Sec. 22a-174-33. Title V Sources.

(a) **Definitions**. For the purposes of this section:

(1) "Alternative operating scenario" means a condition, including equipment configurations, process parameters, or materials used in a process under which the owner or operator of a Title V source may be allowed to operate.

(2) "Applicable requirements" means:

(A) Any standard or other requirement in the State implementation plan or in a federal implementation plan for the State of Connecticut promulgated by the Administrator pursuant to the Act;

(B) Any term or condition of a permit issued pursuant to former section 22a-174-3 or section 22a-174-3a of the Regulations of Connecticut State Agencies;

(C) Any standard or other requirement of the acid rain program pursuant to 40 CFR Parts 72 to 78, inclusive; and

(D) Any standard or other requirement pursuant to 40 CFR 51, 52, 59, 60, 61, 62, 63, 64, 68, 70, or 82.

(3) "Code of Federal Regulations" or "CFR" means the Code of Federal Regulations as amended from time to time.

(4) "Deviation" means "deviation" as defined in 40 CFR 71.6(a)(3)(iii)(C).

(5) "Hazardous air pollutant" means, notwithstanding the definition in section 22a-174-1 of the Regulations of Connecticut State Agencies, any air pollutant listed in section 112(b) of the Act excluding hydrogen sulfide and caprolactam.

(6) "Implementation date of this section" means April 23, 1997.

(7) "Regulated air pollutant" means any of the following:

(A) Nitrogen oxides or any volatile organic compound;

(B) Any pollutant which is a criteria air pollutant as defined in section 22a-174-1 of the Regulations of Connecticut State Agencies;

(C) Any pollutant emitted by a stationary source which is subject to any standard of performance for new stationary sources pursuant to 40 CFR 60;

(D) Any pollutant from a substance subject to a stratospheric ozone protection requirement pursuant to 40 CFR 82, Subpart A, Appendix A or B;

(E) Any pollutant subject to a national emission standard or other requirement pursuant to 40 CFR 63, and emitted by a source in a category listed in the Federal Register in accordance with section 112(e)(3) of the Act;

(F) Any pollutant from a stationary source which is subject to any standard or other requirement pursuant to 40 CFR 61; or

(G) Any pollutant listed in 40 CFR 68.

(8) "Research and development operation" means any activity which:

(A) Occurs in a laboratory;

(B) Is intended to (i) discover scientific facts, principles or substances, or (ii) establish methods of manufacture or design of saleable substances, devices or other products, based upon previously discovered scientific facts, principles or substances; and

(C) Does not include (i) production for sale of established products through established processes, or (ii) production of a product for distribution through market testing channels.

(9) "Title V permit" means any permit issued, renewed, or modified by the commissioner pursuant to this section.

(10) "Title V source" means any premises at, in, or on which any of the following is located:

(A) Any stationary source subject to 40 CFR 60 or 61;

(B) Any stationary source subject to 40 CFR 62, 63 or 68;

(C) Any stationary source subject to 40 CFR 72 to 78, inclusive;

(D) Any stationary source subject to section 129(e) of the Act;

(E) Any one or more stationary sources, which are located on one or more contiguous or adjacent properties under the control of the same person or persons and which in the aggregate emit, or have the potential to emit,

including fugitive emissions, ten (10) tons or more per year of any hazardous air pollutant, or twenty-five (25) tons or more per year of any combination of hazardous air pollutants; or

(F) Any one or more stationary sources, which are located on one or more contiguous or adjacent properties under the control of the same person or persons and which belong to the same two-digit Standard Industrial Classification code, as published by the United States Office of Management and Budget in the Standard Industrial Classification Manual of 1987, and which in the aggregate emit, or have the potential to emit air pollutants, including fugitive emissions, from those categories of sources listed in (2)(i) to (xxvii) in the definition of "major source" in 40 CFR 70.2, of:

(i) one hundred (100) tons or more per year of any regulated air pollutant,

(ii) fifty (50) tons or more per year of volatile organic compounds or nitrogen oxides in a serious ozone non-attainment area, or

(iii) twenty-five (25) tons or more per year of volatile organic compounds or nitrogen oxides in a severe ozone non-attainment area; and

(G) Notwithstanding the provisions of subparagraph (F) of this subdivision, any landfill containing only municipal solid waste, as that term is defined in section 22a-207(23) of the Connecticut General Statutes, shall not be considered a Title V source unless such landfill is subject to any applicable requirement identified in subparagraph (B) or (D) of this subdivision.

(b) Signatory responsibilities.

An application for a Title V permit, any form, report, compliance certification or other document required by a Title V permit, and any other information submitted by an owner or operator or a permittee pursuant to this section shall be signed in accordance with section 22a-174-2a(a) of the Regulations of Connecticut State Agencies.

(c) Applicability.

(1) The provisions of this section shall apply to the owner or operator of every Title V source.

(2) Notwithstanding subdivision (1) of this subsection and except as provided in subdivision (3) of this subsection, this

section shall not apply to any premises which is defined as a Title V source solely because a stationary source on such premises is subject to one or more of the following:

(A) Standard of performance for new residential wood heaters pursuant to 40 CFR 60, Subpart AAA;

(B) 40 CFR 61.145;

(C) Accidental release requirements pursuant to 40 CFR 68; or

(D) 40 CFR 60, 61, 63 or 68, if such source is exempt or deferred from the requirement to obtain a Title V permit:

(i) by the terms of the applicable CFR,

(ii) by the terms of 40 CFR 70,

(iii) by the Administrator, or

(iv) with the Administrator's authorization, by the commissioner;

(3) Notwithstanding the definition of a Title V source set forth in subsection (a) of this section, for the purpose of determining whether this section applies to a premises at which research and development operations are located, the owner or operator of such premises may calculate the emissions from such premises by subtracting the emissions from such research and development operations from the total emissions of such premises. The emissions from the remainder of such premises and research and development operations shall be separately evaluated by the commissioner for purposes of determining whether Title V permits are required for each portion of such premises.

(4) If the commissioner or Administrator determines that the owner or operator of any Title V source that is subject to a Title V general permit issued pursuant to this section has not complied with such general permit, such noncompliance shall be a violation of this section and such owner or operator shall be deemed to have been operating a Title V source without a Title V permit.

(5) If the commissioner or Administrator determines that the owner or operator of any Title V source that is subject to a Title V general permit issued under this section has not qualified for applicability under such general permit, such noncompliance shall be a violation of this section and such owner or operator shall be deemed to have been operating a Title V source without a Title V permit.

(d) Limitations on potential to emit.

(1) In lieu of requiring an owner or operator of a Title V source described in subsection (a)(10)(E) or (F) of this section to obtain a Title V permit, the commissioner may, by permit or by order, limit all aggregate potential emissions from such premises to less than the following amounts:

(A) One hundred (100) tons per year of any regulated air pollutant;

(B) Fifty (50) tons per year of volatile organic compounds or nitrogen oxides, in a serious ozone nonattainment area;

(C) Twenty-five (25) tons per year of volatile organic compounds or nitrogen oxides, in a severe ozone nonattainment area; and

(D) Ten (10) tons per year of any hazardous air pollutant, twenty-five (25) tons per year of any combination of hazardous air pollutants, or the quantity established by the Administrator pursuant to 40 CFR 63.

(2) A permit or order issued pursuant to this subsection shall require the owner or operator of the subject premises to:

(A) Limit potential emissions at such premises to less than the amounts specified in subparagraphs (A) to (D), inclusive, of subdivision (1) of this subsection;

(B) Conduct monitoring, recordkeeping, or a combination of monitoring and recordkeeping sufficient to ensure compliance with such permit;

(C) Maintain all records required by such permit or order at the premises for five (5) years after the creation of such records and make such records available, upon request, to the commissioner;

(D) Submit compliance certifications to the commissioner pursuant to subdivision (q)(2) of this section; and

(E) Comply with every term, emission limitation, condition, or other requirement of such permit or order, including the requirements that the terms, limitations and conditions of such permit or order are binding and legally enforceable, and that the emissions allowed are quantified.

(3) A permit or order shall not be issued pursuant to this subsection, and any such permit or order shall not be federally enforceable, unless the commissioner:

(A) Requires the owner or operator of a subject premises to comply with each provision of subdivision (2) of this subsection;

(B) For a general permit, complies with the requirements for notice and opportunity for public comment pursuant to section 22a-174(l)(2) of the Connecticut General Statutes;

(C) For an individual order, sends a copy of a notice to those listed in subparagraph (D)(i) to (vi), inclusive, of this subdivision, and, at least thirty (30) days before approving or denying a proposed order under this subsection, publishes or causes to be published, at the respondent's expense, once in a newspaper having substantial circulation in the affected area, such notice of the proposed order regarding the subject premises. In addition, the commissioner may require the owner or operator to publish such notice in other media and in languages other than English. Such notice shall contain the following:

(i) the name and mailing address of the owner or operator of the subject premises and the address of the location of the proposed activity,

(ii) the draft order number,

(iii) the summary of the draft order provisions regarding the proposed activity,

(iv) the type of authorization sought, including a reference to the applicable statute or regulation,

(v) a description of the location of the proposed activity and any natural resources affected thereby,

(vi) the name, address and telephone number of any agent of the owner or operator from whom interested persons may obtain copies of the draft order,

(vii) a brief description of all opportunities for public participation provided by statute or regulation, including the length of time available for submission of public comments to the commissioner on the draft order, and

(viii) such additional information as the commissioner deems necessary to comply with any provision of the Regulations of Connecticut State Agencies or with the Act;

(D) For a tentative determination regarding a permit application under this subsection, other than a general permit, sends a copy of the notice required by section 22a-6h of the Connecticut General Statutes to those identified in, and as required by, section 22a-174-2a(b)(5)(A) to (G) inclusive, of the Regulations of the Connecticut State Agencies.

(4) Following receipt of a request for a public hearing pursuant section 22a-174-2a(c)(6) of the Regulations of Connecticut State Agencies, the commissioner shall publish a notice of such public hearing at the owner or operator's expense in a newspaper of general circulation in the affected area at least thirty (30) days prior to such hearing. In addition, the commissioner may require the owner or operator to publish such notice in other media and in languages other than English.

(5) The commissioner shall not issue any permit or order pursuant to this subsection which waives or makes less stringent any limitation, standard or requirement contained in or issued pursuant to the State implementation plan or that is otherwise federally enforceable, including any standard established in 40 CFR 63.

(6) The commissioner shall provide the Administrator with a copy of any general permit issued pursuant to this subsection.

(7) Notwithstanding a permit or order issued pursuant to subdivision (1) of this subsection, the owner or operator of any premises subject to this section shall pay the Department all fees required by section 22a-174-26 of the Regulations of Connecticut State Agencies.

(8) Notwithstanding the provisions of section 22a-174(l) of the Connecticut General Statutes, the commissioner shall not issue a general permit covering a stationary source subject to any standard or other requirement pursuant to 40 CFR 72 to 78, inclusive.

(9) If the commissioner or Administrator determines that the owner or operator of any premises that is subject to a general permit issued under this section has not qualified for applicability under such general permit, such noncompliance shall be a violation of this section and such owner or operator shall be deemed to have been operating a Title V source without a Title V permit.

(10) If the commissioner or Administrator determines that the owner or operator of any premises that is subject to a permit or order issued under this subsection has not complied with the terms or conditions of such permit or order, such noncompliance shall be a violation of this section and such owner or operator shall be deemed to have been operating a Title V source without a Title V permit.

(11) The commissioner shall submit this subsection for approval by the Administrator pursuant to Title I of the Act to authorize the issuance of federally enforceable state operating permits in lieu of Title V permits. Any permit issued under this subsection shall not be deemed a Title V permit.

(e) MACT and acid rain requirements.

(1) If the Administrator fails to promulgate a MACT standard for a category of sources consistent with the deadline pursuant to section 112(j)(2) of the Act, then the commissioner shall determine a MACT standard for such category of sources. The commissioner shall determine such MACT standard in the same manner as is required of the Administrator pursuant to section 112(d)(3) of the Act. In no event shall such a standard allow emissions of any hazardous air that would exceed the emissions allowed by an applicable standard pursuant to 40 CFR 63.

(2) Within three (3) years of the commissioner's determination of a MACT standard for a category of sources or upon notice from the commissioner to the owner or operator of the source, whichever is earlier, the owner or operator of a source with respect to which the commissioner has determined a MACT standard shall comply with such MACT standard.

(3) The owner or operator of a Title V source shall comply with the applicable provisions of 40 CFR 72 to 78, inclusive. If any such provision is stricter than a similar provision of an applicable permit issued pursuant to this section, the stricter provision shall prevail.

(f) Timetable for submitting an application for a Title V permit.

(1) The owner or operator of a Title V source which is subject to this section shall not be required to apply for a Title V permit before the implementation date of this section. After such date, the owner or operator of such a source shall apply for a Title V permit within ninety (90) days of receipt of notice from the commissioner that such application is required or by the date specified by such notice, whichever is earlier. If such owner or operator does not receive such notice, such owner or operator shall apply for such permit within nine (9) months of the implementation date of this section.

(2) Except as provided in subdivision (3) of this subsection, the owner or operator of a Title V source shall apply for a Title V permit within ninety (90) days of receipt of notice from the commissioner that such application is required or twelve (12) months after becoming subject to this section, whichever is earlier.

(3) The owner or operator of a Title V source which is subject to this section solely pursuant to a standard in 40 CFR 60 OR 61, shall apply for a Title V permit within ninety (90) days of receipt of notice from the commissioner that such application is required or as provided for by the Administrator, whichever is earlier.

(4) The owner or operator of a new major stationary source or a major modification to an existing major stationary source to whom a Title V permit has not been issued and who is required to obtain a permit pursuant to section 22a-174-3a of the Regulations of Connecticut State Agencies shall apply for a Title V permit within ninety (90) days of receipt of notice from the commissioner that such Title V permit is required or within twelve (12) months of commencing operation under a permit issued pursuant to section 22a-174-3a of the Connecticut State Agencies, whichever is earlier.

(5) Application for renewal of a Title V permit shall be made no later than twelve (12) months prior to the date of expiration of the Title V permit.

(6) Notwithstanding any other provision of this subsection, the owner or operator of a Title V source subject to 40 CFR 72 to 78, inclusive, which becomes subject to this section after January 1, 1998 shall submit a Title V application to the commissioner within the time provided by 40 CFR 72.30 or within ninety (90) days of receipt of notice from the commissioner that such application is required, whichever is earlier.

(g) Title V permit applications.

(1) An application for a Title V permit shall be made on forms prescribed by the commissioner. The application shall contain the following:

(A) The legal name and business address of the applicant and of the applicant's agent for service of process and, if the applicant is not the owner of the subject source, the legal name and business address of such owner and of the owner's agent for service of process, and the names and telephone numbers of the plant site manager and other individuals designated by the applicant to answer questions pertaining to such application;

(B) All information required by section 22a-3a-5 of the Regulations of Connecticut State Agencies, including an executive summary;

(C) A compliance plan pursuant to subsection (i) of this section meeting the requirements of 40 CFR 70.5(c)(8);

(D) A compliance certification pursuant to subsection (q)(2) of this section meeting the requirements of 40 CFR 70.5(c)(9);

(E) The information required by this subsection for each alternative operating scenario that the applicant has included in the Title V permit application;

(F) An identification and description of any alternative means of compliance with sections 22a-174-22 or 22a-174-32 of the Regulations of Connecticut State Agencies issued by order, permit or certification. In addition, a copy of such order, permit or certification shall be submitted with the application; and

(G) A certification pursuant to section 22a-174-2a(a)(5) of the Regulations of Connecticut State Agencies.

(2) For the purpose of determining the applicability of this section pursuant to subsection (c) of this section, to impose any applicable requirement, or to determine compliance with any applicable requirement, an application for a Title V permit shall provide the following information about the subject Title V source:

(A) For each alternative operating scenario proposed, a description of the processes utilized, the standard industrial classification code, identification of each emission unit involved, as well as its throughput, hours of operation and capacity for the calendar year prior to the year of application or such other time period as the commissioner deems appropriate;

(B) For each regulated air pollutant emitted or proposed to be emitted by the subject source, the amount of potential and actual emissions from such source during the time period specified in subparagraph (A) of this subdivision; such emissions shall be expressed in tons per year and in such terms as are necessary to demonstrate compliance with the applicable standard reference test method, if any;

(C) The methodology used by the applicant to quantify emissions, in such terms as are necessary to determine compliance with the applicable standard reference test method, if any, the potential and actual emissions referred to in subparagraph (B) of this subdivision, and the emission rates in tons per year of each regulated air pollutant emitted or proposed to be emitted by the subject Title V source;

(D) The calculations used by the applicant to determine whether such source is a Title V source to which this section applies;

(E) A description of all air pollution control equipment used at the subject Title V source and a description of all monitoring equipment used at the subject Title V source to quantify emissions or to determine compliance with any applicable requirement;

(F) For each regulated air pollutant emitted or proposed to be emitted by the subject Title V source, a description of any operational limitations or work practices in effect at such source which affect emissions at the time the application is submitted or a description of the work practices to be implemented which will affect proposed emissions at a specified later date;

(G) For each emission unit, an identification of all applicable requirements, an identification and explanation of any exemptions the applicant proposes to exercise from otherwise applicable requirements, and identification of any applicable MACT source category as published in the Federal Register, in accordance with section 112(e)(3) of the Act, including any category which is subject to compliance dates occurring after the effective date of this section;

(H) Any test method to be used by the applicant for determining compliance with each applicable requirement identified pursuant to subparagraph (G) of this subdivision; and

(I) Any other information, required by each applicable requirement identified pursuant to subparagraph (G) of this subdivision.

(3) An application need not contain the information required under subdivisions (1) and (2) of this subsection on those items or activities specified in subparagraphs (A) and (B) of this subdivision.

(A) A laboratory hood used solely for the purpose of experimental study or teaching of any science or testing or analysis of drugs, chemicals, chemical compounds, or other substances, provided that the containers used for reactions, transfers, and other handling of substances under such laboratory hood are designed to be easily and safely manually manipulated by one person; or

(B) Any of the following items or activities which are not the principal function of the subject Title V source:

(i) office equipment, including but not limited to copiers, facsimile and communication equipment,

and computer equipment,

(ii) grills, ovens, stoves, refrigerators, vending machines and other restaurant-style food preparation or storage equipment,

(iii) lavatory vents, hand dryers, and noncommercial clothes dryers, not including dry cleaning machinery,

(iv) garbage compactors and waste barrels,

(v) aerosol spray cans,

(vi) heating, air conditioning, and ventilation systems which do not remove air contaminants generated by or released from process or fuel burning equipment and which are separate from such equipment and which are not subject to 40 CFR Part 82,

(vii) routine housekeeping activities such as painting buildings, roofing, and paving parking lots,

(viii) all clerical and janitorial activities,

(ix) maintenance activities such as: the mechanical repair of vehicles; the use of brazing, soldering and welding equipment, carpentry, electrical charging, grinding and polishing operations, maintenance shop vents; and miscellaneous non-production surface cleaning, preparation and painting operations, and

(x) space heaters which can reasonably be carried by one person by hand.

(4) Notwithstanding subdivision (3) of this subsection, an application shall include information regarding each activity or item set forth in subparagraphs (A) and (B) of subdivision (3) of this subsection, if necessary to determine whether a premises is a Title V source or to impose an applicable requirement. In addition, if the commissioner determines the emissions from any activity or items are needed to determine the applicability of this section or to impose any applicable requirement, the applicant shall list on the application such activities or items listed in subparagraphs (A) and (B) of subdivision (3) of this subsection.

(5) An application to renew or modify a Title V permit shall be made on forms prescribed by the commissioner and in accordance with section 22a-174-2a of the Regulations of Connecticut State Agencies. Such application shall include a description of any proposed changes, a proposed permit, any proposed monitoring procedures, any changes in actual emissions resulting from the

proposed changes, and identification of all regulatory, statutory, or otherwise applicable requirements that would become applicable as a result of such changes.

(h) Title V application processing.

(1) An applicant for a Title V permit shall not be liable for failing to obtain such permit, unless:

(A) The commissioner notifies the applicant in writing within sixty (60) days of receipt of a sufficient and timely filed application that the application fails to meet the requirements in subsection (g) of this section or section 22a-3a-5(a)(1) of the Regulations of Connecticut State Agencies; or

(B) The commissioner notifies the applicant in writing subsequent to such sixty (60) days, while processing an application for a Title V permit that additional information is necessary to take final action regarding such application, and the applicant fails to submit such information in writing within forty-five (45) days of such notification.

(2) An applicant for a Title V permit shall submit information to address any requirements that become applicable to the subject source and shall submit correct, complete and sufficient information upon the applicant's becoming aware of any incorrect, incomplete, and or insufficient submittal, during the pendency of the application, or any time thereafter, with an explanation for such deficiency and a certification pursuant to section 22a-174-2a(a)(5) of the Regulations of Connecticut State Agencies.

(3) The owner or operator of a Title V source shall submit a copy of the application for a Title V permit, or for renewal or modification thereof, and of any compliance plan prepared pursuant to subsection (i) of this section, to the Administrator at the same time such owner or operator submits the application to the commissioner.

(i) Compliance history, plans with schedules and certifications.

(1) Each application for a Title V permit shall include:

(A) A compliance history, if required by the commissioner, in accordance with section 22a-6m of the Connecticut General Statutes;

(B) A compliance plan, in accordance with 40 CFR 70.5(c)(8), that describes the compliance status of the Title V source with respect to all applicable requirements and including the following:

(i) with respect to applicable requirements with which the subject source is in compliance at the time the application is submitted, the applicant shall submit with the application a statement that the owner and operator of such source will continue to comply with such requirements,

(ii) with respect to applicable requirements which will not take effect until after the reasonably anticipated issuance date of the Title V permit sought by the applicant, the applicant shall submit a statement that the owner and operator of such source will comply and continue to comply with such requirements once they are applicable,

(iii) with respect to applicable requirements for which the source is not in compliance at the time of permit issuance, a description of how the owner and operator of such source will achieve compliance with such requirements in accordance with the compliance plan, and

(iv) for each applicable requirement identified in accordance with subparagraphs (B)(ii) and (B)(iii) of this subdivision, a compliance schedule, which shall be at least as stringent as any requirement contained in any final judgment or decree or any administrative order to which the applicant is subject, specifying the dates by which measures will be taken to bring the Title V source into compliance with the applicable requirement;

(C) A compliance certification, which meets the requirements of subsection (q) of this section and 40 CFR 70.5(c)(9), that shall require:

(i) the submission of certified progress reports in accordance with subdivision (q)(1) of this section,

(ii) the submission of compliance certifications in accordance with subdivision (q)(2) of this section.

(2) The submittal of a compliance schedule pursuant to subdivision (1)(B)(iv) of this subsection shall not preclude the commissioner from imposing a more stringent compliance schedule or taking enforcement action against the owner or operator of the Title V source for such noncompliance.

(3) The compliance plan content required by this subsection shall be included in the acid rain portion of a compliance plan for the Title V source that is also subject to any provision of

40 CFR 72 to 78, inclusive, except as specifically superseded therein.

(j) Standards for issuing and renewing Title V permits.

(1) Except with respect to an application for a Title V permit for a source subject to a deadline pursuant to 40 CFR 72 to 78, inclusive, within eighteen (18) months of receiving a Title V permit application, and within twelve (12) months of receiving an application to modify or renew a Title V permit, the commissioner shall make a decision to grant or deny such application. The commissioner shall submit a copy of such decision to the Administrator. Failure of the commissioner to act within such period shall not entitle the applicant to permit issuance, modification or renewal of any Title V permit. The commissioner shall not issue a Title V permit, permit modification, or permit renewal to the owner or operator of a Title V source unless the commissioner determines that the subject source is in compliance or will be in compliance with all relevant and applicable requirements and the permit or permit modification contains the following conditions:

(A) An expiration date no later than five (5) years after the date the commissioner issues such permit;

(B) A statement that all of the terms and conditions of the permit shall remain in effect until the renewal permit is issued or denied provided that a timely renewal application is filed in accordance with this section;

(C) A statement that the permittee shall operate the source in compliance with the terms of all applicable regulations, the terms of such permit, and any other applicable provisions of law. In addition, the permit shall state that any noncompliance constitutes a violation of the Act and is grounds for enforcement action, permit termination, revocation and reissuance, or modification, and denial of a permit renewal application;

(D) A statement of the legal authority and technical origin for each permit term or condition, including any difference in form from the applicable requirement upon which the term or condition is based;

(E) A statement identifying which terms or conditions of the permit are federally enforceable and which are enforceable only by the commissioner, and explaining that the federally enforceable provisions, and those not otherwise identified as enforceable only by the commissioner, are enforceable by the Administrator and the citizens under the Act;

(F) If the subject source is required by an applicable requirement to limit emissions of a regulated air pollutant, the permit imposes such limits, provided that, where allowed by such applicable requirement:

(i) such limits are no less than 1,000 pounds per year or any quantity prescribed by 40 CFR 63,whichever is more stringent, for each emission unit, for any hazardous air pollutant, and

(ii) for all other regulated air pollutants such limits are no less than one (1) ton per pollutant per year for each emission unit;

(G) A statement that the permit shall not be deemed to:

(i) preclude the creation or use of emission reduction credits or allowances or the trading thereof in accordance with subparagraphs (I) and (P) of this subdivision,

(ii) authorize emissions of an air pollutant so as to exceed levels that are prohibited pursuant to 40 CFR 72,

(iii) authorize the use of allowances pursuant to 40 CFR 72 to 78, inclusive, as a defense to noncompliance with any applicable requirement, or

(iv) impose limits on emissions from items or activities specified in subparagraphs (A) and (B) of subdivision (g)(3) of this section unless imposition of such limits is required by an applicable requirement;

(H) A statement of all limitations, requirements, and standards that apply to each emission unit. Such statement shall include:

(i) those operational limitations, requirements and standards necessary to assure compliance with all applicable requirements, including 40 CFR 63, and

(ii) any applicable requirement of 40 CFR Part 72 to 78, inclusive;

(I) A statement of all alternative emission limits or means of compliance allowed by the commissioner. Such alternative emission limits or means shall be quantified, and legally enforceable, and the method for demonstrating compliance with such limits shall be based upon replicable procedures. The permit may contain an emissions limitation facilitating intra-premises emission reduction trades allowed by

subsection (r) of this section and any other applicable requirements;

(J) A statement of all terms and conditions applicable to any allowable alternative operating scenario, including a requirement that each such alternative operating scenario shall meet all applicable requirements and not result in adverse effects on public health or the environment;

(K) A requirement that the permittee monitor regulated air pollutants emitted by the subject source to determine compliance with applicable emission limitations and standards. Unless otherwise required by an applicable requirement, such monitoring shall cover items and activities other than those listed in subdivision (g)(3) of this section and other than emissions below the levels of emissions prescribed in subparagraph (1)(F) of this subsection. Such monitoring requirements shall consist of one or more of the following:

(i) all emissions monitoring and analysis procedures or test methods required by applicable requirements, including any procedures and methods required pursuant to 40 CFR Part 70, and

(ii) where an applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring, periodic monitoring or recordkeeping sufficient to yield reliable data during the relevant time period which data is representative of the emissions or parameters required by the permit to be monitored. Recordkeeping shall be sufficient to meet the requirements of this subsection if so determined by the commissioner;

(L) All requirements for emissions monitoring analysis procedures and test methods. Such requirements shall specify to the extent applicable: what monitoring equipment shall be installed and used or the monitoring method that shall be used; maintenance procedures for the monitoring equipment; and units of measurement, averaging periods, and other measurements conventions, consistent with applicable requirements;

(M) A statement that the commissioner may, for the purpose of determining compliance with the permit and other applicable requirements, enter the premises at reasonable times to inspect any facilities, equipment, practices, or operations regulated or required under the permit; to sample or otherwise monitor substances or parameters; and to review and copy relevant records

lawfully required to be maintained at such premises in accordance with the permit;

(N) All recordkeeping requirements and all reporting and notification requirements pursuant to subsections (o), (p) and (q) of this section including a requirement that the permittee shall report in writing to the commissioner any deviation in accordance with subsection (p) of this section;

(O) The conditions under which the permit will be reopened prior to the expiration of the permit as identified in 40 CFR 70.7(f)(1)(i) to (iv);

(P) Any terms and conditions necessary to enable the permittee to create, use, and trade emissions reduction credits or allowances in accordance with sections 22a-174f and 22a-174i of the Connecticut General Statutes, any regulations adopted thereunder, and with the provisions of 40 CFR 51 Subpart U. Such terms and conditions, to the extent that the applicable requirements provide for trading without the commissioner's or Administrator's case-by-case approval of each emission trade, shall meet all the applicable requirements;

(Q) A schedule for monitoring, recordkeeping, and reporting with respect the compliance plan submitted in accordance with subsection (i) of this section;

(R) A severability clause to ensure the continued validity of provisions remaining in the Title V permit if other provisions are legally invalidated;

(S) Any term or condition of any other permit, or registration thereunder, issued to the permittee pursuant to section 22a-174 of the Connecticut General Statutes or any term or condition of any order issued by the commissioner prior to issuance of the Title V permit, modification or renewal thereof;

(T) A statement that it shall not a defense for the permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit;

(U) A statement that the permit may be modified, revoked, reopened, reissued, or suspended by the Administrator in accordance with 40 CFR 70.7(f), 40 CFR 70.7(g) and 40 CFR 70.6(a)(6)(iii), and that it may be modified, revoked or suspended by the commissioner in accordance with sections 4-182 and 22a-174c of the Connecticut

General Statutes, or section 22a-3a-5(d) of the Regulations of Connecticut State Agencies;

(V) A statement that the filing of an application or of a notification of planned changes or anticipated noncompliance does not stay the permittee's obligation to comply with the permit;

(W) A statement that the permit does not convey any property rights or any exclusive privileges;

(X) A requirement that the permittee submit additional information in writing, at the commissioner's request, within thirty (30) days of receipt of notice from the commissioner or by such other date specified by the commissioner, whichever is earlier, including information to determine whether cause exists for modifying, revoking, reopening, reissuing, or suspending the permit or to determine compliance with the permit;

(Y) The conditions under which the permit will be modified and references to the authority for permit modification; and

(Z) A statement that the owner or operator has paid, and will continue to pay, to the Department all fees as required by section 22a-174-26 of the Regulations of Connecticut State Agencies, including those fees due during the term of such permit.

(2) The commissioner shall not issue a Title V permit unless all the requirements of subsections (l) and (m) of this section have been complied with.

(3) The commissioner shall make a summary of the legal authority and technical origin of each proposed permit term and condition identified under subdivision (1)(D) of this subsection. The summary shall provide the legal and factual basis for each proposed permit term or condition.

(4) The commissioner shall send to the Administrator, and any individual who so requests it in writing, a copy of the summary required by subdivision (3) of this subsection.

(5) The commissioner shall not issue a general permit pursuant to section 22a-174(*l*) of the Connecticut General Statutes with respect to a stationary source which is subject to any provision of 40 CFR 72 to 78, inclusive.

(k) Title V permit shield.

(1) Except as otherwise provided, the commissioner may state in a new Title V permit or modified Title V permit pursuant to

section 22a-174-2a(d)(3) or (4) of the Regulations of Connecticut State Agencies, that compliance with the terms and conditions of such permit shall be deemed compliance with a specifically identified applicable requirement, provided that:

(A) Such applicable requirement is stated in such permit application and permit and the legal authority for such requirement is specifically identified in the permit; or

(B) Such requirement is specifically identified in the permit and determined by the commissioner not to be applicable to such Title V source, and the permit includes such determination or a concise summary thereof.

(2) Any Title V permit that does not expressly state that compliance with the conditions of such permit shall be deemed compliance with a specifically identified applicable requirement shall be presumed not to provide a permit shield as provided for by subdivision (1) of this subsection.

(3) Notwithstanding subdivision (1) of this subsection, the Title V permit shall comply with the provisions of 40 CFR 70.6(f)(3)(i) to (iv), inclusive.

(4) The permit shield in subdivision (1) of this subsection shall not apply to:

(A) A modification of a Title V permit pursuant to section 22a-174-2a(e) of the Regulations of Connecticut State Agencies;

(B) A revision of a Title V permit pursuant to section 22a-174-2a(f) of the Regulations of Connecticut State Agencies, including administrative amendments implemented pursuant to section 22a-174-2a(f)(2)(F) of the Regulations of Connecticut State Agencies; or

(C) Off-permit changes or operational flexibility pursuant to subsection (r)(2) of this section.

(l) Public notice. The requirements of section 22a-174-2a(b) and 22a-174-2a(c) of the Regulations of Connecticut State Agencies apply to an application for a Title V permit and the owner or operator of a Title V source.

(m) Public hearings. The requirements of section 22a-174-2a(c) of the Regulations of Connecticut State Agencies apply to an application for a Title V permit and the owner or operator of a Title V source.

(n) Administrator's review of proposed permits.

(1) The Administrator is authorized by the Act to review the commissioner's proposed Title V permits within forty-five (45) days of receipt.

(2) The commissioner shall comply with the applicable provisions of 40 CFR 70.8.

(3) The commissioner shall have ninety (90) days from the receipt of an objection from the Administrator to resolve such objection.

(4) Pursuant to the Act, if the Administrator does not object in writing in accordance with 40 CFR 70.8(c), any person may petition the Administrator to object to a proposed permit in accordance with 40 CFR 70.8(d).

(5) If the commissioner does not, within ninety (90) days after receipt of an objection raised by the Administrator pursuant to 40 CFR 70.8(c), submit a revised proposed permit to the Administrator in response to the objection, the Administrator will issue or deny the Title V permit pursuant to 40 CFR 71.

(6) The commissioner shall not issue a Title V permit until any objection raised by the Administrator pursuant to 40 CFR 70.8(d), is resolved. If the commissioner has issued a Title V permit prior to receipt of an objection from the Administrator pursuant to 40 CFR 70.8(d), the Administrator will modify, terminate or revoke such permit in accordance with 40 CFR 70.7(g)(4) or (5)(i) and (ii).

(o) Title V monitoring reports and making and keeping records.

(1) **Monitoring reports**. A permittee required to perform monitoring pursuant a Title V permit shall submit to the commissioner, on forms prescribed by the commissioner, written monitoring reports on January 30 and July 30 of each year or on a more frequent schedule if specified in such permit. Such monitoring reports shall include the date and description of each deviation from a permit requirement including, but not limited to:

(A) Each deviation caused by upset or control equipment deficiencies;

(B) Each deviation of a permit requirement that has been monitored by the monitoring systems required under the Title V permit, which has occurred since the date of the last monitoring report; and

(C) Each deviation caused by a failure of the monitoring system to provide reliable data.

(2) **Making and keeping records.** Unless otherwise required by the subject permit, the permittee shall make and keep records of all required monitoring data and supporting information for at least five (5) years from the date such data and information were obtained. The permittee shall make such records available for inspection at the site of the subject source, and shall submit such records to the commissioner upon request. The following information, in addition to required monitoring data, shall be recorded for each permitted source:

(A) The type of monitoring or records used to obtain such data, including record keeping;

(B) The date, place, and time of sampling or measurement;

(C) The name of the individual who performed the sampling or the measurement and the name of such individual's employer;

(D) The date(s) on which analyses of such samples or measurements were performed;

(E) The name and address of the entity that performed the analyses;

(F) The analytical techniques or methods used for such analyses;

(G) The results of such analyses;

(H) The operating conditions at the subject source at the time of such sampling or measurement; and

(I) All calibration and maintenance records relating to the instrumentation used in such sampling or measurements, all original strip-chart recordings or computer printouts generated by continuous monitoring instrumentation, and copies of all reports required by the subject permit.

(3) Contemporaneously with making a change from one alternative operating scenario to another pursuant to a Title V permit, a permittee shall maintain a record at the site of the subject source including an identification or description of the current alternative operating scenario and the date on which the permittee changed from one alternative operating scenario to another.

(4) Any report submitted to the commissioner pursuant to this subsection shall be certified in accordance with section 22a-174-2a(a)(5) of the Regulations of Connecticut State Agencies.

(p) Notifications of deviations.

(1) A permittee shall notify the commissioner in writing, on forms prescribed by the commissioner, of any deviation from an emissions limitation, and shall identify the cause or likely cause of such deviation, all corrective actions and preventive measures taken with respect thereto, and the dates of such actions and measures, as follows:

(A) For any hazardous air pollutant, no later than twenty-four (24) hours after such deviation commenced; and

(B) For any other regulated air pollutant, no later than ten (10) days after such deviation commenced;

(2) An affirmative defense to an administrative or civil action by the state with respect to a violation of a technology-based emission limitation may be made by the permittee pursuant to 40 CFR 70.6(g), provided that the permittee meets all applicable provisions of 40 CFR 70.6(g)(1) to (5), inclusive.

(3) The permittee shall certify any written notification submitted to the commissioner pursuant to this subsection in accordance with section 22a-174-2a(a)(5) of the Regulations of Connecticut State Agencies.

(q) Title V progress reports and compliance certifications.

(1) **Progress reports.** A permittee shall, on January 30 and July 30 of each year, or on a more frequent schedule if specified in such permit, submit to the commissioner a progress report on forms prescribed by the commissioner, and certified in accordance with section 22a-174-2a(a)(5) of the Regulations of Connecticut State Agencies. Such report shall describe the permittee's progress in achieving compliance under the compliance plan schedule contained in the permit. Such progress report shall:

(A) Identify those obligations under the compliance plan schedule in the permit which the permittee has met, and the dates on which they were met; and

(B) Identify those obligations under the compliance plan schedule in the permit which the permittee has not timely met, explain why they were not timely met, describe all measures taken or to be taken to meet them and identify the date by which the permittee expects to meet them.

(2) **Compliance certification.** A permittee shall, on January 30 of each year, or on a more frequent schedule if specified in such permit, submit to the commissioner, a written compliance certification certified in accordance with section 22a-174-2a(a)(5) of the Regulations of Connecticut State Agencies and which includes the information identified in Title 40 CFR 70.6(c)(5)(iii)(A) to (C), inclusive.

(3) Any progress report prepared and submitted pursuant to subdivision (1) of this subsection, or compliance certification prepared and submitted pursuant to subdivision (2) of this subsection shall be simultaneously submitted by the permittee to the Administrator.

(r) Title V permit modifications, revisions, operational flexibility and off-permit changes.

(1) Non-minor permit modifications, minor permit modifications or revisions to Title V permits shall be made in accordance with section 22a-174-2a(d), (e) or (f) of the Regulations of Connecticut State Agencies.

(2) **Operational flexibility and off-permit changes.**

(A) Except as provided in subparagraph (B) of this subdivision, a permittee may engage in any action allowed by the Administrator in accordance with 40 CFR 70.4(b)(12)(i) to (iii)(B) inclusive, and 40 CFR 70.4(b)(14)(i) to (iv), inclusive without a Title V non-minor permit modification, minor permit modification or revision and without requesting a Title V non-minor permit modification, minor permit modification or revision.

(B) Any action authorized pursuant to subparagraph (A) of this subdivision provided such action does not:

(i) constitute a modification under 40 CFR 60, 61 or 63,

(ii) exceed emissions allowable under the subject permit,

(iii) constitute an action which would subject the permittee to any standard or other requirement pursuant to 40 CFR 72 to 78, inclusive, or

(iv) constitute a non-minor permit modification pursuant to section 22a-174-2a(d)(4) of the Regulations of Connecticut State Agencies.

(s) Title V permit reopenings. The commissioner shall comply with the applicable provisions of 40 CFR 70.7(f) and (g).