NAME OF AGENCY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

SECTION ____

Section 7

Subsection (ee) of section 22a-174-20 of the Regulations of Connecticut State Agencies is amended to read as follows:

(ee) "Reasonably Available Control Technology" for large "sources".

(ee)(1) The owner or "operator" of any "premise" with [actual emissions ] "POTENTIAL EMISSIONS" of one hundred (100) tons per year or more of "volatile organic compounds" shall use "Reasonably Available Control Technology" to limit the discharge of "volatile organic compounds" by December 31, 1985 unless a compliance plan is filed under subdivision (ee)(3) OF SECTION 22a-174-20. IN CALCULATING "POTENTIAL EMISSIONS" OF A "STATIONARY SOURCE" 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 WOULD HAVE ON EMISSIONS IS "FEDERALLY ENFORCEABLE".

(ee)(2) The provisions of subdivision (ee)(1) do not apply to any "stationary source" which must meet any provisions of subsections (m) thru (v) inclusive OF SECTION 22a-174-20.

(ee)(3) The "Commissioner" may allow the owner or "operator" of any "premise" subject to the provisions of subdivision [ (ee)(1) ] 22a-174-20(ee)(1) to submit a compliance plan by July 1, 1985 which demonstrates compliance as expeditiously as practicable but not later than December 31, 1987.

(ee)(4) The "Commissioner" shall provide public notice with the opportunity for a public hearing for any compliance determination under subdivision [ (ee)(1) ] 22a-174-20(ee)(1) or acceptance of a compliance plan under subdivision [ (ee)(3) ] 22a-174-20(ee)(3).

Section 8

Section 22a-174-26 of the Regulations of Connecticut State Agencies is amended to read as follows:

Section 22a-174-26. Permit Fees.

(a) Filing fee.

(a)(1) After [ the effective date of this regulation ] SEPTEMBER 30, 1982 any "person" who is required to file an application for a permit under [ sections 22a-174-3 (except subdivision 3(g)(5)) 17, 19, or 100 ] SECTION 22a-174-3 (EXCEPT FOR SUBDIVISION 22a-174-3(g)(5)), SECTION 22a-174-17, SECTION 22a-174-19, SECTION 22a-174-29, OR SECTION 22a-174-100 shall submit with the application a filing fee of fifty dollars ($50.00) to the "Department".

(a)(2) Any fee submitted by any applicant shall be accompanied by forms furnished to the applicant by the "Commissioner".

(a)(3) Any filing fee submitted under the requirements of this subsection shall be [ nonrefundable ] CREDITED TO THE PERMIT FEE UNDER

~~SUBSECTION 22a-174-26(b) OR RETURNED IN THE EVENT THAT A PERMIT IS NOT~~ REQUIRED.

(b) Permit fees.

[(b)(1)] After [ the effective date of this regulation ] SEPTEMBER 30, 1982 any "person" who obtains a permit under [ sections 22a-174-3, 17, 19, or 100 ] SECTION 22a-174-3 (EXCEPT FOR SUBDIVISION 22a-174-3(g)(5)), SECTION 22a-174-17, SECTION 22a-174-19, SECTION 22a-174-29 OR SECTION 22a-174-100 shall submit a permit fee to the "Department" in accordance with the fee schedule in subsection 22a-174-3(c) before the permit is issued.

(c) Fees.

(c)(1) The highest [ actual ] yearly "premise" "POTENTIAL emissions", in tons per year, of any "pollutant" emitted into the "ambient air" by the "source" for which the permit is required under [ sections 22a-174-3, 17, 19, or 100, ] SECTION 22a-174-3 (EXCEPT FOR SUBDIVISION 22a-174-3(g)(5)), SECTION 22a-174-17, SECTION 22a-174-19 OR SECTION 22a-174-100 including those increases in [ actual emissions ] "POTENTIAL EMISSIONS" resulting from granting the subject permit, will be used to determine the appropriate permit fee under this subdivision.

(c)(2) Fee Schedule.

| Type of Permit | Regulation 22a-174- | [Actual] Yearly "Premise" "POTENTIAL Emissions," in tons per year, as determined [ in subdivision (c)(1)] BY THE "COMMISSIONER" 100 or More | 15 or More But Less Than 100 | Less than 15 |
|---|---|---|---|---|
| (i)[Initial construction] CONSTRUCTION and operation [and] | 3(b),3(f), 3(k), 3(l) AND 29(g)(1) | $2,000.00 | $1,000.00 | $ 250.00 |
| (ii)Operation and construction renewals | 3(g)(4), 3(g)(5) and [3(d)(7)] 3(d)(9) | $1,000.00 | $ 500.00 | $ 250.00 |
| (iii) Use of solid fuel | 19(a)(2)(i) | $2,000.00 | $1,000.00 | $ 250.00 |
| (iv) "Air pollution" control/energy trade | 19(a)(3) | $5,000.00 | $2,500.00 | $1,250.00 |
| (v) "Indirect source" | 100 | $5,000.00 | $5,000.00 | $5,000.00 |
| (vi)"Open burning" | 17 | $ 50.00 | $ 50.00 | $ 50.00 |

(c)(3) The fee required under subparagraph 22a-174-26(c)(2)(i) shall be fifty percent (50%) of the appropriate amount delineated in the fee schedule under subdivision 22a-174-26(c)(2) when no "ambient air" quality impact modeling is required.

(c)(4) The owner or "operator" of a "stationary source" shall pay one thousand dollars ($1,000.00), in addition to the fee required under subparagraph 22a-174-26(c)(2)(i), when a "Best Available Control Technology" ("BACT") review is required under subdivision 22a-174-3(c)(11) unless the new "stationary source" or "modification" will have [ actual emissions ] "POTENTIAL EMISSIONS" of less than

~~fifty (50) tons per year of each "pollutant" for which the permit is~~ required or the impact on "ambient air" quality of each of these "pollutant" emissions is [ insignificant ] NOT SIGNIFICANT as defined in subparagraph [ 22a-174-3(c)(7)(i) ] 22a-174-3(c)(1)(B).

(c)(5) The owner or "operator" of a "stationary source" shall pay one thousand dollars ($1,000.00), in addition to the fee required under subparagraph 22a-174-26(c)(2)(i), when a "Lowest Achievable Emission Rate" "(LAER)" review is required under subdivision [ 22a-174-3(1)(3) ] 22a-174-3(1)(4).

(c)(6) Notwithstanding the above fee schedule in subparagraph 22a-174-26(c)(2)(ii) the maximum fee for any individual "premise" under subparagraph 22a-174-26(c)(2)(ii) shall be five (5) times the appropriate fee for the renewal of all "stationary source" operating permits which are renewed simultaneously.

[ (c)(7) The required fee shall be three (3) times the appropriate total amount under subparagraph 22a-174-26(c)(2)(i) and subdivisions 22a-174-26(c)(3), (c)(4), and (c)(5) when a permit to construct and operate under section 22a-174-3 and subparagraph 22a-174-26(c)(2)(i) is either filed late or if the owner or operator of a stationary source required to obtain a permit under subparagraph 22a-174-26(c)(2)(i) and section 22a-174-3 either commences construction or begins operation of such source prior to obtaining such required permit. ]

[(c)(8)](c)(7) Any fee shall be waived for any local government or Connecticut state agency for permits required under sections 22a-174-17 and 22a-174-100.

[(c)(9)](c)(8) Unless the fee is waived pursuant to subdivision [(8) of this subsection ] 22a-174-26(c)(7) , the [commissioner] "COMMISSIONER" shall charge a municipality fifty percent of the fee that would be charged to other persons, owners or operators pursuant to this subsection.

[(c)(10)](c)(9) Permits required under section 22a-174-17 either obtained from a local open burning official or those pertaining to private residential burning are not subject to the above permit fees.

Section 9

Subsection (d) of section 22a-174-4 of the Regulations of Connecticut State Agencies is amended to read as follows:

(d) Approved Monitors

(d)(1) The "Commissioner" shall, from time to time, publish the design, performance, and installation specifications for an approvable smoke and "opacity" monitor. No smoke and "opacity" monitor shall be considered approved until the manufacturer has submitted evidence that the monitor meets all specifications required by the "Commissioner" and until an independent laboratory verifies that a randomly selected instrument or instruments representative of the instrument for which approval is sought, meets all specifications required by the [commossioner] "Commissioner". The "Commissioner" reserves the right to disapprove any monitor and to revoke [ his ] ANY previous approval if [ he ] THE "COMMISSIONER" believes that the monitor will not, in fact, meet [his] specifications.

(d)(2) EFFECTIVE APRIL 1, 1989 FOR THOSE "STATIONARY SOURCES" WHICH MUST MEET THE REQUIREMENTS OF APPENDIX P OF TITLE 40 CODE OF FEDERAL REGULATIONS PART 51 AN APPROVABLE SMOKE AND "OPACITY" MONITOR SHALL MEET THE DESIGN, PERFORMANCE AND INSTALLATION SPECIFICATIONS IN

PERFORMANCE SPECIFICATION 1 OF APPENDIX B OF TITLE 40 CODE OF FEDERAL REGULATIONS PART 60 AND THE REQUIREMENTS IN SECTIONS 3.4.1, 3.6, 3.7, 3.8, 4.1, 4.2, 4.4, 4.5 AND 4.6 IN APPENDIX P OF TITLE 40 CODE OF FEDERAL REGULATIONS PART 51.

(A) IN ADDITION TO THE REQUIREMENTS OF SUBDIVISION 22a-174-4(d)(1), THE OWNER OR "OPERATOR" OF ANY "STATIONARY SOURCE" SUBJECT TO THE REQUIREMENTS OF THIS SUBDIVISION SHALL CALIBRATE SUCH MONITORING EQUIPMENT.

(B) THE INFORMATION COLLECTED UNDER THIS SUBDIVISION SHALL BE USED IN DETERMINING COMPLIANCE WITH THE PROVISIONS OF SUBDIVISION 22a-174-18(a)(1).

(C) IN ADDITION TO THE REPORTING REQUIREMENTS OF SUBDIVISION 22a-174-4(c)(3), THE OWNER OR "OPERATOR" OF ANY "STATIONARY SOURCE" SUBJECT TO THE REQUIREMENTS OF THIS SUBDIVISION SHALL SUBMIT THE REPORTS LISTED IN APPENDIX P OF TITLE 40 CODE OF FEDERAL REGULATIONS PART 51 AND SHALL INCLUDE INFORMATION ON THE TOTAL PROCESS OPERATING TIME OF THE EQUIPMENT OVER THE THREE (3) PRECEDING MONTHS.

STATEMENT OF PURPOSE: To adopt standards for the preconstruction review of new or modified sources of air pollution as required by the Clean Air Act.

CERTIFICATION
R-39 REV. 1/77



Be it known that the foregoing:

[X] Regulations [ ] Emergency Regulations

Are:

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

By the aforesaid agency pursuant to:

[X] Section 22a-174 of the General Statutes.

[ ] Section _____ of the General Statutes, as amended by Public Act No. _____ of the _____ Public Acts.

[ ] Public Act No. _____ of the Public Acts.

After publication in the Connecticut Law Journal on November 17 19 87, of the notice of the proposal to:

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

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

WHEREFORE, the foregoing regulations are hereby:

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

Effective:

[ ] When filed with the Secretary of the State.

(OR)

[X] The 1st day of February 19 89

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

[X] Approved

[ ] Disapproved

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

[ ] Rejected without prejudice.

| | | |
|---|---|---|
| By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes. | DATE 1-20-88 | SIGNED (Clerk of the Legislative Regulation Review Committee) [illegible] |

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

| DATE | SIGNED (Secretary of the State.) | BY |
|---|---|---|
| | | |

INSTRUCTIONS

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

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

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

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