Sec. 3. Section 22a-174-33(a)(10) of the Regulations of Connecticut State Agencies is amended as follows:

(10) "Title V source" means any premises at, in, or on which any of the following is located:

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

(B) Any stationary source subject to 40 CFR 62, 63 or 68;

(C) Any stationary source subject to 40 CFR 72 to 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 the control of the same person or persons and which in the aggregate emit, or have the potential to emit, including fugitive emissions, ten (10) tons or more per year of any hazardous air pollutant, or twenty-five (25) tons or more per year of any combination of hazardous air pollutants; or

(F) Any one or more stationary sources, which are located on one or more contiguous or adjacent properties under the control of the same person or persons and which belong to the same two-digit Standard Industrial Classification code, as published by the United States Office of Management and Budget in the Standard Industrial Classification Manual of 1987, and which in the aggregate emit, or have the potential to emit [air pollutants,] <u>any air pollutant,</u> including fugitive emissions, from those categories of sources listed in [(2)(i) to (xxvii)] <u>subdivision (2)</u> in the definition of "major source" in 40 CFR 70.2 <u>as of August 2, 2010</u>, of:

(i) one hundred (100) tons or more per year of any regulated air pollutant <u>that is not a GHG,</u>

(ii) fifty (50) tons or more per year of volatile organic compounds or nitrogen oxides in a serious ozone non-attainment area, [or]

(iii) twenty-five (25) tons or more per year of volatile organic compounds or nitrogen oxides in a severe ozone non-attainment area[; and] <u>, or</u>

<u>(iv) 100,000 tons or more per year of GHG (CO_2e basis) and 100 tons or more per year of GHG (mass basis); and</u>

(G) Notwithstanding the provisions of subparagraph (F) of this subdivision, any landfill containing only municipal solid waste, as that term is defined in section 22a-207(23) of the Connecticut General Statutes, shall not be considered a Title V source unless such landfill<u>:</u> [is subject to any applicable requirement identified in subparagraph (B) or (D) of this subdivision.]

<u>(i) is subject to any applicable requirement identified in subparagraph (B) or (D) of this subdivision, or</u>

<u>(ii) emits, or has the potential to emit, equal to or greater than:</u>

<u>(I) one hundred (100) tons per year of GHG (mass basis), and</u>

<u>(II) 100,000 tons per year of GHG (CO_2e basis).</u>

Sec. 4. Section 22a-174-33(d)(1) and (2) of the Regulations of Connecticut State Agencies is amended as follows:

(1) In lieu of requiring an owner or operator of a Title V source described in subsection (a)(10)(E) or (F) of this section to obtain a Title V permit, the commissioner may, by permit or by order, limit all aggregate potential emissions of regulated air pollutants from such premises 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) 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 pursuant to 40 CFR 63[.] ; or

(E) 100,000 tons per year of CO2e.

(2) A permit or order issued pursuant to this subsection shall require the owner or operator of the subject premises to:

(A) Limit potential emissions at such premises to less than the amounts specified in subparagraphs (A) to [(D)] (E), inclusive, of subdivision (1) of this subsection;

(B) Conduct monitoring, recordkeeping, or a combination of monitoring and recordkeeping sufficient to ensure compliance with such permit;

(C) Maintain all records required by such permit or order at the premises for five (5) years after the creation of such records and make such records available, upon request, to the commissioner;

(D) Submit compliance certifications to the commissioner pursuant to subdivision (q)(2) of this section; and

(E) Comply with every term, emission limitation, condition, or other requirement of such permit or order, including the requirements that the terms, limitations and conditions of such permit or order are binding and legally enforceable, and that the emissions allowed are quantified.

Sec. 5. Section 22a-174-3a(a)(1) of the Regulations of Connecticut State Agencies is amended as follows:

(1) Applicability. Prior to beginning actual construction of any stationary source or modification not otherwise exempted in accordance with subdivision (2)(A) to (C) of this subsection, the owner or operator shall apply for and obtain a permit to construct and operate under this section for any:

(A) New major stationary source;

(B) Major modification;

(C) New or reconstructed major source of hazardous air pollutants subject to the provisions of subsection (m) of this section;

(D) New emission unit with potential emissions of fifteen (15) tons or more per year of any individual air pollutant;

(E) Modification to an existing emission unit which increases potential emissions of any individual air pollutant from such unit by fifteen (15) tons or more per year;

(F) Stationary source or modification that becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant; [or]

(G) Incinerator for which construction commenced on or after June 1, 2009, except if such incinerator is used:

(i) for the primary purpose of reducing, controlling or eliminating air pollution, or

(ii) as a solid waste incineration unit subject to an emission guideline issued pursuant to Section 129 of the Act; [.]

(H) New stationary source that emits, or has the potential to emit, equal to or greater than 100,000 tons per year of CO2e and one hundred (100) tons per year of greenhouse gases;

(I) Major stationary source when such major stationary source undertakes a physical change or change in the method of operation that will result in a net emissions increase that is equal to or greater than 75,000 tons per year CO2e; or

(J) Stationary source that emits, or has the potential to emit, equal to or greater than 100,000 tons per year of CO2e and one hundred (100) tons per year of greenhouse gases, when such stationary source undertakes a physical change or change in the method of operation that will result in a net emissions increase that is equal to or greater than 75,000 tons per year CO2e.

Sec. 6. Section 22a-174-3a(d)(3) of the Regulations of Connecticut State Agencies is amended as follows:

(3) Before issuance of a permit or permit modification, the owner or operator shall demonstrate, to the satisfaction of the commissioner, that, with respect to the construction and operation of the subject stationary source or modification, the owner or operator shall:

(A) Construct and operate such stationary source or modification in accordance with the permit, and operate such stationary source or modification in accordance with all applicable and relevant emission limitations, statutes, regulations, schedules for stack tests, and other order of the commissioner. In the event a conflict exists between the permit and another state or federally enforceable statute, regulation or order of the commissioner, the most stringent provision shall apply;

(B) Operate such stationary source or modification without preventing or interfering with the attainment or maintenance of any applicable ambient air quality standards or any Prevention of Significant Deterioration increments under subsection (k) of this section;

(C) Operate such stationary source or modification without preventing or interfering with the attainment or maintenance of any National Ambient Air Quality Standard in any other state and without interfering with the application of the requirements in any other state's implementation plan, adopted pursuant to section 110 of the Act;

R-39 Rev. 9/2003
(Certification page)

CERTIFICATION

Be it known that the foregoing: (check one) ☒ 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 ____ (enter year) Public Acts.

☐ Public Act Number _____ of the _____ (enter year) Public Acts.

(If applicable) **After Publication in the *Connecticut Law Journal* on** September 14, 2010 (enter publication date) **of the notice of proposal to:**

☐ Adopt ☒ Amend ☐ Repeal **such regulations**

(If applicable) **And the holding of an advertised public hearing on** October 18, 2010 (enter date)

WHEREFORE, the foregoing regulations are hereby:

☐ Adopted ☒ Amended as hereinabove stated ☐ Repealed

EFFECTIVE: (check one, and complete as applicable)

☒ When filed with the Secretary of the State

(OR)

☐ The ____ day of _____ 20__.

	DATE	SIGNED *(Head of Board, Agency or Commission)*	OFFICIAL TITLE, DULY AUTHORIZED
In Witness Whereof:	12/3/10	Amey Marcella	Commissioner
Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4--169, as amended, of C.G.S.	DATE 12/14/10	SIGNED	OFFICIAL TITLE, DULY AUTHORIZED Joseph Rubin ASSOC. ATTY. GENERAL

For Regulation Review Committee Use Only

☐ Approved

☐ Disapproved

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

☐ Rejected without prejudice.

	DATE	SIGNED *(Administrator, Legislative Regulation Review Committee)*
By the Legislative Regulation Review Committee in accordance with Section 4-170, as amended, of the General Statues	1/25/2011	Pamela B Booth, Admin

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.
5. Additional information regarding rules and procedures of the Legislative Regulation Review Committee can be found on the Committee's web site: http://www.cga.ct.gov/rr/

SECRETARY OF THE STATE
LEGISLATION & ELECTIONS
ADMINISTRATION DIVISION
2011 JAN 28 P 12: 23

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

DENISE W. MERRILL
Secretary of the State
JAMES FIELD SPALLONE
Deputy Secretary of the State

January 28, 2011

Amey W. Marrella, Commissioner
Department of Environmental Protection
79 Elm Street
Hartford, CT 06105

Re: Agency Regulation Concerning:

Amendment of Sections 22a-174-1, 22a-174-33 and 22a-174-3a (Abatement of Air Pollution - Greenhouse Gas Emissions)

Regulation Review Committee Docket Number: 2011-002
Secretary of the State File Number: 6014

Dear Commissioner Marrella:

This is to acknowledge receipt of two copies of the above referenced regulation issued by the Department of Environmental Protection. One of the two copies has been forwarded to the Commission on Official Legal Publications as required by law.

Said regulation was received and filed in this office on January 28, 2011. The effective date of this regulation is January 28, 2011.

We request that you please forward the original or a copy of this acknowledgement letter to your agency's legal services department, and/or to the agency department responsible for adopting the regulation, for its files.

Sincerely,

Barbara Sladek
RLS Assistant Coordinator
860-509-6147

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

File