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.

(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.

(b) No "person" shall deliberately shut down any such control equipment, method or other instument 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."

(c) In the case of breakdown, failure, or deliberate shutdown of any control equipment, method or other instument 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:

(1) Identification of the specific equipment or instrument taken out, or to be taken out, of service as well as 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;

(3) The nature and quantity of "emissions" of "air pollutants" likely to be emitted during the shutdown period;

(4) Measures such as the use of offshift labor and equipment that will be taken to minimize the length of the shutdown period;

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

(d) The "Commissioner" may attach conditions to the operation of the "source" during the period of shutdown or breakdown.

(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.