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STATE OF CONNECTICUT

REGULATION

OF

NAME OF AGENCY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

concerning

SUBJECT MATTER OF REGULATION

ABATEMENT OF AIR POLLUTION - TITLE V PERMIT PROGRAM

Section 1

The Regulations of Connecticut State Agencies are amended by adding a new section 22a-174-33 as follows:

(NEW)

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) "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) "Applicable requirements" means:

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

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

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

(D) any standard or other requirement pursuant to 40 CFR Part 60, 61, 63, 68, or 70.

(6) "Code of Federal Regulations" or "CFR" means the Code of Federal Regulations revised as of September 16, 1994, unless otherwise specified.

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(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.

(8) "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 hydrogen sulfide.

(9) "Implementation date of this section" means 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) "Regulated air pollutant" means any of the following:

(A) nitrogen oxides or any volatile organic compound;

(B) any pollutant which is a criteria air pollutant;

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

(D) 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 pollutant subject to a national emission standard or other requirement under 40 CFR Part 63 and emitted by a source in a category listed in Federal Register Vol. 58 No. 231, December 3, 1993;

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

(G) any pollutant listed in 40 CFR Part 68.

(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.

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

(15) "Title V source" means any premise which includes any of the following:

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

(B) any stationary source subject to 40 CFR Part 68;

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

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

(E) any one or more stationary sources, which are located on one or more contiguous or adjacent properties under common control of the same person or persons and which 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, 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 one or more stationary sources, which are located on one or more contiguous or adjacent properties under common 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 emit, or have the potential to emit, including fugitive emissions from those categories of sources listed in (2)(i) through (xxvii) in the definition of "major source" in 40 CFR Part 70.2:

(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 area; or

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

(b) Signatory Responsibilities.

(1) An application for a Title V permit, any form, report, compliance certificate or other document required by a Title V permit, and any other information submitted by an applicant or a permittee pursuant to this section shall be signed by the following individual:

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(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

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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 every Title V source.

(2) Notwithstanding subdivision (1) of this subsection, this section shall not apply to any premise which is defined as a Title V source solely because a stationary source on such premise is subject to one or more of the following:

(A) 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 release requirements pursuant to 40 CFR Part 68;

(D) 40 CFR Part 61 Subpart I; or

(E) 40 CFR Part 60, 61, 63, 68 or 72, if such source is exempt by the terms of such part or is exempted by the Administrator from the requirement of obtaining a Title V permit.

(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) Notwithstanding the definition of a Title V source, for the purpose of determining whether this section applies to a premise at which research and development operations are located, the owner or operator of such premise may calculate the emissions from such premise by subtracting the emissions from such research and development operations from the total emissions from such premise. Such premise and research and development operations shall be separately evaluated for purposes of determining whether a Title V permit is required. For

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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.

(d) Limitations on Potential to Emit

(1) In lieu of requiring an owner or operator of a premise described in subdivision (a)(15) of this section to obtain a Title V permit, the commissioner may, by permit or by order, limit potential emissions from such premise to less than the following amounts:

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

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

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

(D) in the aggregate, 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 40 CFR Part 63.

(2) The permit or order shall require the owner or operator of a subject premise to:

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

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

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

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

(E) submit compliance certifications to the commissioner pursuant to subdivision (q)(2) of this section;

(F) 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 emissions to be allowed are quantified;

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

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

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

(C) for an individual order, sends a copy of a notice to those listed in subparagraph (D)(i) through (vi), inclusive, of this subdivision, and, at least thirty days before approving or denying a draft 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 draft order regarding the subject premise. Such notice shall contain the following:

(i) the name and mailing address of the owner or operator of the subject premise 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 from whom interested persons may obtain copies of the draft order;

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(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 permit, sends a copy of the notice required by section 22a-6h of the general statutes to:

(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) of this subsection, a notice of such public hearing shall be published in a newspaper of general circulation in the affected area at least thirty days prior to such hearing.

(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.

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

(8) Notwithstanding the provisions of section 22a-174(l) of the 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 78, inclusive.

(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 MACT 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. The commissioner shall determine such MACT standard in the same manner as required of the Administrator under section 112(d)(3)of the Act. In no event shall such a standard allow emissions of any hazardous air pollutant which emissions would exceed those allowed by an applicable standard under 40 CFR Part 63.

(2) Within three (3) years of the commissioner's determination of such MACT standard or upon notice from the commissioner, 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 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 78, inclusive. If such provision conflicts with or is not made a term or condition of an applicable permit issued pursuant to this section, such provisions shall nonetheless apply to such source.

(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) 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

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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, 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.

(4) The owner or operator of a Title V 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 shall apply for a Title V permit upon notice from the commissioner that such Title V permit is required or within twelve (12) months of applying for such permit to construct, whichever is earlier.

(5) The owner or operator of a Title V source who wishes to apply for renewal of a Title V permit shall apply therefor no later than six (6) months prior to the date of expiration of such 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.

(g) Applications.

(1) (A) An application for a Title V permit shall be made on forms provided by the department. The application shall comply with subparagraphs (B) through (G) of this subdivision and with subdivisions (2), (3) and (4) of this subsection.

(B) 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, and names and telephone numbers of plant site manager and other individuals designated by the applicant to answer questions pertaining to such application.

(C) The application shall contain 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) The application shall contain a compliance plan pursuant to subsection (i) of this section, and a statement certifying notification pursuant to subsection (l) of this section.

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(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 information required by this subsection.

(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 each such alternative means of compliance. In addition, a copy of such order, permit or certification shall be submitted with the application.

(G) The application shall contain a certification pursuant to subdivision (b)(4) of this section.

(2) An application for a Title V permit, 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, shall provide the following information about the subject source:

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

(B) for each regulated air pollutant emitted or proposed to be emitted by the subject source, the amount of potential and actual emissions from such source during the 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 methodology used by the applicant to quantify, 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 emitted or proposed to be emitted by the subject source;

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

(E) a description of all air pollution control equipment in use at the subject source and a description of all monitoring equipment in use at the subject source to quantify such emissions or to determine compliance;

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

(G) identification of all applicable requirements for each emission unit, including any applicable MACT source category as published in the Federal Register, Vol. 57, No. 137, July 16, 1992, and including those which are subject to compliance dates occurring after the effective date of this section;

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

(I) any other information required by each applicable requirement listed 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 applicant need not provide the information 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.

(B) Any of the following items or activities which are not the principal function of such 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;

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(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;

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

(viii) all clerical and janitorial activities;

(ix) maintenance activities such as vehicle repair, brazing, soldering and welding equipment, carpentry shops, electrical charging stations, grinding and polishing operations maintenance shop vents, 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 shall include the emissions from each activity or item, set forth in paragraph (B) of subdivision (3) of this subsection, if necessary to determine whether a source is a Title V source to which this section is applicable. 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.

(h) Application Processing

(1) Unless the commissioner notifies the applicant that an application is not sufficient, in accordance with subsection (g) of this section and 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. If, subsequent to such 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 applicant shall 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 or upon becoming aware of any incorrect or insufficient submittal, with an explanation for such deficiency and a certification pursuant to subdivision (b)(4) of this section .

(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

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

(i) Compliance Plans.

(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:

(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

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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.

(2) 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 application a statement that the owner and operator of such source will continue to comply with such requirements.

(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) The commissioner shall take final action with respect to a sufficient application within eighteen (18) months of receiving a such application, and shall submit a copy of such final action to the Administrator. Failure of the commissioner to act within such period shall not entitle the applicant to issuance, modification or renewal of any Title V permit. The commissioner shall not issue a Title V permit 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 with all relevant and applicable requirements and such permit provides as follows:

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

(B) The permit contains 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.

(C) The permit contains 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 any noncompliance with such permit constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation, or modification; or for denial of a permit renewal application.

(D) The permit identifies the legal authority for each 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 which terms or conditions thereof are federally enforceable and which terms or conditions thereof are enforceable only by the commissioner, and the permit states that the federally enforceable provisions 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) such limits shall be no less than 1,000 pounds per year or any quantity prescribed by 40 CFR Part 63, for each emission unit, for any hazardous air pollutant.

(G) The permit states that it shall not be deemed to:

(i) preclude the creation or use of emission reduction credits or the trading of such credits 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 prohibited under 40 CFR Part 72;

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(iii) authorize the use of allowances pursuant to 40 CFR Parts 72 through 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 limitations, requirements, and standards that apply to the subject source, including without limitation:

(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 78, inclusive.

(I) The permit contains all allowable alternative emission limits or means of compliance. Such alternative emission limits shall be quantified, legally enforceable and the method for achieving such limits shall based upon replicable procedures. The permit may contain an emissions limitation facilitating intra-premise trades allowed by subparagraph (A) of subdivision (r)(3) of this section and any other applicable requirements.

(J) The permit contains all terms and conditions applicable to any legally permissible alternative operating scenario. The permit must provide that each such alternative operating scenario shall meet all applicable requirements.

(K) The permit requires the permittee to monitor regulated air pollutants emitted by the subject source to determine compliance with applicable emission limitations and standard. 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 (F) of subdivision (1) of this subsection. Such monitoring shall consist of one or more of the following:

(i) all emissions monitoring and analysis procedures or test methods required under the 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

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yield reliable data from the relevant time period that is representative of the emissions or parameters required by the permit to be monitored. Recordkeeping may be sufficient to meet the requirements of this subsection.

(L) The permit contains all permit requirements for emissions monitoring analysis procedures and test methods 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 that the commissioner may, for the purpose of determining compliance with the permit and other applicable requirements, enter the subject source at reasonable times to inspect any facilities, equipment, practices, or operations regulated or required under the permit; to sample or 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 in accordance with the permit.

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

(O) The permit contains a requirement that the permittee shall report in writing to the commissioner any 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.

(P) The permit contains any terms and conditions necessary to enable the permittee to create, use, and trade emissions reduction credits in accordance with sections 22a-174f and 22a-174i of the general statutes and with the provisions of the EPA's "Economic Incentive Program Rules", published April 7, 1994 (Federal Register, Volume 59, Number 67). 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 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 severability clause to ensure the continued validity of

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provisions remaining in such permit after other provisions have been legally invalidated.

(S) The permit may contain any term or condition of any other permit to construct or operate issued to the permittee pursuant to section 22a-174 of the general statutes.

(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.

(U) The permit states that it may be modified, revoked, reopened, reissued, or suspended by the commissioner, or the Administrator in accordance with this section, section 22a-174c of the general statutes, or subsection (d) of section 22a-3a-5 of the Regulations of Connecticut State Agencies.

(V) The permit states 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.

(W) The permit states that the permit does not convey any property rights or any exclusive privileges.

(X) The permit requires the permittee to submit additional information, at the commissioner's request, within a reasonable time, including any information that the commissioner may request in writing to determine whether cause exists for modifying, revoking and reissuing, or terminating the permit or to determine compliance with the permit.

(Y) The permit specifies the conditions under which the permit will be modified prior to the expiration of the 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 required by section 22a-174-26 of the Regulations of Connecticut State Agencies.

(3) 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.

(k) Permit Shield

(1) The commissioner may include a condition in a new or modified Title V permit stating that compliance with the conditions of such permit shall be deemed compliance with any applicable requirement, provided that:

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

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

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

(3) Notwithstanding subdivision (1) of this subsection, no such provision of a Title V permit shall alter or affect the following:

(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) The permit shield in subdivision (1) of this subsection shall not apply to modification of the Title V permit pursuant to subdivision (3) or (4) of subsection (r) of this section.

(l) Public Notice.

(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

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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.

(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

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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.

(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 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;

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(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.

(2) Pursuant to the Act, if the Administrator does not object in writing under subdivision (1) of this subsection, any person may petition the Administrator within sixty (60) days after the expiration of the Administrator's time for making 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:

(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.

(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) Monitoring Reports

(1) A permittee required to perform monitoring pursuant to the subject permit shall submit to the commissioner written monitoring reports on the schedule specified in such permit but in no event less frequently than once each six months. Such a monitoring report shall provide the following:

(A) the date and description of each deviation caused by upset or control equipment

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deficiencies, each deviation from a permit requirement, and each violation 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 last monitoring report; and

(B) the date and description of each occurrence of a failure of the monitoring system to provide reliable data.

(2) Unless otherwise required by the subject permit, the permittee shall maintain records of all required monitoring data and supporting information, and 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 submit such records to the commissioner upon request. Supporting information shall include:

(A) the type of monitoring, which may include recordkeeping, by which such data was obtained;

(B) the date, place, and time of sampling or measurements;

(C) the date(s) analyses of such samples or measurements were performed;

(D) the entity that performed the analyses;

(E) the analytical techniques or methods used for such analyses;

(F) the results of such analyses;

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

(H) 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 with making a change from one alternative operating scenario to another pursuant to a Title V permit, maintain a record at the site of subject source of the current alternative operating scenario.

(4) Any monitoring report submitted to the commissioner pursuant to this subsection shall be certified in accordance with subdivision (b)(4) of this section.

(p) Notifications

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(1) A permittee shall notify the commissioner in writing of any violation at the subject source of an applicable requirement, including any term or condition of the subject permit, and shall identify the cause or likely cause of such 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;

(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

(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) As an affirmative defense to an administrative or civil action by the state with respect to a violation, 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

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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) Any written notification submitted pursuant to subdivision (1) of this subsection shall be certified in accordance with subdivision (b)(4) of this section.

(q) Progress Reports and Compliance Certifications

(1) A permittee shall, on the schedule specified in the subject permit or every six months, whichever is more frequent, submit to the commissioner progress reports which are certified in accordance with subdivision (b)(4) of this section and which report the permittee's progress in achieving compliance under the compliance schedule in such permit. Such progress report shall:

(A) identify those obligations under the compliance schedule which the permittee has met, and the dates by which they were met; and

(B) identify those obligations under the compliance schedule 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 and identify the date by which the permittee expects to meet such obligations.

(2) A permittee shall, on the schedule specified in the subject permit or every twelve months, whichever is more frequent, submit to the commissioner, written compliance certifications which are certified in accordance with subdivision (b)(4) of this section 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:

(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;

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(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 recordkeeping, was functioning in accordance with the subject permit and this section.

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

(r) Permit Modifications

(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

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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.

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(3) (A) A permittee may engage in any of the following actions, without a permit modification and without requesting a permit modification;

(i) change his practices concerning monitoring, testing, recordkeeping, 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 action provided in subparagraphs (A)(i) through (v), of this subdivision, provided such action does not:

(i) constitute a modification under 40 CFR Part 60 or 61; and

(ii) exceed emissions allowable under the subject permit.

(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

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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.

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(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

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responsible for complying with all applicable law, and all applicable requirements, including the terms and conditions of the transferred permit.

(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.

STATEMENT OF PURPOSE: To adopt regulations implementing the provisions of Title V of the Clean Air Act Amendments of 1990 concerning operating permits including provisions to enforce necessary requirements of the Clean Air Act Amendments of 1990.

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CERTIFICATION
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Be it known that the foregoing: Page 33 of 33 Pages

☒ Regulations ☐ Emergency Regulations

Are:

☒ Adopted ☐ Amended as hereinabove stated ☐ Repealed

By the aforesaid agency pursuant to:

☒ Section 22a-174 of the General Statutes.

☐ Section _____ of the General Statutes, as amended by Public Act No. _____ of the ___ Public Acts.

☐ Public Act No. _____ of the Public Acts.

After publication in the Connecticut Law Journal on September 27th 19 94, of the notice of the proposal to:

☒ Adopt ☐ Amend ☐ Repeal such regulations

(If applicable): ☒ And the holding of a public hearing on 28th day of October 19 94

WHEREFORE, the foregoing regulations are hereby:

☒ Adopted ☐ Amended as hereinabove stated ☐ Repealed

Effective:

☒ When filed with the Secretary of State.
(OR)
☐ The _____ day of _____ 19 ____.

In Witness Whereof:	DATE 7 July 95	SIGNED *(Head of Board, Agency or Commission)*	OFFICIAL TITLE, DULY AUTHORIZED Com.
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. General

☒ Approved 7/21/95

☐ Disapproved

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

☐ Rejected without prejudice.

RECEIVED
SEP 20 1995
RECORDS & LEGISLATIVE SERVICES
SECRETARY OF THE STATE

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes.	DATE 9/19/95	SIGNED *(Clerk of the Legislative Regulation Review Committee)*

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 September 20, 1995	SIGNED *(Secretary of the State.)* Miles S. Rapoport	BY

INSTRUCTIONS

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes

2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.

3. Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.

4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.