a of the Regulations of Connecticut State Agencies is amended to read as follows:**

(3) The procedural requirements for all new source review and Title V minor permit modifications, except as otherwise provided in subdivisions (4) and (5) of this subsection, are as follows:

(A) An application for a minor permit modification shall be made on forms prescribed by the commissioner and signed in accordance with subsection (a) of this section;

(B) An application for a minor permit modification shall include the following:

(i) a description of the proposed modification, a proposed modified permit, any proposed monitoring procedures, any increase in potential emissions resulting from the proposed modification, and an identification of all regulatory, statutory, or otherwise applicable requirements that would become applicable as a result of such modification, and

(ii) a statement, certified in accordance with subsection (a)(5) of this section, that the proposed minor permit modification meets all regulatory, statutory, or applicable requirements identified in the subject application [pursuant];

(C) Subject to limitations specified in subdivision (5)(F) of this subsection, a permittee may implement the modifications proposed in the minor permit modification application no less than twenty-one (21) days after filing a

complete application with the commissioner. The permittee shall comply with the terms and conditions of the proposed modified permit and the terms and conditions of the existing permit that are not being modified, until the commissioner issues or denies the proposed modified permit.

(D) The commissioner shall process any minor permit modification, subject to subdivision (1) of this subsection, at a Title V source in accordance with both the Title V and new source review minor modifications provisions in subdivisions (3) to (5), inclusive of this subsection unless otherwise allowed pursuant to subdivision (r)(2) of section 22a-174-33 of the Regulations of Connecticut State Agencies.

**Sec. 5. Subdivision (1) of subsection (f) of section 22a-174-2a of the Regulations of Connecticut State Agencies is amended to read as follows:**

(1) [Exemptions.] The owner or operator of a stationary source may perform the activities described in sections 22a-174-3a(a)(2)(A)(i) [to (iii)] <u>and</u> (ii) and 22a-174-3a(a)(2)(B) [to] <u>and</u> (C) of the Regulations of Connecticut State Agencies unless otherwise restricted by any provision of such permit or an order of the commissioner.

**Sec. 6. Subdivision (2) of subsection (f) of section 22a-174-2a of the Regulations of Connecticut State Agencies is amended to read as follows:**

(2) The permittee of any stationary source for which the commissioner has issued a permit pursuant to 22a-174-33, section 22a-174-3a, or former section 22a-174-3 of the Regulations of Connecticut State Agencies shall apply for and obtain a permit revision, for the purposes of:

(A) Correcting a clerical error;

(B) Revising the address or phone number of any person identified in such permit, or making another revision reflecting a similarly minor administrative change at or concerning the subject source;

(C) Revising the name of the authorized representative of the permittee, provided that a request to change such authorized representative shall be accompanied by written authorization in accordance with subsection (a)(2)(A) to (D), inclusive, of this section;

(D) Requiring more frequent or additional monitoring, record keeping or reporting;

(E) Reflecting a transfer in ownership or operational control of the subject source, in accordance with subsection (g) of this section, provided that:

(i) no other modification of the subject permit is required as a result of such transfer,

(ii) if the subject permit contains a provision for changing ownership or operational control of the subject source, the provision stated in the permit shall be followed provided that such provision is consistent with section 22a-6o of the Connecticut General Statutes, and

(iii) any transfer of the permit required by section 22a-6o of the Connecticut General Statutes has been granted by the commissioner;

(F) Implementing an administrative Title V permit amendment set forth in 40 CFR 70.7(d)(1)(v), as amended from time to time; or

(G) Implementing a fuel conversion described in section [22a-174-3a(a)(2)(A)(iv) or (v)] 22a-174-3a(a)(2)(A)(iii) or (iv) of the Regulations of Connecticut State Agencies.

**Sec. 7. Subdivision (4) of subsection (f) of section 22a-174-2a of the Regulations of Connecticut State Agencies is amended to read as follows:**

(4) [Except as provided in subdivision (2) of this subsection, upon] Upon submitting to the commissioner a written request for a permit revision under this subsection, a permittee may make changes as set forth in such request.

**Sec. 8. Section 22a-174-2a of the Regulations of Connecticut State Agencies is amended by adding new subsection (j) as follows:**

**(NEW)**
**(j) Registration and Registration Revocation.**

(1) Any registration issued pursuant to former section 22a-174-2 of the Regulations of Connecticut State Agencies is a license as defined in section 4-166 of the Connecticut General Statutes in that it is a registration required by law. Such registration shall remain in full force and effect, unless otherwise determined by the commissioner.

(2) An owner or operator shall comply with any registration issued by the commissioner under former section 22a-174-2 of the Regulations of Connecticut State Agencies unless and until such registration is revoked.

(3) The commissioner may revoke any registration issued pursuant to former section 22a-174-2 of the Regulations of Connecticut State Agencies on his own initiative or at the request of the registrant, in accordance with sections 4-182(c) and 22a-174c of the Connecticut General Statutes, section 22a-3a-5(d) of the Regulations of Connecticut State Agencies and any other applicable law.

(4) A registrant requesting the revocation of a registration issued pursuant to former section 22a-174-2 of the Regulations of Connecticut State Agencies shall make such a request to the commissioner in writing and shall include:

(A) Facts and reasons supporting the request;

(B) The requested date of revocation; and

(C) Evidence satisfactory to the commissioner to demonstrate that:

(i) The subject stationary source has been shut down, removed, dismantled or otherwise rendered inoperable,

(ii) A complete application for an individual permit pursuant to section 22a-174-3a of the Regulations of Connecticut State Agencies has been submitted to the commissioner for review and approval,

(iii) The subject stationary source is operated in accordance with section 22a-174-3b or section 22a-174-3c of the Regulations of Connecticut State Agencies, or

(iv) The subject stationary source does not currently meet any provision requiring that an individual permit be obtained pursuant

Section 1

to section 22a-174-3a(a) of the Regulations of Connecticut State Agencies.

# 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. | 03/28/06 | 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