Section 3

Subsections (a) through (j) inclusive of Section 22a-174-3 of the Regulations of Connecticut State Agencies are amended to read as follows:

Sec. 22a-174-3.[ Permits for construction and operation of stationary sources.] "PERMITS TO CONSTRUCT" AND "PERMITS TO OPERATE" "STATIONARY SOURCES" OR "MODIFICATIONS".

(a) [ Permit applicability.] THOSE WHO MUST APPLY FOR A PERMIT.

(a)(1) [ Permits under this regulation are required for the following new or modified stationary sources:]

IN ADDITION TO THE REQUIREMENTS OF SUBDIVISIONS 22a-174-3 (a)(2), (a)(3), (a)(4), (b)(4) OR (g)(4), THE OWNER OR "OPERATOR" OF ANY OF THE NEW "STATIONARY SOURCES" OR "MODIFICATIONS" DESCRIBED IN SUBPARAGRAPHS (a)(1)(A) THROUGH (a)(1)(K) INCLUSIVE, OF SECTION 22a-174-3 SHALL APPLY FOR A PERMIT UNDER THIS SECTION PRIOR TO THE "COMMENCEMENT" OF "CONSTRUCTION". THE "COMMISSIONER" SHALL PROVIDE FORMS WHICH SHALL REQUIRE AN APPLICANT TO DESCRIBE THE NATURE AND LOCATION OF THE "SOURCE" ALONG WITH THE TYPE AND AMOUNT OF "AIR POLLUTANT" "EMISSIONS" FROM THE "SOURCE".

[ (i)](A) Equipment in a manufacturing process involving surface coating including, but not limited to, PRINTING, spray [ and ] OR dip painting, roller coating, electrostatic depositing or spray cleaning, and in which the [ total quantity ] MAXIMUM RATED CAPACITY of coating material and [ solvents ] ORGANIC COMPOUNDS used is thirty (30) pounds or more in any one hour.

[(ii)](B) Equipment which is used in a SOLVENT METAL CLEANING, ETCHING, OR PLATING PROCESS OR OTHER manufacturing [process] PROCESSES involving metal cleaning and/or surface preparation [ and ] which is connected to a ventilation system controlling escape of "air pollutants" or contaminants to the workroom air [ , such manufacturing process including, but not limited to, etching, pickling, or plating when ] WHERE:

(i) for a wet system the [ individual ] TOTAL capacity of such equipment is one thousand (1,000) gallons or more; [or]

(ii) for a dry system the [ actual ] "POTENTIAL emissions" to the "ambient air" from the dry system equipment are greater than [ eight (8) ] FIVE (5) tons per year; or

(iii) FOR any solvent degreasing units [ with a ] THE total liquid capacity [ of ] IS one thousand (1,000) gallons or more.

[(iii)](C) Equipment used in manufacturing process, other than as set forth [ in subparagraphs (i), (ii), (iv), (v), (vi), (vii) or (viii) ] ELSEWHERE IN THIS SUBDIVISION in which the combined weight of all materials introduced, excluding air and water, is two thousand (2,000) pounds or more in any one hour or sixteen thousand (16,000) pounds or more in any one day. For a cyclical or batch operation, the process weight per hour shall be derived by dividing the total process weight by the number of hours in one complete

operation, from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

[(iv)](D) Any liquid storage "tank", reservoir, or container used for the storage of acids, "volatile organic compounds" with a vapor pressure of one and one-half (1.5) pounds per square inch absolute or greater under actual storage conditions, inks, colorants, lacquers, enamels, varnishes, or liquid resins and having a capacity of forty thousand (40,000) gallons or more.

[(v) Fuel-burning equipment in which the maximum heat input guaranteed by the manufacturer of such equipment is five million (5,000,000) BTU per hour or more; or fuel-burning equipment burning solid fuels, or fuel-burning equipment burning fuel oils having a specific gravity in API degrees of thirty (30) or less, unless the maximum heat input guaranteed by the manufacturer of such equipment is less than two hundred fifty thousand (250,000) BTU per hour. ]

(E) "FUEL-BURNING EQUIPMENT" USING LIQUID FUEL IN WHICH THE MAXIMUM HEAT INPUT GUARANTEED BY THE MANUFACTURER OF SUCH EQUIPMENT IS FIVE MILLION (5,000,000) "BTU" PER HOUR OR MORE EXCEPT AS REQUIRED BY SUBPARAGRAPH (a)(1)(G) OR SUBDIVISION (a)(2) OF SECTION 22a-174-3.

(F) "FUEL-BURNING EQUIPMENT" USING GASEOUS FUEL IN WHICH THE MAXIMUM HEAT INPUT GUARANTEED BY THE MANUFACTURER OF SUCH EQUIPMENT IS ELEVEN MILLION (11,000,000) "BTU" PER HOUR OR MORE.

(G) "FUEL-BURNING EQUIPMENT" BURNING SOLID FUELS, OR "FUEL-BURNING EQUIPMENT" BURNING FUEL OILS HAVING A SPECIFIC GRAVITY IN API DEGREES OF THIRTY (30) OR LESS, UNLESS THE MAXIMUM HEAT INPUT GUARANTEED BY THE MANUFACTURER OF SUCH EQUIPMENT IS LESS THAN ONE MILLION (1,000,000) "BTU" PER HOUR.

[(vi)](H) "Stationary sources" used as "incinerators" [ or as ] EXCEPT afterburners USED for the disposal of waste gases FROM A "SOURCE" WHICH HAS A PERMIT OR ORDER FROM THE "COMMISSIONER" REQUIRING THE AFTERBURNER.

[(vii)](I) All industrial "flares" for the disposal of liquids or gases.

(J) ANY "STRIPPING FACILITY" WITH "POTENTIAL EMISSIONS" IN EXCESS OF TABLE 3(a)(1) BELOW.

TABLE 3(a)(1)

| TABLE THE POLLUTANT IS LISTED ON IN SECTION 22a-174-29 | TOTAL POUNDS PER HOUR OF ALL POLLUTANTS |
|---|---|
| TABLE 29-1 | 0.1 |
| TABLE 29-2 | 0.2 |
| TABLE 29-3 | 0.4 |

[ (viii) Any other stationary source, including any process, operation, equipment, or activity except those sources which are below the thresholds established in subparagraphs (a)(1)(i) through (v), whose emissions of any particular air pollutant after the application of air pollution control equipment and where the emission rate is calculated using the maximum rated capacity is greater than five (5) tons per year. ]

(K) ANY NEW "STATIONARY SOURCE" OR "MODIFICATION" INCLUDING ANY PROCESS, OPERATION, EQUIPMENT, OR ACTIVITY WHOSE "POTENTIAL EMISSIONS" OF ANY PARTICULAR "AIR POLLUTANT" ARE GREATER THAN FIVE (5) TONS PER YEAR OR WHOSE "MAXIMUM UNCONTROLLED EMISSIONS" OF ANY INDIVIDUAL "AIR POLLUTANT" ARE GREATER THAN ONE HUNDRED (100) TONS PER YEAR EXCEPT ANY "STATIONARY SOURCE" WHICH THE "COMMISSIONER" DETERMINES TO BE PHYSICALLY INCAPABLE OF OPERATING AT A RATE WHICH WOULD EXCEED THE ABOVE LIMITS. IN DETERMINING THE APPLICABILITY OF THIS SUBPARAGRAPH THE "COMMISSIONER" SHALL NOT ALLOW THE "NETTING" OF EMISSIONS.

[ (a)(2) Notwithstanding any provision of subdivision (a)(1), permits shall not be required for any stationary source specified thereunder whose emissions of each air pollutant after the application of air pollution control equipment and where the emission rate is calculated using the maximum rated capacity would be less than forty (40) pounds per day and less than five (5) tons per year.

(a)(3) Notwithstanding any provision of subdivisions (a)(1) or (a)(2), permits shall be required for:

(i) any new or modified stationary source which is subject to those sections of title 40 of the Code of Federal Regulations part 60 or part 61, as from time to time may be amended which the Commissioner has been delegated authority to enforce by the Administrator; or

(ii) Any new or modified stationary source with uncontrolled emissions of one hundred (100) tons per year or more as determined before the application of control equipment and where the emission rate is calculated using the maximum rated capacity, unless it is demonstrated to the Commissioner's satisfaction that best available control technology is used.

(a)(4) Reconstructed stationary sources shall be considered as new stationary sources.

(a)(5) Permits under this section shall not be required for mobile sources. ]

(a)(2) IN ADDITION TO ANY PROVISION OF SUBDIVISION 22a-174-3(a)(1) THE OWNER OR "OPERATOR" OF ANY NEW "STATIONARY SOURCE" OR "MODIFICATION" WHICH IS SUBJECT TO THOSE SECTIONS OF TITLE 40 OF THE CODE OF FEDERAL REGULATIONS PART 60 OR PART 61, AS FROM TIME TO TIME MAY BE AMENDED, WHICH THE "COMMISSIONER" HAS BEEN DELEGATED AUTHORITY TO ENFORCE BY THE "ADMINISTRATOR" SHALL APPLY FOR A PERMIT UNDER THIS SECTION.

(a)(3) IN ADDITION TO ANY PROVISION OF SUBDIVISION 22a-174-3(a)(1) THE OWNER OR "OPERATOR" OF ANY NEW "STATIONARY SOURCE" OR MODIFICATION WHICH INCREASES EMISSIONS ABOVE THE LEVELS LISTED IN TABLE 3(k)-1 OF SUBSECTION 22a-174-3(k) FOR THE APPLICABLE AIR POLLUTANTS FLUORIDES TO BERYLLIUM INCLUSIVE OR WHICH INCREASES THE EMISSIONS OF ANY AIR POLLUTANT WHICH IS FEDERALLY REGULATED UNDER THE CLEAN AIR ACT AND WHICH IS NOT LISTED IN TABLE 3(k)-1 OF SUBSECTION 22a-174-3(k) SHALL APPLY FOR A PERMIT UNDER THIS SECTION.

(a)(4) IN ADDITION TO ANY PROVISION OF SUBDIVISION 22a-174-3(a)(1) THE OWNER OR "OPERATOR" OF ANY "STATIONARY SOURCE" SUBJECT TO THE PROVISIONS OF SUBDIVISIONS (b)(4) OR (g)(4) OF SECTION 22a-174-3 SHALL APPLY FOR A PERMIT UNDER THIS SECTION.

(a)(5) THE "COMMISSIONER" SHALL NOT REQUIRE AN APPLICATION FOR A PERMIT FOR A "MOBILE SOURCE" UNDER THIS SECTION.

(a)(6) FOR THE PURPOSES OF SECTION 22a-174-3 THE "COMMISSIONER" SHALL PROVIDE FORMS AND INSTRUCTIONS WHICH IF PROPERLY FOLLOWED WILL ENSURE THAT THE APPLICATION WILL BE DEEMED COMPLETE.

(b) [ Applications for permits to construct.] THOSE WHO MUST OBTAIN A "PERMIT TO CONSTRUCT" PRIOR TO "COMMENCEMENT" OF "CONSTRUCTION".

[ (b)(1)

(i) Effective July 1, 1979 any person who constructs, modifies, installs or causes the construction, modification, or installation of any new stationary source of air pollutants as specified under subsection (a), or modifies any existing stationary source or facility as specified under subsection (a) shall first apply for and obtain a construction permit from the Commissioner. However, this requirement shall not apply to any stationary source which was previously granted a valid permit pursuant to section 22a-174-3, or for which a decision is pending on a permit application subject to section 22a-174-3 that was in effect prior to July 1, 1979.

(ii) Any person who owns or operates a stationary source which was subject to section 22a-174-3 prior to July 1, 1979, and who failed to apply for and receive a valid permit pursuant to section 22a-174-3 shall be subject to the requirements of section 22a-174-3 in effect at the time of application for a permit. ]

(b)(1) EXCEPT AS PROVIDED IN SUBDIVISION 22a-174-3(b)(6) THE OWNER OR "OPERATOR" OF ANY OF THE FOLLOWING "STATIONARY SOURCES" OR "MODIFICATIONS" SUBJECT TO THE PROVISIONS OF SUBDIVISIONS (a)(1) THROUGH (a)(4) INCLUSIVE OR (b)(4) OF SECTION 22a-174-3 MUST APPLY FOR AND OBTAIN A "PERMIT TO CONSTRUCT" PRIOR TO THE "COMMENCEMENT" OF "CONSTRUCTION" OR "MODIFICATION" OF ANY "STATIONARY SOURCE" WHICH:

(A) WILL HAVE OR HAS "POTENTIAL EMISSIONS" OF ANY INDIVIDUAL "AIR POLLUTANT" EQUAL TO OR GREATER THAN FIFTEEN (15) TONS PER YEAR; OR

(B) WILL BE OR IS A "MAJOR STATIONARY SOURCE"; OR

(C) WILL BE OR IS A "MAJOR MODIFICATION" TO A "MAJOR STATIONARY SOURCE"; OR

(D) WILL BE OR IS SUBJECT TO THOSE SECTIONS OF TITLE 40 OF THE CODE OF FEDERAL REGULATIONS PART 60 OR PART 61 WHICH THE "COMMISSIONER" HAS BEEN DELEGATED AUTHORITY TO ENFORCE BY THE "ADMINISTRATOR".

(b)(2)(A) The owner or "operator" of each "stationary source" described in subdivision (b)(1) [ and (g)(6) ] OR (b)(4) OF SECTION 22a-174-3 shall make application for such "STATIONARY source" on forms furnished by the "Commissioner". In the application the owner or "operator" shall include siting information; descriptions of the equipment and processes involved; a description of fuels and process materials to be used; the nature, source and quantity of uncontrolled and controlled "emissions"; the type, size and efficiency of control facilities; and such other information as the "Commissioner" may

require INCLUDING A PLOT PLAN DESCRIBING BUILDING LOCATIONS, ACTUAL DIMENSIONS, STACK LOCATIONS AND FINAL GRADE ELEVATIONS FOR ALL STRUCTURES LOCATED ON THE APPLICABLE "PREMISE" WHICH MAY AFFECT THE GROUND LEVEL CONCENTRATION IN THE "AMBIENT AIR" DUE TO DOWNWASH, WAKES OR EDDY EFFECTS.

(B) IN ADDITION, FOR EACH INDIVIDUAL "AIR POLLUTANT" FOR WHICH THE "STATIONARY SOURCE" HAS "POTENTIAL EMISSIONS" EQUAL TO OR GREATER THAN FIVE (5) TONS PER YEAR, "MAXIMUM UNCONTROLLED EMISSIONS" OF ONE HUNDRED (100) TONS PER YEAR OR MORE, OR EMISSIONS OF ANY INDIVIDUAL "AIR POLLUTANT" IN EXCESS OF THE AMOUNT LISTED IN TABLE 3(k)-1 OF SUBSECTION 22a-174-3(k), THE OWNER OR "OPERATOR" SHALL INCLUDE:

(i) A DETERMINATION OF THE "BEST AVAILABLE CONTROL TECHNOLOGY"; OR

(ii) A DETERMINATION OF THE "LOWEST ACHIEVABLE EMISSION RATE" FOR EACH INDIVIDUAL "AIR POLLUTANT" FOR WHICH THE "STATIONARY SOURCE" IS SUBJECT TO THE PROVISIONS OF SUBSECTION 22a-174-3(l).

(b)(3) FOR THE PURPOSES OF SUBSECTION 22a-174-3(b) THE "COMMISSIONER" SHALL COMBINE THE EMISSIONS FROM ALL FUEL-BURNING EQUIPMENT CONNECTED TO A COMMON STACK. Unless the "Commissioner" determines otherwise, when two or more "stationary sources" of a similar or identical nature are constructed or modified in the same plant or [ premises, ] "PREMISE" they shall be considered a single aggregate "stationary source" and subject to interpretation under subsection 22a-174-3(a). When two more dissimilar "stationary sources" are constructed or modified, a separate permit is required for each "STATIONARY source". FOR THE PURPOSES OF THIS SUBDIVISION THE "COMMISSIONER" SHALL AGGREGATE EMISSIONS FROM NEW "STATIONARY SOURCES" OR "MODIFICATIONS" ON THE SAME "PREMISE" WHICH HAVE THE SAME FIRST TWO-DIGIT CODE AS DESCRIBED IN THE STANDARD INDUSTRIAL CLASSIFICATION MANUAL, 1972 AS AMENDED BY THE 1977 SUPPLEMENT (U.S. GOVERNMENT PRINTING OFFICE STOCK NUMBERS 4101-0065 AND 003-005-00176-0, RESPECTIVELY).

(b)(4) THE OWNER OR "OPERATOR" OF ANY "STATIONARY SOURCE" WHICH WAS SUBJECT TO SECTION 22a-174-3 ON OR AFTER JUNE 1, 1972 WHO FAILED TO APPLY FOR AND RECEIVE A VALID PERMIT PURSUANT TO THE REGULATIONS IN EFFECT AT THE TIME OF "CONSTRUCTION" OR "MODIFICATION" SHALL BE SUBJECT TO THE REQUIREMENTS OF THE APPLICABLE PROVISIONS OF SUBSECTIONS (a), (b) OR (f) OF SECTION 22a-174-3, UNLESS THERE WAS A PREVIOUS EXEMPTION ISSUED BY THE "COMMISSIONER".

(b)(5) IN DETERMINING THE APPLICABILITY OF SUBPARAGRAPH 22a-174-3(b)(1)(A) THE "COMMISSIONER" SHALL NOT ALLOW THE "NETTING" OF EMISSIONS.

(b)(6) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION 22a-174-3(b)(1) THE "COMMISSIONER" SHALL NOT REQUIRE THE OWNER OR "OPERATOR" OF ANY "MODIFICATION" TO OBTAIN A "PERMIT TO CONSTRUCT" WHEN THE "MODIFICATION" IS SOLELY BECAUSE OF THE USE OF NATURAL GAS AS AN ALTERNATIVE FUEL.

(c) Standards for granting [ construction permits ] A "PERMIT TO CONSTRUCT".

(c)(1) The "Commissioner" shall NOT grant a "permit to construct" [ or modify ] a NEW "stationary source" OR "MODIFICATION" SUBJECT TO THE PROVISIONS OF SUBDIVISIONS (a)(1) THROUGH (a)(4) INCLUSIVE OR (b)(4) OF SECTION 22a-174-3 [ when he] UNLESS THE "COMMISSIONER" determines, upon evidence submitted by the applicant or otherwise made part of the record, that the [ new or modified

stationary source ] OWNER OR "OPERATOR" will comply with the applicable and relevant provisions of [ subdivisions (c)(1) through (c)(8) ] SUBPARAGRAPHS (A) THROUGH (K) inclusive [ and (c)(11) ] OF THIS SUBDIVISION.

[(c)(1)]

(A) The [ new or modified stationary source will ] OWNER OR "OPERATOR" SHALL operate THE NEW "STATIONARY SOURCE" OR "MODIFICATION" in accordance with all applicable AND RELEVANT, PROVISIONS OF THIS SUBSECTION, "emission limitations" [ and ], regulations, SCHEDULES FOR PERFORMANCE TESTS UNDER SUBDIVISION 22a-174-3(g)(3), CONDITIONS OF THE "PERMIT TO OPERATE" UNDER SUBSECTION 22a-174-3(g) OR OTHER ORDER OF THE "COMMISSIONER".

[ (c)(2) The new or modified stationary source will operate without preventing or interfering with the "attainment" or maintenance of applicable Connecticut and National Ambient Air Quality Standards. In order to determine compliance with this subdivision the Commissioner shall, where applicable and relevant, consider the following:

(i) The peak emissions from an operation over the appropriate time period for an applicable Connecticut or National Ambient Air Quality Standard shall be used when such time period is shorter than:

(a) The batch or cycle time for a batch or cyclical operation; or

(b) The operating time for a continuous process.

(ii) The emissions from an operation shall be averaged over the appropriate time period for an applicable Connecticut or National Ambient Air Quality Standard when such time period is longer than:

(a) The batch or cycle time for a batch or cyclical operation. Successive periods of operation and down time, or a portion therefore, shall be included in such averaging, as appropriate; or

(b) The operating time for a continuous process. Successive periods of operation and down time, or a portion thereof, shall be included in such averaging, as appropriate. ]

(B) THE OWNER OR "OPERATOR" OF ANY "STATIONARY SOURCE" OR "MODIFICATION", THE "ALLOWABLE EMISSIONS" OF WHICH HAVE A SIGNIFICANT IMPACT ON AIR QUALITY, SHALL OPERATE THAT "STATIONARY SOURCE" 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 22a-174-3(k). THE "COMMISSIONER" SHALL USE THE PROCEDURES IN SUBDIVISIONS (k)(5) AND (k)(6) OF SECTION 22a-174-3 TO DETERMINE COMPLIANCE WITH THE PREVENTION OF SIGNIFICANT DETERIORATION INCREMENTS UNDER SUBSECTION 22a-174-3(k) AND THE "AIR POLLUTANT" EMISSIONS INVENTORY THE "DEPARTMENT" MAINTAINS TO DETERMINE COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBPARAGRAPH. FOR THE PURPOSES OF THIS SUBPARAGRAPH, IN ORDER TO DETERMINE IF THE "ALLOWABLE EMISSIONS" OF AN INDIVIDUAL "AIR POLLUTANT" DO NOT HAVE A SIGNIFICANT IMPACT ON AIR QUALITY THE AMOUNT OF "AMBIENT AIR" IMPACT THAT WILL NOT BE CONSIDERED SIGNIFICANT IS LESS THAN THE AMOUNTS LISTED IN TABLES 3(c)-1 AND 3(c)-2 BELOW. FOR THE PURPOSE OF CALCULATING ALLOWABLE EMISSIONS OF A "STATIONARY SOURCE" FOR TABLE 3(c)-1 OR TABLE 3(c)-2, ANY PHYSICAL OR

OPERATIONAL RESTRICTION ON THE CAPACITY OF THE SOURCE TO EMIT A POLLUTANT, INCLUDING AIR POLLUTION CONTROL EQUIPMENT,

OR RESTRICTIONS ON PRODUCTION RATES, HOURS OF OPERATION, AND TYPES OF MATERIALS PROCESSED, STORED OR COMBUSTED WHICH LIMIT THE "MAXIMUM RATED CAPACITY" SHALL BE TREATED AS PART OF ITS DESIGN IF THE LIMITATION OR THE EFFECT OF THE LIMITATION ON EMISSIONS IS "FEDERALLY ENFORCEABLE".

TABLE 3(c)-1

| "AIR POLLUTANT" | AMBIENT IMPACT (MICROGRAMS PER CUBIC METERS) |
|---|---|
| "TSP" | |
| ANNUAL AVERAGE | 1 |
| 24-HOUR AVERAGE | 5 |
| "$PM_{10}$" | |
| ANNUAL AVERAGE | 1 |
| 24-HOUR AVERAGE | 5 |
| SULFUR DIOXIDE | |
| ANNUAL AVERAGE | 1 |
| 24-HOUR AVERAGE | 5 |
| 3-HOUR AVERAGE | 25 |
| CARBON MONOXIDE | |
| 8-HOUR AVERAGE | 500 |
| 1-HOUR AVERAGE | 2000 |
| NITROGEN DIOXIDE | |
| ANNUAL AVERAGE | 1 |

FOR ANY "STATIONARY SOURCE" WHICH EMITS A "HAZARDOUS AIR POLLUTANT" FOR WHICH THERE IS AN "AMBIENT AIR QUALITY STANDARD" LISTED IN SECTION 22a-174-24, THE "COMMISSIONER" SHALL USE THE AMBIENT IMPACTS LISTED IN TABLE 3(c)-2 BELOW EXCEPT FOR THOSE POLLUTANTS LISTED IN TABLE 3(c)-1 OF SUBDIVISION 22a-174-3(c)(1):

TABLE 3(c)-2

| TABLE THE POLLUTANT IS LISTED ON IN SECTION 22a-174-29 | PERCENT OF STANDARD LISTED IN SECTION 22a-174-24 |
|---|---|
| TABLE 29-1 | 5 |
| TABLE 29-2 | 10 |
| TABLE 29-3 | 20 |

[ (c)(3)] (C) The [ new or modified stationary source will ] OWNER OR "OPERATOR" SHALL operate THE NEW "STATIONARY SOURCE" OR "MODIFICATION" in accordance with all applicable "emission standards" and standards of performance under Title 40 of the Code of Federal Regulations [ part ] PART 60 and [ part ] PART 61, as from time to time may be amended, which the "Commissioner" has been delegated authority to enforce by the "Administrator".

[ (c)(4)] (D) The [ new or modified stationary source contains, as required by the Commissioner ] OWNER OR "OPERATOR" OF THE NEW "STATIONARY SOURCE" OR "MODIFICATION" SHALL INSTALL:

(i) Sampling ports of a size, number and location as the "Commissioner" may reasonably require;

(ii) Such instrumentation to monitor and record "emission" data as [ is required by these regulations ] THE "COMMISSIONER" MAY REASONABLY REQUIRE; and

(iii) Such other sampling and testing facilities as the "Commissioner" may reasonably require.

[(c)(5)] (E) The OWNER OR "OPERATOR" OF THE new "major stationary source" or "major modification" [ will ] SHALL operate THAT "STATIONARY SOURCE" OR "MODIFICATION" without significantly interfering with either "attainment" of any National "Ambient Air Quality Standard" in any other "state" or any other requirements in the applicable "state implementation plan" for such "state".

[(c)(6)] (F) The owner or "operator" of the new [ or modified ] "stationary source" OR "MODIFICATION" has paid to the "Department" fees in accordance with a permit fee schedule adopted by the "Commissioner" WITHIN FORTY-FIVE (45) DAYS OF RECEIPT OF A PROPOSED FINAL DECISION OF THE "COMMISSIONER".

(G) THE OWNER OR "OPERATOR" OF ANY NEW "STATIONARY SOURCE" OR "MODIFICATION" WHO MUST OBTAIN A PERMIT PURSUANT TO THE PROVISIONS OF THIS SECTION, SHALL INCORPORATE "BEST AVAILABLE CONTROL TECHNOLOGY", AS DETERMINED BY THE "COMMISSIONER", FOR EACH INDIVIDUAL "AIR POLLUTANT" WITH "POTENTIAL EMISSIONS" EQUAL TO OR GREATER THAN FIVE (5) TONS PER YEAR, "MAXIMUM UNCONTROLLED EMISSIONS" OF ANY INDIVIDUAL "AIR POLLUTANT" EQUAL TO OR GREATER THAN ONE HUNDRED (100) TONS PER YEAR OR AS MAY BE REQUIRED UNDER SECTION 22a-174-29. THE OWNER OR "OPERATOR" OF ANY "STRIPPING FACILITY" WHO IS REQUIRED TO APPLY FOR AND OBTAIN A PERMIT UNDER THIS SECTION SHALL INCORPORATE "BACT" AS DETERMINED BY THE "COMMISSIONER". THE OWNER OR "OPERATOR" OF ANY NEW "STATIONARY SOURCE" OR "MODIFICATION" SHALL MAKE AND SUBMIT TO THE "COMMISSIONER", FOR APPROVAL, A "BACT" DETERMINATION FOR EACH "AIR POLLUTANT", AS REQUIRED BY THE "COMMISSIONER", INCLUDING COST ESTIMATES OF ALL CONTROL OPTIONS AS MAY BE SPECIFIED BY THE "COMMISSIONER". THE PROVISIONS OF THIS SUBPARAGRAPH DO NOT APPLY FOR THOSE "AIR POLLUTANT" EMISSIONS FOR WHICH THE "STATIONARY SOURCE" IS SUBJECT TO THE REQUIREMENTS OF "LAER" UNDER SUBDIVISION 22a-174-3(1)(4).

(H) FOR THE PURPOSES OF THIS SUBPARAGRAPH, CONTINUOUS EMISSION MONITORING EQUIPMENT MAY INCLUDE SUCH EQUIPMENT THAT THE "COMMISSIONER" DEEMS NECESSARY TO PROVIDE THE "DEPARTMENT" WITH REMOTE TELEMETRY ACCESS TO THE CONTINUOUS EMISSION MONITORING EQUIPMENT OR DATA AT THE NEW "STATIONARY SOURCE" AS REQUIRED UNDER SECTION 22a-174-4. THE EQUIPMENT MAY INCLUDE BUT IS NOT LIMITED TO, EQUIPMENT WHICH PROVIDES INFORMATION REGARDING OPERATING CONDITIONS SUCH AS TEMPERATURE AND FLOW RATES ALONG WITH INFORMATION ON EMISSIONS AS REQUIRED BY A PERMIT OR OTHER ORDER OF THE "COMMISSIONER". THE OWNER OR "OPERATOR" OF THE NEW "STATIONARY SOURCE" OR "MODIFICATION" SHALL INSTALL AND OPERATE IN A MANNER ACCEPTABLE TO THE "COMMISSIONER" CONTINUOUS EMISSION MONITORING EQUIPMENT WHICH:

(i) MEETS THE PROVISIONS OF APPENDIX P TO TITLE 40 CODE OF FEDERAL REGULATIONS PART 51 AND OTHER REQUIREMENTS ESTABLISHED BY THE "COMMISSIONER"; AND

(ii) THE "COMMISSIONER" DETERMINES TO BE REASONABLY AVAILABLE FOR EACH INDIVIDUAL "AIR POLLUTANT" FOR WHICH THE NEW "STATIONARY SOURCE" HAS "POTENTIAL EMISSIONS" EQUAL TO OR GREATER THAN ONE HUNDRED (100) TONS PER YEAR.

(I) THE OWNER OR "OPERATOR" OF THE NEW "STATIONARY SOURCE" OR "MODIFICATION" SHALL AGREE TO INCORPORATE ALL THE TERMS AND CONDITIONS SPECIFIED IN THE "PERMIT TO CONSTRUCT" AS PART OF ANY "PERMIT TO OPERATE" ISSUED UNDER SUBSECTION 22a-174-3(g).

(J) THE OWNER OR "OPERATOR" OF THE NEW "STATIONARY SOURCE" OR "MODIFICATION" HAS PROVIDED THE "COMMISSIONER" WITH CURRENT INFORMATION REGARDING "AIR POLLUTANT" EMISSIONS FROM THE SUBJECT SOURCE AND ANY OTHER "SOURCES" LOCATED ON THE APPLICABLE "PREMISE".

(K) THE OWNER OR "OPERATOR" OF THE NEW "STATIONARY SOURCE" OR "MODIFICATION" HAS COMPLIED WITH THE APPLICABLE PROVISIONS OF SUBSECTIONS (k), (l) OR (m) OF SECTION 22a-174-3.

[ (c)(7) The operation of the new or modified stationary source which has a significant impact, as defined below, on ambient air quality will not cause or exacerbate a violation of a Connecticut or National Ambient Air Quality Standard; will comply with the provisions of subdivisions (c)(2) and (c)(5).

(i) In order to determine that emissions of an individual pollutant from a new or modified stationary source will have a significant impact on air quality or that the emissions of an individual pollutant will exacerbate an existing violation of an applicable Connecticut or National Ambient Air Quality Standard, the amount of ambient impact that will be considered significant or that will exacerbate a violation is:

(a) For a new major stationary source or major modification:

| Pollutant | Ambient impact ($ug/m^3$) |
|---|---|
| Particulate matter | |
| Annual average | 1 |
| 24-hour average | 5 |
| Sulfur dioxide | |
| Annual average | 1 |
| 24-hour average | 5 |
| 3-hour average | 25 |
| Carbon monoxide | |
| 8-hour average | 500 |
| 1-hour average | 2000 |
| Nitrogen dioxide | |
| Annual average | 1 |

(b) For a stationary source other than a new major stationary source or a major modification:

| Pollutant | Ambient impact ($ug/m^3$) |
|---|---|
| Particulate matter<br>24-hour average | 10 |
| Sulfur dioxide<br>24-hour average<br>3-hour average | 10<br>50 |

(c) For any stationary source which emits a hazardous air pollutant for which there is an ambient air quality standard listed in section 22a-174-24, the Commissioner shall use the following ambient impacts except for those pollutants listed in subdivisions 22a-174-3(c)(7)(a) and (b):

| Table the pollutant is listed on in section 22a-174-29 | Percent of standard listed in section 22a-174-24 |
|---|---|
| Table 29-1 | 5 |
| Table 29-2 | 10 |
| Table 29-3 | 20 ] |

[ (c)(8)](c)(2) [ The ] IN ADDITION TO THE REQUIREMENTS OF SUBDIVISION 22a-174-3 (c)(1) THE owner or "operator" of a new "major stationary source" or "major modification" shall demonstrate that the degree of "emission limitation" required of the "source" for control of any "air pollutant" shall not be affected by that portion of the "source's" "stack" height that exceeds "good engineering practice" or by any other "dispersion technique", even when the degree of "emission limitation" required may be economically or technologically infeasible to obtain except that "stack" heights in existence, or "dispersion techniques" implemented, prior to December 31, 1970; or coal-fired steam electric generating units, subject to section 118 of the Federal Clean Air Act, which "commenced" operation before July, 1957, and whose "stacks" were constructed under a construction contract awarded before February 8, 1974 shall not be subject to this requirement.

[ (i)](A) In order to take credit for the amount of "emission limitation" attributable to that part of the "stack" height which exceeds "good engineering practice", the owner or "operator" of the NEW "major stationary source" must demonstrate, after public notice and opportunity for public hearing, that a greater height is necessary to prevent "excessive concentration" of any "AIR pollutant" in the immediate vicinity of the NEW "major stationary source".

[ (ii)](B) In no event may the "Commissioner" prohibit any increase in any "stack" height or restrict in any manner the "stack" height of any "stationary source".

[(c)(9)](c)(3) [ All ] ANY "PERSON" WHO MAKES estimates of "ambient air" quality impacts for either new "major stationary sources" or "major modifications" shall [ be based upon the ] USE applicable air quality models, data bases or other requirements [ acceptable to ] APPROVED BY the "Commissioner" and the "Administrator" FOR THE SUBJECT "SOURCE" AND ANY OTHER "SOURCE" WHICH IS INCLUDED IN THE ANALYSIS.

FOR ALL OTHER SOURCES, ANY "PERSON" WHO MAKES ESTIMATES OF "AMBIENT AIR" QUALITY IMPACTS SHALL USE APPLICABLE AIR QUALITY MODELS, DATA BASES OR OTHER TECHNIQUES APPROVED BY THE "COMMISSIONER". THE "COMMISSIONER" MAY REQUEST ANY APPLICANT TO SUBMIT AN "AMBIENT AIR" QUALITY IMPACT ANALYSIS USING APPLICABLE AIR QUALITY MODELS AND MODELING PROTOCOLS APPROVED BY THE "COMMISSIONER".

[(c)(10)](c)(4) In those cases where an Environmental Impact Statement (EIS) has been or will be prepared under the National Environmental Policy Act (42 U.S.C. 4321) or similar state or local laws, the "Commissioner" shall make use of the EIS wherever reasonably possible in order to avoid needless duplication of information gathering and analysis.

[ (c)(11) Any new or modified stationary source shall incorporate Best Available Control Technology. ]

(c)(5) IN ORDER TO DETERMINE COMPLIANCE WITH THE PROVISIONS OF SUBDIVISION 22a-174-3(c)(1) THE "COMMISSIONER" SHALL CONSIDER THE FOLLOWING:

(A) THE PEAK "EMISSIONS" FROM AN OPERATION AVERAGED OVER THE APPROPRIATE TIME PERIOD FOR AN APPLICABLE "AMBIENT AIR QUALITY STANDARD" OR PREVENTION OF SIGNIFICANT DETERIORATION INCREMENTS UNDER SUBSECTION 22a-174-3(k) WHEN SUCH TIME PERIOD IS SHORTER THAN:

(i) THE CYCLE TIME FOR A BATCH OPERATION; OR

(ii) THE OPERATING TIME FOR A CONTINUOUS PROCESS; AND

(B) THE "EMISSIONS" FROM AN OPERATION AVERAGED OVER THE APPROPRIATE TIME PERIOD FOR AN APPLICABLE "AMBIENT AIR QUALITY STANDARD" OR PREVENTION OF SIGNIFICANT DETERIORATION INCREMENTS UNDER SUBSECTION 22a-174-3(k) WHEN SUCH TIME PERIOD IS EQUAL TO OR LONGER THAN:

(i) THE CYCLE TIME FOR A BATCH OPERATION INCLUDING SUCCESSIVE PERIODS OF OPERATION AND DOWN TIME AS APPROPRIATE; OR

(ii) THE OPERATING TIME FOR A CONTINUOUS PROCESS INCLUDING SUCCESSIVE PERIODS OF OPERATION AND DOWN TIME AS APPROPRIATE.

(d) Action on application for [ construction ] permits UNDER THIS SECTION.

[ (d)(1) Except where a public hearing is held under subdivision (j)(4), the Commissioner shall inform an applicant for a construction permit of the decision approving or denying the application within thirty (30) days of the receipt of a complete application. The Commissioner may, on notice to the applicant, extend the time for acting on the application an additional fifteen (15) days. An application will not be deemed to have been received by the Commissioner until all papers and documents required in support of the application have been submitted in the proper form. The Commissioner must act within forty-five (45) days of receipt of a complete application.

(d)(2) When a public hearing is held under subdivision (j)(4) on an application for a construction permit, the Commissioner shall inform the applicant of his decision on the application within thirty (30) days following receipt of the records of the hearing.

(d)(3) The Commissioner shall briefly set forth in any notice of approval, conditional approval, or denial the basis for his determination.

(d)(4) The Commissioner may impose any reasonable conditions upon an approval to construct or modify.

(d)(5) Within thirty (30) days after receipt of an application for a permit to construct, or of any amendment to such application, the Commissioner shall advise the applicant of any deficiency in the application or in the information submitted . In the event of such a deficiency, the date of receipt of the application shall be the date on which the Commissioner received all required information.

(d)(6) A permit to construct shall be available at the site of construction throughout the period of such construction and shall be effective for such period as is specified by the Commissioner but not to exceed five (5) years, subject to renewal.

(d)(7) If construction of the stationary source will not be completed within the time specified, the holder of the permit to construct shall apply for renewal of the permit at least one hundred twenty (120) days prior to the expiration date of the permit. ]

(d)(1) THE "COMMISSIONER" SHALL NOT APPLY THE PROVISIONS OF SUBPARAGRAPHS (J), (L), OR (M) OF SUBDIVISION 22a-174-3(g)(2) IN ISSUING A "PERMIT TO OPERATE" TO THE OWNER OR "OPERATOR" OF ANY "STATIONARY SOURCE" FOR WHICH A PUBLIC NOTICE WAS PUBLISHED IN ACCORDANCE WITH THE PROVISIONS SUBPARAGRAPH 22a-174-3(j)(2)(A) PRIOR TO MAY 1, 1989. NOTWITHSTANDING THE FOREGOING, THE OWNER OR "OPERATOR" OF ANY "RESOURCES RECOVERY FACILITY" FOR WHICH A "PERMIT TO OPERATE" IS ISSUED SHALL COMPLY WITH THE PROVISIONS OF SUBPARAGRAPHS (g)(2)(C), (g)(2)(E) AND (g)(2)(J) OF SECTION 22a-174-3.

(d)(2) WITHIN FORTY-FIVE (45) DAYS AFTER RECEIPT OF AN APPLICATION FOR A "PERMIT TO CONSTRUCT" UNDER THIS SECTION OR OF ANY AMENDMENT TO SUCH APPLICATION, THE "COMMISSIONER" SHALL ADVISE THE APPLICANT IN WRITING THAT THE APPLICATION IS DEEMED COMPLETE OR OF ANY DEFICIENCY IN THE APPLICATION OR IN THE INFORMATION SUBMITTED WHICH IN THE JUDGMENT OF THE "COMMISSIONER", HAS RENDERED SUCH APPLICATION INCOMPLETE. IN THE EVENT OF SUCH A DEFICIENCY, THE DATE OF RECEIPT OF THE REVISED APPLICATION SHALL BE THE DATE ON WHICH THE "COMMISSIONER" RECEIVED ALL REQUIRED INFORMATION AND THE "DEPARTMENT" SHALL NOTIFY THE APPLICANT IN WRITING OF THE DATE ON WHICH THE APPLICATION IS DEEMED COMPLETE.

(d)(3) WITHIN SIXTY (60) DAYS OF THE COMPLETENESS DETERMINATION UNDER SUBDIVISION 22a-174-3(d)(2), THE "DEPARTMENT" SHALL MAKE AN ENGINEERING EVALUATION, WHICH IS BASED UPON A REVIEW OF THE "STATIONARY SOURCE'S" PROCESS PARAMETERS AND AIR POLLUTION CONTROL EQUIPMENT, AND SHALL DETERMINE WHETHER THE APPLICATION MAY BE RECOMMENDED FOR APPROVAL, PENDING THE RESULTS OF ANY "AIR POLLUTANT" MODELING REQUIRED UNDER SUBDIVISIONS (c)(3), (k)(5) OR (k)(6) OF SECTION 22a-174-3, OR RECOMMENDED FOR DISAPPROVAL. THE APPLICANT SHALL BE NOTIFIED IN WRITING OF SUCH PRELIMINARY DETERMINATION. ONCE ANY APPLICANT HAS BEEN NOTIFIED IN WRITING THAT THE APPLICATION MAY BE RECOMMENDED FOR DISAPPROVAL BASED UPON THE ENGINEERING EVALUATION REQUIRED UNDER THIS SUBDIVISION, THE APPLICANT MUST SUBMIT ANY ADDITIONAL MATERIAL TO THE "COMMISSIONER" WITHIN SIXTY (60) DAYS OR THE APPLICATION WILL BE WITHDRAWN FROM THE "DEPARTMENT" FILES. ANY ADDITIONAL INFORMATION SUBMITTED BY THE APPLICANT WILL BE REVIEWED BY THE "COMMISSIONER" WITHIN SIXTY (60) DAYS OF RECEIPT OF THE MATERIAL AS REQUIRED BY THIS SUBDIVISION.

(d)(4) WITHIN SIXTY (60) DAYS OF THE NOTICE REGARDING THE ENGINEERING EVALUATION UNDER SUBDIVISION 22a-174-3(d)(3) THAT THE

APPLICATION MAY BE RECOMMENDED FOR APPROVAL, THE "DEPARTMENT" SHALL COMPLETE ANY "AIR POLLUTANT" MODELING REQUIRED UNDER SUBDIVISIONS (c)(3), (k)(5) OR (k)(6) OF SECTION 22a-174-3 OR REVIEW ANY SUCH MODELING WHICH THE "COMMISSIONER" HAS REQUESTED THAT THE APPLICANT PERFORM UNDER SUBDIVISION 22a-174-3(c)(3) AND RECOMMEND EITHER APPROVAL OR DISAPPROVAL OF THE SUBJECT APPLICATION. THE APPLICANT SHALL BE NOTIFIED IN WRITING OF SUCH RECOMMENDATION. ONCE ANY APPLICANT HAS BEEN NOTIFIED IN WRITING THAT THE APPLICATION MAY BE RECOMMENDED FOR DISAPPROVAL BASED UPON THE "AIR POLLUTANT" MODELING ANALYSIS REQUIRED UNDER THIS SUBDIVISION, ANY ADDITIONAL INFORMATION SUBMITTED BY THE APPLICANT WILL BE REVIEWED BY THE "COMMISSIONER" WITHIN SIXTY (60) DAYS OF RECEIPT OF THE MATERIAL AS REQUIRED BY THIS SUBDIVISION.

(d)(5) WITHIN THIRTY (30) DAYS OF THE RECOMMENDATION UNDER SUBDIVISION (d)(4) IF ANY "AIR POLLUTANT" MODELING IS REQUIRED OR UNDER SUBDIVISION (d)(3) IF "AIR POLLUTANT" MODELING IS NOT REQUIRED, THE "DEPARTMENT" SHALL PREPARE A STAFF REPORT RECOMMENDING APPROVAL, DENIAL, MODIFICATION OR CONDITIONAL APPROVING THE PERMIT FOR THE SUBJECT "STATIONARY SOURCE".

(d)(6) ANY CHANGE IN AN APPLICATION WHICH MAY RESULT IN A CHANGE IN THE "POTENTIAL EMISSIONS" OR THE AIR QUALITY IMPACT OF ANY "AIR POLLUTANT" EMITTED FROM THE SUBJECT "STATIONARY SOURCE" AFTER THE APPLICATION HAS BEEN DEEMED COMPLETE UNDER SUBDIVISION 22a-174-3(d)(2) MAY RESULT IN THE APPLICATION BEING DEEMED INCOMPLETE OR REQUIRING AN ADDITIONAL REVIEW UNDER SUBDIVISIONS (d)(3) OR (d)(4) OF SECTION 22a-174-3. THE PROVISIONS OF THIS SUBDIVISION MAY NOT APPLY TO CHANGES MADE AS A RESULT OF WRITTEN NOTIFICATIONS FROM THE "DEPARTMENT" UNDER THIS SUBSECTION OR TO ANY CHANGES MADE PRIOR TO THE "DEPARTMENT" BEGINNING TO PERFORM ANY REQUIRED AIR QUALITY MODELING.

(d)(7) THE "DEPARTMENT" SHALL MAKE THE BEST EFFORT TO COMPLY WITH THE DEADLINES DELINEATED IN THIS SUBSECTION. HOWEVER, IN THE EVENT THAT ANY OR ALL OF THESE DEADLINES ARE EXCEEDED NO APPLICATION SHALL BE DEEMED EITHER COMPLETE OR APPROVED. THE "DEPARTMENT" SHALL MAKE ITS BEST EFFORT TO PROCESS PERMITS ON AN AS RECEIVED BASIS AND COMPLETENESS DETERMINATION PURSUANT TO THE PROVISIONS OF SUBDIVISION 22a-174-3(d)(2). HOWEVER, IN SETTING PERMITTING PRIORITIES THE "COMMISSIONER" MAY TAKE INTO CONSIDERATION WHETHER THE OWNER OR "OPERATOR" OF THE SUBJECT "STATIONARY SOURCE" HAS RECEIVED OTHER REQUIRED PERMITS, LICENSES OR OTHER APPROVALS OF APPLICABLE STATE AGENCIES OR LOCAL GOVERNMENTS.

(d)(8) A PERMIT SHALL BE AVAILABLE AT THE SITE THROUGHOUT THE PERIOD OF SUCH PERMIT AND SHALL BE EFFECTIVE FOR SUCH PERIOD AS IS SPECIFIED BY THE "COMMISSIONER" IN THE PERMIT.

(d)(9) IF CONSTRUCTION OF THE "STATIONARY SOURCE" WILL NOT BE COMPLETED WITHIN THE TIME SPECIFIED, THE HOLDER OF THE "PERMIT TO CONSTRUCT" SHALL APPLY FOR RENEWAL OF THE PERMIT AT LEAST ONE HUNDRED TWENTY (120) DAYS PRIOR TO THE EXPIRATION DATE OF THE PERMIT.

(e) Cancellation of [ construction permits. ] A "PERMIT TO CONSTRUCT".

(e)(1) The "Commissioner" may cancel or revise the conditions of a [construction permit] "PERMIT TO CONSTRUCT" if:

[ (i)](A) Construction or "modification" authorized by the permit is not begun within one year from the date of issuance, or such other period, as is allowed by the [permit] APPLICABLE "PERMIT TO CONSTRUCT"; or

[ (ii)](B) During construction or "modification", work is suspended for one year; or

[ (iii)](C) The "Commissioner" determines that any provision of subsection (c) has not been or is not being met.

(f) [ Permits to operate. ] "THOSE WHO MUST OBTAIN A "PERMIT TO OPERATE".

[ (f)(1) Any person who operates or causes the operation of a new or modified stationary source shall first obtain a permit to operate from the Commissioner in accordance with the requirements of this section. Separate applications are required for those sources subject to the provision of subdivision (g)(6). ]

(f)(1) NO PERSON SHALL COMMENCE CONSTRUCTION UNTIL THE "COMMISSIONER" HAS ISSUED WRITTEN NOTICE THAT THE APPLICATION HAS BEEN DEEMED "COMPLETE" FOR ANY "SOURCE" REQUIRED TO APPLY FOR A PERMIT UNDER SUBSECTION 22a-174-3(a). IN ADDITION, PRIOR TO BEGINNING OPERATION OF ANY SUCH "STATIONARY SOURCE" OR "MODIFICATION", THE OWNER OR OPERATOR SHALL OBTAIN A "PERMIT TO OPERATE" IF THE SUBJECT "STATIONARY SOURCE" OR "MODIFICATION":

(A) WILL HAVE "POTENTIAL EMISSIONS" OF ANY INDIVIDUAL "AIR POLLUTANT" EQUAL TO OR GREATER THAN FIVE (5) TONS PER YEAR; OR

(B) WILL HAVE "MAXIMUM UNCONTROLLED EMISSIONS" OF ANY INDIVIDUAL "AIR POLLUTANT" EQUAL TO OR GREATER THAN ONE HUNDRED (100) TONS PER YEAR; OR

(C) MUST OBTAIN A "PERMIT TO CONSTRUCT" UNDER SUBSECTION 22a-174-3(b); OR

(D) FAILS TO DEMONSTRATE CONTINUED COMPLIANCE WITH THE CONDITIONS OF OPERATION WHICH FORMED THE BASIS OF A PERMIT EXEMPTION WHEN SUCH FAILURE CAUSES "POTENTIAL EMISSIONS" OF ANY INDIVIDUAL "AIR POLLUTANT" EQUAL TO OR GREATER THAN FIVE (5) TONS PER YEAR; OR

(E) IS AN "INCINERATOR"; OR

(F) IS A "STRIPPING FACILITY" WITH "POTENTIAL EMISSIONS" IN EXCESS OF TABLE 3(f)-1 BELOW UNLESS THE "STRIPPING FACILITY" HAS INCORPORATED "BACT", AS DETERMINED BY THE "COMMISSIONER" AS PART OF A STATE ORDER OR PERMIT ISSUED BY THE "COMMISSIONER" TO REMEDIATE A SOIL OR GROUNDWATER CONTAMINATION PROBLEM.

TABLE 3(f)(1)

| TABLE THE POLLUTANT IS LISTED ON IN SECTION 22a-174-29 | TOTAL POUNDS PER HOUR OF ALL POLLUTANTS |
|---|---|
| TABLE 29-1 | 0.1 |
| TABLE 29-2 | 0.2 |
| TABLE 29-3 | 0.4 |

(f)(2) Prior to issuance of a "permit to operate", the "Commissioner" may require the owner or "operator" of a [ new or modified ] "stationary source" OR "MODIFICATION" to provide such additional information as [ he ] THE "COMMISSIONER" deems necessary

and [ as ] WHICH has not already been included in the application [ for a construction permit ] or submitted during the [ source ] COURSE of construction.

(f)(3) IN DETERMINING THE APPLICABILITY OF SUBSECTION 22a-174-3(f) THE "COMMISSIONER" SHALL NOT ALLOW THE "NETTING" OF EMISSIONS.

(g) Standards for granting "permits to operate" AND RENEWALS OF "PERMITS TO OPERATE".

(g)(1) The "Commissioner" may impose reasonable conditions [on] WITHIN any "permit to operate", including requirements beyond normal due diligence in operation and maintenance.

(g)(2) The "Commissioner" shall NOT grant a "permit to operate" a "stationary source" TO THE OWNER OR "OPERATOR" OF THAT "STATIONARY SOURCE" WHO IS REQUIRED TO OBTAIN A "PERMIT TO OPERATE" UNDER SUBSECTION 22a-174-3(f) OR TO RENEW A "PERMIT TO OPERATE" UNDER SUBDIVISIONS (g)(4) OR (g)(5) OF SECTION 22a-174-3 [ subject to subdivision (f)(1), (g)(5), or (g)(6) if he ] UNLESS THE "COMMISSIONER" determines that [:] THE OWNER OR "OPERATOR" WILL COMPLY WITH THE RELEVANT AND APPLICABLE PROVISIONS OF SUBPARAGRAPHS (A) THROUGH (L) INCLUSIVE OF THIS SUBDIVISION.

(A) The OWNER OR "OPERATOR" WILL OPERATE THE "STATIONARY source" [ is ] in compliance with applicable regulations [;] OR TERMS OF AN ORDER OR PERMIT OF THE "COMMISSIONER" FOR THAT "STATIONARY SOURCE".

(B) The OWNER OR "OPERATOR" WILL OPERATE THE "STATIONARY source" [shall operate ] without preventing or interfering with the "attainment" or maintenance of applicable [ Connecticut or National ] "Ambient Air Quality Standards" [;] OR AVAILABLE PREVENTION OF SIGNIFICANT DETERIORATION INCREMENT LISTED IN TABLE 3(k)-2 IN SUBSECTION 22a-174-3(k).

(C) The OWNER OR "OPERATOR" [ source is ] HAS equipped THE "STATIONARY SOURCE" with instrumentation to monitor and record "emission" data or other information about the operation of the "STATIONARY source" which satisfies the requirements of [ section 22a-174-4;] THE "COMMISSIONER", INCLUDING THOSE REQUIREMENTS CONTAINED IN SUBPARAGRAPH 22a-174-3(c)(1)(H).

(D) The [ new or modified source has been ] OWNER OR "OPERATOR" constructed THE "STATIONARY SOURCE" in accordance with and meets the requirements, standards, and conditions set forth in [ the construction permit; ] ANY APPLICABLE "PERMIT TO CONSTRUCT" OR OTHER ORDER OF THE "COMMISSIONER" FOR THAT "STATIONARY SOURCE".

(E) Performance tests conducted at the owner's or "operator's" expense, in accordance with methods prescribed by the "Commissioner" or [ his ] THE "COMMISSIONER'S" duly authorized representative and with [ his ] THE "DEPARTMENT'S" observation and participation if [ he ] THE "COMMISSIONER" so requires, demonstrate that the [new or modified ] "STATIONARY source" has in fact met the requirements, standards, and conditions of [ the construction permit, ] ANY APPLICABLE PERMIT OR OTHER ORDER OF THE "COMMISSIONER" FOR THAT "STATIONARY SOURCE" AND is in compliance with applicable regulations, and that the owner or "operator" of the "STATIONARY source" verifies the results in a form satisfactory to the "Commissioner" [; and ] . FOR "RESOURCES RECOVERY FACILITIES" SUCH PERFORMANCE TESTS SHALL INCLUDE STACK EMISSIONS TESTS FOR "DIOXIN

EMISSIONS" IN ACCORDANCE WITH THE PROVISIONS OF SUBSECTION 22a-174-5(g) AND STACK EMISSION TESTS FOR ANY OTHER AIR POLLUTANT LISTED ON TABLES 29-1, 29-2 OR 29-3 OF SECTION 22a-174-29. ANY SUCH TESTS SHALL BE CONDUCTED IN A MANNER ACCEPTABLE TO AND APPROVED BY THE "COMMISSIONER".

(F) An emergency abatement or standby plan, [ where required, ] has been submitted for the "STATIONARY source" and approved by the "Commissioner" [ ; and ] AS REQUIRED BY SECTION 22a-174-6.

(G) The owner or operator of any resources recovery facility has submitted to the Commissioner a comprehensive operation and maintenance plan for the premise and received the Commissioner's approval of the plan. The plan shall include equipment maintenance and inspection procedures along with schedules which ensure that all critical elements of air pollution control, combustion efficiency and continuous monitoring systems operate so as to achieve continuous compliance with the requirements of the applicable regulations or permit.

(H) THE OWNER OR "OPERATOR" OF THE "STATIONARY SOURCE" OR "MODIFICATION" HAS INCORPORATED "BEST AVAILABLE CONTROL TECHNOLOGY" BY COMPLYING WITH THE PROVISIONS OF SUBPARAGRAPH 22a-174-3(c)(1)(G) EXCEPT AS PROVIDED IN SUBDIVISION 22a-174-3(g)(8).

(I) THE OWNER OR "OPERATOR" OF THE "STATIONARY SOURCE" OR "MODIFICATION" HAS PAID TO THE "DEPARTMENT" FEES IN ACCORDANCE WITH THE PERMIT FEE SCHEDULE IN SECTION 22a-174-26 WITHIN FORTY-FIVE (45) DAYS OF RECEIPT OF A PROPOSED FINAL DECISION OF THE "COMMISSIONER".

(J) THE OWNER OR "OPERATOR" OF THE "MAJOR STATIONARY SOURCE" OR THE "MAJOR MODIFICATION" HAS SUBMITTED TO THE "COMMISSIONER", AND RECEIVED THE "COMMISSIONER'S" APPROVAL OF THE PLAN, A COMPREHENSIVE OPERATION AND MAINTENANCE PLAN FOR ALL AIR POLLUTANT EMITTING ACTIVITIES AND THE AIR POLLUTION CONTROL EQUIPMENT, WHICH WILL ENSURE CONTINUOUS COMPLIANCE WITH APPLICABLE REGULATIONS OR PERMIT REQUIREMENTS.

(K) THE OWNER OR "OPERATOR" OF THE "STATIONARY SOURCE" OR "MODIFICATION" HAS COMPLIED WITH THE APPLICABLE PROVISIONS OF SUBSECTIONS (k), (l) OR (m) OF SECTION 22a-174-3.

(L) THE OWNER OR "OPERATOR" OPERATES THE "PREMISE" OR "STATIONARY SOURCE" WITHOUT CAUSING A VIOLATION OF ANY APPLICABLE "AMBIENT AIR QUALITY STANDARD", AVAILABLE PREVENTION OF SIGNIFICANT DETERIORATION INCREMENT LISTED IN TABLE 3(k)-2 OF SUBSECTION 22a-174-3(k) OR APPLICABLE "EMISSION LIMITATION".

(M) THE OWNER OR "OPERATOR" HAS COMPLETED AND SUBMITTED A PRE-INSPECTION QUESTIONNAIRE WHICH DESCRIBES THE EQUIPMENT, PROCESSES AND MATERIALS USED ON FORMS PRESCRIBED BY THE "DEPARTMENT" OR ON OTHER MEDIA AS MAY BE REQUIRED.

(g)(3) [ In circumstances where reliable performance tests must be conducted during actual operations, the Commissioner may issue a conditional permit to commence operations . For good cause shown, such a permit may be renewed by the Commissioner for any additional period required to perform such tests. The Commissioner shall notify the owner or operator in writing of his approval, conditional approval, or denial of the permit to operate and the reasons thereof

within thirty (30) days after receipt of an acceptable performance test report. ]

IN CIRCUMSTANCES WHERE PERFORMANCE TESTS MUST BE CONDUCTED DURING ACTUAL OPERATIONS, THE "COMMISSIONER" MAY ISSUE A CONDITIONAL PERMIT TO "COMMENCE" OPERATIONS FOR UP TO ONE YEAR WHICH SHALL BE NON-RENEWABLE. IN THOSE INSTANCES WHERE A RELIABLE PERFORMANCE TEST DEMONSTRATES THAT THE "STATIONARY SOURCE" DOES NOT MEET ALL APPLICABLE "EMISSION LIMITATIONS", THE "COMMISSIONER" MAY ISSUE AN ORDER TO THE OWNER OR "OPERATOR" TO ALLOW CONTINUED PERFORMANCE TESTING OF THE "STATIONARY SOURCE".

(g)(4) [Operating permits ] "PERMITS TO OPERATE" ISSUED AFTER JUNE 1, 1972 AND PRIOR TO FEBRUARY 1, 1989 shall be maintained at the site of operation and [ shall be renewed every five (5) years, unless issued for a shorter period. ] NEED NOT BE RENEWED EVEN IF THERE IS AN EXPIRATION DATE ON THE PERMIT EXCEPT WHEN THE "COMMISSIONER" HAS PLACED AN EXPIRATION DATE ON A "PERMIT TO OPERATE" ISSUED AFTER APRIL 1, 1986. NOTWITHSTANDING THE PRECEEDING SENTENCE, THE "COMMISSIONER" MAY ISSUE AN ORDER REQUIRING THE RENEWAL OF A "PERMIT TO OPERATE" FOR ANY "SOURCE" WHICH:

(A) HAS A SIGNIFICANT IMPACT ON AIR QUALITY AS DEFINED IN SUBPARAGRAPH (c)(1)(B) OF SECTION 22a-174-3, AND CAUSES OR CONTRIBUTES TO A VIOLATION OF AN "AMBIENT AIR QUALITY STANDARD" CONTAINED IN SECTION 22a-174-24 OR APPLICABLE PREVENTION OF SIGNIFICANT DETERIORATION INCREMENT LISTED IN TABLE 3(k)-2 OF SUBSECTION 22a-174-3(k); OR

(B) HAS A VIOLATION OF A "MAXIMUM ALLOWABLE STACK CONCENTRATION" OR CAUSES A VIOLATION OF A "HAZARD LIMITING VALUE" PURSUANT TO SECTION 22a-174-29; OR

(C) IS REQUIRED TO REDUCE EMISSIONS OR OTHERWISE MODIFY ITS OPERATION AS PART OF A REVISION TO THE "STATE IMPLEMENTATION PLAN" FOR AIR QUALITY FOR AN APPLICABLE NATIONAL "AMBIENT AIR QUALITY STANDARD"; OR

(D) IS AN "INCINERATOR" OR "RESOURCES RECOVERY FACILITY"; OR

(E) CAUSES A NUISANCE DUE TO IMPROPER "STACK" HEIGHT; OR

(F) FAILS TO COMMENCE OPERATION WITHIN EIGHTEEN (18) MONTHS OF THE RECEIPT OF THE "PERMIT TO OPERATE" ISSUED IN ACCORDANCE WITH THIS SUBSECTION.

(g)(5) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION 22a-174-3(g)(4) THE [ The ] holder of a "permit to operate" WHICH WAS ISSUED AFTER APRIL 1, 1986 must apply for the renewal of [ the ] THAT permit IF THE SUBJECT PERMIT CONTAINS AN EXPIRATION DATE at least one hundred twenty (120) days prior to the permit expiration date. A request for renewal of a "permit to operate" UNDER THIS SUBDIVISION must be made in writing and shall consist of a description of any change made to the "STATIONARY source" since the last "permit to operate", or renewal thereof, was issued which would constitute a change in the data provided in the original application or subsequent renewals.

(g)(6) Any "person" who operates or causes the operation of a "STATIONARY source" specified in [ subdivision (a)(1) ] SUBSECTION 22a-174-3(a) of the regulations which were in effect prior to July 1, 1979, the construction of which "commenced" prior to June 1, 1972, but which did not begin operation prior to October 1, 1972, is required to obtain a "permit to operate" from the "Commissioner" in accordance with the requirements of this subsection.

[ (g)(7) Applications pursuant to subdivision (g)(6), must be made at least one hundred twenty (120) days prior to the start-up of operations.

(g)(8) If, following issuance of a notice by the Commissioner, the owner or operator of the permitted stationary source fails to apply for a renewal of the permit to operate, then the emissions from the source shall be eliminated from the inventory maintained by the Commissioner. ]

(g)(7) THE "COMMISSIONER" SHALL REQUIRE THAT NONE OF THE TERMS AND CONDITIONS OF THE "PERMIT TO OPERATE" IN ANY WAY RESULT IN AN INCREASE IN "EMISSIONS" OF ANY "AIR POLLUTANT" FEDERALLY REGULATED UNDER THE CLEAN AIR ACT OR AN INCREASE IN THE IMPACT ON AIR QUALITY FROM THE CONDITIONS OF THE "PERMIT TO CONSTRUCT".

(g)(8) THE "COMMISSIONER" SHALL NOT APPLY THE PROVISIONS OF SUBPARAGRAPH 22a-174-3(g)(2)(G) TO ANY INITIAL "PERMIT TO OPERATE" IF THE "STATIONARY SOURCE" HAS RECEIVED A "PERMIT TO CONSTRUCT" AND COMPLIED WITH THE PROVISIONS OF SUBPARAGRAPH 22a-174-3(c)(1)(G).

(h) Transfer of "permit to operate". The holder of a "PERMIT TO CONSTRUCT" OR A "permit to operate" may not transfer it without prior written notification to the "Commissioner". Each new owner or "operator" or holder of the permit shall be responsible for complying with all applicable regulations and with the conditions of the permit.

(i) Denial, revocation or change in the conditions of [operating permits. ] A PERMIT.

(i)(1) The "Commissioner" may deny, revoke, or change the conditions of [ an operating permit ] ANY PERMIT for failure to comply with the terms of [ subdivisions (g)(1) and (g)(2)] SUBSECTIONS (c) OR (g) OF SECTION 22a-174-3 OR THE TERMS OF A PERMIT ISSUED UNDER SECTION 22a-174-3.

(i)(2) Notice of denial, revocation or change in the conditions of either a [ construction or an operating permit ] "PERMIT TO CONSTRUCT" OR A "PERMIT TO OPERATE" shall set forth the reasons for the action taken and shall be effective thirty (30) days after the date of service of the notice, unless a hearing is requested prior to the expiration of the thirty (30) day period.

(i)(3) Any "person" considering himself aggrieved by the notice of denial, revocation, or [ modification ] CHANGE IN THE CONDITIONS OF A PERMIT UNDER THIS SUBSECTION, may consider the notice a written order of violation under subdivision 22a-174-12(b)(2) and may obtain a hearing thereon by filing a written answer and request for a hearing in accordance with subdivision 22a-174-12(b)(5). Filing of the answer and request for the hearing shall postpone the effective date of the notice until conclusion of the hearing and issuance of the decision of the "Commissioner".

(j) Public information and hearing procedures for [ new or modified ] A "PERMIT TO CONSTRUCT" OR A "PERMIT TO OPERATE" "stationary sources".

(j)(1) [ In all cases where legal notice is required pursuant to any section of these regulations, the applicant shall publish at his own expense all notice required. ] THE OWNER OR "OPERATOR" OF ANY "STATIONARY SOURCE" WHO IS REQUIRED TO OBTAIN A "PERMIT TO CONSTRUCT" OR A "PERMIT TO OPERATE" PURSUANT TO ANY REGULATION ADOPTED UNDER SECTION 22a-174 OF THE CONNECTICUT GENERAL STATUTES SHALL PUBLISH ANY NOTICE REQUIRED IN A DAILY NEWSPAPER, AS SPECIFIED BY THE "COMMISSIONER", IN EACH REGION IN WHICH THE "STATIONARY SOURCE" IS



LOCATED. THE OWNER OR "OPERATOR" SHALL PUBLISH ANY NOTICE WITHIN FIFTEEN (15) DAYS OF NOTIFICATION BY THE "COMMISSIONER".

(j)(2) The "Commissioner" [ shall inform the public of ] SHALL REQUIRE THE FOLLOWING NOTICES:

[ (i) All permit applications received for new or modified stationary sources subject to provisions of subdivision (b)(1) or (g)(6):

(ii) The opportunity for public comment on any permit application or proposed decision for a new or modified stationary source subject to the provisions of subdivision (b)(1) or (g)(6) or subparagraph (c)(8)(i); ]

(A) NOTICE OF THE RECEIPT OF AN APPLICATION WHICH HAS BEEN DEEMED COMPLETE UNDER SUBDIVISION 22a-174-3(d)(2) FOR A "PERMIT TO CONSTRUCT" UNDER SUBSECTION 22a-174-3(b) OR A RENEWAL OF A "PERMIT TO OPERATE" UNDER SUBDIVISION 22a-174-3(g)(4);

[(iii)](B) [ All proposed ] NOTICE OF ALL RECOMMENDED decisions PREPARED BY THE "DEPARTMENT" UNDER SUBDIVISION 22a-174-3(d)(5) approving, denying, MODIFYING or conditionally approving any permit for a "stationary source" OR "MODIFICATION" which is subject to the NOTICE provisions of [ subdivision (b)(1). ] SUBPARAGRAPH 22a-174-3(j)(2)(A) INCLUDING INFORMATION ON THE OPPORTUNITY FOR PUBLIC COMMENT; AND

[(iv)] (C) [ All ] NOTICE OF ALL PROPOSED FINAL decisions approving, denying, MODIFYING or conditionally approving any permit for a "stationary source" OR "MODIFICATION" which is subject to the NOTICE provisions of [ subdivision (b)(1) ] SUBPARAGRAPH 22a-174-3(j)(2)(A).

(j)(3) [ While a decision is pending on a permit application for a new or modified stationary source subject to the provisions of subdivision (b)(1) or (g)(6) any ] ANY "person" may file, within a 15-day period following the public notice of a proposed FINAL decision under subparagraph [ (j)(2)(iii) ] 22a-174-3(j)(2)(C) for a permit application for [ such new or modified ] A "stationary source[ ,] " OR "MODIFICATION", a written objection setting forth the basis thereof in detail with the "Department" opposing the approvals of the permit in its entirety or requesting that specific conditions be attached to it. The objection may be accompanied by a request for a public hearing.

(j)(4) Following receipt of a request for a public hearing PURSUANT TO SUBDIVISION 22a-174-3(j)(3) by twenty-five (25) or more people or by an association representing twenty-five (25) or more members [ according to subdivision (j)(3) ] or upon [ his ] THE "COMMISSIONER'S" own initiative, the "Commissioner" may, prior to the issuance of the permit for a [ new or modified ] "stationary source" OR "MODIFICATION", hold a public hearing. Following the close of the public hearing, the "Commissioner" shall make a decision based on all available evidence, including the record of the public hearing and the recommendation of the hearing examiner, as to whether to approve, deny or conditionally approve the permit. Notice of such decision shall be

LOCATED. THE OWNER OR "OPERATOR" SHALL PUBLISH ANY NOTICE WITHIN FIFTEEN (15) DAYS OF NOTIFICATION BY THE "COMMISSIONER".

(j)(2) The "Commissioner" [ shall inform the public of ] SHALL REQUIRE THE FOLLOWING NOTICES:

[ (i) All permit applications received for new or modified stationary sources subject to provisions of subdivision (b)(1) or (g)(6):

(ii) The opportunity for public comment on any permit application or proposed decision for a new or modified stationary source subject to the provisions of subdivision (b)(1) or (g)(6) or subparagraph (c)(8)(i); ]

(A) NOTICE OF THE RECEIPT OF AN APPLICATION WHICH HAS BEEN DEEMED COMPLETE UNDER SUBDIVISION 22a-174-3(d)(2) FOR A "PERMIT TO CONSTRUCT" UNDER SUBSECTION 22a-174-3(b) OR A RENEWAL OF A "PERMIT TO OPERATE" UNDER SUBDIVISION 22a-174-3(g)(4);

[(iii)](B) [ All proposed ] NOTICE OF ALL RECOMMENDED decisions PREPARED BY THE "DEPARTMENT" UNDER SUBDIVISION 22a-174-3(d)(5) approving, denying, MODIFYING or conditionally approving any permit for a "stationary source" OR "MODIFICATION" which is subject to the NOTICE provisions of [ subdivision (b)(1). ] SUBPARAGRAPH 22a-174-3(j)(2)(A) INCLUDING INFORMATION ON THE OPPORTUNITY FOR PUBLIC COMMENT; AND

[(iv)] (C) [ All ] NOTICE OF ALL PROPOSED FINAL decisions approving, denying, MODIFYING or conditionally approving any permit for a "stationary source" OR "MODIFICATION" which is subject to the NOTICE provisions of [ subdivision (b)(1) ] SUBPARAGRAPH 22a-174-3(j)(2)(A).

(j)(3) [ While a decision is pending on a permit application for a new or modified stationary source subject to the provisions of subdivision (b)(1) or (g)(6) any ] ANY "person" may file, within a 15-day period following the public notice of a proposed FINAL decision under subparagraph [ (j)(2)(iii) ] 22a-174-3(j)(2)(C) for a permit application for [ such new or modified ] A "stationary source[ ,] " OR "MODIFICATION", a written objection setting forth the basis thereof in detail with the "Department" opposing the approvals of the permit in its entirety or requesting that specific conditions be attached to it. The objection may be accompanied by a request for a public hearing.

(j)(4) Following receipt of a request for a public hearing PURSUANT TO SUBDIVISION 22a-174-3(j)(3) by twenty-five (25) or more people or by an association representing twenty-five (25) or more members [ according to subdivision (j)(3) ] or upon [ his ] THE "COMMISSIONER'S" own initiative, the "Commissioner" may, prior to the issuance of the permit for a [ new or modified ] "stationary source" OR "MODIFICATION", hold a public hearing. Following the close of the public hearing, the "Commissioner" shall make a decision based on all available evidence, including the record of the public hearing and the recommendation of the hearing examiner, as to whether to approve, deny or conditionally approve the permit. Notice of such decision shall be published according to subdivisions 22a-174-3(j)(1) and (j)(2).

(j)(5) Opportunity for public comment required by subdivision (j)(1), (j)(2) OR (j)(3) includes as a minimum:

[ (i)](A) A notice by advertisement in a newspaper of general circulation in the "region" affected of the application for a permit;

[ (ii)] (B) Availability for public inspection in the office of the director of air compliance of the information submitted by the owner or "operator" and of the analysis by the "Commissioner" or [his] THE "COMMISSIONER'S" designee [ of the effect on air quality ] ; and

[ (iii)](C) A fifteen (15) day period from the date of the notice required by [ subparagraph (j)(5)(i) ] THIS SUBSECTION for submittal of public comment.

(j)(6) ANY "PERSON" MAY FILE, WITHIN A THIRTY (30) DAY PERIOD FOLLOWING THE PUBLIC NOTICE OF RECEIPT OF AN APPLICATION FOR A PERMIT WHICH HAS BEEN DEEMED COMPLETE UNDER SUBPARAGRAPH 22a-174-3(j)(2)(B) FOR A NEW "MAJOR STATIONARY SOURCE" OR "MAJOR MODIFICATION" OR ANY "STATIONARY SOURCE" WITH A STACK HEIGHT IN EXCESS OF "GOOD ENGINEERING PRACTICE", A WRITTEN OBJECTION SETTING FORTH THE BASIS THEREOF IN DETAIL WITH THE "DEPARTMENT" OPPOSING THE APPLICATION IN ITS ENTIRETY OR REQUESTING THAT SPECIFIC CONDITIONS BE ATTACHED TO IT. THE OBJECTION MAY BE ACCOMPANIED BY A REQUEST FOR A PUBLIC HEARING AND THE "COMMISSIONER" SHALL HONOR SUCH REQUEST. FOLLOWING THE CLOSE OF THE PUBLIC HEARING, THE "COMMISSIONER" SHALL MAKE A DECISION BASED ON ALL AVAILABLE EVIDENCE, INCLUDING THE RECORD OF THE PUBLIC HEARING AND THE RECOMMENDATION OF THE HEARING EXAMINER, IF ANY, AS TO WHETHER TO APPROVE, DENY OR CONDITIONALLY APPROVE THE PERMIT. NOTICE OF SUCH DECISION SHALL BE PUBLISHED ACCORDING TO SUBDIVISIONS 22a-174-3(j)(1) AND (j)(2).

Section 4

Section 22a-174-3 of the Regulations of Connecticut State Agencies is amended by the addition of the following new subsection (k).

(NEW)

(k) Requirements for the Prevention of Significant Deterioration of Air Quality (PSD) Program.

(k)(1) Applicability.

Except as provided in subdivision 22a-174-3(k)(3), the requirements of subsection 22a-174-3(k) apply to the owner or "operator" of a "major stationary source" which is a new "major stationary source" or "major modification" due to "emissions" of a particular "criteria air pollutant" other than a "criteria air pollutant" for which the air quality control region or portion thereof, in which the new "major stationary source" or "major modification" is located is classified as a "non-attainment area".

(k)(2) Netting.

In determining the applicability of subdivision 22a-174-3(k)(1) the "Commissioner" shall not allow the "netting" of emissions.

(k)(3) Exemptions.

Notwithstanding the provisions of subdivision 22a-174-3(k)(1), the "Commissioner" shall not apply the provisions of subdivisions (k)(4) through (k)(6) of section 22a-174-3, inclusive, to

the owner or "operator" of a new "major stationary source" or a "major modification" which:

(A) received a Prevention of Significant Deterioration permit under federal regulations prior to February 1, 1989; or

(B) is a "major modification" solely because of the use of gaseous fuel which the source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any "federally enforceable" "permit to construct" which was issued after January 6, 1975.

(k)(4) Best Available Control Technology.

In addition to the requirements of subsections (a) through (j) inclusive, of section 22a-174-3 the owner or "operator" of a new "major stationary source" or "major modification" subject to this subsection shall install "Best Available Control Technology" as determined by the "Commissioner" for each particular "air pollutant" for which the new "major stationary source" or "major modification" has "potential emissions" equal to or greater than the amount listed in Table 3(k)-1 below. The owner or "operator" of any new "major stationary source" or "major modification" shall make and submit to the "Commissioner", for approval, a "BACT" determination for each "air pollutant", as required by the "Commissioner", including cost estimates of all control options as may be specified by the "Commissioner". For phased construction projects the "Commissioner" shall review the determination and make modifications as appropriate, at the latest time up to eighteen months prior to the commencement of construction of each independent phase of the project. At that time, the owner or operator may be required to demonstrate the adequacy of any previous determination.

(k)(5) Increment Consumption for Sulfur Dioxide.

The owner or "operator" of a "new major stationary source" or "major modification" subject to the provisions of subdivision 22a-174-3(k)(1), the "allowable emissions" of which have a significant impact on air quality, shall not cause or contribute to a violation of the maximum allowable increase of sulfur dioxide listed in Table 3(k)-2 below, after the baseline date in any "attainment area" for that "air pollutant". For the purposes of this subdivision, baseline concentration means the "ambient air" sulfur dioxide concentration levels in existence on December 17, 1984. For the purposes of subsection 22a-174-3(k) in order to determine if the "allowable emissions" of an individual "air pollutant" do not have a significant impact on air quality the amount of "ambient air" impact which will not be considered significant is less than the amounts listed to Table 3(c)-1 in subdivision 22a-174-3(c)(1)(B). In determining the increase from the baseline concentration for the subject new "major stationary source" or "major modification", the "Commissioner" shall take into consideration:

(A) "allowable emissions" from the new "major stationary source" or "major modification" subject to the provisions of subdivision 22a-174-3(k)(1);

(B) "actual emissions" from all "major stationary sources" which were required to receive a "permit to construct" from the "Commissioner" after January 6, 1975;

(C) any "modification" with "actual emissions" equal to or greater than fifteen (15) tons per year to a "major stationary source" which was required to receive a "permit to construct" after January 6, 1975 and before December 17, 1984 except that "allowable emissions" will be used if the "modification" was on the applicant's "premise"; and

(D) all "stationary sources" other than "major stationary sources" with "actual emissions" equal to or greater than fifteen (15) tons per year and which were required to receive a "permit to construct" from the "Commissioner" on or after December 17, 1984. The "Commissioner" may consider the "allowable emissions" from "stationary sources" for which a "permit to construct" is pending and which has been deemed complete in accordance with subdivision 22a-174-3(d)(3) in any increment consumption modeling analysis required pursuant to this subsection.

In addition the "Commissioner" may take into consideration decreases in "actual emissions" and "federally enforceable" "allowable emissions" from "sources" located on the applicant's "premise" which occurred on or after December 17, 1984 and any proposed decreases in "actual emissions" and "allowable emissions" which will occur prior to the new "major stationary source" or "major modification" starting operation. For the purpose of calculating "allowable emissions" of a "stationary source" for this subdivision, any physical or operational restriction on the capacity of the "source" to emit a pollutant, including air pollution control equipment, or restrictions on production rates, hours of operation, and types of materials processed, stored or combusted which limit the "maximum rated capacity" shall be treated as part of its design if the limitation or the effect of the limitation on emissions is "federally enforceable".

(k)(6) Increment Consumption for All Other "Air Pollutants".

The owner or "operator" of a "major stationary source" or "major modification" with "potential emissions" equal to or greater than the amount listed in Table 3(k)-1 below, subject to the provisions of subdivision 22a-174-3(k)(1), the "allowable emissions" of which have a significant impact on air quality, shall not cause a violation of the maximum allowable increase of any "air pollutant" listed in Table 3(k)-2 below, after the baseline date in any "attainment area". For the purposes of this subdivision, baseline concentration means the ambient concentration levels of a particular "air pollutant" in existence on the baseline date. For the purposes of subsection 22a-174-3(k) in order to determine if the "allowable emissions" of an individual "air pollutant" do not have a significant impact on air quality the amount of "ambient air" impact which will not be considered significant is less than the amounts listed in Table 3(c)-1 in subparagraph 22a-174-3(c)(1)(B). For the purposes of this subdivision, baseline date means the date on which the first complete application is submitted by a new "major stationary source" or "major modification" of the particular "air pollutant" subject to the provisions of this subsection. In determining the increase from the baseline concentration for the subject "major stationary source" or "major modification", the "Commissioner" shall take into consideration:

(A) "allowable emissions" from the proposed "major stationary source" or "major modification";

(B) "actual emissions" from all "major stationary sources" which were required to receive a "permit to construct" from the "Commissioner" after January 6, 1975;

(C) any "modification" with "actual emissions" equal to or greater than fifteen (15) tons per year to a "major stationary source" which was required to receive a "permit to construct" after January 6, 1975 and before the baseline date except that "allowable emissions" will be used if the "modification" was on the applicant's "premise"; and

(D) all "stationary sources" other than "major stationary sources" with "actual emissions" equal to or greater than fifteen (15) tons per year and which were required to receive a "permit to construct" from the "Commissioner" after the baseline date. The "Commissioner" may consider the "allowable emissions" from "stationary sources" for which a "permit to construct" is pending and which has deemed complete in accordance with subdivision 22a-174-3(d)(3) in any increment consumption modeling analysis required pursuant to this subsection.

In addition the "Commissioner" may take into consideration decreases in "actual emissions" and "federally enforceable" "allowable emissions" from "sources" located on the applicant's "premise" which occurred on or after the baseline date and any proposed decreases in "actual emissions" and "allowable emissions" which will occur prior to the new "major stationary source" or "major modification" starting operation. For the purpose of calculating "allowable emissions" of a "stationary source" for this subdivision, any physical or operational restriction on the capacity of the "source" to emit a pollutant, including air pollution control equipment, or restrictions on production rates, hours of operation, and types of materials processed, stored or combusted which limit the "maximum rated capacity" shall be treated as part of its design if the limitation or the effect of the limitation on emissions is "federally enforceable".

(k)(7) Monitoring.

(A) The permit application for the new "major stationary source" or "major modification" shall contain an analysis of meteorological and "ambient air" quality monitoring data necessary to establish the effect which emissions from the applicant's "stationary source" may have, or is having, on "ambient air" quality in any area for any "air pollutant" which;

(i) the "stationary source" has "potential emissions" in excess of the amounts listed in Table 3(k)-(1) below; or

(ii) is listed in section 22a-174-24 or is a National "Ambient Air Quality Standard".

(B) The owner or "operator" of the new "major stationary source" or "major modification" shall conduct such meteorological and "ambient air" quality monitoring as the "Commissioner" determines may be necessary to establish the effect which emissions from the applicant's "stationary source" may have, or is having, on "ambient air" quality in any area for any "air pollutant" which;

(i) the "stationary source" has "potential emissions" in excess of the amounts listed in Table 3(k)-(1) below;

(ii) is listed in section 22a-174-24 as a National or State "Ambient Air Quality Standard" ; or

(iii) is listed in Table 29-1, 29-2 or 29-3 in section 22a-174-29.

The meteorological and "ambient air" quality monitoring data required above shall be collected both before and after construction of the new "major source" or "major modification" if such "source" has "potential emissions" in excess of the amount listed in Table 3(k)-1 below, otherwise such data must be collected prior to the receipt of the "permit to operate" under subsection (f) of section 22a-174-3.

(C) Any monitoring performed for the purposes of this subdivision shall be with the prior approval of the "Commissioner" and conducted in a manner acceptable to the "Commissioner". Any monitoring shall conform with the requirements of Title 40 Code of Federal Regulations Part 58, Appendix B and with other requirements established by the "Commissioner".

(k)(8) Additional Impact Analyses.

The owner or "operator" of the new "major stationary source" or "major modification" shall, as part of the application, provide the "Commissioner" with:

(A) an analysis of the impairment to visibility, soils, and vegetation that would occur as a result of the construction and operation of the new "major stationary source" or "major modification" and of the general commercial, residential, industrial and other associated growth. The owner or "operator" need not provide an analysis of the impact on vegetation having no significant commercial or residential value; and

(B) an analysis, based upon methods approved by the "Commissioner", of the "ambient air" quality impact projected for the area as a result of general commercial, residential, industrial, and other growth associated with the new "major stationary source" or "major modification".

(k)(9) Source Information.

The owner or "operator" of the new "major stationary source" or "major modification" shall submit all information necessary to perform any analysis or make any determination under this subsection. Such information shall include, but may not be limited to:

(A) a description of the nature, location, design capacity and typical operating schedule of the new "major stationary source" or "major modification", including specifications and drawings showing its design and plant layout;

(B) a schedule for construction of the new "major stationary source" or "major modification"; and

(C) a detailed description as to what system of continuous emission reduction is planned for the new "major stationary source" or "major modification", "emission" estimates, or any other information necessary to determine that the "Best Available Control Technology" would be applied.

(k)(10) Additional Information.

Upon the request of the "Commissioner", the owner or "operator" of the new "major stationary source" or "major modification" shall also provide information on:

(A) the "ambient air" quality impact of the new "major stationary source" or "major modification", including meteorological and topographical data necessary to estimate such impact; and

(B) the "ambient air" quality impacts and the nature and extent of general commercial, residential, industrial and other growth which has occurred since August 7, 1977 in the area the new "major stationary source" or "major modification" would affect. In the event that the August 7, 1977

reference date is changed by federal judicial or administrative action, the applicant shall apply that date which is valid under federal law.

(k)(11) Additional Source Obligations.

(A) The granting of a permit under this subsection shall not relieve any owner or "operator" of the responsibility to comply fully with applicable provisions of these regulations and any other requirements under local, state or federal law.

(B) At such time that a particular "stationary source" or "modification" becomes a "major stationary source" or "major modification" solely by virtue of a relaxation in any enforceable limitation if such enforceable limitation was established after August 7,1980, on the capacity of the "stationary source" or "modification" otherwise to emit a particular "air pollutant", such as a restriction on the hours of operation, then the requirements of this subsection shall apply to the "stationary source" or "modification" as though construction had not yet "commenced" on the "stationary source" or "modification".

(k)(12) Additional Public Participation Requirements.

In addition to the requirements of subsection 22a-174-3(j), the "Commissioner" shall require additional public participation activities. This includes but is not limited to requiring the applicant to:

(A) notify the public, by advertisement in a newspaper of general circulation in each region in which the new "major stationary source" or "major modification" would be constructed, of the application, the "Department's" recommended decision on the subject application under subdivision 22a-174-3(d)(5) and any other support material the "Commissioner" deems appropriate, the degree of Prevention of Significant Deterioration increment consumption that is expected from the new "major stationary source" or "major modification", and the opportunity for comment at a public hearing if one is requested as well as written comment; and

(B) send a copy of the notice required under subparagraph 22a-173-3(k)(12)(A) to: (i) the "Administrator" through the Boston regional office of the U.S. Environmental Protection Agency; (ii) the chief executive of the municipality where the source or modification would be located; (iii) the appropriate Connecticut Regional Planning Agency; (iv) any "Indian Governing Body" whose lands may be affected by emissions from the new "major stationary source" or "major modification"; and (v) the Director of the air pollution control program in adjoining states.

Table 3(k)-1
EMISSION LEVELS

| Air Pollutant | Tons Per Year |
|---|---|
| Carbon monoxide | 100 |
| Nitrogen oxides | 40 |
| Sulfur dioxide | 40 |
| Particulate matter | 25 |

| | |
|---|---|
| $PM_{10}$ | 15 |
| Volatile organic compounds | 40 |
| Hydrogen sulfide ($H_2S$) | 10 |
| Total reduced sulfur (including $H_2S$) | 10 |
| Reduced sulfur compounds (including $H_2S$) | 10 |
| Sulfuric acid mist | 7 |
| Fluorides | 3 |
| Vinyl chloride | 1 |
| Lead | 0.6 |
| Mercury | 0.1 |
| Asbestos | 0.007 |
| Beryllium | 0.0004 |
| Any other "air pollutant" federally regulated under the Clean Air Act | 0.0 |

Table 3(k)-2
MAXIMUM ALLOWABLE INCREASE ABOVE BASELINE CONCENTRATION

| Air Pollutant | PSD Increment ($ug/m^3$) |
|---|---|
| Total Suspended Particulate | |
| Annual Geometric Mean | 19 |
| 24-Hour Average | 37 |
| Sulfur Dioxide | |
| Annual Geometric Mean | 20 |
| 24-Hour Average | 91 |
| 3-Hour Average | 512 |

Section 5

Subsection (1) of section 22a-174-3 of the Regulations of Connecticut State Agencies is amended as follows:

(1) "Non-attainment" areas.

[ (1)(1)

(i) In addition to demonstrating compliance with the requirements of subsections (a) through (i) for new stationary sources and modifications, the owner or operator of a stationary source which has actual premise emissions of an individual non-attainment pollutant of one hundred (100) tons per year or more and which is located in an area which has been designated non-attainment by the Commissioner with respect to an applicable National Ambient Air Quality Standard, must also demonstrate that any new stationary

source or modification will comply with the requirements of subdivision (1)(3) with respect to that pollutant.

(ii) In addition to demonstrating compliance with the requirements of subsections (a) through (i) for new stationary sources and modifications, the owner or operator of a new stationary source or modification, which has actual premise emissions of an individual non-attainment pollutant of one hundred (100) tons per year or more and which is located in an area where a National Ambient Air Quality Standard for that particular pollutant is not being violated, and which would cause or exacerbate, as defined in subdivision (c)(7), a violation of a National Ambient Air Quality Standard for such pollutant in an adjacent non-attainment area must demonstrate that the proposed source or modification will comply with the requirements of subdivision (1)(3) with respect to that pollutant.

(iii) The requirements of subparagraphs (1)(3)(ii) and (iii) may be waived for a resource recovery facility, if it can be demonstrated that the operation of the facility would not cause or exacerbate a violation of the primary National Ambient Air Quality Standard for either particulate matter, lead, nitrogen dioxide or sulfur dioxide and would produce a significant net environmental improvement to the satisfaction of the Commissioner. In addition, such an exemption may be granted only if (a) the applicant demonstrates that it made its best efforts to obtain sufficient offsets; (b) the applicant applies all offsets that are available; and (c) the applicant will continue to seek the necessary offsets and apply them when they become available. ]

(1)(1) APPLICABILITY.

FOR THE PURPOSES OF THIS SUBSECTION ANY "STATIONARY SOURCE" SUBJECT TO THE PROVISIONS OF SUBDIVISION 22a-174-3(b)(4) WILL BE CONSIDERED A NEW "STATIONARY SOURCE". FOR THE PURPOSES OF THIS SUBSECTION, THE "COMMISSIONER" SHALL USE THE FIRST APPLICATION DEEMED COMPLETE BY THE "COMMISSIONER" UNDER SUBDIVISION 22a-174-3(d)(2) FOR A PARTICULAR PROJECT TO DETERMINE IF THE SUBJECT "STATIONARY SOURCE" IS A NEW "MAJOR STATIONARY SOURCE" OR "MAJOR MODIFICATION". THIS PROVISION APPLIES EVEN IF THE APPLICANT WITHDRAWS AND RESUBMITS THE APPLICATION UNLESS THE "COMMISSIONER" DETERMINES THAT THE RESUBMITTED APPLICATION IS FOR A DIFFERENT PROJECT. EXCEPT AS PROVIDED IN SUBDIVISION 22a-174-3(1)(2), THE OWNER OR "OPERATOR" OF ANY NEW "MAJOR STATIONARY SOURCE" OR "MAJOR MODIFICATION" WITH RESPECT TO ANY "NON-ATTAINMENT" "AIR POLLUTANT" SHALL COMPLY WITH THE PROVISIONS OF THIS SUBSECTION FOR ANY NEW "MAJOR STATIONARY SOURCE" OR "MAJOR MODIFICATION" WHICH:

(A) IS LOCATED IN A "NON-ATTAINMENT AREA" FOR SUCH "AIR POLLUTANT"; OR

(B) IS LOCATED IN AN "ATTAINMENT AREA" OR "UNCLASSIFIABLE AREA", BUT THE "ALLOWABLE EMISSIONS" OF THE APPLICABLE "NON-ATTAINMENT" "AIR POLLUTANT" FROM THE NEW "MAJOR STATIONARY SOURCE" OR "MAJOR MODIFICATION" WOULD CAUSE OR EXACERBATE A VIOLATION OF A NATIONAL "AMBIENT AIR QUALITY STANDARD" FOR SUCH "AIR POLLUTANT" IN AN ADJACENT "NON-ATTAINMENT AREA". IN ORDER FOR A "STATIONARY SOURCE" TO NOT EXACERBATE A VIOLATION OF A NATIONAL "AMBIENT AIR QUALITY STANDARD" ITS AIR QUALITY IMPACT RESULTING FROM THE "ALLOWABLE EMISSIONS" OF THE APPLICABLE "NON-ATTAINMENT" "AIR POLLUTANT" MUST NOT BE SIGNIFICANT AS DEFINED IN SUBPARAGRAPH 22a-174-3(c)(1)(B). FOR THE PURPOSE OF CALCULATING "ALLOWABLE EMISSIONS" OF A "STATIONARY SOURCE"

FOR THIS SUBPARAGRAPH ANY PHYSICAL OR OPERATIONAL RESTRICTION ON THE CAPACITY OF THE SOURCE TO EMIT A POLLUTANT, INCLUDING AIR POLLUTION CONTROL EQUIPMENT, OR RESTRICTIONS ON PRODUCTION RATES, HOURS OF OPERATION, AND TYPES OF MATERIALS PROCESSED, STORED OR COMBUSTED WHICH LIMIT THE "MAXIMUM RATED CAPACITY" SHALL BE TREATED AS PART OF ITS DESIGN IF THE LIMITATION OR THE EFFECT OF THE LIMITATION ON EMISSIONS IS "FEDERALLY ENFORCEABLE".

[ (iv) ]

(1)(2) EXEMPTIONS.

Notwithstanding the provisions of [ subparagraphs (i) and (ii) above, the requirements of subparagraphs (1)(3)(ii) and (1)(3)(iii) ] SUBDIVISION 22a-174-3(1)(1), THE "COMMISSIONER" shall not apply:

(A) THE PROVISIONS OF THIS SUBSECTION TO ANY "MAJOR MODIFICATION" WHICH IS A "MODIFICATION" SOLELY BECAUSE OF THE USE OF GASEOUS FUEL WHICH THE "STATIONARY SOURCE" WAS CAPABLE OF ACCOMMODATING BEFORE DECEMBER 21, 1976, UNLESS SUCH CHANGE WOULD BE PROHIBITED UNDER ANY "FEDERALLY ENFORCEABLE" "PERMIT TO CONSTRUCT" WHICH WAS ISSUED AFTER DECEMBER 21, 1976; OR

(B) THE PROVISIONS OF SUBDIVISION 22a-174-3(1)(5) to any "non-attainment" "AIR pollutant" for which the "Commissioner" has submitted an approved "state implementation plan" which demonstrates "attainment" by the deadline of the Federal Clean Air Act and expressly identifies and quantifies the "emissions" of any such "AIR pollutant" which will be allowed to result from construction and operation of [ new stationary sources] NEW "MAJOR STATIONARY SOURCE" or "MAJOR modifications" which would be subject to [ the provision of subdivision (1)(3) ] THIS SUBSECTION.

[(1)(2)] (1)(3) Analysis of alternatives.

[ (i) Prior to the issuance of any permits for construction of a new stationary source or modification subject to the requirements of subdivision (1)(3) in an area where there is a violation of a primary National Ambient Air Quality Standard for either ozone or carbon monoxide, ] THE OWNER OR "OPERATOR" OF A "STATIONARY SOURCE" SUBJECT TO SUBSECTION 22a-174-3(1), SHALL PROVIDE an analysis [ will be required ] of alternative sites, sizes, production processes, and environmental control techniques which are available and reasonable for such proposed "STATIONARY source" or "modification." Such analysis shall be performed with respect to ozone and carbon monoxide and shall demonstrate that the benefits of the proposed "STATIONARY source" significantly outweigh the environmental and social costs imposed as a result of its location, construction or "modification." THE OWNER OR "OPERATOR" SHALL SUBMIT SUCH ANALYSIS PRIOR TO THE ISSUANCE OF ANY "PERMIT TO CONSTRUCT" UNDER SUBSECTIONS (b) AND (c) OF SECTION 22a-174-3.

[ (1)(3) Requirements

(i)]

(1)(4) Control technology review.

[ A new stationary source or modification subject to the provision of this subsection shall comply with the ] THE "COMMISSIONER" SHALL NOT GRANT A PERMIT UNDER THIS SECTION UNLESS THE "COMMISSIONER" DETERMINES THAT THE OWNER OR "OPERATOR" OF A NEW "MAJOR STATIONARY SOURCE" OR MAJOR MODIFICATION SUBJECT TO THIS SUBSECTION WILL INSTALL "AIR POLLUTION" CONTROL TECHNOLOGY WHICH COMPLIES WITH THE "COMMISSIONER'S" DETERMINATION OF "Lowest Achievable Emission Rate" "(LAER)" for each [ pollutant which will have a significant impact, as defined in subdivision (c)(7), on an area designated non-attainment for that pollutant.] "NON-ATTAINMENT" "AIR POLLUTANT" WITH "POTENTIAL EMISSIONS" IN EXCESS OF THE AMOUNT LISTED IN TABLE 3(k)-1 OF SUBSECTION 22a-174-3(k). THE "COMMISSIONER" SHALL ONLY REQUIRE "LAER" FOR THE PORTION OF THE "PREMISE" FOR WHICH THE SUBJECT APPLICATION HAS BEEN MADE. THE OWNER OR "OPERATOR" OF ANY NEW "MAJOR STATIONARY SOURCE" OR "MAJOR MODIFICATION" SHALL MAKE AND SUBMIT TO THE "COMMISSIONER", FOR APPROVAL, A "LAER" DETERMINATION FOR EACH "AIR POLLUTANT", AS REQUIRED BY THE "COMMISSIONER", INCLUDING COSTS ESTIMATES OF ALL CONTROL OPTIONS AS MAY BE SPECIFIED BY THE "COMMISSIONER". However, if the [ source ] "PREMISE" is "modified" intermittently and any of [ the ] THESE intermittent "modifications" [ has ] HAVE not previously been subject to the requirements under this [ paragraph ] SUBDIVISION, the "Commissioner" shall consider the stage of construction of each such intermittent "modification" and the ability of the "STATIONARY source" to install additional control equipment at the time the [ source ] "PREMISE" becomes subject to the requirements of this subsection.

[(a)] (A) In no event shall the specified [ lowest achievable emission rate ] "LAER" result in the "emission" of any "pollutant" in excess of the amount allowable under the applicable federal standards for new "STATIONARY sources" under Title 40 of the Code of Federal Regulations [ part ] PART 60 and [ part ] PART 61, as from time to time may be amended.

[(b)] (B) The requirement for the [ lowest achievable emission rate ] "LAER" shall apply to a [ new stationary source or "modification" ] NEW "MAJOR STATIONARY SOURCE" OR "MAJOR MODIFICATION" subject to the provision of this subsection regardless of its location. [in the non-attainment region. ]

[(ii)](1)(5) Emission offsets.

[ Emission reductions, hereafter "offsets", of an applicable pollutant from existing sources in the area of a proposed stationary source or modification subject to the provisions of subdivision (1)(3) are required. The offsets must be such that, by the time the proposed source is to commence operation, total allowable emissions from existing sources in the region, from new or modified stationary sources under construction which are not subject to subdivision (1)(3), and from the proposed stationary source will be sufficiently less than the total emissions from existing stationary sources allowed under these regulations prior to the filing of the permit application, so as to represent reasonable further progress toward the attainment of the applicable National Ambient Air Quality Standard. ]

PRIOR TO THE COMMENCEMENT OF OPERATION THE OWNER OR "OPERATOR" OF ANY NEW "MAJOR STATIONARY SOURCE" OR "MAJOR MODIFICATION" SHALL PROVIDE REDUCTIONS OF "ACTUAL EMISSIONS" FROM EXISTING "STATIONARY SOURCES", SUFFICIENT TO OFFSET THE "ALLOWABLE EMISSIONS" FROM THE NEW "MAJOR STATIONARY SOURCE" OR "MAJOR MODIFICATION". THE "COMMISSIONER" MAY ALLOW THE USE OF REDUCTIONS OBTAINED IN THE PREVIOUS TWO (2) YEARS UNLESS THE "COMMISSIONER", IN THE PERMIT, DEEMS ANOTHER PERIOD MORE REPRESENTATIVE, BUT IN NO EVENT SHALL SUCH PERIOD BE EARLIER THAN THE DESIGN YEAR OF THE APPLICABLE "STATE IMPLEMENTATION PLAN" FOR AIR QUALITY. FOR THE PURPOSE OF CALCULATING "ALLOWABLE EMISSIONS" OF A

"STATIONARY SOURCE" FOR THIS SUBDIVISION ANY PHYSICAL OR OPERATIONAL RESTRICTION ON THE CAPACITY OF THE "SOURCE" TO EMIT A POLLUTANT, INCLUDING AIR POLLUTION CONTROL EQUIPMENT, OR RESTRICTIONS ON PRODUCTION RATES, HOURS OF OPERATION, AND TYPES OF MATERIALS PROCESSED, STORED OR COMBUSTED WHICH LIMIT THE "MAXIMUM RATED CAPACITY" SHALL BE TREATED AS PART OF ITS DESIGN IF THE LIMITATION OR THE EFFECT OF THE LIMITATION ON EMISSIONS IS "FEDERALLY ENFORCEABLE".

[ (a)] (A) [ The "new stationary source" or "modification" will be allowed offset ] OFFSET credit IS ALLOWED only for "emission" reductions which otherwise would not be accomplished as a result of the regulations in effect at the time [ of ] the application for a "permit to construct" IS DEEMED COMPLETE under [ these regulations ] SUBDIVISION 22a-174-3(d)(2), notwithstanding that such reductions may have qualified as offsets at some earlier time. No offset credit is available if the effect of an "emission" reduction is simply to bring a "stationary source" into compliance with [ these ] regulations ADOPTED UNDER SECTION 22a-174 OF THE GENERAL STATUTES.

[ (b)] (B) The owner or "operator" of the new "MAJOR stationary source" or "MAJOR modification" may propose offsets which involve reductions from "stationary sources" controlled by [ the source ] THAT owner OR "OPERATOR" or which involve reductions from "stationary sources" controlled by others.

[ (c)] (C) The emission reduction committed to must be incorporated [ in a revised permit or other legally enforceable document ] INTO A PERMIT OR OTHER ORDER OF THE "COMMISSIONER", MUST BE "FEDERALLY ENFORCEABLE" and must be accomplished by the time the proposed "STATIONARY source" is to "commence" operation.

[ (d)] (D) Connecticut or any political subdivision thereof may commit to reducing "emissions" from existing "sources" to sufficiently outweigh the impact of the proposed NEW "MAJOR stationary source" OR "MAJOR MODIFICATION. SUCH COMMITMENT MUST BE PART OF THE "STATE IMPLEMENTATION PLAN" APPROVED BY THE "ADMINISTRATOR" WHICH DEMONSTRATES "ATTAINMENT" BY THE DEADLINES SET FORTH BY THE "ADMINISTRATOR". For such emission offsets, several different NEW "MAJOR stationary sources" OR "MAJOR MODIFICATIONS" may be allowed to construct as a result of a general "state implementation plan" revision.

[ (e)] (E) If the emission reduction committed to is in excess of the minimum required to produce the necessary reduction which would authorize construction, the excess reduction IN "ACTUAL EMISSIONS" will be eligible for consideration as a future offset for the applicant or subsequent holder of such offset rights FOR UP TO TEN (10) YEARS.

[ (f)] (F) Emission offsets must be greater than one-to-one and must produce a net air quality benefit. [ , as defined in subparagraph (iii) below, and the owner or operator must meet all other applicable federal and state requirements.] FOR CARBON MONOXIDE OR "PARTICULATE MATTER", THE NET AIR QUALITY BENEFIT IS DETERMINED BY THE USE OF ATMOSPHERIC MODELING PROCEDURES APPROVED BY THE "COMMISSIONER" AND THE "ADMINISTRATOR". UPON THE

REQUEST OF THE "COMMISSIONER", THE OWNER OR "OPERATOR" OF ANY NEW "MAJOR STATIONARY SOURCE" OR "MAJOR MODIFICATION" SHALL MAKE AND SUBMIT TO THE "COMMISSIONER", FOR APPROVAL, A NET AIR QUALITY BENEFIT DETERMINATION FOR EACH "AIR POLLUTANT", AS REQUIRED BY PERMIT OR ORDER OF THE "COMMISSIONER".

[ (g)] (G) For a [ new stationary source ] NEW "MAJOR STATIONARY SOURCE" or "MAJOR modification", otherwise subject to the provision of [ subdivision (1)(3), whose ambient air quality impact would not be significant, as defined in subdivision (c)(7) or whose ambient air quality impact would be significant but would not cause or exacerbate a violation of a National Ambient Air Quality Standard, ] SUBSECTION 22a-174-3(1) "emission offsets OF THE APPLICABLE "NON-ATTAINMENT" "AIR POLLUTANT" are not required [.] IF:

(i) THE SUBJECT NEW "MAJOR STATIONARY SOURCE" OR "MAJOR MODIFICATION" IS NOT REQUIRED TO OBTAIN OFFSETS UNDER TITLE 40 CODE OF FEDERAL REGULATIONS PART 51.18 AS SPECIFIED IN THE FEDERAL REGISTER OF AUGUST 7, 1980; OR

(ii) AFTER THE APPLICATION OF "LAER" THE "POTENTIAL EMISSIONS" OF THE APPLICABLE "NON-ATTAINMENT" "AIR POLLUTANT" FROM A NEW "STATIONARY SOURCE" ARE LESS THAN ONE HUNDRED (100) TONS PER YEAR; OR

(iii) AFTER THE APPLICATION OF "LAER" THE "POTENTIAL EMISSIONS" OF THE APPLICABLE "NON-ATTAINMENT" "AIR POLLUTANT" FROM A "MODIFICATION" ARE LESS THAN THE LEVEL LISTED IN TABLE 3(k)-1.

[ (h)] (H) The offsets must be [ transacted ] CALCULATED on a pounds per hour [actual ] "ALLOWABLE EMISSIONS" basis FOR THE NEW "MAJOR STATIONARY SOURCE" OR "MAJOR MODIFICATION". The "Commissioner" shall consider other averaging periods, e.g., tons per year and pounds per day, in addition to the pounds per hour basis [ if necessary ] to carry out the intent of this [ paragraph ] SUBDIVISION.

[ (i)] (I) The reductions must come from the emissions inventory maintained by the "Commissioner", or they must otherwise be approved by the "Commissioner" AND MUST MEET ALL OTHER CRITERIA SPECIFIED IN SUBSECTION 22a-174-3(1). THE "COMMISSIONER" SHALL ALLOW AS OFFSET CREDIT REDUCTIONS RESULTING FROM THE SHUTDOWN OR CURTAILMENT IN PRODUCTION OR HOURS OF OPERATION OF EXISTING "STATIONARY SOURCES" OR EQUIPMENT PROVIDED THAT THE WORK FORCE TO BE AFFECTED HAS BEEN NOTIFIED OF THE PROPOSED SHUTDOWN OR CURTAILMENT. SOURCE SHUTDOWNS AND CURTAILMENTS IN PRODUCTION OR OPERATING HOURS OCCURRING PRIOR TO THE DATE THE NEW SOURCE APPLICATION IS FILED GENERALLY MAY NOT BE USED FOR EMISSIONS OFFSET CREDITS. HOWEVER, WHERE AN APPLICANT CAN ESTABLISH THAT IT SHUT DOWN OR CURTAILED PRODUCTION AFTER AUGUST 7, 1977, OR LESS THAN ONE YEAR PRIOR TO THE DATE OF THE PERMIT APPLICATION, WHICHEVER IS EARLIER, AND THE PROPOSED NEW SOURCE IS A REPLACEMENT FOR THE SHUTDOWN OR CURTAILMENT CREDIT FOR SUCH SHUTDOWN OR CURTAILMENT MAY BE APPLIED TO OFFSET EMISSIONS FROM THE NEW SOURCE.

[ (j)] (J) Only intrapollutant emission offsets will be acceptable, e.g., particulates for particulates.

[ (k)] (K) Offsets for all "pollutants" must come from the Connecticut portion of the "region" in which the proposed NEW "MAJOR stationary source" OR "MAJOR MODIFICATION" is located except that offsets for "volatile organic compounds" may come from anywhere in the state.

[ (l) When a stationary source in the inventory maintained by the Commissioner ceases operations and either the permit is not renewed by the owner or operator pursuant to subdivision (g)(5) of these regulations, or the permit or the registration certificate for the allowable emissions from that source has not been transferred to a subsequent holder pursuant to subsection 22a-174-3(h) or subsection 22a-174-2(d), respectively, the allowable emissions from the source shall be eliminated from the inventory maintained by the Commissioner and shall revert to the Connecticut Department of Economic Development for subsequent use as offset credit. In determining whether a stationary source has ceased operation for the purposes of this subparagraph, the Commissioner shall consider such factors as the lay-off of employees, the removal of equipment, failure to make tax payments due, failure to renew licenses and permits necessary to continue business activity in the state, initiation of bankruptcy proceedings, and other factors as may be relevant under the circumstances. No stationary source shall be found to have ceased operations for the purpose of this subparagraph if the emitting machinery and equipment are retained at the source, taxes continue to be paid thereon, and the owner or operator requests that the allowable emissions from the source not be removed from the inventory maintained by the Commissioner. Prior to eliminating a stationary source's allowable emissions from the inventory on the grounds that the source has ceased operations, the Commissioner must notify the owner or operator of his intent. Within thirty (30) days of such notice, the owner may request a hearing for the purpose of establishing the source has not ceased operations, as defined above. Upon such request the Commissioner shall hold a hearing and shall within sixty (60) days of the completion of the hearing notify the petitioner of his decision. The notice and hearing provided above shall not be required where allowable emissions are eliminated from the inventory following the expiration of a permit, as provided in subdivision (g)(8). ]

(L) ALL OFFSETS FOR THE APPLICABLE "NON-ATTAINMENT" "AIR POLLUTANT" MUST BE FROM REDUCTIONS IN "ACTUAL EMISSIONS" FROM "SOURCES" HAVING AN IMPACT ON THE SAME AREA AS THE IMPACT FROM THE NEW "MAJOR STATIONARY SOURCE" OR "MAJOR MODIFICATION" EXCEPT THAT OFFSETS FOR "VOLATILE ORGANIC COMPOUNDS" MAY BE FROM ANYWHERE IN THE STATE.

[ (iii) Air quality review

(a) Emission offsets must provide a positive net air quality benefit in the affected area. Such benefit shall be determined by the atmospheric modeling or other procedure approved by the Commissioner.

(b) A net air quality benefit is required only for a new stationary source or modification subject to the provisions of subdivision (1)(3) which would cause or

exacerbate a violation of a Connecticut or National Ambient Air Quality Standard.

(c) A net air quality benefit is demonstrated when the maximum impact of the emissions to be reduced is greater than the maximum impact of the emissions from the new stationary source or modification by at least 11 micrograms per cubic meter (24-hour average) for particulates and by at least 550 micrograms per cubic meter (8-hour average) for carbon monoxide and occurs over the same basic area of population impact of the new stationary source or modification.

(d) A new stationary source or modification subject to the provisions of subdivision (1)(3) shall be exempt from the requirements of subparagraphs (ii) and (iii) above if the source would terminate operations permanently or relocate out of a non-attainment area within two years from the date of initial operation.

(iv) ]

(1)(6) "Source" obligation.

[ (a) ] (A) The owner or "operator" of the proposed [ new stationary source or modification ] NEW "MAJOR STATIONARY SOURCE" OR "MAJOR MODIFICATION" subject to the provisions of [ subdivision (1)(3) ] SUBSECTION 22a-174-3(1) must demonstrate that all "stationary sources" owned, operated or controlled by him in Connecticut are in compliance, or are on a "FEDERALLY ENFORCEABLE" schedule of compliance, with all applicable "emission limitations" and standards.

[ (b) ] (B) In addition, the [ applicant ] OWNER OR "OPERATOR" OF THE PROPOSED NEW "MAJOR STATIONARY SOURCE" OR "MAJOR MODIFICATION" must demonstrate that all enforcement orders for "stationary sources" IN CONNECTICUT owned, [or ] operated OR CONTROLLED BY HIM [ by the applicant in the Connecticut portion of the same region as the proposed new stationary source or modification subject to the provisions of subdivision (1)(3) ] are on the most expeditious compliance schedule practicable. Where practicable, a more expeditious compliance schedule [ must ] SHALL be required BY THE "COMMISSIONER" as [ an enforceable ] A condition of the [ new stationary source ] permit FOR THE NEW "MAJOR STATIONARY SOURCE" OR "MAJOR MODIFICATION".

[ (v)](1)(7) Public participation.

The owners or "operator" of a new "MAJOR stationary source" or "MAJOR modification" subject to the provisions of [ subdivision (1)(3)] SUBSECTION 22a-174-3(1) shall comply with the public participation requirements set forth in subsection 22a-174-3(j) .

[ (vi) Source Information. The owner or operator of a proposed stationary source or modification subject to the provision of subdivision (1)(3) shall submit all information necessary to perform any analysis or make any determination under this subsection, as set forth in subsection 22a-174-3(j). ]

(1)(8) ADDITIONAL SOURCE OBLIGATIONS.

(A) THE GRANTING OF A PERMIT UNDER SUBSECTION 22a-174-3(1) SHALL NOT RELIEVE ANY OWNER OR "OPERATOR" OF THE RESPONSIBILITY TO COMPLY FULLY WITH APPLICABLE PROVISIONS OF REGULATIONS ADOPTED UNDER SECTION 22a-174 OF THE GENERAL STATUTES AND ANY OTHER REQUIREMENTS UNDER LOCAL, STATE OR FEDERAL LAW; AND

(B) AT SUCH TIME THAT A PARTICULAR NEW "STATIONARY SOURCE" OR "MODIFICATION" BECOMES A "MAJOR STATIONARY SOURCE" OR "MAJOR MODIFICATION" SOLELY BY VIRTUE OF A RELAXATION IN ANY LIMITATION WHICH WAS ESTABLISHED AFTER AUGUST 7, 1980, ON THE CAPACITY OF THE "STATIONARY SOURCE" OR "MODIFICATION" OTHERWISE TO EMIT A PARTICULAR POLLUTANT, SUCH AS A RESTRICTION ON THE HOURS OF OPERATION, THEN THE REQUIREMENTS OF SUBSECTION 22a-174-3(1) SHALL APPLY TO THE "STATIONARY SOURCE" OR "MODIFICATION" AS THOUGH CONSTRUCTION HAD NOT YET "COMMENCED" ON THE "STATIONARY SOURCE" OR "MODIFICATION".

3793

Section 6

filed with section 8

Subsection (c) of section 22a-174-8 of the Regulations of Connecticut State Agencies is amended to read as follows:

(c)(1) Any existing "source" required to comply with subdivision (b)(2) which is unable to comply by the date specified therein must submit to the "Commissioner" a proposed compliance plan and schedule by October 1, 1972, which plan must provide for compliance with appropriate regulations as expeditiously as practicable but not later than April 1, 1974.

(c)(2) The owner or "operator" of any "source" which cannot comply with the requirements of subdivision (b)(6) shall submit a compliance plan by July 1, 1980 which provides for compliance as expeditiously as practicable but not later than July 1, 1982.

(c)(3) The owner or "operator" of any "source" which cannot comply with the requirements of subdivision (b)(7) shall submit a compliance plan by July 1, 1981 which provides for compliance as expeditiously as practicable but not later than July 1, 1982.

(c)(4) Notwithstanding the provisions of subdivision (b)(7) the owner or "operator" of a "source" subject to the requirements of subsection 22a-174-20(v) which has [ actual emissions ] "POTENTIAL EMISSIONS" of one hundred tons or less per year shall submit a compliance plan by July 1, 1984 which provides for compliance by July 1, 1985.

(c)(5) Notwithstanding the provisions of subdivisions (c)(2) and (c)(3) the "Commissioner" may accept a compliance plan with a final date of compliance not later than July 1, 1985 if [ he ] THE "COMMISSIONER" determines BY PERMIT OR ORDER that the plan calls for new or innovative technology such as the use of low solvent coatings.

CERTIFICATION
R-39 REV. 1/77

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 November 17 19 87, of the notice of the proposal to:

[ ] Adopt [X] Amend [ ] Repeal such regulations

*(If applicable):* [X] And the holding of an advertised public hearing on 17 th day of December 87 19____

WHEREFORE, the foregoing regulations are hereby:

[ ] Adopted [X] Amended as hereinabove stated [ ] Repealed

Effective:

[ ] When filed with the Secretary of the State.

(OR)

[X] The 1st day of February 19 89.

| Witness Whereof: | DATE November 7, 1988 | SIGNED (Head of Board, Agency or Commission) John W. Anderson | OFFICIAL TITLE, DULY AUTHORIZED Deputy Commissioner |
|---|---|---|---|
| Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.: | | SIGNED [illegible] | OFFICIAL TITLE, DULY AUTHORIZED DAG [illegible] |

DEC. 15 1988

[X] 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 12/20/88 | SIGNED (Clerk of the Legislative Regulation Review Committee) [illegible] |
|---|---|---|

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, 1988 | SIGNED (Secretary of the State.) Julia H. Tashjian | BY Agnes L. Kerr |
|---|---|---|

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 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.

RECEIVED
DEC 27 1988
ADMIN. DIV. SEC'Y. OF STATE