SECRETARY OF THE STATE
30 TRINITY STREET
HARTFORD, CT 06106

April 18, 1994

Hon. Timothy R.E. Keeney
Commissioner of Environmental Protection
79 Elm St.
Hartford, CT 06106

Dear Commissioner Keeney:

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

Abatement of Air Pollution - New Source Review

Said regulation(s) were received and filed in this office on April 12, 1994 and became effective on that date.

Very truly yours,

Peter J. Bartucca
Manager
Records & Legislative Services

PJB:lm
File

Read Instructions on bottom of page before completing this to comply with instructions disapproval of proposed Regulations.

STATE OF CONNECTICUT
# REGULATION
OF

4560 Page 1 of 37 pages

NAME OF AGENCY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Concerning

**ORIGINAL**

SUBJECT MATTER OF REGULATION
ABATEMENT OF AIR POLLUTION - NEW SOURCE REVIEW

SECTION 1

Section 22a-174-3 of the Regulations of Connecticut State Agencies is amended to read as follows:

**Sec. 22a-174-3.["]Permits to construct["] and ["]permits to operate["] ["]stationary sources["] or ["]modifications["].**

(a) **Those who must apply for a permit.**

(a)(1) 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["].

(A) Equipment in a manufacturing process involving surface coating including, but not limited to, printing, spray or dip painting, roller coating, electrostatic depositing or spray cleaning, and in which the maximum rated capacity of coating material and organic compounds used is thirty (30) pounds or more in any one hour.

(B) Equipment which is used in a solvent metal cleaning, etching, or plating process or other manufacturing processes involving metal cleaning and/or surface preparation which is connected to a ventilation system controlling escape of ["]air pollutants["] or contaminants to the workroom air where:

(i) for a wet system the total capacity of such equipment is one thousand (1,000) gallons or more;
(ii) for a dry system the ["]potential emissions["] to the ["]ambient air["] from the dry system equipment are greater than five (5) tons per year; or

(iii) for any solvent degreasing units the total liquid capacity is one thousand (1,000) gallons or more.

(C) Equipment used in manufacturing process, other than as set forth 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.

(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.

(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.

(H) ["]Stationary sources["] used as ["]incinerators["] except afterburners used for the disposal of waste gases from a ["]source["] which has a permit or order from the ["]Commissioner["] requiring the afterburner.

(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 |

(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) 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 MAJOR ["]stationary source["] or MAJOR 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] SUFFICIENT.

**(b) Those who must obtain a ["]permit to construct["] prior to ["]commencement["] of ["]construction["].**

(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 ] SHALL 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) 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 ["]premise["] they shall be considered a single aggregate ["]stationary source["] and subject to interpretation under subsection 22a-174-3(a). When two OR more dissimilar ["]stationary sources["] are constructed or modified, THE COMMISSIONER MAY REQUIRE 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] AND (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.

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**(c) Standards for granting a ["]permit to construct["].**

(c)(1) The ["]Commissioner["] shall not grant a ["]permit to construct["] 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 unless the ["]Commissioner["] determines, upon evidence submitted by the applicant or otherwise made part of the record, that the owner or ["]operator["] will comply with the applicable and relevant provisions of subparagraphs (A) through (K) inclusive of this subdivision.

(A) The owner or ["]operator["] shall operate the new ["]stationary source["] or ["]modification["] in accordance with all applicable and relevant, provisions of this subsection, ["]emission limitations["] 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["].

(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"] 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) The 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 60 and Part 61, as from time to time may be amended, which the ["]Commissioner["] has been delegated authority to enforce by the ["]Administrator["].

(D) The 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 the ["]Commissioner["] may reasonably require; and

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

(E) The owner or ["]operator["] of the new ["]major stationary source["] or ["]major modification["] 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["].

(F) The owner or ["]operator["] of the new ["]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] TENTATIVE DETERMINATION 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(l)(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)(2) 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.

(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 ] SHALL 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["].

(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)(3) Any ["]person["] who makes estimates of ["]ambient air["] quality impacts for either new ["]major stationary sources["] or ["]major modifications["] shall use applicable air quality models, data bases or other requirements 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)(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)(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 permits under this section.**

(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] SUFFICIENT or of any deficiency in the application or in the information submitted which in the judgment of the ["]Commissioner["], has rendered such application [incomplete] INSUFFICIENT. 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] SUFFICIENT.

(d)(3) Within sixty (60) days of the [completeness] determination OF SUFFICIENCY 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 ] SHALL 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] APPROVAL OF 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] SUFFICIENT under subdivision 22a-174-3(d)(2) may result in the application being deemed [incomplete] INSUFFICIENT 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] SUFFICIENT or approved. The ["]Department["] shall make its best effort to process permits on an as received basis and [completeness] determination OF SUFFICIENCY 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 a ["]permit to construct["].**

(e)(1) The ["]Commissioner["] may cancel or revise the conditions of a ["]permit to construct["] if:

(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 applicable ["]permit to construct["]; or

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

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

**(f) ["]Those who must obtain a ["]permit to operate["].**

(f)(1) No person shall commence construction until the ["]Commissioner["] has issued written notice that the application has been deemed ["complete"] SUFFICIENT 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 ["]stationary source["] or ["]modification["] to provide such additional information as the ["]Commissioner["] deems necessary and which has not already been included in the application or submitted during the 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 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 unless the ["]Commissioner["] determines that the owner or ["]operator["] will comply with the relevant and applicable provisions of subparagraphs (A) through [(L)]<u>(M)</u> inclusive of this subdivision.

(A) The owner or ["]operator["] will operate the ["]stationary source["] 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["] without preventing or interfering with the ["]attainment["] or maintenance of applicable ["]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["] has equipped the ["]stationary source["] with instrumentation to monitor

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and record ["]emission["] data or other information about the operation of the ["]stationary source["] which satisfies the requirements of the ["]Commissioner["], including those requirements contained in subparagraph 22a-174-3(c)(1)(H).

(D) The owner or ["]operator["] constructed the ["]stationary source["] in accordance with and meets the requirements, standards, and conditions set forth in 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 the ["]Commissioner's["] duly authorized representative and with the ["]Department's["] observation and participation if the ["]Commissioner["] so requires, demonstrate that the ["]stationary source["] has in fact met the requirements, standards, and conditions of 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["]. 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, has been submitted for the ["]stationary source["] and approved by the ["]Commissioner["] 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] TENTATIVE DETERMINATION FROM the ["]Commissioner["].

(J) The owner or ["]operator["] of the ["]major stationary source["] or the ["]major modification["] has submitted

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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] AND (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 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) ["]Permits to operate["] issued after June 1, 1972 and prior to February 1, 1989 shall be maintained at the site of operation and 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 preceding 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

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(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 holder of a ["]permit to operate["] which was issued after April 1, 1986 [ must ] SHALL apply for the renewal of 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 ] SHALL 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 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) 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)]<u>(H)</u> 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 a permit.**

(i)(1) The ["]Commissioner["] may deny, revoke, or change the conditions of any permit for failure to comply with the terms of 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 ["]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.

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(i)(3) Any ["]person["] considering himself aggrieved by the notice of denial, revocation, or 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 a STATIONARY SOURCE ["]permit to construct["] or [a "]permit to operate["] "stationary sources"].**

(j)(1)[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".]

FOR ANY APPLICATION SUBMITTED TO THE COMMISSIONER PURSUANT TO THIS SECTION, THE PROVISIONS OF SUBPARAGRAPHS (A) AND (B) OF THIS SUBDIVISION SHALL APPLY.

(A) ANY PERSON WHO SUBMITS AN APPLICATION TO THE COMMISSIONER FOR ANY PERMIT PURSUANT TO SECTION 22a-174 OF THE GENERAL STATUTES, EXCEPT AN APPLICATION FOR AUTHORIZATION UNDER A GENERAL PERMIT, SHALL:

(i) INCLUDE WITH SUCH APPLICATION A SIGNED STATEMENT CERTIFYING THAT THE APPLICANT WILL PUBLISH NOTICE OF SUCH APPLICATION ON A FORM SUPPLIED BY THE COMMISSIONER IN ACCORDANCE WITH THIS SUBSECTION;

(ii) NO LATER THAN TEN (10) DAYS AFTER THE DATE SUCH APPLICATION IS SUBMITTED, PUBLISH NOTICE OF SUCH APPLICATION IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AFFECTED AREA; AND

(iii) SEND THE COMMISSIONER A CERTIFIED COPY OF SUCH NOTICE AS IT APPEARED IN THE NEWSPAPER NO LATER THAN TWENTY (20) DAYS AFTER THE DATE SUCH NOTICE WAS PUBLISHED.

(B) THE COMMISSIONER SHALL NOT PROCESS AN APPLICATION UNTIL THE APPLICANT HAS SUBMITTED TO THE COMMISSIONER A COPY OF THE NOTICE REQUIRED BY THIS SUBDIVISION. SUCH NOTICE SHALL INCLUDE:

(i) THE NAME AND MAILING ADDRESS OF THE APPLICANT AND THE ADDRESS OF THE LOCATION AT WHICH THE PROPOSED ACTIVITY WILL TAKE PLACE;

(ii) THE APPLICATION NUMBER, IF AVAILABLE;

(iii) THE TYPE OF PERMIT SOUGHT, INCLUDING A REFERENCE TO THE APPLICABLE STATUTE OR REGULATION;

(iv) A DESCRIPTION OF THE ACTIVITY FOR WHICH A PERMIT IS SOUGHT;

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(v) A DESCRIPTION OF THE LOCATION OF THE PROPOSED ACTIVITY AND ANY NATURAL RESOURCES AFFECTED THEREBY;

(vi) THE NAME, ADDRESS AND TELEPHONE NUMBER OF ANY AGENT OF THE APPLICANT FROM WHOM INTERESTED PERSONS MAY OBTAIN COPIES OF THE APPLICATION; AND

(vii) A STATEMENT THAT THE APPLICATION IS AVAILABLE FOR INSPECTION AT THE BUREAU OF AIR MANAGEMENT.

(j)(2)[The "Commissioner" shall require the following notices:

(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);

(B) Notice of all recommended decisions prepared by the "Department" under subdivision 22a-174-3(d)(5) 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 subparagraph 22a-174-3(j)(2)(A) including information on the opportunity for public comment; and

(C) 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 subparagraph 22a-174-3(j)(2)(A).]

FOR ANY APPLICATION PROCESSED BY THE COMMISSIONER PURSUANT TO THIS SECTION, THE PROVISIONS OF SUBPARAGRAPHS (A) AND (B) OF THIS SUBDIVISION SHALL APPLY.

(A) THE COMMISSIONER, AT LEAST THIRTY (30) DAYS BEFORE APPROVING OR DENYING AN APPLICATION UNDER SECTION 22a-174 OF THE GENERAL STATUTES, SHALL PUBLISH, AT THE APPLICANT'S EXPENSE, ONCE IN A NEWSPAPER HAVING A SUBSTANTIAL CIRCULATION IN THE AFFECTED AREA NOTICE OF HIS TENTATIVE DETERMINATION REGARDING SUCH APPLICATION. SUCH NOTICE SHALL INCLUDE:

(i) THE NAME AND MAILING ADDRESS OF THE APPLICANT AND THE ADDRESS OF THE LOCATION OF THE PROPOSED ACTIVITY;

(ii) THE APPLICATION NUMBER;

(iii) THE TENTATIVE DECISION REGARDING THE APPLICATION;

(iv) THE TYPE OF PERMIT OR OTHER AUTHORIZATION SOUGHT, INCLUDING A REFERENCE TO THE APPLICABLE STATUTE OR REGULATION;

(v) A DESCRIPTION OF THE LOCATION OF THE PROPOSED ACTIVITY AND ANY NATURAL RESOURCES AFFECTED THEREBY;

(vi) THE NAME, ADDRESS AND TELEPHONE NUMBER OF ANY AGENT OF THE APPLICANT FROM WHOM INTERESTED PERSONS MAY OBTAIN COPIES OF THE APPLICATION; AND

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(vii) SUCH ADDITIONAL INFORMATION THE COMMISSIONER DEEMS NECESSARY TO COMPLY WITH ANY PROVISION OF TITLE 22a OF THE GENERAL STATUTES, OR REGULATIONS ADOPTED THEREUNDER, OR WITH THE CLEAN AIR ACT, FEDERAL CLEAN WATER ACT, OR FEDERAL RESOURCE CONSERVATION AND RECOVERY ACT.

(B) FOR THE PURPOSES OF THIS SUBSECTION, APPLICATION MEANS A REQUEST FOR A LICENSE OR RENEWAL THEREOF, OR FOR ANY PERMIT OR MODIFICATION OF A LICENSE OR PERMIT OR RENEWAL THEREOF IF THE MODIFICATION IS SOUGHT BY THE LICENSEE.

(j)(3) Any ["]person["] may file, within a FIFTEEN (15)-day period following the public notice of a [proposed final decision] TENTATIVE DETERMINATION under subparagraph 22a-174-3(j)(2)(A)[(C)] for a permit application for 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 or upon the ["]Commissioner's["] own initiative, the ["]Commissioner["] may, prior to the issuance of the permit for a ["]stationary source["] or ["]modification["], hold a public hearing. A NOTICE OF SUCH PUBLIC HEARING SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AFFECTED AREA. SUCH NOTICE SHALL INCLUDE THE DATE, TIME AND LOCATION OF THE 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, IF ANY, as to whether to approve, deny or conditionally approve the ISSUANCE OF THE permit. Notice of such decision shall be published [according to subdivisions 22a-174-3(j)(1) and (j)(2)] IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AFFECTED AREA.

(j)(5) [Opportunity for public comment required by subdivisionS (j)(1), (j)(2) or (j)(3) includes as a minimum:

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

(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 the "Commissioner's" designee; and

(C) A fifteen (15) day period from the date of the notice required by 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] PUBLISHED PURSUANT TO 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"] DEPARTMENT opposing the application in its entirety or requesting that

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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. A NOTICE OF SUCH PUBLIC HEARING SHALL BE PUBLISHED IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AFFECTED AREA. SUCH NOTICE SHALL INCLUDE THE DATE, TIME AND LOCATION OF THE 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, if any, as to whether to approve, deny or conditionally approve the ISSUANCE OF THE permit. Notice of such decision shall be published [according to subdivisions 22a-174-3(j)(1) and (j)(2)] IN A NEWSPAPER OF GENERAL CIRCULATION IN THE AFFECTED AREA. THE REQUIREMENTS OF THIS SUBDIVISION SHALL NOT APPLY TO THE OWNER OR OPERATOR OF A MAJOR STATIONARY SOURCE OR MAJOR MODIFICATION WHICH, WHILE OBTAINING A PERMIT TO CONSTRUCT, OBTAINS INTERNAL OFFSETS PURSUANT TO THE PROVISIONS OF SUBPARAGRAPHS (k)(1)(B) OR (1)(2)(C) OF SECTION 22a-174-3.

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

**(k)(1) Applicability.**

(A) 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 quality2control region or portion thereof, in which the new ["]major stationary source["] or ["]major modification["] is located is classified as a ["]non-attainment area["].

(B) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH (k)(1)(A), THE COMMISSIONER SHALL NOT APPLY THE PROVISIONS OF SUBSECTION 22a-174-3(k) TO THE OWNER OR OPERATOR OF A MAJOR MODIFICATION FOR WHICH:

(i) THE INCREASE IN ALLOWABLE EMISSIONS OF THE PARTICULAR AIR POLLUTANT IS REDUCED WITH INTERNAL OFFSETS AT A RATIO OF AT LEAST 1 TO 1;

(ii) SUCH INTERNAL OFFSETS HAVE APPROXIMATELY THE SAME QUALITATIVE SIGNIFICANCE FOR PUBLIC HEALTH AND WELFARE AS THAT ATTRIBUTED FROM THE ALLOWABLE EMISSIONS INCREASE; AND

(iii) SUCH INTERNAL OFFSETS MEET THE PROVISIONS OF SUBPARAGRAPHS (A),(B),(D),(E),(F),(G),(H),(I) AND (K) OF SUBDIVISION 22a-174-3(1)(5).

**(k)(2) Netting AND INTERNAL OFFSETS.**

In determining the applicability of subdivision 22a-174-3(k)(1) the ["]Commissioner["] shall not allow the ["]netting["] of emissions EXCEPT INTERNAL OFFSETS ARE ALLOWED, IN ACCORDANCE WITH THE PROVISIONS OF SUBPARAGRAPH (k)(1)(B).

**(k)(3) Exemptions.**

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

[(B)](ii) 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.

(B) NOTWITHSTANDING THE PROVISIONS OF SUBPARAGRAPH 22a-174-3(k)(1)(A), THE COMMISSIONER SHALL NOT APPLY THE PROVISIONS OF SUBSECTION 22a-174-3(k) TO THE OWNER OR OPERATOR OF A NEW MAJOR STATIONARY SOURCE OR MAJOR MODIFICATION OF NITROGEN OXIDES FOR WHICH THE PERMITTED ALLOWABLE EMISSIONS INCREASE OF NITROGEN OXIDES WILL BE LESS THAN FORTY (40) TONS PER YEAR.

**(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

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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".]

**BASELINE CONCENTRATION AND DATES.**

THE FOLLOWING DEFINITIONS APPLY FOR THE PURPOSES OF SUBDIVISION K(6):

(A) "BASELINE CONCENTRATION" MEANS THE AMBIENT CONCENTRATION OF SULFUR DIOXIDE, NITROGEN DIOXIDE OR PARTICULATE MATTER WHICH EXISTED AT THE TIME OF THE APPLICABLE MINOR SOURCE BASELINE DATE FOR SUCH POLLUTANT. IN DETERMINING SUCH AMBIENT CONCENTRATION, THE COMMISSIONER SHALL INCLUDE THE EFFECTS OF ACTUAL EMISSIONS REPRESENTATIVE OF STATIONARY SOURCES IN EXISTENCE ON THE APPLICABLE

MINOR SOURCE BASELINE DATE AND THE EFFECTS OF ALLOWABLE EMISSIONS OF MAJOR STATIONARY SOURCES WHICH COMMENCED CONSTRUCTION BEFORE THE MAJOR STATIONARY SOURCE BASELINE DATE BUT WERE NOT IN OPERATION BY THE APPLICABLE MINOR SOURCE BASELINE DATE.

(B) "MAJOR SOURCE BASELINE DATE" MEANS JANUARY 6, 1975 FOR PARTICULATE MATTER AND SULFUR DIOXIDE, AND FEBRUARY 8, 1988 FOR NITROGEN DIOXIDE.

(C) "MINOR SOURCE BASELINE DATE" MEANS JUNE 7, 1988 FOR PARTICULATE MATTER, DECEMBER 17, 1984 FOR SULFUR DIOXIDE AND JUNE 7, 1988 FOR NITROGEN DIOXIDE.

**(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".]

**SOURCE IMPACT ANALYSIS.**

(A) THE OWNER OR OPERATOR OF A MAJOR STATIONARY SOURCE OR MAJOR MODIFICATION, SUBJECT TO THE REQUIREMENTS OF SUBPARAGRAPH (K)(1)(A) AND WITH ALLOWABLE EMISSIONS WHICH WILL HAVE A SIGNIFICANT IMPACT ON AIR QUALITY, SHALL NOT EXCEED OR CONTRIBUTE TO AN EXCEEDANCE OF THE MAXIMUM ALLOWABLE INCREASE ESTABLISHED IN TABLE 3(K)-2. FOR THE PURPOSES OF THIS SUBSECTION, THE ALLOWABLE EMISSIONS OF AN AIR POLLUTANT WILL NOT HAVE A SIGNIFICANT IMPACT ON AIR QUALITY IF SUCH IMPACT IS LESS THAN THE AMOUNT LISTED IN TABLE 3(c)-1.

(B) IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (C), THE APPLICANT FOR A PERMIT SUBJECT TO THIS SUBSECTION SHALL SUBMIT TO THE COMMISSIONER A CALCULATION OF THE INCREASE IN AMBIENT CONCENTRATIONS ABOVE THE BASELINE CONCENTRATION. SUCH CALCULATION SHALL INCLUDE THE FOLLOWING:

(i) ALLOWABLE EMISSIONS FROM THE PROPOSED MAJOR STATIONARY SOURCE OR MAJOR MODIFICATION;

(ii) ACTUAL EMISSIONS FROM ALL MAJOR STATIONARY SOURCES WHICH WERE REQUIRED TO OBTAIN A PERMIT TO CONSTRUCT AFTER THE MAJOR SOURCE BASELINE DATE;

(iii) ACTUAL EMISSIONS FROM ALL MODIFICATIONS TO A MAJOR STATIONARY SOURCE, WHERE SUCH MODIFICATION HAD ACTUAL EMISSIONS EQUAL TO OR GREATER THAN FIFTEEN

(15) TONS PER YEAR AND WAS REQUIRED TO OBTAIN A PERMIT TO CONSTRUCT AFTER THE MAJOR SOURCE BASELINE DATE AND BEFORE THE MINOR SOURCE BASELINE DATE. THE APPLICANT SHALL USE ALLOWABLE EMISSIONS INSTEAD OF ACTUAL EMISSIONS IF SUCH MODIFICATION WAS LOCATED ON THE APPLICANT'S PREMISE;

(iv) ACTUAL EMISSIONS FROM 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 OBTAIN A PERMIT TO CONSTRUCT AFTER THE MINOR SOURCE BASELINE DATE. THE APPLICANT SHALL INCLUDE IN THE CALCULATIONS ALLOWABLE EMISSIONS FOR ANY STATIONARY SOURCE FOR WHICH A PERMIT TO CONSTRUCT IS PENDING AND WHICH THE COMMISSIONER HAS DETERMINED IS SUFFICIENT PURSUANT TO SUBDIVISION (D)(3); AND

(v) REDUCTIONS IN ACTUAL EMISSIONS AND FEDERALLY ENFORCEABLE ALLOWABLE EMISSIONS FROM SOURCES LOCATED ON THE APPLICANT'S PREMISE WHICH OCCURRED ON OR AFTER THE MINOR SOURCE BASELINE DATE.

(C) IN DETERMINING THE INCREASE FROM THE BASELINE CONCENTRATION FOR THE NEW MAJOR STATIONARY SOURCE OR MAJOR MODIFICATION, THE COMMISSIONER SHALL TAKE INTO CONSIDERATION THE INFORMATION SUBMITTED PURSUANT TO SUBPARAGRAPH (K)(6)(B). IN ADDITION, THE COMMISSIONER MAY CONSIDER ANY PROPOSED REDUCTIONS IN ACTUAL EMISSIONS AND ALLOWABLE EMISSIONS WHICH WILL OCCUR PRIOR TO THE OPERATION OF THE PROPOSED MAJOR STATIONARY SOURCE OR MAJOR MODIFICATION.

(D) 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) Any application for a permit under subsection (k) shall contain an analysis of ambient air quality in the area that the major stationary source or major modification would affect for each of the following pollutants:

(i) For the subject source, each pollutant that it has potential emission in excess of the amount listed in Table 3(k)-1 below.

(ii) For the modification, each pollutant for which it would result in an emissions increase in excess of the amount listed in Table 3(k)-1 below.

(iii) is listed in Section 22a-174-24 or is a National ["]Ambient Air Quality Standard["].

(B) For any such pollutant for which no National Ambient Air Quality Standard exists, the analysis shall contain such air quality monitoring data as the Commissioner determines is necessary to assess ambient air quality for that pollutant in any area that the emissions for that pollutant would affect.

(C) For any such pollutant (other than nonmethane hydrocarbons) for which such a standard does exist, that analysis shall contain continuous air quality monitoring data gathered for purposes of determining whether emissions of that pollutant would cause or contribute to

a violation of the standard or any maximum allowable increase listed in Table 3(k)-2 below.

(D) In general, the continuous air monitoring data that is required shall have been gathered over a period of one year and shall represent the year preceding receipt of the application, except that, if the Commissioner determines that a complete and adequate analysis can be accomplished with monitoring data gathered over a period shorter that one year (but not to be less than four months), that data that is required shall have been gathered over at least that shorter period.

(E) The owner or operator of a major stationary source or major modification subject to this subsection shall after construction of the stationary source or modification, conduct such ambient monitoring as the Commissioner determines is necessary to determine the effect emissions from the stationary source or modification may have, or are having, on air quality in any area.

(F) The owner or operator shall meet the requirements of Title 40 Code of Federal Regulations Part 58, Appendix B during the operation of monitoring for purposes of satisfying this subsection.

**(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 PUBLIC PARTICIPATION 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] THE COMMISSIONER SHALL INCLUDE IN THE NOTICE PUBLISHED PURSUANT TO SUBPARAGRAPH 22a-174-3(j)(2)(A) ANY 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] THE APPLICANT SHALL SEND a copy of the notice required under subparagraph [22a-173-3(k)(12)(A)] 22a-174-3(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] 25 |
| Sulfur dioxide | 40 |
| Particulate matter | 25 |
| PM-10 | 15 |
| Volatile organic compounds | [40] 25 |
| 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 |
| MUNICIPAL WASTE COMBUSTOR ORGANICS (MEASURED AS TOTAL TETRA-THROUGH OCTA-CHLORINATED DIBENZO-P-DIOXINS AND DIBENZOFURANS) | $3.5 \times 10^{-6}$ |
| MUNICIPAL WASTE COMBUSTOR METALS (MEASURED AS PARTICULATE MATTER) | 15 |
| MUNICIPAL WASTE COMBUSTOR ACID GASES (MEASURED AS SULFUR DIOXIDE AND HYDROGEN CHLORIDE) | 40 |

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] ARITHMETIC Mean | 20 |
| 24-Hour Average | 91 |
| 3-Hour Average | 512 |
| NITROGEN DIOXIDE | |
| ANNUAL ARITHMETIC MEAN | 25 |

(l) PERMIT REQUIREMENTS FOR ["]Non-attainment["] areas.

(l)(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(l)(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]

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(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 [".]; OR

(C) IS LOCATED IN A SERIOUS OR SEVERE NON-ATTAINMENT AREA FOR OZONE AND WHICH IS A MAJOR STATIONARY SOURCE OR MAJOR MODIFICATION OF VOLATILE ORGANIC COMPOUNDS, OR A MAJOR STATIONARY SOURCE OR MAJOR MODIFICATION OF NITROGEN OXIDES.

(1)(2) **Exemptions.**

Notwithstanding the provisions of 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 "major stationary source" or "major modifications" which would be subject to this subsection.]

THE PROVISIONS OF SUBDIVISION (L)(5) OF THIS SECTION TO A NEW MAJOR STATIONARY SOURCE OR MAJOR MODIFICATION WHICH IS LOCATED IN A ZONE WITHIN THE NON-ATTAINMENT AREA, IDENTIFIED BY THE ADMINISTRATOR, IN CONSULTATION WITH THE SECRETARY OF HOUSING AND URBAN DEVELOPMENT, AS A ZONE TO WHICH ECONOMIC DEVELOPMENT SHOULD BE TARGETED, PROVIDED

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THAT EMISSIONS OF SUCH POLLUTANT RESULTING FROM THE PROPOSED NEW OR MODIFIED MAJOR STATIONARY SOURCE WILL NOT CAUSE OR CONTRIBUTE TO EMISSIONS LEVELS WHICH EXCEED THE ALLOWANCE PERMITTED BY THE STATE IMPLEMENTATION PLAN PURSUANT TO SECTION 173(A)(1)(B) OF THE CLEAN AIR ACT; OR

(C) THE PROVISIONS OF THIS SUBSECTION TO THE OWNER OR OPERATOR OF A MAJOR MODIFICATION FOR WHICH: THE INCREASE IN PERMITTED ALLOWABLE EMISSIONS OF THE NON-ATTAINMENT AIR POLLUTANT WILL BE REDUCED WITH INTERNAL OFFSETS AT A RATIO OF AT LEAST 1 TO 1; SUCH INTERNAL OFFSETS HAVE APPROXIMATELY THE SAME QUALITATIVE SIGNIFICANCE FOR PUBLIC HEALTH AND WELFARE AS THAT ATTRIBUTED FROM THE ALLOWABLE EMISSIONS INCREASE; ANDSUCH INTERNAL OFFSETS MEET THE PROVISIONS OF SUBPARAGRAPHS (A),(B),(D),(E),(F),(G),(H),(I) AND (K) OF SUBDIVISION 22a-174-3(1)(5).

**(1)(3) Analysis of alternatives.**

The owner or ["]operator["] of a ["]stationary source["] subject to subsection 22a-174-3(1), shall provide an analysis 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)(4) Control technology review.**

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 ["]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] COST estimates of all control options as may be specified by the ["]Commissioner["]. However, if the ["]premise["] is ["]modified["] intermittently and any of these intermittent ["]modifications["] have not previously been subject to the requirements under this 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 ["]premise["] becomes subject to the requirements of this subsection.

(A) In no event shall the specified ["]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

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Code of Federal Regulations Part 60 and Part 61, as from time to time may be amended.

(B) The requirement for the ["]LAER["] shall apply to a new ["]major stationary source["] or ["]major modification["] subject to the provisions of this subsection regardless of its location.

(C) FOR EACH NON-ATTAINMENT AIR POLLUTANT FOR WHICH A MODIFICATION IS A MAJOR STATIONARY SOURCE OR MAJOR MODIFICATION, THE OWNER OR OPERATOR OF SUCH SOURCE SHALL BE SUBJECT TO BACT INSTEAD OF LAER FOR SUCH AIR POLLUTANT IF THE CONDITIONS LISTED IN SUBPARAGRAPH (L)(2)(C) ARE MET. IN ADDITION, IF SUCH CONDITIONS ARE MET THEN THE MODIFICATION SHALL NOT BE SUBJECT TO ANY PART OF SUBDIVISION (L)(5) THAT IS NOT OTHERWISE LISTED IN SUBPARAGRAPH (L)(2)(C).

**(l)(5) OFFSETTING EMISSION REDUCTIONS.[Emission offsets.]**

Prior to the commencement of operation the ["]owner or operator["] of any new ["]major stationary source["] or ["]major modification["] SUBJECT TO THIS SUBDIVISION shall provide reductions of ["]actual emissions["] from existing ["]stationary sources[",] sufficient to offset the PROPOSED ["]allowable emissions["] [from the] INCREASE FOR EACH INDIVIDUAL NON-ATTAINMENT AIR POLLUTANT FOR WHICH THE NEW STATIONARY SOURCE OR MODIFICATION IS A new ["]major stationary source["] or ["]major modification["]. THE COMMISSIONER SHALL NOT GRANT A PERMIT FOR A SOURCE SUBJECT TO THIS SUBDIVISION UNLESS SUCH EMISSION REDUCTIONS MEET ALL PROVISIONS OF SUBPARAGRAPHS (A) THROUGH (L) INCLUSIVE. [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) THE EMISSION REDUCTIONS MUST OCCUR IN THE TWO YEAR PERIOD PRIOR TO THE DATE THAT THE NEW STATIONARY SOURCE OR MODIFICATION BECOMES OPERATIONAL AND BEGINS TO EMIT ANY POLLUTANT. THE COMMISSIONER MAY ALLOW OR REQUIRE THE USE OF ANOTHER PERIOD WHICH IS DEEMED MORE REPRESENTATIVE, BUT IN NO EVENT SHALL SUCH PERIOD BEGIN EARLIER THAN JANUARY 1, 1990.

(B) [(A)]THE EMISSION REDUCTIONS MUST NOT BE REQUIRED BY ANY OF THE FOLLOWING:

(i) THE CLEAN AIR ACT;

(ii) A FEDERALLY ENFORCEABLE PERMIT OR ORDER;

(iii) THE STATE IMPLEMENTATION PLAN; OR

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(iv) [Offset credit is allowed only for "emission" reductions which otherwise would not be accomplished as a result of] the regulations OR STATUTES in effect at the time the application for a ["]permit to construct["] is deemed [complete] SUFFICIENT under 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 regulations adopted under section 22a-174 of the General Statutes.]

(C) [(B)] The owner or ["]operator["] of the new ["]major stationary source["] or ["]major modification["] may propose [offsets which involve] EMISSION reductions from ["]stationary sources["] controlled by that owner or ["]operator["], or [which involve] EMISSION reductions from ["]stationary sources["] controlled by others.

(D) [(C)] The emission reduction [committed to] [ must ] SHALL be incorporated into a permit or other order of the ["]Commissioner["], [ must ] SHALL be ["]federally enforceable["] WHEN THE PERMIT TO CONSTRUCT FOR THE NEW MAJOR STATIONARY SOURCE OR MAJOR MODIFICATION IS ISSUED, and [ must be accomplished] ] SHALL OCCUR by the time the proposed ["]stationary source["] is to ["]commence["] operation.

[(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) 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.]

(E) [(F)] [Emission offsets must be greater than one-to-one and] THE EMISSION REDUCTIONS, IN CONJUNCTION WITH THE PROPOSED EMISSIONS INCREASE, [ must ] SHALL produce a net air quality benefit. IN DETERMINING THE NET AIR QUALITY BENEFIT, THE COMMISSIONER MAY CONSIDER EMISSIONS ON AN HOURLY, DAILY, SEASONAL OR ANNUAL BASIS. For carbon monoxide, or ["]particulate matter["], the net air quality benefits 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["].

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SUCH DETERMINATION SHALL INCLUDE ALL INCREASES AND DECREASES OF EMISSIONS FROM STATIONARY SOURCES AT ANY PREMISE PROVIDING THE EMISSION REDUCTIONS FOR SUCH OFFSETS.

[(G) For a new "major stationary source" or "major modification", otherwise subject to the provision of subsection 22a-174-3(l) "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.]

(F) [(H)] The [offsets] EMISSION REDUCTIONS must be [calculated] BASED on [a] THE pounds per hour ["]allowable emissions["] [basis for] INCREASE FROM 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 to carry out the intent of this subdivision.

(G) [(I)] The reductions [ must ] SHALL come from the emissions inventory maintained by the ["]Commissioner["], or they [ must ] SHALL otherwise be approved by the ["]Commissioner["] and [ must ] SHALL meet all other criteria specified in subsection 22a-174-3(l).

(H) EMISSION REDUCTIONS RESULTING FROM THE SHUT DOWN OR CURTAILMENT OF PRODUCTION OR OPERATING HOURS AT AN EXISTING SOURCE MAY ONLY BE USED TO OFFSET EMISSION INCREASES IF SUCH REDUCTIONS OCCUR AFTER NOVEMBER 15, 1990 AND THE ADMINISTRATOR HAS NOT ISSUED THE STATE ANY NOTICE RESTRICTING THE USE OF SUCH EMISSION REDUCTIONS. [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.]

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(I)[(J)] [Only intrapollutant emission offsets will be acceptable, e.g., particulates for particulates.] EMISSION REDUCTIONS OF A PARTICULAR POLLUTANT MAY ONLY BE USED TO OFFSET INCREASES IN THE SAME POLLUTANT, SUCH AS VOLATILE ORGANIC COMPOUNDS FOR VOLATILE ORGANIC COMPOUNDS. IN NO EVENT SHALL REDUCTIONS OF PERCHLOROETHYLENE OR THE EXEMPT VOLATILE ORGANIC COMPOUNDS LISTED IN TABLE 1(a)-1 OF SECTION 22a-174-1 BE USED TO OFFSET VOLATILE ORGANIC COMPOUNDS.

[(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.]

(J) THE EMISSION REDUCTIONS SHALL BE OBTAINED FROM EITHER:

(i) SOURCES IN THE SAME NON-ATTAINMENT AREA; OR

(ii) FOR VOLATILE ORGANIC COMPOUNDS OR NITROGEN OXIDES, SOURCES IN A DIFFERENT NON-ATTAINMENT AREA WHERE, UNDER THE CLEAN AIR ACT, SUCH AREA HAS AN EQUAL OR HIGHER NON-ATTAINMENT CLASSIFICATION THAN THE AREA IN WHICH THE NEW OR MODIFIED SOURCE WOULD BE LOCATED, AND EMISSIONS FROM SUCH AREA CONTRIBUTE TO A VIOLATION OF A NATIONAL AMBIENT AIR QUALITY STANDARD IN THE NON-ATTAINMENT AREA IN WHICH THE PROPOSED NEW OR MODIFIED SOURCE WOULD BE LOCATED.

(K) [(L)] Offsets for the applicable ["]non-attainment["] ["]air pollutant["] [ must ] SHALL 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.]

(L) EMISSION REDUCTIONS OF ACTUAL EMISSIONS SHALL OFFSET EMISSION INCREASES OF ALLOWABLE EMISSIONS AT A RATIO GREATER THAN ONE TO ONE. IN ADDITION THE RATIO FOR VOLATILE ORGANIC COMPOUNDS OR NITROGEN OXIDES SHALL BE:

(i) AT LEAST 1.3 TO 1 IN ANY SEVERE NON-ATTAINMENT AREA FOR OZONE; AND

(ii) AT LEAST 1.2 TO 1 IN ANY SERIOUS NON-ATTAINMENT AREA FOR OZONE.

**(1)(6) ["]Source["] obligation.**

(A) The owner or ["]operator["] of the proposed new ["]major stationary source["] or ["]major modification["] subject to the provisions of subsection 22a-174-3(1) [ must ] SHALL 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) [In addition, the] THE owner or ["]operator["] of the proposed new ["]major stationary source["] or ["]major modification["] [ must ] SHALL demonstrate that all

enforcement orders for ["]stationary sources["] in Connecticut owned, operated or controlled by him are on the most expeditious compliance schedule practicable. Where practicable, a more expeditious compliance schedule shall be required by the ["]Commissioner["] as a condition of the permit for the new ["]major stationary source["] or ["]major modification["].

(1)(7) **Public participation.**

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

IN ADDITION TO THE PUBLIC PARTICIPATION REQUIREMENTS OF SUBSECTION 22a-174-3(J) THE PROVISIONS OF SUBPARAGRAPHS A AND B SHALL APPLY TO ANY SOURCE SUBJECTED TO THIS SUBSECTION:

(A) THE COMMISSIONER SHALL INCLUDE IN THE NOTICE PUBLISHED PURSUANT TO SUBPARAGRAPH 22a-174-3(j)(2)(A) ANY SUPPORT MATERIAL THE COMMISSIONER DEEMS APPROPRIATE, THE AMOUNT AND LOCATION OF EMISSIONS REDUCTIONS THAT WILL OFFSET THE POTENTIAL EMISSIONS INCREASE FROM THE NEW SOURCE OR MODIFICATION, THE DETERMINATION OF LAER, AND THE OPPORTUNITY FOR COMMENT AT A PUBLIC HEARING, IF ONE IS REQUESTED, AS WELL AS WRITTEN PUBLIC COMMENT; AND

(B) THE APPLICANT SHALL SEND A COPY OF THE NOTICE REQUIRED UNDER SUBPARAGRAPH 22a-174-3(l)(7)(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;

(1)(8) **Additional source obligations.**

(A) The granting of a permit under subsection 22a-174-3(l) 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 CONNECTICUT 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(l) shall apply to the ["]stationary

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source["] or ["]modification["] as though construction had not yet ["]commenced["] on the ["]stationary source["] or ["]modification["].

**(m) Additional permit requirements for hazardous air pollutants**

(1) In addition to determining that the owner or ["]operator["] of a ["]stationary source["] or ["]modification["] who is required to apply for a permit and who obtains a permit under either subsection (b) or (f) after the effective date of this subsection complies with the applicable provisions of subsections (a)through (l) inclusive, the ["]Commissioner["] shall not grant any permit under this section unless he also finds that the operation of that ["]source["] will not exceed any applicable ["]Maximum Allowable Stack Concentration["] for any ["]hazardous air pollutant["] at the ["]discharge point.["]

(2) In determining whether the owner or ["]operator["] of a ["]stationary source["] or ["]modification["] complies with the provisions of subdivision (m)(1), the ["]Commissioner["] shall use the ["]HLV's["] listed in either Table 29-1, 29-2, or 29-3 and the procedures specified in section 22a-174-29.

(3) The provisions of this subsection do not apply to any ["]criteria air pollutant["] except lead.

(4) The ["]Commissioner["] shall not apply the provisions of this subsection to the owner or ["]operator["] of any ["]stationary source["] who applies for a permit under these regulations prior to March 1, 1986 and receives a notice of a [complete] SUFFICIENT application prior to the effective date of this subsection or to any other owner or ["]operator["] who receives a permit under these regulations prior to the effective date of this subsection.

STATEMENT OF PURPOSE: To amend the requirements for obtaining a permit for the construction or modification of a source of air pollution consistent with the requirements of the Clean Air Act Amendments of 1990.

4560



Known that the foregoing:

[ ] Regulations [ ] Emergency Regulations

Are:

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

**ORIGINAL**

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 December 8, 19 92 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 5th, 6th & 7th day of January 19 93

WHEREFORE, the foregoing regulations are hereby:

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

Effective:

[X] When filed with the Secretary of the State.

(OR)

[ ] The _____ day of _____ 19____.

| | | | |
|---|---|---|---|
| Witness Whereof: | DATE 1/11/94 | SIGNED *(Head of Board, Agency or Commission)* Timothy R. C. Kenny | OFFICIAL TITLE, DULY AUTHORIZED Commissioner |
| Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.: | | SIGNED [illegible] | OFFICIAL TITLE, DULY AUTHORIZED 1/24/94 |

[X] Approved with Deletions per my letter 3/15/94

[ ] 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 3/19/94 | 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 April 12, 1994 | SIGNED *(Secretary of the State)* Pauline R. Kezer | BY Peter J. Bartmann |

INSTRUCTIONS

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.

2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.

3. Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.

4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.

RECEIVED

APR 12 1994

RECORDS & LEGISLATIVE SERVICES
SECRETARY OF THE STATE