the permit issued pursuant to this subsection is at least as stringent as that required by the applicable emission standard promulgated by the Administrator pursuant to section 112(d) or 112(h) of the Act as determined by the commissioner.

Sec. 4 The Regulations of Connecticut State Agencies are amended by adding section 22a-174-3b as follows:

(NEW)

Section 22a-174-3b. Exemptions from permitting for construction and operation of external combustion units, automotive refinishing operations, emergency engines, nonmetallic mineral processing equipment and surface coating operations.

(a) **Definitions.** For the purposes of this section:

(1) "As applied" means a coating prepared according to a manufacturer's mixing instructions, including all components such as dilution solvents and reactive constituents, and prepared at the time of application to a substrate;

(2) "Automobile" means a passenger car, van, motorcycle, truck or any other motorized vehicle for transportation;

(3) "Automotive refinishing operation" means the processes performed to apply a new surface to the pre-existing coat or paint on an automobile or automotive component, including but not limited to surface preparation, primer application, topcoat application and applicator cleaning;

(4) "Electrostatic application" means the application of charged atomized paint droplets by electrostatic attraction;

(5) "Emergency" means "emergency" as defined in section 22a-174-22 of the Regulations of Connecticut State Agencies;

(6) "Emergency engine" means "emergency engine" as defined in section 22a-174-22 of the Regulations of Connecticut State Agencies;

(7) "Existing stationary source" means a stationary source for which a permit to control emissions to the air has been issued by the Department;

(8) "External combustion unit" means a device that combusts only natural gas, propane or fuel oil, which is not a stationary internal combustion engine or turbine, and includes, but is not limited to, a boiler, heater, drying oven, curing oven or furnace;

(9) "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, excluding hydrogen sulfide and caprolactum;

(10) "Nonmetallic mineral" means "nonmetallic mineral" as defined in 40 CFR 60.671;

(11) "Nonmetallic mineral processing equipment" means any crusher, grinding mill, screening operation, bucket elevator, belt conveyer, bagging operation, storage bin or other equipment used to crush or grind any nonmetallic mineral at a nonmetallic mineral processing plant;

(12) "Nonmetallic mineral processing plant" means "nonmetallic mineral processing plant" as defined in 40 CFR 60.671;

(13) "Pre-existing coat or paint" means a surface covering or coating applied to an automobile or automotive component at an automotive manufacturing facility;

(14) "Spray booth" means a building, a room within a building or a partitioned area within a room housing automatic or manual spray application equipment, that is used to apply coatings;

(15) "Surface coating operation" means a process used to apply a layer of material including spray painting, dip coating, roller coating, and electrostatic deposition, but exclusive of printing, publishing or packaging operations;

(16) "Tune-up" means to perform maintenance and adjust equipment to proper or required operating condition; and

(17) "Twelve (12) month rolling aggregate" means the sum of the total fuel use, actual emissions, coating use, solvent use or actual operating time calculated for each month by adding the current month's fuel use, actual emissions, coating use, solvent use or actual operating time to those of the previous eleven months.

(b) Applicability.

(1) The owner or operator of a stationary source that is an external combustion unit, an automotive refinishing operation, a nonmetallic mineral processing equipment, an emergency engine or a surface coating operation may construct and operate such source without obtaining a general permit for such source issued pursuant to section 22a-174(l) of the Connecticut General Statutes or a permit pursuant to section 22a-174-3a of the Regulations of Connecticut State Agencies if:

(A) The source is an emission unit with potential emissions of fifteen (15) tons or more per year of any individual air pollutant;

(B) The source is not a new major stationary source;

(C) The source is not a newly constructed or reconstructed major source of hazardous air pollutants subject to the requirements of section 22a-174-3a(m) of the Regulations of Connecticut State Agencies; and

(D) The owner or operator complies with all applicable provisions of this section.

(2) The owner or operator of an existing stationary source that is an external combustion unit, an automotive refinishing operation, a nonmetallic mineral processing equipment, an emergency engine or a surface coating operation may modify such source without obtaining a general permit for such source issued pursuant to section 22a-174(l) of the Connecticut General Statutes or a permit pursuant to section 22a-174-3a of the Regulations of Connecticut State Agencies if:

(A) The source is a 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;

(B) At the time of modification, the source is not authorized to operate pursuant to an individual permit issued pursuant to section 22a-174-3a or former section 22a-174-3 of the Regulations of Connecticut State Agencies;

(C) The modification is not a major modification to an existing major stationary source; and

(D) The owner or operator complies with all applicable provisions of this section.

(3) The requirements of this section do not apply to those sources operating in compliance with section 22a-174-3c of the Regulations of Connecticut State Agencies.

(c) External combustion unit.

(1) The owner or operator of an external combustion unit shall properly maintain equipment and operate such unit in accordance with the following requirements:

(A) Maximum rated heat input shall not exceed the following limitations:

(i) 50 MMBtu/hr for sources burning gaseous fuels,

(ii) 25 MMBtu/hr for sources burning distillate fuel oil, and

(iii) 15 MMBtu/hr for sources burning residual fuel oil;

(B) Fuel use shall not exceed the following limitations:

(i) natural gas usage shall not exceed 214 million cubic feet in any twelve (12) month rolling aggregate,

(ii) propane usage shall not exceed 1.57 million gallons in any twelve (12) month rolling aggregate,

(iii) distillate fuel oil usage shall not exceed 704,000 gallons in any twelve (12) month rolling aggregate,

(iv) residual fuel oil usage shall not exceed 191,000 gallons in any twelve (12) month rolling aggregate, and

(v) use of any combination of the fuels listed in subparagraphs (B)(i) to (B)(iv) of this subdivision shall not result in emissions of any individual air pollutant greater than fifteen (15) tons per year in any twelve (12) month rolling aggregate;

(C) Fuel content shall be as follows:

(i) any residual fuel oil used shall contain 0.5%, or less, sulfur by weight, dry basis, and

(ii) no fuel oil used shall be blended with waste oil or solvent;

(D) The height of any stack associated with the unit shall be the greater of:

(i) ten (10) meters, or

(ii) the lesser of 1.3 times the building height or maximum building width; and

(E) A tune-up of the external combustion unit shall be performed on an annual basis.

(2) The owner or operator of an external combustion unit shall maintain records of the information necessary for the commissioner to determine compliance with the requirements of subdivision (1) of this subsection. Information sufficient to make such determinations may include the information specified in subdivision (3) of this

subsection. All records made to determine compliance with the requirements of this section shall be:

(A) Made available to the commissioner to inspect and copy upon request; and

(B) Maintained for five (5) years from the date such record is created.

(3) The owner or operator of an external combustion unit may make and maintain records of the following information, as applicable:

(A) Records of the fuel type and quantity used, in gallons or million cubic feet, for each month and each twelve (12) month rolling aggregate;

(B) If the fuel used is residual oil, records of the sulfur content for each nongaseous fuel shipment received;

(C) If multiple fuels are used, records of the quantity in tons of each criteria pollutant emitted for each month and each twelve (12) month rolling; and

(C) The date each annual tune-up is performed.

(d) Automotive refinishing operation.

(1) The owner or operator of an automotive refinishing operation shall properly maintain equipment and perform such operation in accordance with the following requirements:

(A) The total amount of VOC-containing coatings or solvents used shall not exceed 2,000 gallons in any twelve (12) month rolling aggregate;

(B) Any paint or coating shall be applied by one of the following means:

(i) high volume low pressure spray equipment,

(ii) electrostatic application equipment, or

(iii) any other application method that has a manufacturer's guaranteed transfer efficiency of at least sixty-five percent (65%);

(C) Any application equipment used shall be cleaned using one of the following means:

(i) in a device that remains closed at all times when not in use,

(ii) in a system that discharges unatomized cleaning solvent into a waste container that remains closed when not in use,

(iii) in a vat that allows for disassembly and cleaning of application equipment and that is kept closed when not in use, or

(iv) in a system that atomizes spray into a paint waste container that is fitted with a device designed to capture atomized solvent emissions;

(D) Spray operations shall be performed in an enclosed area; and

(E) If a spray booth is used, such booth shall contain particulate control equipment that is operated and

maintained in good working condition at all times the booth is in use.

(2) The owner or operator of an automotive refinishing operation shall maintain records of the information necessary for the commissioner to determine compliance with the requirements of subdivision (1) of this subsection. Information sufficient to make such determinations may include the information specified in subdivision (3) of this subsection. All records made to determine compliance with the requirements of this section shall be:

(A) Made available to the commissioner to inspect and copy upon request; and

(B) Maintained for five (5) years from the date such record is created.

(3) The owner or operator of an automotive refinishing operation may make and maintain records of the following information:

(A) Records of the amount of coating and solvent used, in gallons, for each month and each twelve (12) month rolling aggregate; and

(B) If a paint or coating is applied by other than the methods specified in subsection (c)(3)(B)(i) or (c)(3)(B)(ii), a record of the manufacturer's guaranteed transfer efficiency.

(e) Emergency engine.

(1) The owner or operator of an emergency engine shall properly maintain equipment and operate such engine in accordance with this subsection.

(2) No owner or operator of an emergency engine shall cause or allow such engine to operate except during periods of testing and scheduled maintenance or during an emergency and unless the following conditions are met:

(A) Operation of such engine shall not exceed 500 hours during any twelve (12) month rolling aggregate; and

(B) Any nongaseous fuel consumed by such engine shall not exceed a sulfur content of 0.3% by weight, dry basis.

(3) The owner or operator of an emergency engine shall maintain records of the information necessary for the commissioner to determine compliance with the requirements of subdivision (2) of this subsection. Information sufficient to make such determinations may include the information specified in subdivision (4) of this subsection. All records made to determine compliance with the requirements of this section shall be:

(A) Made available to the commissioner to inspect and copy upon request; and

(B) Maintained for five (5) years from the date such record is created.

(4) The owner or operator of an emergency engine may make and maintain records of the hours of operation for each month and each twelve (12) month rolling aggregate.

(f) Nonmetallic mineral processing equipment.

(1) The owner or operator of nonmetallic mineral processing equipment shall properly maintain and operate such equipment and the engine powering it in accordance with the following conditions:

(A) An internal combustion engine greater than or equal to 600 horsepower, that powers nonmetallic mineral processing equipment, shall not exceed 67,400 gallons of fuel oil usage in any twelve (12) month rolling aggregate;

(B) An internal combustion engine less than 600 horsepower, that powers nonmetallic mineral processing equipment, shall not exceed 48,900 gallons fuel oil usage in any twelve (12) month rolling aggregate; and

(C) Any nongaseous fuel consumed by engines powering nonmetallic mineral processing equipment shall not exceed a sulfur content of 0.05% by weight, dry basis.

(2) The owner or operator of nonmetallic mineral processing equipment shall maintain records of the information necessary for the commissioner to determine compliance with the requirements of subdivision (1) of this subsection. Information sufficient to make such determinations may include the information specified in subdivision (3) of this subsection. All records made to determine compliance with the requirements of this section shall be:

(A) Made available to the commissioner to inspect and copy upon request; and

(B) Maintained for five (5) years from the date such record is created.

(3) The owner or operator of nonmetallic mineral processing equipment may make and maintain records of the following information:

(A) Records of the quantity of fuel used, in gallons, for each month and each twelve (12) month rolling aggregate; and

(B) For each nongaseous fuel shipment received, records of the sulfur content as a percent by weight, dry basis, and type of fuel.

(g) Surface coating operation.

(1) The owner or operator of a surface coating operation shall properly maintain equipment and conduct such coating operations only in accordance with the following limitations on VOCs, hazardous air pollutants and particulate matter:

(A) The VOC content of any coating used shall not exceed 6.3 pounds per gallon, as applied;

(B) The hazardous air pollutant content of any coating used shall not exceed 6.3 pounds per gallon, as applied;

(C) Coating and solvent usage, including diluents and cleanup solvents but excluding water, shall not, in any twelve (12) month rolling aggregate, exceed 3,000 gallons; and

(D) Any electrostatic dry powder coating operation or plasma spray operation shall be operated only with particulate control equipment that meets the following requirements:

(i) includes a minimum collection efficiency of 90%, and

(ii) is operated and maintained in good working condition.

(2) The owner or operator of a surface coating operation shall maintain records of the information necessary for the commissioner to

determine compliance with the requirements of subdivision (1) of this subsection. Information sufficient to make such determinations may include the information specified in subdivision (3) of this subsection. All records made to determine compliance with the requirements of this section shall be:

(A) Made available to the commissioner to inspect and copy upon request; and

(B) Maintained for five (5) years from the date such record is created.

(3) The owner or operator of a surface coating operation may make and maintain records of the following information:

(A) Records of the type and quantity of coating and solvent used, in gallons, for each month and each twelve (12) month rolling aggregate;

(B) Records of the hazardous air pollutant and VOC content per gallon of each coating and solvent used, as applied; and

(C) If the surface coating operation includes an electrostatic dry powder coating operation or a plasma spray operation, a record of the manufacturer's specifications for particulate control efficiency.

(h) Fuel sulfur content. Any of the records listed in subdivisions (1), (2) and (3) of this subsection are sufficient to demonstrate the sulfur content of fuel used as required by subsections (c), (e) and (f) of this section:

(1) A fuel certification for a delivery of nongaseous fuel from a bulk petroleum provider;

(2) A sales receipt for the sale of motor vehicle diesel fuel from a retail location; or

(3) A copy of a current contract with the fuel supplier supplying the fuel used by the equipment that includes the applicable sulfur content of nongaseous fuel as a condition of each shipment.

(i) Reporting.

(1) The owner or operator of any source required to make and maintain records pursuant to this section shall provide any such records; or a copy thereof, to the commissioner upon request and shall make such records available to the commissioner to inspect at the location maintained.

(2) Any record requested pursuant to subdivision (1) of this subsection shall be submitted with a certification in accordance with section 22a-174-2a(a) of the Regulations of Connecticut State Agencies.

(j) Applicable law. Nothing in this section shall relieve an owner or operator from any obligation to comply with:

(1) The requirements of 40 CFR 63, Subpart B as implemented in section 22a-174-3a(m) of the Regulations of Connecticut State Agencies; and

(2) Any other applicable federal, state or local law.

(k) Application for individual permits.

(1) Nothing in this section shall preclude the commissioner from requiring an owner or operator to obtain an individual permit pursuant

to section 22a-174-3a of the Regulations of Connecticut State Agencies.

(2) Nothing in this section shall preclude an owner or operator from applying for an individual permit pursuant to section 22a-174-3a of the Regulations of Connecticut State Agencies, if applicable.

(3) An owner or operator who has filed an application for an individual permit pursuant to subdivision (1) of this subsection shall comply with the requirements of this section while such application is pending.

Sec. 5 The Regulations of Connecticut State Agencies are amended by adding section 22a-174-3c as follows:

(NEW)

Section 22a-174-3c. Limitations on potential to emit for external combustion units, emergency engines, automotive refinishing operations, nonmetallic mineral processing equipment and surface coating operations.

(a) Limitations on potential to emit.

(1) Notwithstanding the definition of "potential emissions" or "potential to emit" in section 22a-174-1 of the Regulations of Connecticut State Agencies, the potential emissions or potential to emit of any individual air pollutant for a stationary source identified in subdivision (2) of this subsection is less than fifteen tons per year, unless otherwise determined by a permit or order of the commissioner, if the owner or operator operates the source to comply with all applicable requirements of subsections (b) and (c) of this section.

(2) The owner or operator of any new or existing stationary source that is an external combustion unit, an automotive refinishing operation, a nonmetallic mineral processing equipment, an emergency engine or a surface coating operation may limit potential emissions pursuant to subdivision (1) of this subsection.

(b) Operating requirements.

(1) The owner or operator of an external combustion unit using gaseous fuel and operating to limit potential emissions in accordance with this section shall:

(A) Limit gaseous fuel purchase for the premises to equal to or less than 100 million cubic feet in any calendar year; and

(B) Maintain a maximum rated heat input less than 50 mmBTU/hr.

(2) The owner or operator of an external combustion unit using distillate fuel and operating to limit potential emissions in accordance with this section shall:

(A) Limit distillate fuel oil purchase for the premises to equal to or less than 328,000 gallons in any calendar year; and

(B) Maintain a maximum rated heat input less than 25 mmBTU/hr.

(3) The owner or operator of an external combustion unit using residual fuel and operating to limit potential emissions in accordance with this section shall:

(A) Limit residual fuel oil purchase for the premises to equal to or less than 89,000 gallons in any calendar year; and

CERTIFICATION
R-39 REV. 1/77

Be it known that the foregoing:

☒ Regulations ☐ Emergency Regulations

:

☒ Adopted ☒ Amended as hereinabove stated ☒ Repealed

By the aforesaid agency pursuant to:

☒ Section 22a-6 and 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 July 17 20 01, of the notice of the proposal to:

☒ Adopt ☒ Amend ☒ Repeal such regulations

(If applicable): ☒ And the holding of a public hearing on 5th day of September 20 01

WHEREFORE, the foregoing regulations are hereby:

☒ Adopted ☒ Amended as hereinabove stated ☒ Repealed

Effective:

☐ When filed with the Secretary of State.
(OR)
☒ The 15th day of March 20 02.

In Witness Whereof:	DATE 11-21-01	SIGNED *(Head of Board, Agency or Commission)*	OFFICIAL TITLE, DULY AUTHORIZED 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 Assoc. Atty Gen 11/30/01

☒ 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 12/18/01	SIGNED *(Clerk of the Legislative Regulation Review Committe*

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 December 27, 2001	SIGNED *(Secretary of the State.)* Susan Bysiewicz	BY Peter J. Bontime

INSTRUCTIONS

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for 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.

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Secretary of the State
Maria M Greenslade
Deputy Secretary of the State

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JAN 9 2002
Dept. of Environmental Protection
Office of the Commissioner

January 2, 2002

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR MANAGEMENT
OFFICE OF BUREAU CHIEF

JAN 1 0 2002

RECEIVED

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

Dear Commissioner Rocque:

This is to acknowledge receipt of two certified copies of the following regulation issued by your department concerning:

Abatement of Air Pollution.

Said regulation was received and filed in this office on December 27, 2001. The effective date of this regulation is December 27, 2001.

Very truly yours,

Peter J. Bartucca
Manager, Records and Legislative Services

PJB:lm
File

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