(e) Individual application.

(1) Nothing in this section shall preclude the commissioner from requiring an owner or operator to obtain an individual permit pursuant to section 22a-174-3a of the Regulations of Connecticut State Agencies.

(2) An owner or operator who has filed an application for an individual permit pursuant to subdivision (1) of this subsection shall comply with the requirements of this section while such application is pending.

Sec. 6 Section 22a-174-33 of the Regulations of Connecticut State Agencies is being amended as follows:

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

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

[(1) "Act" means the Clean Air Act, as amended in 1990, 42 U.S.C. 7401 et seq.

(2) "Administrator" means the Administrator of the United States Environmental Protection Agency or his designee.]

[(3) "Affected states" means the States of Massachusetts, New York, and Rhode Island and any other State located within fifty (50) miles of a Title V source.]

[(4)] (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.

[(5)] (2) "Applicable requirements" means:

(A) [any] 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] ANY term or condition of a permit [to construct] issued pursuant to FORMER section 22a-174-3 OR SECTION 22a-174-3a of the Regulations of Connecticut State Agencies;

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

(D) [any] ANY standard or other requirement pursuant to 40 CFR [Part] 51, 52, 59, 60, 61, 62, 63, 64, 68, [or] 70, OR 82.

[(6)] (3) "Code of Federal Regulations" or "CFR" means the Code of Federal Regulations [revised as of September 16, 1994, unless otherwise specified] AS AMENDED FROM TIME TO TIME.

[(7) "Emissions unit" means any part or activity of a stationary source which part or activity emits or has the potential to emit any regulated air pollutant or any hazardous air pollutant.]

(4) "DEVIATION" MEANS "DEVIATION" AS DEFINED IN 40 CFR 71.6(a)(3)(iii)(C).

[(8)] (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 [except] EXCLUDING hydrogen sulfide AND CAPROLACTAM.

[(9)](6) "Implementation date of this section" means APRIL 23, 1997. [the earlier of:

(A) June 1, 1997; or

(B) the date of interim or final approval of this section by the Administrator pursuant to 40 CFR Part 70.4.]

[(10) "Maximum achievable control technology" or "MACT" means a method of achieving an emission limitation or reduction in emissions of hazardous air pollutants determined by the commissioner pursuant to subsection (e) of this section or by the Administrator pursuant to 40 CFR Part 63.]

[(11) "Monitoring" means any particular procedures required to determine emissions or compliance with parameters in accordance with applicable requirements or any particular procedures necessary to determine whether applicable requirements are being met.]

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

(A) [nitrogen] NITROGEN oxides or any volatile organic compound;

(B) [any] ANY pollutant which is a criteria air pollutant AS DEFINED IN SECTION 22a-174-1 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES;

(C) [any] ANY pollutant [from] EMITTED BY a stationary source which is subject to any standard of performance for new stationary sources pursuant to 40 CFR [Part] 60;

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

(E) [any] ANY pollutant subject to a national emission standard or other requirement [under] PURSUANT TO 40 CFR [Part] 63,and emitted by a source in a category listed in THE Federal Register [Vol. 58 No. 231, December 3, 1993] IN ACCORDANCE WITH SECTION 112(e)(3) OF THE ACT;

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

(G) [any] ANY pollutant listed in 40 CFR [Part] 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.

[(13) "Throughput" means the rate of production by volume or weight, in a manufacturing process, for which the combined quantities of all materials introduced, excluding air and water, are used to determine such rate.]

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

[(15)](10) "Title V source" means any [premise] PREMISES AT, IN, OR ON which [includes] any of the following IS LOCATED:

(A) [any] ANY stationary source subject to 40 CFR [Part] 60 or 61 ;

(B) [any] ANY stationary source subject to 40 CFR [Part] 62, 63 OR 68;

(C) [any] ANY stationary source subject to 40 CFR [Parts] 72 to 78, inclusive;

(D) [any] ANY stationary source subject to section 129(e) of the Act;

(E) [any] ANY one or more stationary sources, which are located on one or more contiguous or adjacent properties under [common] THE control of the same person or persons and which IN THE AGGREGATE emit, or have the potential to emit, including fugitive emissions [to the extent quantifiable, in the aggregate], 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 the quantity established by the Administrator pursuant to 40 CFR Part 63]; or

(F) [any] ANY one or more stationary sources, which are located on one or more contiguous or adjacent properties under [common] 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) [through] TO (xxvii) in the definition of "major source" in 40 CFR [Part] 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 [nonattainment] NON-ATTAINMENT area[;], or

(iii) twenty-five (25) tons or more per year of volatile organic compounds or nitrogen oxides in a severe ozone [nonattainment] 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.

[(1)] An application for a Title V permit, any form, report, compliance [certificate] CERTIFICATION or other document required by a Title V permit, and any other information submitted by an [applicant] OWNER OR OPERATOR or a permittee pursuant to this section shall be signed [by the following individual:] IN ACCORDANCE WITH SECTION 22a-174-2a(a) OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

[(A) For a corporation: A president, secretary, treasurer, or vice-president of the corporation in charge of a principal

business function, or any other person who performs similar policy or decision-making functions for the corporation, or the duly authorized representative responsible for overall operation of one or more manufacturing, production, or operating facilities subject to this section provided;

(i) the operating facilities subject to this section employ more than 250 persons or have gross annual sales or expenditures exceeding twenty-five million dollars (in second quarter 1980 dollars); or

(ii) the authority to sign documents has been assigned or delegated to such representative in accordance with corporate procedures

(B) For a partnership or sole proprietorship: a general partner or the proprietor, respectively; or

(C) For a municipality, State, Federal, or other public agency: either a principal executive officer or ranking elected official. For purposes of this section, a principal executive officer of a Federal agency includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency.

(2) A duly authorized representative under subparagraph (A)(i) or (ii) of subdivision (1) of this subsection may be either a named individual or any individual occupying a named position. Such named individual or individual occupying a named position is a duly authorized representative only if:

(A) his or her authorization has been given in writing by an individual as prescribed in subparagraph (A)(ii) of subdivision (1) of this subsection;

(B) such authorization specifically authorizes either;

(i) an individual or a position having responsibility for the overall operation of the premise or activity, such as the position of plant manager, superintendent, or position of equivalent responsibility, or

(ii) an individual or position having overall responsibility for environmental matters for the company; and

(C) such written authorization is submitted to the commissioner and has been approved in writing by the commissioner in advance of such delegation. Such approval does not constitute approval of corporate procedures.

(3) If an authorization under subdivision (2) of this subsection is no longer effective because a different individual or position has assumed the applicable responsibility, a new authorization satisfying the requirements of such subdivision shall be submitted to the commissioner prior to or together with the submission of any applications, reports, forms, compliance certifications, documents or other information which is, pursuant to subdivision (1) of this subsection, signed by an individual or a duly authorized representative of such individual.

(4) Any individual signing any document pursuant to subdivision (1) of this subsection shall also sign the certification provided in section 22a-3a-5(a)(2) of the Regulations of Connecticut State Agencies.

(5) The owner or operator of a Title V source shall comply with the applicable provisions of 40 CFR Parts 72 through 78, inclusive. If

such provisions conflict with this subsection of this section, the provisions and requirements of 40 CFR Part 72 through 78, inclusive, shall apply.]

(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 [premise] PREMISES which is defined as a Title V source solely because a stationary source on such [premise] PREMISES is subject to one or more of the following:

(A) [standard] STANDARD of performance for new residential wood heaters pursuant to 40 CFR [Part] 60, Subpart AAA;

(B) 40 CFR [Part 61, Subpart M, section] 61.145 ;

(C) [accidental] ACCIDENTAL release requirements pursuant to 40 CFR [Part] 68; OR

(D) [40 CFR Part 61 Subpart I; or

(E)] 40 CFR [Part] 60, 61, 63[,] OR 68 [or 72], if such source is exempt [by the terms of such part or is exempted by the Administrator] OR DEFERRED from the requirement [of obtaining] 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) If a premise is subject to this section, any stationary source subject to 40 CFR Part 61 Subpart I located at such premise shall, notwithstanding subparagraph (2)(D) of this subsection, also be subject to this section.]

[(4)] (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 [premise] PREMISES at which research and development operations are located, the owner or operator of such [premise] PREMISES may calculate the emissions from such [premise] PREMISES by subtracting the emissions from such research and development operations from the total emissions [from] OF such [premise] PREMISES. [Such premise] 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 [a] Title V [permit is] PERMITS ARE required FOR EACH PORTION OF SUCH PREMISES. [For the purposes of this subsection, a research and development operation means any activity which:

(A) occurs in a laboratory;

(B) involves (i) the discovery of scientific facts, principles, reactions or substances, or (ii) the structuring or establishment of methods of manufacture or of specific designs of saleable substances, devices or procedures, based upon previously discovered scientific facts, principles, reaction 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.]

(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 UNDER 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 [premise] TITLE V SOURCE described in [subdivision (a)(15)] 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 [premise] PREMISES to less than the following amounts:

(A) [one] ONE hundred (100) tons per year of any regulated air pollutant;

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

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

(D) [in the aggregate, ten] 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 [under] PURSUANT TO 40 CFR [Part] 63.

(2) [The] A permit or order ISSUED PURSUANT TO THIS SUBSECTION shall require the owner or operator of [a] THE subject [premise] PREMISES to:

(A) [limit] LIMIT potential emissions at such [premise] PREMISES to less than the amounts specified in [the] subparagraphs (A) [through] TO (D), inclusive, of subdivision [(d)](1) of this subsection;

(B) [conduct] CONDUCT monitoring, recordkeeping, or a combination of monitoring and recordkeeping sufficient to ensure compliance with [this subsection] SUCH PERMIT;

(C) [for each emission unit at such premise, maintain records indicating, for every month, throughput, hours of operation, and capacity;

(D)] [maintain any record] MAINTAIN ALL RECORDS required by such permit or order at the [premise] PREMISES for five (5) years after the creation of such [record] RECORDS and make such [record] RECORDS available, upon request, to the commissioner;

[(E)](D) [submit] SUBMIT compliance certifications to the commissioner pursuant to subdivision (q)(2) of this section; AND

[(F)](E) [comply] 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 [to be] 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] REQUIRES the owner or operator of a subject [premise] PREMISES to comply with each provision of subdivision (2) of this subsection;

(B) [for] FOR a general permit, complies with the requirements for notice and opportunity for public comment pursuant to section 22a-174(l)(2) of the [general statutes] CONNECTICUT GENERAL STATUTES;

(C) [for] FOR an individual order, sends a copy of a notice to those listed in subparagraph (D)(i) [through] TO (vi), inclusive, of this subdivision, and, at least thirty (30) days before approving or denying a [draft] 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 [his] THE [draft] PROPOSED order regarding the subject [premise] 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 [premise] 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 [respondent] 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 an individual] 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 [general statutes] 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 CONNECTICUT STATE AGENCIES.

[(i) the Administrator;

(ii) the Chief Executive Officer of the municipality where the premise is or will be located;

(iii) the appropriate Connecticut Regional Planning Agency;

(iv) any federally-recognized Indian governing body whose lands may be affected by emissions from the premise which is the subject of such permit;

(v) the Director of the air pollution control program in any affected state; and

(vi) any individual who makes a request to the commissioner, in writing, to receive such a notice.

(E) In addition to any notice in accordance with subparagraph (B), (C) or (D) of this subdivision, the commissioner shall contemporaneously send a copy of the tentative determination, or draft order, to the Administrator and the Director of the air pollution control program in any affected state.]

(4) Following receipt of a request for a public hearing pursuant to [subdivision (d)(3) this subsection] SECTION 22a-174-2a(c)(6) OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES, THE COMMISSIONER SHALL PUBLISH a notice of such public hearing [shall be published] 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 [Part] 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 [d)](1) of this subsection, the owner or operator of any [premise] PREMISES subject to this section shall pay the [department] 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 [general statutes] 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 [Parts] 72 [through] 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 does not promulgate a MACT standard for a category of sources within eighteen (18) months of the federal deadline for promulgating a for such category of sources, the commissioner shall determine a MACT standard for such category of sources. The federal deadline for promulgating a MACT standard is as published in the Federal Register, Vol.58, No. 231, December 3, 1993.] 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 [under] PURSUANT TO section 112(d)(3) of the Act. In no event shall such a standard allow emissions of any hazardous air pollutant [which emissions] THAT would exceed [those] THE EMISSIONS allowed by an applicable standard [under] PURSUANT TO 40 CFR [Part] 63.

(2) Within three (3) years of the commissioner's determination of [such] 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 [assure that such source is in compliance] COMPLY with such MACT standard.

(3) The owner or operator of a Title V source shall comply with the applicable provisions of 40 CFR [Parts] 72 [through] TO 78, inclusive. If ANY such provision [conflicts with or is not made a term or condition] IS STRICTER THAN A SIMILAR PROVISION of an applicable permit issued pursuant to this section, [such provisions shall nonetheless apply to such source.] 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] THE owner or operator of a Title V source [which becomes subject to this section after its implementation date] 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 [subparagraph (A) of subdivision (a)(15) of this section, if such standard became effective prior to July 21, 1992,] 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 five (5) years after the implementation date of this section, whichever is earlier] OR AS PROVIDED FOR BY THE ADMINISTRATOR, WHICHEVER IS EARLIER.

(4) The owner or operator of a NEW MAJOR STATIONARY [Title V] 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 [to construct pursuant to subparagraph (B) or (D) of section 22a-174-3(b)(1) of the Regulations of Connecticut State Agencies] PURSUANT TO SECTION 22a-174-3a OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES shall apply for a Title V permit [upon] 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 [applying for such] A permit [to construct] ISSUED PURSUANT TO SECTION 22a-174-3a OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES, whichever is earlier.

(5) [The owner or operator of a Title V source who wishes to apply] APPLICATION for renewal of a Title V permit shall [apply therefor] BE MADE no later than [six (6)] TWELVE (12) months prior to the date of expiration of [such] THE TITLE V permit.

[(6) Notwithstanding subdivisions (1) through (5) of this subsection, the owner or operator of a Title V source subject to 40 CFR Parts 72 through 78, inclusive, shall submit an application to the commissioner by January 1, 1996 pertaining to the emission of sulfur dioxide and by January 1, 1998 pertaining to the emission of nitrogen oxides.]

(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) [(A)]An application for a Title V permit shall be made on forms [provided] PRESCRIBED by the [department] COMMISSIONER. The application shall [comply with subparagraphs (B) [through] TO (G) of this subdivision and with subdivisions (2), (3) and (4) of this subsection] CONTAIN THE FOLLOWING[.]:

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

[(C)](B) [The application shall contain all] ALL information required by section 22a-3a-5 of the Regulations of Connecticut State Agencies, including an executive summary [clearly and concisely summarizing the information contained in the application.];

[(D)](C) [The application shall contain a] A compliance plan pursuant to subsection (i) of this section MEETING THE REQUIREMENTS OF 40 CFR 70.5(c)(8), [and a statement certifying notification pursuant to subsection (l) of this section.];

(D) A COMPLIANCE CERTIFICATION PURSUANT TO SUBSECTION (q)(2) OF THIS SECTION MEETING THE REQUIREMENTS OF 40 CFR 70.5(c)(9);

(E) [The applicant may apply for more than one alternative operating scenario for such source. For each alternative operating scenario, the applicant shall submit the] THE information required by this subsection FOR EACH ALTERNATIVE OPERATING SCENARIO THAT THE APPLICANT HAS INCLUDED IN THE TITLE V PERMIT APPLICATION[.];

(F) [If the applicant has complied with section 22a-174-22 or 22a-174-32 of the Regulations of Connecticut State Agencies, by an alternative means of compliance for nitrogen oxides or volatile organic compounds by order or permit or a certification, the application shall identify and describe] AN IDENTIFICATION AND DESCRIPTION OF ANY [each such] 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) [The application shall contain a] A certification pursuant to [subdivision (b)(4) of this] section 22a-174-2a(a)(5) OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

(2) [An application for a Title V permit, for] 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] FOR each alternative operating scenario proposed, a description of the processes utilized, the standard industrial classification code, [identify] IDENTIFICATION OF each emission unit involved, as well as its throughput, hours of operation and capacity [of each such emission unit,] for [any] THE calendar year prior to the YEAR OF application or such other time period as the commissioner deems appropriate;

(B) [for] 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 [calendar year preceding the date of the application or during such other time period as the commissioner deems appropriate]; such emissions shall [include fugitive emissions to the extent quantifiable, and 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] 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 [pollutants] POLLUTANT emitted or proposed to be emitted by the subject TITLE V source;

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

(E) [a] A description of all air pollution control equipment [in use] USED at the subject TITLE V source and a description of all monitoring equipment [in use] USED at the subject TITLE V source to quantify [such] emissions or to determine compliance WITH ANY APPLICABLE REQUIREMENT;

(F) [for] FOR each regulated air pollutant emitted or proposed to be emitted by the subject TITLE V source, a description of any [applicable] operational limitations or work [practice standards] PRACTICES in effect at such source which affect emissions at the time the application is submitted or A DESCRIPTION OF THE work [practice standards] PRACTICES to be implemented which will affect PROPOSED emissions [proposed to be emitted] at a specified later date;

(G) [identification] 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 [for each emission unit, including] IDENTIFICATION OF any applicable MACT source category as published in the Federal Register, [Vol.57, No. 137, July 16, 1992] IN ACCORDANCE WITH SECTION 112(e)(3) OF THE ACT, [and] including [those] ANY CATEGORY which [are] IS subject to compliance dates occurring after the effective date of this section;

(H) [any] ANY [applicable] test method to be used by the applicant for determining compliance with each applicable requirement [listed] IDENTIFIED pursuant to subparagraph (G) of this subdivision; and

(I) [any] ANY other information, required by each applicable requirement [listed] IDENTIFIED pursuant to subparagraph (G) of this subdivision[, including good engineering practices used to determine stack height].

(3) [Notwithstanding subdivisions (1) and (2) of this subsection, an] AN [applicant] APPLICATION need not CONTAIN [provide] 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 [such Title V] 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 [vehicle repair] VEHICLES[,]; THE USE OF brazing, soldering and welding equipment, carpentry, [shops,] electrical charging [stations], 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 [applicant] APPLICATION shall include [the emissions from] INFORMATION REGARDING each activity or item[,] set forth in [paragraph] SUBPARAGRAPHS (A) AND (B) of subdivision (3) of this subsection, if necessary to determine whether a [source] PREMISES is a Title V source [to which this section is applicable] OR TO IMPOSE AN APPLICABLE REQUIREMENT. [If] 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 AN 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] THE commissioner notifies the applicant IN WRITING WITHIN SIXTY (60) DAYS OF RECEIPT OF A SUFFICIENT AND TIMELY FILED APPLICATION that [an] THE application [is not sufficient, in accordance with] FAILS TO MEET THE REQUIREMENTS IN subsection (g) of this section [and] OR section 22a-3a-5(a)(1) of the Regulations of Connecticut State Agencies; [within sixty (60) days of receipt of the application, such application shall be deemed sufficient.] OR

(B) [If,] THE COMMISSIONER NOTIFIES THE APPLICANT IN WRITING subsequent to such [60] SIXTY (60) days, while processing an application for a Title V permit [that has been determined or deemed sufficient, the commissioner determines] that additional information is necessary to take final action regarding such application, [the commissioner may notify the applicant in writing that particular information is necessary. The] AND THE applicant [shall] 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[, during the pendency of the application,] information to address any requirements that become applicable to the subject source AND SHALL SUBMIT CORRECT, COMPLETE AND SUFFICIENT INFORMATION [or] 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 [subdivision (b)(4) of this section] SECTION 22a-174-2a(a)(5) OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

[(3) An application to renew or, pursuant to subsection (r) of this section, to modify a Title V permit, shall include all of the information required pursuant to subsection (g) of this section and shall indicate how, if at all, such application differs from the application for the permit sought to be renewed or modified.]

[(4) If the owner or operator of a Title V source makes a timely and sufficient application for a new Title V permit pursuant to this subsection, such owner or operator shall not be liable for failure to previously have obtained such a permit, provided such owner or operator shall be liable for such failure if he does not timely provide information requested pursuant to a notice of the commissioner issued pursuant to subdivision (1) of this subsection.]

[(5)] (3) The owner or operator of a Title V source shall submit a copy of [his] THE application for a Title V permit, or for renewal or modification thereof, and of any compliance plan prepared [under] PURSUANT TO subsection (i) of this section, to the Administrator at the same time such owner or operator submits [such documents] THE APPLICATION to the commissioner.

(i) Compliance HISTORY, Plans WITH SCHEDULES AND CERTIFICATIONS.

(1) [Together with his application for a Title V permit, the applicant shall submit to the commissioner in writing a compliance plan which, describes the compliance status of the subject source with respect to all applicable requirements, in accordance with this subdivision, and which plan meets the other requirements of this subsection. For the purposes of this section, compliance status means the degree to which the applicant is in compliance with all applicable requirements. The information in the compliance plan shall be consistent with the requirements of any judgement or administrative order against the applicant concerning such source. The compliance plan shall contain a certification pursuant to subdivision (b)(4) of this section and a compliance certification pursuant to subdivision (q)(2) of this section. The compliance plan shall provide information on each of the following proceedings involving the owner or operator.] 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;

[(A) Any criminal conviction involving a violation of any environmental protection law if such violation occurred within the five (5) years immediately preceding the date the application is submitted;]

[(B) any civil penalty imposed in any state or federal judicial proceeding, or any civil penalty exceeding five thousand (5,000) dollars imposed in any administrative proceeding, for a violation of any environmental protection law if such

violation occurred within five (5) years immediately preceding the date the application is submitted; and]

[(C) any judicial or administrative orders issued to the applicant regarding any such violation.]

[With respect to any such proceeding initiated by the commissioner or the Connecticut Attorney General, the applicant shall provide the docket, case, or order number or, if there is no such number, other identifying information; the date such proceeding commenced; and, if such proceeding has terminated, the date it terminated. With respect to any such proceeding by another state or by an agency thereof or by the federal government, the applicant shall provide a copy of the complaint, order, or other official document which initiated such proceeding and, if such proceeding has terminated, a copy of the final judgement, decree, order, decision, or other official document which terminated such proceeding.]

(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:

[(2)](i) [With] 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 [his] 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;

[(3)](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, AND

(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 A TITLE V SOURCE THAT IS ALSO SUBJECT TO ANY PROVISION OF 40 CFR 72 TO 78, INCLUSIVE, EXCEPT AS SPECIFICALLY SUPERSEDED THEREIN.

[(3) The compliance plan required by this subsection shall include a schedule for bringing the subject source into compliance with each applicable requirement. Such schedule shall include a schedule of remedial measures to be taken, assuring compliance by specified dates, with such applicable requirements for which the Title V source will be in noncompliance at the time of Title V permit issuance. Such submittal of a compliance schedule shall not preclude the commissioner from taking enforcement action.]

[(4) With respect to applicable requirements with which the subject source is not in compliance at the time the application is submitted and 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 such source will comply with such requirements by such dates.]

[(5) Notwithstanding subdivisions (1) through (4) of this subsection, for any Title V source that comprises one or more emission units subject to any provision of 40 CFR Parts 72 through 78, inclusive, the applicable requirements with regard to such schedule and compliance methods, shall be identified as required by this subsection, except as specifically superseded by 40 CFR Parts 72 through 78, inclusive.]

[(6) Such schedule shall require the submission of certified progress reports in accordance with subdivision (q)(1) of this section, no less frequently than once every six (6) months.

(7) Such schedule shall require the submission of compliance certifications in accordance with subdivision (q)(2) of this section, no less frequently than one every twelve (12) months.]

(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] THE commissioner shall [take final action with respect to a sufficient application within eighteen (18) months of receiving a such application,] MAKE A DECISION TO GRANT OR DENY SUCH APPLICATION. [and] THE COMMISSIONER shall submit a copy of such [final action] 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 [such owner or operator is likely to be able to comply] THE SUBJECT SOURCE IS IN COMPLIANCE OR WILL BE IN COMPLIANCE with all relevant and applicable requirements and [such] THE permit OR PERMIT MODIFICATION [provides as follows] CONTAINS THE FOLLOWING CONDITIONS:

(A) [The permit expires on a] AN EXPIRATION date no later than five (5) years after the date the commissioner issues such permit[.];

(B) [The permit contains a] A statement that [upon expiration of the permit the permittee shall not continue to operate the subject source, unless he has filed a timely and sufficient renewal application in accordance with subsections (g), (h) and (i) of this section and any other applicable provisions of law.] 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) [The permit contains a] A statement that the permittee shall operate the [subject] source in compliance with the terms of all applicable [administrative] regulations, the terms of such permit, and any other applicable provisions of law. In addition, the permit [states] SHALL STATE THAT any noncompliance [with such permit] constitutes a violation of the Act and is grounds for enforcement action[;], [for] permit termination, revocation[,] AND REISSUANCE, or modification[;], [or for] AND denial of a permit renewal application[.];

(D) [The permit identifies] A STATEMENT OF the legal authority AND TECHNICAL ORIGIN for each PERMIT term or condition [thereof], including any difference in form from the applicable requirement upon which the term or condition is based[.];

(E) [The permit identifies] A STATEMENT IDENTIFYING which terms or conditions [thereof] OF THE PERMIT are federally enforceable and which [terms or conditions thereof] are enforceable only by the commissioner, and [the permit states] 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 shall be no less than one (1) ton per year for each emission unit, for total suspended particulates, sulfur oxides, nitrogen oxides, volatile organic compounds, carbon monoxide, and PM 10; and]

[(ii)](i) such limits [shall be] ARE no less than 1,000 pounds per year or any quantity prescribed by 40 CFR [Part] 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) [The permit states that it] 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 [of such credits] THEREOF in accordance with subparagraphs (I) and (P) of this subdivision[;],

(ii) authorize emissions of an air pollutant so as to exceed levels that [might otherwise be] ARE prohibited [under] PURSUANT TO 40 CFR [Part] 72 [;],

(iii) authorize the use of allowances pursuant to 40 CFR [Parts] 72 [through] TO 78, inclusive, as a defense to noncompliance with any [other] 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) [For each emissions unit covered by such permit, the permit contains all] A STATEMENT OF ALL limitations, requirements, and standards that apply to [the subject source] EACH EMISSION UNIT.[, including without limitation] SUCH STATEMENT SHALL INCLUDE:

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

(ii) any applicable requirement of 40 CFR Part 72 [through] TO 78, inclusive [.];

(I) [The permit contains] A STATEMENT OF all [allowable] 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 [achieving] DEMONSTRATING COMPLIANCE WITH such limits shall BE based upon replicable procedures. The permit may contain an emissions limitation facilitating [intra-premise] INTRA-PREMISES EMISSION REDUCTION trades allowed by [subparagraph (A) of subdivision (r)(3)] SUBSECTION (r) of this section and any other applicable requirements[.];

(J) [The permit contains] A STATEMENT OF all terms and conditions applicable to any [legally permissible] ALLOWABLE alternative operating scenario[.], INCLUDING A REQUIREMENT [The permit must provide] that each such alternative operating scenario shall meet all applicable requirements[.] AND NOT RESULT IN ADVERSE EFFECTS ON PUBLIC HEALTH OR THE ENVIRONMENT;

(K) [The permit requires] A REQUIREMENT THAT the permittee [to] monitor regulated air pollutants emitted by the subject source to determine compliance with applicable emission limitations and [standard] 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 subdivision (1)] 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 [under the] 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, [the permittee may be required by the permit to conduct] periodic monitoring or recordkeeping sufficient to yield reliable data [from] DURING the relevant time period [that] WHICH DATA is representative of the emissions or parameters required by the permit to be monitored. Recordkeeping [may] SHALL be sufficient to meet the requirements of this subsection IF SO DETERMINED BY THE COMMISSIONER[.];

(L) [The permit contains all permit] 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. [shall, as appropriate, specify the use, maintenance, and installation of monitoring equipment or methods, monitoring requirements, terms, units of measurement, averaging periods, and other

statistical conventions consistent with the applicable requirement and good engineering practices.];

(M) [The permit provides] A STATEMENT that the commissioner may, for the purpose of determining compliance with the permit and other applicable requirements, enter the [subject source] 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 [have access to] review and copy relevant records[, at reasonable times,] lawfully required to be maintained at such [source] PREMISES in accordance with the permit[.];

(N) [The permit contains all] ALL [applicable] recordkeeping requirements and all reporting AND NOTIFICATION requirements pursuant to subsections (o), (p) and (q) of this section[.]

[(O) The permit contains a] INCLUDING A requirement that the permittee shall report in writing to the commissioner any DEVIATION IN ACCORDANCE WITH SUBSECTION (p) OF THIS SECTION [deviation caused by upset or control equipment deficiencies, any deviation from a permit requirement, the likely cause of such deviation, and any corrective actions to address such deviation; such report shall be made within ninety (90)days of such deviation.];

(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) [The permit contains any] 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 [general statutes] CONNECTICUT GENERAL STATUTES, ANY REGULATIONS ADOPTED THEREUNDER, and with the provisions of [the EPA's "Economic Incentive Program Rules", published April 7, 1994 (Federal Register, Volume 59, Number 67)] 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) [The permit contains a] A schedule [that identifies the methods the permittee shall use for achieving compliance with applicable requirements and the dates by which compliance shall be reached, in addition to dates] for monitoring, recordkeeping, and reporting with respect to [such actions. Such schedule may be based on information provided in] the compliance plan submitted in accordance with subsection (i) of this section[.];

(R) [The permit contains a] A severability clause to ensure the continued validity of provisions remaining in [such] THE TITLE V permit [after] IF other provisions [have been] ARE legally invalidated[.];

(S) [The permit may contain any] ANY term or condition of any other permit, OR REGISTRATION THEREUNDER,[to construct or operate] issued to the permittee pursuant to section 22a-174 of the [general statutes] 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) [The permit states that the permittee's need to halt or reduce operations at the subject source shall not be a defense in an enforcement action concerning a violation of the permit.] A

STATEMENT THAT IT SHALL NOT BE 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) [The permit states] A STATEMENT that [it] THE PERMIT may be modified, revoked, reopened, reissued, or suspended by the [commissioner, or the] Administrator in accordance with [this section] 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 [section] SECTIONS 4-182 AND 22a-174c of the [general statutes] CONNECTICUT GENERAL STATUTES, or [subsection (d) of section 22a-3a-5] SECTION 22a-3a-5(d) of the Regulations of Connecticut State Agencies[.];

(V) [The permit states] A STATEMENT that the filing of an application [by a permittee for a permit modification, reissuance, or termination,] or of a notification of planned changes or anticipated noncompliance does not stay [any condition of such permit.] THE PERMITTEE'S OBLIGATION TO COMPLY WITH THE PERMIT;

(W) [The permit states] A STATEMENT that the permit does not convey any property rights or any exclusive privileges[.];

(X) [The permit requires] A REQUIREMENT THAT the permittee [to] submit additional information IN WRITING, at the commissioner's request, within [a reasonable time] THIRTY (30) DAYS OF RECEIPT OF NOTICE FROM THE COMMISSIONER OR BY SUCH OTHER DATE SPECIFIED BY THE COMMISSIONER, WHICHEVER IS EARLIER, including [any] information [that the commissioner may request in writing] to determine whether cause exists for modifying, revoking, REOPENING,[and] reissuing, or [terminating] SUSPENDING the permit or to determine compliance with the permit[.];

(Y) [The permit specifies the] THE conditions under which the permit will be modified [prior to the expiration of the permit.] 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 the owner or operator of the subject source has paid to the department all fees AS required by section 22a-174-26 of the Regulations of Connecticut State Agencies.]

[(3)](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] THE commissioner may [include a condition] STATE in a new [or modified] 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, [stating] that compliance with the TERMS AND conditions of such permit shall be deemed compliance with [any] A SPECIFICALLY IDENTIFIED applicable requirement, provided that:

(A) [such] 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] 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 [any] A SPECIFICALLY IDENTIFIED applicable requirement shall be presumed not to provide [such] a [condition] PERMIT SHIELD as provided for by subdivision (1) of this subsection.

(3) Notwithstanding subdivision (1) of this subsection, [no such provision] THE [of a] Title V permit shall [alter or affect the following] COMPLY WITH THE PROVISIONS OF 40 CFR 70.6(f)(3)(i) [through] TO (iv), inclusive [:].

[(A) the provisions of section 303 of the Act, including the authority of the Administrator under the Act;

(B) the liability of an owner or operator of a Title V source for any violation of applicable requirements prior to or at the time of issuance of a Title V permit;

(C) the applicable requirements of the acid rain program under 40 CFR Part 72 ; and

(D) the ability of the Administrator to obtain information from the owner or operator of a Title V source.]

[(4) The commissioner may, upon granting a request for a permit modification pursuant to subdivision (1) or (2) of subsection (r) of this section, include a provision in the modified permit stating that compliance with the conditions of such modified permit, including the modification, shall be deemed compliance with any applicable requirement in accordance with subdivision (k)(1) of this section.]

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

(A) A modification of [the] A Title V permit pursuant to [subdivision (3) or (4) of subsection (r) of this section.] 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 ADMENDMENTS 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.

[(1) For any general permit, the commissioner shall comply with the notification requirements for notice and opportunity for public comment pursuant to section 22a-174(l)(2) of the general statutes;

(2) For any individual permit, the applicant shall comply with the requirements of section 22a-6g of the general statutes:

(3) The commissioner shall publish in the area where the source is located, a notice of tentative determination pursuant to section 22a-6h of the general statutes and send a copy of such notice to:

(A) the Administrator;

(B) the Chief Executive Officer of the municipality where the subject source is or is proposed to be located;

(C) the appropriate Connecticut Regional Planning Agency;

(D) any federally recognized Indian governing body whose lands may be affected by emissions from the subject source;

(E) the Director of the air pollution control program in any affected state; and

(F) the individuals who request such notices in writing.

In addition to such notice, the commissioner shall contemporaneously send a copy of the tentative determination to the Administrator and to the Director of the air pollution control program in any affected state.

(4) In addition to the provisions set forth in subdivision (3) of this subsection said notice shall include the name and address of the department, the activities involved in the permit action, the emission changes involved; any permit modification involved; the name and address and telephone number of a person from whom interested persons may obtain additional information.

(5) If the commissioner does not accept the recommendations of any such Director the commissioner shall inform such Director, and the Administrator, of the reasons therefor.

(6) The commissioner shall not issue a general permit under section 22a-174(l) of the general statutes with respect to a stationary source which is subject to any provision pursuant to 40 CFR Parts 72 through 78, inclusive.]

(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.

[(1) Any person may file, within thirty (30) days following the publication of a notice of a tentative determination under subsection (l) of this section, written comments on such determination. Any such comments opposing the issuance of the subject permit shall describe, in detail, the basis for such opposition and may be accompanied by a request for a public informational or adjudicatory hearing, or for both.

(2) Following receipt of a request for a public informational hearing, or upon the commissioner's own initiative, the commissioner shall, prior to the issuance of a Title V permit, hold such hearing. The commissioner shall publish a notice of such public informational hearing in a newspaper of general circulation in the affected area at least thirty (30) days prior to such hearing. Such notice shall provide the date, time and location of the public informational hearing. The commissioner shall maintain a record of all comments made at a public informational hearing. The commissioner may consider more than one Title V permit application or renewal application at any such hearing, provided the notice requirements of this subdivision have been satisfied.

(3) Following receipt of a request for a public adjudicatory hearing or upon the commissioner's own initiative, the commissioner may, prior to the issuance of a Title V permit, hold such hearing pursuant to section 22a-3a-6 of the Regulations of Connecticut State Agencies. The commissioner shall publish a notice of such public adjudicatory hearing in a newspaper of general circulation in the affected area at least thirty (30) days prior to such hearing. Such notice shall provide the date, time and location of such hearing. Following the close of the public hearing, the commissioner shall make a decision based on the public hearing and recommendation of the hearing examiner, if any, as to whether to approve, deny or conditionally approve the issuance of the Title V permit sought.]

(n) Administrator's Review of [Tentative Determinations] PROPOSED PERMITS.

[(1) The commissioner shall not issue, renew or modify a Title V permit if the Administrator objects, in writing, within forty-five (45) days of receipt of the tentative determination issued pursuant to subdivision (l)(3) of this section. Pursuant to the Act, the commissioner shall provide the Administrator with an additional forty-five (45) day review period prior to the issuance, renewal or modification of the Title V permit if , within the previous forty-five (45) day period, the commissioner either:

(i) made any substantive changes to the tentative determination, or

(ii) received any written objection from any affected state or the Administrator recommending changes to the tentative determination which the commissioner does not accept.

Pursuant to the Act, the Administrator has the power to submit any such written objection to the commissioner and the owner or operator of the subject source. Such objection will state the reasons for the objection and describe the terms and conditions that the permit must include to resolve such objections. The reasons for such objection may be based on one or more of the following:

(A) the Title V permit does not comply with applicable requirements or THE requirements of 40 CFR Part 70;

(B) the applicant did not submit copies of the application and compliance plan to the Administrator pursuant to subdivision (h)(5) of this section;

(C) the commissioner did not send a copy of the tentative determination to the Administrator or each affected state pursuant to subdivision (l)(3) of this section;

(D) the commissioner did not notify in accordance with subdivision (l)(5) of this section each affected state of the commissioner's reasons for not accepting any recommendation submitted by such state; or

(E) failure to comply with a requirement of subsection (l) or (m) of this section.]

(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 RECEIPT OF AN OBJECTION FROM THE ADMINISTRATOR TO RESOLVE SUCH OBJECTION.

[(2)](4) Pursuant to the Act, if the Administrator does not object in writing IN ACCORDANCE WITH [under subdivision (1) of this subsection] 40 CFR 70.8(c), any person may petition the Administrator TO OBJECT TO A PROPOSED PERMIT [within sixty (60) days after the expiration of the Administrator's time for making SUCH objections. The commissioner shall not issue a Title V permit to the owner or operator of such Title V source if the Administrator objects to the issuance of such permit, in writing, within forty-five (45) days of receipt of such a petition. Such objection shall include the reasons for the objection, and a description of the terms and conditions the permit must include to respond to the objections. Pursuant to the Act, any of the following constitutes grounds for objection by the Administrator] IN ACCORDANCE WITH 40 CFR 70.8(d)[:].

[(A) an objection to the permit that was raised with reasonable specificity during the public comment period under subsection (m) of this section; or

(B) an objection not raised by the petitioner within the Administrator's initial forty-five (45) day review period but which has been demonstrated by the petitioner to have been impractical to raise within that period; or

(C) the grounds for an objection arose after the Administrator's initial forty-five (45) day review period.]

[(3) If the commissioner does not, within ninety (90) days after receipt of an objection by the Administrator under subdivision (1) or (2) of this subsection, submit to the Administrator a revised tentative determination addressing such objection, under the Act, the Administrator has the power to issue or deny the subject permit in accordance with the requirements of the Act.]

(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).

[(4) Except with respect to an application for a Title V permit for a source subject to a deadline pursuant to 40 CFR Parts 72 through 78, inclusive, the commissioner shall issue or deny a Title V permit within eighteen (18) months, of the date of submittal of an application conforming with subsections (g), (h) and (i) of this section.]

(o) TITLE V Monitoring Reports AND MAKING AND KEEPING RECORDS.

(1) **MONITORING REPORTS.** A permittee required to perform monitoring pursuant to [the subject] 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 [the] A MORE FREQUENT schedule IF specified in such permit [but in no event less frequently than once each six months]. Such [a] monitoring [report shall provided the following:] REPORTS SHALL INCLUDE THE DATE AND DESCRIPTION OF EACH DEVIATION FROM A PERMIT REQUIREMENT INCLUDING, BUT NOT LIMITED TO:

(A) [the date and description of each deviation caused by upset or control equipment deficiencies, each deviation from a permit requirement] EACH DEVIATION CAUSED BY UPSET OR CONTROL EQUIPMENT DEFICIENCIES[, and];

(B) [each violation] EACH DEVIATION of a [Title V] 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

[(B)](C) [the date and description of each occurrence of] 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 [maintain] records of all required monitoring data and supporting information FOR AT LEAST FIVE (5) YEARS FROM THE DATE SUCH DATA AND INFORMATION WERE OBTAINED[,]. [and] THE PERMITTEE shall make such records available for inspection [by the department] at the site of the subject source, [for at least five years from the date such data and information were obtained,] and SHALL submit such records to the commissioner upon request. [Supporting information shall include:] THE FOLLOWING INFORMATION, IN ADDITION TO REQUIRED MONITORING DATA, SHALL BE RECORDED FOR EACH PERMITTED SOURCE:

(A) [the] THE type of monitoring[, which may include] OR RECORDS USED TO OBTAIN SUCH DATA, INCLUDING record keeping[, by which such data was obtained];

(B) [the] THE date, place, and time of sampling or [measurements] MEASUREMENT;

(C) THE NAME OF THE INDIVIDUAL WHO PERFORMED THE SAMPLING OR THE MEASUREMENT AND THE NAME OF SUCH INDIVIDUAL'S EMPLOYER;

[(C)](D) [the] THE date(s) ON WHICH analyses of such samples or measurements were performed;

[(D)](E) [the] THE NAME AND ADDRESS OF THE entity that performed the analyses;

[(E)](F) [the] THE analytical techniques or methods used for such analyses;

[(F)](G) [the] THE results of such analyses;

[(G)](H) [the] THE operating conditions at the subject source at the time of such sampling or measurement; and

[(H)](I) [all] 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) [A permittee shall, contemporaneously] 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 [monitoring] report submitted to the commissioner pursuant to this subsection shall be certified in accordance with [subdivision (b)(4) of this] 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 [violation at the subject source] DEVIATION FROM [of an applicable requirement, including any term or condition of the subject permit] AN EMISSIONS LIMITATION, and shall identify the cause or likely cause of such DEVIATION, [violation and] all corrective actions and preventive measures taken with respect thereto, and the dates of such actions and measures, as follows:

(A) [any such violation, including an exceedance of a technology-based emission limitation, that poses an imminent and substantial danger to public health, safety, or the environment shall be reported immediately but no later than twenty-four (24) hours after the permittee learns, or in the exercise of reasonable care should have learned, of such violation] FOR ANY HAZARDOUS AIR POLLUTANT, NO LATER THAN TWENTY-FOUR (24) HOURS AFTER SUCH DEVIATION COMMENCED; AND

(B) [any exceedance of a technology-based emission limitation imposed by the subject permit, which does not pose an imminent and substantial danger to public health, safety, or the environment, shall be reported within two working days after the permittee learns of such exceedence; and] FOR ANY OTHER REGULATED AIR POLLUTANT, NO LATER THAN TEN (10) DAYS AFTER SUCH DEVIATION COMMENCED;

[(C) any other such violation shall be reported in accordance with subsections (o) and (q) of this section.]

[(2) For the purposes of this section an exceedance of a technology-based emission limitation means emission of pollutants beyond the level of emissions allowed by a term or condition of the subject permit.]

[(3)](2) [As an] 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.[, a permittee may prove that compliance with an applicable requirement at issue was impossible due to the occurrence of an event beyond the reasonable control of the permittee. In order to prevail upon such affirmative defense:

(A) the permittee shall have the burden of going forward and of persuasion both, with respect to establishing that a violation was caused by an alleged event including the facts relevant to such alleged event;

(B) the permittee shall submit all information required by subdivision (1) of this subsection; and

(C) the permittee shall prove that:

(i) the subject source was being properly operated at the time that such event allegedly occurred; and

(ii) during such event the permittee took all reasonable steps to prevent emissions in excess of those authorized by law.]

[(4) For the purposes of subdivision (3) of this subsection, an event beyond the reasonable control of the permittee means an event which was reasonably unforeseeable and the results of which could not have been avoided or repaired by the permittee in order to prevent the subject violation. Increased cost shall not constitute an event beyond the reasonable control of the permittee. A violation to the extent it is caused by improperly designed equipment, lack of preventive maintenance, careless or improper operation, or operator error, shall not constitute an event beyond the reasonable control of the permittee.]

[(5)](3) THE PERMITTEE SHALL CERTIFY [Any] ANY written notification submitted TO THE COMMISSIONER pursuant to [subdivision (1) of] this subsection [shall be certified] in accordance with [subdivision (b)(4)of this section] 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 [the schedule specified in the subject permit or every six months and] JANUARY 30 AND JULY 30 OF EACH YEAR, OR ON A MORE FREQUENT SCHEDULE IF SPECIFIED IN SUCH PERMIT [whichever is more frequent], submit to the commissioner A progress [reports] REPORT [which are] ON FORMS PRESCRIBED BY THE COMMISSIONER, AND certified in accordance with [subdivision (b)(4) of this section] SECTION 22a-174-2a(a)(5) OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES. [and which report the] SUCH REPORT SHALL DESCRIBE THE permittee's progress in achieving compliance under the compliance PLAN schedule CONTAINED in [such] THE permit. Such progress report shall:

(A) [identify] IDENTIFY those obligations under the compliance PLAN schedule IN THE PERMIT which the permittee has met, and the dates [by] ON which they were met; and

(B) [identify] 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 [such obligations] THEM and identify the date by which the permittee expects to meet [such obligations] THEM.

(2) **COMPLIANCE CERTIFICATION.** A permittee shall, [on the schedule specified in the subject permit or every twelve months] ON JANUARY 30 OF EACH YEAR, OR ON A MORE FREQUENT SCHEDULE IF SPECIFIED IN SUCH PERMIT [whichever is more frequent], submit to the commissioner, A written compliance [certifications] CERTIFICATION [which are] certified in accordance with [subdivision (b)(4) of this section] SECTION 22a-174-2a(a)(5) OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES and which [identify the terms and conditions contained in the subject permit for the subject source, including emission limitations. In addition, a compliance certification shall contain the following] INCLUDES THE INFORMATION IDENTIFIED IN TITLE 40 CFR 70.6(c)(5)(iii)(A) TO (C), INCLUSIVE [:].

[(A) a means for monitoring the compliance of the subject source with emissions limitations, standards, and work practices;

(B) the identification of each permit term or condition with respect to which the certification is being made;

(C) the permittee's compliance status with respect to the subject permit;

(D) whether compliance, with respect to the subject permit, was continuous or intermittent since the date of the next prior compliance certification;

(E) the method(s) the permittee used for determining the compliance status of such source, currently and since the date of the next prior compliance certification;

(F) such other information as the subject permit may require to facilitate the commissioner's determination of the compliance status of such source, and additional requirements specified pursuant to 40 CFR Part 70; and

(G) whether the monitoring system, which may include record keeping, was functioning in accordance with the subject permit and this section.]

(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 [to the commissioner] shall be simultaneously submitted BY THE PERMITTEE to the Administrator.

(r) TITLE V Permit Modifications, REVISIONS, OPERATIONAL FLEXIBILITY AND OFF PERMIT CHANGES.

[(1) Following receipt from a permittee of a request to modify his Title V permit, or upon the commissioner's own initiative the commissioner may modify such permit for any of the reasons specified in subparagraphs (A) through (G), inclusive, of this subdivision. The commissioner will take no more than eighteen (18) months from receipt of a written request from the permittee for a permit modification to take final action on such request. If the commissioner modifies a permit, whether on request of the permittee or his own initiative he will submit a copy of the modified permit to the Administrator. If the permittee has requested the modification he shall not deviate from the terms and conditions of the permit unless and until the commissioner has modified such permit in accordance with this subsection. If the commissioner on his own initiates a proceeding to modify a Title V permit, the commissioner shall comply with the procedural requirements of section 22a-3a-5 of the Regulations of Connecticut State Agencies and section 4-182 of the general statutes as may be applicable. The commissioner may modify a Title V permit under this subsection for any of the following reasons:

(A) to incorporate any applicable requirement adopted by the commissioner or the Administrator;

(B) to incorporate any change in the frequency, form or type of any monitoring, reporting or record keeping required by the permit;

(C) to incorporate an applicable MACT standard or determination under subdivision (e)(1) of this section, if there are more than three (3) years before such permit expires;

(D) to incorporate the requirements of any permit to construct or operate, or modification thereof, issued to the permittee pursuant to subsection (k) or (l) of section 22a-174-3 of the Regulations of Connecticut State Agencies;

(E) to incorporate any change to make a permit term or condition less stringent if such term or condition prevented the Title V source from being subject to an otherwise applicable requirement;

(F) to incorporate any change necessary to ensure compliance with any applicable requirement; and

(G) for any reason set forth in section 22a-174c of the general statutes or subsection (d) of section 22a-3a-5 of the Regulations of Connecticut State Agencies.

Following public notice and opportunity for public hearing and comment pursuant to subsections (l) and (m) of this section, the commissioner may modify such permit in accordance with section 40 CFR Part 70.7(a)(1), (4), (5) and (6).

(2)(A) A permittee may submit a written request to the commissioner for a permit modification to:

(i) correct a clerical error;

(ii) revise the name, address, or phone number of any person identified in such permit or to make another revision reflecting a similarly minor administrative change at or concerning the subject source;

(iii) require more frequent monitoring or reporting;

(iv) reflect a transfer in ownership or operational control of the subject source provided no other modification of the subject permit is required as a result of such transfer and provided that if a transfer of the permit will be sought, a request therefor has been submitted to the commissioner in accordance with this section; or

(v) incorporate the requirements of any permit to construct, or modification thereof, pursuant to section 22a-174-3 of the Regulations of Connecticut State Agencies except for such requirements pursuant to subsection (k) or (l) of sections 22a-174-3 of the Regulations of Connecticut State Agencies;

(B) Upon submitting to the commissioner a written request for a permit modification under Subpart (A) of this subdivision, a permittee may take action as if such a modification had already been made.

(C) The commissioner will take no more than sixty (60) days from the receipt of a written request under subparagraph (A) of this subdivision to take final action on such request and, if the commissioner modifies the subject permit, he will submit a copy of the modified permit to the Administrator. The commissioner may modify a permit under this subdivision without published notice or allowing opportunity for comment and hearing.]

(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.

[(3)](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 [A permittee may engage in any of the following actions,] 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[:].

[(i) change his practices concerning monitoring, testing, record keeping, reporting, or compliance certification, provided such changes do not violate applicable requirements, including the terms and conditions of the applicable Title V permit;

(ii) engage in an intra-premise trade in emissions under an emissions cap established pursuant to subparagraph (I) of subdivision (j)(1) of this section;

(iii) relocate an emissions unit provided such relocation does not require a permit modification under section 22a-174-1(52)of the Regulations of Connecticut State Agencies and does not result in an increase in emissions violating any applicable requirements including the terms and conditions of the applicable Title V permit;

(iv) incorporate any requirements authorizing use of emission reduction credits in accordance with section 22a-174f or 22a-174i of the general statutes and EPA's "Economic Incentive Program Rules", published April 7, 1994 (Federal Register, Volume 59, No. 67); and

(v) engage in any other action, for which the permittee is not otherwise required to obtain a permit modification pursuant to this subsection.]

(B) [A permittee may engage in an] ANY action AUTHORIZED PURSUANT TO SUBPARAGRAPH (A) OF THIS SUBDIVISION [provided in subparagraphs (A)(i) [through] TO (v), of this subdivision,] provided such action does not:

(i) constitute a modification under 40 CFR [Part] 60, [or] 61[; and] 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 PURUSANT 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.

[(C) At least seven (7) days before initiating an action specified in subparagraph (A) of this subdivision, the permittee shall notify the commissioner in writing of such intended action.]

[(4) At the time a permittee changes any practice at the subject source, which practice is not addressed by the subject permit, and which change would be consistent with all applicable requirements, including the terms and conditions of such permit, the permittee shall provide written notice of the intended change to the commissioner and the Administrator, provided this subdivision shall not apply to a source subject to any standard or other requirement pursuant to 40 CFR Parts 72 through 78, inclusive.

(5) Written notification pursuant to subdivisions (3) and (4) of this subsection shall include a brief description of each change to be made, the date on which such change will occur, any change in emissions that may occur as a result of such change, any Title V permit terms and conditions that may be affected by such change, and any applicable requirement that would apply as a result of such change. The owner or operator of subject source shall thereafter maintain a copy of such notice with the Title V permit for subject

source. The commissioner and the permittee shall each attach a copy of such notice to his copy of the subject permit.

(6) A permit modification pursuant to subdivisions (1), (2) or (3) of this subsection, shall be governed by 40 CFR Parts 72 through 78, inclusive.

(7) A copy of a request for a permit modification submitted to the commissioner pursuant to this subsection shall be submitted to the Administrator at the same time.

(8) The commissioner shall modify a Title V permit in accordance with subdivision (1) of this subsection if:

(A) a new or additional applicable requirement under the Act becomes applicable to a Title V source with a remaining permit term of three (3) or more years. Such a modification shall be completed not later than 18 months after promulgation of the new or additional applicable requirement. No modification is required if the effective date of such new or additional requirement is later than the date on which the permit is due to expire;

(B) an additional requirement, including an excess emission requirement, becomes applicable to subject source if such source is subject to any standard or other requirement pursuant to 40 CFR Parts 72 through 78, inclusive;

(C) the commissioner or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made during establishment of the emissions standards of the permit, or other terms or conditions of the permit; or

(D) the commissioner or the Administrator determines that the permit must be revised or revoked to assure compliance with the applicable requirements.

(9) The commissioner shall notify the permittee thirty (30) days prior to initiating a modification of such permit pursuant to subdivision (8) of this subsection.

(10) The commissioner shall, within ninety (90) days after receipt of notification from the Administrator to modify the subject permit, forward to the Administrator a tentative determination regarding termination, modification, or revocation of the subject permit. In the event that the commissioner requires the permittee to submit additional information, the Administrator, pursuant to the Act, has the power to extend such ninety (90) day period by an additional ninety (90) days.

(11) Pursuant to the Act the Administrator has the power to review the tentative determination from the commissioner within ninety (90) days of receipt.

(12) The commissioner shall have ninety (90) days from receipt of an objection from the Administrator to resolve any objection that the Administrator makes and to terminate, modify, or revoke the permit in accordance with the Administrator's objection.

(13) If the commissioner fails to submit a tentative determination to the Administrator pursuant to subdivision (10) of this subsection or fails to resolve any objection pursuant to subdivision (12) of this subsection, pursuant to the Act the Administrator has the power to terminate, modify, or revoke the permit after taking the following actions:

(A) providing at least thirty (30) days' notice to the permittee in writing of the reasons for any such action; and

(B) providing the permittee an opportunity for comment on the proposed action by the Administrator, and an opportunity for a hearing pursuant to subsection (m) of this section.

(14) Proceedings to modify a permit shall follow the same procedures as apply to initial permit issuance pursuant to subsections (l) and (m) of this section and shall affect only those parts of the permit for which cause to modify exists.]

[(s) Transfers.

(1) No person shall act or refrain from acting under the authority of a Title V permit issued to another person unless such permit has been transferred in accordance with this subsection. The commissioner may approve a transfer of a permit if he finds that the proposed transferee is willing and able to comply with the terms and conditions of such permit, that any fees for such transfer required by any provision of the general statutes or regulations adopted thereunder have been paid, and that such transfer is not inconsistent with the Act.

(2) The proposed transferor and transferee shall submit to the commissioner a request for permit transfer on a form provided by the commissioner. A request for a permit transfer shall be accompanied by any fees required by any applicable provision of the general statutes or regulations adopted thereunder. The commissioner may also require the proposed transferee to submit with any such request:

(A) any information required by law to be submitted with an application for a Title V permit or an application for transfer of such permit; and

(B) any other information the commissioner deems necessary to process the transfer request in accordance with this subsection.

(3) Upon approving a request for transfer, the commissioner shall modify the subject permit to reflect such transfer, in accordance with subdivision (r)(2) of this section. After the commissioner transfers a permit in accordance with this subsection, the transferee shall be responsible for complying with all applicable law, and all applicable requirements, including the terms and conditions of the transferred permit.]

(s) TITLE V PERMIT REOPENINGS. THE COMMISSIONER SHALL COMPLY WITH THE APPLICABLE PROVISIONS OF 40 CFR 70.7(f) AND (g).

[(t) Revocations.

(1) The commissioner may revoke a Title V permit on his own initiative or on request of the permittee or any other person, in accordance with section 4-182(c) of the general statutes, subsection (d) of section 22a-3a-5 of the Regulations of Connecticut State Agencies, and any other applicable law. Any such request shall be in writing and contain facts and reasons supporting the request. A permittee requesting revocation of a Title V permit shall state the requested date of revocation and provide the commissioner with satisfactory evidence that the emissions authorized by such permit have been permanently eliminated.

(2) The Administrator pursuant to the Act, has the power to revoke and reissue a Title V permit if the Administrator has determined that the commissioner failed to act in a timely manner on a permit renewal application.]

Be it known that the foregoing:

☒ Regulations ☐ Emergency Regulations

Are:

☒ Adopted ☒ Amended as hereinabove stated ☒ Repealed

By the aforesaid agency pursuant to:

☒ Section 22a-6 and 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 July 17 20 01, of the notice of the proposal to:

☒ Adopt ☒ Amend ☒ Repeal such regulations

(If applicable): ☒ And the holding of a public hearing on 5th day of September 20 01

WHEREFORE, the foregoing regulations are hereby:

☒ Adopted ☒ Amended as hereinabove stated ☒ Repealed

Effective:

☐ When filed with the Secretary of State.
(OR)

☒ The 15th day of March 20 02.

In Witness Whereof:	DATE 11-21-01	SIGNED *(Head of Board, Agency or Commission)*	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 Assoc. Atty Gen 11/30/01

☒ Approved ✓

☐ 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 12/18/01	SIGNED *(Clerk of the Legislative Regulation Review Committe*

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 December 27, 2001	SIGNED *(Secretary of the State.)* Susan Bysiewicz	BY Peter J. Bontemps

INSTRUCTIONS

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for 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.

RECEIVED
DEC 27 2001
RECORDS & LEGISLATIVE SERVICES
SECRETARY OF THE STATE

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

Susan Bysiewicz
Secretary of the State
Maria M Greenslade
Deputy Secretary of the State

RECEIVED
JAN 9 2002
Dept. of Environmental Protection
Office of the Commissioner

January 2, 2002

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR MANAGEMENT
OFFICE OF BUREAU CHIEF
JAN 1 0 2002
RECEIVED

Hon. Arthur Rocque, Jr., Commissioner
Dept. of Environmental Protection
79 Elm Street
Hartford, CT 06105

Dear Commissioner Rocque:

This is to acknowledge receipt of two certified copies of the following regulation issued by your department concerning:

Abatement of Air Pollution.

Said regulation was received and filed in this office on December 27, 2001. The effective date of this regulation is December 27, 2001.

Very truly yours,

Peter J. Bartucca
Manager, Records and Legislative Services

PJB:lm
File

RECEIVED
JAN 9 2002

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

Susan Byslewicz
Secretary of the State
Maria M Greenslade
Deputy Secretary of the State

RECEIVED
JAN 8 2002
Dept. of Environmental Protection
Office of the Commissioner

January 2, 2002

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR MANAGEMENT
OFFICE OF BUREAU CHIEF
JAN 1 0 2002
RECEIVED

Hon. Arthur Rocque, Jr., Commissioner
Dept. of Environmental Protection
79 Elm Street
Hartford, CT 06105

Dear Commissioner Rocque:

This is to acknowledge receipt of two certified copies of the following regulation issued by your department concerning:

Abatement of Air Pollution.

Said regulation was received and filed in this office on December 27, 2001. The effective date of this regulation is December 27, 2001.

Very truly yours,

Peter J. Bartucca
Manager, Records and Legislative Services

PJB:lm
File

RECEIVED
JAN 8 2002