R-39 REV. 1/77

IMPORTANT: Read Instructions on bottom of Certification Page before completing this form. Failure to comply with Instructions may cause disapproval of proposed Regulations.

STATE OF CONNECTICUT

# REGULATION

OF

NAME OF AGENCY

Environmental Protection

Concerning

SUBJECT MATTER OF REGULATION

**Air Pollution Control Equipment**



**Section:** 1

The regulations of Connecticut State Agencies are amended by adding new subsection (n) to section 22a-174-3, as follows:

**(NEW)**

**(n) Stationary source modifications for the installation and operation of air pollution control equipment and process changes to control air pollution.**

(1) For purposes of this subsection:

(A) "air pollution control equipment" means any equipment, which is designed, installed and operated, for the primary purpose of reducing emissions of air pollutants from a stationary source; and

(B) "process changes to control air pollution" means any modification that alters or implements production processes or available methods, including fuel switching, systems, techniques, work practice standards, operational standards or a combination thereof which is designed and implemented for the primary purpose of reducing emissions of air pollutants from a stationary source.

(2) Notwithstanding the provisions of subsection (b)(2)(B) of this section, the owner or operator of a proposed modification to an existing stationary source shall:

(A) not be required to perform a determination of the Best Available Control Technology pursuant to this section for any proposed modification to an existing stationary source for the installation and operation of air pollution control equipment, or the implementation of process changes to control air pollution, provided that such modification does not result in an increase of potential emissions of equal to or greater than five (5) tons per year for any individual air pollutant;

(B) to the extent that a proposed modification to an existing stationary source for the installation and operation of air pollution control equipment, or implementation of process changes to control air pollution, would result in an increase of potential emissions of equal to or greater than five (5) tons per year for any individual air pollutant, perform a determination of the Best Available Control Technology pursuant to this section only for each air pollutant for which potential emissions will be increased by at least five (5) tons per year; and

(C) to the extent that a term or condition of a federally enforceable permit or order will limit potential emissions from the proposed modification to levels below five (5) tons per year for each individual air pollutant, be exempt from the requirement to perform a determination of Best Available Control Technology pursuant to this section.

(3) Notwithstanding the provisions of subsection (c)(1)(G) of this section, the commissioner shall not grant a permit for a modification to an existing stationary source for the installation and operation of air pollution control equipment, or the implementation of process changes to control air pollution, under this section unless the owner or operator of such source incorporates Best Available Control Technology in accordance with subdivision (2)(B) of this subsection or demonstrates, to the commissioner's satisfaction, that the installation of Best Available Control Technology is not required by subdivisions (2)(A) or (2)(C) of this subsection.

(4) The owner or operator who proposes to install air pollution control equipment, or implement process changes to control air pollution, pursuant to this subsection shall, not later than fourteen calendar days after receipt of a request from the commissioner, provide any documentation the commissioner may require in order to determine the amount of actual and potential emissions from the proposed modification.

(5) Nothing in this subsection shall preclude the commissioner from determining what air pollution control equipment or process represents the Best Available Control Technology for any individual air pollutant for which the potential to emit may increase by five (5) tons or more per year.

(6) Nothing in this subsection shall relieve an owner or operator from the responsibility to comply fully with the applicable provisions of subsection (k) or (*l*) of this section.

(7) This subsection shall apply to the owner or operator who files a permit application under this section prior to or after the effective date of this subsection, and for which a permit has yet to be issued or denied.

**Statement of purpose:** To encourage the installation of air pollution control equipment and the implementation of processes to control air pollution by limiting the scope of the analysis to comply with the applicable provisions of BACT to only those potential emissions increases of five or more tons resulting from the proposed modification.

CERTIFICATION
R-39 REV. 1/77

Be it known that the foregoing: 

☒ Regulations ☐ Emergency Regulations

Are:

☐ Adopted ☒ Amended as hereinabove stated ☐ Repealed

By the aforesaid agency pursuant to:

☒ Section 22a-6 and 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 February 22 2000, of the notice of the proposal to:

☐ Adopt ☒ Amend ☐ Repeal such regulations

*(If applicable):* ☒ And the holding of a public hearing on 28th day of March 2000

WHEREFORE, the foregoing regulations are hereby:

☐ Adopted ☒ Amended as hereinabove stated ☐ Repealed

Effective:

☒ When filed with the Secretary of State.
(OR)
☐ The _____ day of _____ 19 ____.

| In Witness Whereof: | DATE 7/6/00 | SIGNED *(Head of Board, Agency or Commission)* | 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 | OFFICIAL TITLE, DULY AUTHORIZED Assoc. Atty. General |

7/21/00

☐ 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 | SIGNED *(Clerk of the Legislative Regulation Review Committee)* |
|---|---|---|

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.