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

JAN 29 1 24 PM '07

SECRETARY OF THE STATE
ELECTIONS DIVISION

NAME OF AGENCY

Environmental Protection

Concerning

Abatement of Air Pollution
Amendment of Section 22a-174-43
Portable Fuel Container Spillage Control

Section 22a-174-43 of the Regulations of Connecticut State Agencies is amended to read as follows:

(a) Definitions. For the purposes of this section:

(1) "Automatically close" means closure occurs through the activation of a device or mechanism that causes a spill-proof system or spout to close, seal, and remain completely closed when not dispensing fuel.

[(1)] (2) "CARB" means the California Air Resources Board.

[(2)] (3) "CCR" means the California Code of Regulations.

(4) "Closed-system portable fuel container" means a portable fuel container that forms a complete loop between the engine and the fuel container so that any excess fuel or vapors are returned to the portable fuel container.

[(3)] (5) "Consumer" means any person who purchases or otherwise acquires a new portable fuel container or spout or both portable fuel container and spout for personal, family, household or institutional use. A person who acquires a portable fuel container or spout or both a portable fuel container and spout for resale is not a "consumer" for that product.

[(4)] (6) "Distributor" means any person to whom a portable fuel container or spout or both portable fuel container and spout is sold or supplied for the purpose of resale or distribution in commerce. This term does not include manufacturers, retailers and consumers.

[(5)] (7) "Fuel" means a volatile liquid mixture containing hydrocarbons or a blend of a volatile liquid mixture with one or more oxygen containing ashless organic compounds, such as alcohols or ethers, which is suitable for use in spark-ignition internal combustion engines or compression-ignition internal combustion engines.

(8) "Kerosene" means "kerosene" as defined in California Code of Regulations, Title 13, Section 2467 and 2467.1.

[(6)] (9) "Manufacturer" means any person who imports, manufactures, assembles, produces, packages, repackages or re-labels a portable fuel container or spout or both portable fuel container and spout.

REGULATION

OF

NAME OF AGENCY

Environmental Protection

[(7)](10) "NYCRR" means the Official Compilation of Codes, Rules and Regulations of the State of New York.

[(8)](11) "NYSDEC" means the New York State Department of Environmental Conservation.

[(9)](12) "Nominal capacity" means the volume indicated by the manufacturer that represents the maximum recommended filling level.

[(10)](13)"Outboard engine" means the spark-ignition marine engine mounted on a marine watercraft and used to propel such watercraft.

[(11)](14)"Permeation" means the process by which individual fuel molecules may penetrate the walls and components of a portable fuel container.

[(12)](15)"Portable fuel container" means any container or vessel with a nominal capacity of ten gallons or less intended for reuse that is designed, [or] used, sold, or offered for sale [primarily] for receiving, transporting, storing and dispensing fuel or kerosene. "Portable fuel containers" do not include containers or vessels permanently embossed or permanently labeled, as described in 49 CFR 172.407, with language indicating said containers or vessels are solely intended for use with non-fuel or non-kerosene products.

[(13)] (16) "Retailer" means any person who owns, leases, operates, controls or supervises a retail outlet.

[(14)] (17) "Retail outlet" means any establishment at which any portable fuel container or spout or both portable fuel container and spout is sold, supplied or offered for sale.

[(15)] (18) "Spill-proof spout" means any spout that complies with the performance standards set forth in subsection (d) of this section.

[(16)] (19) "Spill-proof system" means any configuration of portable fuel container and firmly attached spout that complies with the performance standards set forth in subsection (d) of this section.

[(17)](20)"Spout" means any device that can be firmly attached to a portable fuel container for dispensing the contents of a portable fuel container, but does not include a device that can be used to lengthen the spout to accommodate necessary applications.

[(18)] (21) "Target fuel tank" means any receptacle that receives fuel from a portable fuel container.

(b) Applicability.

Except as provided in subsection (c) of this section, this section applies to any person who sells, supplies, offers for sale or manufactures for sale in the State of Connecticut a portable fuel container or spout or both portable fuel container and spout for use in the State of Connecticut.

REGULATION

OF

NAME OF AGENCY

Environmental Protection

(c) Exemptions.

(1) This section shall not apply to any portable fuel container or spout or both portable fuel container and spout manufactured in the State of Connecticut for shipment, sale and use outside of the State of Connecticut.

(2) This section shall not apply to a manufacturer or distributor who sells, supplies or offers for sale in the State of Connecticut a portable fuel container or spout or both portable fuel container and spout that does not comply with the performance standards set forth in subsection (d) of this section, provided that such manufacturer makes and keeps records demonstrating:

(A) The portable fuel container or spout or both portable fuel container and spout is intended for shipment and use outside of the State of Connecticut; and

(B) The manufacturer or distributor has taken reasonable and prudent precautions to assure that the portable fuel container or spout or both portable fuel container and spout is not distributed to or within the State of Connecticut.

(3) This section shall not apply to any safety can subject to and in compliance with the provisions of 29 CFR 1926, Subpart F.

(4) This section shall not apply to any portable fuel container with a nominal capacity of less than or equal to one (1) quart.

(5) This section shall not apply to any rapid refueling device with a nominal capacity of greater than or equal to four gallons, provided that such device:

(A) Is designed for use in an off-highway motorized vehicle competition;

(B) Creates a leak-proof seal against the target fuel tank; or

(C) Operates in conjunction with a receiver permanently installed on the target tank.

(6) This section shall not apply to marine portable fuel tanks manufactured specifically to deliver fuel through a hose attached between the portable fuel tank and an outboard engine for the purpose of operating such engine.

(7) This section shall not apply to closed-system portable fuel containers that are used exclusively for fueling remote control model airplanes.

[(7)](8) This section shall not apply to any manufacturer for any product for which the NYSDEC issued a variance pursuant to 6 NYCRR 239-7 for the period of time such variance is in effect, provided that the manufacturer submits all information and data required by 6 NYCRR 239-7 to the commissioner within thirty days of variance approval. If NYSDEC issues a variance pursuant to 6 NYCRR 239-7 more than thirty days before the effective date of

this section, the manufacturer shall submit the information and data required by 6 NYCRR 237-7 to the commissioner within thirty days of the effective date of this section, provided the underlying variance is still in effect and necessary to maintain this exemption in the State of Connecticut.

[(8)](9) This section shall not apply to any product for which the manufacturer is granted:

(A) An exemption by CARB pursuant to the Innovative Products provisions of 13 CCR 2467.4 for the period of time the CARB Innovative Products exemption remains in effect; or

(B) An exemption by the NYSDEC pursuant to the Innovative Products provisions of 6 NYCRR 239-5 for the period of time the NYSDEC Innovative Products exemption remains in effect.

[(9)](10) Any manufacturer who claims an exemption pursuant to subdivision [(8)](9) of this subsection shall submit to the commissioner, upon request therefore, a copy of the applicable CARB or NYSDEC exemption decision.

(d) Performance Standards.

(1) Except as provided in subsection (c) of this section, no person shall sell, supply, offer for sale or manufacture for sale in the State of Connecticut on or after May 1, 2004 and ending June 30, 2007, any portable fuel container or any portable fuel container and spout that, at the time of sale or manufacture, does not comply with the performance standards specified in subdivision (2) of this subsection.

(2) Each portable fuel container and each portable fuel container and spout shall:

(A) Have an automatic shut-off that stops fuel flow before the target tank overflows;

(B) Automatically close and seal when removed from the target fuel tank and remain completely closed when not dispensing fuel;

(C) Have only one opening for both filling and pouring;

[(D) Provide a fuel flow rate and fill level equal to or greater than:

(i) One-half (0.5) gallon per minute for portable fuel containers with a nominal capacity:

(aa) less than or equal to one and one-half (1.5) gallons, filling to a level less than or equal to one (1) inch below the top of the target fuel tank opening, or

(bb) greater than one and one-half (1.5) gallons, but less than or equal to two and one-half (2.5) gallons, filling to a level less than or equal to one (1) inch below the top of the target fuel tank opening if the spill-proof system clearly displays the phrase "LOW FLOW RATE" in type of thirty-four (34) point or greater on each spill-proof system or label affixed thereto, and on the accompanying package, if any,

(ii) One (1) gallon per minute for portable fuel containers with a nominal capacity greater than one and one-half (1.5) gallons, but less than or equal to two and one-half (2.5) gallons, and fills to a level less than or equal to one and one-quarter (1.25) inches below the top of the target fuel tank opening, or

(iii) Two (2) gallons per minute for portable fuel containers with a nominal capacity greater than two and one-half (2.5) gallons;]

[(E)] (D) Have a permeation rate of less than or equal to four-tenths (0.4) grams per gallon per day; and

[(F)] (E) Be warranted by the manufacturer for a period of not less than one year against all defects in material and workmanship.

(3) Except as provided in subsection (c) of this section, no person shall sell, supply, offer for sale or manufacture for sale in the State of Connecticut on or after May 1, 2004 and ending June 30, 2007, any spout that, at the time of sale or manufacture, does not comply with the performance standards specified in subdivision (4) of this subsection.

(4) Each spill-proof spout shall:

(A) Have an automatic shut-off that stops fuel flow before the target tank overflows;

(B) Automatically close and seal when removed from the target fuel tank and remain completely closed when not dispensing fuel; and

[(C) Provide a fuel flow rate and fill level equal to or greater than:

(i) One-half (0.5) gallon per minute for portable fuel containers with a nominal capacity:

(aa) less than or equal to one and one-half (1.5) gallons, filling to a level less than or equal to one (1) inch below the top of the target fuel tank opening, or

(bb) greater than one and one-half (1.5) gallons, but less than two and one-half (2.5) gallons, filling to a level less than or equal to one (1) inch below the top of the target fuel tank opening if the spill-proof spout clearly

displays the phrase "LOW FLOW RATE" in bold type of thirty-four (34) point or greater on the accompanying package, or for spill-proof spouts sold without packaging, on either the spill-proof spout or a label affixed thereto,

(ii) One (1) gallon per minute for portable fuel containers with a nominal capacity greater than one and one-half (1.5) gallons, but less than two and one-half (2.5) gallons, filling to a level less than or equal to one and one-quarter (1.25) inches below the top of the target fuel tank opening, or

(iii) Two (2) gallons per minute for portable fuel containers with a nominal capacity greater than two and one-half (2.5) gallons; and]

[(D)] (C) Be warranted by the manufacturer for a period of not less than one year against all defects in material and workmanship.

(5) On or after July 1, 2007, except as provided in subsection (c) of this section, no person shall sell, supply, offer for sale or manufacture for sale in the state of Connecticut, a portable fuel container or spout or both portable fuel container and spout that, at the time of sale or manufacture, is not certified for use and sale by the manufacturer through the California Air Resources Board and covered by an Executive Order issued by CARB pursuant to 13 CCR Chapter 9, Article 6, Section 2467.2(d).

(e) Labeling Requirements.

(1) Each manufacturer of a portable fuel container or portable fuel container and spout subject to this section shall clearly display on each spill-proof system:

(A) The phrase "Spill-Proof System;"

(B) A date of manufacture or a representative date; and

(C) A representative code identifying the portable fuel container or portable fuel container and spout as subject to this section and in compliance with subsection (d) of this section.

(2) Each manufacturer of a spout subject to this section shall clearly display on the accompanying package, or for a spill-proof spout sold without packaging, on either the spill-proof spout or a label affixed thereto:

(A) The phrase "Spill-Proof Spout;"

(B) A date of manufacture or a representative date; and

(C) A representative code identifying the spout as subject to this section and in compliance with subsection (d) of this section.

REGULATION

OF

NAME OF AGENCY

Environmental Protection

(3) Each manufacturer of a portable fuel container or portable fuel container and spout subject to and complying with subsection (d)(5) of this section shall clearly display on each spill-proof system:

(A) The phrase "Spill-Proof System;"

(B) A date of manufacture or a representative date; and

(C) A representative code identifying the Executive Order Number issued by CARB for the portable fuel container and spout.

[(3)] (4) Each manufacturer subject to this section shall file an explanation of both the date code and representative date code with the commissioner no later than three months after the effective date of this section or within ninety (90) days of production or any change in coding.

[(4) Each manufacturer subject to this section shall clearly display a fuel flow rate on each spill-proof system or spill-proof spout, or label affixed thereto, and on any accompanying package.]

(5) Each manufacturer subject to subdivision (2) of this subsection shall clearly display, on the accompanying package, or for spill-proof spouts sold without packaging, on either the spill-proof spout, or a label fixed thereto, the make, model number and size of each portable fuel container the spout is designed to accommodate, provided the identified combinations of container and spout shall comply with all applicable provisions of this section.

(6) No manufacturer shall display or affix the phrase "Spill-Proof System" or "Spill-Proof Spout" to a portable fuel container or a portable fuel container and spout unless such container and spout comply with all applicable provisions of subsection (d) of this section.

(7) If, due to its design or other features, a portable fuel container or a portable fuel container and spout cannot be used to refuel one or more on-road motor vehicles, the manufacturer shall clearly display the phrase "Not Intended For Refueling On-Road Motor Vehicles" in thirty-four (34) point type or greater on:

(A) An affixed label and the accompanying package, if any, for any portable fuel container or portable fuel container and spout sold together as a spill-proof system; and

(B) Either the spill-proof spout or a label affixed thereto, and the accompanying package, if any, for any spill-proof spout.

(f) Compliance Test Procedures.

(1) Each manufacturer of a portable fuel container or spout or both a portable fuel container and spout [must] shall perform the compliance tests specified in subdivisions (2) and (3) of this

subsection prior to allowing the product to be offered for sale in the State of Connecticut or at any other time directed to do so by the commissioner.

(2) To determine compliance with the standards set forth in subsection (d) of this section, each manufacturer shall use the following test procedures:

(A) For portable fuel containers manufactured on or before June 30, 2007:

(i) "Test Method 510, Automatic Shut-Off Test Procedure For Spill-Proof Systems And Spill-Proof Spouts," adopted by CARB on July 6, 2000, as amended July 26, 2006[;], and

[(B)](ii) "Test Method 511, Automatic Closure Test Procedure For Spill-Proof Systems And Spill-Proof Spouts," adopted by CARB on July 6, 2000; and

[(C) "Test Method 512, Determination Of Fuel Flow Rate For Spill-Proof Systems And Spill-Proof Spouts," adopted by CARB on July 6, 2000.]

(B) For portable fuel containers manufactured on or after July 1, 2007, "CP-501, Certification Procedure for Portable Fuel Containers and Spill-Proof Spouts", adopted July 26, 2006, or alternative methodology approved in writing by CARB.

(3) To determine compliance with the permeation standard set forth in subsection (d)(2)(D) of this section, each manufacturer shall use the test procedures set forth in subdivision (2) of this subsection and "Test Method 513, Determination Of Permeation Rate For Spill-Proof Systems," adopted by CARB on July 6, 2000.

(4) Each manufacturer must make and keep records of the compliance tests specified in subdivisions (2) and (3) of this subsection for as long as the product is available for sale in the State of Connecticut and make any test results available to the commissioner within thirty (30) days after receiving a request by the commissioner for such records.

(5) Compliance with the performance standards set forth in subsection (d) of this section does not exempt any manufacturer of a spill-proof system or spill-proof spout from the duty to comply with all other applicable federal and state requirements.

(6) Notwithstanding the provisions of subsections (d)(1) and (d)(3) of this section, a portable fuel container or spout or both a portable fuel container and spout manufactured before May 1, 2004, may be sold, supplied or offered for sale until May 1, 2005 if the date of manufacture or a date code representing the date of manufacture is clearly displayed on the portable fuel container or spout.

(7) Notwithstanding the provisions of subsections (d)(1) and (d)(3) of this section, a portable fuel container manufactured prior to the effective date of this section may be sold or offered for sale on or before January 1, 2008 if it is labeled or

REGULATION

OF

NAME OF AGENCY

Environmental Protection

designated for use solely with kerosene and if the date of manufacture or a date code representing the date of manufacture is clearly displayed on the portable fuel container.

Statement of Purpose: To update requirements applicable to portable fuel containers to make the rule more effective by simplifying design requirements, minimizing the potential for misuse of the product, and incorporating the California Air Resources Board PFC certification program.

CERTIFICATION
R-39 REV. 1/77

Be it known that the foregoing:

☒ Regulations ☐ Emergency Regulations

Are:

☐ Adopted ☒ Amended as herinabove 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 May 23rd 20 06, of the notice of the proposal to:

☐ Adopt ☒ Amend ☐ Repeal such regulations

(If applicable): ☒ And the holding of an advertised public hearing on the 27th day of June 20 06

WHEREFORE, the foregoing regulations are hereby:

☐ Adopted ☒ Amended as herinabove stated ☐ Repealed

Effective:

☒ When filed with the Secretary of the State

(OR)

☐ The _____ day of _____ 19 ____

JAN 29 1 24 PM '07
SECRETARY OF THE STATE
ELECTIONS DIVISION

In Witness Whereof:	DATE 10/25/06	SIGNED *(Head of Board, Agency or Commission)**	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	OFFICIAL TITLE, DULY AUTHORIZED ASSOC. ATTY. GENERAL

☒ 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 Statues	DATE 1/23/07	SIGNED *(Clerk of the Legislative Regulation Review Committee)* Pamela B Booth

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 Statues
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 4-179 of the General Statutes.

The Connecticut General Assembly

Legislative Commissioners' Office

Max S. Case
Commissioner

Larry G. J. Shapiro
Director

Legislative Office Building
Suite 5500
Hartford, Connecticut
06106-1591
(860) 240-8410
fax (860) 240-8414
e-mail: lco@cga.ct.gov

Memorandum

To:	Legislative Regulation Review Committee
From:	Legislative Commissioners' Office
Committee Meeting Date:	January 23, 2007

Regulation No:	2006-77
Agency:	Department of Environmental Protection
Subject Matter:	Abatement of Air Pollution, Portable Fuel Container Spillage Control
Statutory Authority: (copy attached)	22a-6, 22a-174

	Yes or No
Mandatory	N
Federal Requirement	N
Permissive	Y
Correct Numbering	Y

For the Committee's Information:

1. The department has claimed section 22a-6(h) of the general statutes as authority for the proposed regulation. Section 22a-6(h) deals with activities regarding which the federal government has adopted regulations. However, as the department states in the third paragraph on page 2 of its hearing report, "With respect to section 43, there are no applicable federal standards placed on portable fuel containers." The department also claims authority under section 22a-174 of the Connecticut General Statutes, which would give the department the necessary statutory authority for the proposed regulation.

2. Throughout the regulation, the department has deleted parentheses, rather than including them in the bracketed language for deletion. The proper way to delete language or punctuation is to include the language or punctuation within the brackets. Please see technical correction number 4.

3. The department did not use the most recent version of the regulations as the underlying regulation. Please see technical corrections numbers 2 and 8.

Technical Corrections:

1. On page 1, in section 22a-174-43(a)(1) the department defines "Automatic closure", a term which is not referenced in the body of the regulation apart from a reference on page 8 in section 22a-174-43(f)(2)(B) to a text entitled "Test Method 511, Automatic Closure Test Procedure For Spill-Proof Systems And Spill-Proof Spouts," and therefore the definition is unnecessary and should be deleted and the subsequent subdivision designators changed to reflect the deletion.

2. On page 1, in section 22a-174-43(a)(8) under "Fuel," in the fourth line the department has attempted to make a change that is already existing regulation, in that the existing regulation presently reads "alcohols," not "alchols." When amending existing regulations, the department should draft proposed regulations using the most recent version of the regulations.

3. On page 2, in section 22a-174-43(a)(16) under "Portable fuel container" the second sentence "Portable fuel containers" should be in quotes for proper form. Also in this sentence the department states "as defined in 49 CFR Section 172.407" but this section of the federal regulations is not a definition section, and as such the word "defined" should be replaced with "as described in" for accuracy.

4. On page 2, and throughout the proposed regulation, the parentheses included in the original regulation as part of the subdivision designator should be included in the bracketed language for deletion. For example, on page 2, "[6]" should be changed to "[(6)]".

5. On page 2, in section 22a-174-43(a)(21) under "Spout," in line three "but does not include" should be substituted for "not including" for clarity.

6. On page 4, in section 22a-174-43(c)(7) the quotation marks around "closed-system" should be deleted for proper form.

7. On page 6, in section 22a-174-43(d)(5) in line three, "State" should not be capitalized for proper form.

8. On page 6, in section 22a-174-43(e) in the catchline the department has attempted to make a change that is already in existing regulation, in that the existing regulation presently reads "Labeling," not "Labelling." When amending existing regulations, the department should draft proposed regulations using the most recent version of the regulations.

9. On page 8, in section 22a-174-43(f)(2) the department has connected subparagraphs (A) and (B) with the use of the word "and" after subparagraph (A), but disconnected subparagraph (C) by not including a conjunction between subparagraphs (B) and (C). The department should combine subparagraphs (A) and (B) as one requirement with subclauses (i) and (ii) for the two distinct provisions, change subparagraph (C) to (B) and connect (B) to (A) with a conjunction for proper form and clarity.

10. On page 9, in section 22a-174-43(f)(7) in line four, "on or before" should be substituted for "until" for clarity.

Recommendation:

X	Approval in whole
X	with technical corrections
	with deletions
	Disapproval in whole or in part
	Rejection without prejudice

Reviewed by: Shannon Ammouche / Angela Rehm

Date: January 8, 2007

Sec. 22a-6. Commissioner to establish environmental standards, regulations and fees, to make contracts and studies and to issue permits. Complaints. Hearings. Bonds. Notice of contested cases.

(h) The commissioner may adopt regulations pertaining to activities for which the federal government has adopted standards or procedures. All provisions of such regulations which differ from the applicable federal standards or procedures shall be clearly distinguishable from such standards or procedures either on the face of the proposed regulation or through supplemental documentation accompanying the proposed regulation at the time of the notice concerning such regulation required under section 4-168. An explanation for all such provisions shall be included in the regulation-making record required under chapter 54 and shall be publicly available at the time of the notice concerning the regulation required under section 4-168. This subsection shall apply to any regulation for which a notice of intent to adopt is published on and after July 1, 1999.

Sec. 22a-174. (Formerly Sec. 19-508). Powers of the commissioner. Regulations. Fees. Exemptions. General permits. Appeal of commissioner's action re permit applications. (a) The commissioner, in the manner provided in subdivision (1) of section 22a-6, shall have the power to formulate, adopt, amend and repeal regulations to control and prohibit air pollution throughout the state or in such areas of the state as are affected thereby, which regulations shall be consistent with the federal Air Pollution Control Act and which qualify the state and its municipalities for available federal grants. Any person heard at the public hearing on any such regulation shall be given written notice of the determination of the commissioner.

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

MEMORANDUM

TO: Michael T. Kozik, Managing Attorney
Lead Division
Office of the Secretary of the State
30 Trinity Street, Hartford, CT

FROM: Allison O. Ferraro, Environmental Analyst
Department of Environmental Protection
Bureau of Air Management
79 Elm Street, Hartford, CT

RE: ***Abatement of Air Pollution Regulations***

DATE: January 24, 2007

In accordance with the provisions of Connecticut General Statutes (C.G.S.) Section 4-172, enclosed please find the original and two copies of an action by the Department of Environmental Protection to amend section 22a-174-43 of the Regulations of Connecticut State Agencies (R.C.S.A.) concerning portable fuel containers. To facilitate your procedures, I have also enclosed a diskette containing this amendment in Microsoft Word format.

The Legislative Regulations Review Committee approved this amendment in whole with technical correction on January 23, 2007. The correspondence from the committee confirming this action is also enclosed. The version of the amendment filed with you today reflects the technical correction indicated in that correspondence.

If you have any questions regarding this amendment, please call Merrily Gere at 424-3416. Thank you for your assistance in this matter.

Enclosures

The Connecticut General Assembly

Legislative Regulation Review Committee

Senator Andrew Roraback
Co-Chair

Representative Carlo Leone
Co-Chair

January 24, 2007

Gina McCarthy, Commissioner
Department of Environmental Protection
79 Elm Street
Hartford, CT, 06106

Dear Commissioner McCarthy:

Proposed Regulation

2006-077 Department of Environmental Protection **"AIR QUALITY"** The Regulations of Connecticut State Agencies are amended Section 22a-174-43. (CLJ 5/23/2006) (A.G. Approval 11/1/2006) - Bearing a Deadline Date of 2/8/2007

The above captioned regulation was **Approved with Technical Corrections** by the Legislative Regulation Review Committee on 1/23/2007. The corrections are outlined in the attached report from the Legislative Commissioners' Office.

After the necessary changes have been made, the enclosed "original" regulation must be filed with the Office of the Secretary of the State within fourteen days of its approval by the Legislative Regulation Review Committee. If for any reason the agency fails to file the regulation in the prescribed time it must notify the Legislative Regulation Review Committee within five days of the missed filing deadline.

Sincerely:

Pamela B. Booth

Pamela B. Booth, Administrator
Legislative Regulation Review Committee
Enclosure

Susan Bysiewicz
Secretary of the State

Lesley D. Mara
Deputy Secretary of the State

Office of Secretary of the State
State of Connecticut
30 Trinity Street, P.O. Box 150470, Hartford, CT 06115-0470

February 1, 2007

Hon. Gina McCarthy, Commissioner
Department of Environmental Protection
79 Elm Street
Hartford, CT 06105

Re: Agency Regulation Concerning:
Abatement of Air Pollution: Amendment of Section 22a-174-43, Portable Fuel Container Spillage Control
Regulation Review Committee Docket Number: 2006-77
Secretary of the State File Number: 5748

Dear Commissioner McCarthy:

This is to acknowledge receipt of two certified copies of the above referenced regulation issued by the Department of Environmental Protection.

We request that you please forward the original or a copy of this acknowledgement letter to your agency's Legal Services Department for its files.

Said regulation was received and filed in this office on January 29, 2007. The effective date of this regulation is January 29, 2007.

One of the two copies has been forwarded to the Commission on Official Legal Publications as required by law.

Sincerely,

Barbara Sladek
RLS Assistant Coordinator
860-509-6147

CC: Commission on Official Legal Publications (Letter and Copy of Regulation)
File