Sec. 22a-174-3. "Permits for construction" and operation of "stationary sources"

(a) Permit applicability.

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

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

(ii) Equipment which is used in a manufacturing process involving metal cleaning and/or surface preparation and which is connected to a ventilation system controlling escape of "air pollutants" or contaminants to the workroom air, such manufacturing process including, but not limited to, etching, pickling, or plating when for a wet system the individual capacity of such equipment is one thousand (1,000) gallons or more or for a dry system the "actual emissions" to the "ambient air" from the dry system equipment are greater than eight (8) tons per year; or any solvent degreasing units with a total liquid capacity of one thousand (1,000) gallons or more.

(iii) Equipment used in manufacturing process, other than as set forth in subparagraphs (i), (ii), (iv), (v), (vi), (vii) or (viii) in which the combined weight of all materials introduced, excluding air and water, is two thousand (2,000) pounds or more in any one hour or sixteen thousand (16,000) pounds or more in any one day. For a cyclical or batch operation, the process weight per hour shall be derived by dividing the total process weight by the number of hours in one complete operation, from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

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

(v) "Fuel-burning equipment" in which the maximum heat input guaranteed by the manufacturer of such equipment is five million (5,000,000) "BTU" per hour or more; or "fuel-burning equipment" burning solid fuels, or "fuel-burning equipment" burning fuel oils having a specific gravity in API degrees of thirty (30) or less,

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unless the maximum heat input guaranteed by the manufacturer of such equipment is less than two hundred fifty thousand (250,000) "BTU" per hour.

(vi) "Stationary sources" used as "incinerators" or as afterburners for the disposal of waste gases.

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

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

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

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

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

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

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

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

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(b) Applications for "permits to construct."

(b)(1)

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

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

(b)(2) The owner or "operator" of each "stationary source" described in subdivision (b)(1) and (g)(6) shall make application for such "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.

(b)(3) Unless the "Commissioner" determines otherwise, when two or more "stationary sources" of a similar or identical nature are constructed or modified in the same plant or "premises," they shall be considered a single aggregate "stationary source" and subject to interpretation under subsection (a). When two more dissimilar "stationary sources" are constructed or modified, a separate permit is required for each "source."

(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.

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(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 Stardard" 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."

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(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" | Ambient impact (micrograms per cubic meter) |
|---|---|
| "Particulate matter" | |
| Annual average | 1 |
| 24-hour average | 5 |
| Sulfur dioxide | |
| Annual average | 1 |
| 24-hour average | 5 |
| 3-hour average | 25 |
| Carbon monoxide | |
| 8-hour average | 500 |
| 1-hour average | 2000 |
| Nitrogen dioxide | |
| Annual average | 1 |

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

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

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(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."

(d) Action on application for "construction permits."

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

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

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

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

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

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

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

(e) Cancellation of "construction permits."

(e)(1) The "Commissioner" may cancel or revise the conditions of a "construction permit" if:

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

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

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

(f) "Permits to operate."

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

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(f)(2) Prior to issuance of a "permit to operate," the "Commissioner" may require the owner or "operator" of a new or modified "stationary source" to provide such additional information as he deem necessary and as has not already been included in the application for a "construction permit" or submitted during the source of construction.

(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) The "source" is in compliance with applicable regulations;

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

(iii) 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) 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) 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) An emergency abatement or standby plan, where required, has been submitted for the "source" and approved by the "Commissioner."

(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.

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(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."

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

(i) Denial, revocation or change in the conditions of "operating permits."

(i)(1) The "Commissioner" may deny, revoke, or change the conditions of an "operating permit" for failure to comply with the terms of subdivisions (g)(1) and (g)(2).

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

(i)(3) Any "person" considering himself aggrieved by the notice of denial, revocation, or "modification" 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."

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(j) Public information and hearing procedures for new or modified "stationary sources."

(j)(1) In all cases where legal notice is required pursuant to any section of these regulations, the applicant shall publish at his own expense all notice required.

(j)(2) The "Commissioner" shall inform the public of:

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

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

(iii) All proposed decisions approving, denying, or conditionally approving any permit for a "stationary source" which is subject to the provisions of subdivision (b)(1).

(iv) All decisions approving, denying, or conditionally approving any permit for a "stationary source" which is subject to the provisions of subdivision (b)(1).

(j)(3) While a decision is pending on a permit application for a new or modified "stationary source" subject to the provisions of subdivision (b)(1) or (g)(6) any "person" may file, within a 15-day period following the public notice of a proposed decision under subparagraph (j)(2)(iii) for a permit application for such new or modified "stationary source," 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 by twenty five (25) or more people or by an association representing twenty five (25) or more members according to subdivision (j)(3) or upon his own initiative, the "Commissioner" may, prior to the issuance of the permit for a new or modified "stationary source," hold a public hearing. Following the close of the public hearing, the "Commissioner" shall make a decision based on all available evidence, including the record of the public hearing and the recommendation of the hearing examiner, as to whether to approve, deny or conditionally approve the permit. Notice of such decision shall be published according to subdivisions (j)(1) and (j)(2).

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

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

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

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

(k) Reserved.

(l) "Non-attainment" areas.

(l)(1)

(i) In addition to demonstrating compliance with the requirements of subsections (a) through (i) for "new stationary sources" and "modifications," the owner or "operator" of a "stationary source" which has actual "premise" "emissions" of an individual "non-attainment" "pollutant" of one hundred (100) tons per year or more and which is located in an area which has been designated "non-attainment" by the "Commissioner" with respect to an applicable National "Ambient Air Quality Standard," must also demonstrate that any "new stationary source" or "modification" will comply with the requirements of subdivision (l)(3) with respect to that "pollutant".

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

(iii) The requirements of subparagraphs (l)(3)(ii) and (iii) may be waived for a "resource recovery facility," if it can be demonstrated that the operation of the facility would not cause or exacerbate a violation of the primary National

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"Ambient Air Quality Standard" for either "particulate matter," lead, nitrogen dioxide or sulfur dioxide and would produce a significant net environmental improvement to the satisfaction of the "Commissioner." In addition, such an exemption may be granted only if (a) the applicant demonstrates that it made its best efforts to obtain sufficient offsets; (b) the applicant applies all offsets that are available; and (c) the applicant will continue to seek the necessary offsets and apply them when they become available.

(iv) Notwithstanding the provisions of subparagraphs (i) and (ii) above, the requirements of subparagraphs (l)(3)(ii) and (l)(3)(iii) shall not apply to any "non-attainment" "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 "pollutant" which will be allowed to result from construction and operation of "new stationary sources" or "modifications which would be subject to the provision of subdivision (l)(3).

(l)(2) Analysis of alternatives

(i) Prior to the issuance of any "permits for construction" of a "new stationary source" or "modification" subject to the requirements of subdivision (l)(3) in an area where there is a violation of a primary National "Ambient Air Quality Standard" for either ozone or carbon monoxide, an analysis will be required of alternative sites, sizes, production processes, and environmental control techniques which are available and reasonable for such proposed "source" or "modification." Such analysis shall be performed with respect to ozone and carbon monoxide and shall demonstrate that the benefits of the proposed "source" significantly outweigh the environmental and social costs imposed as a result of its location, construction or "modification."

(l)(3) Requirements

(i) Control technology review. A "new stationary source" or "modification" subject to the provision of this subsection shall comply with the "Lowest Achievable Emission Rate" "(LAER)" for each "pollutant" which will have a significant impact, as defined in subdivision (c)(7), on an area designated "non-attainment" for that "pollutant." However, if the "source" is modified intermittently and any of the intermittent "modifications" has not previously been subject to the requirements under this paragraph, the "Commissioner" shall consider the stage of construction of each such intermittent "modification" and the ability of the "source" to install additional control equipment at the time the "source" becomes subject to the requirements of this subsection.

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

(b) The requirement for the "lowest achievable emission rate" shall apply to a "new stationary source" or "modification" subject to the provision of this subsection regardless of its location in the "non-attainment" "region."

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

(a) The "new stationary source" or "modification" will be allowed offset credit only for "emission" reductions which otherwise would not be accomplished as a result of the regulations in effect at the time of the application for a "permit to construct" under these regulations, notwithstanding that such reductions may have qualified as offsets at some earlier time. No offset credit is available if the effect of an "emission" reduction is simply to bring a "stationary source" into compliance with these regulations.

(b) The owner or "operator" of the "new stationary source" or "modification" may propose offsets which involve reductions from "stationary sources" controlled by the "source" owner or which involve reductions from "stationary sources" controlled by others.

(c) The "emission" reduction committed to must be incorporated in a revised permit or other legally enforceable document and must be accomplished by the time the proposed "source" is to "commence" operation.

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(d) Connecticut or any political subdivision thereof may commit to reducing "emissions" from existing "sources" to sufficiently outweight the impact of the proposed "stationary source." For such "emission" offsets, several different "stationary sources" 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 will be eligible for consideration as a future offset for the applicant or subsequent holder of such offset rights.

(f) "Emission" offsets must be greater than one-to-one and must produce a net air quality benefit, as defined in subparagraph (iii) below, and the owner or "operator" must meet all other applicable federal and "state" requirements.

(g) For a "new stationary source" or "modification," otherwise subject to the provision of subdivision (l)(3), whose "ambient air" quality impact would not be significant, as defined in subdivision (c)(7), or whose "ambient air" quality impact would be significant but would not cause or exacerbate a violation of a National "Ambient Air Quality Standard," "emission" offsets are not required.

(h) The offsets must be transacted on a pounds per hour actual basis. The "Commissioner" shall consider other averaging periods, e.g., tons per year and pounds per day, in addition to the pounds per hour basis if necessary to carry out the intent of this paragraph.

(i) The reductions must come from the "emissions" inventory maintained by the "Commissioner," or they must otherwise be approved by the "Commissioner."

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

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

(l) When a "stationary source" in the inventory maintained by the "Commissioner" ceases operations and either the permit is not renewed by the owner or "operator" pursuant to subdivision (g)(5) of these regulations, or the permit or the registration certificate for the "allowable emissions" from that "source" has not been transferred to a subsequent holder pursuant to subsection 22a-174-3(h) or subsection 22a-174-2(d), respectively, the "allowable emissions" from the "source" shall be eliminated from the inventory

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

(iii) Air quality review.

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

(b) A net air quality benefit is required only for a "new stationary source" or "modification" subject to the provisions of subdivision (l)(3) which would cause or exacerbate a violation of a Connecticut or National "Ambient Air Quality Standard."

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

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

(iv) "Source" obligation.

(a) The owner or "operator" of the proposed "new stationary source" or "modification" subject to the provisions of subdivision (l)(3) must demonstrate that all "stationary sources" owned, operated or controlled by him in Connecticut are in compliance, or are on a schedule of compliance, with all applicable "emission limitations" and standards.

(b) In addition, the applicant must demonstrate that all enforcement orders for "stationary sources" owned or operated by the applicant in the Connecticut portion of the same "region" as the proposed "new stationary source" or "modification" subject to the provisions of subdivision (l)(3) are on the most expeditious compliance schedule practicable. Where practicable, a more expeditious compliance schedule must be required as an enforceable condition of the "new stationary source" permit.

(v) Public participation. The owner or "operator" of a "new stationary source" or "modification" subject to the provisions of subdivision (l)(3) shall comply with the public participation requirements set forth in subsection (j).

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

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