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

Environmental Protection

Concerning

MAY 29 11 58 AM '07
SECRETARY OF THE STATE
ELECTIONS DIVISION

Amendment of Section 22a-174-3a
Mercury Emissions from Coal-Fired Electric Generating Units

Section 22a-174-3a of the Regulations of Connecticut State Agencies is amended by adding subsection (n), as follows:

(NEW)

(n) Permit requirements for mercury emissions from coal-fired electric generating units.

(1) Definitions. For purposes of this subsection, the following definitions shall apply. Any term not defined in this subsection shall be as defined in 40 CFR 60.24(h)(8), as amended on June 9, 2006:

(A) "Coal-fired electric generating unit" means "electric generating unit" as defined in 40 CFR 60.24(h)(8).

(B) "Existing coal-fired electric generating unit" means any one of the following coal-fired electric generating units: Bridgeport Harbor Station unit 3 in Bridgeport, AES Thames unit 1 in Montville or AES Thames unit 2 in Montville.

(C) "New coal-fired electric generating unit" means any coal-fired electric generating unit that is not an existing coal-fired electric generating unit.

(D) "State mercury mass emissions cap" means, for the period beginning January 1, 2010 through December 31, 2017, 106 pounds of mercury per calendar year, and, beginning January 1, 2018, 42 pounds of mercury per calendar year.

(2) In addition to the information specified in subsection (c) of this section, the owner or operator of a coal-fired electric generating unit subject to the provisions of this section shall include the components specified in this subdivision in any permit application to construct, reconstruct, modify or operate:

(A) Enforceable requirements to limit the annual emission of gases containing mercury from the commencement of operation on a calendar year basis, including:

(i) Mercury emissions limitations consistent with section 22a-199 of the Connecticut General Statutes,

(ii) A cap (in pounds) for the annual mercury emissions from the coal-fired electric generating unit or units that are the subject of the application, and

(iii) Additional requirements determined by the Commissioner as necessary to comply with the state mercury mass emissions cap;

(B) Provisions that satisfy the designated representative requirements of 40 CFR 60.4110 through 60.4114, as specified in subparagraph (E) of this subdivision;

(C) Provisions that satisfy the testing, monitoring and reporting requirements of section 22a-199(b)(3) and (4) of the Connecticut General Statutes;

(D) As of January 1, 2009, to determine compliance with the emissions limitations of subdivision (2)(A) of this subsection, monitoring, recordkeeping and reporting requirements that satisfy:

(i) 40 CFR 75, with regard to mercury mass emissions, and

(ii) 40 CFR 60.4170 through 60.4176, as specified in subparagraph (E) of this subdivision;

(E) The requirements in 40 CFR 60 referenced in this subdivision shall be applied, as follows:

(i) The term "Hg budget unit" as used in 40 CFR 60.4170 through 60.4176 shall be deemed to refer to "coal-fired electric generating unit,"

(ii) As used in 40 CFR 60.4110 through 60.4114: "Hg Budget source" shall be deemed to refer to "facility that includes one or more coal-fired electric generating units," "Hg Budget unit" shall be deemed to refer to "coal-fired electric generating unit," "Hg Budget Trading Program" shall be deemed to refer to "section 22a-174-3a(n)(2)(F)" and "Hg Budget permit" shall be deemed to refer to "permit to construct, reconstruct or operate," and

(iii) The provisions concerning "Hg Allowance Tracking System account," "Hg allowances," "proceeds of transactions involving Hg allowances," 40 CFR 60.4102 and 40 CFR 60.4151, when made in 40 CFR 60.4110 through 60.4114, shall not be applicable to coal-fired electric generating units subject to this subsection; and

(F) Additional requirements determined by the Commissioner as necessary to determine compliance with the mercury emissions limitations of subdivision (2)(A) of this subsection, including, on and after July 1, 2008, installation and operation of a continuous emissions monitoring system.

(3) No permit for a coal-fired electric generating unit shall be granted pursuant to this section unless the sum of the applicable annual mercury emissions caps of the following units does not exceed the applicable state mercury mass emissions cap:

(A) The unit or units addressed by the permit application(s) under consideration;

(B) Each new coal-fired electric generating unit previously issued a permit under this subsection; and

(C) Each existing coal-fired electric generating unit in the state.

Statement of Purpose: The primary purpose of this amendment is to address some of the Department's obligations under the federal Clean Air Mercury Rule or CAMR (70 FR 28606, May 18, 2005; *on reconsideration* 71 FR 33388, June 9, 2006), which requires each state to submit a plan to the United States Environmental Protection Agency (EPA) indicating how the state will regulate mercury emissions from coal-fired electric generating units (EGUs). The amendment achieves this purpose by adding a new subsection to the Department's federally approved new source review (NSR) permitting program. Under proposed subsection (n), no person will be granted a permit to construct and operate a coal-fired EGU, or modify an existing coal-fired EGU, unless such an EGU can be operated so that the state will remain in compliance with the state mercury emissions caps assigned under CAMR. Proposed subsection (n) includes emissions limits consistent with section 22a-199 of the Connecticut General Statutes and monitoring, recordkeeping and reporting required under CAMR. Upon adoption, this amendment will be submitted to EPA as a component of the CAMR state plan.

CERTIFICATION
R-39 REV. 1/77

Be it known that the foregoing:

☒ Regulations ☐ Emergency Regulations

Are:

☐ Adopted ☒ Amended as herinabove 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 26th 20 06, of the notice of the proposal to:

☐ Adopt ☒ Amend ☐ Repeal such regulations

(If applicable): ☒ And the holding of an advertised public hearing on the 31st day of October 2006

WHEREFORE, the foregoing regulations are hereby:

☐ Adopted ☒ Amended as herinabove stated ☐ Repealed

Effective:

☒ When filed with the Secretary of the State

(OR)

☐ The _____ day of _____ 20 ____

Witness Whereof:	DATE	SIGNED *(Head of Board, Agency or Commission)*	OFFICIAL TITLE, DULY AUTHORIZED
	3/12/07	Amy Marella	Deputy 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
3/22/07	[illegible]	ASSOC. ATTY. GENERAL

☒ 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 Statues	DATE	SIGNED *(Clerk of the Legislative Regulation Review Committee)*
	5/22/07	Pamela B Booth

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 Statues
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 underlined or in capital letters and deleted language in brackets. Section 4-179 of the General Statutes.

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

Susan Bysiewicz
Secretary of the State

Lesley D. Mara
Deputy Secretary of the State

RECEIVED

JUN 6 - 2007

DEPT. OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER

June 1, 2007

Hon. Gina McCarthy, Commissioner
Department of Environmental Protection
79 Elm Street
Hartford, CT 06105

Re: Agency Regulation Concerning:

Amendment of Section 22a-174-3a; Mercury Emissions from Coal-Fired Electric Generating Units

Regulation Review Committee Docket Number: 2007-028
Secretary of the State File Number: 5775

Dear Commissioner McCarthy:

This is to acknowledge receipt of two certified copies of the above referenced regulation issued by the Department of Environmental Protection.

We request that you please forward the original or a copy of this acknowledgement letter to your agency's Legal Services Department for its files.

Said regulation was received and filed in this office on May 29, 2007. The effective date of this regulation is May 29, 2007.

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

Sincerely,

Barbara Sladek
RLS Assistant Coordinator
860-509-6147

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

File