R-39 REV. 1/77

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STATE OF CONNECTICUT

REGULATION

OF

SOS #

NAME OF AGENCY

Environmental Protection

Concerning

Amendment of:
Section 22a-174-4, Source Monitoring, Record Keeping and Reporting; and Section 22a-174-7, Air Pollution Control Equipment and Monitoring Equipment Operation

Section 1

Section 1. Section 22a-174-4 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 22a-174-4. Source monitoring, record keeping[,] AND reporting [and authorization of inspection of air pollution sources.]

(a) [Source Monitoring.] DEFINITIONS. FOR THE PURPOSES OF THIS SECTION:

[(a)(1) The owner or operator of any air pollution source shall install, use, and maintain monitoring equipment, establish and maintain records, and make periodic reports as prescribed herein by the Commissioner.

(a)(2) In addition to the requirements of subsection (b) and (c), the commissioner may require the owner or operator of any source to monitor continuously air pollutant emissions where he determines that equipment and methods for such monitoring are reasonably available. The Commissioner may determine that continuous monitoring of air pollutant emissions is not technologically feasible. In such cases, the Commissioner may require monitoring or intermittent stack testing of such source in whatever reasonable manner he determines to be necessary to demonstrate the source is in compliance with applicable regulations.

(a)(3) Nothing in subsections (a)(1) and (a)(2) shall be construed to require installation or use of monitoring devices or methods on any source for the purpose of determining compliance with applicable regulations when such source can be demonstrated, to the satisfaction of the commissioner, to be physically incapable of violating such regulations.]

(1) "CALENDAR QUARTER" MEANS A CONSECUTIVE THREE (3) MONTH PERIOD (NONOVERLAPPING) BEGINNING ON JANUARY 1, APRIL 1, JULY 1 OR OCTOBER 1.

(2) "COAL BURNING EQUIPMENT" MEANS FUEL BURNING EQUIPMENT THAT COMBUSTS COAL.

(3) "GASEOUS, LIQUID OR SOLID FUEL BURNING EQUIPMENT" MEANS FUEL BURNING EQUIPMENT THAT COMBUSTS GASEOUS, LIQUID OR SOLID FUELS.

(4) "STANDBY FUEL BURNING EQUIPMENT" MEANS FUEL BURNING EQUIPMENT THAT IS USED ONLY TO PROVIDE BACKUP HEAT OR POWER.

(b) [Smoke and Opacity Monitoring.] OPACITY CONTINUOUS EMISSIONS MONITORING (CEM).

[(b)](1)[Effective on January 1, 1976] EXCEPT AS PROVIDED IN SUBDIVISIONS (2) AND (3) OF THIS SUBSECTION, the owner or operator of [any of] the [following] STATIONARY sources LISTED IN SUBPARAGRAPHS (A) THROUGH (D) OF THIS SUBDIVISION shall install[, maintain and operate a smoke and opacity monitor approved] OPACITY CEM

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EQUIPMENT. THE OWNER OR OPERATOR SHALL OPERATE AND MAINTAIN INSTALLED OPACITY CEM EQUIPMENT in accordance with [subsection (d)(1)] SUBSECTIONS (c)(3) AND (c)(4) OF THIS SECTION AND RETAIN THE DATA GENERATED IN ACCORDANCE WITH SUBSECTION (d) OF THIS SECTION:

[(i)] (A) [Fuel-burning equipment burning coal] ANY COAL BURNING EQUIPMENT;

[(ii)] (B) [Fuel-burning equipment burning liquid or solid fuels having a maximum rated heat input of] ANY LIQUID OR SOLID FUEL BURNING EQUIPMENT WITH A MAXIMUM RATED HEAT INPUT GREATER THAN OR EQUAL TO two hundred fifty million [(250,000,000) BTU] BTU per hour (250,000,000 BTU/HR) [or more];

[(iii)] (C) [Incinerators] ANY INCINERATOR WITH [having] a maximum rated input in excess of two thousand [(2,000)] pounds per hour (2,000 LBS/HR); AND

[(iv)] (D) [A process source that will emit in excess of] ANY PROCESS SOURCE WITH PARTICULATE MATTER EMISSIONS EXCEEDING twenty-five [(25)] pounds per hour (25 LBS/HR) [of particulate matter as determined] after the application of control equipment, when operated at maximum rated capacity.

[(b)](2) The provisions of [subsection (b)(1)(i)] SUBDIVISION (1)(A) OF THIS SUBSECTION, CONCERNING COAL BURNING EQUIPMENT, shall not apply to:

(A) Any [coal burning space heater which was] SPACE HEATER installed in any single family home on or before May 1, 1975, provided THAT SUCH SPACE HEATER DOES NOT COMBUST [only anthracite] coal with a sulfur content [of less than] GREATER THAN OR EQUAL TO THREE-QUARTERS OF ONE PERCENT (0.75%) by weight (dry basis) [is used for fuel.];

(B) [(ii)] Any coal burning equipment in a commercial establishment in regular operation on or before May 1, 1975, provided THAT SUCH COAL BURNING EQUIPMENT DOES NOT COMBUST [only anthracite] coal with a sulfur content [of less than] GREATER THAN OR EQUAL TO THREE-QUARTERS OF ONE PERCENT (0.75%) by weight (dry basis) [is used for fuel] and COAL CONSUMPTION IS less than seventy-five (75) tons per year [is consumed.]; AND

(C) [(iii)] Any coal burning equipment used primarily for educational or historical demonstrations or exhibits[.], PROVIDED THAT SUCH COAL BURNING EQUIPMENT DOES NOT COMBUST COAL WITH A SULFUR CONTENT EXCEEDING ONE AND ONE-HALF PERCENT (1.5%) BY WEIGHT (DRY BASIS). SUCH COAL BURNING EQUIPMENT [These sources shall include] INCLUDES, but [are] IS not limited to, blacksmiths' forges, steam locomotives, and steamboats [provided, however, that said sources do not burn fuel which contains sulfur in excess of one and one-half percent (1.5%) by weight (dry basis)].

[(b)](3) The provisions of [subsections (b)(1)(ii) and (b)(1)(v)] SUBDIVISION (1)(B) OF THIS SUBSECTION, CONCERNING GASEOUS, LIQUID OR SOLID FUEL BURNING EQUIPMENT, shall not apply to:

(A) [(i)] [Standby fuel burning equipment which is used only to provide emergency heat or power and which operates not more than a total of] ANY STANDBY FUEL BURNING EQUIPMENT OPERATING LESS THAN one hundred sixty-eight (168) hours in [any] A calendar year. [. The Commissioner may request such proof and reports of operations as he deems necessary.] FOR THE PURPOSE OF THIS SUBPARAGRAPH, THE TERM "OPERATING" SHALL NOT INCLUDE EMISSIONS TESTING OR OPERATING ONLY TO MAINTAIN RELIABILITY IN EMERGENCY SITUATIONS; AND

(B) [(ii) Gas turbines] TURBINES COMBUSTING NATURAL GAS, LIQUID FUEL OR A MIXTURE OF LIQUID FUEL AND NATURAL GAS [equipped with any smoke control apparatus which, in the Commissioner's judgment, is adequate to prevent visible discharge of an opacity greater than that designated as no. 1 on the Ringelmann chart, or 20% opacity.] THAT COMPLY WITH THE APPLICABLE PARTICULATE MATTER AND OPACITY LIMITATIONS SET FORTH IN SECTION 22a-174-18 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES WITHOUT UTILIZING POLLUTION CONTROL EQUIPMENT.

[(b)(4) The owner or operator of any source listed in subsection (b)(1) who on or before September 1, 1974 has installed and continues to properly operate a smoke and opacity detector and recorder not approved by the commissioner shall not be required to install a smoke and opacity monitor approved by the commissioner until January 1, 1985. The Commissioner may request such proof of date of purchase as he deems necessary.]

(4) THE COMMISSIONER MAY, IN WRITING, REQUEST WRITTEN DOCUMENTATION FROM THE OWNER OR OPERATOR OF EQUIPMENT LISTED IN SUBDIVISIONS (2) OR (3) OF THIS SUBSECTION TO ASCERTAIN THE APPLICABILITY OF SUBDIVISIONS (2) OR (3) OF THIS SUBSECTION. AN OWNER OR OPERATOR SHALL DELIVER SUCH DOCUMENTATION TO THE COMMISSIONER WITHIN THIRTY (30) DAYS OF RECEIPT OF SUCH A WRITTEN REQUEST.

[(b)(5) The commissioner may revoke or modify an exemption under subsections (a)(3), (b)(2)(ii) and (iii), (b)(3) and (b)(4) if it is determined that repeated violations of subsection 22a-174-18(a) or violations of any specific applicable conditions in these exemptions have occurred or if it is determined that operation of the source will prevent or interfere with the attainment or maintenance of applicable ambient air quality standards, create a health hazard or create a nuisance.]

(5) AN OWNER OR OPERATOR THAT CLAIMS SUBSECTION (b)(1) OF THIS SECTION IS NOT APPLICABLE BY VIRTUE OF COMPLIANCE WITH SUBSECTIONS (b)(2) OR (b)(3) OF THIS SECTION SHALL, UPON NOTICE FROM THE COMMISSIONER, INSTALL, OPERATE AND MAINTAIN OPACITY CEM EQUIPMENT ACCORDING TO THIS SECTION, AND COMPLY WITH SUBSECTIONS (c) AND (d) OF THIS SECTION, IF THE COMMISSIONER FINDS:

(A) REPEATED NONCOMPLIANCE WITH SECTION 22a-174-18 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES HAS OCCURRED;

(B) NONCOMPLIANCE WITH THE REQUIREMENTS, LIMITATIONS OR RESTRICTIONS SET FORTH IN SUBDIVISIONS (2) OR (3) OF THIS SUBSECTION HAS OCCURRED;

(C) OPERATION OF THE SUBJECT SOURCE HAS INTERFERED WITH OR IS LIKELY TO INTERFERE WITH THE ATTAINMENT OR MAINTENANCE OF AMBIENT AIR QUALITY STANDARDS, CREATE A HEALTH HAZARD OR CREATE A NUISANCE; OR

(D) MONITORING EQUIPMENT IS TECHNICALLY FEASIBLE, ECONOMICALLY FEASIBLE AND NEEDED TO DETERMINE COMPLIANCE WITH CHAPTER 446c OF THE CONNECTICUT GENERAL STATUTES AND REGULATIONS PROMULGATED THEREUNDER.

(6) THE NOTICE PROVIDED FOR IN SUBSECTION (b)(5) OF THIS SECTION SHALL BE IN THE FORM OF A PERMIT OR ORDER AND SHALL SPECIFY REQUIREMENTS FOR OPACITY CEM EQUIPMENT INSTALLATION AND OPERATION INCLUDING A DAY BY WHICH SUCH INSTALLATION AND OPERATION IS TO COMMENCE.

[(c) Record Keeping and Reporting.

(c)(1) The Commissioner may require the submission of any records or reports of monitoring data and other information as he deems necessary to fulfill the purpose and policies contained in these regulations. Such record keeping and reporting may be required of any point source or any indirect source of air pollution. Records and reports required by the Commissioner concerning air pollutants, fuels, and operational information shall be recorded, compiled, and submitted on forms furnished or prescribed by the Commissioner. And shall be signed or verified in writing by a ranking corporate officer or managing official with offices located in the state. Such signature shall constitute personal affirmation that such officer has exercised due diligence in verifying the accuracy of the record or report and that, to the best of his knowledge and belief, the record or report is true complete, and complies fully with applicable state requirements. Such signature shall subject the responsible official to liability for false or misleading statements.

(c)(2) Any monitoring data required of any source under subsection (a) or (b) of this section shall be kept current and in a form allowing easy inspection and shall be retained by the source for a period of three years.

(c)(3) The owner or operator of any source described in subsection (b)(1) with the exception of fuel burning equipment having a maximum gross heat input capacity of less than two hundred fifty million (250,000,000) BTUs per hour, shall submit to the Commissioner on forms furnished or prescribed by him a report summarizing opacity monitoring data for the preceding three months. Such reports shall be due not later than thirty (30) days following the end of each calendar quarter.

(d) Approved Monitors

(d)(1) The Commissioner shall, from time to time, publish the design, performance, and installation specifications for an approvable smoke and opacity monitor. No smoke and opacity monitor shall be considered approved until the manufacturer has submitted evidence that the monitor meets all specifications required by the Commissioner and until an independent laboratory verifies that a randomly selected instrument or instruments representative of the instrument for which approval is sought, meets all specifications required by the Commissioner. The Commissioner reserves the right to disapprove any monitor and to

revoke any previous approval if the Commissioner believes that the monitor will not, in fact, meet specifications.

(d)(2) Effective April 1, 1989 for those stationary sources which must meet the requirements of Appendix P of Title 40 Code of Federal Regulations Part 51 an approvable smoke and opacity monitor shall meet the design, performance and installation specifications in Performance Specification 1 of Appendix B of Title 40 Code of Federal Regulations Part 60 and the requirements in sections 3.4.1, 3.6, 3.7, 3.8, 4.1, 4.2, 4.4, 4.5 and 4.6 in Appendix P of Title 40 Code of Federal Regulations Part 51.

(A) In addition to the requirements of subdivision 22a-174-4(d)(1), the owner or operator of any stationary source subject to the requirements of this subdivision shall calibrate such monitoring equipment.

(B) The information collected under this subdivision shall be used in determining compliance with the provisions of subdivision 22a-174-18(a)(1).

(C) In addition to the reporting requirements of subdivision 22a-174-4(c)(3), the owner or operator of any stationary source subject to the requirements of this subdivision shall submit the reports listed in Appendix P of Title 40 Code of Federal Regulations Part 51 and shall include information on the total process operating time of the equipment over the three (3) preceding months.

(e) Operation.

(e)(1) Equipment as may be required pursuant to this section shall be maintained in operation at any time that the source is in operation.

(e)(2) Except for necessary maintenance, no person shall deliberately shut down any monitoring device or method required under these regulations while the source being monitored is in operation or is emitting air pollutants.

(e)(3) In the case of deliberate shutdown or of a breakdown or failure of any monitoring device or method during which time the source will be in operation, all reasonable measures shall be taken to assure resumption of monitoring as soon as possible. In the event such shut down of monitoring equipment is expected, or may reasonably be expected, to continue for longer than 72 hours, and if the source is to be operated at any time during that period, the Commissioner shall be promptly notified in writing. Such notification shall specify the steps being taken to restore monitoring, the expected duration of the monitoring shut down, and the length of time that the source will be in operation during the shut down.

(e)(4) Failure of any monitoring equipment in no way relieves the owner or operator of any source from the responsibility to comply with applicable air pollutant emission regulations or standards.

(e)(5) It shall be a violation of these regulations to adjust or alter any monitoring device or method so as to falsify its readings or results.

(f) Source Inspection.

(f)(1) The Commissioner or his designated agent upon presentation of his credentials may:

(i) Enter at all reasonable times upon any public or private property, except a private residence, for the purpose of inspection and investigation to ascertain possible

violations of these regulations, in accordance with constitutional limitations;

(ii) At reasonable times have access to records and may obtain copies thereof; and

(iii) At any reasonable time inspect any monitoring equipment or method and sample any emissions.]

(c) GENERAL OPACITY AND GASEOUS CEM EQUIPMENT OPERATION AND PERFORMANCE.

(1) IF, FOR A SOURCE OF AIR POLLUTION, THE COMMISSIONER DETERMINES THAT OPACITY OR GASEOUS CEM EQUIPMENT IS REASONABLY AVAILABLE, TECHNICALLY FEASIBLE, ECONOMICALLY FEASIBLE AND NECESSARY FOR THE COMMISSIONER TO OBTAIN OPACITY OR EMISSION DATA TO EVALUATE COMPLIANCE WITH CHAPTER 446c OF THE CONNECTICUT GENERAL STATUTES AND REGULATIONS PROMULGATED THEREUNDER, THE COMMISSIONER MAY REQUIRE, BY WRITTEN NOTICE TO THE OWNER OR OPERATOR OF SUCH SOURCE, THE INSTALLATION AND OPERATION OF CEM EQUIPMENT. SUCH WRITTEN NOTICE SHALL BE IN THE FORM OF A REGULATION, PERMIT OR ORDER AND SHALL INCLUDE REQUIREMENTS FOR INSTALLATION AND OPERATION INCLUDING A DAY BY WHICH SUCH INSTALLATION AND OPERATION IS TO COMMENCE.

(2) IF THE COMMISSIONER DETERMINES THAT CEM EQUIPMENT IS NOT REASONABLY AVAILABLE FOR A SOURCE OF AIR POLLUTION, THE COMMISSIONER MAY, BY WRITTEN NOTICE, REQUIRE THE OWNER OR OPERATOR OF SUCH SOURCE TO COMPLY WITH AN ALTERNATIVE MONITORING TECHNIQUE OR CONDUCT INTERMITTENT STACK TESTING TO VERIFY THE SOURCE IS IN COMPLIANCE WITH CHAPTER 446c OF THE CONNECTICUT GENERAL STATUTES AND REGULATIONS PROMULGATED THEREUNDER. SUCH WRITTEN NOTICE SHALL BE IN THE FORM OF A REGULATION, PERMIT OR ORDER AND SHALL INCLUDE THE REQUIRMENTS FOR SUCH ALTERNATIVE MONITORING OR TESTING INCLUDING A DAY BY WHICH SUCH ALTERNATIVE MONITORING OR TESTING IS TO COMMENCE.

(3) MONITORING PLAN. UNLESS OTHERWISE SPECIFIED BY PERMIT OR ORDER OF THE COMMISSIONER, THE OWNER OR OPERATOR OF ANY SOURCE FOR WHICH CONSTRUCTION COMMENCED ON OR AFTER THE EFFECTIVE DATE OF THIS AMENDMENT TO THIS SECTION WHO IS REQUIRED TO INSTALL, OPERATE AND MAINTAIN OPACITY CEM EQUIPMENT PURSUANT TO SUBSECTION (b) OF THIS SECTION OR GASEOUS OR OPACITY CEM EQUIPMENT PURSUANT TO SUBDIVISION (1) OF THIS SUBSECTION SHALL SUBMIT TO THE COMMISSIONER FOR APPROVAL, AT LEAST SIXTY (60) DAYS BEFORE THE INITIATION OF THE PERFORMANCE SPECIFICATION TESTING REQUIRED BY SUBDIVISION (4) OF THIS SUBSECTION, A MONITORING PLAN CONTAINING THE INFORMATION SPECIFIED IN SUBPARAGRAPHS (A) THROUGH (D) OF THIS SUBDIVISION:

(A) A BRIEF DESCRIPTION OF THE SOURCE, INCLUDING, BUT NOT LIMITED TO, TYPE OF UNIT OR PROCESS, TYPE OF FUEL COMBUSTED, TYPE OR TYPES OF EMISSION CONTROL DEVICES, AND OPERATIONAL PARAMETERS;

(B) A DESCRIPTION OF THE MONITORING EQUIPMENT DESIGN, PROPOSED MONITOR LOCATION AND SAMPLING SITE LOCATION. THIS DESCRIPTION SHOULD INCLUDE, BUT IS NOT LIMITED TO,

FACILITY SCHEMATICS AND ENGINEERING DRAWINGS OF THE MONITORING AND SAMPLE PROBE LOCATIONS, DATA ACQUISITION SYSTEM SPECIFICATIONS, ANALYTICAL MONITORING TECHNIQUE AND SAMPLING SYSTEM DESIGN;

(C) AN EXPLANATION OF THE PERFORMANCE SPECIFICATION TESTING TO BE CONDUCTED BY THE OWNER OR OPERATOR AS REQUIRED BY SUBDIVISION (4) OF THIS SUBSECTION; AND

(D) A QUALITY ASSURANCE PLAN INCLUDING PROCEDURES FOR CALIBRATION, CALIBRATION DRIFT DETERMINATION AND ADJUSTMENT, PREVENTATIVE MAINTENANCE, DATA RECORDING, CALCULATION, AUDITS AND CORRECTIVE ACTION FOR MONITORING SYSTEM BREAKDOWNS.

(4) PERFORMANCE SPECIFICATIONS AND QUALITY ASSURANCE REQUIREMENTS. THE OWNER OR OPERATOR OF ANY SOURCE REQUIRED TO INSTALL, OPERATE AND MAINTAIN CEM EQUIPMENT PURSUANT TO THIS SECTION SHALL MEET THE FOLLOWING PERFORMANCE SPECIFICATIONS AND QUALITY ASSURANCE REQUIREMENTS:

(A) THE APPLICABLE PERFORMANCE SPECIFICATIONS AND QUALITY ASSURANCE REQUIREMENTS OF 40 CFR 60 APPENDICES B AND F, UNLESS THE SOURCE IS SUBJECT TO 40 CFR 75, IN WHICH CASE THE OWNER OR OPERATOR SHALL MEET THE APPLICABLE PERFORMANCE SPECIFICATIONS AND QUALITY ASSURANCE REQUIREMENTS OF 40 CFR 75;

(B) FOR OPACITY CEM EQUIPMENT, THE FOLLOWING QUALITY ASSURANCE REQUIREMENTS:

(i) CALIBRATION SHALL BE ADJUSTED WHENEVER THE DAILY ZERO OR UPSCALE CALIBRATION EXCEEDS PLUS/MINUS TWO PERCENT (±2%) OPACITY,

(ii) DATA SHALL BE INVALID FOR CALCULATING DATA AVAILABILITY IN ACCORDANCE WITH SUBDIVISION (5) OF THIS SUBSECTION IF THE ZERO OR UPSCALE CALIBRATION VALUE EXCEEDS EITHER THE REFERENCE ZERO OR THE UPSCALE CALIBRATION VALUE RECORDED DURING THE MOST RECENT CLEAR-PATH CALIBRATION BY PLUS/MINUS TWO PERCENT (±2%) OPACITY FOR FIVE (5) CONSECUTIVE DAYS OR PLUS/MINUS FIVE PERCENT (±5%) OPACITY ON ANY SINGLE DAY. THE PERIOD OF INVALID DATA BEGINS WITH EITHER THE FIFTH CONSECUTIVE OCCURRENCE OF A DRIFT VALUE EXCEEDING PLUS/MINUS TWO PERCENT (±2%) OPACITY OR WITH THE LAST DAILY CHECK PRECEDING THE SINGLE OCCURRENCE OF A DRIFT VALUE EXCEEDING PLUS/MINUS FIVE PERCENT (±5%) OPACITY. THE PERIOD OF INVALID DATA SHALL END WHEN A CALIBRATION DRIFT CHECK, CONDUCTED AFTER CORRECTIVE ACTION, DEMONSTRATES THAT RELIABLE MONITORING DATA IS BEING GENERATED,

(iii) QUALITY ASSURANCE AUDITS SHALL BE CONDUCTED DURING

EACH CALENDAR QUARTER IN WHICH THE SOURCE OPERATES,

(iv) THE COMMISSIONER SHALL BE NOTIFIED, IN WRITING, NO FEWER THAN THIRTY (30) DAYS PRIOR TO THE INITIALLY PROPOSED QUALITY ASSURANCE AUDIT, AND

(v) QUALITY ASSURANCE AUDITS SHALL BE CONDUCTED IN ACCORDANCE WITH THE PROCEDURES CONTAINED IN "PERFORMANCE AUDIT PROCEDURES FOR OPACITY MONITORS," EPA DOCUMENT NO. 450/4-92/010, DATED APRIL 1992. IF EPA PROMULGATES QUALITY ASSURANCE PROCEDURES IN 40 CFR 60, APPENDIX F, QUALITY ASSURANCE AUDITS SHALL BE CONDUCTED ACCORDING TO SUCH PROCEDURES. IF EITHER EPA DOCUMENT NO. 450/4-92/010 OR SUBSEQUENTLY PROMULGATED PROCEDURES IN 40 CFR 60, APPENDIX F, AS APPLICABLE, DOES NOT CONTAIN AUDIT PROCEDURES FOR THE OPACITY CEM SELECTED BY THE OWNER OR OPERATOR, THE OWNER OR OPERATOR SHALL, IN WRITING, PROPOSE AUDIT PROCEDURES TO THE COMMISSIONER FOR REVIEW AND WRITTEN APPROVAL AT LEAST THIRTY (30) DAYS PRIOR TO THE INITIAL OPACITY CEM AUDIT; AND

(C) IF THE RESULTS OF A QUALITY ASSURANCE AUDIT FAIL TO CONFORM TO THE QUALITY ASSURANCE REQUIREMENTS OF SUBPARAGRAPH (B) OF THIS SUBDIVISION, SUCH OPACITY CEM DATA SHALL BE DEEMED INVALID BY THE COMMISSIONER, AND THE OWNER OR OPERATOR WILL BE DEEMED TO HAVE FAILED THE QUALITY ASSURANCE AUDIT. DATA COLLECTED AFTER ANY FAILED QUALITY ASSURANCE AUDIT SHALL BE INVALID FOR CALCULATING PERCENT DATA AVAILABILITY IN ACCORDANCE WITH SUBDIVISION (5)(A) OF THIS SUBSECTION.

(5) DATA AVAILABILITY.

(A) THE OWNER OR OPERATOR OF ANY SOURCE REQUIRED TO INSTALL, OPERATE AND MAINTAIN CEM EQUIPMENT IN ACCORDANCE WITH THIS SECTION SHALL MEET THE FOLLOWING DATA AVAILABILITY REQUIREMENTS ON AN EMISSION LIMITATION-SPECIFIC BASIS:

(i) WHILE THE SOURCE IS OPERATING, THE OWNER OR OPERATOR SHALL OPERATE REQUIRED CEM EQUIPMENT PURSUANT TO SECTION 22a-174-7(b) OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES, AND ALLOWABLE PERIODS OF MISSING DATA SHALL APPLY ONLY TO PERIODS OF DELIBERATE SHUTDOWN ALLOWED BY SECTION 22a-174-7(b) OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES, UNAVOIDABLE SYSTEM MALFUNCTION OR AS OTHERWISE PROVIDED UNDER THIS SUBDIVISION,

(ii) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (B) AND (C) OF THIS SUBDIVISION, FOR OPACITY EMISSIONS, DATA SHALL BE AVAILABLE FOR NO LESS THAN NINETY-FIVE PERCENT (95%) OF THE TOTAL OPERATING HOURS OF THE SOURCE IN ANY

CALENDAR QUARTER,

(iii) EXCEPT AS PROVIDED IN SUBPARAGRAPHS (B) AND (C) OF THIS SUBDIVISION, FOR AIR POLLUTANT EMISSIONS OTHER THAN OPACITY, DATA SHALL BE AVAILABLE FOR NO LESS THAN NINETY PERCENT (90%) OF THE TOTAL OPERATING HOURS OF THE SOURCE IN ANY CALENDAR QUARTER, AND

(iv) PERCENT DATA AVAILABILITY SHALL BE CALCULATED USING THE FOLLOWING EQUATION:

$$\%\ \text{Data Availability} = \left(\frac{\text{Unit Operating Time} - \text{Monitoring Downtime}}{\text{Unit Operating Time}}\right) * 100$$

WHERE:

UNIT OPERATING TIME = TOTAL HOURS OF SOURCE OPERATION AT ANY LEVEL DURING THE CALENDAR QUARTER.

MONITORING DOWNTIME = TOTAL HOURS OF SOURCE OPERATION AT ANY LEVEL DURING THE CALENDAR QUARTER WHERE EITHER NO CEM EQUIPMENT DATA WAS COLLECTED OR THE CEM EQUIPMENT DATA WAS INVALID. SUCH PERIODS INCLUDE, BUT ARE NOT LIMITED TO, QUALITY ASSURANCE ACTIVITIES SUCH AS CALIBRATION, PREVENTATIVE MAINTENANCE, AND CALIBRATION DRIFT EXCEEDANCES OR QUALITY ASSURANCE AUDITS THAT RESULT IN INVALID DATA.

(B) THE COMMISSIONER, IN WRITING, MAY EXEMPT THE OWNER OR OPERATOR OF A SOURCE FROM THE MINIMUM DATA AVAILABILITY REQUIREMENTS OF SUBPARAGRAPHS (A)(ii) AND (A)(iv) OF THIS SUBDIVISION IF SUCH SOURCE IS EQUIPPED WITH PROPERLY OPERATING OPACITY CEM EQUIPMENT, AND THE SOURCE IS OPERATED LESS THAN OR EQUAL TO FIVE HUNDRED FOUR (504) HOURS IN THE CALENDAR QUARTER.

(C) THE COMMISSIONER, IN WRITING, MAY EXEMPT THE OWNER OR OPERATOR OF A SOURCE FROM THE MINIMUM DATA AVAILABILITY REQUIREMENTS OF SUBPARAGRAPHS (A)(iii) AND (A)(iv) OF THIS SUBDIVISION IF SUCH SOURCE IS EQUIPPED WITH PROPERLY OPERATING GASEOUS CEM EQUIPMENT, AND THE SOURCE IS OPERATED LESS THAN OR EQUAL TO THREE HUNDRED THIRTY-SIX (336) HOURS IN THE CALENDAR QUARTER.

(D) TO OBTAIN AN EXEMPTION UNDER SUBPARAGRAPHS (B) OR (C) OF THIS SUBDIVISION, THE OWNER OR OPERATOR OF THE SOURCE SHALL SUBMIT THE FOLLOWING INFORMATION TO THE COMMISSIONER WITHIN THIRTY (30) DAYS FOLLOWING THE LAST DAY OF THE CALENDAR QUARTER FOR WHICH THE EXEMPTION IS SOUGHT:

(i) A REQUEST FOR AN EXEMPTION FOR A SPECIFIED CALENDAR QUARTER,

(ii) THE ACTUAL OPERATING HOURS OF THE SOURCE DURING THE CALENDAR QUARTER,

(iii) THE DURATION OF AND NATURE OF THE CEM EQUIPMENT BREAKDOWNS, REPAIRS OR ADJUSTMENTS MADE DURING THE CALENDAR QUARTER, AND

(iv) THE ACTUAL DATA AVAILABILITY ACHIEVED DURING THE CALENDAR QUARTER.

(d) RECORD KEEPING AND REPORTING.

(1) THE COMMISSIONER MAY, BY WRITTEN NOTICE, REQUIRE THE OWNER OR OPERATOR OF ANY SOURCE TO CREATE, MAINTAIN AND SUBMIT DATA, RECORDS OR REPORTS OF MONITORING DATA AND OTHER INFORMATION DEEMED NECESSARY BY THE COMMISSIONER TO EVALUATE COMPLIANCE WITH CHAPTER 446c OF THE CONNECTICUT GENERAL STATUTES AND REGULATIONS PROMULGATED THEREUNDER. SUCH INFORMATION SHALL BE RECORDED, COMPILED AND SUBMITTED ON FORMS AS MAY BE FURNISHED OR PRESCRIBED BY THE COMMISSIONER. THE WRITTEN NOTICE SHALL PROVIDE THE DATE BY WHICH SUCH DATA, RECORDS OR REPORTS SHALL BE SUBMITTED TO THE COMMISSIONER.

(2) ANY DOCUMENT, DATA, PLAN, RECORD OR REPORT REQUIRED TO BE SUBMITTED TO THE COMMISSIONER BY THIS SECTION SHALL INCLUDE A CERTIFICATION SIGNED BY A RESPONSIBLE CORPORATE OFFICER OR A DULY AUTHORIZED REPRESENTATIVE OF SUCH OFFICER, AS THOSE TERMS ARE DEFINED IN SUBDIVISION (2) OF SUBSECTION (b) OF SECTION 22a-430-3 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES, AND BY THE INDIVIDUAL OR INDIVIDUALS REPONSIBLE FOR ACTUALLY PREPARING SUCH DOCUMENT, EACH OF WHOM SHALL EXAMINE AND BE FAMILIAR WITH THE INFORMATION SUBMITTED IN THE DOCUMENT AND ALL ATTACHMENTS THERETO, AND SHALL MAKE INQUIRY OF THOSE INDIVIDUALS RESPONSIBLE FOR OBTAINING THE INFORMATION TO DETERMINE THAT THE INFORMATION IS TRUE, ACCURATE AND COMPLETE, AND EACH OF WHOM SHALL CERTIFY IN WRITING AS FOLLOWS:

> "I HAVE PERSONALLY EXAMINED AND AM FAMILIAR WITH THE INFORMATION SUBMITTED IN THIS DOCUMENT AND ALL ATTACHMENTS THERETO, AND I CERTIFY THAT BASED ON REASONABLE INVESTIGATION, INCLUDING MY INQUIRY OF THOSE INDIVIDUALS RESPONSIBLE FOR OBTAINING THE INFORMATION, THE SUBMITTED INFORMATION IS TRUE, ACCURATE AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF. I UNDERSTAND THAT ANY FALSE STATEMENT MADE IN THE SUBMITTED INFORMATION MAY BE PUNISHABLE AS A CRIMINAL OFFENSE UNDER SECTION 22a-175 OF THE CONNECTICUT GENERAL STATUTES OR, IN ACCORDANCE WITH SECTION 22a-6 OF THE CONNECTICUT GENERAL STATUTES, UNDER SECTION 53a-157b OF THE CONNECTICUT GENERAL STATUTES, AND IN ACCORDANCE WITH ANY OTHER APPLICABLE STATUTE."

(3) THE OWNER OR OPERATOR OF ANY SOURCE SUBJECT TO THE PROVISIONS OF CHAPTER 446c OF THE CONNECTICUT GENERAL STATUTES AND REGULATIONS ADOPTED THEREUNDER SHALL MAINTAIN ALL DATA, DOCUMENTS AND REPORTS REQUIRED BY THIS SECTION IN A LEGIBLE AND COMPREHENSIBLE FORM FOR FIVE (5) YEARS FROM THE DATE SUCH DATA, DOCUMENT OR REPORT IS CREATED.

(4) EACH CALENDAR QUARTER, THE OWNER OR OPERATOR OF ANY OPACITY CEM EQUIPMENT REQUIRED PURSUANT TO THIS SECTION SHALL SUBMIT THE FOLLOWING INFORMATION TO THE COMMISSIONER:

(A) THE DATA OBTAINED THROUGH SUCH EQUIPMENT DURING THE PRECEDING CALENDAR QUARTER THAT IS REQUIRED TO DETERMINE COMPLIANCE WITH AN EMISSION LIMITATION OR STANDARD;

(B) A SUMMARY OF SUCH DATA;

(C) A COPY OF THE QUALITY ASSURANCE AUDIT CONDUCTED FOR THAT CALENDAR QUARTER; AND

(D) A SUMMARY OF ALL CORRECTIVE ACTIONS TAKEN IN RESPONSE TO A FAILED CEM EQUIPMENT AUDIT.

(5) SUBMISSIONS MADE TO COMPLY WITH SUBDIVISION (4) OF THIS SUBSECTION SHALL BE MADE NO LATER THAN THIRTY (30) DAYS FOLLOWING THE END OF EACH CALENDAR QUARTER.

(e) THE COMMISSIONER MAY EXEMPT AN OWNER OR OPERATOR OF A SOURCE SUBJECT TO THIS SECTION FROM THE REQUIREMENTS OF THIS SECTION AS THEY APPLY TO A PARTICULAR AIR POLLUTANT IF SUCH OWNER OR OPERATOR DEMONSTRATES IN WRITING, FOR THE COMMISSIONER'S WRITTEN APPROVAL, THAT SUCH SOURCE IS PHYSICALLY INCAPABLE OF VIOLATING ANY APPLICABLE REQUIREMENT FOR SUCH AIR POLLUTANT SET FORTH IN CHAPTER 446c OF THE CONNECTICUT GENERAL STATUTES AND REGULATIONS PROMULGATED THEREUNDER.

(f) UPON WRITTEN NOTICE IN THE FORM OF A PERMIT OR ORDER TO AN OWNER OR OPERATOR OF A SOURCE GRANTED AN EXEMPTION UNDER SUBSECTION (e) OF THIS SECTION, SUCH OWNER OR OPERATOR SHALL INSTALL, OPERATE AND MAINTAIN CEM EQUIPMENT IN ACCORDANCE WITH SUCH NOTICE IF:

(1) THE COMMISSIONER DETERMINES THERE IS REPEATED NONCOMPLIANCE WITH SECTION 22a-174-18 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES;

(2) OPERATION OF THE SUBJECT SOURCE HAS INTERFERED WITH OR IS LIKELY TO INTERFERE WITH THE ATTAINMENT OR MAINTENANCE OF AMBIENT AIR QUALITY STANDARDS, CREATE A HEALTH HAZARD OR CREATE A NUISANCE; OR

(3) THE SOURCE HAS BEEN ALTERED OR THE OPERATIONS OF THE SOURCE HAVE CHANGED SUCH THAT SUBSECTION (e) OF THIS SECTION IS NO LONGER APPLICABLE.

STATE OF CONNECTICUT

REGULATION

OF

NAME OF AGENCY

Environmental Protection

Section 1

STATEMENT OF PURPOSE: This amendment serves to (1) incorporate relevant portions of the Department's Continuous Emission Monitoring Guideline; (2) revise overall format for consistency with current Department and Legislative Commissioner's Office practices; (3) clarify language as necessary; and (4) remove general monitoring equipment operating requirements to a corresponding amendment to Regulations of Connecticut State Agencies section 22a-174-7.

CERTIFICATION

Be it known that the foregoing:

[x] Regulations ☐ Emergency Regulations

Are:

☐ Adopted [x] Amended as hereinabove stated ☐ Repealed

By the 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 September 17, 2002 of the notice of the proposal to:

☐ Adopt [x] Amend ☐ Repeal such regulations

(If applicable): [x] And the holding of a public hearing on the 23rd day of October 2002

WHEREFORE, the foregoing regulations are hereby:

☐ Adopted [x] Amended as herein above stated ☐ Repealed

Effective:

☐ When filed with the Secretary of State.

(OR)

[x] The 1st day of April 2004.

12/2/03 — Deputy Commissioner

DATE — SIGNED *(Head of Board, Agency or Commission)* — OFFICIAL TITLE, DULY AUTHORIZED

In Witness Whereof:

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.: 12/15/03 Assoc. Atty. General

☒ Approved

☐ Disapproved

☐ Disapproved in part, *(Indicate Section Numbers disapproved only)*

☐ Rejected without prejudice.

DATE 2/24/04 SIGNED *(Clerk of the Legislative Regulation Review Committee)*

By the Legislative Regulation Review Committee in accordance with Sec. 4-170 amended, of the General Statutes.

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 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 Statu

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
MAR 1 2004
LEGIS. & ELECTIONS ADMIN. DIV.
SECRETARY OF THE STATE

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

Susan Bysiewicz
Secretary of the State

Maria M Greenslade
Deputy Secretary of the State

March 2, 2004

RECEIVED
MAR 4 2004
Dept. of Environmental Protection
Office of the Commissioner

Hon. Arthur Rocque, Jr., Commissioner
Dept. of Environmental Protection
79 Elm Street
Hartford, CT 06105

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR MANAGEMENT
OFFICE OF BUREAU CHIEF
MAR - 5 2004

Re: Agency Regulation Concerning:

ABATEMENT OF AIR POLLUTION-SOURCE MONITORING, RECORD KEEPING & REPORTING

Regulation Review Committee Docket Number: 2004-009
Secretary of the State File Number: 5492

RECEIVED

Dear Commissioner Rocque:

This is to acknowledge receipt of two certified copies of the above referenced regulation issued by your department.

Said regulation was received and filed in this office on March 1, 2004. The effective date of this regulation is April 1, 2004.

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

Sincerely,

Michael T. Kozik, Esq., Managing Attorney
Legislation and Elections Administration Division

RECEIVED
MAR 4 2004
DEPT. OF ENVIRONMENTAL PROTECTION
OFFICE OF DEPUTY COMMISSIONER
AIR WASTE AND WATER

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

File

Legislative Regulation Review Committee

Senator George Gunther
Co-Chair

Representative Gail Hamm
Co-Chair

February 25, 2004

Subject: Proposed Regulation

Arthur Rocque, Commissioner
Department of Environmental Protection
79 Elm Street
Hartford, CT, 06106

Dear Commissioner Rocque:

Proposed Regulation
2004-009 Department of Environmental Protection **"ABATEMENT OF AIR POLLUTION - SOURCE MONITORING, RECORD KEEPING & REPORTING"** The Regulations of Connecticut State Agencies are amended Sections 22a-174-4 & 22a-174-7. (CLJ 9/17/2002) (A.G. Approval 12/15/2003) - Bearing a Deadline Date of 3/10/2004

The above captioned regulation was **Approved with Technical Corrections** by the Legislative Regulation Review Committee on 2/24/2004. 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

Room 011 * State Capitol Building * Hartford, CT 06106-1591 * (860) 240-0580 * fax (860) 240-8689 * lrrc@po.state.ct.us

The Connecticut General Assembly

Legislative Commissioners' Office

Max S. Case
Commissioner
Robert G. Gilligan
Commissioner
Marcia B. Goodman
Director

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

Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: February 24, 2004

Regulation No:	2004-9
Agency:	Department of Environmental Protection
Subject Matter	Abatement of air pollution - source monitoring, record keeping and reporting and air pollution control and monitoring equipment operation
Statutory Authority (copy attached)	22a-174

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

For the Committee's Information:

Substantive Concerns:

Technical Corrections:

On p. 1, in the deleted subsection (a) text and throughout the regulation, the defined terms such as "commissioner" and "operator" appear in quotations. These quotation marks do not appear in the official version of the existing regulation, and therefore they should be removed from the submitted regulation.

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, as amended, 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.

(b) The commissioner shall have the power to employ technical consultants for special studies, advice and assistance; to consult with and advise and exchange information with other departments or agencies of the state.

(c) The commissioner shall have the power, in accordance with regulations adopted by him, (1) to require that a person, before undertaking the construction, installation, enlargement or establishment of a new air contaminant source specified in the regulations adopted under subsection (a), submit to him plans, specifications and such information as he deems reasonably necessary relating to the construction, installation, enlargement, or establishment of such new air contaminant source; (2) to issue a permit approving such plans and specifications and permitting the construction, installation, enlargement or establishment of the new air contaminant source in accordance with such plans, or to issue an order requiring that such plans and specifications be modified as a condition to his approving them and issuing a permit allowing such construction, installation, enlargement or establishment in accordance therewith, or to issue an order rejecting such plans and specifications and prohibiting construction, installation, enlargement or establishment of a new air contaminant source in accordance with the plans and specifications submitted; (3) to require periodic inspection and maintenance of combustion equipment and other sources of air pollution; (4) to require any person to maintain such records relating to

air pollution or to the operation of facilities designed to abate air pollution as he deems necessary to carry out the provisions of this chapter and section 14-164c, as amended; (5) to require that a person in control of an air contaminant source specified in the regulations adopted under subsection (a), obtain a permit to operate such source if the source (A) is subject to any regulations adopted by the commissioner concerning high risk hazardous air pollutants, (B) burns waste oil, (C) is allowed by the commissioner, pursuant to regulations adopted under subsection (a), to exceed emission limits for sulfur compounds, (D) is issued an order pursuant to section 22a-178 or (E) violates any provision of this chapter, or any regulation, order or permit adopted or issued thereunder; (6) to require that a person in control of an air contaminant source who is not required to obtain a permit pursuant to this subsection register with him and provide such information as he deems necessary to maintain his inventory of air pollution sources and the commissioner may require renewal of such registration at intervals he deems necessary to maintain such inventory; (7) to require a permit for any source regulated under the federal Clean Air Act Amendments of 1990, P.L. 101-549; (8) to refuse to issue a permit if the Environmental Protection Agency objects to its issuance in a timely manner under Title V of the federal Clean Air Act Amendments of 1990; and (9) notwithstanding any regulation adopted under this chapter, to require that any source permitted under Title V of the federal Clean Air Act Amendments of 1990 shall comply with all applicable standards set forth in the Code of Federal Regulations, Title 40, Parts 51, 52, 59, 60, 61, 63, 68, 70, 72 to 78, inclusive, and 82, as amended from time to time.

(d) The commissioner shall have all incidental powers necessary to carry out the purposes of this chapter and section 14-164c, as amended.

(e) As used in this subsection, "contiguous" means abutting or adjoining without consideration of the actual or projected existence of roadways, walkways, plazas, parks or other minor intervening features; "indirect source" means any building, structure, facility, installation or combination thereof, that has or leads to associated activity as a result of which any air pollutant is or may be emitted. The

commissioner shall not require the submission of plans and specifications under indirect source regulations adopted pursuant to subdivisions (1) and (2) of subsection (c) of this section for proposed construction to be undertaken within a redevelopment area or urban renewal project, as defined in chapter 130, provided (1) the proposed construction is pursuant to a plan for such redevelopment area or urban renewal project adopted pursuant to section 8-127 prior to October 1, 1974, or to a modification of such plan, (2) the proposed construction is part of a contiguous, single purpose or multipurpose development or developments and (3) site clearance or construction had commenced on a portion of the site of such development or developments prior to October 1, 1974, nor shall the commissioner issue any order pursuant to subdivision (1) of subsection (c) of this section pertaining to the enforcement of indirect source regulations with respect to such proposed construction within such redevelopment areas and urban renewal projects. In the event that the modification of any such plan after October 1, 1974, would result in the proposed construction generating substantially more motor vehicle traffic than would have been generated prior to such modification, the submission of plans and specifications shall be required for such proposed modification. The commissioner shall not require the renewal of an indirect source operating permit issued in accordance with subsection (c) of this section unless such indirect source no longer conforms with plans, specifications or other information submitted to said commissioner in accordance with said subsection (c).

(f) The commissioner shall allow the open burning of brush on residential property, provided the burning is conducted by the resident of the property or the agent of the resident and a permit for such burning is obtained from the local open burning official of the municipality in which the property is located, and the open burning of brush in municipal landfills, transfer stations and municipal recycling centers, provided a permit for such burning is obtained from the fire marshal of the municipality where the facility is located, except that no open burning of brush shall occur (1) when national or state ambient air quality standards may be exceeded; (2) where a hazardous health

condition might be created; (3) when the forest fire danger in the area is identified by the commissioner as extreme and where woodland or grass land is within one hundred feet of the proposed burn; (4) where there is an advisory from the commissioner of any air pollution episode; (5) where prohibited by an ordinance of the municipality; and (6) in the case of a municipal landfill, when such landfill is within an area designated as a hot spot on the open burning map prepared by the commissioner. A permit for the burning of brush at any municipal landfill, municipal transfer station or municipal recycling center shall be issued no more than six times in any calendar year. The proposed permit to burn brush at any municipal landfill, municipal transfer station or municipal recycling center shall be submitted to the commissioner by the fire marshal, with the approval of the chief elected official of the municipality in which the municipal landfill, municipal transfer station or municipal recycling center is located. The commissioner shall approve or disapprove the fire marshal's proposed permitting of burning of brush at a municipal landfill, municipal transfer station or municipal recycling center within a reasonable time of the filing of such application. The burning of leaves, demolition waste or other solid waste deposited in such landfill shall be prohibited. The burning of nonprocessed wood for campfires and bonfires is not prohibited if the burning is conducted so as not to create a nuisance and in accordance with any restrictions imposed on such burning. Nothing in this subsection or in any regulation adopted pursuant to this subsection shall affect the power of any municipality to regulate or ban the open burning of brush within its boundaries for any purpose. Notwithstanding any other provision of this section, fire breaks for the purpose of controlling forest fires and controlled fires in salt water marshes to forestall uncontrolled fires are not prohibited. Open burning may be engaged in for any of the following purposes if the open burning official with jurisdiction over the area where the burning will occur issues an open burning permit: Fire-training exercises; eradication or control of insect infestations or disease; agricultural purposes; clearing vegetative debris following a natural disaster; and vegetative management or enhancement of wildlife habitat or ecological sustainability on municipal property or on any

privately owned property permanently dedicated as open space. Open burning for such purposes on state property may be engaged in with the written approval of the commissioner. Local burning officials nominated for the purposes of this subsection shall be nominated only by the chief executive officer of the municipality in which the official will serve and shall be certified by the commissioner. The chief executive officer may revoke the nomination. The commissioner may adopt regulations, in accordance with the provisions of chapter 54, governing open burning and may authorize or prohibit open burning consistent with this section. The regulations may require the payment of an application fee and inspection fee and may establish a certification procedure for local burning officials.

(g) The commissioner shall require, by regulations adopted in accordance with the provisions of chapter 54, the payment of a permit application fee sufficient to cover the reasonable costs of reviewing and acting upon an application for, and monitoring compliance with the terms and conditions of, any state or federal permit, license, order, certificate or approval required pursuant to this section. Any person obtaining a permit, pursuant to said regulations, for the construction or operation of a source of air pollution or for modification to an existing source of air pollution shall submit a permit fee of twice the amount of the fee established by regulations in effect on July 1, 1990. The commissioner shall require the payment of a permit application fee of two hundred dollars.

(h) The commissioner may require, by regulations adopted in accordance with the provisions of chapter 54, payment of a fee by the owner or operator of a source of air pollution, sufficient to cover the reasonable cost of a visual test of an air pollution control device through the use of a dust compound in the detection of leaks in such device, or the monitoring of such test, provided such fee may not exceed the average cost to the department for the conduct or monitoring of such tests plus ten per cent of such average cost. Except as specified in section 22a-27g, all payments received by the commissioner pursuant to this subsection shall be deposited in the General Fund and credited to the appropriations of the Department of

Environmental Protection in accordance with the provisions of section 4-86.

(i) Notwithstanding the provisions of subsections (g) and (h) of this section, no municipality shall be required to pay more than fifty per cent of any fee established by the commissioner pursuant to said subsections.

(j) Each source of air pollution shall register with the commissioner biennially. Such registration shall be accompanied by a fee of one hundred fifty dollars, provided no premise shall pay a registration fee exceeding seven thousand five hundred dollars.

(k) Fees or increased fees prescribed by this section shall not be applicable to residential property.

(l) (1) The commissioner may issue a general permit with respect to a category of new or existing stationary air pollution sources, except with respect to a source which is already covered by an individual permit, provided the general permit is not inconsistent with the federal Clean Air Act, as amended in 1990, 42 USC, Sections 7401 et seq., and as it may be further amended from time to time. Any person conducting an activity for which a general permit has been issued shall not be required to obtain an individual permit under this section, except as provided in subdivision (5) of this subsection. The general permit may regulate a category of sources which, whether or not requiring a permit under the federal Clean Air Act, (A) involve the same or substantially similar types of operations or substances, (B) require the same types of pollution control equipment or other operating conditions, standards or limitations and (C) require the same or similar monitoring, and which, in the opinion of the commissioner, are more appropriately controlled under a general permit than under an individual permit. The general permit may require that any person proposing to conduct any activity under the general permit register such activity, including obtaining approval from the commissioner, before the general permit becomes effective as to such activity, and may include such other conditions as the commissioner deems

appropriate, including, but not limited to, management practices and verification and reporting requirements. Any such reports shall be made available to the public by the commissioner. The commissioner shall grant an application for approval under a general permit without repeating the notice and comment procedures provided under subdivision (2) of this subsection, and such a grant shall not be subject to judicial review under subdivision (4) of this subsection. Registrations and applications for approval under the general permit shall be submitted on forms prescribed by the commissioner; application forms concerning activities regulated under the federal Clean Air Act shall require that the applicant provide such information as may be required by that act. The commissioner shall prepare, and annually amend, a list of holders of general permits under this section, which list shall be made available to the public.

(2) Notwithstanding any other procedures in this chapter, any regulations adopted thereunder, and chapter 54, the commissioner may issue a general permit in accordance with the following procedures: (A) The commissioner shall publish in a newspaper, having a substantial circulation in the affected area or areas, notice of (i) intent to issue a general permit, (ii) the right to inspect the proposed general permit, (iii) the opportunity to submit written comments thereon, and (iv) the right to a public hearing if, within the comment period, the commissioner receives a petition signed by at least twenty-five persons provided the notice shall state that the right to a public hearing may be exercised upon request of any person if the permit regulates an activity which is subject to provisions of the federal Clean Air Act; (B) the administrator of the United States Environmental Protection Agency and any states affected by the general permit shall be given notice as may be required by the federal Clean Air Act; (C) the commissioner shall allow a comment period of thirty days following publication of notice under subparagraph (A) of this subdivision during which interested persons may submit written comments concerning the permit to the commissioner; (D) the commissioner shall not issue the general permit until after the comment period and the public hearing, if one is held; (E) the

commissioner shall publish notice of any general permit issued in a newspaper having a substantial circulation in the affected area or areas; and (F) summary suspension may be ordered in accordance with subsection (c) of section 4-182. Any person may request that the commissioner issue, modify, revoke or suspend a general permit in accordance with this subsection.

(3) Any general permit under this subsection shall be issued for a fixed term. A general permit covering an activity regulated under the federal Clean Air Act shall be issued for a term of no more than five years. A general permit covering an activity regulated under the federal Clean Air Act shall contain such additional conditions as may be required by that act.

(4) Notwithstanding any other provision of this chapter and chapter 54, with respect to a general permit concerning activities regulated under the federal Clean Air Act, any person who submitted timely comments thereon may appeal the issuance of such permit to the superior court in accordance with the provisions of section 4-183. Such appeal shall have precedence in the order of trial as provided in section 52-192.

(5) Subsequent to the issuance of a general permit, the commissioner may require a person whose activity is or may be covered by the general permit to apply for and obtain an individual permit pursuant to this chapter if he determines that an individual permit would better protect the land, air and waters of the state from pollution. The commissioner may require an individual permit under this subdivision in cases including, but not limited to, the following: (A) The permittee is not in compliance with the conditions of the general permit; (B) a change has occurred in the availability of demonstrated technology or practices for the control or abatement of pollution applicable to the permitted activity; (C) circumstances have changed since the time the general permit was issued so that the permitted activity is no longer appropriately controlled under the general permit, or a temporary or permanent reduction or elimination of the permitted activity is necessary; or (D) a relevant change has occurred in the applicability of

the federal Clean Air Act. In making the determination to require an individual permit, the commissioner may consider the location, character and size of the source and any other relevant factors. The commissioner may require an individual permit under this subdivision only if the person whose activity is covered by the general permit has been notified in writing that an individual permit is required. The notice shall include a brief statement of the reasons for requiring an individual permit, an application form, a statement setting a time for the person to file the application and a statement that the general permit as it applies to such person shall automatically terminate on the effective date of the individual permit. Such person shall forthwith apply for, and use best efforts to obtain, the individual permit. Any person may petition the commissioner to take action under this subdivision.

(6) The commissioner may adopt regulations, in accordance with the provisions of chapter 54, to carry out the purposes of this subsection.

(m) In any proceeding on an application for a permit which is required under 42 USC 7661a, the applicant, and any other person entitled under said section to obtain judicial review of the commissioner's final action on such application may appeal such action in accordance with the provisions of section 4-183.

(n) The commissioner shall not issue a permit for an asphalt batch plant or continuous mix facility under the provisions of this section until July 1, 2004, unless the commissioner determines that the issuance of the permit will result in an improvement of environmental performance of an existing asphalt batch plant or continuous mix plant. The provisions of this section shall apply to any application pending on May 5, 1998. Nothing in this section shall apply to applications for upgrading, replacing, consolidating or otherwise altering the physical plant of an existing facility provided such upgrade, replacement, consolidation or alteration results in an improvement of environmental performance or in reduced total emissions of air pollutants.