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

#5626

NAME OF AGENCY

Environmental Protection

Concerning

ABATEMENT OF AIR POLLUTION

Amendment of:
Sections 22a-174-1(29) and (94); 22a-174-2a(e)(1); 22a-174-2a(e)(3); 22a-174-2a(f)(1); 22a-174-2a(f)(2); 22a-174-2a(f)(4); 22a-174-2a(j); 22a-174-3b(a), (b), (c), (d) and (f); 22a-174-3c(a) and (b); 22a-174-5(b), (e)(2) and (g); 22a-174-19a(a)(1), (a)(7), (g)(1) and (h)(5); 22a-174-20(m), (n), (o), (p), (q), (r), (s) and (v); 22a-174-22(a)(17), (j) and (k); 22a-174-22a(f)(5); 22a-174-22b(c); 22a-174-22b(i)(6); 22a-174-23(h); 22a-174-24(b); 22a-174-29(b), (d) and (e); and 22a-174-33(d)(3)

Sec. 12. Subsection (b) of section 22a-174-5 of the Regulations of Connecticut State Agencies is amended to read as follows:

(b) Sampling and emission testing methods.

(1) Analysis for the sulfur content of liquid fuels shall be done according to the [most current] American Society for Testing and Materials [methods D 129 or D 1552] method D 4294, or the most current methods approved by the American Society for Testing and Materials for the analysis of sulfur content of liquid fuels.

(2) Analysis for sulfur content of solid fuel shall be done according to the most current approved methods of the American Society for Testing and Materials [methods], as follows:

(A) Mechanical sampling by method D 2234[.] or the most current method approved by the American Society for Testing and Materials for mechanical sampling for sulfur content of solid fuels;

(B) Sample preparation by method D 2013[.] or the most current method approved by the American Society for Testing and Materials for sample preparation; and

(C) Sample analysis by method D 3176 or D 3180 or the most current method approved by the American Society for Testing and Materials for the analysis of solid fuel sulfur content.

(3) The emission testing method for sulfur dioxide emissions from stationary sources shall be that specified as Method 6 in [Title] 40 [Code of Federal Regulations Part] CFR 60.

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(4) The emission testing method for sulfur oxides emissions from sulfuric acid plants, and from any other source as the [Commissioner] commissioner shall determine by regulation, shall be that specified as Method 8 in [Title] 40 [Code of Federal Regulations Part] CFR 60.

(5) The emission testing method for particulate emissions from all stationary sources shall be that specified as Method 5 in [Title] 40 [Code of Federal Regulations Part] CFR 60.

(6) Emission tests for organic compound emissions including dioxin emissions shall be conducted in a manner approved by the [Commissioner] commissioner.

(7) The emission testing method for nitrogen oxide emissions from stationary sources shall be that specified as [Method 7 in Title 40 Code of Federal Regulations Part 60] Method 7E in
40 CFR 60.

Sec. 13. Subdivision (2) of subsection (e) of section 22a-174-5 of the Regulations of Connecticut State Agencies is amended to read as follows:

(e)(2) In addition to the emission tests required in subdivision 22a-174-5(e)(1), the [Commissioner] commissioner may require the owner or operator of any stationary source to conduct emission tests of emissions. Tests required under the provisions of subdivision 22a-174-5(e)(1) and this subdivision shall be conducted in a manner satisfactory to the [Commissioner] commissioner. [Except as provided under subdivision 22a-174-5(g)(3) all] All such tests shall be conducted at the expense of the owner or operator of the pollution source being tested, and the [Commissioner] commissioner or his representative shall be entitled to observe the tests, including initial sampling, subsequent laboratory analysis[,] and other related procedures.

Sec. 14. Subsection (g) of section 22a-174-5 of the Regulations of Connecticut State Agencies is amended to read as follows:

[(g) Tests for dioxin emissions at resources recovery facilities.

(1) The owner or operator of any resources recovery facility shall prepare and submit to the Commissioner for approval a plan for performing tests required under subdivisions (1), (2) and (4) of this subsection. Such plan shall include sampling locations, test methods, sample protocols and sample analysis procedures along with any forms provided by the Commissioner to determine the validity of the methods and procedures proposed in the plan. For any resources recovery facility which has a permit to construct issued under section 22a-174-3 prior to the effective date of this subdivision the plan must be submitted within ninety (90) days of the effective date of this subdivision and shall be kept on file by the Commissioner to facilitate any test for dioxin emissions required under subdivision (2) or (4) under this subsection. For any resources recovery facility which has a permit to construct issued under section 22a-174-3 after the effective date of this subdivision the plan must be submitted ninety (90) days prior to the performance test required under subparagraph 22a-174-5(g)(2)(A) and shall be kept on file by the Commissioner to facilitate any test for dioxin emissions required under subdivision (2) or (4) under this subsection. The Commissioner may require that plans submitted under this subdivision be amended from time to time.

(2) Testing for dioxin emissions in the stack of any resources recovery facility shall be conducted by the owner or operator in accordance with the schedule outlined below.

Section 1

(A) As part of a performance test required as a condition for the approval by the Commissioner of any initial permit to operate in accordance with the provisions of subparagraph 22a-174-3(g)(2)(E);

(B) As part of a performance test in conjuction with any modification of a facility which requires the approval of the Commissioner of a new or amended construction or operating permit;

(C) As a condition of an order of the Commissioner to demonstrate compliance with any condition of a permit or order issued for the resources recovery facility concerning dioxin emissions or indicators of dioxin emissions; and

(D) As part of a stack test required under subsection 22a-174-7(f).

(3) In addition to the testing required in subdivision (2) of this subsection, the Commissioner shall conduct, as provided by section 22a-233 of the Connecticut General Statutes as amended by Public Act 87-489, certain additional tests to be performed on any resources recovery facility, unless it has a valid permit to operate prior to July 1, 1986, in accordance with the schedule outlined below:

(A) Within twelve (12) months of the issuance of a permit to operate under subdivision 22a-174-3(g)(2) which was granted in conjunction with a permit to construct;

(B) Once each year during the next two (2) calendar years subsequent to the year in which a test was conducted in accordance with the provisions of subparagraph (A) of this subdivision; and

(C) Based upon a review of any stack tests performed under this subsection, data from the continuous emission monitors, and any available ambient air monitoring or modeling data, the Commissioner shall develop by regulation a schedule for testing dioxin emissions in subsequent years including the identification of sources of funds to pay for such tests. The Commissioner shall provide notice of this determination to the chief elected official of each town participating in the subject resources recovery facility.

(4) For any resources recovery facility which had a valid permit to operate prior to July 1, 1987 the Commissioner shall use the schedule outlined in subdivision (3) of this subsection when the facility is modified and is required to perform a stack test for dioxin emissions under the provisions of subparagraph (2)(B) of this subsection.

(5) For the purposes of determining compliance with the conditions of a permit or order for dioxin emissions for any resources recovery facility in accordance with subparagraph (2)(C), the Commissioner shall establish a source specific stack emission standard for dioxin emissions in either the permit to construct, the permit to operate or an order in accordance with the provisions of sections 22a-174-24 and 22a-174-29.]

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 January 25, 2005 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 1st day of March 2005

WHEREFORE, the foregoing regulations are hereby:

Adopted [x] Amended as herein above stated Repealed

Effective:

[x] When filed with the Secretary of State.

(OR)

The __ day of _____ 200_.

	DATE	SIGNED *(Head of Board, Agency or Commission)*	OFFICIAL TITLE, DULY AUTHORIZED
In Witness Whereof:	12/23/05	Gina McCarthy	Commissioner

	SIGNED	DATE	OFFICIAL TITLE, DULY AUTHORIZED
Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:	William B. Gundling	01/09/06	Assoc. Attorney Gener

[x] Approved with technical corrections

Disapproved

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

Rejected without prejudice.

	DATE	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.	03/28/06	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 Statutes.
3. Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.
4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.