R-39 REV. 1/77

IMPORTANT: Read Instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

concerning
Emergency Utility Authorization

Section 1

The Regulations of Connecticut State Agencies are amended by adding a new section 22a-174-37 as follows:

(NEW)

(a) Definitions For purposes of this section, the following definitions shall apply:

(1) "CFR" means the Code of Federal Regulations.

(2) "Commissioner" means the Commissioner of Environmental Protection.

(3) "Conservation plan" means a conservation plan under subsection (d) of this section.

(4) "Contract" means: (i) an agreement between a utility and a customer (or other person) to provide electricity during the emergency period; or (ii) a change in any agreement between a utility and a private power producer to provide additional electricity during the emergency period.

(5) "Department" means the Department of Environmental Protection.

(6) "Emergency generator" means a reciprocating engine or a turbine engine which is used as a means of providing mechanical or electrical power during the emergency period.

(7) "Emergency period" means May, June, July and August of 1996.

(8) "Emissions reduction credits" means approved emissions reduction credits the use of which the Commissioner has authorized in writing in accordance with section 22a-174-22 of the R.C.S.A.

(9) "R.C.S.A." means the Regulations of Connecticut State

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Agencies.

(10) "Person" is defined as that term is defined in section 22a-2 of the General Statutes.

(11) "Potential to emit" is defined as that term is defined in R.C.S.A. section 22a-174-1.

(12) "Serious non-attainment area for ozone" means all municipalities within the State of Connecticut, except those municipalities located in the severe non-attainment area for ozone.

(13) "Severe non-attainment for ozone" means Bethel, Bridgeport, Bridgewater, Brookfield, Danbury, Darien, Easton, Fairfield, Greenwich, Monroe, New Canaan, New Fairfield, New Milford, Newtown, Norwalk, Redding, Ridgefield, Sherman, Stamford, Stratford, Trumbull, Weston, Westport and Wilton.

(14) "Utility" means any electric public service company as defined in section 16-1 of the General Statutes and any electric municipal utility company as defined in section 7-233b of the General Statutes.

(b) Applicability

Notwithstanding any contrary provision, term or condition included in any license issued by the Commissioner to a utility, or the lack of any such license issued, each utility is hereby authorized during the emergency period to:

(1) install and operate four natural gas fired turbine generators at the Devon electric generating station located at 732 Naugatuck Avenue in Milford, Connecticut;

(2) install and operate one duel fuel (No. 2 oil and natural gas) turbine generator at the South Meadow station in Hartford, Connecticut;

(3) reactivate and thereafter operate Middletown Unit No. 1 located in Middletown, Connecticut;

(4) install and operate twenty-three diesel generators located in Groton, Connecticut; and

(5) enter into contracts with its customers to operate or

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cause to be operated customer-owned emergency generators.

(c) **Customer generation**

No person shall, notwithstanding any contract between such person and a utility, operate pursuant to such contract an emergency generator so as to exceed legally applicable emissions limitations unless such utility has provided the Commissioner with a complete list of all persons under contract with such utility to operate emergency generators. Whenever a utility, pursuant to such a contract, requests the customer to commence operating an emergency generator, the utility shall immediately report such request to the Commissioner at (860) 424-3338.

(d) **General Requirements**

(1) During the emergency period, each utility shall:

(A) use the federal nitrogen oxides ("NOx") Emissions Estimation Protocol pursuant to 40 CFR 75 at Middletown Station, Unit 1 and Bridgeport Harbor Station, Unit 1;

(B) install any noise barriers as the Commissioner deems appropriate at the Devon and South Meadow stations and at any other location the Commissioner may require to abate or mitigate any potential or actual noise pollution pursuant to section 22a-69 of the General Statutes and regulations adopted thereunder;

(C) use or caused to be used propane fuel, diesel fuel containing a sulfur content of no greater than .05%, or natural gas for all emergency generators operated pursuant to this section. All emergency generators operating under a contract with a utility shall use such fuel as is required in accordance with its permit requirements;

(D) conduct any modeling as the Commissioner may require in accordance with R.C.S.A. section 22a-174-3(c)(3) at any location where an emergency generator is operated pursuant to this section; and

(E) maintain on a daily basis and submit to the Commissioner on a weekly basis such data as the

Commissioner may require, including fuel.

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consumption and hours of operation of emergency generators operated pursuant to this section.

(2) During the emergency period, no utility or person under contract to such utility to operate an emergency generator, may lawfully take any action under the authority of this section unless such utility has received the Commissioner's written approval of its conservation plan and has certified to the Commissioner under penalty of false statement that such plan is in full effect. Such plan shall, at a minimum, educate the public about energy conservation and shall require both residential and nonresidential customers to curtail their use of electricity.

(3) No activity authorized pursuant to this section shall relieve any person of other legal obligations under applicable federal, state, and local laws.

(4) No activity authorized pursuant to this section shall affect the Commissioner's authority to institute any proceeding or to take any action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for violations of law.

(e) Emission offsets

For each source of NOx emissions operated during the emergency period, pursuant to this section, each utility shall provide emission offsets in accordance with R.C.S.A. section 22a-174-3*(l)* in the form of emission reduction credits. Such credits shall be in an amount equal to the sum of the potential to emit ("potential") of all NOx emissions from each utility and the customer contracted electricity multiplied by 1.2 (if the emissions occur in a serious non-attainment area for ozone), or multiplied by 1.3 (if the emissions occur in a severe non-attainment area for ozone). In addition, if the total of actual NOx emissions by a utility during the emergency period exceeds 5,600 tons, plus the potential emissions for which emission offsets have been provided, a utility shall purchase emission reduction credits no later than December 31, 1996 from,: (i) existing and new utility-owned and operated sources, (ii) customer-generated and operated sources, and (iii) any increase in non-utility generated emissions in Connecticut and purchased by a utility.

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Statement of purpose: To avoid an imminent peril to the public health, safety or welfare by reducing the possibility of electrical power shortages during the emergency period.

STATUTORY AUTHORITY UNDER WHICH THE ACTION IS PROPOSED: Sec. 22a-174 and 22a-6k of the Connecticut General Statutes.

CERTIFICATION
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Be it known that the foregoing:

☐ 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 *___ 19 9, of the notice of the proposal to: *Emergency Regulation: No Publication

☐ Adopt ☐ Amend ☐ Repeal such regulations

(If applicable): ☐ And the holding of a public hearing on___day of_____19 9

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 6·17·96	SIGNED *(Head of Board, Agency or Commission)*	OFFICIAL TITLE, DULY AUTHORIZED Asst 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

☐ 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	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	SIGNED *(Secretary of the State.)*	BY

INSTRUCTIONS

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

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

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

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