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.