

# Adequacy Determination of the Connecticut State Implementation Plan for Clean Air Act Section 110(a) Infrastructure Elements: 2010 National Ambient Air Quality Standard for Sulfur Dioxide

## Background

The Connecticut Department of Energy and Environmental Protection (DEEP) submitted a revised designation recommendation to the Environmental Protection Agency (EPA) on March 14, 2013, including a detailed technical report containing both monitoring and modeling analyses developed consistent with EPA's most recent proposed guidance.<sup>1</sup> The technical analyses demonstrate that a statewide designation of attainment with the 2010 National Ambient Air Quality Standard (NAAQS) for sulfur dioxide (SO<sub>2</sub>) is appropriate for Connecticut, based on DEEP's analysis of key SO<sub>2</sub> sources in Connecticut. DEEP also found that SO<sub>2</sub> is generated during fossil fuel combustion from the oxidation of sulfur contained in fuel. The amount of uncontrolled SO<sub>2</sub> emitted is almost entirely dependent on the sulfur content of the fuel and is essentially independent of burner design. DEEP further found that, at current hourly allowable emission rates, the largest sources of actual SO<sub>2</sub> emissions<sup>2</sup> in Connecticut will not cause a violation of the 2010 SO<sub>2</sub> NAAQS.

Given public health and environmental impacts of SO<sub>2</sub>, DEEP continues to pursue a comprehensive suite of common sense actions that will reduce SO<sub>2</sub> emissions and assist Connecticut in meeting its regional haze commitments, reducing acid deposition, and maintaining compliance with the new SO<sub>2</sub> NAAQS. DEEP is actively engaged in reducing the allowable sulfur emission rates from permitted and registered sources. Our research indicates the fuels available in Connecticut have much lower sulfur contents than allowed by law and a number of efforts are underway that are anticipated to reduce the allowable sulfur content of fuels in Connecticut. This fact has lead many facilities to voluntarily modify their issued permits and registrations to reduce the allowable sulfur content of their fuel. Additionally, [Conn. Gen. Stat. §16a-21a](#) restricts the sulfur content of home heating oil to 15 parts per million when the states of New York, Massachusetts and Rhode Island institute similar restrictions. New York and Massachusetts already have such requirements in place. Rhode Island is expected to take final action in 2013. The Governor has proposed legislation that would amend Conn. Gen. Stat. §16a-21a and require the use of ultra-low sulfur heating oil throughout the state as early as July 1, 2013<sup>3</sup>. This legislative proposal is intended to implement a portion of Connecticut's final Comprehensive Energy Strategy.<sup>4</sup>

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<sup>1</sup> See [http://www.ct.gov/deep/cwp/view.asp?a=2684&Q=481006&deepNav\\_GID=1619](http://www.ct.gov/deep/cwp/view.asp?a=2684&Q=481006&deepNav_GID=1619)

<sup>2</sup> DEEP modeled all sources with actual annual emissions of 100 tons per year SO<sub>2</sub>

<sup>3</sup> See Section 18 of [House Bill 6360](#) (2013 Session of the Connecticut General Assembly)

<sup>4</sup> See [2013 Comprehensive Energy Strategy for Connecticut](#), Finalized February 19, 2013

## **Introduction**

On June 2, 2010, the U.S. Environmental Protection Agency (EPA) revised the primary national ambient air quality standards (NAAQS) for oxides of sulfur, as measured by sulfur dioxide (SO<sub>2</sub>). Specifically, EPA established a new 1-hour standard at a level of 75 parts per billion (ppb), based on the 3-year average of the annual 99th percentile of 1-hour daily maximum concentrations (40 CFR 50.17). EPA's action also provided for the automatic future revocation in most areas of the previous annual and 24-hour primary SO<sub>2</sub> NAAQS, to take effect one-year after the effective date of designation under the new NAAQS (40 CFR 50.4(e)). EPA elected to provide for revocation of the previous NAAQS after concluding that the new 1-hour NAAQS will generally maintain 24-hour and annual SO<sub>2</sub> concentrations well below the levels of the current 24-hour and annual NAAQS.

EPA had initially planned to make final area designations by June 2, 2012, in accordance with the two-year timeline of Clean Air Act (CAA) section 107(d)(1)(B). On July 27, 2012, EPA issued a notice extending the deadline for area designations by up to one year due to insufficient information to establish designations, as allowed by section 107(d)(1)(B). In early February 2013, EPA notified several states of the agency's intention to establish nonattainment areas by early June 2013 based on available monitoring data showing 2011 design values violating the new 1-hour NAAQS. For other areas without violating monitors, including Connecticut, EPA intends to address initial designations in separate future actions, using a comprehensive implementation strategy that focuses on identifying and addressing unhealthy levels of SO<sub>2</sub>.

Pursuant to CAA Section 110(a)(1) and (2), all states are required to submit any necessary revisions to their State Implementation Plans (SIP) to provide for the implementation, maintenance and enforcement of any revised or new NAAQS. States are required to maintain a comprehensive air quality management infrastructure, including enforceable emission limitations, an ambient monitoring program, an enforcement program, air quality modeling, and adequate personnel, resources, and legal authority. Section 110(a)(2)(D)(i) also requires each SIP to prohibit emissions from within the state that contribute significantly to nonattainment or maintenance areas in any other state, or which interfere with programs to prevent significant deterioration of air quality or to achieve reasonable progress toward the national visibility goal for Federal class I areas (national parks and wilderness areas). The infrastructure SIP revisions are due by June 3, 2013, three years after promulgation of the revised SO<sub>2</sub> NAAQS.

## **Infrastructure SIP Requirements**

DEEP hereby reviews its program infrastructure in relation to the revised 2010 SO<sub>2</sub> NAAQS for each of the required CAA section 110(a)(2) infrastructure elements. Details of how Connecticut's SIP now satisfies or will, after revision, satisfy the infrastructure requirements are set out in Table 1 below.

Recognizing the need for a regulatory update with respect to several recent NAAQS revisions by EPA, DEEP is currently drafting revisions to section 22a-174-24 of the Regulations of Connecticut State Agencies (RCSA). The revisions will ensure consistency between state and Federal ambient air quality standards, including the 2010 SO<sub>2</sub> NAAQS. DEEP commits to

pursue adoption of such regulatory revisions and seeks to complete the adoption process by the end of calendar year 2013.

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## TABLE 1

### Overview of How Connecticut’s State Implementation Plan Satisfies the CAA Section 110(a)(1) and (2) Program Infrastructure Elements for Sulfur Dioxide (SO<sub>2</sub>)<sup>1</sup>

| <u>CAA Section</u>   | <u>Required CAA Element</u>   | <u>Corresponding Connecticut Program Element(s)</u>  |
|--|---|--|
| <b>110(a)(2)(A)<br/>Emission limits and other control measures</b> | ... "include enforceable emission limitations and other control measures, means, or techniques (including economic incentives such as fees, marketable permits, and auctions of emissions rights), as well as schedules and timetables for compliance..." | <p><b>CGS Section 22a-6(a)(1)</b> The commissioner is empowered to "[a]dopt, amend or repeal ... such environmental standards, criteria and regulations ... as are necessary and proper to carry out his functions, powers and duties." It is under this general grant of authority that the Commissioner has adopted emissions standards and control measures for a variety of sources and pollutants.</p> <p><b>CGS Section 22a-174</b> Establishes the Commissioner’s general authority to adopt regulations and issue permits to control air pollution.</p> <p><b><a href="#">CGS Section 16a-21a</a></b> Sulfur content of home heating oil and off-road diesel fuel.</p> <p>The sections of Connecticut’s air quality regulations that specify or are used to establish emissions limits related to the control of SO<sub>2</sub> include:</p> <p><b>RCSA 22a-174-3a(i)</b> Ambient air quality analysis<sup>2</sup>.</p> <p><b>RCSA 22a-174-3a(j)</b> BACT.</p> <p><b>RCSA 22a-174-3a(k)</b> PSD<sup>2</sup>.</p> <p><b>RCSA 22a-174-3a(l)</b> Non-attainment areas, LAER.</p> <p><b>RCSA 22a-174-19</b> Control of sulfur compound emissions<sup>3</sup>.</p> <p><b>RCSA 22a-174-19a</b> Control of sulfur dioxide emissions from power plants and other</p> |

<sup>1</sup> CAA refers to the Clean Air Act.

CGS refers to the [Connecticut General Statutes](#).

RCSA refers to the [Regulations of Connecticut State Agencies](#).

CFR refers to the [Code of Federal Regulations](#).

DEEP refers to the Connecticut Department of Energy and Environmental Protection.

Commissioner refers to the Commissioner of the DEEP.

<sup>2</sup> DEEP recognizes that EPA may, at some point in the future, establish a short-term Prevention of Significant Deterioration (PSD) increment, significant impact level, significant emission rate, and/or significant monitoring level for the 2010 1-hour SO<sub>2</sub> NAAQS. If that occurs, DEEP commits to pursue adoption of appropriate regulatory revisions within a reasonable period following EPA’s final adoption of required PSD program parameters.

<sup>3</sup> DEEP is currently drafting proposed revisions to RCSA 22a-174-19 that would reduce the sulfur content of distillate oil, residual oil and other non-transportation fuels sold or used in Connecticut to provide for continued maintenance of the 2010 SO<sub>2</sub> NAAQS.

| <b>CAA Section</b>  | <b>Required CAA Element</b>  | <b>Corresponding Connecticut Program Element(s)</b>   |
|---|--|---|
|   |  | <p>large stationary sources of air pollution.<br/> <b>RCSA 22a-174-24(d)</b> Primary ambient air quality standards for SO<sub>2</sub><sup>4</sup>.<br/> <b>RCSA 22a-174-24(e)</b> Secondary ambient air quality standards for SO<sub>2</sub><sup>4</sup>.<br/> <b>RCSA 22a-174-38</b> Municipal Waste Combustors.</p>   |
| <b>110(a)(2)(B)<br/>Ambient air quality monitoring/data system</b>  | <p>... “provide for establishment and operation of appropriate devices, methods, systems, and procedures necessary to (i) monitor, compile, and analyze data on ambient air quality, and (ii) upon request, make such data available to the Administrator.”</p>  | <p><b>CGS Section 22a-174(d)</b> Provides the commissioner with all incidental powers necessary to control air pollution.<br/><br/> <b>40 CFR 53; 40 CFR 58</b> Establishes ambient air monitoring reference and equivalent methods and ambient air quality surveillance requirements. States are required to submit a comprehensive air quality monitoring plan to EPA each year. DEEP’s <a href="#">2012 Annual Air Monitoring Network Plan</a> was submitted on July 12, 2012. DEEP previously submitted the required <a href="#">Ambient Air Monitoring 5-Year Network Assessment</a> on August 9, 2010.</p>  |
| <b>110(a)(2)(C)<br/>Program for enforcement of control measures</b> | <p>... “include a program to provide for the enforcement of the measures described in subparagraph (A), and regulation of the modification and construction of any stationary source within the areas covered by the plan as necessary to assure that national ambient air quality standards are achieved, including a permit program as required in parts C and D;”</p> | <p><b>CGS Section 22a-6(a)(5).</b> "The commissioner may ... in accordance with constitutional limitations, enter at all reasonable times, without liability, upon any public or private property, except a private residence, for the purpose of inspection and investigation to ascertain possible violations of any statute, regulation, order or permit administered, adopted or issued by him and the owner, managing agent or occupant of any such property shall permit such entry . . ."<br/> <b>CGS Section 22a-6b</b> Imposition of civil penalties by the commissioner.<br/> <b>CGS Section 22a-7(d)</b> Civil actions.<br/> <b>CGS Section 22a-171</b> “The commissioner shall . . . (4) adopt, amend, repeal and enforce regulations . . . and do any other act necessary to enforce the provisions of this chapter” (which encompasses CGS Sections 22a-170 through 22a-206).<br/> <b>CGS Section 22a-175</b> Penalties for violations.<br/> <b>CGS Section 22a-176</b> Consideration in making regulations and issuing orders.<br/> <b>CGS Section 22a-177</b> Enforcement of Regulations. Complaints.<br/> <b>CGS Section 22a-178</b> Orders to correct violations.<br/> <b>CGS Section 22a-180</b> Penalty for violations of orders. Injunctions.<br/> <b>RCSA section 22a-174-2a</b> Specifies administrative requirements for the new source review (NSR) program, including notification concerning major sources permits and</p> |

<sup>4</sup> DEEP is currently drafting revisions to RCSA 22a-174-24 to ensure consistency with the 2010 1-hour SO<sub>2</sub> NAAQS, as well as other NAAQS recently revised by EPA. In the interim, pursuant to 40 CFR 52.14, DEEP will continue to apply the 2010 SO<sub>2</sub> NAAQS.

| CAA Section  | Required CAA Element   | Corresponding Connecticut Program Element(s)   |
|--|--|--|
|  |  | <p>modifications.</p> <p><b>RCSA section 22a-3a-6(c)</b> Orders, rulings and decisions - procedures in contested cases.</p> <p><b>RCSA section 22a-174-3a</b> Permit to construct and operate stationary sources. This section sets out DEEP's NSR permit program requirements.</p> <p><b>RCSA section 22a-174-12</b> Violations and Enforcement of the Regulations of Connecticut State Agencies. This section provides that "The Commissioner shall designate employees of DEEP to be known as enforcement personnel, who shall, acting with or without complaints, conduct investigations and ascertain whether the Commissioner's regulations are being complied with."</p>  |
| <p><b>110(a)(2)(D)</b><br/><b>Interstate transport</b></p> | <p>... "contain adequate provisions - (i) prohibiting, consistent with the provisions of this title, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will - (I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any such national primary or secondary ambient air quality standard, or (II) interfere with measures required to be included in the applicable implementation plan for any other State under part C to prevent significant deterioration of air</p> | <p>Connecticut sources do not significantly contribute to any monitored sulfur dioxide violations in other states, as evidenced by the "120-day letters" issued in February 2013<sup>5</sup> by EPA addressing proposed nonattainment designations for the 1-hour SO<sub>2</sub> NAAQS. Modeling<sup>6</sup> also supports the conclusion that SO<sub>2</sub> emissions from Connecticut sources do not significantly contribute to nonattainment or maintenance issues of the SO<sub>2</sub> NAAQS in any other state. In addition, EPA's CSAPR modeling analysis<sup>7</sup> concluded that SO<sub>2</sub> emissions from Connecticut do not contribute significantly to PM<sub>2.5</sub> NAAQS concerns in other states. Connecticut's SO<sub>2</sub> emissions are projected to continue to decline through at least the year 2025<sup>8</sup>, further reducing any impacts from Connecticut on other states.</p> <p>Connecticut's <a href="#">Regional Haze SIP</a> was submitted to EPA on November 18, 2009.</p> |

<sup>5</sup> See <http://www.epa.gov/so2designations/regs.html>.

<sup>6</sup> Connecticut's NSR procedures (**RCSA 22a-174-3a**) require sources to demonstrate they do not significantly contribute to NAAQS or PSD increment violations in Connecticut or nearby states. In addition, on March 14, 2013, DEEP submitted a modeling analysis to EPA in support of a statewide designation of attainment for the 1-hour SO<sub>2</sub> NAAQS. That modeling provides further evidence that Connecticut SO<sub>2</sub> sources do not significantly contribute to SO<sub>2</sub> concerns outside the state.

<sup>7</sup> See <http://www.epa.gov/airtransport/CSAPR/pdfs/AQModeling.pdf>.

<sup>8</sup> On June 22, 2012, DEEP submitted a [PM<sub>2.5</sub> Redesignation/Maintenance SIP](#) to EPA that includes SO<sub>2</sub> emissions projections for Fairfield and New Haven Counties. SO<sub>2</sub> emissions in those two counties are projected to decrease by more than 40% between 2007 and 2025. Similar reductions are expected throughout the rest of the state.

| CAA Section                                | Required CAA Element   | Corresponding Connecticut Program Element(s)   |
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|  | quality or to protect visibility, (ii) insuring compliance with the applicable requirements of sections 126 and 115 (relating to interstate and international pollution abatement);”   | EPA is expected to issue final approval in Spring 2013.<br><br><b>RCSA section 22a-174-2a</b> addresses administrative requirements for the new source review (NSR) program, including notifications concerning major sources permits and modifications. <sup>9</sup>  |
| <b>110(a)(2)(E)<br/>Adequate resources</b> | ... “provide (i) necessary assurances that the State (or, except where the Administrator deems inappropriate, the general purpose local government or governments, or a regional agency designated by the State or general purpose local governments for such purpose) will have adequate personnel, funding, and authority under State (and, as appropriate, local) law to carry out such implementation plan (and is not prohibited by any provision of Federal or State law from carrying out such implementation plan or portion thereof), (ii) requirements that the State comply with the requirements respecting State boards under section 128, and (iii) necessary assurances that, where the State has relied on a local or regional government, agency, or instrumentality for the implementation of any plan provision, the State has responsibility for ensuring adequate implementation of such plan provision;” | <b>CGS Section 22a-171</b> Duties of the Commissioner of Energy and Environmental Protection “shall (1) initiate and supervise programs for the purposes of determining the causes, effect and hazards of air pollution; (2) initiate and supervise state-wide programs of air pollution control education; (3) cooperate with and receive money from the federal government and, with the approval of the Governor, from any other public or private source; (4) adopt, amend, repeal and enforce regulations as provided in section 22a-174 and do any other act necessary to enforce the provisions of this chapter and section 14-164c; (5) advise and consult with agencies of the United States, agencies of the state, political subdivisions and industries and any other affected groups in furtherance of the purposes of this chapter.”<br><br><b>Air Quality Implementation Plan, Chapter 11, Parts A-E (March 3, 1972)</b><br>Describes the (A) existing organizations; (B) manpower; (C) funding; (D) physical resources and (E) local agencies. It stated, in part, “The Department of Environmental Protection will secure appropriations sufficient, in conjunction with federal assistance, to maintain the projected state funding levels.”<br><br><b>CGS section 1-85</b> CAA section 128(a)(2) requires SIPs to contain adequate provisions requiring the DEEP commissioner to disclose any potential conflicts of interest. Connecticut has in place conflict of interest provisions that are broader than EPA’s minimum requirements and apply to all state employees and public officials. These requirements, which are set out in section 1-85 of the Connecticut General Statutes (CGS), prevent DEEP’s commissioner from acting on a matter when a substantial conflict of interest exists. CGS section 1-85 was submitted for EPA approval on December 28, 2012 along with the <a href="#">Ozone Infrastructure SIP</a> . The State of Connecticut is the sole authority implementing the SIP and does not rely |

<sup>9</sup> On September 27, 2012, DEEP submitted a SIP revision to EPA amending RCSA 22a-174-2a to make explicit the requirement for DEEP to provide notice to nearby states, consistent with CAA section 126 and 40 CFR 51.166(q).

| <b>CAA Section</b>  | <b>Required CAA Element</b>   | <b>Corresponding Connecticut Program Element(s)</b>  |
|---|---|--|
|   |   | on local or regional governments or agencies to carry out this responsibility.   |
| <b>110(a)(2)(F)</b><br><b>Stationary source monitoring system</b> | ... “require, as may be prescribed by the Administrator - (i) the installation, maintenance, and replacement of equipment, and the implementation of other necessary steps, by owners or operators of stationary sources to monitor emissions from such sources, (ii) periodic reports on the nature and amounts of emissions and emissions-related data from such sources, and (iii) correlation of such reports by the State agency with any emission limitations or standards established pursuant to this Act, which reports shall be available at reasonable times for public inspection;” | <p><b>CGS Section 22a-6(a)(5)</b> “The commissioner may, in accordance with constitutional limitations, enter at all reasonable times, without liability, upon any public or private property, except a private residence, for the purpose of inspection and investigation to ascertain possible violations of any statute, regulation, order or permit administered, adopted or issued by him and the owner, managing agent or occupant of any such property shall permit such entry ...”</p> <p><b>CGS Section 22a-174(c)</b> Various powers of the commissioner related to permitting, inspections, and recordkeeping.</p> <p><b>RCSA section 22a-174-4</b> Source monitoring, record keeping and reporting. Paragraph (d)(1) states: “The commissioner may, by written notice, require the owner or operator of any source to create, maintain and submit data, records or reports of monitoring data and other information deemed necessary by the commissioner to evaluate compliance with chapter 446c of the Connecticut General Statutes and regulations promulgated thereunder. Such information shall be recorded, compiled and submitted on forms furnished or prescribed by the commissioner. The written notice shall provide the date by which such data, records or reports shall be submitted to the commissioner.”</p> <p><b>RCSA section 22a-174-5</b> Methods for sampling, emission testing, sample analysis, and reporting.</p> <p><b>Subsection (e)(1)</b> states: “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.”</p> <p><b>Subsection (e)(2)</b> states: “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.”</p> <p><b>RCSA section 22a-174-10</b> Public availability of information. Paragraph (a) states: “Any records, reports or other information obtained by the Commissioner or on file with the department shall, pursuant to the provisions of sections 1-7 through 20 of the General Statutes, as amended, be made available to the public.”</p> |
| <b>110(a)(2)(G)</b>   | ... “provide for authority comparable to  | <b>CGS Section 22a-181</b> Emergency action to protect public health or safety.  |

| <b>CAA Section</b>                           | <b>Required CAA Element</b>  | <b>Corresponding Connecticut Program Element(s)</b>  |
|--|--|--|
| <b>Emergency power</b>                       | that in section 303 and adequate contingency plans to implement such authority;”   | <b>RCSA section 22a-174-6</b> Air pollution emergency episode procedures. This section describes the existing emergency episode procedures in place, which are consistent with the significant harm levels as indicated in 40 CFR Part 51.151.   |
| <b>110(a)(2)(H) Future SIP revisions</b>     | ... “provide for revision of such plan - (i) from time to time as may be necessary to take account of revisions of such national primary or secondary ambient air quality standard or the availability of improved or more expeditious methods of attaining such standard, and (ii) except as provided in paragraph (3)(C), whenever the Administrator finds on the basis of information available to the Administrator that the plan is substantially inadequate to attain the national ambient air quality standard which it implements or to otherwise comply with any additional requirements established under this Act;” | <b>CGS section 22a-174(d)</b> The Commissioner is authorized with all incidental powers necessary to control and prohibit air pollution.<br><br><b>Air Quality Implementation Plan, Chapter 13, (March 3, 1972)</b> “This implementation plan is intended to be dynamic, not static. To this end, it will be revised when necessary.”<br><br>DEEP has made numerous SIP revisions addressing the NAAQS. Most recently, DEEP submitted Infrastructure SIP revisions for the 2008 ozone NAAQS and 2010 NO <sub>2</sub> NAAQS on December 28, 2012 and January 2, 2013, respectively. |
| <b>110(a)(2)(I) Nonattainment area plans</b> | ...” in the case of a plan or plan revision for an area designated as a nonattainment area, meet the applicable requirements of part D of this subchapter (relating to non attainment areas).”   | EPA has yet to propose designations for Connecticut for the 2010 SO <sub>2</sub> NAAQS. On March 14, 2013, DEEP submitted ample evidence to EPA supporting a designation of statewide attainment. EPA has previously determined <sup>10</sup> that nonattainment-related provisions of CAA section 110(a)(2) do not need to be addressed as part of infrastructure SIP submittals because other sections of the CAA specify later due dates for those provisions.  |
| <b>110(a)(2)(J)</b>                          | ... “meet the applicable requirements of   | <b>CGS Section 22a-171.</b> Duties of Commissioner of Energy and Environmental   |

<sup>10</sup> For further explanation, see EPA’s July 23, 2012 proposed Federal Register approval of Connecticut’s PM<sub>2.5</sub> Infrastructure SIP (at page 43026), finalized on October 16, 2012.

| <b>CAA Section</b>                            | <b>Required CAA Element</b>  | <b>Corresponding Connecticut Program Element(s)</b>  |
|---|--|--|
| <b>Consultation with government officials</b> | section 121 (relating to consultation)   | <p>Protection. "... (5) advise and consult with agencies of the United States, agencies of the state, political subdivisions and industries and any other affected groups in furtherance of the purposes of this chapter."</p> <p><b>CGS Section 22a-174(d).</b> "The commissioner shall have all incidental powers to carry out the purposes of [Chapter 446c, entitled "Air Pollution Control," which encompasses Conn. Gen. Stat. Sections 22a-170 through 22a-206] . . .</p> <p><b>CGS Chapter 54.</b> Uniform Administrative Procedures Act.</p> <p><b>State Implementation Plan Revision Advisory Committee (SIPRAC).</b><br/>Established in 1972 and generally meets each month.</p>  |
| <b>110(a)(2)(J) Public notification</b>       | ... "meet the applicable requirements of section 127 (relating to public notification)," | <p><b>CGS Section 4-168</b> Notice prior to action on regulations.</p> <p><b>CGS Section 22a-171</b> Duties of Commissioner of Energy and Environmental Protection... "(2) Initiate and supervise state-wide programs of air pollution control education;"</p> <p><b>CGS Section 22a-174(d)</b> "The commissioner shall have all incidental powers to carry out the purposes of [Chapter 446c, entitled "Air Pollution Control," which encompasses Conn. Gen. Stat. Sections 22a-170 through 22a-206] . . .</p> <p><b>RCSA section 22a-174-2a(b)</b> Procedural requirements for new source review and Title V permitting. Public notice.</p> <p><b>RCSA section 22a-174-2a(c)</b> Procedural requirements for new source review and Title V permitting. Public Comment and Hearings.</p> <p><b>AQI Forecasting and Reporting</b> Pursuant to 40 CFR 58.50, DEEP provides daily air quality forecasts to the public via EPA's AirNow and Enviroflash programs, as well as via DEEP's website and air quality information telephone line.</p> |

| CAA Section                                       | Required CAA Element   | Corresponding Connecticut Program Element(s)   |
|---|--|--|
| <b>110(a)(2)(J) PSD and visibility protection</b> | ... “meet the applicable requirements of part C (relating to prevention of significant deterioration of air quality and visibility protection);” (See Footnote <sup>11</sup> )   | <p><b>RCSA section 22a-174-2a</b> includes administrative requirements for the new source review (NSR) program, including notification concerning major sources permits and modifications<sup>12</sup>.</p> <p><b>RCSA section 22a-174-3a(k)</b> Permit Requirements for Attainment Areas: Prevention of Significant Deterioration of Air Quality (PSD) Program.</p>   |
| <b>110(a)(2)(K) Air quality modeling/data</b>     | ... “provide for - (i) the performance of such air quality modeling as the Administrator may prescribe for the purpose of predicting the effect on ambient air quality of any emissions of any air pollutant for which the Administrator has established a national ambient air quality standard, and (ii) the submission, upon request, of data related to such air quality modeling to the Administrator;” | <p><b>CGS section 22a-5. Duties and powers of the commissioner</b> “The commissioner shall carry out the environmental policies of the state and shall have all powers necessary and convenient to faithfully discharge this duty. In addition to, and consistent with the environment policy of the state, the commissioner shall (a) promote and coordinate management of water, land and air resources to assure their protection, enhancement and proper allocation and utilization; ... (e) provide for the prevention and abatement of all water, land and air pollution including, but not limited to, that related to particulates, gases, dust, vapors, noise, radiation, odors, nutrients and cooled or heated liquids, gases and solids; ...”</p> <p><b>RCSA section 22a-174-3a(i)</b> Ambient Air Quality Analysis: “The commissioner may request any owner or operator to submit an ambient air quality impact analysis using applicable air quality models and modeling protocols approved by the commissioner.”</p> |
| <b>110(a)(2)(L) Permitting fees</b>               | ... “require the owner or operator of each major stationary source to pay to the permitting authority, as a condition of any permit required under this Act, a fee sufficient to cover - (i) the reasonable costs of reviewing and acting upon any application for such a permit, and (ii) if the owner or operator receives a permit for  | <p><b>CGS Section 22a-6(a)(10)</b> The commissioner may . . . by regulations adopted in accordance with the provisions of chapter 54 require the payment of a fee sufficient to cover . . . the reasonable cost of reviewing and acting upon an application for and monitoring compliance with the terms and conditions of any state or federal permit, license, registration, order, certificate or approval required . . .</p> <p><b>CGS Section 22a-6f. Fees</b></p> <p><b>CGS Section 22a-174(g)</b> “The commissioner shall require, by regulations adopted in accordance with the provisions of chapter 54, the payment of a permit application fee</p>  |

<sup>11</sup> EPA has interpreted the CAA Section 110(a)(2)(J) provision on visibility as not being ‘triggered’ because the visibility requirements in Part C are not changed by a new NAAQS. For example, see EPA’s July 23, 2012 proposed Federal Register approval of Connecticut’s PM2.5 Infrastructure SIP, finalized on October 16, 2012.

<sup>12</sup> On September 27, 2012, DEEP submitted a SIP revision to EPA amending RCSA 22a-174-2a to make explicit the requirement for DEEP to provide notice to nearby states, consistent with CAA section 126 and 40 CFR 51.166(q).

| <b>CAA Section</b>   | <b>Required CAA Element</b>   | <b>Corresponding Connecticut Program Element(s)</b>   |
|--|---|---|
|  | such source, the reasonable costs of implementing and enforcing the terms and conditions of any such permit (not including any court costs or other costs associated with any enforcement action), until such fee requirement is superseded with respect to such sources by the Administrator's approval of a fee program under title V;” | <p>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. . . .”</p> <p><b>RCSA section 22a-174-26(c)(1)</b> “Each person to whom the commissioner issues a permit, or a modification or renewal thereto, under section 22a-174-3a, section 22a-174-2a and section 22a-174-19 of the Regulations of Connecticut State Agencies shall pay a permit fee as prescribed in the fee schedule in subdivision (2) of this subsection.” The fee schedule is set forth in Table 26-1 of subsection 2.</p> <p><b>RCSA section 22a-174-33(j)(1)(Z)</b> Requires Title V source to pay all fees due under RCSA section 22a-174-26. (Approved as satisfying 40 CFR 70.6(a)(7). See 67 FR 31966 (May 13, 2002)).</p> |
| <b>110(a)(2)(M) Consultation/ participation by affected local entities</b> | ... “provide for consultation and participation by local political subdivisions affected by the plan.”  | <p><b>CGS Section 4-168</b> Notice prior to action on regulations.</p> <p><b>Connecticut Air Quality Implementation Plan, Chapter 12 “Intergovernmental Relations” (March 3, 1972)</b> “The State will take immediate action in coordinating and delegating new responsibilities to local agencies that are prepared to accept the responsibility.”</p> <p><b>State Implementation Plan Revision Advisory Committee (SIPRAC)</b><br/>Established in 1972 and generally meets each month.</p>  |