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:

Section 1

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 for all such emission units included at a stationary source pursuant to subdivision (1) of this subsection.

(b) Operating requirements.

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

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

(B) [Maintain a maximum rated] Not exceed a heat input [less than] for each external combustion unit of 50 mmBTU/hr.

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

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

(B) [Maintain a maximum rated] Not exceed a heat input for each external combustion unit of [less than] 25 mmBTU/hr.

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

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

(B) [Maintain a maximum rated] Not exceed a heat input for [the] each external combustion unit of [less than] 15 mmBTU/hr.

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

(A) Limit propane [purchase] purchased for the premises to equal to or less than 736,000 gallons in any calendar year; and

(B) [Maintain a maximum rated] Not exceed a heat input for each external combustion unit of [less than] 50 mmBTU/hr.

(5) The owner or operator of an emergency engine or engines using gaseous fuel and operating to limit potential emissions in accordance with this section shall limit gaseous fuel purchase for the premises to equal to or less than [41 million cubic feet] three million three hundred sixty thousand (3,360,000) cubic feet in any calendar year.

(6) The owner or operator of an emergency engine or engines using distillate fuel and operating to limit potential emissions in accordance with this section shall limit distillate fuel oil purchase for the premises to equal to or less than 21,000 gallons in any calendar year.

(7) The owner or operator of an emergency engine or engines using propane and operating to limit potential emissions in accordance with this section shall limit propane purchase for the premises to equal to or less than 100,000 gallons in any calendar year;

(8) The owner or operator of an automotive refinishing operation operating to limit potential emissions in accordance with this section shall limit VOC containing coating or solvent purchase for the premises to equal to or less than 1,000 gallons in any calendar year.

(9) The owner or operator of [a] nonmetallic mineral processing equipment operating to limit potential emissions in accordance with this section shall limit fuel oil purchase for the premises to equal to or less than 22,000 gallons in any calendar year.

(10) The owner or operator of [a] surface coating [operation] equipment operating to limit potential emissions in accordance with this section shall limit purchase for the premises of VOC containing coatings, including diluents and cleanup solvents but excluding water, to equal to or less than 1,500 gallons in any calendar year.

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