



Connecticut Department of  
**ENERGY &  
ENVIRONMENTAL  
PROTECTION**

October 13, 2011

David Conroy, Chief, Air Programs Branch  
EPA New England Regional Office  
5 Post Office Square  
**Mail Code:** OEP05-2  
Boston, MA 02109-3912

***Re: Adequacy Determination of the Connecticut State Implementation Plan with Regard to Clean Air Act Section 110(a)(1) and (2) for the 2008 Lead National Ambient Air Quality Standard***

Dear Mr. Conroy:

Pursuant to Clean Air Act (CAA) Section 110(a)(1) and (2), all states are required to submit plans to implement, maintain and enforce the 2008 lead national ambient air quality standard (NAAQS), including such basic requirements as emissions inventories, monitoring and modeling to assure attainment and maintenance of the standards.

As described in the enclosure, Connecticut's State Implementation Plan (SIP), as identified in 40 CFR 52, subpart H, will satisfy the fourteen required CAA Section 110(a)(1) and (2) infrastructure requirements for the 2008 lead NAAQS upon completion of two revisions to Connecticut's air quality regulations:

- The Connecticut Department of Energy and Environmental Protection (DEEP) recognizes that it must update its program infrastructure with respect to its prevention of significant deterioration (PSD) program as it relates to significant ambient impact levels and significant emission rate thresholds for lead. DEEP commits to pursue adoption of appropriate regulatory revisions after EPA issues a final document establishing levels for all required PSD program parameters.
- DEEP has also committed (see [76 FR 40248](#); July 8, 2011) to pursue revisions to section 22a-174-2a of the Regulations of Connecticut State Agencies (RCSA) to expand our required notice to nearby states consistent with CAA section 126 and 40 CFR section 51.166(q). In the interim, DEEP will, as a standard procedure, make such notifications to nearby states concerning any tentative determination to issue any major source permit or modification under our PSD program.

To satisfy the administrative, public participation requirements of 40 CFR 51, Appendix V, Section 2.1, this submission includes the following documents:

- Enclosure 1: Public notice of the proposed SIP revision;
- Enclosure 2: Hearing Officer Delegation
- Enclosure 3: Certification of the public review process;

- Enclosure 4: Hearing report, including DEEP's responses to the comments received and any revisions made to the proposed SIP revision in response to comments; and
- Enclosure 5: Final SIP technical support document.

Additionally, any electronic copy of this SIP revision that DEEP provides EPA will be an exact duplicate of this hard copy.

We look forward to working with EPA as a critical partner in our continuing mission to conserve, improve and protect the environment and public health for the citizens of Connecticut. If you require additional information or have any questions about this submission, please contact Peter Babich at 860-424-3422.

Yours truly,



Anne R. Gobin  
Chief, Bureau of Air Management

Enclosures

cc: Anne Arnold, EPA Region 1  
Robert McConnell, EPA Region 1



## Enclosure 1

### **Lead National Ambient Air Quality Standard Infrastructure Elements: Notice of Intent to Revise the State Implementation Plan for Air Quality. Notice of Procedures Concerning Publication of Notice of Future SIP Revisions.**

The Commissioner of the Department of Energy and Environmental Protection (the Department) hereby gives notice of its intent to amend the State Implementation Plan (SIP) to address section 110(a)(1) and (2) of the Clean Air Act (CAA) with respect to the 2008 lead national ambient air quality standard (NAAQS). The SIP revision will be submitted to the U.S. Environmental Protection Agency (EPA) for review and approval. The Department is also announcing a change in its procedures concerning the publication of notice and the opportunity for public hearing on future SIP revisions.

The CAA provides that states are required to submit SIPs to address the requirements of CAA section 110(a)(1) and (2) within three years of promulgation of a revised NAAQS. The lead NAAQS was revised on October 15, 2008, resulting in the preparation and proposal of the subject SIP revision. The CAA section 110(a)(1) and (2) requirements, which are referred to as infrastructure requirements, provide that a state must demonstrate its ability to implement, maintain and enforce a revised NAAQS.

A copy of the SIP revision described above is available for public inspection during normal business hours from Kathleen Knight at the Department of Energy and Environmental Protection (DEEP), Bureau of Air Management, Planning & Standards Division, 5th Floor, 79 Elm Street, Hartford, CT. The SIP revision is also posted on the Department's website at the following location: <http://www.ct.gov/dep/cwp/view.asp?a=2684&Q=484492>.

All interested persons are invited to comment on the proposed SIP revision. Comments should be submitted no later than 4:30 PM on September 20, 2011 to Kathleen Knight, DEEP, Bureau of Air Management, Planning & Standards Division, 79 Elm Street, Hartford, Connecticut 06106-5127. Comments may be submitted by post, facsimile to (860) 424-4064 or by electronic mail to [kathleen.knight@ct.gov](mailto:kathleen.knight@ct.gov).

The Department will hold a hearing at the time and location set out below if a request for a hearing is made on or before September 13, 2011.

PUBLIC HEARING  
September 20, 2011 at 1:00PM  
Department of Energy and Environmental Protection, 5th Floor, Holcombe Room  
79 Elm Street, Hartford, CT

If no request for a hearing is received by September 13, 2011, the hearing will be cancelled. Information on the status of the hearing will be posted on the Department's website at <http://www.ct.gov/dep/cwp/view.asp?a=2586&Q=484140> as of September 15, 2011. Questions concerning the cancellation of the public hearing may be directed to Kathleen Knight at 860-424-3823 or [kathleen.knight@ct.gov](mailto:kathleen.knight@ct.gov).

#### ***Future SIP Revisions***

The Department intends that public notice of all future SIP revisions shall be published on the Department's website at:

<http://www.ct.gov/dep/cwp/browse.asp?A=2586&BMDRN=2000&BCOB=0&C=21510>.

While the Department intends to publish public notice of all future SIP revisions electronically, the Department reserves the ability to publish supplemental notices in newspapers or other media in the event it is deemed necessary to enhance the outreach efforts on critical issues. Individuals interested in receiving notification of such notices automatically via electronic mail may make such a request through the Department's website as follows:

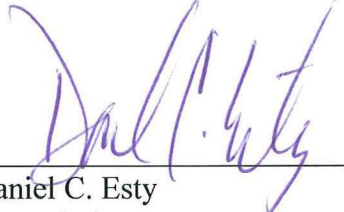
[http://www.ct.gov/dep/guestaccount/registration\\_form.asp](http://www.ct.gov/dep/guestaccount/registration_form.asp)

In conformance with the Americans with Disabilities Act, the Department makes every effort to provide equally effective services for persons with disabilities. Individuals with disabilities who need this information in an alternative format, to allow them to benefit and/or participate in the Department's programs and services, should call 860-424-3051 or 860-418-5937 or e-mail Marcia Bonitto, ADA Coordinator, at [marcia.bonitto@ct.gov](mailto:marcia.bonitto@ct.gov). Persons who are hearing impaired should call the State of Connecticut relay number 711.

The authority to adopt this SIP revision is granted by sections 22a-5 and 22a-174 of the Connecticut General Statutes. This notice is required pursuant to 40 Code of Federal Regulations 51.102.

Date

8/10/11

  
Daniel C. Esty  
Commissioner



Connecticut Department of  
**ENERGY &  
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Enclosure 2

**Hearing Officer Delegation**

In accordance with the provisions of section 22a-2 of the Connecticut General Statutes, I hereby appoint Kathleen Knight of the Bureau of Air Management as a hearing officer with the authority to conduct a public hearing on September 20, 2011, should such a hearing be requested. If held, the September 20, 2011 hearing will address a proposed State Implementation Plan (SIP) revision concerning whether or not Connecticut's SIP meets the provisions of section 110(a)(1) and (2) of the Clean Air Act (CAA) for the 2008 lead national ambient air quality standard (NAAQS). Kathleen Knight is also authorized to render a recommended decision concerning the proposed SIP revision.

Date

8/10/11

  
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Daniel C. Esty  
Commissioner



**Enclosure 3**

**CERTIFICATION OF PUBLIC REVIEW PROCESS**

This certifies in accordance with the provisions of Title 40 Code of Federal Regulations Part 51.102 that the following actions were taken by the Connecticut Department of Energy and Environmental Protection (DEEP) regarding revisions to the Connecticut State Implementation Plan for air quality, specifically to address section 110(a)(1) and (2) requirements of the federal Clean Air Act (CAA) with respect to the 2008 lead national ambient air quality standards (NAAQS).

- 1) An opportunity for a public hearing was announced in a public notice. No request was received for the tentative hearing; therefore, the hearing was canceled. The public notice also provided an opportunity for written comments.
- 2) In accordance with the notice, materials were available for review at the DEEP's Hartford office and were posted on DEEP's web site;
- 3) Copies of the notice were provided to the directors of the air pollution control agencies in New York, New Jersey, Rhode Island and Massachusetts as well as the Air Management Division of the U.S. Environmental Protection Agency Region 1 office; and
- 4) The public notice was published in newspapers as follows:

<u>Newspaper</u>	<u>AQCR</u>	<u>Date</u>
Connecticut Post (Bridgeport)	43	Thursday, August 18, 2011
Hartford Courant	42	Thursday, August 18, 2011
New London Day	41	Thursday, August 18, 2011
The Register Citizen (Torrington)	44	Thursday, August 18, 2011

10/12/11  
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 Date

  
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 Kathleen Knight  
 Hearing Officer  
 Bureau of Air Management

## Enclosure 4

### HEARING REPORT Prepared Pursuant to Code of Federal Regulations Part 40, Section 51.102 Regarding Revision to the State Implementation Plan for Air Quality

Hearing Officer: Kathleen L Knight

On August 10, 2011 the Commissioner of the Connecticut Department of Energy and Environmental Protection (DEEP) signed notice of intent to amend the State Implementation Plan (SIP) for air quality to address the infrastructure requirements of Section 110(a)(1) and (2) of the federal Clean Air Act (CAA) with respect to the 2008 lead (Pb) national ambient air quality standards (NAAQS). Pursuant to such notice, DEEP provided an opportunity for a public hearing and written comment. No request for a hearing was received, thus none was held. Written comments were accepted through the end of the public comment period on September 20, 2011.

#### I. Overview

This report describes the revisions to the SIP as proposed for hearing, the comments received through the comment period and DEEP's responses.

#### II. Summary of the Revisions as Proposed

The CAA requires states to submit SIP revisions to address the requirements of CAA section 110(a)(1) and (2) within three years of promulgation of a revised NAAQS. The lead NAAQS was revised on October 15, 2008, resulting in the preparation and proposal of the subject SIP revision. The CAA section 110(a)(1) and (2) requirements, which are referred to as infrastructure requirements, provide that a state must demonstrate its ability to implement, maintain and enforce a revised NAAQS.

The proposed SIP revision includes a table of existing Connecticut and federal regulations that satisfy the CAA 110(a)(2) infrastructure requirements. DEEP concludes that the provisions of current regulations meet all but two of the infrastructure requirements. Regarding the two remaining infrastructure elements, the proposed SIP revision states that:

1. DEEP recognizes its prevention of significant deterioration (PSD) program<sup>1</sup> must be updated with respect to significant ambient impact levels and significant emission rate thresholds for lead. DEEP commits to pursue adoption of appropriate regulatory revisions after EPA issues a final document establishing levels for all required PSD program parameters.

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<sup>1</sup> Regulations of Connecticut State Agencies (RCSA) Section 22a-174-3a.

2. DEEP previously committed<sup>2</sup> to pursue adoption of regulatory revisions to include an expansion of the required notice to nearby states consistent with CAA section 126 and 40 CFR section 51.166(q) and remains committed to pursue this change.

### **III. Summary of Comments**

The only comments received were from Anne Arnold, Manager, Air Quality Planning Group, EPA Region 1, Boston, Massachusetts. The comments address three subject areas:

1. Permits to construct and Operate Stationary Sources ambient impact levels and significant emissions rates;
2. Emergency episodes; and
3. Connecticut's primary and secondary standards for lead.

All comments submitted are summarized below with DEEP's responses.

#### **1. Permits to Construct and Operate Stationary Sources**

**EPA Comment:** As of the date of EPA Region 1's comments, EPA's Office of Air Quality Planning and Standards (OAQPS) had not issued final guidance for states to use in development of Pb infrastructure SIPs. Given the more stringent level of the 2008 Pb NAAQS, EPA Region 1 has had discussions with EPA OAQPS regarding the appropriateness of the current significant monitoring concentration level and the current significant emissions increase for the 2008 Pb NAAQS, as specified in 40 CFR 51.166(i)(5)(i)(g) and 40 CFR 51.166(b)(23), respectively. EPA Region 1 recommends that DEEP review EPA's final Pb infrastructure guidance, when released, with regard to these two issues to determine if regulatory revisions are necessary.

**DEEP Response:** DEEP will review EPA's final guidance, when it is released. As stated in the proposed SIP revision, DEEP commits to pursue adoption of appropriate regulatory revisions within a reasonable period following EPA's issuance of a final document establishing the levels for all required PSD program parameters, including significant ambient impact levels and significant emission rate thresholds for lead.

#### **2. Emergency Episode**

**EPA Comment:** EPA Region 1 acknowledges that EPA's draft guidance issued for Pb infrastructure SIPs did not include extensive direction to states with regard to section 110(a)(2)(G), Emergency Episodes and recommends that DEEP review EPA's final guidance, when issued, to ensure the SIP revision adequately addresses requirements.

**DEEP Response:** If EPA's final PM2.5 Infrastructure SIP guidance provides additional information regarding CAA section 110(a)(2)(G) emergency episode requirements, DEEP commits to consult with EPA Region 1 to identify any outstanding issues not sufficiently addressed in the SIP revision, as originally proposed. If necessary, DEEP will then submit an appropriate supplement to this SIP revision to address the final guidance.

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<sup>2</sup> See 76 FR 40248



### **3. Connecticut's Primary and Secondary Standards for Lead**

**EPA Comment:** EPA Region 1 points out that RCSA Section 22a-174-24 currently specifies Connecticut primary and secondary air quality standards for Pb of 1.5 micrograms per cubic meter, matching EPA's previous NAAQS, which was updated to 0.15 micrograms per cubic meter in 2008. EPA Region 1 recommends that DEEP update 22a-174-24 to be consistent with EPA's revised primary and secondary standards for lead and, in the interim, include a discussion in the infrastructure SIP revision evaluating whether any of its air pollution control regulations require compliance with these now outdated air quality standards.

**DEEP Response:** DEEP recognizes that Connecticut's primary and secondary standards, as defined in RCSA 22a-174-24, are not currently consistent with the federal National Ambient Air Quality Standards (NAAQS) for several criteria pollutants, including the recently revised lead NAAQS. DEEP applies and enforces its air pollution regulations using the more stringent of the federal and state standards, but acknowledges that the lack of consistency between RCSA 22a-174-24 and the federal NAAQS can cause confusion. DEEP is currently assessing the most efficient way to restructure its regulations to accommodate EPA's increasing frequency of revisions to the federal NAAQS and plans to propose appropriate regulatory revisions in the near future.

### **IV. Conclusion**

As of the signing date of this hearing report, EPA has not released final guidance to assist states with the development of Pb infrastructure SIPs. Given the SIP submittal deadline of October 15, 2011, I recommend that the SIP revision as proposed, together with the above commitments made in response to comments, be submitted to the EPA for approval.



Kathleen Knight  
Hearing Officer

10/12/11

Date

## Enclosure 5

### **Adequacy Determination of the Connecticut State Implementation Plan for Clean Air Act Section 110(a) Infrastructure Elements: 2008 National Ambient Air Quality Standards for Lead (Pb)**

On October 15, 2008, the U.S. Environmental Protection Agency (USEPA) revised the primary and secondary national ambient air quality standards (NAAQS) for airborne lead (Pb) to 0.15 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ). Pursuant to Clean Air Act (CAA) sections 110(a)(1) and 110(a)(2), all states are required to submit plans to provide for the implementation, maintenance and enforcement of a revised NAAQS. The Connecticut Department of Energy and Environmental Protection (DEEP) hereby reviews its program infrastructure in relation to the 2008 Pb NAAQS for each of the fourteen infrastructure elements. Details of how Connecticut's State Implementation Plan (SIP) now satisfies or will, after revision, satisfy the infrastructure requirements are set out in the attached table.

DEEP recognizes that it must update its program infrastructure with respect to its prevention of significant deterioration (PSD) program as it relates to significant ambient impact levels<sup>1</sup> and significant emission rate thresholds<sup>2</sup> for lead. DEEP commits to pursue adoption of appropriate regulatory revisions within a reasonable period of time following issuance of a final document establishing the levels for all required PSD program parameters.

DEEP has also previously committed<sup>3</sup> to pursue revisions to section 22a-174-2a of the Regulations of Connecticut State Agencies (RCSA) to include an expansion of our required notice to nearby states consistent with CAA section 126 and 40 CFR section 51.166(q). In the interim, DEEP will, as a standard procedure, make such notifications to nearby states concerning any tentative determination to issue any major source permit or modification under our PSD program.

The attached table sets out in detail those SIP elements and underlying statutory and regulatory authorities that satisfy each of the fourteen required infrastructure elements for the lead NAAQS. The table includes references and web links to statutes and regulations that: 1) apply to sources of any air pollutant; 2) specifically apply to lead emission sources; or 3) specifically apply to particulate matter sources, which may include lead as a component. DEEP hereby incorporates by reference all statutory and regulatory sections submitted with previous infrastructure SIP submissions and includes references and web links for new and revised statutes and regulatory requirements, as appropriate.

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<sup>1</sup> See [RCSA Section 22a-174-3a](#), Table 3a(i)-1, for current requirements.

<sup>2</sup> See [RCSA Section 22a-174-3a](#), Table 3a(k)-1, for current requirements.

<sup>3</sup> See page 40255 at [76 Federal Register 40248](#) (July 8, 2011) for a description of DEEP's commitment.

## Connecticut's CAA Section 110(a) Infrastructure Elements for the 2008 Lead NAAQS\*

CAA Section	Required CAA Element	Corresponding Connecticut Program Element(s)
<b>110(a)(2)(A) Emission limits and other control measures</b>	<p>... “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>	<p><b>CGS Section 22a-6(a)(1).</b> The Commissioner is empowered to “adopt, 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>CGS Section 22a-174(f).</b> Limitations on open burning. “... The burning of leaves, demolition waste or other solid waste deposited in such landfill shall be prohibited....”</p> <p><b>CGS Section 22a-174k.</b> Restrictions on operation of outdoor wood-burning furnaces. “...No other materials are burned in the outdoor wood-burning furnace other than wood that has not been chemically treated; ...”</p> <p>The sections of CT’s air quality regulations that establish specific emissions limits related to lead, or of particulate matter that might include lead, include RCSA sections:</p> <p><b>22a-174-2a.</b> Specifies administrative requirements for the new source review (NSR) program, including notification concerning major source permits and modifications.</p> <p><b>22a-174-3a(i) – (I).</b> Nonattainment new source review and prevention of significant deterioration<sup>1</sup></p> <p><b>22a-174-18.</b> Control of particulate matter and visible emissions.</p> <p><b>22a-174-38.</b> Municipal waste combustors. Table 38-1.</p>

\* CAA refers to the Clean Air Act.  
 NAAQS refers to the national ambient air quality standards, as established by the U.S. Environmental Protection Agency (EPA).  
 CGS refers to the [Connecticut General Statutes](#).  
 RCSA refers to [Regulations of Connecticut State Agencies](#).  
 CFR refers to the U.S. Code of Federal Regulations.  
 DEEP refers to the Connecticut Department of Energy and Environmental Protection.  
 Commissioner refers to the Commissioner of the DEEP.

<sup>1</sup> DEEP recognizes that it must update its program infrastructure with respect to the prevention of significant deterioration (PSD) program as it relates to lead significant ambient impact levels and significant emission rate thresholds (see [RCSA Section 22a-174-3a](#), Tables 3a(k)-1 and 3a(i)-1 for current requirements). DEEP commits to pursue adoption of appropriate regulatory revisions within a reasonable period of time after EPA issues a final document establishing the levels for all required PSD program parameters.

CAA Section	Required CAA Element	Corresponding Connecticut Program Element(s)
<b>110(a)(2)(B)</b> <b>Ambient air quality monitoring/data system</b>	... “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.”	<b>CGS Section 22a-174(d).</b> Provides the commissioner with all incidental powers necessary to control air pollution. <b>40 CFR 53; 40 CFR 58.</b> A comprehensive air quality monitoring plan, intended to meet requirements of 40 CFR 58, is submitted to EPA each year. The <a href="#">2011 Annual Air Monitoring Network Plan</a> was submitted on July 7, 2011. The plan provides a description of how Connecticut meets EPA lead monitoring requirements.
<b>110(a)(2)(C)</b> <b>Program for enforcement of control measures</b>	... “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;”	<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 . . . “ <b>CGS Section 22a-6b.</b> Imposition of civil penalties by the commissioner. <b>CGS Section 22a-7(d).</b> Civil actions. <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 [Chapter 446c, entitled “Air Pollution Control,” which encompasses CGS Sections 22a-170 through 22a-206].” <b>CGS Section 22a-175.</b> Penalties for violations. <b>CGS Section 22a-176.</b> Consideration in making regulations and issuing orders. <b>CGS Section 22a-177.</b> Enforcement of regulations. Complaints. <b>CGS Section 22a-178.</b> Orders to correct violations. <b>RCSA section 22a-3a-6(c).</b> Orders, rulings and decisions – procedures in contested cases. <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. <b>RCSA section 22a-174-3a.</b> Permit to construct and operate stationary sources. This section sets out the Connecticut NSR permit program requirements. Connecticut’s NSR program is SIP approved and satisfies the 110(a)(2)(D)(i)(II) requirement that new major sources and major modifications are subject to CAA Part C PSD requirements. <sup>2</sup> <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 DEP to be known as enforcement personnel, who shall, acting

<sup>2</sup> DEEP recognizes that it must update its program infrastructure with respect to the prevention of significant deterioration (PSD) program as it relates to lead significant ambient impact levels and significant emission rate thresholds (see [RCSA Section 22a-174-3a](#), Tables 3a(k)-1 and 3a(i)-1 for current requirements). DEEP commits to pursue adoption of appropriate regulatory revisions within a reasonable period of time after EPA issues a final document establishing the levels for all required PSD program parameters.

CAA Section	Required CAA Element	Corresponding Connecticut Program Element(s)
<p><b>110(a)(2)(D)</b> <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 quality or to protect visibility, (ii) insuring compliance with the applicable; requirements of sections 126 and 115 (relating to interstate and international pollution abatement);”</p>	<p>with or without complaints, conduct investigations and ascertain whether the Commissioner's regulations are being complied with.”</p> <p>CAA 110(a)(2)(D)(i)(I) is satisfied because CT has no sources exceeding the 0.5 ton/year lead monitoring threshold, as documented in <a href="#">CT’s recommended designations</a> for the lead NAAQS, submitted to EPA on October 6, 2009. EPA selected the 0.5 ton/year threshold “to identify lead emission sources which should be monitored because their emissions may cause or contribute to ambient lead concentrations that exceed the lead NAAQS.”<sup>3</sup></p> <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>4</sup></p> <p><b>RCSA section 22a-174-3a.</b> Satisfies the 110(a)(2)(D)(i)(II) requirement that new major sources and major modifications are subject to CAA Part C PSD requirements. New major sources and modifications are subject to PSD for the 2008 Pb NAAQS.</p> <p>Lead emissions from Connecticut sources have negligible visibility impacts on Class I areas due to the small size of CT sources (all less than 0.3 tpy) and the long distance to the nearest Class I area (at least 70 miles from CT’s border to Lye Brook, VT). Therefore, the visibility protection requirement of 110(a)(2)(D)(i)(II) is met.</p>

<sup>3</sup> EPA’s [Final Lead Ambient Air Monitoring Requirements](#) (promulgated December 14, 2010).

<sup>4</sup> DEEP has [previously committed](#) to pursue revisions to RCSA 22a-174-2a to include an expansion of our required notice to nearby states consistent with CAA section 126 and 40 CFR section 51.166(q). In the interim, DEEP will, as a standard procedure, make such notifications to nearby states concerning any tentative determination to issue any major source permit or modification under our PSD program.

CAA Section	Required CAA Element	Corresponding Connecticut Program Element(s)
<p><b>110(a)(2)(E)</b> <b>Adequate resources</b></p>	<p>... “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;”</p>	<p><b>CGS Section 22a-171.</b> Duties of Commissioner of Environmental Protection. The commissioner 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.</p> <p><b>Air Quality Implementation Plan, Chapter 11, Parts A-E (March 3, 1972).</b> 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.”</p> <p><i>DEEP is the sole authority implementing the SIP and does not rely on local or regional governments or agencies to carry out this responsibility.</i></p>
<p><b>110(a)(2)(F)</b> <b>Stationary source emissions monitoring and reporting</b></p>	<p>... “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>	<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>CGS Section 22a-191a(b). Metals testing (including lead) for Sewage Sludge Incinerators.</b> “On or before January 1, 2002, and annually thereafter, the operator of each sewage sludge incinerator in this state shall conduct a stack test for the presence of mercury, metals and hydrocarbons in the air emissions of each such incinerator. ...”</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</p>

CAA Section	Required CAA Element	Corresponding Connecticut Program Element(s)
		<p>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> <p><b>RCSA section 22a-174-38.</b> Municipal Waste Combustors. Establishes lead testing and reporting requirements:</p> <ul style="list-style-type: none"> <li>• Continuous compliance: Subsection (c)(3);</li> <li>• Annual performance testing: Subsection (i)(2) and (i)(4)B);</li> <li>• Record keeping: Subsection (k), (k)(9) and (k)(10);</li> <li>• Reporting requirements: Subsection (l)(3) and (l)(6);</li> </ul>
<p><b>110(a)(2)(G) Emergency power</b></p>	<p>... “provide for authority comparable to that in section 303 and adequate contingency plans to implement such authority;”</p>	<p><b>CGS Section 22a-181.</b> Emergency action to protect public health or safety. “...If under any circumstances the commissioner finds any person is causing air pollution to such an extent as to require immediate action to protect the public health or safety, he may order such person to reduce or discontinue the air pollution immediately.”</p> <p>For the following reasons, DEEP has concluded that the general emergency powers specified by CGS Section 22a-181 are sufficient to address any lead-related air pollution episodes; therefore, no specific emergency episode plans for lead are necessary at this time:</p> <ol style="list-style-type: none"> <li>1) <a href="#">40 CFR 51.152(c)</a> specifies that areas classified as Priority III do not need to develop episode plans. EPA has historically identified Priority III areas as those</li> </ol>

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		<p>with ambient pollutant levels that do not exceed a value that is <a href="#">at least 2/3</a> or, in some cases, <a href="#">significantly greater</a> than the relevant NAAQS (i.e., areas that measure values well under the NAAQS are not required to develop plans).</p> <ol style="list-style-type: none"> <li>2) Available <a href="#">monitoring data</a> indicate that ambient lead levels in Connecticut do not exceed 10% of the 2008 lead NAAQS. These ambient measurements are consistent with the lack of any lead emissions sources in the state that exceed EPA’s 0.5 tpy monitoring threshold.</li> <li>3) EPA has not yet promulgated regulations specifying priority region classifications or concentration thresholds for lead. However, based on EPA’s historical precedent for other pollutants and available monitoring data, DEEP expects that Connecticut would be classified as a Priority III region, thus not required to develop an emergency episode plan for lead.</li> <li>4) Furthermore, <a href="#">40 CFR 51.152(d)(1)</a> provides the EPA Administrator with the discretion to exempt areas designated as attainment or unclassifiable from any requirement to develop emergency episode plans. EPA intends to designate Connecticut as <a href="#">unclassifiable/attainment</a> for the lead NAAQS by October 14, 2011, thus qualifying the state for such an exemption.</li> </ol>
<p><b>110(a)(2)(H)</b> <b>Future SIP revisions</b></p>	<p>... “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;”</p>	<p><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.”</p> <p><b>CGS section 22a-174(d).</b> The Commissioner is authorized with all incidental powers necessary to control and prohibit air pollution.</p>
<p><b>110(a)(2)(I)</b> <b>Nonattainment area plans</b></p>	<p>...” 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).”</p>	<p>EPA has <a href="#">indicated</a> that Connecticut will be designated as unclassifiable/attainment for the 2008 lead NAAQS. Therefore, therefore CAA section 110(a)(2)(I) does not apply to Connecticut.</p>



CAA Section	Required CAA Element	Corresponding Connecticut Program Element(s)
<b>110(a)(2)(J) Consultation with government officials</b>	... “meet the applicable requirements of section 121 (relating to consultation)	<p><b>CGS Section 22a-171.</b> Duties of Commissioner of Environmental 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> established in 1972 and generally meets each month.</p>
<b>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>“(a) Except as provided in subsection (g) of this section, an agency, prior to adopting a proposed regulation, shall: (1) Give at least thirty days' notice by publication in the Connecticut Law Journal of its intended action. The notice shall include..”</p> <p><b>CGS Section 22a-171.</b> Duties of Commissioner of Environmental Protection.</p> <p>...“(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>
<b>PSD and visibility Protection</b>	... “meet the applicable requirements of part C (relating to prevention of significant deterioration of air quality and visibility protection);”	<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>5</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. This section addresses the prevention of significant deterioration of air quality and visibility protection.<sup>6</sup></p>

<sup>5</sup> DEEP has [previously committed](#) to pursue revisions to RCSA 22a-174-2a to include an expansion of our required notice to nearby states consistent with CAA section 126 and 40 CFR section 51.166(q). In the interim, DEEP will, as a standard procedure, make such notifications to nearby states concerning any tentative determination to issue any major source permit or modification under our PSD program.

<sup>6</sup> DEEP recognizes that it must update its program infrastructure with respect to the prevention of significant deterioration (PSD) program as it relates to lead significant ambient impact levels and significant emission rate thresholds (see [RCSA Section 22a-174-3a](#), Tables 3a(k)-1 and 3a(i)-1 for current requirements). DEEP commits to pursue adoption of appropriate regulatory revisions when EPA issues a final document establishing the levels for all required PSD program parameters.

CAA Section	Required CAA Element	Corresponding Connecticut Program Element(s)
<b>110(a)(2)(K)</b> <b>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;”	<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. <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.”
<b>110(a)(2)(L)</b> <b>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 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;”	<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 . . . “ <b>CGS Section 22a-6f.</b> Authorizes the commissioner to require annual fees. <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 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. . . .” <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. <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)).

<sup>7</sup> DEEP has [previously committed](#) to pursue revisions to RCSA 22a-174-2a to include an expansion of our required notice to nearby states consistent with CAA section 126 and 40 CFR section 51.166(q). In the interim, DEEP will, as a standard procedure, make such notifications to nearby states concerning any tentative determination to issue any major source permit or modification under our PSD program.

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<b>110(a)(2)(M)</b> <b>Consultation</b> <b>with/</b> <b>participation by</b> <b>affected local</b> <b>entities</b>	... “provide for consultation and participation by local political subdivisions affected by the plan.”	<b>CGS Section 4-168.</b> Notice prior to action on regulations. <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.” <b>State Implementation Plan Revision Advisory Committee (SIPRAC)</b> established in 1972 and generally meets each month.