**Sec. 2.** **Section 22a-174-7 of the Regulations of Connecticut State Agencies is amended to read as follows:**

**Sec. 22a-174-7. [Malfunction of control equipment; reporting and required continuous emission monitoring equipment for stationary sources, shutdown provisions for combustion efficiency for resources recovery facilities and shutdown and start up plans for resources recovery facilities]. AIR POLLUTION CONTROL EQUIPMENT AND MONITORING EQUIPMENT OPERATION.**

[(a) Equipment or methods which control air pollutant emissions from a stationary source and which are necessary to the operation of such stationary source in compliance with applicable emission standards and regulations shall be maintained in operation at all times that the stationary source is in operation or is emitting air pollutants. This includes instruments required by permit, order or regulation which measure those source operating parameters which affect air pollutant emissions, air pollution control equipment or other instruments which measure meteorological data required by permit, order or regulation.]

(a) BREAKDOWN, FAILURE AND DELIBERATE SHUTDOWN.

(1) NEITHER BREAKDOWN, FAILURE NOR DELIBERATE SHUTDOWN OF AIR POLLUTION CONTROL EQUIPMENT OR MONITORING EQUIPMENT NOR SUBMISSION OF ANY NOTICE PURSUANT TO THIS SECTION SHALL EXCUSE THE OWNER OR OPERATOR OF ANY SOURCE FROM THE OBLIGATION TO COMPLY WITH AN APPLICABLE EMISSION LIMITATION OR EMISSION STANDARD OR OTHER APPLICABLE REQUIREMENT.

(2) IF AN OWNER OR OPERATOR OPERATES A STATIONARY SOURCE TO PRODUCE EMISSIONS OF AN AIR POLLUTANT DURING BREAKDOWN, FAILURE OR DELIBERATE SHUTDOWN OF ANY AIR POLLUTION CONTROL EQUIPMENT SO AS TO PRODUCE AN EXCEEDANCE OF AN APPLICABLE EMISSION LIMITATION OR EMISSION STANDARD, THE OWNER OR OPERATOR SHALL:

(A) EXERCISE DUE DILIGENCE TO MINIMIZE EMISSIONS WHILE SUCH CONTROL EQUIPMENT IS INOPERATIVE;

(B) CONTINUE THE USE OF MONITORING EQUIPMENT; AND

(C) GIVE NOTICE TO THE COMMISSIONER AS REQUIRED BY SUBSECTIONS (d) AND (e) OF THIS SECTION.

(b) OPERATION OF AIR POLLUTION CONTROL EQUIPMENT AND MONITORING EQUIPMENT.

(1) [No] WHILE A STATIONARY SOURCE IS IN OPERATION, NO person shall deliberately shut down any [such] OPERATIONAL AIR POLLUTION control OR MONITORING equipment [, method or other instrument specified in subsection 22a-174-7 (a) while the source is in operation except for such necessary maintenance as cannot be accomplished when the stationary source itself is not in operation and is not emitting air pollutants.] OR DELIBERATELY KEEP SUCH AIR POLLUTION CONTROL EQUIPMENT OR MONITORING EQUIPMENT SHUT DOWN EXCEPT TO PERFORM NECESSARY MAINTENANCE, WHICH CANNOT BE ACCOMPLISHED WHEN THE STATIONARY SOURCE ITSELF IS NOT IN OPERATION AND IS NOT EMITTING AIR POLLUTANTS.

(2) NOTWITHSTANDING SUBDIVISION (1) OF THIS SUBSECTION, A SOURCE OWNER OR OPERATOR MAY DELIBERATELY SHUT DOWN AIR POLLUTION CONTROL EQUIPMENT OR MONITORING EQUIPMENT WHILE THE SOURCE IS IN OPERATION IF:

(A) THE OWNER OR OPERATOR IS NOT REQUIRED TO OPERATE SUCH EQUIPMENT BY A PERMIT, ORDER OR REGULATION;

(B) THE SOURCE IS IN COMPLIANCE WITH APPLICABLE EMISSION LIMITATIONS AND EMISSION STANDARDS WHILE THE AIR POLLUTION CONTROL EQUIPMENT IS SHUT DOWN; AND

(C) EMISSIONS RELEASED WHILE MONITORING EQUIPMENT THAT MEASURES SUCH EMISSIONS IS DELIBERATELY SHUT DOWN ARE NOT USED TO CALCULATE CREDITS GENERATED IN AN EMISSIONS CREDIT TRADING PROGRAM.

[(c) In the case of breakdown, failure, or deliberate shutdown of any control equipment, method or other instrument specified in subsection 22a-174-7 (a) during which time the stationary source will be in operation, all reasonable measures shall be taken to assure resumption of control as soon as possible. Due diligence shall be exercised to minimize emissions while the control equipment or method is inoperative. In the event such shutdown of control equipment or methods 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 notified promptly except that for a resources recovery facility such time period shall be 24 hours. Such notice shall include, but is not limited to, the following:]

(c) NO PERSON MAY TAMPER WITH, RENDER INACCURATE OR RENDER INOPERABLE ANY AIR POLLUTION CONTROL EQUIPMENT OR MONITORING EQUIPMENT REQUIRED BY PERMIT, ORDER OR REGULATION.

[(c)](d) IF ANY BREAKDOWN, FAILURE OR DELIBERATE SHUTDOWN OF AIR POLLUTION CONTROL EQUIPMENT OR MONITORING EQUIPMENT REQUIRED BY PERMIT, ORDER OR REGULATION CONTINUES FOR MORE THAN TWENTY-FOUR (24) HOURS AND THE SOURCE OPERATES AT ANY TIME AFTER THE EXPIRATION OF TWENTY-FOUR HOURS AND DURING SOURCE OPERATION AFTER THE BREAKDOWN, FAILURE OR DELIBERATE SHUTDOWN AN EXCEEDANCE OF AN EMISSION LIMITATION OR STANDARD OCCURS, THE OWNER OR OPERATOR SHALL SUBMIT A WRITTEN NOTICE TO THE COMMISSIONER POSTMARKED WITHIN TEN (10) DAYS OF THE COMMENCEMENT OF THE BREAKDOWN, FAILURE OR DELIBERATE SHUTDOWN. SUCH WRITTEN NOTICE SHALL INCLUDE, BUT IS NOT LIMITED TO, THE FOLLOWING:

(1) Identification of the specific AIR POLLUTION CONTROL OR MONITORING equipment [or instrument taken out, or to be taken out, of service] SUBJECT TO THE BREAKDOWN, FAILURE OR DELIBERATE SHUTDOWN, as well as INFORMATION CONCERNING its location, and, where applicable, registration or permit number;

[(2) The expected length of time that the air pollution control equipment or instrument will be out of service;]

(2) THE DATE, TIME, DURATION, EXPLANATION AND DESCRIPTION OF EACH BREAKDOWN, FAILURE OR DELIBERATE SHUTDOWN OF THE AIR POLLUTION CONTROL OR MONITORING EQUIPMENT;

(3) The nature and quantity [of emissions] of air pollutants [likely to be] emitted during the [shutdown] period THAT THE POLLUTION CONTROL OR MONITORING EQUIPMENT IS NOT OPERATING;

(4) IDENTIFICATION OF DATES OF INSPECTION AND MAINTENANCE OF THE SUBJECT EQUIPMENT PRIOR TO THE BREAKDOWN, FAILURE OR DELIBERATE SHUTDOWN, INCLUDING A DESCRIPTION OF INSPECTION FINDINGS AND ANY MAINTENANCE CONDUCTED;

(5) A DESCRIPTION OF ALL MEASURES THAT THE OWNER OR OPERATOR HAS TAKEN OR WILL TAKE TO RESUME OPERATION OF THE AIR POLLUTION CONTROL OR MONITORING EQUIPMENT; AND

[(4)](6) [Measures such as the use of off-shift labor and equipment that will be taken] A DESCRIPTION OF ALL MEASURES TAKEN AND CONTINUING TO BE TAKEN to minimize the length of the shutdown period SUCH AS THE USE OF OFF-SHIFT LABOR AND EQUIPMENT.

[(5) The reasons that it would be impossible or impractical to shut down the stationary source operation during the maintenance period.]

(e) **IMMEDIATE NOTIFICATION.**

(1) THE OWNER OR OPERATOR SHALL NOTIFY THE DEPARTMENT, BUREAU OF AIR MANAGEMENT, COMPLIANCE AND FIELD OPERATIONS DIVISION, AS REQUIRED BY SUBDIVISION (2) OF THIS SUBSECTION IF, AT THE TIME OF DISCOVERY OF ANY BREAKDOWN, FAILURE OR DELIBERATE SHUTDOWN OF AIR POLLUTION CONTROL OR MONITORING EQUIPMENT REQUIRED TO BE OPERATED BY PERMIT, ORDER OR REGULATION:

(A) THE OWNER OR OPERATOR REASONABLY EXPECTS THE BREAKDOWN, FAILURE OR DELIBERATE SHUTDOWN TO CONTINUE FOR MORE THAN 24 HOURS; AND

(B) THE OWNER OR OPERATOR ANTICIPATES OPERATING THE SOURCE AT ANY TIME AFTER THE EXPIRATION OF TWENTY-FOUR HOURS.

(2) NOTIFICATION TO COMPLY WITH THIS SUBSECTION SHALL BE MADE BY TELEPHONE, ELECTRONIC MAIL, FACSIMILE OR IN PERSON IMMEDIATELY AFTER THE BREAKDOWN, FAILURE OR DELIBERATE SHUTDOWN IS DISCOVERED OR IN THE EXERCISE OF REASONABLE CARE SHOULD HAVE BEEN DISCOVERED, AND IN NO CASE SHALL SUCH NOTICE BE MADE LATER THAN TWO (2) BUSINESS DAYS AFTER SUCH BREAKDOWN, FAILURE OR DELIBERATE SHUTDOWN.

[(d)](f) [The Commissioner may attach conditions to the operation of the stationary source during the period of shutdown or breakdown.] EXCEPT AS PROVIDED IN SUBSECTION (g) OF THIS SECTION, COMPLIANCE WITH THE NOTICE REQUIREMENTS OF SUBSECTIONS (d) AND (e) OF THIS SECTION OR THE OPERATION REQUIREMENTS OF SUBSECTION (b) OF THIS SECTION SHALL NOT RELIEVE THE OWNER OR OPERATOR FROM COMPLYING WITH ALL APPLICABLE EMISSION LIMITATIONS AND EMISSION STANDARDS. THE COMMISSIONER MAY TAKE ANY ENFORCEMENT ACTION, INCLUDING REQUIRING THE OWNER

OR OPERATOR TO CEASE OPERATION OF THE STATIONARY SOURCE, OR ATTACH ANY CONDITION TO THE OPERATION OF THE STATIONARY SOURCE DURING THE PERIOD OF ANY BREAKDOWN, FAILURE OR DELIBERATE SHUTDOWN OF AIR POLLUTION CONTROL OR MONITORING EQUIPMENT. NOTHING IN THIS SECTION OR ANY NOTICE SUBMITTED PURSUANT TO THIS SECTION SHALL PRECLUDE THE COMMISSIONER FROM TAKING ANY ACTION AUTHORIZED BY LAW TO PROTECT HUMAN HEALTH AND THE ENVIRONMENT.

(g) AN OWNER OR OPERATOR OF A STATIONARY SOURCE IS EXEMPT FROM THE NOTIFICATION REQUIREMENTS OF SUBSECTIONS (d) AND (e) OF THIS SECTION IF:

(1) THE OWNER OR OPERATOR HOLDS A VALID TITLE V PERMIT FOR THE STATIONARY SOURCE ISSUED BY THE DEPARTMENT; OR

(2) THE OWNER OR OPERATOR DELIBERATELY SHUTS DOWN AIR POLLUTION CONTROL OR MONITORING EQUIPMENT IN ACCORDANCE WITH SUBSECTION (b)(2) OF THIS SECTION.

[(e) In addition to the requirements of subsections (a) through (d) of Section 22a-174-7 for stationary sources, the owner or operator of any resources recovery facility shall implement the provisions of the source shutdown and start up plan approved by the Commissioner under subsection 22a-174-7(g) if the continuous emission monitoring equipment for combustion efficiency experiences a breakdown, failure or deliberate shutdown.

(f) Combustion efficiency for resources recovery facilities.

For the purposes of this subsection the combustion efficiency shall be calculated as specified in Section 22a-174-1 or in accordance with the procedures and methods approved by the Commissioner in the source shutdown and start up plan as required by subsection 22a-174-7 (g).

(1) The resources recovery facility will be in compliance with the provisions of this subsection when the combustion efficiency is equal to or greater than 99.90% unless the Commissioner requires a different combustion efficiency for this subdivision as part of a permit to construct or permit to operate.

(2) When the combustion efficiency is less than the level required pursuant to subdivision 22a-174-7 (f) (1) for more then a total of seventy-two (72) hours in any thirty (30) consecutive days the owner or operator shall provide the Commissioner with an engineering evaluation within thirty (30) days of the occurrence of the final hour of such combustion efficiency detailing the cause or reasons for not meeting such combustion efficiency requirements along with recommendations of how and when corrections or adjustments will be made.

(3) When the combustion efficiency is less than the level required pursuant to subdivision 22a-174-7 (f) (1) for more than a total of two hundred and sixteen (216) hours in any ninety (90) consecutive day period the owner or operator shall perform a stack test for dioxin emissions within forty-five (45) days of the occurrence of the final hour of such combustion efficiency. In addition, the owner or operator shall provide the Commissioner with an engineering evaluation within thirty (30) days of the date of the stack test required under this subdivision detailing the cause or reasons for not meeting such combustion efficiency requirements along with recommendations of how and when corrections or adjustments will be made.

(4) The resources recovery facility will be in compliance with the provisions of this subdivision when the combustion efficiency is equal to or greater than 99.5% unless the Commissioner requires a different combustion efficiency for this subdivision as part of a modified permit to operate. When the combustion efficiency is less than the level required under this subdivision for more then a total of seventy-two (72) hours in any thirty consecutive days the owner or operator shall perform a stack test for dioxin emissions within forty-five (45) days of the occurrence of the final hour of such combustion efficiency. In addition, the owner or operator shall provide the Commissioner with an engineering evaluation within thirty (30) days of the date of the stack test required under this subdivision detailing the cause or reasons for not meeting such combustion efficiency requirements along with recommendations of how and when corrections or adjustments will be made. If after two (2) consecutive stack tests the owner or operator demonstrates to the Commissioner's satisfaction that the source complies with applicable dioxin emission standards contained in a permit to construct or a permit to operate, then the owner or operator may request the Commissioner to modify the source's permit to operate and to revise the combustion efficiency requirement in this subdivision.

(5) The resources recovery facility will be in compliance with the provisions of this subdivision when the combustion efficiency is equal to or greater than 99.0%. When the combustion efficiency is less than the level required under this subdivision for each of any three (3) consecutive hours, the owner or operator shall institute the source shutdown provisions of the source shutdown and start up plan and provide any notices to the department pursuant to the source shutdown and start up plan required under subsection 22a-174-7(g). After the owner or operator has provided the department with information detailing the cause or reasons for not meeting the combustion efficiency requirements along with recommendations of how and when corrections or adjustments will be made the source may institute start up procedures in accordance with the approved source shutdown and start up plan.

(g) Shutdown and start up plans for resources recovery facilities.

The owner or operator of any resources recovery facility shall make and submit for the Commissioner's approval a comprehensive source shutdown and start up plan. At a minimum, this plan shall include information required in subdivisions (1) through (5) of this subsection. For any resources recovery facility which has a permit to construct issued under section 22a-174-3 prior to the effective date of this subsection the plan must be submitted within ninety (90) days of the effective date of 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 subsection the plan must be submitted and approved as part of the permit to operate required under subsection 22a-174-3 (f).

(1) A description of how the hourly average combustion efficiency of the resources recovery facility will be determined including the substances to be monitored and the formulas to be used to calculate the combustion efficiency if the determination is different than that specified in the definition of combustion efficiency in Section 22a-174-1.

(2) A description of the continuous emission monitors to be used to determine combustion efficiency, to record temperatures and to monitor the operation of appropriate source operating parameters and required air pollution control devices along with any required meteorological instruments.

(3) A description of the procedures to be followed each time the resources recovery facility will begin operation.

(4) A description of the procedures to be followed each time the resources recovery facility must shutdown.

(5) A description of procedures or methods to be employed in the event that the continuous emission monitoring equipment used to determine combustion efficiency malfunctions. This may include the use of backup or redundant monitors or surrogate methods.]

**STATEMENT OF PURPOSE:** This amendment streamlines environmental regulation by eliminating requirements that are redundant of Regulations of Connecticut State Agencies section 22a-174-12 and section 22a-174-38; and clarifies requirements for air pollution control equipment and monitoring equipment in conjunction with a corresponding amendment to section 22a-174-4. The amendment also clarifies the notification, reporting and compliance requirements of the section.

# 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] 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.