**IMPORTANT:** Read instructions on back of last page (Certification Page) before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations

State of Connecticut
**REGULATION**
of

SECRETARY OF THE STATE
LEGISLATION & ELECTIONS
ADMINISTRATION DIVISION
2012 SEP 10 P 1:55

NAME OF AGENCY

**Energy and Environmental Protection**

**Concerning**

SUBJECT MATTER OF REGULATION

**Amendment of Section 22a-174-2a(b) of the Regulations of Connecticut State Agencies**

**Subdivisions (5) and (6) of section 22a-174-2a(b) of the Regulations of Connecticut State Agencies are revised as follows:**

(5) For any permit application pursuant to section 22a-174-33 of the Regulations of Connecticut State Agencies, the commissioner shall forward a copy of the notice of tentative determination[, published in accordance with subdivision (3) of this subsection,] to:

(A) The individuals who request such notice;

(B) The chief elected official of the municipality where the stationary source is or is proposed to be located;

(C) The chief executive officer of the municipality where the source is or is proposed to be located;

(D) The appropriate Connecticut regional planning agency;

(E) Any federally recognized Indian governing body whose lands, or air quality, may be affected by emissions from the subject stationary source. In addition to the notice, a copy of the proposed Title V permit shall be submitted to such federally recognized Indian governing body;

(F) The director of the air pollution control program in any affected state, and the states of New York, Massachusetts, and Rhode Island, on or before the time such notice is provided to the public, except for applications for minor permit modifications for which the commissioner shall provide notice in accordance with 40 CFR 70.7(e)(2) and (3). In addition to the notice, a copy of the proposed Title V permit shall be submitted to such director; and

(G) The regional Administrator of the United States Environmental Protection Agency. In addition to the notice, a copy of the proposed Title V permit shall be submitted to the regional Administrator.

(6) For any permit application pursuant to section 22a-174-3a of the Regulations of Connecticut State Agencies for a new major stationary source or a major modification at a major stationary source, the commissioner shall forward, prior to the date of publication, a copy of the notice of tentative determination[, published in accordance with subdivision (3) of this subsection,] to those individuals or entities identified in subparagraphs (A), (B), (C), (D), (E) and (G), of subdivision (5) of this subsection and any Federal Land Manager or state whose lands, or air quality, may be affected by emissions from the source or modification.

**Statement of purpose:** The Department of Energy and Environmental Protection (DEEP) is proposing to make small changes to its procedural requirements for reviewing air quality permit applications. These small changes are necessary to correct a deficiency in Connecticut's procedural requirements, thereby making Connecticut's federally approved permit program requirements consistent with those of the U.S. Environmental Protection Agency (EPA). DEEP made a letter commitment to EPA to pursue adoption of these changes.

The proposal broadens the persons notified by the DEEP commissioner when the commissioner issues a tentative determination concerning an air quality permit. The proposal is easily implemented within current DEEP resources. The proposal has no impact on regulated entities.

Although the proposed changes are minor, the changes are necessary to DEEP's plans to meet and maintain the national ambient air quality standards for ozone. Adoption of the proposal will allow EPA to approve in full DEEP's infrastructure requirements under the 1997 ozone standard and prepare DEEP for later infrastructure State Implementation Plan submissions.

R-39 Rev. 03/2012

# CERTIFICATION

1) **I hereby certify that the above** (*check one*) ☒ Regulations ☐ Emergency Regulations

2) **are** *(check all that apply)* ☐ adopted ☒ amended ☐ repealed **by this agency pursuant to the following authority(ies):** *(complete all that apply)*

   a. *Connecticut General Statutes* section(s) *22a-174*

   b. Public Act Number(s) _____

*(Provide public act number(s) if the act has not yet been codified in the Connecticut General Statutes.)*

3) **And I further certify that notice of intent to adopt, amend or repeal said regulations was published in the Connecticut Law Journal on** January 31, 2012;
*(Insert date of notice publication if publication was required by CGS Section 4-168.)*

4) **And that a public hearing regarding the proposed regulations was held on** 6 March, 2012;
*(insert date(s) of public hearing(s) held pursuant to CGS Section 4-168(a)(7), if any, or pursuant to other applicable statute.)*

5) **And that said regulations are EFFECTIVE** *(check one, and complete as applicable)*
   ☒ When filed with the Secretary of the State
   **OR** ☐ on *(insert date)* _____

SECRETARY OF THE STATE LEGISLATION & ELECTIONS ADMINISTRATION DIVISION 2012 SEP 10 P 1:58

| DATE | SIGNED (Head of Board, Agency or Commission) | OFFICIAL TITLE, DULY AUTHORIZED |
|---|---|---|
| 5/17/12 | | Commissioner, DEEP |

***APPROVED** by the **Attorney General** as to legal sufficiency in accordance with CGS Section 4-169, as amended*

| DATE | SIGNED *(Attorney General or AG's designated representative)* | OFFICIAL TITLE, DULY AUTHORIZED |
|---|---|---|
| 5/30/12 | Joseph Rubin | ASSOC. ATTY. GENERAL |

*Proposed regulations are **DEEMED APPROVED** by the Attorney General in accordance with CGS Section 4-169, as amended, if the Attorney General fails to give notice to the agency of any legal insufficiency within thirty (30) days of the receipt of the proposed regulation*

***(For Regulation Review Committee Use ONLY)***

☐ Approved ☐ Rejected without prejudice

☒ Approved with technical corrections ☐ Disapproved in part *(Indicate Section Numbers disapproved only)*

☐ Deemed approved pursuant to CGS 4-170(c) as amended

| By the Legislative Regulation Review Committee in accordance with CGS Section 4-170, as amended | DATE | SIGNED *(Administrator, Legislative Regulation Review Committee)* |
|---|---|---|
| | 8/28/2012 | Pamela B Boothe |

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

| DATE | SIGNED *(Secretary of the State)* | BY |
|---|---|---|
| | | |

(For Secretary of State Use ONLY)