Section 2

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

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

(k)(1) Applicability.

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

thereof, in which the new "major stationary source" or "major modification" is located is classified as a "non-attainment area".

(k)(2) Netting.

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

(k)(3) Exemptions.

Notwithstanding the provisions of subdivision 22a-174-3(k)(1), the "Commissioner" shall not apply the provisions of subdivisions (k)(4) through (k)(6) of section 22a-174-3, inclusive, to the owner or "operator" of a new "major stationary source" or a "major modification" which:

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

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

(k)(4) Best Available Control Technology.

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

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

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

amount of "ambient air" impact which will not be considered significant is less than the amounts listed to Table 3(c)-1 in subdivision 22a-174-3(c)(1)(B). In determining the increase from the baseline concentration for the subject new "major stationary source" or "major modification", the "Commissioner" shall take into consideration:

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

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

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

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

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

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

The owner or "operator" of a "major stationary source" or "major modification" with "potential emissions" equal to or greater than the amount listed in Table 3(k)-1 below, subject to the provisions of subdivision 22a-174-3(k)(1), the "allowable emissions" of which have a significant impact on air quality, shall not cause a violation of the maximum allowable increase of any "air pollutant" listed in Table 3(k)-2 below, after the baseline date in any "attainment area". For the purposes of this subdivision, baseline concentration means the ambient concentration levels of a particular "air pollutant" in existence on the baseline date. For the purposes

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

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

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

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

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

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

(k)(7) Monitoring.

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

"ambient air" quality in any area for any "air pollutant" which;

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

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

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

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

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

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

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

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

(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 FOR WHICH IT HAS A POTENTIAL EMISSION IN EXCESS OF THE AMOUNT LISTED IN TABLE 3(k)-1 BELOW.

(ii) FOR THE MODIFICATION, EACH POLLUTANT WHICH WILL RESULT IN AN INCREASE IN "POTENTIAL EMISSIONS" IN EXCESS OF THE AMOUNT LISTED IN TABLE 3(k)-1 BELOW.

(iii) FOR THE SUBJECT SOURCE OR MODIFICATION, EACH POLLUTANT WHICH IS LISTED IN SECTION 22a-174-24 OR FOR WHICH THERE IS A NATIONAL "AMBIENT AIR QUALITY STANDARD".

(B) THE ANALYSIS UNDER SUBPARAGRAPH 3(k)(7)(A) FOR ANY AIR POLLUTANT FOR WHICH NO NATIONAL AMBIENT AIR QUALITY STANDARD EXISTS 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) THE ANALYSIS UNDER SUBPARAGRAPH 3(k)(7)(A) FOR ANY AIR POLLUTANT (OTHER THAN NONMETHANE HYDROCARBONS) FOR WHICH SUCH A STANDARD DOES EXIST 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 QUALITY 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 UNLESS THE COMMISSIONER DETERMINES, BY PERMIT OR ORDER, THAT A COMPLETE AND ADEQUATE ANALYSIS CAN BE ACCOMPLISHED WITH MONITORING DATA GATHERED OVER A PERIOD SHORTER THAN ONE YEAR (BUT NOT TO BE LESS THAN FOUR MONTHS). ANY 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, BY PERMIT, 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 THE MONITORING NETWORK 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 requirements of subsection 22a-174-3(j), the "Commissioner" shall require additional public participation activities. This includes but is not limited to requiring the applicant to:

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

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

Table 3(k)-1
EMISSION LEVELS

| Air Pollutant | Tons Per Year |
|---|---|
| Carbon monoxide | 100 |
| Nitrogen oxides | 40 |
| Sulfur dioxide | 40 |
| Particulate matter | 25 |
| $PM_{10}$ | 15 |
| Volatile organic compounds | 40 |
| Hydrogen sulfide ($H_2S$) | 10 |
| Total reduced sulfur (including $H_2S$) | 10 |
| Reduced sulfur compounds (including $H_2S$) | 10 |
| Sulfuric acid mist | 7 |
| Fluorides | 3 |
| Vinyl chloride | 1 |
| Lead | 0.6 |
| Mercury | 0.1 |

| | |
|---|---|
| Asbestos | 0.007 |
| Beryllium | 0.0004 |
| Any other "air pollutant" federally regulated under the Clean Air Act | 0.0 |

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

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

Section 3

Section 22a-174-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 22a-174-1. Definitions.

(a) For the purposes of sections 22a-174-1 through 22a-174-200 the following definitions shall be used:

(1) "Actual emissions" means the rate of emissions from a source, including fugitive emissions quantified by permit, order or by registration information, after application of air pollution control equipment, of a particular air pollutant where the rate of emissions is calculated using:

(A) real or expected production rates, hours of operation, and types of materials processed, stored or combusted for the period specified; and

(B) information from the [ COMPLIATION ] COMPILATION OF AIR POLLUTANT EMISSION FACTORS (AP-42) published by the U. S. Environmental Protection Agency, relevant source test data or other information deemed more representative by the Commissioner.

For the purposes of determining actual emissions in subsections (k) and (l) of section 22a-174-3 and in the definitions of excessive

CERTIFICATION
REV. 1/77

3932



Be it known that the foregoing:

[X] Regulations [ ] Emergency Regulations

Are:

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

By 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 May 30 19 89, 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 30th day of June 19 89

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____.

| | DATE | SIGNED (Head of Board, Agency or Commission) | OFFICIAL TITLE, DULY AUTHORIZED |
|---|---|---|---|
| In Witness Whereof: | August 10, 1989 | [illegible] | Commissioner |

| | SIGNED | OFFICIAL TITLE, DULY AUTHORIZED |
|---|---|---|
| Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.: | [illegible] 8/16/89 | Assoc. Atty. General |

[X] Approved IN PART Section 1 was Rejected without Prejudice
Sections 2 and 3 were Approved

[ ] Disapproved

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

[ ] Rejected without prejudice.

| | DATE | SIGNED (Clerk of the Legislative Regulation Review Committee) |
|---|---|---|
| By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes. | 9/19/89 | [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 |
|---|---|---|
| October 3, 1989 | [illegible] | [illegible] |

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

OCT 3 1989

ADMIN. DIV. SEC'Y. OF STATE

Anne Golden

File 2.1.15

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

July 12, 1994

Timothy R. E. Keeney, Commissioner
Department of Environmental Protection
79 Elm Street
Hartford, CT 06106

FILE COPY

Re: Completeness Determination for Revision of Connecticut's State Implementation Plan (SIP) for Air Quality: New Source Review

Dear Commissioner Keeney: Tim

We received your submittal dated May 23, 1994 which contained revisions to section 22a-174-1, Definitions, and section 22a-174-3, New Source Review, of the regulations of Connecticut State Agencies concerning the abatement of air pollution. We determined the submittal to be administratively and technically complete. We are currently reviewing the submittal for approvability and will forward our recommendations, along with the corresponding Notice of Proposed Rulemaking, to EPA Headquarters sometime in the future. The submittal will be processed as a Table 2 action and, as such, will require an opportunity for a 30 day Headquarter's review before final sign off.

In a letter dated January 15, 1993, EPA notified Connecticut of a "finding of failure to submit" new or augmented New Source Review (NSR) SIPs that meet the provisions of Part D of Title I of the Clean Air Act for ozone. In addition, in a letter dated January 26, 1994, EPA notified Connecticut of another "finding of failure to submit" NSR SIPs that meet Part D of Title I for carbon monoxide. The completeness determination for Connecticut's May 23, 1994 NSR SIP revision stops both sanctions clocks and remedies the "findings" for these elements.

Brendan McCahill is the principal contact for this rulemaking. If you or your staff have any questions, please feel free to call him at (617) 565-3262.

Sincerely,

Linda M. Murphy

Linda M. Murphy, Director
Air, Pesticides and Toxics Management Division

cc: Carmine DiBattista, CT DEP
Steve Peplau, CT DEP
Dave Wackter, CT DEP

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