STATE OF CONNECTICUT
REGULATION
OF

#5686

NAME OF AGENCY

Environmental Protection

Concerning

ABATEMENT OF AIR POLLUTION

Amendment of:
Sections 22a-174-1(29) and (94); 22a-174-2a(e)(1); 22a-174-2a(e)(3); 22a-174-2a(f)(1); 22a-174-2a(f)(2); 22a-174-2a(f)(4); 22a-174-2a(j); 22a-174-3b(a), (b), (c), (d) and (f); 22a-174-3c(a) and (b); 22a-174-5(b), (e)(2) and (g); 22a-174-19a(a)(1), (a)(7), (g)(1) and (h)(5); 22a-174-20(m), (n), (o), (p), (q), (r), (s) and (v); 22a-174-22(a)(17), (j) and (k); 22a-174-22a(f)(5); 22a-174-22b(c); 22a-174-22b(i)(6); 22a-174-23(h); 22a-174-24(b); 22a-174-29(b), (d) and (e); and 22a-174-33(d)(3)

Sec. 9. Subsections (a) to (d), inclusive, of section 22a-174-3b of the Regulations of Connecticut State Agencies are amended to read as follows:

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 and section 22a-174-3c of the Regulations of Connecticut State Agencies:

(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 or any other mobile equipment or part thereof, 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)](8)"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;

(9) "Mobile equipment" means any non-automotive equipment or apparatus that is operated or is capable of being operated on a roadway, including, but not limited to, truck bodies, truck trailers, buses, mobile cranes, bulldozers and other construction equipment, street cleaners and farm equipment;

(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 or applied to any mobile equipment or part thereof at the point of manufacture;

(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 or processes 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) "Touch up repair" means the application of automotive topcoat finish materials to cover minor finishing imperfections equal to or less than one inch in diameter;

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

[(17)] (18) "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.

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(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*)] 22a-174 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] has 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*)] 22a-174 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] has increased potential emissions of any individual air pollutant from such [unit] source 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.

(4) The owner or operator of an automotive refinishing operation that meets the applicability criteria in subdivision (1) or (2) of this subsection shall comply with the provisions of subsection (d) of this section unless such owner or operator is operating in accordance with one of the following:

(A) A valid general permit issued pursuant to section 22a-174 of the Connecticut General Statutes;

(B) An individual permit issued pursuant to section 22a-174-3a of the Regulations of Connecticut State Agencies; or

(C) The provisions of 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 aggregate; and

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

(d) Automotive refinishing operation.

(1) [The] Except as provided in subsection (4) of this subsection, 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] vented directly to the ambient air, such booth shall contain particulate control equipment that is operated and maintained in good working condition at all times the booth is in use[.];

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(E) New and used coatings and solvents shall be stored in nonabsorbent, non-leaking containers. Such containers shall be kept closed at all times except when the container is being filled or emptied; and

(F) Absorbent applicators, such as cloth and paper, which are moistened with coatings or solvents shall be stored in a closed, nonabsorbent, non-leaking container.

(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)] subdivision (1)(B)(i) or (ii) of this subsection, a record of the manufacturer's guaranteed transfer efficiency.

(4) The following application methods and applications are exempt from the requirements listed in subdivision (1) of this subsection:

(A) The use of airbrush application methods for stenciling, lettering and other identification markings;

(B) The application of coatings sold in non-refillable aerosol containers; and

(C) The application of touch-up repair finish materials.

Sec. 10. Subsection (f) of section 22a-174-3b of the Regulations of Connecticut State Agencies is amended to read as follows:

(f) Nonmetallic mineral processing equipment.

(1) The owner or operator of nonmetallic mineral processing equipment consisting of one or more internal combustion engines 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;] If every internal combustion engine that supplies power for the nonmetallic mineral processing equipment has an individual maximum output rating greater than or equal to 600 horsepower, the owner or operator shall:

(i) For all such internal combustion engines in combination, not exceed 67,400 gallons of fuel oil usage in any twelve (12) month rolling aggregate,

(ii) For any fuel oil consumed by such internal combustion engine or engines, not exceed a fuel sulfur content of 0.05% by weight, dry basis, and

(iii) Not use the nonmetallic mineral processing equipment and associated internal combustion engine or engines to result in

emissions of any individual air pollutant greater than fifteen (15) tons per year in any twelve (12) month rolling aggregate; or

(B) [An internal combustion engine less than 600 horsepower, that powers nonmetallic mineral processing equipment, shall not exceed 48,900 gallons of fuel oil usage in any twelve (12) month rolling aggregate; and] If any internal combustion engine that supplies power for the nonmetallic mineral processing equipment has an individual maximum output rating less than 600 horsepower, the owner or operator shall:

(i) For all internal combustion engines supplying power to the nonmetallic mineral processing equipment in combination, not exceed 48,900 gallons of fuel oil usage in any twelve (12) month rolling aggregate,

(ii) For any fuel oil consumed by such internal combustion engine or engines, not exceed a fuel sulfur content of 0.05% by weight, dry basis, and

(iii) Not use the nonmetallic mineral processing equipment and associated internal combustion engine or engines to result in emissions of any individual air pollutant greater than fifteen (15) tons per year in any twelve (12) month rolling aggregate.

[(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 any nonmetallic mineral processing equipment that is powered by electricity shall not use such nonmetallic mineral processing equipment to result in emissions of any individual air pollutant greater than fifteen (15) tons per year in any twelve (12) month rolling aggregate.

[(2)](3) 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] subdivisions (1) and (2) of this subsection. Information sufficient to make such determinations may include the information specified in subdivision [(3)] (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.

[(3)](4) 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.

Sec. 11. Subsections (a) and (b) of section 22a-174-3c of the Regulations of Connecticut State Agencies are amended to read as follows:

CERTIFICATION

Be it known that the foregoing:

[x] Regulations Emergency Regulations

Are:

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 January 25, 2005 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 1st day of March 2005

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:	12/23/05	Gina McCarthy		Commissioner
		SIGNED	DATE	OFFICIAL TITLE, DULY AUTHORIZED
Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:		William B. Gundling	01/09/06	Assoc. Attorney Gener

[x] Approved with technical corrections

Disapproved

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

Rejected without prejudice.

	DATE	SIGNED *(Clerk of the Legislative Regulation Review Committee)*
By the Legislative Regulation Review Committee in accordance with Sec. 4-170 amended, of the General Statutes.	03/28/06	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 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.

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

RECEIVED
APR 07 2006
DEPT. OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER

Susan Bysiewicz
Secretary of the State

April 5, 2006

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

RECEIVED
APR 12 2006
DEPT. OF ENVIRONMENTAL PROTECTION
OFFICE OF DEPUTY COMMISSIONER

Re: Agency Regulation Concerning:
Abatement of Air Pollution
Regulation Review Committee Docket Number: 2006-009
Secretary of the State File Number: 5686

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 April 4, 2006. The effective date of this regulation is April 4, 2006.

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