Sec. 22a-174-5. Methods for sampling, emission testing, sample analysis, and reporting

(a) All sampling, emission testing, and reporting shall be done in accordance with procedures prescribed by or acceptable to the Commissioner under subsection 22a-174-5(d).

(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.

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

(A) Mechanical sampling by method D 2234.

(B) Sample preparation by method D 2013.

(C) Sample analysis by method D 3176 or D 3180.

(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 60.

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

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

(c) All emissions tests undertaken to comply with this section shall be made under the direction of persons qualified by training or experience in the field of sampling emissions from air pollution sources.

(d) Sampling and emission testing methods as specified in subsection (b) of this section may be modified or adjusted with the written approval of the Commissioner as required by the specific sampling conditions or needs and in accordance with good engineering practice, judgment and experience. For the purposes of demonstrating compliance with any regulation adopted under the provisions of section 22a-174 of the General Statutes, any test shall be performed with the prior approval of the Commissioner as to the test method, sampling protocol and sample analysis procedures. The Commissioner shall provide forms for obtaining prior approval of testing methods, sampling protocol and sample analysis procedures.

(e)(1) The owner or operator of a stationary source of air pollution with maximum uncontrolled emissions of any particular air pollutant greater than one hundred (100) tons per year shall be required to carry out emission tests as prescribed by the Commissioner. Such test or tests shall be conducted at such intervals as the Commissioner may specify for an individual stationary source.

(e)(2) In addition to the emission tests required in subdivision 22a-174-5(e)(1) the 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. Except as provided under subdivision 22a-174-5(g)(3) all such tests shall be conducted at the expense of the owner or operator of the pollution source being tested, and the Commissioner or his representative shall be entitled to observe the tests, including initial sampling, subsequent laboratory analysis, and other related procedures.

(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 (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 and in a manner satisfactory to him.

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

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

(f)(4) The Commissioner may reduce either the fee specified in subdivision (f)(2) to no less than two hundred and sixty-five dollars ($265.00) or the fee specified in subdivision (f)(3) to no less than two hundred and ninety dollars ($290.00) if the test conditions under subdivision (f)(1) 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 accompanied by forms furnished by the Commissioner.

(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.

(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 22a-174-5(g)(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.