R-39 REV. 1/77

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

STATE OF CONNECTICUT

REGULATION

OF

NAME OF AGENCY

Environmental Protection

Concerning

Section 1

Amendment of:
Section 22a-174-5(f), Fees for visual tests; and
Section 22a-174-26, Fees

Section 1. Subsection (f) of section 22a-174-5 of the Regulations of Connecticut State Agencies is amended, as follows:

(f) Fees for visual tests.

[(f)](1) The owner or operator of a stationary source who is required to conduct an emission test under either [subdivision] subsection (e)(1) or (e)(2) of this section may be required to conduct a visual test through the use of a dust compound in lieu of the emission testing otherwise required. Such testing shall be conducted annually or at an interval determined by the [Commissioner] commissioner and in a manner satisfactory to [him] the commissioner.

[(f)](2) The owner or operator of a stationary source who, under the provisions of subdivision [(f)](1) of this [section] subsection, is required to conduct a visual test shall pay a fee of [three hundred and seventy-five dollars ($375.00)] Five hundred and sixty-two dollars and fifty cents ($562.50).

[(f)](3) The [Commissioner] commissioner may increase the fee specified in subdivision [(f)](2) of this [section] subsection to a maximum fee of [four hundred and thirty dollar ($430.00)] six hundred and forty-five dollars ($645.00) if the test conditions under subdivision [(f)](1) of this [section] subsection are deemed hazardous as determined by valid Connecticut State Employee Collective Bargaining Agreements.

[(f)](4) The [Commissioner] commissioner may reduce the fee specified in subdivision (2) of this subsection to no less than [two hundred and sixty-five dollars ($265.00)] three hundred and ninety-seven dollars and fifty cents ($397.50) or the fee specified in subdivision (3) of this subsection to no less than [two hundred and ninety dollars ($290.00)] four hundred and thirty-five dollars ($435.00) if the test condition under subdivision (1) of this subsection require that the Department use one staff person to monitor the visual test under this subsection.

[(f)](5) The owner or operator of a stationary source who is required to pay a fee under this subsection shall submit such fee to the [Department] commissioner accompanied by forms furnished by the [Commissioner] commissioner.

CERTIFICATION

Be it known that the foregoing:

Are: [x] Regulations ☐ Emergency Regulations

☐ Adopted [x] Amended as hereinabove stated ☐ Repealed

By the aforesaid agency pursuant to:

[x] Sections 22a-6(a) and 22a-174 of the General Statutes.

[x] Section 22a-6(f) of the General Statutes, as amended by Public Act No. 03 of the 6 Public Acts.

☐ Public Act No._____of the Public Acts.

After publication in the Connecticut Law Journal on January 27th, 2004 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 27th day of February 2004

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 _____.

DATE	SIGNED *(Head of Board, Agency or Commission)*	OFFICIAL TITLE, DULY AUTHORIZED
In Witness Whereof: March 26, 2004	Anne K. Stich	Deputy Comm

	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.:		4/2/04	Assoc. Atty. General

☐ Approved

☐ Disapproved

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

☐ Rejected without prejudice.

	DATE	SIGNED
By the Legislative Regulation Review Committee in accordance with Sec. 4-170 amended, of the General Statutes.		*(Clerk of the Legislative Regulation Review Committee)*

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED *(Secretary of the State.)*	BY

INSTRUCTIONS

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes

2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the standing Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.

3. Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.

4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.

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

June 4, 2004

RECEIVED
JUN 9 2004
Environmental Protection
Office of the Commissioner
Dept. of Environmental Protection
Deputy Commissioner E.C.

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

Re: Agency Regulation Concerning:

Amendment of Section 22a-174-5(f), fees for visual tests; and Section 22a-174-26, fees

Regulation Review Committee Docket Number: 2004-033
Secretary of the State File Number: 5516

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 May 26, 2004. The effective date of this regulation is May 26, 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
JUN 10 2004
DEPT. OF ENVIRONMENTAL PROTECTION
OFFICE OF DEPUTY COMMISSIONER

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

May 26, 2004

Subject: Proposed Regulation

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

Dear Commissioner Rocque:

Proposed Regulation
2004-033 Department of Environmental Protection **"AIR QUALITY"** The Regulations of Connecticut State Agencies are amended Section 22a-174-5 & 22a-174-26. (CLJ 1/27/2004) (A.G. Approval 4/2/2004) - Bearing a Deadline Date of 7/7/2004

The above captioned regulation was **Approved with Technical Corrections & Deletion** by the Legislative Regulation Review Committee on 5/25/2004. 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
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Director

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Hartford, Connecticut 06106-1591
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Memorandum

To: Legislative Regulation Review Committee
From: Legislative Commissioners' Office
Committee Meeting Date: May 25, 2004

Regulation No:	2004-33
Agency:	Department of Environmental Protection
Subject Matter	Air Quality Regulation Fees
Statutory Authority (copy attached)	22a-6f, as amended by public act 03-6 of the June 30 special session, and 22a-174

	Yes or No
Mandatory	Y, as to the fee increases
Federal Requirement	N
Permissive	Y, as to the remaining provisions
Federal Funds	N
Correct Numbering	Y

For the Committee's Information:

Substantive Concerns:

Technical Corrections:

1. On p. 5, in subdivision (2), the new period after "Department" should be underlined.

2. On p. 8, in subdivision (6)(B), "for the purposes of this subdivision" should changed to "for the purposes of this subparagraph" for accuracy.

3. On p. 8, in subdivision (8), the new period after "applicable" should be underlined.

4. On pp. 9-10, in subsection (i), the words "RESERVED" should be deleted and subdivision (4) should be renumbered as subdivision (2).