§3(c) & (g)

R-29A REV. 1/77

STATE OF CONNECTICUT
**REGULATION**
OF



NAME OF AGENCY
DEPARTMENT OF ENVIRONMENTAL PROTRCTION

SECTION 1

"Tank" means any vessel for containing liquids or gases.

"Volatile organic compound" means any compound of carbon that has a vapor pressure greater than 0.1 millimeters of mercury at standard conditions excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, methane, ethane, 1,1,1 trichloroethane, methylene-chloride, trichlorofluoromethane, dichlorodifluoromethane, chlorodifluoromethane, trifluoromethane, trichlorotrifluoroethane, dichlorotetrafluoroethane and chloropentafluoroethane.

[ "Watercourse" means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, which are contained within, flow through or border upon this state or any portion thereof. ]

"Waste water separator" means any tank, box, sump, or other container in which any volatile organic compound floating on or entrained or contained in water entering such tank, box, sump, or another container is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

"WATERCOURSE" MEANS RIVERS, STREAMS, BROOKS, WATERWAYS, LAKES, PONDS, MARSHES, SWAMPS, BOGS AND ALL OTHER BODIES OF WATER, NATURAL OR ARTIFICIAL, WHICH ARE CONTAINED WITHIN, FLOW THROUGH OR BORDER UPON THIS STATE OR ANY PORTION THEREOF.

Section 2.

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

(c) Standards for granting construction permits.

The Commissioner shall grant a permit to construct or modify a stationary source when he determines, upon evidence submitted by the applicant or otherwise made part of the record, that the new or modified stationary source will comply with the applicable and relevant provisions of subdivisions (c)(1) through (c)(8) inclusive and (c)(11).

(c)(1) The new or modified stationary source will operate in accordance with all applicable emission limitations and regulations.

(c)(2) The new or modified stationary source will operate without preventing or interfering with the attainment or maintenance of applicable Connecticut and National Ambient Air Quality Standards.

In order to determine compliance with this subdivision the Commissioner shall, where applicable and relevant, consider the following:

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

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

(b) The operating time for a continuous process.

(ii) The emissions from an operation shall be averaged over the appropriate time period for an applicable

Connecticut or National Ambient Air Quality Standard when such time period is longer than:

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

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

(c)(3) The new or modified stationary source will operate 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.

(c)(4) The new or modified stationary source contains, as required by the Commissioner:

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

(ii) Such instrumentation to monitor and record emission data as is required by these regulations; and

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

(c)(5) The new major stationary source or major modification will operate without significantly interfering with either attainment of any National Ambient Air Quality Standard in any other state or any other requirements in the applicable state implementation plan for such state.

(c)(6) The owner or operator of the new or modified stationary source has paid to the Department fees in accordance with a permit fee schedule adopted by the Commissioner.

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

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

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

| Pollutant (micrograms per cubic meter) | Ambient impact |
|---|---|
| Particulate matter | |
| Annual average | 1 |
| 24-hour average | 5 |

| | |
|---|---|
| Sulfur dioxide | |
| Annual average | 1 |
| 24-hour average | 5 |
| 3-hour average | 25 |
| Carbon monoxide | |
| 8-hour average | 500 |
| 1-hour average | 2000 |
| Nitrogen dioxide | |
| Annual average | 1 |

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

| Pollutant (micrograms per cubic meter) | Ambient impact |
|---|---|
| Particulate matter | |
| 24-hour average | 10 |
| Sulfur dioxide | |
| 24-hour average | 10 |
| 3-hour average | 50 |

(c) FOR ANY STATIONARY SOURCE WHICH EMITS A HAZARDOUS AIR POLLUTANT FOR WHICH THERE IS AN AMBIENT AIR QUALITY STANDARD LISTED IN SECTION 22a-174-24, THE COMMISSIONER SHALL USE THE FOLLOWING AMBIENT IMPACTS EXCEPT FOR THOSE POLLUTANTS LISTED IN SUBDIVISIONS 22a-174-3(c)(7)(a) and (b):

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

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

(i) 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 major stationary source must demonstrate, after public notice and opportunity for public hearing, that a greater height is necessary to prevent excessive concentration of any pollutant in the immediate vicinity of the major stationary source.

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

(c)(9) All estimates of ambient air quality impacts for either new major stationary sources or major modifications shall be based upon the applicable air quality models, data bases or other requirements acceptable to the Commissioner and the Administrator.

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

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

Section 3.

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

(g) Standards for granting permits to operate.

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

(g)(2) The Commissioner shall grant a permit to operate a stationary source subject to subdivision (f)(1), (g)(5), or (g)(6) if he determines that:

[(i)](A) The source is in compliance with applicable regulations;

[(ii)](B) The source shall operate without preventing or interfering with the attainment or maintenance of applicable Connecticut or National Ambient Air Quality Standards ;

[(iii)](C) The source is equipped with instrumentation to monitor and record emission data or other information about the operation of the source which satisfies the requirements of section 22a-174-4;

[(iv)](D) The new or modified source has been constructed in accordance with and meets the requirements, standards, and conditions set forth in the construction permit;

[(v)](E) Performance tests conducted at the owner's or operator's expense, in accordance with methods prescribed by the Commissioner or his duly authorized representative and with his observation and participation if he so requires, demonstrate that the new or modified source has in fact met the requirements, standards, and conditions of the construction permit, is in compliance with applicable regulations, and that the owner or operator of the source verifies the results in a form satisfactory to the Commissioner; [ and ]

[(vi)](F) An emergency abatement or standby plan, where required, has been submitted for the source and approved by the Commissioner [.] ; AND

(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.

(g)(3) In circumstances where reliable performance tests must be conducted during actual operations, the Commissioner may issue a conditional permit to commence operations. For good cause shown, such a permit may be renewed by the Commissioner for any additional period required to perform such tests. The Commissioner shall notify the owner or operator in writing of his approval, conditional approval, or denial of the permit to operate and the reasons thereof within thirty (30) days after receipt of an acceptable performance test report.

(g)(4) Operating permits shall be maintained at the site of operation and shall be renewed every five (5) years, unless issued for a shorter period.

(g)(5) The holder of a permit to operate must apply for the renewal of the permit at least one hundred twenty (120) days prior to the permit expiration date. A request for renewal of a permit to operate must be made in writing and shall consist of a description of any change made to the 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 source specified in subdivision (a)(1) of the regulations which were in effect prior to July 1, 1979, the construction of which commenced prior to June 1, 1972, but which did not begin operation prior to October 1, 1972, is required to obtain a permit to operate from the Commissioner in accordance with the requirements of this subsection.

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

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

Section 4.

Section 22a-174-5 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 22a-174-5. Methods for sampling, emission testing, SAMPLE ANALYSIS, and reporting

CERTIFICATION
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:

[ ] Section _____ of the General Statutes.

[ ] Section 22a-174; 22a-6b of the General Statutes, as amended by Public Act No. 332 489 of the 1987 1987 Public Acts.

Public Act No. _____ of the Public Acts.

After publication in the Connecticut Law Journal on January 27 September 1, 19 87 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 9,11,12,17,19 1,5,8 day of March October 19 87 87

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____.

| | | | |
|---|---|---|---|
| In Witness Whereof: | DATE 2/3/88 | SIGNED (Head of Board, Agency or Commission) Susan Addiss | 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 Deputy |

FEB. 18 1988

[X] Approved

[ ] Disapproved

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

[ ] Rejected without prejudice.

| | | |
|---|---|---|
| By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes. | DATE 4/19/88 | 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 April 25, 1988 | SIGNED (Secretary of the State) Julia H. Tashjian | BY Agnes L. Kerr |

INSTRUCTIONS

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

2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the 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 25 1988
SECRETARY OF THE STATE