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STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY

Environmental Protection

Concerning

Amendment of:

Section 22a-174-38, Municipal Waste Combustors

Section 1

Section 1. Section 22a-174-38(a) of the Regulations of Connecticut State Agencies is amended to read as follows:

(a) Definitions. For purposes of this section:

(1) "Calendar quarter" means a consecutive three-month period (nonoverlapping) beginning on January 1, April 1, July 1 or October 1.

(2) "Chief operator" means an individual who is in direct charge of the operation of a municipal waste combustor plant and who is responsible for overall on-site supervision, technical direction, management and performance of the plant.

(3) "Cofired combustor" means an emissions unit that combusts municipal solid waste with nonmunicipal solid waste fuel (e.g., coal, industrial process waste) and that is subject to a federally enforceable permit limiting the unit to combusting a fuel feed stream, thirty percent (30%) or less of the weight of which is composed, in the aggregate, of municipal solid waste as measured on a calendar quarter basis.

(4) "Continuous burning" means the continuous, semi-continuous or batch feeding of municipal solid waste for purposes of waste disposal, energy production or providing heat to the combustion system in preparation for waste disposal or energy production. Continuous burning does not include the use of municipal solid waste solely to provide thermal protection of the grate or hearth during the startup period when municipal solid waste is not being fed to the grate.

(5) "Continuous emission monitoring system" or "CEM system" means a monitoring system for continuously measuring the emissions of any pollutant from a MWC unit.

(6) "Dioxin/furan" means tetra-chlorinated dibenzo-p-dioxins and dibenzofurans through octa- chlorinated dibenzo-p-dioxins and dibenzofurans.

(7) "Dscf/mmBTU" means dry cubic feet at standard conditions per million British thermal unit.

(8) "F-factor," "fc" or "fd" means a ratio of combustion gas volumes to heat inputs either unit-specific or as defined in 40 CFR [Part] 60, Appendix A, Method 19.

(9) "Four-hour block average" or "4-hour block average" means the average of all hourly emission concentrations when a municipal waste combustor is operating and combusting municipal solid waste measured over 4-hour periods from midnight to 4 a.m., 4 a.m. to 8 a.m., 8 a.m. to noon, noon to 4 p.m., 4 p.m. to 8 p.m., and 8 p.m. to midnight.

(10) "Historical actual twenty-four hour daily NOx average" means one or more calendar years of CEM data from no earlier than 1994 or another period of data approved by the commissioner as representative of NOx emissions.

(11) "Malfunction" means any sudden, infrequent and not reasonably preventable failure of air pollution control equipment, process equipment or a process to operate in a normal or usual manner. A failure that is caused in part by poor maintenance or negligent or careless operation shall not be considered a malfunction.

(12) "Mass burn waterwall combustor" means a field-erected combustor that combusts primarily unprocessed municipal solid waste (i.e., municipal solid waste that is not processed-municipal solid waste) in a waterwall furnace.

(13) "Maximum demonstrated municipal waste combustor unit load" means the highest 4-hour BLOCK arithmetic average municipal waste combustor unit load achieved during four consecutive hours of operation that corresponds to a test run during the most recent dioxin/furan emissions performance test that demonstrates compliance with the applicable limit for dioxin/furan specified in subsection (c) of this section.

(14) "Maximum demonstrated particulate matter control device temperature" means the highest 4-hour BLOCK arithmetic average flue gas temperature measured at the particulate matter control device inlet during four consecutive hours of operation that corresponds to a test run during the most recent dioxin/furan emissions performance test that demonstrates compliance with the applicable limit for dioxin/furan specified in subsection (c) of this section.

(15)"mg/dscm" means milligrams of air pollutant per dry standard cubic meter.

(16) "MODIFICATION" MEANS "MODIFICATION OR MODIFIED MUNICIPAL WASTE COMBUSTOR UNIT" AS DEFINED IN 40 CFR 60.51b.

[(16)](17) "Municipal solid waste" means municipal solid waste as defined in section 22a-207 of the [general statutes] CONNECTICUT GENERAL STATUTES.

[(17)](18) "Municipal waste combustor," "municipal waste combustor unit" or "MWC" means any part or activity of any stationary source which part or activity emits or has the potential to emit any regulated air pollutant or any hazardous air pollutant, exclusive of associated air pollution control equipment, that combusts municipal solid waste, inclusive of those emissions units combusting a single-item waste stream of tires. Combustors that combust landfill gases collected by landfill gas collection systems are not municipal waste combustors.

[(18)](19) "Municipal waste combustor plant" or "plant" means any premises at which one or more municipal waste combustor units are situated.

[(19)](20) "Municipal waste combustor unit load" means the rate at which steam is produced at a municipal waste combustor (measured in lbs/hr or kg/hr).

[(20)](21) "ng/dscm" means nanograms of air pollutant per dry standard cubic meter.

[(21)](22) "NOx Emissions Reductions Credit" or "ERC" means an air pollutant reduction created in the nitrogen oxides emissions trading program described by this section.

[(22)](23) "NOx Trading Baseline" means that value, determined as specified in subsection (d) of this section, used to calculate the quantity of ERCs created or used by a MWC unit.

[(23)](24) "Ozone season" means the period of any calendar year beginning on May 1 and ending on September 30.

[(24)](25) "Premises" means the grouping of all stationary sources at any one location and owned by or under the control of the same person or persons.

[(25)](26) "Processed-municipal solid waste" means a type of municipal solid waste produced by sorting municipal solid waste by size and/or altering the size of municipal solid waste through mechanical means.

[(26)](27) "Processed-municipal solid waste combustor" means a steam-generating MWC that burns processed-municipal solid waste in a semisuspension firing mode using air-fed distributors.

[(27)](28) "Reciprocating grate waste tire fired incinerator/boiler" means a combustor that burns tires as its principal fuel.

[(28)](29) "Scf/mmBTU" means cubic feet at standard conditions per million British thermal unit.

[(29)](30) "Shift operator" means an individual who is in direct charge of the operation of a shift of a municipal waste combustor plant and who is responsible for on-site supervision, technical direction, management and overall performance of the plant during a shift.

[(30)](31) "Shutdown period" means the period of time commencing when a municipal waste combustor operator discontinues the feed of municipal solid waste to the combustor in order to cease operation.

[(31)](32) "Six-minute arithmetic average" or "6-minute arithmetic average" means the arithmetic mean calculated from thirty-six (36) or more data points equally spaced over each 6-minute period.

[(32)](33) "Standard conditions" means a temperature of 20 degrees centigrade and a pressure of 101.3 kilopascals.

[(33)](34) "Startup period" means that period of time commencing when a municipal waste combustor begins the continuous burning of municipal solid waste, exclusive of any warmup period when a municipal waste combustor is combusting fossil fuel or other nonmunicipal solid waste fuel, and no municipal solid waste is being fed to the combustor.

[(34)](35) "Total mass" or "total mass dioxin/furan" means the total mass of tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans, as determined using EPA Reference Method 23 and the procedures specified under [subdivision (4) of] subsection (i)(4) of this section.

[(35)](36) "Twenty-four hour daily average" means the arithmetic mean of all hourly emission concentrations as required by this section when a unit is operating and combusting municipal solid waste measured over a 24-hour period between midnight and the following midnight.

[(36)](37) "Twenty-four hour geometric average" means the geometric mean of hourly emission concentrations regulated by this section when a unit is operating and combusting municipal solid waste measured over a 24-hour period between midnight and the following midnight. The geometric mean shall be calculated using the following equation:

$$E_{ga} = e^{[\frac{1}{n}\sum_{j=1}^{n}[\ln(E_{hj})]]}$$

where:

E_{ga} = *daily geometric average pollutant concentration, corrected to 7% O_2 or equivalent percent CO_2;*

E_{hj} = *hourly arithmetic average pollutant concentration, corrected to 7% O_2 or equivalent percent CO_2;*

n = *total number of hourly averages for which pollutant concentrations are available within the 24 hour midnight to midnight daily period;*

ln = *natural log of the indicated value; and*

e = the natural logarithmic base (2.718) raised to the value enclosed by the brackets.

[(37)](38) "Waterwall furnace" means a combustion unit having energy (heat) recovery in the furnace (i.e., radiant heat transfer section) of the combustor.

Sec. 2. Section 22a-174-38(b)(2) of the Regulations of Connecticut State Agencies is amended to read as follows:

(2) [Physical] A PHYSICAL or operational [changes] CHANGE INCLUDING INSTALLATION OF CONTROL EQUIPMENT made to a municipal waste combustor primarily [for the purpose of complying with the requirements of this section are] TO COMPLY WITH ANY EMISSION STANDARD REQUIRED BY PERMIT, ORDER OR REGULATION IS not considered in determining whether the unit is a modified or reconstructed facility under [Subpart Ea or Subpart Eb of 40 CFR Part 60] THIS SECTION.

Sec. 3. Section 22a-174-38(c)(11) of the Regulations of Connecticut State Agencies is amended to read as follows:

(11) The emission limits [specified in this subsection] AND OPERATING REQUIREMENTS OF THIS SECTION shall apply at all times except during periods of startup, shutdown or malfunction as [specified] PROVIDED in this subdivision:

(A) The duration of each startup, shutdown or malfunction period shall be limited to three hours per occurrence for all MWC units [except mass burn refractory units for which the shutdown period shall be limited to eight hours per occurrence; and];

(B) [The provisions of subparagraph (A) of this subdivision shall not apply to opacity limits. However,] FOR THE PURPOSE OF COMPLIANCE WITH THE OPACITY EMISSION LIMITS, during each period of startup, shutdown or malfunction, the opacity limits shall not be exceeded during more than five (5) 6-minute arithmetic average measurements[.]; AND

(C) FOR DETERMINING COMPLIANCE WITH AN APPLICABLE CARBON MONOXIDE EMISSION LIMIT, IF A LOSS OF BOILER WATER LEVEL CONTROL OR A LOSS OF COMBUSTION AIR CONTROL IS DETERMINED TO BE A MALFUNCTION, THE DURATION OF THE MALFUNCTION PERIOD SHALL BE LIMITED TO FIFTEEN (15) HOURS PER OCCURRENCE.

Sec. 4. Section 22a-174-38(d)(6) of the Regulations of Connecticut State Agencies is amended to read as follows:

(6) Any MWC owner or operator intending to use ERCs pursuant to this subsection shall:

(A) No later than the first day of each calendar month, calculate, in tons, ERCs per month for each MWC unit, the projected maximum number of ERCs required for that calendar month using the formulas provided in subparagraph (E) of subdivision (4) of this subsection;

(B) No later than the first day of each calendar month, acquire a sufficient number of ERCs approved by the commissioner to match the quantity needed as determined according to subparagraph (A) of this subdivision. The quantity needed may be satisfied with unused ERCs created or acquired in previous months, subject to the restrictions of subparagraph (D) of this subdivision. Credits to be used during the ozone season must have been generated during the ozone season;

(C) No later than the twentieth day of each month, calculate and record the actual quantity of ERCs used in the preceding calendar month;

(D) Maintain documentation demonstrating that ERCs used during the ozone season were generated during an ozone season. An ERC generator certification shall be sufficient for such demonstration;

(E) Prior to May 1, 2001, any ERCs used for meeting the emission limits contained in subdivision (8) of subsection (c) of this section shall [BE] HAVE BEEN created within [the two (2) year period preceding the date] THE TWO CALENDAR YEARS PRECEDING THE YEAR of such ERC use; [and]

(F) On and after May 1, 2001, any ERCs used to meet the emission limits contained herein shall [be] HAVE BEEN created on or after May 1, 1999[.];

(G) AN ERC USED TO MEET THE EMISSION LIMITS CONTAINED HEREIN SHALL HAVE BEEN CREATED WITHIN THE FIVE CALENDAR YEARS PRECEDING THE YEAR OF SUCH ERC USE; AND

(H) FOR THE PURPOSES OF SUBPARAGRAPHS (E) THROUGH (G) OF THIS SUBDIVISION, AN ERC IS CONSIDERED CREATED IN THE SAME CALENDAR YEAR THE NOx EMISSION REDUCTION OCCURS AT A PLANT OR SOURCE.

Sec. 5. Section 22a-174-38(i)(2) of the Regulations of Connecticut State Agencies is amended to read as follows:

(2) Following the date that the initial performance tests for dioxin/furan, particulate matter, hydrogen chloride, cadmium, lead [and], mercury AND FUGITIVE ASH are completed, the owner or operator of a municipal waste combustor shall conduct an annual performance test for these pollutants no more than twelve (12) calendar months following the previous performance test.

Sec. 6. Section 22a-174-38(i)(4)(A) of the Regulations of Connecticut State Agencies is amended to read as follows:

(4) Each MWC owner or operator shall employ the following methodologies:

(A) Testing for particulate matter and opacity levels shall be conducted in accordance with the following procedures:

(i) 40 CFR [Part] 60, Appendix A, Reference Method 1 shall be used to select the sampling site and number of traverse points for particulate matter testing,

(ii) 40 CFR [Part] 60, Appendix A, Reference Method 3 shall be used for flue gas analysis for particulate matter testing,

(iii) 40 CFR [Part] 60, Appendix A, Reference Method 5 OR 29 shall be used for determining compliance with the particulate matter emission limit. FOR EACH METHOD 5 OR METHOD 29 TEST RUN: [The] THE minimum sample volume shall be 1.7 cubic meters[. The]; THE probe and filter holder heating systems in the sample train shall be set to provide a gas temperature no greater than 160 +/- 14 degrees centigrade[. An]; AND AN oxygen or carbon dioxide measurement shall be obtained simultaneously [with each Method 5 test run for particulate matter required under this section]. FOR EACH METHOD 29 TEST RUN, THE MINIMUM SAMPLE TIME SHALL BE TWO (2) HOURS,

(iv) 40 CFR [Part] 60, Appendix A, Reference Method 9 shall be used for determining compliance with the opacity emissions limit, except as provided under 40 CFR [Part] 60.11(e), and

(v) The compliance determination for particulate matter shall be based on an arithmetic average determined using all data generated in three (3) test runs as required by this section;

Sec. 7. Section 22a-174-38(j) of the Regulations of Connecticut State Agencies is amended to read as follows:

(j) Compliance monitoring.

(1) Continuous compliance with the emission limits specified in subsection (c) of this section for opacity, sulfur dioxide (SO_2), SO_2 reduction efficiency, nitrogen oxides (NOx) and carbon monoxide (CO) shall be determined based on continuous emission monitoring system data. No later than the applicable compliance date specified in subsection (m) of this section, the owner or operator of a municipal waste combustor shall install, operate and calibrate such continuous emission monitoring system in a manner acceptable to the commissioner and certify to the commissioner, in writing, that the equipment specifications for the continuous emission monitoring system have been and are being met. In addition to the aforementioned continuous monitoring systems, the owner or operator of a municipal waste combustor shall also install, operate, calibrate and maintain continuous monitoring systems for measuring the final particulate control device inlet temperature, municipal waste combustor unit load and the oxygen or carbon dioxide content of the flue gas at each location where carbon dioxide, sulfur dioxide or nitrogen oxide emissions are monitored, AND, IF ACTIVATED CARBON IS USED TO CONTROL DIOXIN/FURAN OR MERCURY EMISSIONS, THE CARBON FEED RATE. CEM systems shall meet the following requirements:

(A) Opacity monitors shall meet the applicable performance and quality assurance requirements of 40 CFR [Part] 60, Appendix B, Performance Specification 1; R.C.S.A. section 22a-174-4; and 40 CFR [section] 60.13;

(B) O_2 and CO_2 monitors shall meet the applicable performance and quality assurance requirements of 40 CFR [Part] 60, Appendix B, Performance Specification 3; 40 CFR [Part] 60, Appendix F, Procedure 1; and 40 CFR [section] 60.13;

(C) SO_2 monitors shall meet the applicable performance and quality assurance requirements of 40 CFR [Part] 60, Appendix B, Performance Specification 2; 40 CFR [Part] 60, Appendix F, Procedure 1; and 40 CFR [section] 60.13;

(D) NO_X monitors shall meet the applicable performance and quality assurance requirements of 40 CFR [Part] 60, Appendix B, Performance Specification 2; 40 CFR [Part] 60, Appendix F, Procedure 1; and 40 CFR [section] 60.13; [and]

(E) Carbon monoxide monitors shall meet the applicable performance and quality assurance requirements of 40 CFR [Part] 60, Appendix B, Performance Specification 4 or 4A (as applicable); 40 CFR [Part] 60, Appendix F, Procedure 1 and 40 CFR [section] 60.13[.];

(F) CONTINUOUS MONITORING SYSTEMS FOR MWC UNIT LOAD SHALL MEET THE REQUIREMENTS OF 40 CFR 60.1810(a); AND

(G) IF ACTIVATED CARBON IS USED TO CONTROL DIOXIN/FURAN OR MERCURY EMISSIONS, MONITORING OF THE CARBON FEED RATE SHALL MEET THE REQUIREMENTS OF 40 CFR 60.1820.

(2) A MWC owner or operator shall comply with the following minimum data requirements:

(A) Data available for gaseous and process CEMs shall not be less than ninety percent (90%) of the total operating hours in any one calendar quarter;

(B) Data available for opacity CEMs shall not be less than ninety-five percent (95%) of the total operating hours in any one calendar quarter;

(C) OBTAIN VALID 1-HOUR AVERAGES FOR SEVENTY-FIVE PERCENT (75%) OF THE OPERATING HOURS PER DAY FOR NINETY PERCENT (90%) OF THE OPERATING DAYS PER CALENDAR QUARTER DURING WHICH THE UNIT COMBUSTS ANY MUNICIPAL SOLID WASTE;

[(C)](D) At least three equally spaced data points per hour shall be used to calculate a one-hour average; [and]

[(D)](E) [The percentage of data available shall be calculated in accordance with the procedures specified on forms furnished or prescribed by the commissioner.] NOTIFY THE COMMISSIONER ACCORDING TO SUBSECTION (*l*)(3)(A)(v) OF THIS SECTION IN THE EVENT OF FAILURE TO OBTAIN THE MINIMUM DATA REQUIRED BY SUBPARAGRAPHS (A) AND (B) OF THIS SUBDIVISION; AND

(F) THE PERCENTAGE OF DATA AVAILABLE SHALL BE CALCULATED AS FOLLOWS:

(i) IN ACCORDANCE WITH THE PROCEDURES SPECIFIED ON FORMS FURNISHED OR PRESCRIBED BY THE COMMISSIONER, AND

(ii) USING ALL DATA OBTAINED FROM A CEM TO CALCULATE EMISSIONS CONCENTRATIONS AND PERCENT REDUCTIONS AS REQUIRED BY THIS SECTION REGARDLESS OF WHETHER THE MINIMUM DATA AVAILABILITY REQUIREMENTS OF SUBPARAGRAPHS (A) AND (B) OF THIS SUBDIVISION ARE OBTAINED.

(3) The mean difference criteria evaluation specified in 40 CFR [Part] 60, Appendix B, Performance Specification 4A shall be performed on the diluent corrected emission concentration values using the following equation:

$$\textit{Mean Difference} = |\bar{d}| + |cc| \leq 5\ ppm$$

$$\textit{where,}\ |\bar{d}| = \textit{absolute value of the mean of the differences}$$

$$|cc| = \textit{the confidence coefficient}$$

Sec. 8. Section 22a-174-38(k)(10) of the Regulations of Connecticut State Agencies is amended to read as follows:

(10) The test reports and supporting calculations documenting the results of all annual performance tests conducted to determine compliance with the emission limits specified in this section for particulate matter, [opacity,] cadmium, lead, mercury, dioxin/furan emissions, hydrogen chloride[,] and fugitive ash shall be recorded. The maximum demonstrated municipal waste combustor unit load and maximum demonstrated particulate matter control device temperature (for each particulate matter control device) shall be recorded for each performance test for dioxin/furan emissions. The relationship between carbon dioxide and oxygen concentrations shall be recorded if the relationship is reestablished during the annual performance test.

Sec. 9. Section 22a-174-38(*l*) of the Regulations of Connecticut State Agencies is amended to read as follows:

(*l*) Reporting requirements.

(1) The MWC owner or operator shall submit an initial performance test report to the commissioner within sixty (60) days after the date of completion of the initial performance test as specified in subsection (i) of this section. Such an initial test report shall include the following:

(A) The initial performance test data for sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load and particulate matter control device inlet temperature;

(B) The initial performance test data for particulate matter, opacity, cadmium, lead, mercury, dioxin/furan, hydrogen chloride[,] and fugitive ash emissions. Dioxin/furan emissions shall be reported in the following units:

(i) ng/dscm total mass, corrected to seven percent oxygen or equivalent percent carbon dioxide, and

(ii) picograms per cubic meter, corrected to 12% CO_2 using 32 degrees Fahrenheit and 29.92 inches Hg as normal conditions, using the Toxic Equivalency Factors specified in [subdivision (22) of section 22a-174-1] SECTION 22a-174-1(29) of the Regulations of Connecticut State Agencies;

(C) The performance evaluation for the continuous emission monitoring system using the applicable performance specifications and procedures cited in subsection (j) of this section;

(D) The maximum demonstrated municipal waste combustor unit load and maximum demonstrated particulate matter control device inlet temperature(s) established during the initial dioxin/furan performance test;

(E) For those units for which the relationship between carbon dioxide and oxygen is established as required by [subdivision (12) of] subsection (c)(12) of this section, the owner or operator shall submit the results of the tests establishing the relationship, including test results, identification of the unit test, the date and time of each test run, and, as necessary, a schedule for making the appropriate modifications to the CEM system to incorporate the equivalent % CO_2 correction factor;

(F) For units that apply activated carbon injection for mercury control, the owner or operator shall submit the average carbon mass feed rate recorded under [subdivision (11) of] subsection (k)(11) of this section; and

(G) For those units that apply activated carbon injection for dioxin/furan control, the owner or operator shall submit the average carbon mass feed rate recorded.

(2) The MWC owner or operator shall submit a quarterly report to the commissioner within thirty (30) days following the end of each calendar quarter in which the data were collected. The first quarterly report shall be submitted within thirty (30) days following the end of the calendar quarter in which the initial performance test is conducted. Each quarterly report shall include the following:

(A) All emissions data recorded pursuant to this section during the calendar quarter;

(B) Each calendar date during the calendar quarter reported when any of the average emission concentrations, percent reductions, operating parameters or opacity levels recorded exceeded the applicable limit identified in this section; the reasons the limit was exceeded and a description of the corrective actions taken;

(C) FOR MWCs EQUIPPED WITH ACTIVATED CARBON INJECTION SYSTEMS FOR MERCURY OR DIOXIN/FURAN EMISSIONS CONTROL, THE FOLLOWING INFORMATION:

(i) Identification of the calendar dates DURING THE CALENDAR QUARTER REPORTED when average carbon mass feed rates were less than either of the hourly carbon feed rates estimated during mercury or dioxin/furan emissions tests, and the rates recorded. The reasons for such feed rates and a description of the corrective actions taken shall also be reported,

(ii) THE TOTAL CARBON PURCHASED FOR AND DELIVERED TO THE MWC PLANT OR PURCHASED FOR AND DELIVERED TO EACH MWC UNIT FOR THE REPORTED CALENDAR QUARTER, AND

(iii) THE REQUIRED USAGE OF CARBON FOR THE REPORTED CALENDAR QUARTER FOR THE MWC PLANT OR FOR EACH MWC UNIT AT THE PLANT, CALCULATED USING EQUATION 4 OR 5 OF 40 CFR 60.1935(f); and

(D) The data and results of any CEM quality assurance testing conducted pursuant to this section.

(3) Except as set forth in subparagraph (D) of this subdivision, the MWC owner or operator shall submit an annual report to the commissioner no later than January 30 of each year following the calendar year in which the data were collected. The first annual report shall be submitted no later than January 30 of the first year following the end of the calendar year in which the initial performance test is conducted. Each annual report shall include the following:

(A) A summary of data collected for each pollutant regulated under this section and all applicable parameters, as follows:

(i) A list of the particulate matter, opacity, cadmium, lead, mercury, dioxin/furan, hydrogen chloride[,] and fugitive ash emission levels achieved during all initial and annual performance tests. Dioxin/furan emissions shall be reported as required in subparagraph (B) of subdivision (1) of this subsection,

(ii) A list of the highest emission level recorded for sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load, and particulate matter control device inlet temperature based on the data recorded for 24-hour daily geometric averages, 24-hour daily arithmetic averages, 4-hour block averages or 4-hour block arithmetic averages, as applicable, for the aforementioned pollutants,

(iii) The highest six-minute average opacity level measured,

(iv) The relationship between carbon dioxide and oxygen, if such relationship is reestablished, including test results, identification of the units tested and the date and time of each test run, and, as necessary, a schedule for making the appropriate modifications to the CEM system to incorporate the equivalent % CO_2 correction factor,

(v) The total number of days that the minimum number of hours of data for sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load [and], particulate matter control device temperature [data] AND, AS APPLICABLE, CARBON MASS FEED RATE were not obtained, and

(vi) The total number of hours that data for sulfur dioxide, nitrogen oxides, carbon monoxide, municipal waste combustor unit load, [and] particulate matter control device temperature AND, AS APPLICABLE, CARBON MASS FEED RATE were excluded from the calculation of average emission concentrations or parameters;

(B) The information required by subparagraphs (A)(i), (A)(ii) and (A)(iii) of this subdivision for the previous calendar year;

(C) The data summaries required by subparagraphs (A) and (B) of this subdivision shall highlight any emission or parameter levels that did not achieve the emission or parameter limits specified under this section; and

(D) If a MWC owner or operator is subject to more stringent annual reporting requirements pursuant to a permit issued under Title V of the [Clean Air] Act [and] OR section 22a-174-33 of the Regulations of Connecticut State Agencies, those requirements shall supersede the requirements of this subsection.

(4) At least ninety (90) days before any MWC owner or operator plans to conduct any performance test required under this subsection, such owner or operator shall submit a performance test plan for review and written approval of the commissioner. Such plan shall contain, at a minimum, the following information:

(A) sampling locations;

(B) test methods;

(C) sampling protocols;

(D) sample analysis procedures; and

(E) any other information required by the commissioner.

(5) The MWC owner or operator shall provide written notification to the commissioner three (3) business days prior to conducting any performance test required under this subsection.

(6) The MWC owner or operator shall provide written notification to the commissioner within seventy-two (72) hours of the time at which such owner or operator receives information regarding performance test results indicating that any particulate matter, opacity, cadmium, lead, mercury, dioxin/furan, hydrogen chloride or fugitive ash emission levels exceed the applicable pollutant emission limits or standards defined in this section.

(7) Any report required to be submitted to the commissioner by this section must include a certification signed by a responsible corporate officer or a duly authorized representative of such officer, as those terms are defined in [subdivision (2) of subsection (b) of] section 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual or individuals responsible for actually preparing such document, each of whom shall examine and be familiar with the information submitted in the document and all attachments thereto, and shall make inquiry of those individuals responsible for obtaining the information to determine that the information is true, accurate, and complete, and each of whom shall certify in writing as follows:

> "I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information may be punishable as a criminal offense under section 22a-175 of the Connecticut General Statutes or, in accordance with section 22a-6 of the Connecticut General Statutes, under section 53a-157b of the Connecticut General Statutes, and in accordance with any other applicable statute."

(8) The MWC owner or operator shall submit all reports and notifications required by this subsection on forms furnished or prescribed by the commissioner.

(9) The MWC owner or operator shall submit all reports specified under this subsection as a paper copy, with supporting data in either paper or electronic format, postmarked on or before the submittal dates specified in this subsection, and maintain such reports at the premises as a paper copy with any supporting data in the format submitted for a period of five (5) years from the date of submission to the commissioner.

Statement of Purpose: This amendment serves the following purposes:

- To conform various requirements to the Environmental Protection Agency's (EPA's) emission guidelines for small municipal waste combustors in 40 CFR 60 Subpart BBBB. To conform recordkeeping requirements to emission guidelines for large municipal waste combustors in 40 CFR 60 Subpart Cb;
- To revise subsections (a) and (b) to state more clearly that the addition of control equipment to a municipal waste combustor constructed prior to September 20, 1994 is not a change that makes such a combustor subject to the standards for combustors built after September 20, 1994;
- To add restrictions on the life span of oxides of nitrogen (NOx) emissions reductions credits used in the section's NOx emissions trading program;
- To conform the duration of the shutdown period during certain malfunctions to revisions by EPA in 66 Federal Register 57824;
- To revise internal citations to be consistent with the adoption of R.C.S.A. sections 22a-174-2a and 22a-174-3a, and the amendment of section 22a-174-33, concerning respectively, the new source review and Title V operating permit programs; and
- To revise the format of certain internal references to match current Department usage.

CERTIFICATION

Be it known that the foregoing:

Are: [x] Regulations ☐ Emergency Regulations

☐ Adopted [x] Amended as hereinabove stated ☐ Repealed

By the aforesaid agency pursuant to:

[x] 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 April 8, 2003 of the notice of the proposal to:

☐ Adopt [x] Amend ☐ Repeal such regulations

(If applicable): [x] And the holding of a public hearing on the 15th day of May 2003

WHEREFORE, the foregoing regulations are hereby:

☐ Adopted [x] Amended as herein above stated ☐ Repealed

Effective:

[x] When filed with the Secretary of State.

(OR)

☐ The __ day of _____ 200__.

	DATE	SIGNED *(Head of Board, Agency or Commission)*	OFFICIAL TITLE, DULY AUTHORIZED
In Witness Whereof:	10/02/03	Arthur J. Rocque, Jr.	Commissioner

	DATE	SIGNED	OFFICIAL TITLE, DULY AUTHORIZED
Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:	11/05/03	William B. Gundling	Assoc. Attorney Gener

[x] Approved

☐ Disapproved

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

☐ Rejected without prejudice.

	DATE	SIGNED	OFFICIAL TITLE
By the Legislative Regulation Review Committee pursuant to Sec. 4-170 amended, of the General Statutes.	01/27/04	Pamela B. Booth	Clerk

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 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 Statut

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.

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

February 5, 2004

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

RECEIVED
FEB 1 7 2004
OFFICE OF BUREAU CHIEF
WASTE MANAGEMENT

Re: Agency Regulation Concerning:
MUNICIPAL WASTE COMBUSTORS
Regulation Review Committee Docket Number: 2003-066
Secretary of the State File Number: 5479

Dear Commissioner Rocque:

This is to acknowledge receipt of two certified copies of the above referenced regulation issued by your department.

Said regulation was received and filed in this office on February 2, 2004. The effective date of this regulation is February 2, 2004.

One of the two copies has been forwarded to the Commission on Official Legal Publications as required by law.

Sincerely,

Michael T. Kozik, Esq., Managing Attorney
Legislation and Elections Administration Division

RECEIVED
FEB 1 7 2004
DEPT. OF ENVIRONMENTAL PROTECTION
OFFICE OF DEPUTY COMMISSIONER
AIR WASTE AND WATER

CC: Commission on Official Legal Publications (Letter and Copy of Regulation)

File

FILE COPY

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MEMORANDUM

To: Michael T. Kozik, Managing Attorney
Lead Division
Office of the Secretary of the State
30 Trinity Street, Hartford, CT

From: Merrily A. Gere, Environmental Analyst MAG
Department of Environmental Protection
Bureau of Air Management
79 Elm Street, Hartford, CT

Re: ***Abatement of Air Pollution Regulations***

Date: February 2, 2004

In accordance with the provisions of Connecticut General Statutes (C.G.S.) section 4-172, enclosed please find the original and two copies of a new amendment to the Regulations of Connecticut State Agencies (R.C.S.A.) by the Department of Environmental Protection. This amendment revises R.C.S.A. section 22a-174-38, municipal waste combustors. To facilitate your procedures, I have also enclosed a diskette containing this amendment in Microsoft Word format.

The Legislative Regulations Review Committee approved this amendment with technical correction on January 27, 2004. The correspondence from the committee confirming this action is also enclosed. The enclosed version of the amendment is corrected as indicated in the enclosed correspondence.

If you have any questions regarding this amendment, please call me at 424-3416. Thank you for your assistance in this matter.

Enclosures

RECEIVED
FEB 2 2004
LEGIS. & ELECTIONS ADMIN. DIV.
SECRETARY OF THE STATE