



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OFFICE BUILDING HARTFORD, CONNECTICUT 06115



EXPLANATION OF CHANGES TO THE REGULATIONS OF CONNECTICUT
STATE AGENCIES CONCERNING ABATEMENT OF AIR POLLUTION

19-508-1 Definitions

In this section all subsection designations have been deleted because the definitions are in alphabetical order and can be located accordingly. This also facilitates the inclusion of future definitions.

"Actual Emissions" - This new definition is necessitated by the inclusion of federal requirements and to clarify existing requirements in Section 19-508-3.

"Administrator" - This new definition is necessitated by the inclusion of federal requirements in Section 19-508-3.

"Allowable emissions" - This new definition is necessitated by the inclusion of federal requirements in Section 19-508-3.

"Ambient air" - This new definition is added in order to clarify certain existing requirements in Section 19-508-3.

"Attainment" - This new definition is necessitated by the inclusion of federal requirements in Section 19-508-3.

"Best available control technology" or "BACT" - This new definition is necessitated by the inclusion of federal requirements in subsection 19-508-3(k).

"Class I" - This new definition is necessitated by the inclusion of federal requirements in Section 19-508-3.

"Commenced" or "Commencement" - The old definition was deleted and a new one inserted in order to conform with the federal definition of the terms.

"Dispersion technique" - This new definition is necessitated by the inclusion of federal requirements in subdivision 19-508-3(c)(8).

"Emission limitation" and "emission standard" - This new definition is necessitated by the inclusion of federal requirements in Section 19-508-3.

"Emission concentration" - This new definition is necessitated by the inclusion of federal requirements in subdivision 19-508-3(c)(8).

"Existing point source" - The date cited in the definition was changed to conform to the effective date of the revised SIP. This is necessitated by the inclusion of additional requirements for "new point sources" in Section 19-508-3.

"Good engineering practice stack height" - This new definition is necessitated by the inclusion of federal requirements in subdivision 19-508-3(c)(8).

"Lowest achievable emission rate" or "LAER" - This new definition is necessitated by the inclusion of federal requirements in subsection 19-508-3(l).

"Maximum rated capacity" - This new definition is necessitated by the inclusion in Section 19-508-1 of definitions for actual, allowable and potential emissions.

"Mobile source" - Some existing wording is deleted because of a conflict with federal requirements included in Section 19-508-3. Wording is added for clarity and to stress the acceptable application of the definition.

"Modify" or "Modification" - Most of the insertions and deletions were made to conform with the federal definition. The insertion dealing with a change that "increases the ambient impact of a source" is necessitated by the fact that existing regulations don't adequately address the subject, thereby creating problems with enforcement.

"Nearby" - This new definition is necessitated by the inclusion of federal requirements in subdivision 19-508-3(c)(8).

"New point source" - The date cited in the definition was changed to conform to the effective date of the revised SIP. This is necessitated by the inclusion of additional requirements for new point sources in Section 19-508-3.

"Non-attainment" - This new definition is necessitated by the inclusion of federal requirements in Section 19-508-3.

"Non-degradation" - An erroneous reference is corrected.

"Operator" - This new definition is necessitated by the inclusion of federal requirements in Section 19-508-3.

"Potential emissions" - This new definition is necessitated by the inclusion of federal requirements and to clarify existing requirements in Section 19-508-3.

"Reconstruct" or "reconstruction" - This new definition is necessitated by the inclusion of federal requirements in Section 19-508-3.

"Resource recovery facility" - This new definition is necessitated by the inclusion of federal requirements in Section 19-508-3.

"Solid waste" - This new definition is necessary to clarify the use of the term "solid waste" in the definitions of "modification" and "resource recovery facility."

"Stack" - This new definition is necessitated by the inclusion of federal requirements in subdivision 19-508-3(c)(8).

"State" - This new definition is necessitated by the inclusion of federal requirements in Section 19-508-3.

"State Implementation Plan" - This new definition is necessitated by the inclusion of federal requirements in Section 19-508-3.

"Stationary source" - The changes were necessitated by the inclusion of federal requirements in Section 19-508-3.

"Volatile organic compound" - The existing definition was deleted and a new one was inserted due to the inclusion of federal requirements in Section 19-508-20.

19-508-2 Registration requirements for existing stationary sources

The word "stationary" is added to the heading for the purposes of clarity and emphasis.

Subsection 2(a) - This subsection is restated in terms of the effective date of the revised implementation plan, and certain exceptions are added. The exceptions are necessary to prevent a blurring of the distinction between a new and an existing source that may result from the date change. Under the original implementation plan, construction before and after June 1, 1972 essentially defined the distinction between existing and new sources. Under the revised implementation plan new sources will be not only those which are constructed after July 1, 1979 but also those which were constructed before July 1, 1979 and failed to apply for and receive a valid permit under the pre-existing implementation plan. On the other hand, existing sources will be those sources which were constructed before July 1, 1979 and which did not require a permit to construct under the pre-existing implementation plan. The only effect will be that a very small number of sources that were not required to register before will be required to do so now.

Old subsections 2(b) and 2(c) - These subsections which specified the exemptions from registration requirements are deleted. The sources which are required to register are specified through subsection 2(a) in subsection 3 (a)(1).

Old subsection 2(d) - Redesignated 2(b). The word "stationary" is inserted in two places for reasons of clarity and emphasis.

Old subsection 2(e) - Redesignated 2(c). The word "stationary" is inserted for reasons of clarity and emphasis. A 120 day notice is now

required when specific changes are made in a source. This is necessary to give the Department adequate notice and also to facilitate enforcement procedures.

New subsection 2(d) - This new subsection is included to correct an oversight in the original implementation plan and to facilitate federal requirements included in Section 19-508-3.

19-508-3 Permits for construction and operation of new or modified stationary sources

New wording is added to heading for clarity.

Subsection (a): This subsection is substantially rewritten using positive, rather than negative, language in order to designate those sources that require permits, rather than those that do not. This was done for the sake of clarity and to solve problems of misinterpretation.

Subdivision (a)(1): New wording is added to emphasize that only "stationary" sources are being considered. Other changes are made to accommodate the new positive language.

Paragraph (a)(1)(i): The original wording is deleted due to the new positive language. It reappears as paragraph (a)(5). As a result, the remaining paragraphs under subdivision (a)(1) must be redesignated. Changes in the redesignated paragraph were made to improve readability and to accommodate the new positive language.

Paragraph (a)(1)(ii): Redesignated. The new wording now defines the need for a permit by the individual, rather than the total, capacity of the equipment. This represents a continuation of policy which dates back to an interpretive ruling of a former Commissioner. To correct an oversight, dry systems (e.g. shot blasting and sand blasting) are now subject to permit requirements. Other changes are made for sake of clarity and to accommodate the new positive language.

Paragraph (a)(1)(iii): Redesignated. The directions regarding the calculations of process weight per hour for cyclical or batch operations were added for clarity and to correct problems of misinterpretation. Other changes were made to accommodate the new positive language.

Paragraph (a)(1)(iv): Redesignated. The phrase "solvents, diluents, or thinners" is redundant and confusing when cited after the term "volatile organic compounds." The term "volatile organic compounds" is qualified pursuant to the latest federal definition. Other changes are made to accommodate the new positive language.

Paragraph (a)(1)(v): Redesignated. Substitute wording is used in place of "rated fuel-burning capacity" in order to correct problems of misinterpretation. Formerly, all fuel-burning equipment burning coal or residual oil required

a permit. The new wording exempts from permit requirements units burning such fuels when the units are of a size commonly encountered in home heating.

Paragraph (a)(1)(vi): Redesignated. The additional wording is necessary to correct problems of misinterpretation. The exemption of incinerators in smaller dwellings is being removed because such incinerators are no longer being built, and garbage collection reduces nuisance complaints and is an environmentally sounder alternative.

Paragraph (a)(1)(vii): Formerly a part of subdivision (a)(2). Placement here is more logical. Also, consideration is restricted to systems "which are directly vented to the ambient air."

Paragraph (a)(1)(viii): Formerly a part of subdivision (a)(2). Placement here is more logical. Rewritten for clarity.

Paragraph (a)(1)(ix): Redesignated. Other changes are made for clarity and to accommodate the new positive language.

Subdivision (a)(2): Original wording appears as paragraphs (a)(1)(vii) and (viii). The new wording provides an exemption for certain small sources. Emissions of 2 pounds or more per day of a particular pollutant by a typical source is large enough to be detected by pollution monitoring equipment. Sources with smaller emissions will not affect "measured" air quality and should be exempt from permit requirements.

Subdivision (a)(3): Paragraph (i) is the statement of a Department function dating back to November 6, 1975. Paragraph (ii) specifies the minimum size of source we must subject to permit requirements under federal law.

Subdivision (a)(4): Consistent with present policy, but needed to be stated explicitly.

Subdivision (a)(5): Formerly designated (a)(1)(i)(see comments above).

Paragraph (b)(1)(i): The effective date of the regulations for new or modified stationary sources needed to be changed to the date required by the Clean Air Act for approval of the revised SIP. Also, an exemption is provided for certain sources subject to pre-existing regulations. Other changes were made for clarity and to accommodate the new positive language.

Paragraph (b)(1)(ii): Included to clarify which regulations will be applicable to a source which has heretofore ignored the permit application procedures.

Subdivision (b)(2): Reference to paragraph (g)(5) is deleted because the "renewal" of a permit is not made on forms supplied by the Commissioner. Other changes shift sentence structure from passive to active voice.

Subdivision (b)(3): Changes made for reasons of clarity and style.

Subsection (c): Changes in the introductory paragraph are made for reasons of style and to accommodate the new positive language.

Subdivision (c)(1): Changes are made to reflect that compliance with applicable regulations is not dependent upon a "request" for a permit. Old wording is misleading.

Subdivision (c)(2): Changes made for reasons of style and clarity.

Paragraph (c)(2)(i): This explains how compliance with (c)(2) is determined when the typical operation time of a source is either shorter or longer than the appropriate time period of an applicable ambient air quality standard.

Subdivision (c)(3): Original wording is deleted because it has applicability under federal law only to large sources of air pollution in areas where the ambient air quality standards are being attained (see subsection (k)). The new wording is the statement of a Department function dating back to November 6, 1975.

Subdivision (c)(4): Changes made for reasons of style and clarity.

Subdivision (c)(5): Old wording is deleted because it is no longer applicable. New wording is added to comply with federal requirements.

Subdivision (c)(6): Required by subsection 110 (a)(2)(k) of the 1977 Clean Air Act.

Subdivision (c)(7): A new or modified source that has a significant impact on air quality must not cause or exacerbate a violation of an air quality standard in a non-attainment area, nor exceed certain allowable air quality increments in a clean areas.

Paragraph (c)(7)(i): Explains what is meant by a "significant impact" or an "exacerbation of a violation" in (c)(7).

Paragraph (c)(7)(ii): Explains how, through the use of computer modelling, compliance with the air quality increments mentioned in (c)(7) will be determined.

Paragraph (c)(7)(iii): Explains that a source whose operation would cause an applicable air quality increment to be exceeded can demonstrate compliance by means of sufficient emission reductions from existing sources.

Paragraphs (c)(7)(iv) through (vi): Contain certain exclusions provided for under Federal law.

Subdivision (c)(8): Explains that, in general, the owner or operator will receive credit for required pollution control achieved by a stack height which does not exceed the "good engineering practice stack height." Subparagraph (i) explains that an exception will be made, if a higher stack height is needed to prevent excessive pollutant concentrations in the immediate vicinity of the source. Subparagraph (ii) makes it clear that the Commissioner is not restricting the stack height of any source by this regulation, only the pollution control credit that will be granted.

Paragraph (c)(9): self-explanatory

Paragraph (c)(10): self-explanatory

Subdivision (d)(1): Most changes made for reasons of clarity and consistency. The time for the evaluation of a permit application is considerably shortened for the reasons stated below under (d)(5).

Subdivision (d)(2): Changes made for reasons of clarity and consistency.

Subdivision (d)(5): Added to accommodate suggestions made by industry. This guarantees an expeditious review and evaluation of applications for permits.

Subdivision (d)(6): Added to make explicit the requirement that permits be posted and to accommodate the suggestion of industry that, where the need is clear, a permit to construct be issued for more than the usual one year period.

Subdivision (d)(7): Self-explanatory

Subdivision (e)(1): Change made to introductory paragraph for clarity. Paragraph (iii) is deleted due to its arbitrary nature. Paragraph (iv) is redesignated (iii) and a change is made for clarity.

Subdivision (f)(1): Changes made to accommodate the new positive language and for clarity.

Subdivision (g)(1): Additions made for clarity.

Subdivision (g)(2): Additions and changes to subparagraph (ii) are made for reasons of style and clarity, respectively.

Subdivision (g)(3): The original wording wrongly created the impression that the source could operate for the full 60 days even though the actual performance testing might only take a day or two. The new wording ties the effective period of the conditional permit to operate to the actual period required to perform the testing. Also, wording is added which requires the Commissioner to reach a decision on the final permit to operate within 30 days of receipt of an acceptable performance test report.

Subdivision (g)(4): Wording is added to make explicit the requirement that permits be posted.

Subdivision (g)(5): Wording changes reflect a change in style from the passive to the active voice. Additional wording explains the procedure for requesting a renewal of a permit to operate.

Subdivision (g)(6): Changes made to accommodate the new positive language and to clarify.

Subdivision (g)(8): Self-explanatory. Necessitated by frequent lack of response and delinquency encountered in spite of adequate and repeated notice by the Commissioner of the expiration or pending expiration of a permit.

Subsection (i): Changes in introductory paragraph made for clarity.

Subdivision (i)(1): Changes made for clarity and to reflect a change in style from the passive to the active voice.

Subdivision (i)(2): Changes made for clarity.

Subdivision (j)(1): Changes made for clarity.

Subdivision (j)(2): Most changes in paragraphs (i) and (iii) were made for clarity. The original wording of paragraph (ii) was deleted because it was not required by federal law. It was replaced by a requirement for a public notice on the initial permit and in the circumstances outlined in paragraph (c)(8)(j).

Subdivision (j)(3): Most changes made for clarity. A public comment period of 15 days is specified in order to conform to the 30-day evaluation period provided in (d)(1).

Subdivision (j)(4): Additional wording is inserted in order to provide a realistic basis for holding public hearings on small stationary sources while not unduly restricting the expeditious review of permit applications for such sources.

Subdivision (j)(5): Original wording is deleted because it is not a federal requirement. New wording is added to clarify the meaning of the phrase "opportunity for public comment" used in paragraph (j)(2)(ii).

Subsection (k): Original wording is deleted because it becomes implicit in new subdivision (d)(5).

The inclusion of the entirely new wording was required by the 1977 Clean Air Act Amendments and Title 40 of the Code of Federal Regulations Parts 51 and 52 for the prevention of significant deterioration (PSD) of air

quality in regions called "attainment areas" where ambient air quality standards for particulate matter or sulfur dioxide are not being violated. The federal regulations apply to specified large sources of the above pollutants which would have a significant impact on the air quality of an attainment area for that pollutant. The owner or operator of such a new stationary source or modification must demonstrate the implementation of best available control technology (BACT); demonstrate that the effect of the operation of the source on ambient air quality will be within acceptable limits; and submit an analysis of the impairment to the air, soils, vegetation and visibility that would result from regional growth associated with the new source. The federal regulations also require that there be adequate opportunity for public input and participation in the permit evaluation process. The provisions of subsection (k) comply with the federal regulations, while imposing no restrictions in addition to them.

Paragraph (k)(1)(i): Explains that the PSD requirements apply only with respect to emissions of particulate matter or sulfur dioxide.

Paragraph (k)(1)(ii): Explains that the PSD requirements apply only to certain specified sources.

Paragraph (k)(1)(iii): Explains that a specified source with sufficient emissions of an applicable pollutant must satisfy the PSD requirements before a permit can be granted.

Paragraph (k)(1)(iv): Explains that the PSD requirements apply to any new stationary source or modification that has the potential to emit 250 tons per year of an applicable pollutant, or to any one of 28 listed new stationary sources or modifications which have the potential to emit 100 tons per year of an applicable air pollutant.

Paragraph (k)(1)(v): Explains that, in assessing the applicability of the PSD requirements to a modification of an existing stationary source, all increases in potential emissions occurring at the source shall be accumulated from the effective date of the Clean Air Act of 1977 or from the date of the last PSD permit issued to the source, whichever time is more recent. When the accumulated pollutant emission increases exceed the applicable threshold, 100 or 250 tons per year, the owner or operator must satisfy the PSD requirements. This recognizes the fact that existing sources, unlike new sources, are often modified or expanded intermittently and as necessary over a period of years.

Paragraph (k)(1)(vi): Explains that the PSD regulations shall not apply to a source that was subject to the federal PSD requirements in effect prior to the effective date of these regulations.

Paragraph (k)(1)(vii): Explains that the major PSD requirements shall not apply to a new stationary source or modification, if it can be shown that the source is subject to the more stringent requirements under

subsection (l), or that the source does not have a significant impact on air quality in an attainment area, and that the source does not impact a Class I area.

Paragraph (k)(1)(viii): States that the Governor may exempt non-profit or educational institutions from the PSD requirements.

Paragraph (k)(1)(ix): States that a portable stationary source may relocate without having to satisfy the PSD requirements, if the owner or operator gives the Commissioner sufficient notice, and demonstrates that the source will comply with applicable emission standards; that the ambient impact of the source is acceptable; and that the operation of the source would impact no Class I area and no area where a PSD increment is known to be violated.

Paragraph (k)(2)(i): Gives the PSD requirements for a control technology review.

Subparagraph (k)(2)(i)(a): States that the new source or modification must comply with all State and Federal emission standards and standards of performance.

Subparagraph (k)(2)(i)(b): States that the new source or modification must apply the best available control technology (BACT), unless the increase in allowable emissions of an applicable pollutant is less than certain threshold values. The applicability of the threshold emission rates is restricted under item (1). Under item (2) it is stated that for a modification the increase in allowable emissions must take into account all accumulated increases from the effective date of the 1977 Clean Air Act. This recognizes the fact that an existing source, unlike a completely new source, is often modified or expanded intermittently and as necessary over a period of years.

Subparagraph (k)(2)(i)(c): Explains that for a modification BACT applies only to each new or modified piece of equipment that would contribute to an increase in emissions.

Subparagraph (k)(2)(i)(d): Explains that an exemption from BACT is available for a modification, if emission reductions elsewhere at the source are secured such that no net increase in emissions would result and there would be no adverse ambient air quality impact.

Subparagraph (k)(2)(i)(e): States that the requirement for BACT is subject to change in the case of phased construction projects. This recognizes the fact that newer and more efficient means of controlling pollution are continually being developed.

Paragraph (k)(2)(ii): States that the PSD requirement for an air quality review is identical to that required of all stationary sources.

Paragraph (k)(2)(iii): States that the Commissioner may, if necessary, require the owner or operator of the new source or modification to conduct certain postconstruction air quality monitoring and to submit an analysis of the air quality monitoring data that is collected.

Paragraph (k)(2)(iv): States that the owner or operator of the new source or modification must submit to the Commissioner additional analyses of the impairment to air, visibility, soils and vegetation that would result from the construction and operation of the new source and from the general commercial, residential, industrial and other growth associated with the new source or modification.

Subparagraph (k)(2)(v)(a): Explains that exemptions from the requirements of postconstruction air quality monitoring and additional impact analyses are available if certain conditions are fulfilled. The various conditions are self-explanatory and are subject to various qualifications in subparagraphs (b), (c) and (d).

Paragraph (k)(2)(vi): Lists the information that the owner or operator must submit to the Commissioner under subsection (k).

Paragraph (k)(2)(vii): Lists the public participation requirements that must be satisfied under subsection (k).

Subsection (2): The inclusion of this entirely new subsection was necessitated by federal regulations promulgated in Title 40 of the Code of Federal Regulations Part 51 and Part D of the Clean Air Act of 1977 for "non-attainment areas" which are areas where national ambient air quality standards are being violated.

Because existing state and federal regulations were not adequate to attain and maintain those standards, the new federal regulations mandate additional air pollution controls on existing sources and permit new stationary source construction and modification only where they would not interfere with progress toward the attainment and maintenance of appropriate air quality standards. This progress toward attainment is accomplished by securing sufficient additional emission reductions from existing sources to more than make up for the new emissions. This growth accommodation in turn can be accomplished on a case-by-case basis or by means of an "accommodative SIP." The latter approach would commit the State to adding enough additional controls on existing sources of air pollution to create a "growth margin" for new construction. The State intends to follow such an approach with respect to attainment of the ozone standard by controlling hydrocarbon emissions from existing sources.

Connecticut is also non-attainment with respect to ambient concentrations of particulate matter and carbon monoxide. The case-by-case approach called "offsets" will be used when new sources which would emit these pollutants are constructed or modified. Under this approach a new stationary source or modification which would have emissions of an

applicable pollutant above a specified level and which would exacerbate a violation of an air quality standard for that pollutant must comply with certain requirements under the federal regulations. Exacerbation of a violation is defined in subsection (c)(7)(i) as a specific amount of air quality impact. The requirements are that the owner or operator must demonstrate implementation of the lowest achievable emission rate of that pollutant from the new source or modification; he must offset the increase in actual emissions of the particular pollutant by securing emission reductions from existing sources; he must demonstrate that the offsets will produce a net air quality benefit; and he must demonstrate that other stationary sources he owns or operates in the State are in compliance with applicable regulations. Finally, there must be adequate opportunity for public participation and input in the permit evaluation process. As with subsection (k), every attempt was made to not impose additional restrictions beyond those required by federal regulation.

Subdivision (l)(1): Specifies those new stationary sources and modifications which are subject to or exempt from the non-attainment requirements.

Paragraph (l)(1)(i): States that a new or modified source which has potential and allowable emissions of an applicable pollutant above specified levels and which is located in a non-attainment area for that pollutant must comply with the non-attainment requirements.

Paragraph (l)(1)(ii): States that a new or modified source which has potential and allowable emissions of an applicable pollutant above specified levels and which is located in an attainment area for that pollutant and which has a significant impact on the air quality of a non-attainment area for that pollutant must comply with the non-attainment requirements. Significant impact is defined in subsection (c)(7)(i) as a specific air quality impact measured in micrograms per cubic meter.

Paragraph (l)(1)(iii): Explains that in determining whether or not a stationary source modification has sufficient potential and allowable emissions to be subjected to the non-attainment regulations, these emissions will be considered to accumulate from certain dates. This acknowledges that stationary sources seldom experience a single modification, but are modified from time to time and in varying degrees as a result of many different considerations.

Paragraph (l)(1)(iv): States that a new source or modification that was subject to pre-existing non-attainment requirements are exempt from the requirements under subsection (l).

Paragraph (l)(1)(v): Explains that when an identifiable piece of process equipment within a source is modified, but not reconstructed, it may be exempt from the non-attainment requirements provided that the increase in emissions of a non-attainment pollutant which the modification produces is offset by emission decreases elsewhere at the source and provided that no adverse ambient air quality impact would occur. Reconstruction is a defined term in Section 1.

Paragraph (l)(1)(vi): Explains that a resource recovery facility may be exempt from the requirements pertaining to emission offsets and a net air quality benefit, if it would not cause or exacerbate the violation of a primary air quality standard for certain pollutants and would produce an overall environmental benefit in terms of air quality, solid waste management, energy conservation, etc.

Paragraph (l)(1)(vii): States that the non-attainment requirements pertaining to emission offsets and a net air quality benefit shall not apply with respect to any pollutant for which the Commissioner has submitted and received approval on an "accommodative SIP" revision.

Paragraph (l)(2)(i): States that the owner or operator of a new stationary source or modification that is subject to the non-attainment requirements with respect to ozone and carbon monoxide must submit an analysis of alternate sites, sizes, production processes and environmental control techniques that are reasonably available. And, he must demonstrate that the benefits of the proposed source or modifications significantly outweigh the environmental and social costs imposed by its location and construction.

Subdivision (l)(3): Summarizes the non-attainment requirements.

Paragraph (l)(3)(i): States that a new source or modification with sufficient emissions of an applicable pollutant and having a significant impact on an area designated non-attainment for that pollutant must comply with the lowest achievable emission rate for that pollutant.

Subparagraph (l)(3)(i)(a): States that the specified LAER cannot be greater than an applicable federal standard.

Subparagraph (l)(3)(i)(b): States that LAER applies as long as the source is located in the non-attainment area.

Paragraph (l)(3)(ii): States that emission reductions or "offsets" of the applicable pollutant must be secured from existing sources which are in the area of the proposed source or modification. Moreover, the offsets must be accomplished by the time the new stationary source or modification is to commence operation. The offsets must be such that allowable emissions of the pollutant from all sources in the area are less than allowable emissions from all sources in the area previous to filing the permit application for the new source or modification. The following subparagraphs determine an offset's acceptability.

Subparagraph (l)(3)(ii)(a): Offset credit is allowed only for emission reductions below the level required by existing federal and State air pollution regulations.

Subparagraph (l)(3)(ii)(b): Proposed offsets may involve emission reductions from stationary sources controlled by the new source owner or by others.

Subparagraph (l)(3)(ii)(c): An emission offset that is acceptable must be incorporated into a legally enforceable document applicable to the source producing the reduction and must be accomplished by the time the proposed source is to commence operation.

Subparagraph (l)(3)(ii)(d): The State or any subdivision of the State may, as a result of a SIP revision, commit to reducing emission from existing stationary sources to allow the construction of one or more new stationary sources.

Subparagraph (l)(3)(ii)(e): When an acceptable offset is in excess of the required amount, the excess may be "banked" and will be eligible for consideration as a future offset.

Subparagraph (l)(3)(ii)(f): The total emission reduction must be greater than the proposed emissions and must produce a net air quality benefit.

Subparagraph (l)(3)(ii)(g): Offsets are not required for a proposed stationary source or modification whose emissions of an applicable pollutant would not cause or exacerbate a violation of an ambient air quality standard.

Subparagraph (l)(3)(ii)(h): Offsets must be transacted on an hourly basis, at least. But other periods may also be stipulated.

Subparagraph (l)(3)(ii)(i): Offsets which do not come from the emissions inventory must be approved by the Commissioner and Administrator.

Subparagraph (l)(3)(ii)(j): Offsets between different kinds of pollutants are unacceptable.

Subparagraph (l)(3)(ii)(k): Offsets must come from the same Air Quality Control Region in Connecticut as the proposed source, except that offsets for hydrocarbon emissions can come from anywhere in Connecticut.

Subparagraph (l)(3)(ii)(l): If a source ceases operations and fails to renew its operating permit or fails to transfer ownership of its operating permit or registration certificate, the allowable emissions from the source will be eliminated from the emissions inventory and will become available for use as offset credit by the State of Connecticut, Department of Economic Development. The Commissioner shall consider all relevant facts in making a determination that a source has ceased operations. Prior to making such a determination the Commissioner shall inform the owner or operator of his intent. The owner or operator may appeal the Commissioner's decision within 30 days of notice and request a hearing.

Paragraph (l)(3)(iii): Specifies the air quality review requirements.

Subparagraph (l)(3)(iii)(a): States that emission offsets must produce a net air quality benefit.

Subparagraph (l)(3)(iii)(b): States that a net air quality benefit is required only when the operation of the proposed source or modification would cause or exacerbate a violation of an ambient air quality standard.

Subparagraph (l)(3)(iii)(c): Explains that a net air quality benefit will have been demonstrated when the maximum impact of the reduced emissions is larger by a specific amount than the emissions from the proposed source or modification. This benefit must be realized over the same basic area of population impact of the new source or modification.

Subparagraph (l)(3)(iii)(d): The requirements of offsets and a net air quality benefit shall not apply to a new source or modification, if the source would permanently cease operation or move from the non-attainment area within two years of commencing operation.

Paragraph (l)(3)(iv): Specifies an additional obligation of the owner or operator of the new source or modification.

Subparagraph (l)(3)(iv)(a): The owner or operator must demonstrate that all stationary sources owned, operated or controlled by him are in compliance or are working toward compliance with all applicable air pollution regulations.

Subparagraph (l)(3)(iv)(b): The owner or operator must demonstrate that the stationary source, which is owned or operated by him in the Connecticut portion of the same Air Quality Control Region as the proposed source and which is under enforcement order, is under the most expeditious compliance schedule.

Paragraph (l)(3)(v): The non-attainment requirements for public participation are identical to the attainment requirements.

Paragraph (l)(3)(vi): The source information requirements in a non-attainment area are identical to those in an attainment area.

19-508-6 Air pollution emergency episode procedures

Subsection (a): A stagnation advisory from the National Weather Service will no longer be needed to declare an emergency. The DEP will use its own monitoring network to determine when an emergency should be declared.

Subsection (b): The requirements for declaring an Alert, Warning or Emergency due to high levels of sulfur dioxide, particulates or nitrogen dioxide are in this subsection. The amendments to this subsection represent a change from the current four-stage program to a three-stage program. The air pollutant levels at which each stage would be declared are not changed. The actions required under this subsection would apply only to stationary sources. The references to carbon monoxide and oxidants are moved to new subsection (g).

Subsection (c): This subsection describes by type and size, the stationary sources to which these regulations apply. Also listed are the actions which must be taken at the Alert, Warning or Emergency stages. This subsection was rewritten to incorporate minor changes.

Subsections (d), (e) and (f): Only minor corrections are made to these subsections which require preplanned abatement strategies, assistance to another state or action by a few sources, respectively.

Subsection (g): This new subsection spells out the requirements for oxidant and carbon monoxide emergency episodes. The monitored levels for carbon monoxide remain the same, but those for oxidants are increased. This change brings these requirements in line with current federal standards.

19-508-8 Compliance plans and schedules

The changes in subdivisions (c)(1) and (c)(2) will allow a phased-in compliance schedule to be developed by source subject to new provisions in subsections 19-508-20(1) through (r). The plan would call for compliance as expeditiously as practicable but no later than July 1, 1985. Without the provisions of these subdivisions, sources would have to be in compliance as soon as the substantive regulations are certified.

Also, new subsection (j) is added. The Commissioner, if petitioned by twenty-five persons, would have to conduct an investigative hearing. This hearing would be to determine the feasibility of expanding the provisions of subsection 19-508-20(cc) to other sections of these regulations. This would allow owners of stationary sources to submit an alternative emission reduction plan for certain pollutants.

19-508-9 Prohibition of air pollution

Subsection (a): The only change here is the deletion of a reference to a subsection of Section 19-508-1. The change is proposed to bring Section 19-508-9 into conformity with the proposed elimination of subsection designations for the definitions contained in Section 19-508-1.

19-508-13 Variances

Subsection (a): The only change here is the deletion of a reference to a subsection of Section 19-508-1. The change is proposed to bring Section 19-508-9 into conformity with the proposed elimination of subsection designations for the definitions contained in Section 19-508-1.

19-508-18(b) Fugitive particulate matter

Subdivision (b)(1): This subdivision requires the use of reasonable precautions to prevent particulate matter from becoming airborne.

Reasonable precautions are defined for specific types of activities. In general, the language of this subdivision was rewritten to state the type of activity first and then to define the method of control. New paragraphs (b)(1)(vi) through (b)(1)(xi) clarify the control methods for these specific activities. In the past, the existing regulation has been enforced for these areas.

Subdivision (b)(2): This is to inform any person who operates a particulate control system that the provisions of subsection 19-508-18(e) also must be met. This requirement is currently in subsection 19-508-18(e).

Subdivision (b)(3): Only minor word changes are proposed.

Subdivision (b)(4): This new subdivision requires the approval of the Commissioner before a building may be demolished by explosives.

Subdivisions (b)(5) and (b)(6): Only minor word changes are proposed.

19-508-20 Control of organic compound emissions

Subsection (a): Definitions for this section have been included. There are no changes in the substantive requirements of this subsection.

Subdivisions (b)(1), (b)(2) and (b)(3): Other than minor word changes throughout these subdivisions, the only major change is in (b)(1)(ii). An emission standard has been added. In the past this equipment had to meet an efficiency standard. This emission standard is easier to measure and has been recommended by the U.S. EPA as a reasonably available control technique.

Subdivision (b)(4): New requirements for bulk gasoline plants in line with U.S. EPA recommendations are proposed.

Subdivisions (b)(5) through (b)(10): These subdivisions outline the requirements for a new program which is commonly referred to as Stage I Vapor Recovery. These requirements would apply statewide to any service station with annual sales of more than 120,000 gallons. The control system would have to be tested by nationally recognized safety testing laboratories.

Subsections (c), (d) and (e): Only minor word changes are proposed.

Subsection (f): In subdivision (f)(1) the emission limitation is raised and subdivision (f)(3) is removed.

Subsections (g), (h), (i) and (j): Only minor word changes are proposed.

Subsections (l) through (r): These subsections adopt the requirements for reasonably available control technology for certain industries. These standards were developed by the U.S. EPA and have been proposed for adoption by other states.

19-508-22 Control of nitrogen oxide emissions

Subdivision (a)(2): New emission standards are proposed for existing sources where it is technologically impractical to comply with the current standards.

19-508-23 Control of odors

Subdivisions (c)(1) and (c)(2): Agricultural activities, cars and buses would be exempted from the requirements of this section.

19-508-100 Permits for the construction of indirect sources

In subdivision (a)(1) the permit requirements for airports are eliminated and the definition of an indirect source is changed to include only projects in the state highway system. Subdivisions (a)(2), (a)(3) and (a)(4) are deleted and subdivisions (a)(5), (a)(6), (a)(7), and (a)(8) are renumbered.

In subsection (b) the permit review criteria has been substantially modified. Most of this subsection has been dropped. The new permit program will require a three step review process. The review for stage I will be at the transportation system level to ensure that the project is part of a regional plan which is in conformance with the SIP.

Under subdivision (b)(2) the stage II review will be at the transportation corridor level. This will ensure that the source will not cause a violation of any applicable air quality standard for which there is an acceptable methodology to perform an impact analysis.

New subdivision (b)(3) requires a stage III review at the project level. This review will ensure that at each intersection either there will be no violation of the carbon monoxide standards, or that where there is an existing violation there will be at least a ten percent reduction in the level of carbon monoxide.

Subsection (c) deals with the actions taken on an application. Subdivision (c)(1) is unchanged. New subdivision (c)(2) requires a decision in five days for a stage I application and the completion of a preliminary evaluation within thirty days for stages II and III. Existing subdivision (c)(2) is renumbered as (c)(3) with the elimination of existing paragraph (c)(2)(iii). Existing subdivisions (c)(3) through (c)(6) are renumbered with minor changes.

Subsection (d) has been renumbered and rewritten so that construction must begin within one year of the issuance of a stage III permit.

Subsection (e) which deals with indirect source operating permits has been removed. In its place is a requirement if construction is not commenced within the time period specified in the stage III permit then

the application for renewal must be made forty-five days before the expiration of the time period.

Subsection (f) which deals with the granting of an indirect source operating permit has been eliminated.

In subsection (g) the reference to operating permits is removed and this subsection is renumbered as subsection (f).

Subsection (h) which deals with the revocation of an operating permit is deleted.

Subsection (i) is renumbered as subsection (g) and references to operating permits are removed. Also in subdivision (i)(2) the request for a hearing would be limited to any party aggrieved by the denial, revocation or modification of a construction permit.

Subsection (j) is renumbered as subsection (h). Also, any hearing conducted under this subsection may be part of a hearing required by other laws or regulations of the State or Federal government.

Subsections (k) and (l) are renumbered as subsections (i) and (j) respectively.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OFFICE BUILDING HARTFORD, CONNECTICUT 06115



1 Section 19-508-1 Of The Regulations Of Connecticut State Agencies Is
2 Amended As Follows:

3 "ACTUAL EMISSIONS" MEANS THE EMISSION RATE, AFTER APPLICATION
4 OF AIR POLLUTION CONTROL EQUIPMENT, OF A PARTICULAR POLLUTANT
5 WHERE THE EMISSION RATE IS CALCULATED USING THE MAXIMUM RATED
6 CAPACITY OF THE SOURCE, UNLESS THE SOURCE IS SUBJECT TO ENFORCEABLE
7 PERMIT CONDITIONS WHICH LIMIT THE MAXIMUM RATED CAPACITY BY
8 RESTRICTING THE OPERATING RATE OR HOURS OF OPERATION OF THE
9 SOURCE, OR THE TYPE OR AMOUNT OF MATERIALS COMBUSTED OR PROCESSED.

10 "ADMINISTRATOR" MEANS THE ADMINISTRATOR OF THE UNITED STATES
11 ENVIRONMENTAL PROTECTION AGENCY.

12 [(a)] "Air pollutant" means dust, fumes, mist, smoke, other
13 particulate matter, vapor, gas, aerosol, odorous substances,
14 or any combination thereof, but does not include carbon dioxide,
15 uncombined water vapor or water droplets, or molecular oxygen
16 or nitrogen.

17 [(b)] "Air pollution" means the presence in the outdoor (ambient)
18 atmosphere of one or more air pollutants or any combination
19 thereof in such quantities and of such characteristics and
20 duration as to be, or be likely to be, injurious to public
21 welfare, to the health of human, plant or animal life, or to
22 property, or as unreasonably to interfere with the enjoyment
23 of life and property.

24 "ALLOWABLE EMISSIONS" MEANS THE EMISSION RATE OF A PARTICULAR
25 POLLUTANT WHERE THE EMISSION RATE IS CALCULATED USING THE

1 MAXIMUM RATED CAPACITY OF THE SOURCE, UNLESS THE SOURCE IS
2 SUBJECT TO ENFORCEABLE PERMIT CONDITIONS WHICH LIMIT THE
3 MAXIMUM RATED CAPACITY BY RESTRICTING THE OPERATING RATE OR
4 HOURS OF OPERATION OF THE SOURCE, AND THE MOST STRINGENT OF
5 THE FOLLOWING:

6 (i) APPLICABLE STANDARDS AS SET FORTH IN TITLE 40 OF THE CODE
7 OF FEDERAL REGULATIONS PART 60 AND PART 61, AS FROM TIME
8 TO TIME MAY BE AMENDED,

9 (ii) THE APPLICABLE EMISSION LIMITATION UNDER THESE REGULATIONS,
10 OR

11 (iii) THE EMISSION RATE SPECIFIED AS A PERMIT CONDITION.

12 "AMBIENT AIR" MEANS THAT PORTION OF THE ATMOSPHERE EXTERNAL TO
13 BUILDINGS.

14 [(c)] "Ambient air quality standard" means any standard which establishes
15 the largest allowable concentration of a specific pollutant in
16 the ambient air of a region or subregion as established by the
17 [f]Federal [e]Environmental [p]Protection [a]Agency or by the
18 [c]Commissioner.

19 [(d)] "Architectural coating" means a coating used for residential
20 or commercial buildings and their appurtenances, or industrial
21 buildings, or other outdoor structures.

22 "ATTAINMENT" SHALL MEAN THAT THE QUALITY OF THE AMBIENT AIR,
23 AS DETERMINED BY THE COMMISSIONER, MEETS PRIMARY AND SECONDARY
24 STATE AND NATIONAL AMBIENT AIR QUALITY STANDARDS FOR A GIVEN
25 POLLUTANT.

26 "BEST AVAILABLE CONTROL TECHNOLOGY" OR "BACT" MEANS AN EMISSION
27 LIMITATION, INCLUDING A VISIBLE EMISSION STANDARD, BASED ON
28 THE MAXIMUM DEGREE OF REDUCTION FOR EACH APPLICABLE POLLUTANT

1 FROM ANY PROPOSED STATIONARY SOURCE OR MODIFICATION WHICH THE
2 COMMISSIONER, ON A CASE-BY-CASE BASIS, DETERMINES IS GENERALLY
3 ACHIEVABLE FOR SUCH SOURCE OR MODIFICATION THROUGH APPLICATION
4 OF PRODUCTION PROCESSES OR AVAILABLE METHODS, SYSTEMS, AND
5 TECHNIQUES, INCLUDING FUEL CLEANING OR TREATMENT OR INNOVATIVE
6 FUEL COMBUSTION TECHNIQUES FOR CONTROL OF SUCH POLLUTANT. IN
7 DETERMINING BACT THE COMMISSIONER SHALL TAKE INTO ACCOUNT
8 ENERGY, ENVIRONMENTAL AND ECONOMIC IMPACTS AND OTHER COSTS.
9 IN NO EVENT SHALL THE APPLICATION OF BACT RESULT IN EMISSIONS
10 OF ANY POLLUTANT WHICH WOULD EXCEED THE EMISSIONS ALLOWED BY
11 AN APPLICABLE STANDARD UNDER TITLE 40 OF THE CODE OF FEDERAL
12 REGULATIONS PART 60 AND PART 61, AS FROM TIME TO TIME MAY BE
13 AMENDED. IN DETERMINING BACT FOR A RECONSTRUCTED SOURCE, THE
14 COMMISSIONER SHALL TAKE INTO ACCOUNT THE PROVISIONS OF TITLE
15 40 OF THE CODE OF FEDERAL REGULATIONS PART 60.15 (f)(4), AS
16 FROM TIME TO TIME MAY BE AMENDED, IN ASSESSING WHETHER A
17 STANDARD OF PERFORMANCE UNDER PART 60 IS APPLICABLE TO SUCH
18 SOURCE. IF THE COMMISSIONER DETERMINES THAT TECHNOLOGICAL OR
19 ECONOMIC LIMITATIONS ON THE APPLICATION OF MEASUREMENT METHODOLOGY
20 TO A PARTICULAR CLASS OF SOURCES WOULD MAKE THE IMPOSITION OF
21 AN EMISSION STANDARD INFEASIBLE, HE MAY PRESCRIBE A DESIGN,
22 EQUIPMENT, WORK PRACTICE OR OPERATIONAL STANDARD, OR COMBINATION
23 THEREOF, TO REQUIRE THE APPLICATION OF BACT. SUCH STANDARD
24 SHALL, TO THE DEGREE POSSIBLE, SET FORTH THE EMISSION REDUCTION
25 ACHIEVABLE BY IMPLEMENTATION OF SUCH DESIGN, EQUIPMENT, WORK
26 PRACTICE OR OPERATION AND SHALL PROVIDE FOR COMPLIANCE BY
27 MEANS WHICH ACHIEVE EQUIVALENT RESULTS.

28 [(e)] "BTU" means British thermal unit, which is the amount of heat

1 required to raise the temperature of one pound of water one
2 degree Fahrenheit.

3 "CLASS I" MEANS ANY AREA DESIGNATED AS SUCH BY FEDERAL OR
4 STATE GOVERNMENT PURSUANT TO FEDERAL REGULATIONS FOR THE
5 PREVENTION OF SIGNIFICANT DETERIORATION OF AIR QUALITY, AS
6 PROVIDED IN TITLE 40 OF THE CODE OF FEDERAL REGULATIONS PART
7 51 AND PART 52, AS FROM TIME TO TIME MAY BE AMENDED.

8 [(f) "Commenced" or "Commencement" means that an owner or operator
9 has undertaken a continuous program of construction or modification
10 or has entered into a binding agreement or contractual obligation
11 for the construction or modification, within a reasonable
12 time, of equipment or processes that directly affect emissions
13 from the source.]

14 "COMMENCE" OR "COMMENCEMENT" AS APPLIED TO CONSTRUCTION OF A
15 STATIONARY SOURCE OR MODIFICATION MEANS THAT THE OWNER OR
16 OPERATOR HAS ALL NECESSARY PERMITS OR APPROVALS REQUIRED UNDER
17 FEDERAL AIR QUALITY CONTROL LAWS AND THESE REGULATIONS, AND
18 HAS EITHER:

19 (i) BEGUN, OR CAUSED TO BEGIN, A PROGRAM OF PHYSICAL ON-SITE
20 CONSTRUCTION OF THE SOURCE:

21 (1) SUBJECT TO A SCHEDULE WHICH WILL LEAD TO COMPLETION
22 IN A REASONABLE TIME, AND

23 (2) WITHOUT ANY BREAKS IN SUCH CONSTRUCTION OF MORE THAN
24 18 MONTHS; OR

25 (ii) ENTERED INTO SITE SPECIFIC BINDING AGREEMENTS OR CONTRACTUAL
26 OBLIGATIONS, WHICH CANNOT BE CANCELLED OR MODIFIED WITHOUT
27 SUBSTANTIAL LOSS TO THE OWNER OR OPERATOR, TO UNDERTAKE A
28 PROGRAM OF CONSTRUCTION OF THE SOURCE TO BE COMPLETED

1 WITHIN A REASONABLE TIME.

2 [(g)] "Commissioner" means the Commissioner of Environmental Protection,
3 or the Deputy Commissioner for Environmental Quality.

4 [(k)] "Deterioration in air quality" means that a pollutant
5 concentration in a region or subregion for any pollutant
6 specified in these regulations will exceed the maximum pollutant
7 concentration for the specified time period for that region of
8 subregion.

9 "DISPERSION TECHNIQUE" MEANS ANY METHOD WHICH ATTEMPTS TO
10 AFFECT THE CONCENTRATION OF A POLLUTANT IN THE AMBIENT AIR BY

11 (i) USE OF THAT PORTION OF A STACK WHICH EXCEEDS THE GOOD
12 ENGINEERING PRACTICE STACK HEIGHT,

13 (ii) VARYING THE RATE OF EMISSION OF A POLLUTANT ACCORDING TO
14 ATMOSPHERIC CONDITIONS OR AMBIENT CONCENTRATIONS OF THAT
15 POLLUTANT, OR

16 (iii) THE MANIPULATION OF SOURCE PROCESS PARAMETERS, EXHAUST
17 GAS PARAMETERS, STACK PARAMETERS OTHER THAN HEIGHT, OR
18 OTHER SELECTIVE HANDLING OF EXHAUST GAS STREAMS SO AS TO
19 INCREASE THE EXHAUST GAS PLUME RISE.

20 THE PRECEDING SENTENCE DOES NOT PRECLUDE THE REHEATING OF A
21 GAS STREAM, FOLLOWING USE OF A POLLUTION CONTROL SYSTEM, FOR
22 THE PURPOSE OF RETURNING THE GAS TO THE TEMPERATURE AT WHICH
23 IT WAS ORIGINALLY DISCHARGED FROM THE FACILITY GENERATING THE
24 GAS STREAM.

25 [(1)] "Emission" means the act of releasing or discharging air
26 pollutants into the ambient air from any source.

27 "EMISSION LIMITATION" AND "EMISSION STANDARD" MEAN A REQUIREMENT
28 ESTABLISHED BY THE COMMISSIONER OR THE ADMINISTRATOR WHICH

1 LIMITS THE QUANTITY, RATE, OR CONCENTRATION OF EMISSIONS OF
2 AIR POLLUTANTS ON A CONTINUOUS BASIS, INCLUDING ANY REQUIREMENT
3 WHICH LIMITS THE LEVEL OF OPACITY, PRESCRIBES EQUIPMENT OR
4 FUEL SPECIFICATIONS, OR RELATES TO THE OPERATION OF MAINTENANCE
5 OF A SOURCE TO ASSURE CONTINUOUS EMISSION REDUCTION.

6 "EXCESSIVE CONCENTRATION" FOR THE PURPOSE OF DETERMINING GOOD
7 ENGINEERING PRACTICE STACK HEIGHTS IN FLUID MODELING STUDIES
8 MEANS A MAXIMUM CONCENTRATION WHICH IS GREATER THAN AN AMBIENT
9 AIR QUALITY STANDARD, OR AN APPLICABLE REMAINING PREVENTION OF
10 SIGNIFICANT DETERIORATION INCREMENT, AND WHICH IS AT LEAST 40
11 PERCENT IN EXCESS OF THE MAXIMUM CONCENTRATION EXPERIENCED IN
12 THE ABSENCE OF DOWNWASH, WAKES, OR EDDY EFFECTS PRODUCED BY
13 NEARBY STRUCTURES OR TERRAIN.

14 [(m)] "Existing ambient pollutant concentration" means the con-
15 centration of a specific pollutant at any point in a region or
16 subregion either as a measured or calculated value adjusted to
17 reflect the impact of any point source or indirect source
18 which is in construction or for which a permit to construct or
19 operate has been issued.

20 [(n)] "Existing indirect source" means any indirect source, the
21 construction or modification of which is commenced prior to
22 October 1, 1974.

23 [(o)] "Existing point source" means any point source, the construction
24 or modification of which is commenced prior to [June 1, 1972]
25 JULY 1, 1979.

26 [(p)] "Flare" means an apparatus or contrivance for the burning of
27 flammable gases or vapors at or near the exit of a stack, flue
28 or vent.

1 [(q)] "Fuel-burning equipment" means any furnace, boiler, apparatus,
2 stack, and all appurtenances thereto, used in the process of
3 burning fuel for the primary purpose of producing heat or
4 power.

5 [(r)] "Fugitive dust" means solid airborne particulate matter emitted
6 from any source other than through a stack.

7 "GOOD ENGINEERING PRACTICE STACK HEIGHT" MEANS THAT STACK
8 HEIGHT NECESSARY TO ENSURE THAT EMISSIONS FROM THE STACK DO
9 NOT RESULT IN EXCESSIVE CONCENTRATIONS OF ANY AIR POLLUTANT IN
10 THE IMMEDIATE VICINITY OF THE SOURCE AS A RESULT OF ATMOSPHERIC
11 DOWNWASH, WAKES, OR EDDY EFFECTS WHICH MAY BE CREATED BY THE
12 SOURCE ITSELF, NEARBY STRUCTURES, OR NEARBY TERRAIN OBSTACLES
13 AND SHALL NOT EXCEED AS APPROPRIATE:

14 (i) 30 METERS, FOR A STACK UNINFLUENCED BY STRUCTURES OR
15 TERRAIN;

16 (ii) THE HEIGHT OF THE STRUCTURE OR NEARBY STRUCTURE PLUS ONE
17 AND ONE HALF-TIMES THE LESSER DIMENSION (HEIGHT OR WIDTH)
18 OF THE STRUCTURE OR NEARBY STRUCTURE; OR

19 (iii) SUCH HEIGHT AS AN OWNER OR OPERATOR OF A SOURCE DEMONSTRATES
20 THROUGH THE USE OF A FIELD STUDY OR FLUID MODEL IS NECESSARY
21 TO ENSURE THAT EMISSIONS FROM THE STACK DO NOT RESULT IN
22 EXCESSIVE CONCENTRATIONS OF ANY AIR POLLUTANT IN THE
23 IMMEDIATE VICINITY OF THE SOURCE.

24 [(s)] "Incinerator" means any device, apparatus, equipment, or
25 structure used for destroying, reducing, or salvaging by fire
26 any material or substance including, but not limited to,
27 refuse, rubbish, garbage, trade waste, debris or scrap; or
28 facilities for cremating human or animal remains. For further

1 definitions related to incineration, see [section] SUBDIVISION
2 19-508-18(c)(1).

3 [(h)] "Indirect source" means any building, structure, facility
4 installation or combination thereof, that has or leads to
5 associated activity as a result of which any air pollutant is
6 or may be emitted. Indirect sources include, but are not
7 limited to: shopping centers, sports complexes; drive-in
8 theaters or restaurants; parking lots or garages; residential,
9 commercial, industrial or institutional buildings or developments;
10 amusement parks and other recreational areas; highways; airports
11 and combinations thereof.

12 [(i)] "Indirect source construction permit" means a permit for the
13 construction of an indirect source which is required to insure
14 that the proposed indirect source will neither prevent nor
15 interfere, either directly or indirectly, with the attainment
16 or maintenance of any applicable ambient air quality standard.

17 [(j)] "Indirect source operating permit" means a permit which is
18 required to insure that the operation of an indirect source
19 will neither prevent nor interfere, either directly or indirectly,
20 with the attainment or maintenance of any applicable ambient
21 air quality standard.]

22 "LOWEST ACHIEVABLE EMISSION RATE" OR "LAER" MEANS THE RATE OF
23 EMISSIONS WHICH REFLECTS:

24 (i) THE MOST STRINGENT EMISSION LIMITATION WHICH IS CONTAINED
25 IN ANY STATE IMPLEMENTATION PLAN FOR SUCH CLASS OR CATEGORY
26 OF SOURCE, UNLESS SUCH LIMITATION CANNOT BE ACHIEVED IN
27 PRACTICE; OR

28 (ii) THE MOST STRINGENT EMISSION LIMITATION WHICH IS ACHIEVED

1 IN PRACTICE BY SUCH SOURCE OR CATEGORY OF SOURCE, WHICHEVER
2 IS MORE STRINGENT.

3 IN NO EVENT SHALL THE APPLICATION OF THIS TERM PERMIT A PROPOSED
4 NEW OR MODIFIED SOURCE TO EMIT ANY POLLUTANT IN EXCESS OF THE
5 AMOUNT ALLOWABLE UNDER APPLICABLE STANDARDS IN TITLE 40 OF THE
6 CODE OF FEDERAL REGULATIONS PART 60 AND PART 61, AS FROM TIME
7 TO TIME MAY BE AMENDED.

8 [(t)] "Maximum pollutant concentration" means the largest concentration
9 of a specific pollutant in a region or subregion either as a
10 measured or calculated value, as determined by the Commissioner,
11 for the twelve months ending on June 30, 1972. The time
12 periods to be averaged for the purpose of establishing maximum
13 pollutant concentrations shall be as follows: for sulfur
14 oxides, particulate matter, and nitrogen dioxide, one year;
15 for carbon monoxide, eight hours; for photochemical oxidants,
16 one hour; for hydrocarbons, three hours.

17 "MAXIMUM RATED CAPACITY" MEANS THE DESIGN MAXIMUM HOURLY
18 CAPACITY MULTIPLIED BY 365 DAYS PER YEAR AND 24 HOURS PER DAY.

19 [(u)] "Mobile source" means a source designed or constructed to move
20 from one location to another DURING NORMAL OPERATION [or to be
21 portable] and includes, but is not limited to, automobiles,
22 buses, trucks, tractors, earth moving equipment, hoists,
23 cranes, mobile power generators, aircraft, locomotives operating
24 on rails, vessels for transportation on water, lawnmowers, and
25 other small home appliances.

26 [(v)] "Modify" or "[M]odification" means making any physical change
27 in, [or] change in the method of operation of, OR ADDITION TO
28 a STATIONARY source which increases the [amount] POTENTIAL

1 EMISSION RATE TO THE AMBIENT AIR of any air pollutant [(to
2 which a standard applies)] REGULATED UNDER THESE REGULATIONS
3 [emitted by such facility, or which results in the emission of
4 any air pollutant (to which a standard applies)] INCLUDING ANY
5 not previously emitted TO THE AMBIENT AIR;. OR WHICH INCREASES
6 THE AMBIENT IMPACT ON ANY AREA OF THE STATE OF POLLUTANTS THAT
7 ARE EMITTED TO THE AMBIENT AIR BY THE SOURCE AND FOR WHICH
8 DISPERSION MODELS HAVE BEEN ADOPTED BY THE COMMISSIONER AND
9 THE ADMINISTRATOR, E.G. A REDUCTION IN A SOURCE'S STACK HEIGHT
10 OR A CHANGE IN A SOURCE'S LOCATION FROM ONE PLANT TO ANOTHER,
11 EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (5) BELOW; or which
12 increases the maximum rated processing or fuel burning capacity
13 of the source, except that:

- 14 (1) Routine maintenance, repair and replacement shall not be
15 considered physical changes, and
16 (2) The following shall not be considered a change in the
17 method of operation, UNLESS PREVIOUSLY LIMITED BY ENFORCEABLE
18 PERMIT CONDITIONS OR OTHER LEGAL ACTION:
19 (i) An increase in the production rate, if such increase
20 does not exceed the operating design capacity of the
21 affected facility;
22 (ii) An increase in hours of operation;
23 (iii) Use of an alternative fuel or raw material if SUCH
24 SOURCE IS NOT SUBJECT TO THE REQUIREMENTS OF SUBDIVISION
25 19-508-3 (k)(2) OR (l)(3) AND, prior to the date any
26 standard under this part becomes applicable to such
27 source, the affected facility is designed to accommodate
28 such alternative [use] FUEL OR MATERIAL, OR IF SUCH

1 SOURCE IS SUBJECT TO THE REQUIREMENTS OF SUBDIVISION
2 19-508-3 (k)(2) AND PRIOR TO JANUARY 6, 1975 THE
3 AFFECTED FACILITY WAS DESIGNED TO ACCOMMODATE SUCH
4 ALTERNATIVE FUEL OR MATERIAL, OR IF SUCH SOURCE IS
5 SUBJECT TO THE REQUIREMENTS OF SUBDIVISION 19-508-3
6 (l)(3) AND PRIOR TO DECEMBER 22, 1976 THE AFFECTED
7 FACILITY WAS CAPABLE OF ACCOMMODATING SUCH ALTERNATIVE
8 FUEL OR MATERIAL; OR IF THE SOURCE IS DIRECTED TO
9 CHANGE FUELS BY REASON OF AN ORDER IN EFFECT UNDER
10 SECTION 2 (a) AND (b) OF THE ENERGY SUPPLY AND
11 ENVIRONMENTAL COORDINATION ACT OF 1974 OR ANY SUPERSEDING
12 LEGISLATION, OR BY REASON OF A NATURAL GAS CURTAILMENT
13 PLAN IN EFFECT PURSUANT TO THE FEDERAL POWER ACT, OR
14 BY REASON OF AN ORDER OR RULE UNDER SECTION 125 OF
15 THE FEDERAL CLEAN AIR ACT.

16 (3) Any change, the sole purpose of which is to bring an
17 existing source into compliance with regulations applicable
18 to such source, shall not be considered a modification.

19 (4) Any change to accommodate the use of [municipal waste]
20 fuel DERIVED FROM SOLID WASTE in an existing fossil fuel
21 fired steam generating unit, the primary purpose of which
22 is to generate electric power, shall not be considered a
23 physical change or a change in the method of operation.
24 THIS EXEMPTION FROM THE DEFINITION OF MODIFICATION SHALL
25 NOT BE APPLICABLE TO SUBSECTION 19-508-3 (k). [For the
26 purpose of this paragraph, municipal waste fuel shall
27 mean the combustible fraction of liquid or solid waste
28 consisting of particles of such material as paper,

1 plastics, leather, rubber, textiles, wood, garbage and
2 yard wastes. Such fuel shall be derived from municipal
3 solid waste or sewage sludge through such processes as
4 pyrolysis, anaerobic digestion, or shredding and may be
5 in the form of a powder, a loose shredded condition, a
6 briquette, a liquid or a gas.]

7 (5) RELOCATION OF A STATIONARY SOURCE WITHIN THE BOUNDARY
8 LINES OF ONE OR MORE CONTIGUOUS OR ADJACENT PROPERTIES
9 OWNED BY THE SAME PERSON OR BY PERSONS UNDER COMMON
10 CONTROL SHALL NOT BE CONSIDERED A PHYSICAL CHANGE.

11 [(w)] "Multiple-chamber incinerator" means any article, machine,
12 equipment, contrivance, structure or part of a structure used
13 to dispose of combustible refuse by burning, which consists of
14 two more refractory lined combustion furnaces in series,
15 physically separated by refractory walls, interconnected by
16 gas passage ports or ducts and employing adequate design
17 parameters necessary for maximum combustion of the material to
18 be burned.

19 "NEARBY" AS USED IN THE DEFINITION OF GOOD ENGINEERING PRACTICE
20 STACK HEIGHT IS DEFINED FOR A SPECIFIC TERRAIN FEATURE, AND
21 MEANS THAT DISTANCE EQUAL TO FIVE TIMES THE LESSER OF THE
22 HEIGHT OR WIDTH DIMENSION OF A STRUCTURE OR TERRAIN FEATURE
23 NOT GREATER THAN ONE-HALF MILE.

24 [(x)] "New indirect source" means any indirect source, the construction
25 or modification of which is commenced after October 1, 1974.

26 [(y)] "New point source" means any point source, the construction or
27 modification of which is commenced after [June 1, 1972] JULY 1,
28 1979.

1 "NON-ATTAINMENT" SHALL MEAN THAT THE QUALITY OF THE AMBIENT
2 AIR, AS DETERMINED BY THE COMMISSIONER, FAILS TO MEET ANY
3 PRIMARY OR SECONDARY STATE OR NATIONAL AMBIENT AIR QUALITY
4 STANDARD FOR A GIVEN POLLUTANT.

5 [(z)] "Non-degradation" means that air quality in any region or designated
6 subregion shall not deteriorate, as defined in [subsection (g)
7 of] this section.

8 [(aa)] "Opacity" means the degree to which emissions reduce the
9 transmission of light and obscure the view of an object in the
10 background.

11 [(bb)] "Open-burning" means the burning of any matter in such a
12 manner that the products of combustion resulting from the
13 burning are emitted directly into the ambient air without
14 passing through an adequate stack or flue.

15 "OPERATOR" MEANS THE PERSON OR PERSONS WHO ARE LEGALLY RESPONSIBLE
16 FOR THE OPERATION OF A SOURCE OF AIR POLLUTION.

17 [(cc)] "Organic compounds" means any chemical compounds of carbon
18 excluding carbon monoxide, carbon dioxide, carbonic acid,
19 metallic carbides, metallic carbonates and ammonium carbonate.

20 [(dd)] "Particulate matter" means any material, except water in uncombined
21 form, that is or has been airborne and exists as a liquid or a
22 solid at standard conditions.

23 [(ee)] "Person" means any individual, corporation, partnership, firm,
24 association, trust, estate, public or private institution,
25 group, agency, political subdivision of this state, any other
26 state, the United States, or political subdivision or agency
27 thereof or any legal successor, representative, agent, or any
28 agency of the foregoing.

1 [(ff)] "Point source" means any mobile source, process source or
2 stationary source which is subject to emissions rate standards
3 or other emissions standards imposed by these regulations.

4 [(gg)] "Point source construction permit" means a permit for the
5 construction of a point source which is required to insure (1)
6 that the proposed point source will not be in violation of any
7 applicable emissions rate standards imposed by these regulations
8 and (2) that the proposed point source will neither prevent
9 nor interfere directly with the attainment or maintenance of
10 any applicable ambient air quality standards.

11 [(hh)] "Point source permit to operate" means a permit which is
12 required to insure (1) that the operation of a point source
13 will be in compliance with any applicable emissions rate
14 standards imposed by these regulations and (2) that the operations
15 of a point source will neither prevent nor interfere directly
16 with the attainment or maintenance of any applicable ambient
17 air quality standard.

18 "POTENTIAL EMISSIONS" MEANS THE EMISSION RATE, IN THE ABSENCE
19 OF AIR POLLUTION CONTROL EQUIPMENT, OF A PARTICULAR POLLUTANT
20 WHERE THE EMISSION RATE IS CALCULATED USING THE MAXIMUM RATED
21 CAPACITY OF THE SOURCE UNLESS THE SOURCE IS SUBJECT TO ENFORCEABLE
22 PERMIT CONDITIONS WHICH LIMIT THE MAXIMUM RATED CAPACITY BY
23 RESTRICTING THE OPERATING RATE OR HOURS OF OPERATION OF THE
24 SOURCE, OR THE TYPE OR AMOUNT OF MATERIALS COMBUSTED OR PROCESSED.
25 FOR THE PURPOSE OF THIS DEFINITION, AIR POLLUTION CONTROL
26 EQUIPMENT SHALL NOT INCLUDE CONTROL EQUIPMENT NECESSARY FOR
27 THE NORMAL PHYSICAL OPERATION OF THE SOURCE.

28 [(ii)] "Process source" means any operation, process, or activity

1 except (1) the burning of fuel for indirect heating in which
2 the products of combustion do not come in contact with process
3 material, (2) the burning of refuse, and(3) the processing of
4 salvageable material by burning.

5 "RECONSTRUCT" OR "RECONSTRUCTION" SHALL GENERALLY MEAN THE
6 RENOVATION OR RE-BUILDING OF A SOURCE WHERE THE FIXED CAPITAL
7 COSTS OF THE NEW COMPONENTS EXCEED FIFTY (50) PERCENT OF THE
8 FIXED CAPITAL COST OF A COMPARABLE ENTIRELY NEW SOURCE. FIXED
9 CAPITAL COST MEANS THE CAPITAL NEEDED TO PROVIDE ALL DEPRECIABLE
10 COMPONENTS. A SPECIFIC DETERMINATION OF WHETHER A SOURCE IS
11 BEING OR HAS BEEN RECONSTRUCTED SHALL BE MADE IN ACCORDANCE
12 WITH THE PROVISIONS OF TITLE 40 OF THE CODE OF FEDERAL REGULATIONS
13 PART 60.15 (f)(1)-(3), AS FROM TIME TO TIME MAY BE AMENDED. A
14 RECONSTRUCTED SOURCE SHALL BE CONSIDERED A NEW SOURCE FOR THE
15 PURPOSES OF THESE REGULATIONS. USE OF AN ALTERNATIVE FUEL OR
16 RAW MATERIAL BY REASON OF AN ORDER IN EFFECT UNDER SECTIONS
17 2(a) AND (b) OF THE FEDERAL ENERGY SUPPLY AND ENVIRONMENTAL
18 COORDINATION ACT OF 1974, OR SUPERSEDING LEGISLATION, OR BY
19 REASON OF A NATURAL GAS CURTAILMENT PLAN PURSUANT TO THE
20 FEDERAL POWER ACT, OR BY REASON OR AN ORDER OR RULE UNDER
21 SECTION 125 OF THE FEDERAL CLEAN AIR ACT, SHALL NOT BE CONSIDERED
22 RECONSTRUCTION.

23 [(jj)] "Region" means an Air Quality Control Region, or the Connecticut
24 portion thereof, as defined by the Environmental Protection
25 Agency in its Office of Air Programs publication No. AP-102.

26 [(kk)] "Residual oil" means any fuel oil of No. 4, No. 5, or No. 6
27 grades, as defined by Commercial Standard C.S. 12-48.

28 [(ll)] "Ringelmann chart" means the chart published and described

1 in the U.S. Bureau of Mines Information Circular 8333.

2 "RESOURCE RECOVERY FACILITY" MEANS ANY STATIONARY SOURCE WHOSE
3 PRIMARY FUNCTION IS:

- 4 (i) THE RECLAMATION OF NON-COMBUSTIBLE AND/OR COMBUSTIBLE
5 FRACTIONS OF SOLID WASTE FOR SALE OR RE-USE, OR
6 (ii) THE PRODUCTION OF FUEL DERIVED FROM SOLID WASTE, OR
7 (iii) THE DIRECT COMBUSTION OF WASTE FOR RECOVERY OF AT LEAST
8 FIFTY (50) PERCENT OF THE USEFUL HEAT IN THE FLUE GAS, OR
9 FIFTY (50) PERCENT OF THE HEAT INPUT, WHICHEVER IS LESS.

10 [(mm)] "Soiling index" means a measure of the soiling properties of
11 suspended particles in air determined by drawing a measured
12 volume of air through a known area of Whatman No. 4 filter
13 paper for a measured period of time, expressed as COHs/1,000
14 linear feet, or equivalent.

15 "SOLID WASTE" MEANS UNWANTED OR DISCARDED MATERIALS, INCLUDING
16 SOLID, LIQUID, SEMISOLID, OR CONTAINED GASEOUS MATERIAL.

17 [(nn)] "Source" means any property, real or personal, which emits
18 or may emit any air pollutant.

19 [(oo)] "Stack" means [any chimney, flue, conduit, or duct arranged to
20 conduct emissions to the ambient air] ANY POINT OF RELEASE
21 FROM A SOURCE, WHICH EMITS SOLIDS, LIQUIDS, OR GASES INTO THE
22 AMBIENT AIR, INCLUDING A PIPE, DUCT, OR FLARE.

23 [(pp)] "Standard conditions" means a dry gas temperature of 68°
24 Fahrenheit and a gas pressure of 14.7 pounds per square inch
25 absolute (20° C, 760 mm. Hg.).

26 "STATE" AS USED IN THE PHRASE "ANY OTHER STATE" MEANS STATE,
27 REGION, TERRITORY, COMMONWEALTH, MILITARY RESERVATION, OR
28 INDIAN RESERVATION.

1 "STATE IMPLEMENTATION PLAN" MEANS A PLAN REQUIRED BY SECTION
2 110 OF THE FEDERAL CLEAN AIR ACT WHICH HAS BEEN APPROVED BY
3 THE ADMINISTRATOR.

4 [(qq)] "Stationary source" means any building, structure, facility,
5 EQUIPMENT, OPERATION, or installation, OR COMBINATION THEREOF,
6 WHICH IS LOCATED ON ONE OR MORE CONTIGUOUS OR ADJACENT PROPERTIES
7 AND WHICH IS OWNED BY OR OPERATED BY THE SAME PERSON, OR BY
8 PERSONS UNDER COMMON CONTROL, which emits or may emit any air
9 pollutant, and which does not move from location to location
10 during normal operation.

11 [(rr)] "Submerged fill pipe" means any fill pipe the discharge opening
12 of which is still entirely submerged when the pipe normally
13 used to withdraw liquid from the tank can no longer withdraw
14 any liquid.

15 [(ss)] "Subregion" means a subdivision of a Region, as determined by
16 the Commissioner.

17 [(tt)] "Tank" means any vessel for containing liquids or gases.

18 [(uu)] "Volatile organic compounds" means any organic compound, as
19 defined above, which has a vapor pressure of 1.5 pounds per
20 square inch absolute (77.6 mm. Hg.) or greater under actual
21 storage conditions.]

22 "VOLATILE ORGANIC COMPOUND" MEANS ANY COMPOUND OF CARBON THAT
23 HAS A VAPOR PRESSURE GREATER THAN 0.1 MILLIMETERS OF MERCURY
24 AT STANDARD CONDITIONS EXCLUDING CARBON MONOXIDE, CARBON
25 DIOXIDE, CARBONIC ACID, METALLIC CARBIDES OR CARBONATES,
26 AMMONIUM CARBONATE, METHANE AND ETHANE.

27 [(vv)] "Waste water separator" means any tank, box, sump, or other
28 container in which any volatile organic compound floating on

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or entrained or contained in water entering such tank, box, sump, or other container is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

Statement of Purpose: To bring State regulations for the abatement of air pollution into compliance with Federal requirements under the Clean Air Act Amendments of 1977.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OFFICE BUILDING HARTFORD, CONNECTICUT 06115



1 SECTION 19-508-2 Of the Regulations of Connecticut State Agencies Is
2 Amended As Follows:

3 2. Registration requirements for existing STATIONARY sources
4 of air pollutants.

5 (a) [Except as specified in subsection (b), a] Any person
6 who, on [June 1, 1972] JUNE 30, 1979, owns or operates a
7 STATIONARY source of air pollutants, AS SPECIFIED IN
8 SUBDIVISION 19-508-3 (a)(1), shall submit to the Commissioner
9 [of the Department of Environmental Protection by October
10 1, 1972,] a STATIONARY source registration statement and
11 reports to be completed in accordance with instructions
12 and on forms furnished by the Commissioner. THIS REQUIREMENT
13 SHALL NOT APPLY TO ANY STATIONARY SOURCE WHICH WAS
14 PREVIOUSLY GRANTED A PERMIT PURSUANT TO SECTION 19-508-3,
15 OR FOR WHICH A DECISION IS PENDING ON A PERMIT APPLICATION
16 SUBJECT TO SECTION 19-508-3, OR FOR WHICH THE OWNER OR
17 OPERATOR PREVIOUSLY FAILED TO APPLY FOR AND RECEIVE A
18 VALID PERMIT PURSUANT TO SECTION 19-508-3, OR WHICH IS
19 ALREADY REGISTERED WITH THE DEPARTMENT. THE OWNER OR
20 OPERATOR OF A STATIONARY SOURCE SUBJECT TO THE REQUIREMENTS
21 OF SECTION 19-508-3 PRIOR TO JULY 1, 1979 WHO FAILED TO
22 APPLY FOR AND RECEIVE A VALID PERMIT PURSUANT TO SECTION
23 19-508-3 SHALL BE SUBJECT TO THE REQUIREMENTS OF SECTION
24 19-508-3 IN EFFECT AT THE TIME OF APPLICATION FOR A
25 PERMIT.

- 1 (b) [Registration shall not be required for the following
2 sources:
- 3 (b)(1) Mobile sources.
- 4 (b)(2) Equipment used in a manufacturing process involving
5 surface coating, including but not limited to, spray and
6 dip painting, roller coating, electrostatic depositing or
7 spray cleaning, and in which the total quantity of
8 coating material and solvents used is less than thirty
9 (30) pounds in any one hour.
- 10 (b)(3) Equipment which is used in a manufacturing process involving
11 metal cleaning and/or surface preparation, and (i) which
12 is connected to a ventilation system controlling escape
13 of air pollutants or contaminants to the workroom air,
14 such manufacturing process including, but not limited to,
15 etching, pickling, or plating when the total capacity of
16 such equipment is 1,000 gallons or less, or (ii) any
17 solvent degreasing unit with a total capacity of 1,000
18 gallons or less.
- 19 (b)(4) Equipment used in a manufacturing process, other than
20 as set forth in subsections (b)(1), (2), (3), (5), (6),
21 or (7), in which the combined weight of all materials
22 introduced, excluding air and water, does not exceed
23 either 2,000 pounds in any one hour or 16,000 pounds in
24 any one day.
- 25 (b)(5) Any liquid storage tank, reservoir, or container used
26 for the storage of acids, volatile organic compounds,
27 solvents, diluents or thinners, inks, colorants, lacquers,
28 enamels, varnishes, or liquid resins, and having a

1 capacity less than 40,000 gallons.

2 (b)(6) Fuel-burning equipment in which the maximum rated fuel-
3 burning capacity is less than five million BTU's per
4 hour, unless the source is burning coal or residual oil.

5 (b)(7) Sources used as incinerators in dwellings containing
6 six (6) or fewer family units.

7 (b)(8) Any other process, operation, equipment, or activity,
8 except those specified in subsection (b)(1) through (7),
9 which emits or causes to be emitted a total of eight tons
10 per year or less of any air pollutant or combination of
11 air pollutants.

12 (c) Notwithstanding any provision of subsection (b), reg-
13 istration shall be required for all stationary industrial
14 pneumatic solid material handling or conveying systems
15 and all industrial flares for the disposal of waste or
16 excess process gas.]

17 [(d)] Unless the Commissioner shall otherwise determine, two
18 or more STATIONARY sources of a similar or identical
19 nature in the same plant or premises shall be considered
20 a single aggregate source for registration purposes. Two
21 or more dissimilar STATIONARY sources in the same plant
22 or premises shall be considered separate sources for
23 registration purposes.

24 [(e)](c) Any person who has registered a STATIONARY source pursuant
25 to the provisions of subsection (a) shall inform the
26 Commissioner on forms supplied by him of any change in
27 location of the source, or any alteration of the source
28 which changes the amount of any air pollutant emitted by

1 such source, or the installation of an air cleaning
2 device thereon, or permanent cessation in operation of
3 the source. Such information shall be submitted AT LEAST
4 120 DAYS prior to the completion of such change or
5 alteration or cessation of operation. The information
6 furnished the Commissioner shall be sufficient to enable
7 him to determine the manner in which the change will
8 affect emissions from such source.

9 (d) THE HOLDER OF A REGISTRATION CERTIFICATE MAY NOT TRANSFER
10 IT WITHOUT PRIOR WRITTEN NOTIFICATION TO THE COMMISSIONER.
11 EACH NEW OWNER OR OPERATOR OR HOLDER OF THE REGISTRATION
12 CERTIFICATE SHALL BE RESPONSIBLE FOR COMPLYING WITH ALL
13 APPLICABLE REGULATIONS AND WITH THE CONDITIONS OF THE
14 REGISTRATION.

15 [(f)](e) [Guidelines,] [r]Reporting forms[,] and instructions
16 shall be furnished by the Commissioner for preparation of
17 the registration statements and reports. The Commissioner
18 shall make these forms as clear, easily understood, and
19 concise as possible.

20 Statement of Purpose: To make registration requirements consistent with
21 permit requirements.
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STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OFFICE BUILDING HARTFORD, CONNECTICUT 06115



1 Section 19-508-3 Of The Regulations of Connecticut State Agencies Is
2 Amended As Follows:

3 3. Permits for construction and operation OF NEW OR MODIFIED
4 STATIONARY SOURCES

5 (a) [Exemptions from permit requirements] PERMIT APPLICA-
6 BILITY.

7 (a)(1) Permits under this regulation [shall not be] ARE required
8 for the following STATIONARY sources:

9 (i) [Mobile sources.

10 (ii)] Equipment used in a manufacturing process involving
11 surface coating[,] including, but not limited to, spray
12 and dip painting, roller coating, electrostatic depositing
13 or spray cleaning, and in which the total quantity of
14 coating material and solvents used is [less than] thirty
15 (30) pounds OR MORE in any one hour.

16 [(iii)](ii) Equipment which is used in a manufacturing process
17 involving metal cleaning and/or surface preparation[,]
18 and which is connected to a ventilation system controlling
19 escape of air pollutants or contaminants to the workroom
20 air, such manufacturing process including, but not limited
21 to, etching, pickling, or plating when FOR A WET SYSTEM
22 the [total] INDIVIDUAL capacity of such equipment is
23 1,000 gallons or [less] MORE OR FOR A DRY SYSTEM THE
24 ACTUAL EMISSIONS TO THE AMBIENT AIR FROM THE DRY SYSTEM
25 EQUIPMENT ARE GREATER THAN EIGHT (8) TONS PER YEAR; or

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any solvent degreasing units with a total LIQUID capacity of 1,000 gallons or [less] MORE.

[(iv)](iii) Equipment used in manufacturing process, other than as set forth in [subsections] PARAGRAPHS (a)(1)(i), (ii), [(iii),] (iv), (v), (vi), [or] (vii), (viii), OR (ix) in which the combined weight of all materials introduced, excluding air and water, [does not exceed either] IS 2,000 pounds OR MORE in any one hour or 16,000 pounds OR MORE in any one day. FOR A CYCLICAL OR BATCH OPERATION, THE PROCESS WEIGHT PER HOUR SHALL BE DERIVED BY DIVIDING THE TOTAL PROCESS WEIGHT BY THE NUMBER OF HOURS IN ONE COMPLETE OPERATION, FROM THE BEGINNING OF ANY GIVEN PROCESS TO THE COMPLETION THEREOF, EXCLUDING ANY TIME DURING WHICH THE EQUIPMENT IS IDLE.

[(v)](iv) Any liquid storage tank, reservoir, or container[,] used for the storage of acids, volatile organic compounds WITH A VAPOR PRESSURE OF 1.5 POUNDS PER SQUARE INCH ABSOLUTE OR GREATER UNDER ACTUAL STORAGE CONDITIONS, [solvents, diluents, or thinners,] inks, colorants, lacquers, enamels, varnishes, OR liquid resins[,] and having a capacity [less than] OF 40,000 gallons OR MORE.

[(vi)](v) Fuel-burning equipment in which the maximum [rated fuel-burning capacity] HEAT INPUT GUARANTEED BY THE MANUFACTURER OF SUCH EQUIPMENT is [less than] five million BTU per hour OR MORE [, unless the source is burning coal or residual oil] ; OR FUEL-BURNING EQUIPMENT BURNING SOLID FUELS, OR FUEL-BURNING EQUIPMENT BURNING FUEL OILS HAVING A SPECIFIC GRAVITY IN API DEGREES OF 30 OR LESS, UNLESS

1 THE MAXIMUM HEAT INPUT GUARANTEED BY THE MANUFACTURER OF
2 SUCH EQUIPMENT IS LESS THAN 250,000 BTU PER HOUR.

3 [(vii)](vi) [Sources] STATIONARY SOURCES used as incinerators
4 OR AS AFTERBURNERS FOR THE DISPOSAL OF WASTE GASES. [in
5 dwellings containing six (6) or fewer family units.]

6 (vii) ALL STATIONARY INDUSTRIAL PNEUMATIC SOLID MATERIAL HANDLING
7 OR CONVEYING SYSTEMS WHICH ARE DIRECTLY VENTED TO THE
8 AMBIENT AIR.

9 (viii) ALL INDUSTRIAL FLARES FOR THE DISPOSAL OF LIQUIDS OR
10 GASES.

11 [(viii)](ix) Any other STATIONARY SOURCE, INCLUDING ANY process,
12 operation, equipment, or activity, except those [types
13 specified] SOURCES WHICH ARE BELOW THE THRESHOLDS ESTABLISHED
14 in [subsection] PARAGRAPHS (a)(1)(i) through (y), [(vii),
15 which emits or causes to be emitted a total of eight tons
16 per year or less] WHOSE TOTAL ACTUAL EMISSIONS of any air
17 pollutant or combination of air pollutants IS GREATER
18 THAN EIGHT (8) TONS PER YEAR.

19 (a)(2) [Notwithstanding any provision of subsection (a)(1),
20 permits shall be required for all new stationary industrial
21 pneumatic solid material handling or conveying systems
22 and all industrial flares for the disposal of waste or
23 excess process gases.]

24 NOTWITHSTANDING ANY PROVISION OF SUBDIVISION (a)(1),
25 PERMITS SHALL NOT BE REQUIRED FOR ANY STATIONARY SOURCE
26 SPECIFIED THEREUNDER WHOSE ACTUAL EMISSIONS OF ANY AIR
27 POLLUTANT WOULD BE LESS THAN TWO (2) POUNDS PER DAY.

28 (a)(3) NOTWITHSTANDING ANY PROVISION OF SUBDIVISION (a)(1)

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OR (a)(2), PERMITS SHALL BE REQUIRED FOR

(i) ANY STATIONARY SOURCE WHICH IS SUBJECT TO THOSE SECTIONS OF TITLE 40 OF THE CODE OF FEDERAL REGULATIONS PART 60 OR PART 61, AS FROM TIME TO TIME MAY BE AMENDED, WHICH THE COMMISSIONER HAS BEEN DELEGATED AUTHORITY TO ENFORCE BY THE ADMINISTRATOR.

(ii) ANY STATIONARY SOURCE WITH POTENTIAL EMISSIONS OF 100 TONS PER YEAR OR MORE.

(a)(4) RECONSTRUCTED STATIONARY SOURCES SHALL BE CONSIDERED AS NEW STATIONARY SOURCES.

(a)(5) PERMITS UNDER THIS SECTION SHALL NOT BE REQUIRED FOR MOBILE SOURCES.

(b) Applications for permits to construct.

(b)(1) (i) Effective [June 1, 1972, except] JULY 1, 1979 [as specified under subsection (a)], [no] ANY person [shall] WHO constructs, modif[y]IES, installs or causeS the construction, modification, or installation of any new STATIONARY source of air pollutants AS SPECIFIED UNDER SUBSECTION (a), or modif[y]IES any existing STATIONARY source or facility [without] AS SPECIFIED UNDER SUBSECTION (a) SHALL FIRST apply[ing] for and obtain[ing] a construction permit from the Commissioner. HOWEVER, THIS REQUIREMENT SHALL NOT APPLY TO ANY STATIONARY SOURCE WHICH WAS PREVIOUSLY GRANTED A VALID PERMIT PURSUANT TO SECTION 19-508-3, OR FOR WHICH A DECISION IS PENDING ON A PERMIT APPLICATION SUBJECT TO SECTION 19-508-3 THAT WAS IN EFFECT PRIOR TO JULY 1, 1979.

(ii) ANY PERSON WHO OWNS OR OPERATES A STATIONARY SOURCE WHICH

1 WAS SUBJECT TO SECTION 19-508-3 PRIOR TO JULY 1, 1979,
2 AND WHO FAILED TO APPLY FOR AND RECEIVE A VALID PERMIT
3 PURSUANT TO SECTION 19-508-3 SHALL BE SUBJECT TO THE
4 REQUIREMENTS OF SECTION 19-508-3 IN EFFECT AT THE TIME OF
5 APPLICATION FOR A PERMIT.

6 (b)(2) [Application for] THE OWNER OR OPERATOR OF each STATIONARY
7 source described in [subsections] SUBDIVISIONS (b)(1)[,
8 (g)(5)] and (g)(6) shall [be made by the owner or operator
9 of the] MAKE APPLICATION FOR SUCH source on forms furnished
10 by the Commissioner. [Each] IN THE application THE OWNER
11 OR OPERATOR shall include siting information; descriptions
12 of the equipment and processes involved; A DESCRIPTION OF
13 FUELS AND PROCESS MATERIALS TO BE USED; the nature,
14 source and quantity of uncontrolled and controlled
15 emissions; the type, size and efficiency of control
16 facilities; and such other information as the Commis-
17 sioner may require.

18 (b)(3) Unless the Commissioner [shall otherwise] determines
19 OTHERWISE, when two or more STATIONARY sources of a
20 similar or identical nature are constructed or modified
21 in the same plant or premises, they shall be considered a
22 single aggregate STATIONARY source AND SUBJECT TO IN-
23 TERPRETATION UNDER SUBSECTION (a). When two or more
24 dissimilar STATIONARY sources are constructed or modified,
25 a separate permit [shall be] IS required for each source.

26 (c) Standards for granting construction permits.
27 [No] THE COMMISSIONER SHALL GRANT A permit to construct
28 or modify A STATIONARY SOURCE [shall be granted until the

1 Commissioner shall have found] WHEN HE DETERMINES, upon
2 evidence submitted by the applicant or otherwise made
3 part of the record, that:

4 (c)(1) The new or modified STATIONARY source [for which the
5 permit is requested] will operate in accordance with ALL
6 applicable EMISSION LIMITATIONS AND regulations.

7 (c)(2) [Such] THE new or modified STATIONARY source will operate
8 without preventing or interfering with the attainment or
9 maintenance of applicable [federal] STATE AND [n]National
10 [a]Ambient [a]Air [q]Quality [s]Standards IN CONNECTICUT
11 OR IN ANY OTHER STATE.

12 (i) IN ORDER TO DETERMINE COMPLIANCE WITH THIS SUBDIVISION
13 THE COMMISSIONER SHALL, WHERE APPLICABLE, CONSIDER THE
14 FOLLOWING:

15 (a) THE PEAK EMISSIONS FROM AN OPERATION OVER THE
16 APPROPRIATE TIME PERIOD FOR AN APPLICABLE STATE OR
17 NATIONAL AMBIENT AIR QUALITY STANDARD SHALL BE USED
18 WHEN SUCH TIME PERIOD IS SHORTER THAN:

19 (1) THE BATCH OR CYCLE TIME FOR A BATCH OR
20 CYCLICAL OPERATION, OR

21 (2) THE OPERATING TIME FOR A CONTINUOUS PROCESS.

22 (b) THE EMISSIONS FROM AN OPERATION SHALL BE
23 AVERAGED OVER THE APPROPRIATE TIME PERIOD FOR AN
24 APPLICABLE STATE OR NATIONAL AMBIENT AIR QUALITY
25 STANDARD WHEN SUCH TIME PERIOD IS LONGER THAN:

26 (1) THE BATCH OR CYCLE TIME FOR A BATCH OR CYCLICAL
27 OPERATION. SUCCESSIVE PERIODS OF OPERATION AND
28 DOWN TIME, OR A PORTION THEREOF, SHALL BE

1 INCLUDED IN SUCH AVERAGING, AS APPROPRIATE; OR

2 (2) THE OPERATING TIME FOR A CONTINUOUS PROCESS.

3 SUCCESSIVE PERIODS OF OPERATION AND DOWN TIME,
4 OR A PORTION THEREOF, SHALL BE INCLUDED IN SUCH
5 AVERAGING, AS APPROPRIATE.

6 (c)(3) [Such new or modified source incorporates the best avail-
7 able control technology.] THE NEW OR MODIFIED STATIONARY
8 SOURCE WILL OPERATE IN ACCORDANCE WITH ALL APPLICABLE
9 EMISSION STANDARDS AND STANDARDS OF PERFORMANCE UNDER
10 TITLE 40 OF THE CODE OF FEDERAL REGULATIONS PART 60 AND
11 PART 61, AS FROM TIME TO TIME MAY BE AMENDED, WHICH THE
12 COMMISSIONER HAS BEEN DELEGATED AUTHORITY TO ENFORCE BY
13 THE ADMINSTRATOR.

14 (c)(4) [Such] THE new or modified STATIONARY source contains, AS
15 REQUIRED BY THE COMMISSIONER:

- 16 (i) Sampling ports of a size, number and location as the Com-
17 missioner may reasonably require.
- 18 (ii) Safe access to each port.
- 19 (iii) Such instrumentation to monitor and record emission data
20 as is required by these regulations; and
- 21 (iv) Such other sampling and testing facilities as the Com-
22 missioner may reasonably require.

23 (c)(5) [Such new or modified source will not result in deterior-
24 ation of air quality in 1975 or later in any region or
25 subregion of the state.]
26 THE NEW OR MODIFIED STATIONARY SOURCE WILL OPERATE WITHOUT
27 CAUSING OR CONTRIBUTING TO AIR POLLUTION IN ANY OTHER
28 STATE IN VIOLATION OF ANY REQUIREMENT IN THE APPLICABLE

1 STATE IMPLEMENTATION PLAN FOR SUCH STATE TO PREVENT
2 SIGNIFICANT DETERIORATION OF AIR QUALITY OR TO PROTECT
3 VISIBILITY IN ACCORDANCE WITH APPLICABLE FEDERAL VISIBILITY
4 REQUIREMENTS.

5 (c)(6)

THE OWNER OR OPERATOR OF THE NEW OR MODIFIED STATIONARY
6 SOURCE HAS PAID TO THE DEPARTMENT FEES IN ACCORDANCE WITH
7 A PERMIT FEE SCHEDULE TO BE INCORPORATED IN REGULATIONS
8 ADOPTED BY THE COMMISSIONER.

9 (c)(7)

10 THE OPERATION OF THE NEW OR MODIFIED STATIONARY SOURCE,
11 WHICH HAS A SIGNIFICANT IMPACT, AS DEFINED BELOW, ON
12 AMBIENT AIR QUALITY WILL NOT CAUSE OR EXACERBATE A VIOLATION
13 OF A NATIONAL OR STATE AMBIENT AIR QUALITY STANDARD; WILL
14 COMPLY WITH THE PROVISIONS OF SUBDIVISIONS (c)(2) AND
15 (c)(5); AND WILL CONSUME NO MORE OF THE FOLLOWING AIR
16 QUALITY INCREMENTS IN AN ATTAINMENT AREA THAN 75 PERCENT
17 OF THE REMAINING 3-HOUR OR 24-HOUR INCREMENT, WHICHEVER
18 IS MORE STRINGENT, AND NO MORE THAN 25 PERCENT OF THE
19 REMAINING ANNUAL INCREMENT:

<u>POLLUTANT</u>	<u>TOTAL AIR QUALITY INCREMENT ($\mu\text{g}/\text{m}^3$)</u>
PARTICULATE MATTER	
ANNUAL GEOMETRIC MEAN	19
24-HOUR AVERAGE	37
SULFUR DIOXIDE	
ANNUAL GEOMETRIC MEAN	20
24-HOUR AVERAGE	91
3-HOUR AVERAGE	512

27 (i) IN ORDER TO DETERMINE THAT EMISSIONS OF AN INDIVIDUAL
28 POLLUTANT FROM A NEW OR MODIFIED STATIONARY SOURCE WILL

1 HAVE A SIGNIFICANT IMPACT ON AIR QUALITY OR THAT THE
2 EMISSIONS OF AN INDIVIDUAL POLLUTANT WILL EXACERBATE AN
3 EXISTING VIOLATION OF AN APPLICABLE STATE OR NATIONAL
4 AMBIENT AIR QUALITY STANDARD, THE AMOUNT OF AMBIENT
5 IMPACT THAT WILL BE CONSIDERED SIGNIFICANT OR THAT WILL
6 EXACERBATE A VIOLATION IS:

7 (i)(a) FOR A STATIONARY SOURCE WITH ALLOWABLE EMISSIONS OF MORE
8 THAN 50 TONS PER YEAR AND POTENTIAL EMISSIONS OF MORE
9 THAN 100 TONS PER YEAR OF THE FOLLOWING INDIVIDUAL POLLUTANTS:

<u>POLLUTANT</u>	<u>AMBIENT IMPACT ($\mu\text{g}/\text{m}^3$)</u>
PARTICULATE MATTER	
ANNUAL AVERAGE	1
24-HOUR AVERAGE	5
SULFUR DIOXIDE	
ANNUAL AVERAGE	1
24-HOUR AVERAGE	5
3-HOUR AVERAGE	25
CARBON MONOXIDE	
8-HOUR AVERAGE	500
1-HOUR AVERAGE	2000
NITROGEN DIOXIDE	
ANNUAL AVERAGE	1

23 (i)(b) FOR ANY OTHER STATIONARY SOURCE OF THE FOLLOWING POLLUTANTS
24 WHICH IS SUBJECT TO PERMIT REQUIREMENTS:

<u>POLLUTANT</u>	<u>AMBIENT IMPACT ($\mu\text{g}/\text{m}^3$)</u>
PARTICULATE MATTER	
24-HOUR AVERAGE	10
SULFUR DIOXIDE	

1 24-HOUR AVERAGE 10

2 3-HOUR AVERAGE 50

3 (ii) TO DETERMINE WHETHER THE NEW STATIONARY SOURCE OR MODIFICATION
4 WOULD CONSUME MORE THAN THE ALLOWABLE INCREMENT OR EXCEED
5 THE TOTAL INCREMENT IN AN ATTAINMENT AREA, THE COMMISSIONER
6 SHALL, THROUGH THE USE OF AIR QUALITY MODELS APPROVED BY
7 THE COMMISSIONER AND THE ADMINISTRATOR, MODEL THE IMPACT
8 OF THE EMISSIONS FROM THE NEW STATIONARY SOURCE OR MODIFICATION
9 TOGETHER WITH: THE IMPACT OF EMISSIONS FROM ALL SOURCES
10 IN THE INVENTORY MAINTAINED BY THE COMMISSIONER WHICH
11 COMMENCED OPERATION AFTER AUGUST 7, 1977; THE IMPACT OF
12 EMISSIONS FROM ALL NEW STATIONARY SOURCES OR MODIFICATIONS
13 OF THE SIZES AND TYPES DEFINED IN PARAGRAPH (k)(1)(iv)
14 WHICH COMMENCED CONSTRUCTION ON OR AFTER JANUARY 6, 1975
15 AND WHICH WERE IN OPERATION ON AUGUST 7, 1977; AND THE
16 IMPACT OF DECREASES IN EMISSIONS, FROM ALL STATIONARY
17 SOURCES IN THE INVENTORY MAINTAINED BY THE COMMISSIONER,
18 WHICH OCCURRED AFTER AUGUST 7, 1977. THE RESULTANT
19 IMPACT SHALL BE COMPARED TO THE INCREMENT OR REMAINDER
20 THEREOF TO DETERMINE COMPLIANCE WITH THIS PARAGRAPH. IN
21 THE EVENT THAT THE AUGUST 7, 1977 REFERENCE DATE IS
22 CHANGED BY FEDERAL JUDICIAL OR ADMINISTRATIVE ACTION, THE
23 COMMISSIONER SHALL USE THAT DATE WHICH IS VALID UNDER
24 FEDERAL LAW.

25 (iii) IF THE NEW STATIONARY SOURCE OR MODIFICATION WOULD CONSUME
26 MORE THAN THE ALLOWABLE INCREMENT OR EXCEED THE TOTAL
27 INCREMENT IN AN ATTAINMENT AREA, OR IF THE AMBIENT AIR
28 QUALITY IN THE AREA IS AT OR ABOVE THE LEVEL OF THE TOTAL

1 INCREMENT AT THE TIME OF THE APPLICATION FOR THE NEW
2 STATIONARY SOURCE OR MODIFICATION, THE OWNER OR OPERATOR
3 THEREOF MAY DEMONSTRATE THAT HE HAS, THROUGH LEGALLY
4 ENFORCEABLE MEANS SATISFACTORY TO THE COMMISSIONER,
5 ACHIEVED EMISSION REDUCTIONS FROM EXISTING SOURCES IN THE
6 INVENTORY MAINTAINED BY THE COMMISSIONER LOCATED IN THE
7 AREA OF THE NEW STATIONARY SOURCE OR MODIFICATION WHICH
8 ARE SUFFICIENT TO ENABLE THE NEW STATIONARY SOURCE OR
9 MODIFICATION TO BE CONSTRUCTED AND OPERATED WITHOUT
10 CONSUMING THE ALLOWABLE INCREMENT OR EXCEEDING THE TOTAL
11 INCREMENT.

12 (iv) CONCENTRATIONS OF ATTAINMENT POLLUTANTS ATTRIBUTABLE TO
13 THE INCREASE IN EMISSIONS FROM STATIONARY SOURCES WHICH
14 HAVE CONVERTED FROM THE USE OF PETROLEUM PRODUCTS, NATURAL
15 GAS, OR BOTH, BY REASON OF AN ORDER IN EFFECT UNDER
16 SECTIONS 2 (a) AND (b) OF THE ENERGY SUPPLY AND ENVIRONMENTAL
17 COORDINATION ACT OF 1974, OR ANY SUPERSEDING LEGISLATION,
18 OVER THE EMISSIONS FROM SUCH SOURCES BEFORE THE EFFECTIVE
19 DATE OF SUCH AN ORDER SHALL BE EXCLUDED IN DETERMINING
20 COMPLIANCE WITH THE TOTAL INCREMENT ALLOWANCE FOR A
21 PERIOD NOT TO EXCEED FIVE YEARS FROM THE EFFECTIVE DATE
22 OF THE ORDER.

23 (v) CONCENTRATIONS OF AN ATTAINMENT POLLUTANT ATTRIBUTABLE TO
24 THE INCREASE IN EMISSIONS FROM SOURCES WHICH HAVE CONVERTED
25 FROM USING NATURAL GAS BY REASON OF A NATURAL GAS CURTAILMENT
26 PLAN IN EFFECT PURSUANT TO THE FEDERAL POWER ACT OVER THE
27 EMISSIONS FROM SUCH SOURCES BEFORE THE EFFECTIVE DATE OF
28 SUCH PLAN SHALL BE EXCLUDED IN DETERMINING COMPLIANCE

1 WITH THE TOTAL INCREMENT ALLOWANCE FOR A PERIOD NOT TO
2 EXCEED FIVE YEARS FROM THE EFFECTIVE DATE OF THE PLAN.

3 (vi) IF BOTH EXCLUSIONS PROVIDED IN PARAGRAPHS (iv) AND (v)
4 ABOVE ARE APPLICABLE TO THE SAME STATIONARY SOURCE, NO
5 EXCLUSION SHALL APPLY MORE THAN FIVE YEARS AFTER THE
6 LATER OF THE EFFECTIVE DATES PROVIDED.

7 (c)(8)

8 THE OWNER OR OPERATOR OF A NEW STATIONARY SOURCE OR
9 MODIFICATION HAS DEMONSTRATED THAT THE DEGREE OF EMISSION
10 LIMITATION REQUIRED OF THE SOURCE FOR CONTROL OF ANY AIR
11 POLLUTANT SHALL NOT BE AFFECTED BY THAT PORTION OF THE
12 SOURCE'S STACK HEIGHT THAT EXCEEDS GOOD ENGINEERING
13 PRACTICE OR BY ANY OTHER DISPERSION TECHNIQUE, EVEN WHEN
14 THE DEGREE OF EMISSION LIMITATION REQUIRED MAY BE ECONOMICALLY
15 OR TECHNOLOGICALLY INFEASIBLE TO OBTAIN EXCEPT THAT STACK
16 HEIGHTS IN EXISTENCE, OR DISPERSION TECHNIQUES IMPLEMENTED,
17 PRIOR TO DECEMBER 31, 1970; OR COAL-FIRED STEAM ELECTRIC
18 GENERATING UNITS, SUBJECT TO SECTION 118 OF THE FEDERAL
19 CLEAN AIR ACT, WHICH COMMENCED OPERATION BEFORE JULY,
20 1957, AND WHOSE STACKS WERE CONSTRUCTED UNDER A CONSTRUCTION
21 CONTRACT AWARDED BEFORE FEBRUARY 8, 1974 SHALL NOT BE
22 SUBJECT TO THIS REQUIREMENT.

23 (i) IN ORDER TO TAKE CREDIT FOR THE AMOUNT OF EMISSION LIMITATION
24 ATTRIBUTABLE TO THAT PART OF THE STACK HEIGHT WHICH
25 EXCEEDS GOOD ENGINEERING PRACTICE, THE OWNER OR OPERATOR
26 OF THE STATIONARY SOURCE MUST DEMONSTRATE, AFTER PUBLIC
27 NOTICE AND OPPORTUNITY FOR PUBLIC HEARING, THAT A GREATER
28 HEIGHT IS NECESSARY TO PREVENT EXCESSIVE CONCENTRATIONS
OF ANY POLLUTANT IN THE IMMEDIATE VICINITY OF THE STATIONARY

1 SOURCE.

2 (i) IN NO EVENT MAY THE COMMISSIONER PROHIBIT ANY INCREASE IN
3 ANY STACK HEIGHT OR RESTRICT IN ANY MANNER THE STACK
4 HEIGHT OF ANY STATIONARY SOURCE.

5 (c)(9) ALL ESTIMATES OF AMBIENT CONCENTRATIONS SHALL BE BASED
6 UPON THE APPLICABLE AIR QUALITY MODELS, DATA BASES, AND
7 OTHER REQUIREMENTS ACCEPTABLE TO THE COMMISSIONER AND THE
8 ADMINISTRATOR.

9 (c)(10) IN THOSE CASES WHERE AN ENVIRONMENTAL IMPACT STATEMENT
10 (EIS) HAS BEEN OR WILL BE PREPARED UNDER THE NATIONAL
11 ENVIRONMENTAL POLICY ACT (42 U.S.C. 4321) OR SIMILAR
12 STATE OR LOCAL LAWS, THE COMMISSIONER SHALL MAKE USE OF
13 THE EIS WHEREVER REASONABLY POSSIBLE IN ORDER TO AVOID
14 NEEDLESS DUPLICATION OF INFORMATION GATHERING AND ANAL-
15 YSIS.

16 (d) Action on applications for construction permits.

17 (d)(1) Except where a public hearing is held under [subsection]
18 SUBDIVISION (j)(4), the Commissioner shall inform an
19 applicant for a construction permit of the decision
20 approving OR DENYING the application within [sixty (60)]
21 THIRTY (30) days of the receipt of [the] A COMPLETE
22 application. The Commissioner may, on notice to the
23 applicant, extend the time for acting on the application
24 an additional [sixty (60)] FIFTEEN (15) days. An application
25 will not be deemed to have been received by the Commissioner
26 until all papers and documents required in support of the
27 application have been submitted in THE proper form. The
28 Commissioner must act within [120] FORTY-FIVE (45) days

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OF RECEIPT OF A COMPLETE APPLICATION.

(d)(2) When a public hearing is held under [subsection] SUBDIVISION (j)(4) on an application for a construction permit, the Commissioner shall inform the applicant of his decision on the application within thirty (30) days following receipt of the records of the hearing[s].

(d)(3) The Commissioner shall briefly set forth in any notice of approval, conditional approval, or denial[,] the basis for his determination.

(d)(4) The Commissioner may impose any reasonable conditions upon an approval to construct or modify.

(d)(5) WITHIN THIRTY (30) DAYS AFTER RECEIPT OF AN APPLICATION FOR A PERMIT TO CONSTRUCT, OR OF ANY AMENDMENT TO SUCH APPLICATION, THE COMMISSIONER SHALL ADVISE THE APPLICANT OF ANY DEFICIENCY IN THE APPLICATION OR IN THE INFORMATION SUBMITTED. IN THE EVENT OF SUCH A DEFICIENCY, THE DATE OF RECEIPT OF THE APPLICATION SHALL BE THE DATE ON WHICH THE COMMISSIONER RECEIVED ALL REQUIRED INFORMATION.

(d)(6) A PERMIT TO CONSTRUCT SHALL BE POSTED FOR EASY ACCESS AT THE SITE OF CONSTRUCTION THROUGHOUT THE PERIOD OF SUCH CONSTRUCTION AND SHALL BE EFFECTIVE FOR SUCH PERIOD AS IS SPECIFIED BY THE COMMISSIONER BUT NOT TO EXCEED FIVE YEARS, SUBJECT TO RENEWAL.

(d)(7) IF CONSTRUCTION OF THE STATIONARY SOURCE WILL NOT BE COMPLETED WITHIN THE TIME SPECIFIED, THE HOLDER OF THE PERMIT TO CONSTRUCT SHALL APPLY FOR RENEWAL OF THE PERMIT AT LEAST 120 DAYS PRIOR TO THE EXPIRATION DATE OF THE PERMIT.

1 (e) Cancellation of construction permits.

2 (e)(1) The Commissioner may cancel or [modify] REVISE THE
3 CONDITIONS OF a construction permit if:

4 (i) Construction or modification authorized by the permit is
5 not begun within one year from the date of issuance, or
6 such other period, as is allowed by the permit; or

7 (ii) During construction or modification, work is suspended
8 for one year; or

9 (iii) [Prior to commencement of construction or modification,
10 significantly more effective control measures become
11 available, or more stringent emission standards are
12 adopted.

13 (iv)] [He] THE COMMISSIONER determines that any provision of
14 subsection (c) has not been or is not being met.

15 (f) Permits to operate.

16 (f)(1) [No] ANY person [shall] WHO operates or causes the oper-
17 ation of a new or modified STATIONARY source [without]
18 SHALL first obtain[ing] a permit to operate from the
19 Commissioner in accordance with the requirements of this
20 section. [No] [s]Separate applicationS [shall be] ARE
21 required [under this section except] for those sources
22 subject to the provisions of [subsections (g)(5) and]
23 SUBDIVISION (g)(6).

24 (f)(2) Prior to issuance of a permit to operate, the Commis-
25 sioner may require the owner or operator of a new or
26 modified STATIONARY source to provide such additional
27 information as he deems necessary and as has not already
28 been included in the application for a construction

1 permit or submitted during the course of construction.

2 (g) Standards for granting permits to operate.

3 (g)(1) The Commissioner may impose reasonable conditions
4 on any permit to operate, including REQUIREMENTS BEYOND
5 NORMAL due diligence in operation and maintenance.

6 (g)(2) The Commissioner shall grant a permit to operate a
7 STATIONARY source subject to [subsections] SUBDIVISION
8 (f)(1), (g)(5), or (g)(6) if he determines that:

9 (i) The source is in compliance with applicable regulations.

10 (ii) The source SHALL operate[s] without preventing or interfering
11 with the attainment or maintenance of applicable [federal]
12 STATE AND [n] National [a]Ambient [a]Air [q]Quality
13 [s]Standards IN CONNECTICUT OR IN ANY OTHER STATE.

14 (iii) The source is equipped with instrumentation to monitor
15 and record emission data or other information about the
16 operation of THE source which satisfies the requirements
17 of section 19-508-4.

18 (iv) The new or modified source has been constructed in
19 accordance with and meets the requirements, standards,
20 and conditions set forth in the construction permit.

21 (v) Performance tests conducted at the owner's or operator's
22 expense, in accordance with methods prescribed by the
23 Commissioner or his duly authorized representative and
24 with his observation and participation if he so requires,
25 demonstrate that the new or modified source has in fact
26 met the requirements, standards and conditions of the
27 construction permit, is in compliance with applicable
28 regulations, and that the owner or operator of the

1 source verifies the results in a form satisfactory to the
2 Commissioner.

3 (vi) An emergency abatement or standby plan, where required,
4 has been submitted for the source and approved by the
5 Commissioner.

6 (g)(3) In circumstances where reliable performance tests must
7 be conducted during actual operations, the Commissioner
8 may issue a conditional permit to commence operations
9 [for a period not to exceed sixty days]. For good cause
10 shown, SUCH A PERMIT MAY BE RENEWED [the period may be
11 extended] by the Commissioner for any additional period
12 required TO PERFORM SUCH TESTS. [Prior to expiration of
13 the time covered by the conditional permit,] [t]The
14 Commissioner shall notify the owner or operator in writing
15 of his approval, conditional approval, or denial of the
16 permit to operate and the reasons therefor WITHIN THIRTY
17 (30) DAYS AFTER RECEIPT OF AN ACCEPTABLE PERFORMANCE TEST
18 REPORT.

19 (g)(4) Operating permits SHALL BE POSTED FOR EASY ACCESS AT THE
20 SITE OF OPERATION AND shall be renewed every five years,
21 unless issued for a shorter period.

22 (g)(5) [Application] THE HOLDER OF A PERMIT TO OPERATE MUST
23 APPLY for the renewal of [operating] THE permit[s must be
24 made] at least 120 days prior to the PERMIT expiration
25 DATE [of the existing operating permit]. A REQUEST FOR
26 RENEWAL OF A PERMIT TO OPERATE MUST BE MADE IN WRITING
27 AND SHALL CONSIST OF A DESCRIPTION OF ANY CHANGES MADE TO
28 THE SOURCE SINCE THE LAST PERMIT TO OPERATE, OR RENEWAL

1 THEREOF, WAS ISSUED WHICH WOULD CONSTITUTE A CHANGE IN
2 THE DATA PROVIDED IN THE ORIGINAL APPLICATION OR SUBSEQUENT
3 RENEWALS.

4 (g)(6) [Except as specified under subsection (a), on] ANY person
5 [shall] WHO operateS or causeS the operation of a source
6 SPECIFIED IN SUBDIVISION (a)(1) OF THE REGULATIONS WHICH
7 WERE IN EFFECT PRIOR TO JULY 1, 1979, the construction of
8 which [has] commenced prior to June 1, 1972, but which
9 [will] DID not begin operation prior to October 1, 1972,
10 [without] IS REQUIRED [first having] TO obtain[ed] a
11 permit to operate from the Commissioner in accordance
12 with the requirements of this SUBsection.

13 (g)(7) Applications pursuant to [subsection] SUBDIVISION (g)(6),
14 must be made at least 120 days prior to the start-up of
15 operations.

16 (g)(8) IF, FOLLOWING ISSUANCE OF A NOTICE BY THE COMMISSIONER THAT
17 A PERMIT TO OPERATE IS DUE TO EXPIRE, THE OWNER OR OPERATOR
18 OF THE PERMITTED STATIONARY SOURCE FAILS TO APPLY FOR A
19 RENEWAL OF THE PERMIT TO OPERATE PRIOR TO THE EXPIRATION
20 DATE OF SUCH PERMIT, THEN UPON EXPIRATION OF THE PERMIT
21 THE ALLOWABLE EMISSIONS FROM THE SOURCE SHALL BE ELIMINATED
22 FROM THE INVENTORY MAINTAINED BY THE COMMISSIONER AND
23 PRIOR TO REACTIVATION OF THE SOURCE, THE OWNER OR OPERATOR
24 MUST APPLY FOR PERMITS AS A NEW STATIONARY SOURCE, SUBJECT
25 TO ALL APPLICABLE REQUIREMENTS UNDER THESE REGULATIONS.

26 (h) Transfer of permit to operate.
27 The holder of a permit to operate may not transfer it
28 without prior written notification to the Commissioner.

1 Each new owner or operator or holder of the permit shall
2 be responsible for complying with all applicable regu-
3 lations and with the conditions of the permit.

4 (i) Denial, revocation or [modification] CHANGE IN THE
5 CONDITIONS of operating permits.

6 (i)(1) [An operating permit] THE COMMISSIONER may [be denied]
7 DENY, revoke[d], or [modified] CHANGE THE CONDITIONS OF
8 AN OPERATING PERMIT for failure to comply with the terms
9 of [subsections] SUBDIVISIONS (g)(1) and (g)(2).

10 (i)(2) Notice of denial, revocation, or [modification] CHANGE IN
11 THE CONDITIONS of either a construction or an operating
12 permit shall set forth the reasons for the action taken
13 and shall be effective thirty (30) days after the date of
14 service of the notice, unless a hearing is requested
15 prior to the expiration of the thirty (30) day period.

16 (i)(3) Any person considering himself aggrieved by the notice of
17 denial, revocation, or modification may consider the
18 notice a written order of violation under [section]
19 SUBDIVISION 19-508-12 (b)(2) and may obtain a hearing
20 thereon by filing a written answer and request for a
21 hearing in accordance with [section] SUBDIVISION 19-508-
22 12 (b)(5). Filing of the answer and request for the
23 hearing shall postpone the effective date of the notice
24 until conclusion of THE hearing and issuance of the
25 decision of the Commissioner.

26 (j) Public information and hearing procedures.

27 (j)(1) In all cases where [there is a requirement of legal
28 notice,] LEGAL NOTICE IS REQUIRED PURSUANT TO ANY

1 SECTION OF THESE REGULATIONS, [the Commissioner shall
2 cause] the applicant [to] SHALL publish at his own expense
3 all notices [of hearings and other notices] required [by
4 law].

5 (j)(2) The Commissioner shall inform the public of:

6 (i) [a]All permit applications received FOR STATIONARY SOURCES
7 SUBJECT TO PROVISIONS OF SUBDIVISION (b)(1) OR (g)(6);

8 (ii) [all pending operating permits subject to the requirements
9 of subsection (f)(1)] THE OPPORTUNITY FOR PUBLIC COMMENT
10 ON ANY PERMIT APPLICATION FOR A STATIONARY SOURCE SUBJECT
11 TO THE PROVISIONS OF SUBDIVISION (b)(1) OR (g)(6) OR
12 PARAGRAPH (c)(8)(i);

13 (iii) [a]All decisions approving, denying, or conditionally
14 approving any permit FOR A STATIONARY SOURCE WHICH IS
15 SUBJECT TO THE PROVISIONS OF SUBDIVISION b(1) OR g(6).

16 (j)(3) While a decision is pending on a permit application FOR
17 SOURCES SUBJECT TO THE PROVISIONS OF SUBDIVISION (b)(1)
18 OR (g)(6) [or a permit to operate for sources subject to
19 the provisions of subsection (f)(1),] any person may
20 file, WITHIN A 15-DAY PERIOD FOLLOWING THE PUBLIC NOTICE
21 OF RECEIPT OF A PERMIT APPLICATION, a written objection
22 setting forth the basis thereof in detail with the Department
23 of Environmental Protection and opposing the approval of
24 the permit in its entirety or requesting that specific
25 conditions be attached to it. Objection may be accompanied
26 by a request for A PUBLIC hearing.

27 (j)(4) Following receipt of a request for a hearing BY 25 OR
28 MORE PEOPLE OR BY AN ASSOCIATION REPRESENTING 25 OR MORE

1 MEMBERS according to [subsection] SUBDIVISION (j)(3) or
2 upon his own initiative, the Commissioner may, prior to
3 the issuance of the permit, hold a public hearing.
4 Following the close of the hearing, the Commissioner
5 shall make a decision based on all available evidence,
6 including the record of the hearing and the recommendation
7 of the hearing examiner, as to whether to approve, deny,
8 or conditionally approve the permit. Notice of such
9 decision shall be published according to [subsection]
10 SUBDIVISIONS (j)(1) AND (j)(2).

11 (j)(5) [Notwithstanding the provisions of subsection (j)(4), a
12 public hearing shall be mandatory for any application
13 subject to subsections (b)(1), (g)(5), or (g)(6) for a
14 source which the Department has reason to believe will
15 emit more than 100 tons of air pollutants annually.]

16 OPPORTUNITY FOR PUBLIC COMMENT REQUIRED BY SUBDIVISION
17 (j)(2) INCLUDES AS A MINIMUM:

- 18 (i) A NOTICE BY ADVERTISEMENT IN A NEWSPAPER OF GENERAL
19 CIRCULATION IN THE REGION AFFECTED OF THE APPLICATION FOR
20 A PERMIT;
- 21 (ii) AVAILABILITY FOR PUBLIC INSPECTION IN THE OFFICE OF THE
22 DIRECTOR OF AIR COMPLIANCE OF THE INFORMATION SUBMITTED
23 BY THE OWNER OR OPERATOR AND OF THE ANALYSIS BY THE
24 COMMISSIONER OR HIS DESIGNEE OF THE EFFECT ON AIR QUALITY;
25 AND
- 26 (iii) A 15 DAY PERIOD FROM THE DATE OF THE NOTICE REQUIRED BY
27 (j)(5)(i) FOR SUBMITTAL OF PUBLIC COMMENT.

28 (k) [Signature.]

1 No permit issued under this section shall be effective
2 until the applicant or his duly authorized representative
3 shall have signed the permit, which signature shall
4 constitute an agreement to abide by the terms and con-
5 ditions therein.] PREVENTION OF SIGNIFICANT DETERIORATION
6 OF AIR QUALITY

7 (k)(1) APPLICABILITY AND GENERAL REQUIREMENTS

- 8 (i) THE REQUIREMENTS OF SUBDIVISION (k)(2) SHALL APPLY ONLY
9 WITH RESPECT TO AIR POLLUTANT EMISSIONS FOR WHICH A
10 PREVENTION OF SIGNIFICANT DETERIORATION (HEREAFTER, PSD)
11 INCREMENT, AS FOLLOWS, HAS BEEN ESTABLISHED.

<u>POLLUTANT</u>	<u>PSD INCREMENT ($\mu\text{g}/\text{m}^3$)</u>
PARTICULATE MATTER	
ANNUAL GEOMETRIC MEAN	19
24-HOUR AVERAGE	37
SULFUR DIOXIDE	
ANNUAL GEOMETRIC MEAN	20
24-HOUR AVERAGE	91
3-HOUR AVERAGE	512

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20 (ii) THE REQUIREMENTS OF SUBDIVISION (k)(2) SHALL APPLY ONLY
21 TO NEW STATIONARY SOURCES OR MODIFICATIONS OF A SIZE AND
22 TYPE SPECIFIED IN PARAGRAPH (k)(1)(iv) below.
23 (iii) PRIOR TO THE ISSUANCE OF A PERMIT TO CONSTRUCT, THE
24 COMMISSIONER MUST DETERMINE THAT, IN ADDITION TO DEMONSTRATING
25 COMPLIANCE WITH THE REQUIREMENTS OF SUBSECTIONS (a)
26 THROUGH (i) FOR NEW OR MODIFIED STATIONARY SOURCES, THE
27 OWNER OR OPERATOR OF A NEW STATIONARY SOURCE OR MODIFICATION
28 OF A SIZE AND TYPE SPECIFIED IN PARAGRAPH (k)(1)(iv)

1 WHICH IS LOCATED IN AN AREA WHERE THE NATIONAL OR STATE
2 AMBIENT AIR QUALITY STANDARDS ARE BEING ATTAINED WITH
3 RESPECT TO A PARTICULAR POLLUTANT HAS DEMONSTRATED THAT
4 THE PROPOSED STATIONARY SOURCE OF MODIFICATION WILL
5 COMPLY WITH THE REQUIREMENTS OF SUBDIVISION (k)(2) WITH
6 RESPECT TO THAT POLLUTANT.

7 (iv) UNLESS EXEMPTED BY THE PROVISIONS OF PARAGRAPHS (v)
8 THROUGH (viii) BELOW, THE REQUIREMENTS OF SUBDIVISION
9 (k)(2) SHALL APPLY TO: (a) ANY NEW STATIONARY SOURCE OR
10 MODIFICATION WHICH WOULD EMIT OR WOULD HAVE THE POTENTIAL
11 TO EMIT 250 TONS PER YEAR OR MORE OF AN APPLICABLE POLLUTANT
12 REGULATED UNDER THE FEDERAL CLEAN AIR ACT, AND (b) ANY
13 OF THE FOLLOWING NEW STATIONARY SOURCES OR MODIFICATIONS
14 WHICH WOULD EMIT OR WOULD HAVE THE POTENTIAL TO EMIT 100
15 TONS PER YEAR OR MORE OF AN APPLICABLE AIR POLLUTANT
16 REGULATED UNDER THE FEDERAL CLEAN AIR ACT:

- 17 (a) FOSSIL FUEL-FIRED STEAM ELECTRIC PLANTS OF MORE THAN
18 250 MILLION BRITISH THERMAL UNITS PER HOUR HEAT
19 INPUT,
20 (b) COAL CLEANING PLANTS WITH THERMAL DRYERS,
21 (c) KRAFT PULP MILLS,
22 (d) PORTLAND CEMENT PLANTS,
23 (e) PRIMARY ZINC SMELTERS,
24 (f) IRON AND STEEL MILL PLANTS,
25 (g) PRIMARY ALUMINUM ORE REDUCTION PLANTS,
26 (h) PRIMARY COPPER SMELTERS,
27 (i) MUNICIPAL INCINERATORS CAPABLE OF CHARGING MORE THAN
28 250 TONS OF REFUSE PER DAY,

- 1 (j) HYDROFLUORIC ACID PLANTS,
2 (k) SULFURIC ACID PLANTS,
3 (l) NITRIC ACID PLANTS,
4 (m) PETROLEUM REFINERIES,
5 (n) LIME PLANTS,
6 (o) PHOSPHATE ROCK PROCESSING PLANTS,
7 (p) COKE OVEN BATTERIES,
8 (q) SULFUR RECOVERY PLANTS,
9 (r) CARBON BLACK PLANTS (FURNACE PROCESS),
10 (s) PRIMARY LEAD SMELTERS,
11 (t) FUEL CONVERSION PLANTS,
12 (u) SINTERING PLANTS,
13 (v) SECONDARY METAL PRODUCTION PLANTS,
14 (w) CHEMICAL PROCESS PLANTS,
15 (x) FOSSIL FUEL BOILERS, OR COMBINATION THEREOF, TOTALING
16 MORE THAN 250 MILLION BRITISH THERMAL UNITS PER HOUR
17 HEAT INPUT,
18 (y) PETROLEUM STORAGE AND TRANSFER UNITS WITH A TOTAL
19 STORAGE CAPACITY EXCEEDING 300,000 BARRELS,
20 (z) TACONITE ORE PROCESSING PLANTS,
21 (aa) GLASS FIBER PROCESSING PLANTS, AND
22 (bb) CHARCOAL PRODUCTION PLANTS.
23 (v) TO DETERMINE THE QUANTITY OF POTENTIAL EMISSIONS ATTRIBUTABLE
24 TO A MODIFICATION, THE COMMISSIONER SHALL TAKE INTO
25 ACCOUNT ALL ACCUMULATED INCREASES IN POTENTIAL EMISSIONS
26 OCCURRING AT THE STATIONARY SOURCE SINCE AUGUST 7, 1977,
27 OR SINCE THE TIME OF THE LAST PERMIT APPROVAL FOR THE
28 STATIONARY SOURCE UNDER FEDERAL REGULATIONS FOR THE

1 PREVENTION OF SIGNIFICANT DETERIORATION, OR SINCE THE
2 TIME OF THE LAST PERMIT APPROVAL FOR THE STATIONARY
3 SOURCE UNDER THIS SUBSECTION, WHICHEVER IS MOST RECENT.
4 IN THE EVENT THAT THE AUGUST 7, 1977 REFERENCE DATE IS
5 CHANGED BY FEDERAL JUDICIAL OR ADMINISTRATIVE ACTION, THE
6 COMMISSIONER SHALL USE THAT DATE WHICH IS VALID UNDER
7 FEDERAL LAW.

8 (vi) THE REQUIREMENTS OF SUBDIVISION (k)(2) SHALL NOT APPLY TO
9 A NEW STATIONARY SOURCE OR MODIFICATION THAT WAS SUBJECT
10 TO THE REVIEW REQUIREMENTS FOR PREVENTION OF SIGNIFICANT
11 DETERIORATION UNDER FEDERAL REGULATIONS IN EFFECT PRIOR
12 TO THE ADOPTION OF THESE REGULATIONS.

13 (vii) THE REQUIREMENTS OF PARAGRAPHS (k)(2)(i) THROUGH (iv)
14 INCLUSIVE SHALL NOT APPLY TO A NEW STATIONARY SOURCE OR
15 MODIFICATION WITH RESPECT TO A PARTICULAR POLLUTANT, IF
16 THE OWNER OR OPERATOR DEMONSTRATES THAT:

17 (vii)(a) AS TO THAT POLLUTANT, THE SOURCE OR MODIFICATION IS
18 SUBJECT TO SUBSECTION (l) OF THESE REGULATIONS; AND

19 (vii)(b) AS TO THAT POLLUTANT, THE NEW STATIONARY SOURCE OR
20 MODIFICATION WOULD NOT HAVE A SIGNIFICANT IMPACT, AS
21 DEFINED BY SUBDIVISION (c)(7), ON ANY AREA ATTAINING THE
22 STATE AND NATIONAL AMBIENT AIR QUALITY STANDARDS FOR THAT
23 POLLUTANT, EITHER INTERNAL OR EXTERNAL TO AREAS DESIGNATED
24 AS NON-ATTAINMENT UNDER SECTION 107 OF THE FEDERAL CLEAN
25 AIR ACT; AND

26 (vii)(c) THE SOURCE WOULD IMPACT NO CLASS I AREA AND NO AREA WHERE
27 A PSD INCREMENT IS KNOWN TO BE VIOLATED.

28 (viii) THE REQUIREMENTS OF SUBDIVISION (k)(2) SHALL NOT APPLY,

1 UPON THE WRITTEN REQUEST OF THE GOVERNOR, TO A NONPROFIT
2 HEALTH OR EDUCATIONAL INSTITUTION TO BE LOCATED IN CONNECTICUT.

3 (ix) A PORTABLE STATIONARY SOURCE WHICH HAS RECEIVED CONSTRUCTION
4 APPROVAL UNDER THE REQUIREMENTS OF SUBDIVISION (k)(2)
5 MAY RELOCATE WITHOUT BEING SUBJECT TO THE REQUIREMENTS OF
6 SUBDIVISION (k)(2) IF:

7 (a) ACTUAL EMISSIONS FROM THE SOURCE WOULD NOT EXCEED
8 ALLOWABLE EMISSIONS; AND

9 (b) SUCH RELOCATION WOULD IMPACT NO CLASS I AREA AND NO
10 AREA WHERE AN APPLICABLE PSD INCREMENT IS KNOWN TO
11 BE VIOLATED; AND

12 (c) NOTICE IS GIVEN TO THE COMMISSIONER AT LEAST 30 DAYS
13 PRIOR TO SUCH RELOCATION, IDENTIFYING THE PROPOSED
14 NEW LOCATION AND PROBABLE DURATION OF OPERATION AT
15 SUCH LOCATION; AND

16 (d) THE AMBIENT IMPACT OF THE SOURCE AT THE NEW LOCATION
17 WOULD MEET THE REQUIREMENTS OF SUBDIVISIONS (c)(2)
18 AND (c)(7) OF THESE REGULATIONS.

19 (k)(2) REQUIREMENTS FOR NEW STATIONARY SOURCES AND MODIFICATIONS

20 (i) CONTROL TECHNOLOGY REVIEW

21 (a) THE OWNER OR OPERATOR OF A NEW STATIONARY SOURCE OR
22 MODIFICATION OF A SIZE AND TYPE DEFINED IN PARAGRAPH
23 (k)(1)(iv) SHALL, AT A MINIMUM, MEET ALL APPLICABLE
24 EMISSION LIMITATIONS CONTAINED IN THESE REGULATIONS
25 AND ALL APPLICABLE EMISSION STANDARDS AND STANDARDS
26 OF PERFORMANCE UNDER TITLE 40 OF THE CODE OF FEDERAL
27 REGULATIONS PARTS 60 AND 61, AS FROM TIME TO TIME
28 MAY BE AMENDED.

1 (b) BEYOND THE REQUIREMENT ABOVE, SUCH NEW STATIONARY
2 SOURCE OR MODIFICATION SHALL APPLY THE BEST AVAILABLE
3 CONTROL TECHNOLOGY (BACT) FOR EACH APPLICABLE POLLUTANT,
4 UNLESS THE INCREASE IN ALLOWABLE EMISSIONS OF THAT
5 POLLUTANT FROM THAT SOURCE WOULD BE LESS THAN 50
6 TONS PER YEAR, 1,000 POUNDS PER DAY, AND 100 POUNDS
7 PER HOUR.

8 (b)(1) THE PRECEDING HOURLY OR DAILY RATES SHALL APPLY
9 ONLY WITH RESPECT TO A POLLUTANT FOR WHICH A
10 PSD INCREMENT OR NATIONAL OR STATE AMBIENT AIR
11 QUALITY STANDARD FOR A PERIOD OF 24 HOURS OR
12 LESS HAS BEEN ESTABLISHED.

13 (b)(2) IN DETERMINING WHETHER AND TO WHAT EXTENT A
14 MODIFICATION WOULD INCREASE ALLOWABLE EMISSIONS,
15 THE COMMISSIONER SHALL TAKE INTO ACCOUNT ALL
16 ACCUMULATED INCREASES IN ALLOWABLE EMISSIONS
17 OCCURRING AT THE STATIONARY SOURCE SINCE AUGUST 7,
18 1977, OR SINCE THE TIME OF THE LAST PERMIT
19 APPROVAL FOR THE STATIONARY SOURCE UNDER FEDERAL
20 REGULATIONS FOR THE PREVENTION OF SIGNIFICANT
21 DETERIORATION, OR SINCE THE TIME OF THE LAST
22 PERMIT APPROVAL FOR THE STATIONARY SOURCE UNDER
23 THIS SUBSECTION, WHICHEVER IS MOST RECENT, BUT
24 HE SHALL NOT TAKE INTO ACCOUNT EMISSION REDUCTIONS
25 ACHIEVED AT THE STATIONARY SOURCE AT WHICH THE
26 MODIFICATION WOULD OCCUR. IN THE EVENT THAT
27 THE AUGUST 7, 1977 REFERENCE DATE IS CHANGED BY
28 FEDERAL JUDICIAL OR ADMINISTRATIVE ACTION, THE

1 COMMISSIONER SHALL USE THAT DATE WHICH IS VALID
2 UNDER FEDERAL LAW.

3 (c) IN THE CASE OF A NEW STATIONARY SOURCE MODIFICATION
4 OF A SIZE AND TYPE DEFINED IN PARAGRAPH (k)(1)(iv),
5 THE REQUIREMENT FOR BEST AVAILABLE CONTROL TECHNOLOGY
6 SHALL APPLY ONLY TO EACH NEW OR MODIFIED PIECE OF
7 EQUIPMENT WHICH WOULD INCREASE THE ALLOWABLE EMISSIONS
8 OF AN APPLICABLE POLLUTANT. MOREOVER, IF THE SOURCE
9 IS MODIFIED INTERMITTENTLY AND ANY OF THE INTERMITTENT
10 MODIFICATIONS HAS NOT PREVIOUSLY BEEN SUBJECT TO THE
11 REQUIREMENTS UNDER PARAGRAPH (k)(2)(i), THE COMMISSIONER
12 SHALL CONSIDER THE STAGE OF CONSTRUCTION OF EACH
13 SUCH INTERMITTENT MODIFICATION AND THE ABILITY OF
14 THE SOURCE TO INSTALL ADDITIONAL CONTROL EQUIPMENT
15 AT THE TIME THE SOURCE BECOMES SUBJECT TO THE REQUIREMENTS
16 OF THIS SUBSECTION.

17 (d) WHEN AN IDENTIFIABLE PIECE OF EQUIPMENT WITHIN A
18 STATIONARY SOURCE IS MODIFIED, BUT NOT RECONSTRUCTED,
19 AND SUCH MODIFICATION IS OF A SIZE AND TYPE DEFINED
20 IN PARAGRAPH (k)(1)(iv), THE REQUIREMENT FOR BEST
21 AVAILABLE CONTROL TECHNOLOGY SHALL NOT APPLY, NOTWITHSTANDING
22 SUBPARAGRAPH (i)(b) OF THIS SUBDIVISION, IF NO NET
23 INCREASE IN EMISSIONS OF AN APPLICABLE POLLUTANT
24 WOULD OCCUR AT THE STATIONARY SOURCE, TAKING INTO
25 ACCOUNT ALL EMISSION INCREASES AND DECREASES AT THE
26 STATIONARY SOURCE WHICH WOULD ACCOMPANY THE MODIFICATION,
27 AND NO ADVERSE AMBIENT AIR QUALITY IMPACT WOULD
28 OCCUR.

1 (e) FOR PHASED CONSTRUCTION PROJECTS, THE DETERMINATION
2 OF BEST AVAILABLE CONTROL TECHNOLOGY SHALL BE REVIEWED,
3 AND MODIFIED AS APPROPRIATE, AT THE LATEST REASONABLE
4 TIME AS DETERMINED BY THE COMMISSIONER PRIOR TO
5 COMMENCEMENT OF CONSTRUCTION OF EACH INDEPENDENT
6 PHASE OF THE PROPOSED STATIONARY SOURCE OR MODIFICATION.

7 (ii) AIR QUALITY REVIEW

8 (a) THE OWNER OR OPERATOR OF A NEW STATIONARY SOURCE OR
9 MODIFICATION OF A SIZE AND TYPE DEFINED IN PARAGRAPH
10 (k)(1)(iv) MUST MEET THE REQUIREMENTS OF SUBDIVISION
11 (c)(7).

12 (iii) MONITORING

13 (a) THE OWNER OR OPERATOR OF A NEW STATIONARY SOURCE OR
14 MODIFICATION OF A SIZE AND TYPE DEFINED IN PARAGRAPH
15 (k)(1)(iv) SHALL, AFTER CONSTRUCTION OF THE STATIONARY
16 SOURCE OR MODIFICATION, CONDUCT SUCH METEOROLOGICAL
17 AND AMBIENT AIR QUALITY MONITORING AS THE COMMISSIONER
18 DETERMINES MAY BE NECESSARY TO ESTABLISH THE EFFECT
19 WHICH EMISSIONS FROM THE STATIONARY SOURCE OR MODIFICATION
20 OF A POLLUTANT FOR WHICH EITHER A NATIONAL OR STATE
21 AMBIENT AIR QUALITY STANDARD EXISTS MAY HAVE, OR IS
22 HAVING, ON AMBIENT AIR QUALITY IN ANY AREA WHICH
23 SUCH EMISSIONS WOULD AFFECT.

24 (b) ANY PERMIT APPLICATION FOR A NEW STATIONARY SOURCE
25 OR MODIFICATION OF A SIZE AND TYPE DEFINED IN PARAGRAPH
26 (k)(1)(iv) SHALL INCLUDE AN ANALYSIS OF METEOROLOGICAL
27 DATA AND CONTINUOUS AMBIENT AIR QUALITY MONITORING
28 DATA FOR ANY POLLUTANT EMITTED BY THE STATIONARY

1 SOURCE OR MODIFICATION FOR WHICH A NATIONAL OR STATE
2 AMBIENT AIR QUALITY STANDARD EXISTS, EXCEPT NON-
3 METHANE HYDROCARBONS, SUFFICIENT TO ENABLE THE
4 COMMISSIONER TO MAKE A DETERMINATION OF WHETHER THE
5 PROPOSED STATIONARY SOURCE OR MODIFICATION WOULD
6 CAUSE OR CONTRIBUTE TO A VIOLATION OF A NATIONAL OR
7 STATE AMBIENT AIR QUALITY STANDARD.

8 (iv) ADDITIONAL IMPACT ANALYSES

9 (a) THE OWNER OR OPERATOR OF A NEW STATIONARY SOURCE OR
10 MODIFICATION OF A SIZE AND TYPE DEFINED IN PARAGRAPH
11 (k)(1)(iv) SHALL PROVIDE THE COMMISSIONER WITH AN
12 ANALYSIS OF THE IMPAIRMENT TO VISIBILITY, SOILS, AND
13 VEGETATION THAT WOULD OCCUR AS A RESULT OF THE
14 CONSTRUCTION AND OPERATION OF THE NEW STATIONARY
15 SOURCE OR MODIFICATION AND OF THE GENERAL COMMERCIAL,
16 RESIDENTIAL, INDUSTRIAL AND OTHER GROWTH ASSOCIATED
17 WITH THE STATIONARY SOURCE OR MODIFICATION. THE
18 OWNER OR OPERATOR NEED NOT PROVIDE AN ANALYSIS OF
19 THE IMPACT ON VEGETATION HAVING NO SIGNIFICANT
20 COMMERCIAL OR RECREATIONAL VALUE.

21 (b) THE OWNER OR OPERATOR OF A NEW STATIONARY SOURCE OR
22 MODIFICATION OF A SIZE AND TYPE DEFINED IN PARAGRAPH
23 (k)(1)(iv) SHALL PROVIDE THE COMMISSIONER WITH AN
24 ANALYSIS BASED ON METHODS APPROVED BY THE COMMISSIONER
25 OF THE AMBIENT AIR QUALITY IMPACT PROJECTED FOR THE
26 AREA AS A RESULT OF GENERAL COMMERCIAL, RESIDENTIAL,
27 INDUSTRIAL AND OTHER GROWTH ASSOCIATED WITH THE NEW
28 STATIONARY SOURCE OR MODIFICATION.

1 (v) EXEMPTIONS

2 (a) THE REQUIREMENTS OF PARAGRAPHS (k)(2)(iii) and (iv)
3 SHALL NOT APPLY TO A PARTICULAR POLLUTANT FROM A NEW
4 STATIONARY SOURCE OR MODIFICATION OTHERWISE SUBJECT
5 TO THOSE REQUIREMENTS IF:

6 (1) THE INCREASE IN ALLOWABLE EMISSIONS OF THAT
7 POLLUTANT FROM THE STATIONARY SOURCE OR MODIFICATION
8 WOULD IMPACT NO CLASS I AREA AND NO AREA WHERE
9 AN APPLICABLE PSD INCREMENT, AS DEFINED IN
10 SUBDIVISION (k)(1), IS KNOWN TO BE VIOLATED;
11 AND

12 (2) THE INCREASE IN ALLOWABLE EMISSIONS OF THAT
13 POLLUTANT FROM THE STATIONARY SOURCE OR MODIFICATION
14 WOULD BE LESS THAN 50 TONS PER YEAR, 1,000
15 POUNDS PER DAY, AND 100 POUNDS PER HOUR; OR

16 (3) THE EMISSIONS OF THE POLLUTANT ARE OF A TEMPORARY
17 NATURE, NOT TO EXCEED TWO YEARS, INCLUDING, BUT
18 NOT LIMITED TO, THOSE FROM A PILOT PLANT, A
19 PORTABLE FACILITY, CONSTRUCTION OR EXPLORATION;
20 OR

21 (4) A STATIONARY SOURCE IS MODIFIED BUT NO INCREASE
22 IN THE NET AMOUNTS OF ACTUAL AND ALLOWABLE
23 EMISSIONS FOR ANY POLLUTANT SUBJECT TO A NATIONAL
24 OR STATE AMBIENT AIR QUALITY STANDARD AND NO
25 ADVERSE AMBIENT AIR QUALITY IMPACT WOULD OCCUR.

26 (b) THE HOURLY AND DAILY RATES REFERRED TO IN SUBPARAGRAPH
27 (v)(a)(2) ABOVE SHALL APPLY ONLY WITH RESPECT TO A
28 POLLUTANT FOR WHICH A PSD INCREMENT OR A NATIONAL OR

1 STATE AMBIENT AIR QUALITY STANDARD FOR A PERIOD OF
2 24 HOURS OR LESS HAS BEEN ESTABLISHED.

3 (c) IN DETERMINING FOR THE PURPOSE OF SUBPARAGRAPH
4 (v)(a)(2) WHAT THE INCREASE IN ALLOWABLE EMISSIONS
5 FROM A MODIFICATION WOULD BE, THERE SHALL BE TAKEN
6 INTO ACCOUNT NO EMISSION REDUCTIONS ACHIEVED AT THE
7 STATIONARY SOURCE AT WHICH THE MODIFICATION WOULD
8 OCCUR.

9 (d) IN DETERMINING FOR THE PURPOSE OF SUBPARAGRAPH
10 (v)(a)(4) WHETHER AND TO WHAT EXTENT THERE WOULD BE
11 AN INCREASE IN THE NET AMOUNT OF EMISSIONS OF ANY
12 POLLUTANT SUBJECT TO A NATIONAL OR STATE AMBIENT AIR
13 QUALITY STANDARD FROM THE STATIONARY SOURCE WHICH IS
14 MODIFIED, THERE SHALL BE TAKEN INTO ACCOUNT ALL
15 EMISSION INCREASES AND DECREASES OCCURRING AT THE
16 STATIONARY SOURCE SINCE AUGUST 7, 1977, OR SINCE THE
17 TIME OF THE LAST PERMIT APPROVAL FOR THE STATIONARY
18 SOURCE UNDER FEDERAL REGULATIONS FOR THE PREVENTION
19 OF SIGNIFICANT DETERIORATION, OR SINCE THE TIME OF
20 THE LAST PERMIT APPROVAL FOR THE STATIONARY SOURCE
21 UNDER THIS SUBSECTION, WHICHEVER IS MOST RECENT. IN
22 THE EVENT THAT THE AUGUST 7, 1977 REFERENCE DATE IS
23 CHANGED BY FEDERAL JUDICIAL OR ADMINISTRATIVE ACTION,
24 THE COMMISSIONER SHALL USE THAT DATE WHICH IS VALID
25 UNDER FEDERAL LAW.

26 (vi) SOURCE INFORMATION

27 THE OWNER OR OPERATOR OF A NEW OR MODIFIED STATIONARY
28 SOURCE OF A SIZE AND TYPE DEFINED IN PARAGRAPH (k)(1)(iv)

1 SHALL SUBMIT ALL INFORMATION NECESSARY TO PERFORM ANY
2 ANALYSIS OR MAKE ANY DETERMINATION UNDER THIS SUBSECTION.
3 SUCH INFORMATION SHALL INCLUDE:

4 (vi)(a) A DESCRIPTION OF THE NATURE, LOCATION, DESIGN CAPACITY
5 AND TYPICAL OPERATING SCHEDULE OF THE STATIONARY SOURCE
6 OR MODIFICATION, INCLUDING SPECIFICATIONS AND DRAWINGS
7 SHOWING ITS DESIGN AND PLANT LAYOUT; AND

8 (vi)(b) A SCHEDULE FOR CONSTRUCTION OF THE STATIONARY SOURCE OR
9 MODIFICATION; AND

10 (vi)(c) A DETAILED DESCRIPTION AS TO WHAT SYSTEM OF CONTINUOUS
11 EMISSION REDUCTION IS PLANNED FOR THE STATIONARY SOURCE
12 OR MODIFICATION, EMISSION ESTIMATES, OR ANY OTHER INFORMATION
13 NECESSARY TO DETERMINE THAT THE BEST AVAILABLE CONTROL
14 TECHNOLOGY WOULD BE APPLIED.

15 (vi)(d) UPON THE REQUEST OF THE COMMISSIONER, THE OWNER OR OPERATOR
16 SHALL ALSO PROVIDE INFORMATION ON:

17 (vi)(d)(1) THE AMBIENT AIR QUALITY IMPACT OF THE STATIONARY SOURCE
18 OR MODIFICATION, INCLUDING METEOROLOGICAL AND TOPOGRAPHICAL
19 DATA NECESSARY TO ESTIMATE SUCH IMPACT; AND

20 (vi)(d)(2) THE AMBIENT AIR QUALITY IMPACTS AND THE NATURE AND EXTENT
21 OF SIGNIFICANT GENERAL COMMERCIAL, RESIDENTIAL, INDUSTRIAL
22 AND OTHER GROWTH WHICH HAS OCCURRED SINCE AUGUST 7, 1977
23 IN THE AREA THE STATIONARY SOURCE OR MODIFICATION WOULD
24 AFFECT. IN THE EVENT THAT THE AUGUST 7, 1977 REFERENCE
25 DATE IS CHANGED BY FEDERAL JUDICIAL OR ADMINISTRATIVE
26 ACTION, THE APPLICANT SHALL APPLY THAT DATE WHICH IS
27 VALID UNDER FEDERAL LAW.

28 (vii) PUBLIC PARTICIPATION

1 THE FOLLOWING REQUIREMENTS APPLY WITH RESPECT TO A NEW
2 STATIONARY SOURCE OR MODIFICATION OF A SIZE AND TYPE
3 DEFINED IN PARAGRAPH (k)(1)(iv):

4 (vii)(a) WITHIN 30 DAYS AFTER RECEIPT OF AN APPLICATION TO CONSTRUCT,
5 OR ANY ADDITION TO SUCH APPLICATION, THE COMMISSIONER
6 SHALL ADVISE THE APPLICANT OF ANY DEFICIENCY IN THE
7 APPLICATION OR IN THE INFORMATION SUBMITTED. IN THE
8 EVENT OF SUCH DEFICIENCY, THE DATE OF RECEIPT OF THE
9 APPLICATION SHALL BE THE DATE ON WHICH THE COMMISSIONER
10 RECEIVED ALL REQUIRED INFORMATION.

11 (vii)(b) WITHIN 180 DAYS AFTER RECEIPT OF A COMPLETE APPLICATION,
12 THE COMMISSIONER SHALL MAKE A FINAL DETERMINATION ON THE
13 APPLICATION. THIS INVOLVES PERFORMING THE FOLLOWING
14 ACTIONS IN A TIMELY MANNER:

15 (vii)(b)(1) TRANSMIT TO THE ADMINISTRATOR A COPY OF THE PERMIT APPLICATION.

16 (vii)(b)(2) MAKE A PRELIMINARY DETERMINATION WHETHER CONSTRUCTION
17 SHOULD BE APPROVED, APPROVED WITH CONDITIONS, OR DISAPPROVED.

18 (vii)(b)(3) MAKE AVAILABLE IN AT LEAST ONE LOCATION IN EACH REGION IN
19 WHICH THE PROPOSED STATIONARY SOURCE OR MODIFICATION
20 WOULD BE CONSTRUCTED, A COPY OF THE PRELIMINARY DETERMINATION
21 AND A COPY OR SUMMARY OF OTHER MATERIALS, IF ANY, CONSIDERED
22 IN MAKING THE PRELIMINARY DETERMINATION.

23 (vii)(b)(4) NOTIFY THE PUBLIC, BY ADVERTISEMENT IN A NEWSPAPER OF
24 GENERAL CIRCULATION IN EACH REGION IN WHICH THE PROPOSED
25 STATIONARY SOURCE OR MODIFICATION WOULD BE CONSTRUCTED,
26 OF THE APPLICATION, THE PRELIMINARY DETERMINATION, THE
27 DEGREE OF PSD INCREMENT CONSUMPTION THAT IS EXPECTED FROM
28 THE STATIONARY SOURCE OR MODIFICATION, AND THE OPPORTUNITY

1 FOR COMMENT AT A PUBLIC HEARING AS WELL AS WRITTEN COMMENT.

2 (vii)(b)(5) SEND A COPY OF THE NOTICE OF PUBLIC COMMENT TO THE APPLICANT
3 AND TO OFFICIALS AND AGENCIES HAVING COGNIZANCE OVER THE
4 LOCATION WHERE THE PROPOSED CONSTRUCTION WOULD OCCUR AS
5 FOLLOWS: (i) THE ADMINISTRATOR THROUGH THE BOSTON REGIONAL
6 OFFICE; (ii) THE CHIEF EXECUTIVE OF THE MUNICIPALITY
7 WHERE THE SOURCE OR MODIFICATION WOULD BE LOCATED; (iii)
8 ANY REGIONAL PLANNING AGENCY; AND (iv) ANY STATE, FEDERAL
9 LAND MANAGER, OR INDIAN GOVERNING BODY WHOSE LANDS MAY BE
10 AFFECTED BY EMISSIONS FROM THE STATIONARY SOURCE OR
11 MODIFICATION.

12 (vii)(b)(6) PROVIDE OPPORTUNITY FOR A PUBLIC HEARING FOR INTERESTED
13 PERSONS TO APPEAR AND SUBMIT WRITTEN OR ORAL COMMENTS ON
14 THE AMBIENT AIR QUALITY IMPACT OF THE STATIONARY SOURCE
15 OR MODIFICATION, THE CONTROL TECHNOLOGY REQUIRED, AND
16 OTHER APPROPRIATE CONSIDERATIONS.

17 (vii)(b)(7) CONSIDER ALL WRITTEN COMMENTS SUBMITTED WITHIN A 30 DAY
18 PERIOD SPECIFIED IN THE NOTICE OF PUBLIC COMMENT AND ALL
19 COMMENTS RECEIVED AT ANY PUBLIC HEARINGS IN MAKING A
20 FINAL DECISION ON THE APPROVABILITY OF THE APPLICATION.
21 NO LATER THAN 10 DAYS AFTER THE CLOSE OF THE PUBLIC
22 COMMENT PERIOD THE DEPARTMENT, THE APPLICANT AND ANY
23 PARTY MAY SUBMIT A WRITTEN RESPONSE TO ANY COMMENTS
24 SUBMITTED BY THE PUBLIC. THE COMMISSIONER SHALL CONSIDER
25 THE RESPONSES IN MAKING A FINAL DECISION. THE COMMISSIONER
26 SHALL MAKE ALL COMMENTS AVAILABLE FOR PUBLIC INSPECTION
27 IN THE SAME LOCATIONS WHERE HE MADE AVAILABLE PRECONSTRUCTION
28 INFORMATION RELATING TO THE PROPOSED SOURCE OR MODIFICATION.

1 100 TONS PER YEAR OR MORE, AND ALLOWABLE EMISSIONS OF THE
2 SAME NON-ATTAINMENT POLLUTANT OF AT LEAST 50 TONS PER
3 YEAR, 1000 POUNDS PER DAY, OR 100 POUNDS PER HOUR, WHICHEVER
4 IS MOST RESTRICTIVE, AND WHICH IS LOCATED IN AN AREA
5 WHERE NEITHER A NATIONAL NOR A STATE AMBIENT AIR QUALITY
6 STANDARD FOR THAT PARTICULAR POLLUTANT IS BEING VIOLATED,
7 AND WHICH WOULD CAUSE OR EXACERBATE, AS DEFINED IN SUBDIVISION
8 (c)(7), A VIOLATION OF EITHER A NATIONAL OR STATE AMBIENT
9 AIR QUALITY STANDARD FOR SUCH POLLUTANT IN AN ADJACENT
10 NON-ATTAINMENT AREA MUST DEMONSTRATE THAT THE PROPOSED
11 SOURCE OR MODIFICATION WILL COMPLY WITH THE REQUIREMENTS
12 OF SUBDIVISION (l)(3) WITH RESPECT TO THAT POLLUTANT.

13 (iii) FOR THE PURPOSE OF SUBSECTION (l), TO DETERMINE WHETHER A
14 MODIFICATION EXCEEDS THE THRESHOLDS OF 100 TONS PER YEAR
15 OF POTENTIAL EMISSIONS AND 50 TONS PER YEAR, 1,000 POUNDS
16 PER DAY, OR 100 POUNDS PER HOUR OF ALLOWABLE EMISSIONS,
17 THE COMMISSIONER SHALL TAKE INTO ACCOUNT ALL ACCUMULATED
18 POTENTIAL EMISSIONS OCCURRING AT THE STATIONARY SOURCE
19 SINCE JULY 1, 1979 OR SINCE THE DATE OF THE LAST PERMIT
20 APPROVAL FOR THE STATIONARY SOURCE UNDER SUBSECTION (l),
21 WHICHEVER TIME IS MORE RECENT, AND ALL ACCUMULATED ALLOWABLE
22 EMISSIONS OCCURRING AT THE STATIONARY SOURCE SINCE DECEMBER 21,
23 1976 OR SINCE THE DATE OF THE LAST PERMIT APPROVAL FOR
24 THE STATIONARY SOURCE UNDER SUBSECTION (l) OR UNDER THE
25 ADMINISTRATOR'S EMISSION OFFSET INTERPRETIVE RULING OF
26 DECEMBER 21, 1976 (41 FR 55524), AS AMENDED ON JANUARY 16,
27 1979 (44 FR 3274), WHICHEVER TIME IS MOST RECENT.

28 (iv) THE REQUIREMENTS OF SUBDIVISION (l)(3) SHALL NOT APPLY TO

1 A NEW STATIONARY SOURCE OR MODIFICATION THAT WAS SUBJECT
2 TO THE REVIEW REQUIREMENTS OF THE ADMINISTRATOR'S EMISSION
3 OFFSET INTERPRETIVE RULING OF DECEMBER 21, 1976 (41 FR
4 55524), AS AMENDED ON JANUARY 16, 1979 (44 FR 3274), FOR
5 REVIEW OF NEW STATIONARY SOURCES AND MODIFICATIONS.

6 (v) WHEN AN IDENTIFIABLE PIECE OF EQUIPMENT WITHIN A STATIONARY
7 SOURCE IS MODIFIED BUT NOT RECONSTRUCTED, THE REQUIREMENTS
8 OF SUBDIVISION (l)(3) SHALL NOT APPLY IF NO NET INCREASE
9 IN EMISSIONS OF A NON-ATTAINMENT POLLUTANT WOULD OCCUR AT
10 THE STATIONARY SOURCE, TAKING INTO ACCOUNT ALL EMISSIONS
11 INCREASES AND DECREASES AT THE STATIONARY SOURCE WHICH
12 WOULD ACCOMPANY THE MODIFICATION, AND IF NO ADVERSE
13 AMBIENT AIR QUALITY IMPACT WOULD OCCUR. HOWEVER, THIS
14 EXEMPTION SHALL NOT BE APPLICABLE WHERE AN IDENTIFIABLE
15 PIECE OF EQUIPMENT WHICH ITSELF HAS POTENTIAL EMISSIONS
16 OF 100 TONS PER YEAR AND ALLOWABLE EMISSIONS OF AT LEAST
17 50 TONS PER YEAR, 1,000 POUNDS PER DAY, OR 100 POUNDS PER
18 HOUR, WHICHEVER IS MOST RESTRICTIVE, IS ADDED TO OR
19 RECONSTRUCTED AT A SOURCE, WHETHER THE PURPOSE OF THE
20 MODIFICATION OR RECONSTRUCTION IS TO REPLACE PRODUCTION
21 CAPACITY OR FOR GROWTH.

22 (vi) THE REQUIREMENTS OF PARAGRAPHS (l)(3)(ii) and (iii) MAY
23 BE WAIVED FOR A RESOURCE RECOVERY FACILITY, IF IT CAN BE
24 DEMONSTRATED THAT THE OPERATION OF THE FACILITY WOULD NOT
25 CAUSE OR EXACERBATE A VIOLATION OF THE PRIMARY NATIONAL
26 OR STATE AMBIENT AIR QUALITY STANDARD FOR PARTICULATE
27 MATTER, LEAD, NITROGEN DIOXIDE, OR SULFUR DIOXIDE AND
28 WOULD PRODUCE A SIGNIFICANT NET ENVIRONMENTAL IMPROVEMENT

1 TO THE SATISFACTION OF THE COMMISSIONER.

2 (vii) NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS (i) AND
3 (ii) ABOVE, THE REQUIREMENTS OF PARAGRAPHS (L)(3)(i)
4 AND (iii) SHALL NOT APPLY TO ANY NON-ATTAINMENT POLLUTANT
5 FOR WHICH THE COMMISSIONER HAS SUBMITTED AN APPROVED
6 STATE IMPLEMENTATION PLAN WHICH DEMONSTRATES ATTAINMENT
7 BY THE DEADLINES OF THE FEDERAL CLEAN AIR ACT AND EXPRESSLY
8 IDENTIFIES AND QUANTIFIES THE EMISSIONS OF ANY SUCH
9 POLLUTANT WHICH WILL BE ALLOWED TO RESULT FROM CONSTRUCTION
10 AND OPERATION OF NEW STATIONARY SOURCES OR MODIFICATIONS
11 WHICH WOULD BE SUBJECT TO THE PROVISION OF SUBDIVISION
12 (L)(3).

13 (L)(2) ANALYSIS OF ALTERNATIVES

14 (i) PRIOR TO THE ISSUANCE OF ANY PERMIT FOR CONSTRUCTION OF A
15 NEW STATIONARY SOURCE OR MODIFICATION SUBJECT TO THE
16 REQUIREMENTS OF SUBDIVISION (L)(3) IN AN AREA WHERE THERE
17 IS A VIOLATION OF A PRIMARY NATIONAL OR STATE AMBIENT AIR
18 QUALITY STANDARD FOR EITHER OZONE OR CARBON MONOXIDE, AN
19 ANALYSIS WILL BE REQUIRED OF ALTERNATIVE SITES, SIZES,
20 PRODUCTION PROCESSES, AND ENVIRONMENTAL CONTROL TECHNIQUES
21 WHICH ARE AVAILABLE AND REASONABLE FOR SUCH PROPOSED
22 SOURCE OR MODIFICATION. SUCH ANALYSIS SHALL BE PERFORMED
23 WITH RESPECT TO OZONE AND CARBON MONOXIDE AND SHALL
24 DEMONSTRATE THAT THE BENEFITS OF THE PROPOSED SOURCE
25 SIGNIFICANTLY OUTWEIGH THE ENVIRONMENTAL AND SOCIAL COSTS
26 IMPOSED AS A RESULT OF ITS LOCATION, CONSTRUCTION OR
27 MODIFICATION.

28 (L)(3) REQUIREMENTS

1 (i) CONTROL TECHNOLOGY REVIEW

2 A NEW STATIONARY SOURCE OR MODIFICATION SUBJECT TO THE
3 PROVISION OF THIS SUBSECTION SHALL COMPLY WITH THE LOWEST
4 ACHIEVABLE EMISSION RATE (LAER) FOR EACH POLLUTANT WHICH
5 IS EMITTED IN EXCESS OF THE EMISSION THRESHOLD ESTABLISHED
6 IN PARAGRAPHS (l)(1)(i) AND (ii) AND WHICH WILL HAVE A
7 SIGNIFICANT IMPACT, AS DEFINED IN SUBDIVISION (c)(7), ON
8 AN AREA DESIGNATED NON-ATTAINMENT FOR THAT POLLUTANT.
9 HOWEVER, IF THE SOURCE IS MODIFIED INTERMITTENTLY AND ANY
10 OF THE INTERMITTENT MODIFICATIONS HAS NOT PREVIOUSLY BEEN
11 SUBJECT TO THE REQUIREMENTS UNDER THIS PARAGRAPH, THE
12 COMMISSIONER SHALL CONSIDER THE STAGE OF CONSTRUCTION OF
13 EACH SUCH INTERMITTENT MODIFICATION AND THE ABILITY OF
14 THE SOURCE TO INSTALL ADDITIONAL CONTROL EQUIPMENT AT THE
15 TIME THE SOURCE BECOMES SUBJECT TO THE REQUIREMENTS OF
16 THIS SUBSECTION.

17 (i)(a) IN NO EVENT SHALL THE SPECIFIED LOWEST ACHIEVABLE EMISSION
18 RATE RESULT IN THE EMISSION OF ANY POLLUTANT IN EXCESS OF
19 THE AMOUNT ALLOWABLE UNDER THE APPLICABLE FEDERAL STANDARDS
20 FOR NEW SOURCES UNDER TITLE 40 OF THE CODE OF FEDERAL
21 REGULATIONS PART 60 AND PART 61, AS FROM TIME TO TIME MAY
22 BE AMENDED.

23 (i)(b) THE REQUIREMENT FOR THE LOWEST ACHIEVABLE EMISSION RATE
24 SHALL APPLY TO A NEW STATIONARY SOURCE OR MODIFICATION
25 SUBJECT TO THE PROVISIONS OF THIS SUBSECTION REGARDLESS
26 OF ITS LOCATION IN THE NON-ATTAINMENT REGION.

27 (ii) EMISSION OFFSETS

28 EMISSION REDUCTIONS, HEREAFTER "OFFSETS", OF AN APPLICABLE

1 POLLUTANT FROM EXISTING SOURCES IN THE AREA OF A PROPOSED
2 STATIONARY SOURCE OR MODIFICATION SUBJECT TO THE PROVISIONS
3 OF SUBDIVISION (L)(3) ARE REQUIRED: THE OFFSETS MUST BE
4 SUCH THAT, BY THE TIME THE PROPOSED SOURCE IS TO COMMENCE
5 OPERATION, TOTAL ALLOWABLE EMISSIONS FROM EXISTING SOURCES
6 IN THE REGION, FROM NEW OR MODIFIED STATIONARY SOURCES
7 UNDER CONSTRUCTION WHICH ARE NOT SUBJECT TO SUBDIVISION
8 (L)(3), AND FROM THE PROPOSED STATIONARY SOURCE WILL BE
9 SUFFICIENTLY LESS THAN THE TOTAL EMISSIONS FROM EXISTING
10 STATIONARY SOURCES ALLOWED UNDER THESE REGULATIONS PRIOR
11 TO THE FILING OF THE PERMIT APPLICATION, SO AS TO REPRESENT
12 REASONABLE FURTHER PROGRESS TOWARD THE ATTAINMENT OF THE
13 APPLICABLE NATIONAL OR STATE AMBIENT AIR QUALITY STANDARD.

14 (ii)(a) THE NEW STATIONARY SOURCE OR MODIFICATION WILL BE ALLOWED
15 OFFSET CREDIT ONLY FOR EMISSION REDUCTIONS WHICH OTHERWISE
16 WOULD NOT BE ACCOMPLISHED AS A RESULT OF THE REGULATIONS
17 IN EFFECT AT THE TIME OF THE APPLICATION FOR A PERMIT TO
18 CONSTRUCT UNDER THESE REGULATIONS, NOTWITHSTANDING THAT
19 SUCH REDUCTIONS MAY HAVE QUALIFIED AS OFFSETS AT SOME
20 EARLIER TIME. NO OFFSET CREDIT IS AVAILABLE IF THE
21 EFFECT OF AN EMISSION REDUCTION IS SIMPLY TO BRING A
22 STATIONARY SOURCE INTO COMPLIANCE WITH THESE REGULATIONS.

23 (ii)(b) THE OWNER OR OPERATOR OF THE NEW STATIONARY SOURCE OR
24 MODIFICATION MAY PROPOSE OFFSETS WHICH INVOLVE REDUCTIONS
25 FROM STATIONARY SOURCES CONTROLLED BY THE SOURCE OWNER OR
26 WHICH INVOLVE REDUCTIONS FROM STATIONARY SOURCES CONTROLLED
27 BY OTHERS.

28 (ii)(c) THE EMISSION REDUCTION COMMITTED TO MUST BE INCORPORATED

1 IN A REVISED PERMIT OR OTHER LEGALLY ENFORCEABLE DOCUMENT
2 APPLICABLE TO THE STATIONARY SOURCE PRODUCING SUCH REDUCTION
3 AND MUST BE ACCOMPLISHED BY THE TIME THE PROPOSED STATIONARY
4 SOURCE IS TO COMMENCE OPERATION.

5 (ii)(d) THE STATE OR ANY POLITICAL SUBDIVISION THEREOF MAY COMMIT
6 TO REDUCING EMISSIONS FROM EXISTING SOURCES TO SUFFICIENTLY
7 OUTWEIGH THE IMPACT OF THE PROPOSED STATIONARY SOURCE.
8 FOR SUCH EMISSION OFFSETS, SEVERAL DIFFERENT STATIONARY
9 SOURCES MAY BE ALLOWED TO CONSTRUCT AS A RESULT OF A
10 GENERAL STATE IMPLEMENTATION PLAN REVISION.

11 (ii)(e) IF THE EMISSION REDUCTION COMMITTED TO IS IN EXCESS OF
12 THE MINIMUM REQUIRED TO PRODUCE THE NECESSARY REDUCTION
13 WHICH WOULD AUTHORIZE CONSTRUCTION, THE EXCESS REDUCTION
14 WILL BE ELIGIBLE FOR CONSIDERATION AS A FUTURE OFFSET
15 FOR THE APPLICANT OR SUBSEQUENT HOLDER OF SUCH OFFSET
16 RIGHTS.

17 (ii)(f) EMISSION OFFSETS MUST BE GREATER THAN ONE-TO-ONE AND MUST
18 PRODUCE A NET AIR QUALITY BENEFIT, AS DEFINED IN PARAGRAPH
19 (iii) BELOW, AND THE OWNER OR OPERATOR MUST MEET ALL
20 OTHER APPLICABLE FEDERAL AND STATE REQUIREMENTS.

21 (ii)(g) FOR A NEW STATIONARY SOURCE OR MODIFICATION, OTHERWISE
22 SUBJECT TO THE PROVISIONS OF SUBDIVISION (2)(3), WHOSE
23 AMBIENT AIR QUALITY IMPACT WOULD NOT BE SIGNIFICANT, AS
24 DEFINED IN SUBDIVISION (c)(7), OR WHOSE AMBIENT AIR
25 QUALITY IMPACT WOULD BE SIGNIFICANT BUT WOULD NOT CAUSE
26 OR EXACERBATE A VIOLATION OF A STATE OR NATIONAL AMBIENT
27 AIR QUALITY STANDARD, EMISSION OFFSETS ARE NOT REQUIRED.

28 (ii)(h) THE OFFSETS MUST BE TRANSACTED ON A POUNDS PER HOUR

1 ACTUAL BASIS. THE COMMISSIONER SHALL CONSIDER OTHER
2 AVERAGING PERIODS, E.G. TONS PER YEAR AND POUNDS PER DAY,
3 IN ADDITION TO THE POUNDS PER HOUR BASIS IF NECESSARY TO
4 CARRY OUT THE INTENT OF THIS PARAGRAPH.

5 (i)(i) THE REDUCTIONS MUST COME FROM THE EMISSIONS INVENTORY
6 MAINTAINED BY THE COMMISSIONER, OR THEY MUST OTHERWISE BE
7 APPROVED BY THE COMMISSIONER AND THE ADMINISTRATOR.

8 (i)(j) ONLY INTRAPOLLUTANT EMISSION OFFSETS WILL BE ACCEPTABLE,
9 E.G., PARTICULATES FOR PARTICULATES.

10 (i)(k) OFFSETS FOR ALL POLLUTANTS MUST COME FROM THE CONNECTICUT
11 PORTION OF THE REGION IN WHICH THE PROPOSED STATIONARY
12 SOURCE IS LOCATED EXCEPT THAT OFFSETS FOR VOLATILE ORGANIC
13 COMPOUNDS MAY COME FROM ANYWHERE IN THE STATE.

14 (i)(l) WHEN A STATIONARY SOURCE IN THE INVENTORY MAINTAINED BY
15 THE COMMISSIONER CEASES OPERATIONS AND EITHER THE PERMIT
16 IS NOT RENEWED BY THE OWNER OR OPERATOR PURSUANT TO
17 SUBDIVISION (g) (5) OF THESE REGULATIONS, OR THE PERMIT
18 OR THE REGISTRATION CERTIFICATE FOR THE ALLOWABLE EMISSIONS
19 FROM THAT SOURCE HAS NOT BEEN TRANSFERRED TO A SUBSEQUENT
20 HOLDER PURSUANT TO SUBSECTION 19-508-3 (h) OR SUBSECTION
21 19-508-2 (d), RESPECTIVELY, THE ALLOWABLE EMISSIONS FROM
22 THE SOURCE SHALL BE ELIMINATED FROM THE INVENTORY MAINTAINED
23 BY THE COMMISSIONER AND SHALL REVERT TO THE CONNECTICUT
24 DEPARTMENT OF ECONOMIC DEVELOPMENT FOR SUBSEQUENT USE AS
25 OFFSET CREDIT. IN DETERMINING WHETHER A STATIONARY
26 SOURCE HAS CEASED OPERATIONS FOR THE PURPOSES OF THIS
27 SUBPARAGRAPH, THE COMMISSIONER SHALL CONSIDER SUCH FACTORS
28 AS THE LAY-OFF OF EMPLOYEES, THE REMOVAL OF EQUIPMENT,

1 FAILURE TO MAKE TAX PAYMENTS DUE, FAILURE TO RENEW LICENSES
2 LICENSES AND PERMITS NECESSARY TO CONTINUE BUSINESS
3 ACTIVITY IN THE STATE, INITIATION OF BANKRUPTCY PROCEEDINGS,
4 AND OTHER FACTORS AS MAY BE RELEVANT UNDER THE CIRCUMSTANCES.
5 NO STATIONARY SOURCE SHALL BE FOUND TO HAVE CEASED OPERATIONS
6 FOR THE PURPOSES OF THIS PARAGRAPH IF THE EMITTING MACHINERY
7 AND EQUIPMENT ARE RETAINED AT THE SOURCE, TAXES CONTINUE
8 TO BE PAID THEREON, AND THE OWNER OR OPERATOR REQUESTS
9 THAT THE ALLOWABLE EMISSIONS FROM THE SOURCE NOT BE
10 REMOVED FROM THE INVENTORY MAINTAINED BY THE COMMISSIONER.
11 PRIOR TO ELIMINATING A STATIONARY SOURCE'S ALLOWABLE
12 EMISSIONS FROM THE INVENTORY ON THE GROUNDS THAT THE
13 SOURCE HAS CEASED OPERATIONS, THE COMMISSIONER MUST
14 NOTIFY THE OWNER OR OPERATOR OF HIS INTENT. WITHIN
15 THRITY (30) DAYS OF SUCH NOTICE, THE OWNER MAY REQUEST A
16 HEARING FOR THE PURPOSE OF ESTABLISHING THAT THE SOURCE
17 HAS NOT CEASED OPERATIONS, AS DEFINED ABOVE. UPON SUCH
18 REQUEST THE COMMISSIONER SHALL HOLD A HEARING AND SHALL
19 WITHIN SIXTY (60) DAYS OF THE COMPLETION OF THE HEARING
20 NOTIFY THE PETITIONER OF HIS DECISION. THE NOTICE AND
21 HEARING PROVIDED ABOVE SHALL NOT BE REQUIRED WHERE
22 ALLOWABLE EMISSIONS ARE ELIMINATED FROM THE INVENTORY
23 FOLLOWING EXPIRATION OF A PERMIT, AS PROVIDED IN SUBDIVISION
24 (g)(8).

25 (iii) AIR QUALITY REVIEW

26 (iii)(a) EMISSION OFFSETS MUST PROVIDE A POSITIVE NET AIR QUALITY
27 BENEFIT IN THE AFFECTED AREA. SUCH BENEFIT SHALL BE
28 DETERMINED BY ATMOSPHERIC MODELING OR OTHER PROCEDURE

1 APPROVED BY THE COMMISSIONER.

2 (iii)(b) A NET AIR QUALITY BENEFIT IS REQUIRED ONLY FOR A NEW
3 STATIONARY SOURCE OR MODIFICATION SUBJECT TO THE PROVISIONS
4 OF SUBDIVISION (ℓ)(3) WHICH WOULD CAUSE OR EXACERBATE A
5 VIOLATION OF A STATE OR NATIONAL AMBIENT AIR QUALITY
6 STANDARD.

7 (iii)(c) A NET AIR QUALITY BENEFIT IS DEMONSTRATED WHEN THE
8 MAXIMUM IMPACT OF THE EMISSIONS TO BE REDUCED IS GREATER
9 THAN THE MAXIMUM IMPACT OF THE EMISSIONS FROM THE NEW
10 STATIONARY SOURCE OR MODIFICATION BY AT LEAST 11 μ/m^3
11 (24-HOUR AVERAGE) FOR PARTICULATES AND BY AT LEAST 550
12 $\mu g/m^3$ (8-HOUR AVERAGE) FOR CARBON MONOXIDE AND OCCURS
13 OVER THE SAME BASIC AREA OF POPULATION IMPACT OF THE NEW
14 STATIONARY SOURCE OR MODIFICATION.

15 (iii)(d) A NEW STATIONARY SOURCE OR MODIFICATION SUBJECT TO THE
16 PROVISIONS OF SUBDIVISION (ℓ)(3) SHALL BE EXEMPT FROM THE
17 REQUIREMENTS OF PARAGRAPHS (ii) AND (iii) ABOVE IF THE
18 SOURCE WOULD TERMINATE OPERATIONS PERMANENTLY OR RELOCATE
19 OUT OF A NON-ATTAINMENT AREA WITHIN TWO YEARS FROM THE
20 DATE OF INITIAL OPERATION.

21 (iv) SOURCE OBLIGATION

22 (iv)(a) THE OWNER OR OPERATOR OF THE PROPOSED NEW STATIONARY
23 SOURCE OR MODIFICATION SUBJECT TO THE PROVISIONS OF
24 SUBDIVISION (ℓ)(3) MUST DEMONSTRATE THAT ALL STATIONARY
25 SOURCES OWNED, OPERATED OR CONTROLLED BY HIM IN THE STATE
26 ARE IN COMPLIANCE, OR ARE ON A SCHEDULE OF COMPLIANCE,
27 WITH ALL APPLICABLE EMISSION LIMITATIONS AND STANDARDS.

28 (iv)(b) IN ADDITION, THE APPLICANT MUST DEMONSTRATE THAT ALL

1 ENFORCEMENT ORDERS FOR STATIONARY SOURCES OWNED OR OPERATED
2 BY THE APPLICANT IN THE CONNECTICUT PORTION OF THE SAME
3 REGION AS THE PROPOSED NEW STATIONARY SOURCE OR MODIFICATION
4 SUBJECT TO THE PROVISIONS OF SUBDIVISION (l)(3) ARE ON
5 THE MOST EXPEDITIOUS COMPLIANCE SCHEDULE PRACTICABLE.
6 WHERE PRACTICABLE, A MORE EXPEDITIOUS COMPLIANCE SCHEDULE
7 MUST BE REQUIRED AS AN ENFORCEABLE CONDITION OF THE NEW
8 STATIONARY SOURCE PERMIT.

9 (v) PUBLIC PARTICIPATION

10 THE OWNER OR OPERATOR OF A NEW STATIONARY SOURCE OR
11 MODIFICATION SUBJECT TO THE PROVISIONS OF SUBDIVISION
12 (l)(3) SHALL COMPLY WITH THE PUBLIC PARTICIPATION REQUIREMENTS
13 SET FORTH IN PARAGRAPH (k)(2)(vii).

14 (vi) SOURCE INFORMATION

15 THE OWNER OR OPERATOR OF A PROPOSED STATIONARY SOURCE OR
16 MODIFICATION SUBJECT TO THE PROVISIONS OF SUBDIVISION
17 (l)(3) SHALL SUBMIT ALL INFORMATION NECESSARY TO PERFORM
18 ANY ANALYSIS OR MAKE ANY DETERMINATION UNDER THIS SUBSECTION,
19 AS SET FORTH IN PARAGRAPH (k)(2)(vi).

20
21 Statement of Purpose: To bring State regulations for the abatement of
22 air pollution into compliance with Federal requirements under the Clean
23 Air Act Amendments of 1977.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OFFICE BUILDING HARTFORD, CONNECTICUT 06115



1 Section 19-508-6 of the Regulations of Connecticut State Agencies is
2 amended as follows:

3 Section 19-508-6. Air Pollution emergency episode procedures.

4 (a) When [a stagnation advisory has been received from the
5 National Weather Service by] AIR POLLUTANT CONCENTRATIONS
6 MONITORED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION
7 INDICATE THAT SHORT TERM HIGH POLLUTANT LEVELS MAY BE
8 EXPECTED WHICH ARE LIKELY TO HAVE AN ADVERSE IMPACT ON
9 HUMAN HEALTH, the Commissioner [, he] shall prepare
10 for the [establishment] DECLARATION of an appropriate
11 AIR POLLUTION emergency EPISODE [stage].

12 (b) INDUSTRIAL Emergency EPISODE criteria. In determining
13 THAT any stage of an air pollution INDUSTRIAL emergency
14 EPISODE [to] exists, the Commissioner shall be guided
15 by the following criteria:

16 (b)(1) [1st Stage: Advisory of Threatening Atmospheric Conditions.
17 A first-stage emergency ("Advisory of Threatening Atmospheric
18 Conditions.") shall be declared when a stagnation
19 advisory is received from the National Weather Service
20 and pollutant concentrations show a rising trend.]

21 [(b)(2)] [2nd] FIRST Stage: INDUSTRIAL Air Pollution Alert. An
22 air pollution INDUSTRIAL alert shall be declared whenever
23 the concentration of one or more of the pollutants
24 listed below reaches the described level at any monitoring
25 site OPERATED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION:

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SO₂: 800 µg/m³ (0.3 ppm), 24-hour average;

Particulates: 3.0 COHs or 375 µg/m³, 24-hour average;

SO₂ and particulates combined: product of SO₂ ppm, 24-hour average, and COHs equal to 0.8; or product of SO₂ µg/m³, 24-hour average, and particulate µg/m³, 24-hour average equal to 65 x 10³;

[CO: 17 µg/m³ (15 ppm), 8-hour average;

Oxidant (O₃): 200 µg/m³ (0.1 ppm), 1-hour average;]

NO₂: 1130 µg/m³ (0.6 ppm), 1-hour average; 282 µg/m³ (0.15 ppm), 24-hour average;

and meteorological conditions are such that the pollutant concentrations can be expected, unless control actions are taken, to remain at the above levels or increase over a period of twelve (12) or more hours or such other length of time determined by the Commissioner to constitute a threat to the safety and welfare of people.

(b)[(3)](2)

[Third] SECOND Stage [.] : INDUSTRIAL Air Pollution Warning. An INDUSTRIAL air pollution warning shall be declared whenever [evidence shows that air quality is continuing to degrade from the 1st stage alert and] one of the following levels is reached at any monitoring site OPERATED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION:

SO₂: 1,600 µg/m³ (0.6 ppm), 24-hour average:

1 Particulates: 5.0 COHs or 625 $\mu\text{g}/\text{m}^3$, 24-hour
2 average;

3
4 SO_2 and particulates combined: product of SO_2
5 ppm, 24-hour average and COHs equal to 0.8; or product
6 of SO_2 $\mu\text{g}/\text{m}^3$, 24-hour average and particulate
7 $\mu\text{g}/\text{m}^3$, 24-hour average to 261×10^3 ;

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9 [CO: 34 $\mu\text{g}/\text{m}^3$ (30 ppm), 3-hour average;

10
11 Oxidant (O_3): 800 $\mu\text{g}/\text{m}^3$ (0.4 ppm), 1-hour average;]

12
13 NO_2 : 2,260 $\mu\text{g}/\text{m}^3$ (1.2 ppm), 1-hour average; 565
14 $\mu\text{g}/\text{m}^3$ (0.3 ppm), 24-hour average;

15
16 and meteorological conditions are such that pollutant
17 concentrations can be expected, unless control actions
18 are taken, to remain at the above levels or increase over
19 a period of twelve (12) or more hours or such other
20 length of time determined by the Commissioner to con-
21 stitute a threat to the safety and welfare of people.

22 (b)[(4)](3) [Fourth] THIRD Stage: INDUSTRIAL AIR POLLUTION [Extreme]
23 Emergency. An INDUSTRIAL AIR POLLUTION [extreme] emergency
24 shall be declared whenever evidence shows that air quality
25 has degraded to a level deemed unacceptable by the Com-
26 missioner under any circumstances and requiring the most
27 stringent control actions. An INDUSTRIAL AIR POLLUTION
28 [extreme] emergency [will automatically] SHALL be

1 declared when any one of the following levels is reached
2 at any monitoring site OPERATED BY THE DEPARTMENT OF
3 ENVIRONMENTAL PROTECTION.

4
5 SO₂: 2,100 µg/m³ (0.8 ppm), 24-hour average;

6
7 Particulates: 7.0 COHs or 875 µg/m³, 24-hour
8 average;

9
10 SO₂ and particulates combined: product of SO₂
11 ppm, 24-hour average and COHs equal to 1.2; or
12 product of SO₂ µg/m³, 24-hour average and par-
13 ticulate µg/m³, 24-hour average equal to 393 x 10³;

14
15 [CO: 46 µg/m³ (40 ppm), 8-hour average;

16
17 Oxidant (O₃: 1,200 µg/m³ (0.6 ppm), 1-hour
18 average;]

19
20 NO₂: 3,000 µg/m³ (1.6 ppm), 1-hour average; 750
21 µg/m³ (0.4 ppm), 24-hour average;

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23 and meteorological conditions are such that this con-
24 dition can be expected to continue for twelve (12) or
25 more hours or such other length of time determined by
26 the Commissioner to justify [the extreme] AN INDUSTRIAL
27 AIR POLLUTION emergency.

28 (b)[(5)](4) Termination. Once any stage of an INDUSTRIAL air

1 pollution emergency EPISODE has been declared, it shall
2 remain in effect until the Commissioner [shall] announces
3 its termination. [At such time, the next lower stage
4 shall take effect.]

5 (c) Plans of action at each stage of AN INDUSTRIAL AIR
6 POLLUTION emergency EPISODE.

7 (c)(1) [1st Stage: Advisory of Threatening Atmospheric Con-
8 ditions. Whenever the Commissioner issues a 1st stage
9 advisory of threatening atmospheric conditions, all open
10 burning shall cease (except as authorized by the Commissioner
11 in writing to safeguard public health and safety), and
12 incinerator operations shall be limited as he may prescribe.
13 Additionally, persons responsible for the operation of a
14 source of air pollution shall immediately put into
15 effect the preplanned abatement strategies referred to in
16 subsections (d)(1) and (d)(2) for the 1st stage advisory
17 and shall commence preparations for advancing into all
18 phases of the 2nd stage alert, as set forth in Table I.]

19 [(c)(2)] [2nd] FIRST Stage: INDUSTRIAL Air Pollution Alert.
20 Whenever the Commissioner declares an [2nd stage] INDUSTRIAL
21 air pollution alert, persons responsible for the operation
22 of a source of air pollution [as set forth in Table I]
23 shall as rapidly as possible take all required steps for
24 pollution reduction AS DESCRIBED IN TABLE I. [and]
25 PERSONS RESPONSIBLE FOR THE OPERATION OF A SOURCE OF AIR
26 POLLUTION WHICH EMITS, OR HAS THE CAPACITY TO EMIT, MORE
27 THAN 100 TONS OF POLLUTANTS PER YEAR, AS DETERMINED
28 BEFORE THE APPLICATION OF CONTROL EQUIPMENT, shall put

1 into effect the preplanned abatement strategy for an
2 INDUSTRIAL AIR POLLUTION [2nd stage] alert.

3
4 TABLE I

5 Steps for Air Pollution Reduction

6 at [2nd Stage] AN INDUSTRIAL AIR POLLUTION Alert

- 7 1. There shall be no open burning, except as authorized by the Com-
8 missioner in writing to safeguard public health and safety.
- 9 2. The use of incinerators for the disposal for any form of solid
10 waste shall be limited to the hours between 12 noon and 4 p.m.
- 11 3. Boiler lancing or soot blowing required for fuel-burning equipment
12 shall be performed only between the hours of 12 noon and 4 p.m.
- 13 4. [All unessential operation of motor vehicles shall be terminated.]
14 FUELS HAVING LOW ASH AND SULFUR CONTENT SHALL BE USED.
- 15 5. ELECTRIC POWER GENERATION SHALL, WHENEVER POSSIBLE, BE DIVERTED TO
16 FACILITIES OUTSIDE THE ALERT AREA.
- 17 6. STEAM LOAD DEMANDS SHALL BE REDUCED.
- 18 7. MANUFACTURING OPERATIONS SHALL BE CURTAILED, POSTPONED, OR DEFERRED.
- 19 8. TRADE WASTE DISPOSAL OPERATIONS WHICH EMIT SOLID PARTICLES, GAS
20 VAPORS OR MALODOROUS SUBSTANCES SHALL BE DEFERRED.
- 21 9. HEAT LOAD DEMANDS FOR PROCESSING SHALL BE REDUCED.

22 [Any person responsible for the operation of a source of air pollution
23 listed below shall take all described control actions for this 2nd stage
24 alert.

25
26 Source of air pollution

Control action

- 27 1. Coal or oil-fired electric
28 power generating facilities

- a. Substantial reduction
by utilization of

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2. Coal and oil-fired process
steam generating facilities

fuels having low ash
and sulfur content, as
set forth in standby
plans.

b. Maximum utilization of
mid-day (12 noon to 4
p.m.) atmospheric tur-
bulence for boiler
flaring and soot
blowing.

c. Substantial reduction
by diverting electric
power generation to
facilities outside of
Alert Area, as set
forth in standby
plans.

a. Substantial reduction
by utilization of
fuels having low ash
and sulfur content, as
set forth in standby
plans.

b. Maximum utilization of
mid-day (12 noon to 4
p.m.) atmospheric tur-
bulence for boiler
flaring and soot

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3. Manufacturing industries
of the following classifi-
cations:
Primary Metals Industry
Petroleum Refining Operation
Chemical Industries
Mineral Processing Industries

- blowing.
- c. Substantial reduction of steam load demands consistent with continuing plant operations as set forth in standby plans.
- a. Substantial reduction of air pollutions from manufacturing operations by curtailing, postponing, or deferring production and other operations, as set forth in standby plan.
- b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gas vapors or malodorous substances.
- c. Maximum reduction of heat load demands for processing.
- d. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric tur-

bulence for boiler

lancing or soot blowing.]

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3 (c)[(3)](2) [Third] SECOND Stage: INDUSTRIAL Air Pollution Warning.
4 Whenever the Commissioner declares aN [3rd stage] INDUSTRIAL
5 air pollution warning, persons responsible for the operation
6 of a source of air pollution [as set forth in Table II]
7 shall as rapidly as possible take all required steps
8 for pollution reduction AS DESCRIBED IN TABLE II. [and]
9 PERSONS RESPONSIBLE FOR THE OPERATION OF A SOURCE OF
10 AIR POLLUTION WHICH EMITS, OR HAS THE CAPACITY TO EMIT,
11 MORE THAN 100 TONS OF POLLUTANTS PER YEAR, AS DETERMINED
12 BEFORE THE APPLICATION OF CONTROL EQUIPMENT, shall put
13 into effect the preplanned abatement strategy for aN
14 [3rd stage] AIR POLLUTION INDUSTRIAL warning.

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16 TABLE II

17 Steps for Air Pollution Reduction

18 at [3rd Stage] AN AIR POLLUTION INDUSTRIAL Warning

- 19 1. There shall be no open burning except as authorized by the Com-
20 missioner in writing to safeguard public health and safety.
- 21 2. The use of incinerators for the disposal of any form of solid waste
22 or liquid waste shall be prohibited.
- 23 3. Boiler lancing or soot blowing required for fuel-burning equipment
24 shall be performed only between the hours of 12 noon and 4 p.m.
- 25 4. [All private non-commercial motor vehicle operations shall cease
26 except where absolutely essential for necessities of life including
27 medical treatment. Driving to and from work in private vehicles
28 shall be prohibited except where no alternative public transportation

1 of any kind exists, and then use of car pools shall be mandatory.
2 Police, toll booth operators and other government officials shall
3 be requested to verify justification for private motor vehicle use
4 during 3rd stage warning. Commercial vehicle operations shall be
5 reduced to the absolute minimum necessary to transport necessities
6 and provide for public safety and welfare.] ALL UNESSENTIAL OPERATION
7 OF MOTOR VEHICLES SHALL BE TERMINATED.

8 5. ELECTRIC POWER GENERATION SHALL, TO THE MAXIMUM EXTENT POSSIBLE,
9 BE DIVERTED TO FACILITIES OUTSIDE THE WARNING AREA.

10 6. STEAM LOAD DEMANDS SHALL BE REDUCED THE MAXIMUM EXTENT POSSIBLE.

11 7. MANUFACTURING OPERATIONS SHALL BE CEASED, CURTAILED, POSTPONED,
12 OR DEFERRED.

13 8. TRADE WASTE DISPOSAL OPERATIONS WHICH EMIT SOLID PARTICLES, GAS
14 VAPORS, OR MALODOROUS SUBSTANCES SHALL BE DEFERRED.

15 9. HEAT LOAD DEMANDS FOR PROCESSING SHALL BE REDUCED THE MAXIMUM
16 EXTENT POSSIBLE.

17 [Any person responsible for the operation of a source of air pollutants
18 listed below shall take all required control actions for this Warning
19 Level.

20	Source of air pollution	Control action
21		
22	1. Coal or oil-fired power	a. Maximum reduction by
23	generating facilities	utilization of fuels
24		having lowest ash and
25		sulfur content, as set
26		forth in standby
27		plans.
28		b. Maximum utilization of

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2. Coal and oil-fired
process steam generating
facilities.

- mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
- c. Maximum reduction by diverting electric power generation to facilities outside of Warning Area, as set forth by standby plans.
 - a. Maximum reduction by utilization of fuels having the lowest available ash and sulfur content, as set forth in standby plans.
 - b. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing and soot blowing.
 - c. Substantial reduction of steam load demands, as set forth in

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3. Manufacturing industries which require considerable lead time for shut-down including but not limited to the following classifications:

- Petroleum Refining
- Chemical Industries
- Primary Metals Industries
- Glass Industries
- Paper and Allied Products

4. Manufacturing industries requiring relatively short lead time for

- a. Maximum reduction of air pollutants from manufacturing and other operations, as set forth in standby plans.
- b. Maximum reduction by deferring trade waste disposal operations which emit solid particles, gases, vapors or malodorous substances.
- c. Maximum reduction of heat load demands for processing as set forth in standby plans.
- d. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler lancing or soot blowing.
- a. Elimination of air pollutants from manufacturing operations

1 shut-down including
2 but not limited to the
3 following classifications:

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6 Primary Metals Industries
7 Chemical Industries
8 Mineral Processing
9 Grain Industry

by ceasing, curtailing,
postponing or deferring
production and allied
operations to the
extent possible as
set forth in
standby plans.

- b. Elimination of air pollutants from trade waste disposal processes which emit solid particles, gases, vapors, malodorous substances.
- c. Maximum reduction of heat load demands for processing as set forth in standby plans.
- d. Maximum utilization of mid-day (12 noon to 4 p.m.) atmospheric turbulence for boiler flaring or soot blowing.]

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26 (c)[(4)](3) [4th Stage] THIRD STAGE INDUSTRIAL AIR POLLUTION [Extreme]
27 Emergency. Whenever the Commissioner declares an
28 INDUSTRIAL AIR POLLUTION [forth stage extreme] emergency,

1 persons responsible for the operation of a source of air
2 pollution [as set forth in Table III] shall immediately
3 take all required steps for pollution reduction AS DESCRIBED
4 IN TABLE III, [and] PERSONS RESPONSIBLE FOR THE OPERATION
5 OF A SOURCE OF AIR POLLUTION WHICH EMITS, OR HAS THE
6 CAPACITY TO EMIT, MORE THAN 100 TONS OF POLLUTANTS PER
7 YEAR, AS DETERMINED BEFORE THE APPLICATION OF CONTROL
8 EQUIPMENT, shall put into effect the preplanned abatement
9 strategy for an [4th stage extreme] INDUSTRIAL AIR
10 POLLUTION emergency.

11
12 TABLE III

13 Steps for Air Pollution Reduction

14 at [4th Stage] AN INDUSTRIAL AIR POLLUTION [extreme] Emergency

- 15 1. There shall be no open burning, except as authorized by the Commissioner
16 in writing to safeguard public health and safety.
- 17 2. The use of incinerators for the disposal of any form of solid or
18 liquid waste shall be prohibited.
- 19 3. All enterprises and activities described below shall immediately
20 cease operations:
- 21 A. Mining and quarrying.
- 22 B. All construction work except that essential to secure sites
23 against endangering life and limb.
- 24 C. All manufacturing establishments except those involved in
25 combatting the air pollution emergency in accordance with
26 preplanned abatement strategies.
- 27 D. All wholesale trade establishments, i.e., places of business
28 primarily engaged in selling merchandise to retailers, or

- 1 industrial, commercial, institutional or professional users,
2 or to other wholesalers, or acting as agents in buying mer-
3 chandise for or selling merchandise to such persons or com-
4 panies, except those engaged in the distribution of drugs,
5 surgical supplies and food.
- 6 E. All state and local government offices except those necessary
7 for public safety and welfare, including any involved in
8 combatting the INDUSTRIAL air pollution emergency.
- 9 F. All retail trade establishments except pharmacies, surgical
10 supply distributors, and stores primarily engaged in the
11 sale of food.
- 12 G. Banks, credit agencies other than banks, securities and
13 commodities brokers, dealers, exchanges and services; offices
14 of insurance carriers, agents and brokers, real estate
15 offices.
- 16 H. Wholesale and retail laundries, laundry services and cleaning
17 and dyeing establishments; photographic studios; beauty
18 shops, barber shops, shoe repair shops.
- 19 I. Advertising offices; consumer credit reporting, adjustment and
20 collection agencies; duplicating, addressing, blueprinting;
21 photocopying, mailing, mailing list and stenographic services,
22 equipment rental services, commercial testing laboratories.
- 23 J. Automobile repair and servicing and all parking and garage
24 operations.
- 25 K. All offices, clerical and professional service enterprises
26 including law and accounting offices but excluding doctors'
27 offices and medical laboratories.
- 28 L. All schools of any kind.

1 M. Establishments rendering amusement and recreational services
2 including motion picture theaters.

3 4. All commercial, manufacturing or service establishments not shut
4 down by this regulation shall institute such actions as will
5 result in maximum reduction of air pollutants from their activities
6 by ceasing, curtailing, or postponing operations which emit air
7 pollutants to the extent possible without causing injury to persons
8 or damage to equipment.

9 5. The use of motor vehicles of any kind shall cease except in emer-
10 gencies with the express approval of local or state police.

11 [Any person responsible for the operation of a source of air pollution
12 listed below shall take all required control actions for this 4th stage
13 all-out emergency.

14	Source of air pollution	Control action
15		
16	1. Coal or oil-fired electric	a. Maximum reduction by
17	power generating facilities	utilization of fuels
18		having lowest ash and
19		sulfur content, as set
20		forth in standby
21		plans.
22		b. Maximum utilization of
23		mid-day (12 noon to
24		4 p.m.) atmospheric
25		turbulence for boiler
26		flaring or soot blowing.
27		c. Maximum reduction by
28		diverting electric

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2. Coal and oil-fired
process steam generating
facilities to the extent
not prohibited in paragraph
3(a-m) above

3. Manufacturing industries

power generation to
facilities outside of
Emergency Area,
as set forth in standby
plans.

- d. Imposition of load
reduction procedures
to extent necessary.
- a. Maximum reduction by
reducing heat and
steam demands to
absolute necessities
consistent with
preventing equip-
ment damage, as set
forth in standby
plans.
- b. Maximum utilization of
mid-day (12 noon to 4
p.m.) atmospheric tur-
bulence for boiler
flaring and soot
blowing.
- c. Maximum reduction of
steam load demands as
set forth in standby
plans.
- a. Elimination of air

1 for the following
2 classifications:
3 Primary Metals Industries
4 Petroleum Refining
5 Chemical Industries
6 Mineral Processing Industries
7 Grain Industry
8 Paper and Allied Products

pollutants from manu-
facturing operation by
ceasing, curtailing,
postponing or deferring
production and allied
operations to the
extent possible without
causing injury
to persons or damage
to equipment.

- b. Elimination of air
pollutants from trade
water disposal processes
which emit solid
particles, gases,
vapors, or malodorous
substances.
- c. Maximum reduction of
heat load demands for
processing.
- d. Maximum utilization of
mid-day (12 noon to 4
p.m.) atmospheric tur-
bulence for boiler
flaring or soot blowing.]

26 (d)(1) Preplanned abatement strategies. Any person responsible
27 for the operation of a source of air pollutants [as shown
28 in Tables I - III of this section or any other person

1 operating a source] that emits, OR HAS THE CAPACITY TO
2 EMIT, 100 tons or more of pollutants a year AS DETERMINED
3 BEFORE THE APPLICATION OF CONTROL EQUIPMENT, shall prepare
4 a standby plan for reducing the emission of air pollutants
5 during each of the [four] THREE stages of an INDUSTRIAL
6 air pollution emergency EPISODE, i.e., [1st Stage Advisory;]
7 INDUSTRIAL [2nd Stage] Alert; INDUSTRIAL [3rd Stage]
8 Warning; INDUSTRIAL [4th Stage Extreme] Emergency.
9 Standby plans shall be designed to reduce or eliminate
10 emission of air pollutants in accordance with the
11 requirements set forth in Tables I - III.

12 (d)(2) Any person responsible for the operation of a source
13 of air pollutants not set forth under [subsection] SUB-
14 DIVISION (d)(1) shall, when requested by the Commissioner,
15 prepare standby plans for reducing the emissions of air pollu-
16 tants during each of the four stages of an INDUSTRIAL air
17 pollution emergency EPISODE. Such standby plans shall
18 be designed to reduce or eliminate emissions of air
19 pollutants in accordance with the requirements set
20 forth in Tables I - III.

21 (d)(3) All standby plans shall be in writing, identify the
22 source of air pollutants, contain a commitment as to the
23 amount of reduction to be achieved, and set forth in
24 sufficient detail for the Commissioner to evaluate the
25 manner in which the reduction will be accomplished.

26 (d)(4) During any [period of] INDUSTRIAL Air Pollution EMER-
27 GENCY EPISODE [Advisory, Alert, Warning, or Extreme
28 Emergency], standby plans shall be made available on the

1 premises to persons authorized to enforce these regulations.
2 (d)(5) The standby plans required by [subsection] SUBDIVISION
3 (d)(1) shall be submitted to the Commissioner by August
4 1, 1972. Standby plans requested by the Commissioner
5 under [subsection] SUBDIVISION (d)(2) shall be submitted
6 within 90 days of the date of receipt of the request.
7 When in the judgment of the Commissioner a standby plan
8 is not adequate to carry out the objectives set forth in
9 Tables I - III, he may reject the plan and require that
10 it be resubmitted in an acceptable form within 30 days
11 from the date of rejection.
12 (e) Declaration of AN INDUSTRIAL air pollution emergency
13 EPISODE in aid of sister state. Notwithstanding that the
14 concentration of pollutants in the air over the State of
15 Connecticut does not meet the criteria set forth in
16 [subsections] SUBDIVISIONS (b)(1) to (b)[(4)] (3) for any
17 stage of an INDUSTRIAL air pollution emergency EPISODE,
18 the Commissioner may nevertheless declare such emergency
19 EPISODE to be in effect at the stage level he deems
20 appropriate when it becomes necessary to reduce the level
21 of air pollutants in Connecticut to avoid intensifying
22 deteriorated air conditions in one or more areas outside
23 the state that are endangering the health and welfare of
24 residents in those areas.
25 (f) Emissions from a limited number of sources. Whenever the
26 Commissioner determines that a specified emergency
27 criteria level SET FORTH IN SUBDIVISIONS (b) (1) TO (b)
28 (3) has been reached in a limited area, he may restrict

1 the response to such emergency' in the manner he deems
2 appropriate, including notification to those sources
3 contributing or believed to be contributing to the
4 emergency levels that the abatement actions of Tables I,
5 II, or III, as the case may be, are required and shall be
6 put into effect until the pollutant levels are reduced
7 below the criteria levels.

8 (g) AUTOMOTIVE EMERGENCY EPISODE CRITERIA. IN DETERMINING
9 ANY STAGE OF AN AUTOMOTIVE AIR POLLUTION EMERGENCY EPISODE
10 TO EXIST, THE COMMISSIONER SHALL BE GUIDED BY THE FOLLOWING
11 CRITERIA:

12 (g)(1) FIRST STAGE: AUTOMOTIVE AIR POLLUTION ALERT. AN AUTOMOTIVE
13 AIR POLLUTION ALERT SHALL BE DECLARED WHENEVER THE
14 CONCENTRATION OF ONE OR MORE OF THE POLLUTANTS LISTED
15 BELOW REACHES THE DESCRIBED LEVEL AT ANY MONITORING SITE
16 OPERATED BY THE DEPARTMENT OF ENVIRONMENTAL PROTECTION:

17 CO: $17 \mu\text{g}/\text{m}^3$ (15 ppm), 8-HOUR AVERAGE;

18
19 OXIDANT (O_3): $400 \mu\text{g}/\text{m}^3$ (0.2 ppm), 1-HOUR AVERAGE;
20 AND METEOROLOGICAL CONDITIONS ARE SUCH THAT THE POLLUTANT
21 CONCENTRATIONS CAN BE EXPECTED, UNLESS CONTROL ACTIONS
22 ARE TAKEN, TO RECUR THE NEXT CALENDAR DAY.

23 (g)(2) SECOND STAGE: AUTOMOTIVE AIR POLLUTION WARNING. AN
24 AUTOMOTIVE AIR POLLUTION WARNING SHALL BE DECLARED
25 WHENEVER EVIDENCE SHOWS THAT AIR QUALITY IS CONTINUING TO
26 DEGRADE FROM THE AUTOMOTIVE AIR POLLUTION ADVISORY AND
27 ALERT ONE OF THE FOLLOWING LEVELS IS REACHED AT ANY
28 MONITORING SITE OPERATED BY THE DEPARTMENT OF ENVIRONMENTAL

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PROTECTION:

CO: 34 $\mu\text{g}/\text{m}^3$ (30 ppm), 8-HOUR AVERAGE;

OXIDANT (O_3) 800 $\mu\text{g}/\text{m}^3$ (0.4 ppm), 1-HOUR AVERAGE;
AND METEOROLOGICAL CONDITIONS ARE SUCH THAT POLLUTANT
CONCENTRATIONS CAN BE EXPECTED, UNLESS CONTROL ACTIONS
ARE TAKEN, TO RECUR THE NEXT CALENDAR DAY.

(g)(3)

THIRD STAGE: AUTOMOTIVE AIR POLLUTION EMERGENCY. AN
AUTOMOTIVE AIR POLLUTION EMERGENCY SHALL BE DECLARED
WHENEVER EVIDENCE SHOWS THAT AIR QUALITY HAS DEGRADED TO
A LEVEL DEEMED UNACCEPTABLE BY THE COMMISSIONER UNDER
ANY CIRCUMSTANCES AND REQUIRING THE MOST STRINGENT CONTROL
ACTIONS. AN AUTOMOTIVE AIR POLLUTION EMERGENCY WILL
AUTOMATICALLY BE DECLARED WHEN ANY ONE OF THE FOLLOWING
LEVELS IS REACHED AT ANY MONITORING SITE OPERATED BY
THE DEPARTMENT OF ENVIRONMENTAL PROTECTION:

CO: 46 $\mu\text{g}/\text{m}^3$ (40 ppm), 8-HOUR AVERAGE;

OXIDANT (O_3): 1,000 $\mu\text{g}/\text{m}^3$ (0.5 ppm), 1-HOUR
AVERAGE;

AND METEOROLOGICAL CONDITIONS ARE SUCH THAT THIS CONDITION
CAN BE EXPECTED TO RECUR THE NEXT CALENDAR DAY.

(g)(4)

TERMINATION. ONCE ANY STAGE OF AN AUTOMOTIVE AIR
POLLUTION EMERGENCY EPISODE HAS BEEN DECLARED, IT
SHALL REMAIN IN EFFECT UNTIL THE COMMISSIONER ANNOUNCES
ITS TERMINATION.

(h)

PLANS OF ACTION AT EACH STAGE OF EMERGENCY.

1 (h)(1) FIRST STAGE: AUTOMOTIVE AIR POLLUTION ALERT. WHENEVER
2 THE COMMISSIONER DECLARES AN AUTOMOTIVE AIR POLLUTION
3 ALERT, ALL UNESSENTIAL OPERATION OF MOTOR VEHICLES
4 SHALL BE TERMINATED.

5 (h)(2) SECOND STAGE: AUTOMOTIVE AIR POLLUTION WARNING. WHEN-
6 EVER THE COMMISSIONER DECLARES AN AUTOMOTIVE AIR
7 POLLUTION WARNING, PERSONS OPERATING MOTOR VEHICLES
8 MUST REDUCE OPERATIONS BY THE USE OF CAR POOLS AND
9 INCREASED USE OF PUBLIC TRANSPORTATION AND ELIMINATION
10 OF UNNECESSARY OPERATION.

11 (h)(3) THIRD STAGE: AUTOMOTIVE AIR POLLUTION EMERGENCY.
12 WHENEVER THE COMMISSIONER DECLARES AN AUTOMOTIVE
13 AIR POLLUTION EMERGENCY, ALL PRIVATE NON-COMMERCIAL
14 MOTOR VEHICLE OPERATIONS SHALL CEASE EXCEPT WHERE ABSOL-
15 UTELY ESSENTIAL FOR NECESSITIES OF LIFE INCLUDING
16 MEDICAL TREATMENT, AND COMMERCIAL VEHICLE OPERATIONS
17 SHALL BE REDUCED TO THE ABSOLUTE MINIMUM NECESSARY
18 TO TRANSPORT NECESSITIES AND PROVIDE FOR PUBLIC
19 SAFETY AND WELFARE.

20 Statement of Purpose: To bring state regulations for the abatement of
21 air pollution into compliance with federal requirements under the Clean
22 Air Act Amendments of 1977.

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STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OFFICE BUILDING HARTFORD, CONNECTICUT 06115



1 Section 19-508-8 of the Regulations of Connecticut State Agencies is
2 amended as follows:

3 SEC. 19-508-8. Compliance PLANS AND schedules

4 (a) All new sources must comply with all regulations as of startup
5 of operations.

6 (b)(1) Existing sources must comply with SUBsections 19-508-17 (b),
7 19-508-18 (b), 19-508-18 (d), and 19-508-23 (a) by June 1, 1972.

8 (b)(2) Existing sources must comply with SUBsections 19-508-18(a), 19-
9 508-18(c), 19-508-18(e), 19-508-18(f), 19-508-19(b) through
10 (f) inclusive, 19-508-20(a) through (e) inclusive, [sections]
11 SUBDIVISIONS 19-508-20(f) (1), 19-508-20 (f) (2), [19-508-20 (f) (3)],
12 19-508-20 (f) (5), 19-508-20 (f) (6), 19-508-20 (f) (7), 19-508-
13 20 (f) (8), 19-508-20 (f) (9), 19-508-20 (f) (10), 19-508-21
14 (a) and (b) and 19-508-22 (a) through (c) inclusive as expeditiously
15 as practicable but not later than June 1, 1973.

16 (b)(3) Sources subject to [section] SUBDIVISION 19-508-20 (f) (4) must
17 submit to the Commissioner a proposed compliance plan and
18 schedule by November 1, 1972, which plan must provide for com-
19 pliance with appropriate regulations as expeditiously as practi-
20 cable but not later than April 1, 1975. Sources that do not
21 submit such a plan must be in compliance by June 1, 1973.

22 (b)(4) Fuel merchants must comply with [section] SUBDIVISION 19-508-19
23 (a) (2) by September 1, 1972, and fuel users must comply with
24 that section by April 1, 1973.

25 (b)(5) Paint merchants must comply with [section] SUBDIVISION 19-508-20

1 (g) (1) by January 1, 1974, and paint users must comply with
2 [sections] SUBDIVISIONS 19-508-20 (g) (2) and (g) (3) by January 1,
3 1975.

4 (b)(6) [Exemptions specified in section 19-508-20 (i) (1) will terminate
5 January 1, 1975.]

6 THE OWNER OR OPERATOR OF A SOURCE SUBJECT TO THE REQUIREMENTS
7 OF SUBSECTIONS 19-508-20 (l) THROUGH (r) MUST COMPLY BY OCTOBER
8 1, 1980.

9 [(b)(7) Sources subject to the provisions of sections 19-508-4 (b) (1)
10 through (b) (3) inclusive must comply by April 1, 1973.]

11 (c)(1) Any existing source required to comply with [subsection]
12 SUBDIVISION (b) (2) which is unable to comply by the date
13 specified therein must submit to the Commissioner a proposed
14 compliance plan and schedule by October 1, 1972, which plan
15 must provide for compliance with appropriate regulations as
16 expeditiously as practicable but not later than April 1, 1974.

17 (c)(2) THE OWNER OR OPERATOR OF ANY SOURCE WHICH CANNOT COMPLY WITH
18 THE REQUIREMENTS OF SUBDIVISION (b)(6) SHALL SUBMIT A COMPLIANCE
19 PLAN BY JULY 1, 1980 WHICH PROVIDES FOR COMPLIANCE AS EXPEDITIOUSLY
20 AS PRACTICABLE BUT NOT LATER THAN JULY 1, 1982.

21 (c)(3) NOTWITHSTANDING THE PROVISIONS OF SUBDIVISION (c)(2) THE
22 COMMISSIONER MAY ACCEPT A COMPLIANCE PLAN WITH A FINAL DATE OF
23 COMPLIANCE NO LATER THAN JULY 1, 1985 IF HE DETERMINES THAT
24 THE PLAN CALLS FOR NEW OR INNOVATIVE TECHNOLOGY SUCH AS THE
25 USE OF LOW SOLVENT COATINGS.

26 (d) Compliance plans and schedules pursuant to [subsection]
27 SUBDIVISION (b) (3) and (c) must:

28 (d)(1) be submitted on forms furnished or prescribed by the Commissioner;

- 1 (d)(2) set forth a proposed date for compliance with each applicable
2, regulation; and
- 3 (d)(3) specify in detail the manner in which compliance will be
4 achieved. Said schedule shall also include dates for achievement
5 of increments of progress toward compliance and provide for
6 the source to verify completion of each increment to the
7 Commissioner as it is achieved.
- 8 (e) The Commissioner may approve, approve with conditions or
9 disapprove a proposed compliance plan and schedule. The
10 Commissioner shall approve such plan and schedule if he determines
11 that:
- 12 (e)(1) The source cannot comply with the regulation at any earlier
13 time, even using the best available control technology, or
14 cannot install such technology any earlier;
- 15 (e)(2) Adherence to such plan and schedule will not jeopardize the
16 attainment or maintenance of a national standard by the required
17 time;
- 18 (e)(3) The plan and schedule provide for the earliest possible compliance
19 by the source; and
- 20 (e)(4) The plan and schedule provide for interim control measures to
21 be taken before the compliance date.
- 22 (f) If the Commissioner rejects a proposed plan and schedule or
23 portion thereof, then the source or sources involved must be
24 in compliance with applicable regulations not later than [June
25 1, 1973.] OCTOBER 1, 1980.
- 26 (g) All decisions of the Commissioner regarding a proposed plan
27 and schedule shall be in writing and shall briefly state the
28 basis for the decision.

1 (h) The commissioner shall issue periodic reports at intervals of
2 not less than once a month, available on request to any interested
3 party, which shall contain information regarding:

4 (h)(1) proposed compliance schedules received; and

5 (h)(2) determinations of the Commissioner regarding such schedules.

6 (i) Following submission to the Commissioner of a proposed compliance
7 plan and schedule, any person may file written objections to
8 the plan, in whole or in part, specifying the basis for those
9 objections. The Commissioner may at his discretion and after
10 appropriate notice, hold public hearings upon proposed compliance
11 plans and schedules.

12 (j) THE COMMISSIONER SHALL, IF PETITIONED BY A MINIMUM OF TWENTY-
13 FIVE (25) PERSONS OR BY AN ASSOCIATION HAVING NOT LESS THAN
14 TWENTY-FIVE MEMBERS, HOLD AN INVESTIGATIVE HEARING ONCE EACH
15 CALENDAR YEAR BEGINNING JANUARY 1, 1980 FOR THE PURPOSE OF
16 DETERMINING THE FEASIBILITY OF EXPANDING THE APPLICABILITY OF
17 THE PROVISIONS OF SUBSECTION 19-508-20 (cc) CONCERNING ALTERNA-
18 TIVE EMISSION REDUCTION PLANS FOR VOLATILE ORGANIC COMPOUNDS TO
19 OTHER SECTIONS OF THESE REGULATIONS TO PERMIT OWNERS AND
20 OPERATORS OF STATIONARY SOURCES TO SUBMIT ALTERNATIVE EMISSION
21 REDUCTION PLANS FOR OTHER POLLUTANTS CONSISTENT WITH THE
22 REQUIREMENTS OF THE ADMINISTRATOR. THE HEARING SHALL BE
23 CONDUCTED IN ACCORDANCE WITH SECTION 22a-4-8 OF THE REGULATIONS
24 OF CONNECTICUT STATE AGENCIES.

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26 Statement of Purpose: To bring state regulations for the abatement of
27 air pollution into compliance with federal requirements under the Clean
28 Air Act Amendments of 1977.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OFFICE BUILDING HARTFORD, CONNECTICUT 06115



1 Section 19-508-9(a) of the Regulations of Connecticut State Agencies is
2 amended to read as follows:

3 Sec. 19-508-9. Prohibition of air pollution

4 (a) No person shall permit or cause air pollution, as defined in section
5 19-508-1 [(b)]. This section applies to air pollutants not other-
6 wise covered by these regulations.

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8 Statement of Purpose: To delete references to subsection designations for
9 Section 19-508-1, which contains definitions, in order to make this regulation
10 consistent with changes in Section 19-508-1.

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STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OFFICE BUILDING HARTFORD, CONNECTICUT 06115



1 Section 19-508-13(a) of the Regulations of Connecticut State Agencies
2 is amended to read as follows:

3 Sec. 19-508-13. Variances

4 (a) Any person who owns or operates any source of air pollutants as
5 defined in section 19-508-1 [(a)] may apply to the Commissioner
6 for a variance or a partial variance from one or more of the pro-
7 visions of these regulations. Applications for variance shall be
8 submitted on forms furnished or prescribed by the Commissioner
9 and shall supply such information as he requires, including but
10 not limited to,

11 (1) information on the nature and location of the facility or process
12 for which such application is made;

13 (2) the reasons for which the variance is required, including the economic
14 and technological justifications;

15 (3) the type and quantity of emissions that will occur during the period
16 of variance;

17 (4) a description of interim control measures to be taken by the source
18 to minimize emissions and the damages occurring therefrom;

19 (5) history of any previous environmental litigation between the source
20 and government agencies;

21 (6) a specific schedule of measures to be taken to bring the source into
22 eventual compliance with those regulations from which the variance is
23 sought;

24 (7) any other relevant information the Commissioner may require in order
25 to make a determination regarding the application.

1 Statement of Purpose: To delete references to subsection designations for
2 Section 19-508-1, which contains definitions, in order to make this regulation
3 consistent with changes in Section 19-508-1.

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STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OFFICE BUILDING HARTFORD, CONNECTICUT 06115



1 SUBSECTION 19-508-18 (b) OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES
2 IS AMENDED AS FOLLOWS:

3 SUBSECTION 19-508-18 (b) Fugitive [Dust] PARTICULATE MATTER

4 (b)(1) No person shall cause or permit any material to be
5 handled, transported, CONVEYED, TRANSFERRED, or stored;
6 or a building, its appurtenances, ITS PARKING OR ACCESS
7 AREAS or a road to be used, constructed, altered, repaired,
8 or demolished [without taking reasonable precautions to
9 prevent] IN A MANNER WHICH CAUSES particulate matter [from
10 becoming] TO BECOME airborne WITHOUT TAKING REASONABLE
11 PRECAUTIONS. [Such] Reasonable precautions FOR THE
12 FOLLOWING PRACTICES shall be [in accordance with good
13 industrial practice as] determined by the Commissioner and
14 shall include, but not be limited to, the following:

15 (i) [Use, where possible, of water or chemicals for control
16 of dust in the demolition of existing buildings or struc-
17 tures, construction operations, the grading of roads or
18 the clearing of land;] FOR CONSTRUCTION OPERATIONS,
19 INCLUDING BUT NOT LIMITED TO EXCAVATION, BLASTING,
20 DRILLING AND CRUSHING, THE GRADING OF ROADS AND LAND,
21 OR THE CLEARING OF LAND, A REASONABLE PRECAUTION SHALL BE
22 THE USE OF WATER OR OTHER METHODS WITH THE PRIOR WRITTEN
23 APPROVAL OF THE COMMISSIONER.

24 (ii) [Application of asphalt, oil, water, suitable chemicals
25 or coverage on materials stockpiles and other surfaces

1 which can give rise to airborne dusts;] FOR THE DEMOLITION
2 OF EXISTING BUILDINGS AND STRUCTURES, A REASONABLE
3 PRECAUTION SHALL BE THE USE OF WATER AND WHERE NECESSARY,
4 THE PRIOR REMOVAL OF ACCUMULATED PARTICULATE MATTER.

5 (iii) [Installation and use of hoods, fans, and fabric filters
6 to enclose and vent the handling of dusty materials.
7 Adequate containment methods shall be employed during
8 sandblasting or other similar operations;] FOR THE TRANS-
9 PORTATION OF MATERIALS LIKELY TO GIVE RISE TO AIRBORNE
10 PARTICULATE MATTER, A REASONABLE PRECAUTION SHALL BE
11 COVERING, OR THE USE OF OTHER SUITABLE METHODS, AT ALL
12 TIMES WHEN MATERIALS ARE BEING CARRIED IN OPEN-BODIED
13 TRUCKS AND TRAINS.

14 (iv) [Covering, at all times when in motion, open-bodied
15 trucks and trains transporting materials likely to give
16 rise to airborne dusts;] FOR SANDBLASTING AND SIMILAR
17 ABRASIVE CLEANING OPERATIONS, A REASONABLE PRECAUTION
18 SHALL BE CONTAINMENT OR ENCLOSURE ADEQUATE TO PREVENT
19 THE EMISSION OF AIRBORNE PARTICULATE MATTER.

20 (v) [The prompt removal of earth or other material from paved
21 streets onto which earth or other material has been
22 deposited by trucking or earth-moving equipment, erosion
23 by water, or other means] FOR PAVED ROADS ONTO WHICH EARTH
24 OR OTHER MATERIAL HAS BEEN DEPOSITED BY VEHICLES OR
25 MECHANICAL EQUIPMENT, EROSION BY WIND OR WATER, DELIB-
26 ERATE DEPOSITION, OR OTHER MEANS, A REASONABLE PRECAUTION
27 SHALL BE PROMPT REMOVAL.

28 (vi) FOR PARKING AND ACCESS AREAS, HAULWAYS, AND ROADS THAT

1 ARE UNPAVED, A REASONABLE PRECAUTION SHALL BE THE USE OF
2 PAVING MATERIALS SUCH AS ASPHALT OR CRUSHED STONE, WATER,
3 OR OTHER METHODS WITH THE PRIOR WRITTEN APPROVAL OF THE
4 COMMISSIONER. THE COMMISSIONER MAY IMPOSE ANY CORRECTIVE
5 ACTION HE DEEMS NECESSARY SUCH AS THE INSTALLATION OF
6 PERMANENT PAVEMENT.

7 (vii) FOR STORED MATERIALS, STOCKPILES, AND OTHER SURFACES WHICH
8 CAN GIVE RISE TO AIRBORNE PARTICULATE MATTER, A REASONABLE
9 PRECAUTION SHALL BE THE APPLICATION OF PAVING MATERIALS
10 SUCH AS ASPHALT OR CRUSHED STONE, WATER, OR THE USE OF
11 COVER VEGETATION OR COVERING MATERIALS, OR OTHER METHODS
12 WITH THE PRIOR WRITTEN APPROVAL OF THE COMMISSIONER.

13 (viii) FOR THE HANDLING OF MATERIALS LIKELY TO GIVE RISE TO AIR-
14 BORNE PARTICULATE MATTER, A REASONABLE PRECAUTION SHALL
15 BE WATER SPRAYS AND WHERE NECESSARY THE INSTALLATION AND
16 USE OF HOODS, FANS, AND FABRIC FILTERS OR OTHER EQUALLY
17 EFFECTIVE EQUIPMENT.

18 (ix) FOR LOADING TO STORAGE PILES, A REASONABLE PRECAUTION
19 SHALL BE THE USE OF SPRAY SYSTEMS, TELESCOPIC CHUTES,
20 STONE LADDERS, OR EQUIVALENT METHODS.

21 (x) FOR TRUCK AND RAILCAR LOADING, UNLOADING, AND DUMPING, A
22 REASONABLE PRECAUTION SHALL BE THE USE OF PARTICULATE
23 SURPRESSING PRETREATMENT, WATER SPRAYS, OR ENCLOSURES OR
24 THE INSTALLATION AND USE OF HOODS, FANS, AND FABRIC FILTERS
25 TO ENCLOSE AND CONTROL THE ACTIVITY.

26 (xi) FOR THE USE OF BUCKET ELEVATORS, CONVEYOR TRANSFERS OR
27 THE OTHER HANDLING OR PROCESSING OF DUSTY MATERIALS, A
28 REASONABLE PRECAUTION SHALL BE WATER SPRAYS, OR ENCLOSURES,

1 OR THE USE OF HOODS, FANS, AND FABRIC FILTERS TO ENCLOSE
2 AND CONTROL THE ACTIVITY.

3 (b)(2) Agricultural activities are exempt from the provisions of
4 [subsections] SUBDIVISION (b)(1). However, agricultural
5 practices such as tilling of land and application of
6 [fertilizers] SOIL CONDITIONERS OR ADDITIVES shall be con-
7 ducted in such manner as to minimize [dust from] THE AMOUNT
8 OF PARTICULATE MATTER becoming airborne.

9 (b)(3) No person shall cause or permit the discharge of
10 [visible emissions] PARTICULATE MATTER beyond the lot
11 line of the property on which such emissions originate
12 when:

- 13 (i) The emissions BECOME OR remain visible [and exist near
14 ground level] outside the property boundaries; or
15 (ii) The emissions BECOME OR remain visible and impinge on
16 [a building or structure] PROPERTY BEYOND THE SOURCE so
17 that the health, safety, or enjoyment of life of the
18 public may be diminished.

19 (b)(4) NO PERSON SHALL EMIT [No] particulate matter [shall be
20 emitted] into the [outdoor] AMBIENT air in [such a manner
21 as to] A MANNER WHICH causeS a nuisance.

22 (b)(5) NO PERSON SHALL CAUSE THE DEMOLITION OF A BUILDING OR
23 STRUCTURE BY THE USE OF EXPLOSIVES WITHOUT THE PRIOR
24 WRITTEN APPROVAL OF THE COMMISSIONER. THE REQUIREMENTS
25 OF SUBDIVISION (b)(1) ALSO MUST BE MET.

26 (b)(6) ANY PERSON WHO OWNS OR OPERATES A PARTICULATE COLLECTION
27 SYSTEM USED TO COMPLY WITH SUDVISION (b)(1) SHALL ALSO
28 COMPLY WITH THE REQUIREMENTS OF SUBSECTION 19-508-18(e).

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Statement of Purpose: To clarify requirements for control of fugitive dust from various sources.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OFFICE BUILDING HARTFORD, CONNECTICUT 06115



1 SECTION 19-508-20 Of The Regulations of Connecticut State Agencies is
2 Amended As Follows:

3 Section 19-508-20. Control of organic compound emissions.

4 (a) Storage of volatile organic compounds.

5 (a)(1) [No person shall place, store, or hold in any stationary
6 tank, reservoir or other container of more than 40,000
7 gallons (150,000 liters) capacity any volatile organic
8 compounds unless such tank, reservoir, or other container
9 is a pressure tank capable of maintaining working pressures
10 sufficient at all times to prevent vapor or gas loss to
11 the atmosphere or is designed, and equipped, with one
12 of the following vapor loss control devices:

13 (i) A floating roof, consisting of a pontoon type, double
14 deck type roof or internal floating cover, which will
15 rest on the surface of the liquid contents and be equipped
16 with a closure seal or seals to close the space between
17 the roof edge and tank wall. This control equipment
18 shall not be permitted if the volatile organic compounds
19 have a vapor pressure of 11.0 pounds per square inch
20 absolute (568 mm. HG.) or greater under actual storage
21 conditions. All tank gauging or sampling devices shall
22 be gas-tight except when tank gauging or sampling is
23 taking place.

24 (ii) A vapor recovery system consisting of a vapor gathering
25 system capable of collecting the volatile organic compounds

1 vapors and gases discharged, and a vapor disposal
2 system capable of processing such volatile organic vapors
3 and gases so as to prevent their emission to the atmosphere,
4 and with all tank gauging and sampling devices gas-tight
5 except when gauging or sampling is taking place.

6 (iii) Other equipment or means of equal efficiency for purposes
7 of air pollution control as may be approved by the
8 Commissioner.]

9 DEFINITIONS

10 FOR THE PURPOSE OF THIS SECTION:

11 "APPROVED CONTROL SYSTEM" MEANS, A VAPOR BALANCE SYSTEM
12 OR A VAPOR RECOVERY SYSTEM.

13
14 "DELIVERY VEHICLE" MEANS A TANK TRUCK, TANK-EQUIPPED
15 TRAILER, RAILROAD TANK CAR, OR OTHER MOBILE SOURCE
16 EQUIPPED WITH A STORAGE TANK USED FOR THE TRANSPORTATION
17 OF GASOLINE FROM SOURCES OF SUPPLY TO STATIONARY STORAGE
18 TANKS.

19
20 "DISPENSING FACILITY" MEANS ANY SITE WHERE GASOLINE IS
21 DELIVERED TO MOTOR VEHICLES OTHER THAN AGRICULTURAL
22 VEHICLES FROM ANY STATIONARY STORAGE TANK WITH A CAPACITY
23 OF 250 GALLONS OR MORE.

24
25 "GASOLINE" MEANS ANY PETROLEUM DISTILLATE HAVING A REID
26 VAPOR PRESSURE OF FOUR POUNDS OR GREATER AND USED AS A
27 MOTOR VEHICLE FUEL.

28

1 "THROUGHPUT" MEANS THE NUMBER OF GALLONS DELIVERED
2 THROUGH ALL EQUIPMENT AT A DISPENSING FACILITY OR A
3 LOADING FACILITY OVER A SPECIFIED TIME INTERVAL.

4
5 "VAPOR BALANCE SYSTEM" MEANS A COMBINATION OF PIPES OR
6 HOSES WHICH CREATE A CLOSED CONNECTION BETWEEN THE VAPOR
7 SPACES OF AN UNLOADING TANK AND RECEIVING TANK SUCH THAT
8 VAPORS DISPLACED FROM THE RECEIVING TANK ARE TRANSFERRED
9 TO THE TANK BEING UNLOADED. THE COMPLETE SYSTEM AS A
10 WHOLE AND NOT JUST THE INDIVIDUAL COMPONENTS SHALL HAVE
11 BEEN TESTED AND APPROVED BY A NATIONALLY RECOGNIZED
12 TESTING LABORATORY.

13
14 "VAPOR RECOVERY SYSTEM" MEANS A DEVICE OR SYSTEM OF
15 DEVICES WITH ATTENDANT VALVES, FITTINGS, PIPING, AND
16 OTHER APPURTENANCES INCORPORATING A MEANS FOR THE INCIN-
17 ERATION OF VAPORS OR THE LIQUEFACTION OF VAPORS BY ABSORPTION,
18 ADSORPTION, CONDENSATION OR OTHER MEANS. THE COMPLETE
19 SYSTEM AS A WHOLE AND NOT JUST THE INDIVIDUAL COMPONENTS
20 SHALL HAVE BEEN TESTED AND APPROVED BY A NATIONALLY
21 RECOGNIZED TESTING LABORATORY.

22 (a)(2) No person shall place, store, or hold in any stationary
23 tank, reservoir or other container of more than 40,000
24 gallons (150,000 liters) capacity any volatile organic
25 compound[s] WITH A VAPOR PRESSURE OF 1.5 POUNDS PER
26 SQUARE INCH ABSOLUTE OR GREATER UNDER ACTUAL STORAGE
27 CONDITIONS unless [such] THE tank, reservoir, or other
28 container is a pressure tank capable of maintaining

1 working pressures sufficient at all times to prevent
2 vapor or gas loss to the atmosphere or is designed, and
3 equipped, with one of the following vapor loss control
4 devices:

5 (i) A floating roof, consisting of a pontoon type, double
6 deck type roof or internal floating cover, which will
7 rest on the surface of the liquid contents and be equipped
8 with a closure seal or seals to close the space between
9 the roof edge and tank wall. This control equipment
10 [shall] IS not [be] permitted if the volatile organic
11 compound[s have] HAS a vapor pressure of 11.0 pounds per
12 square inch absolute (568 mm. Hg.) or greater under
13 actual storage conditions. All tank gauging or sampling
14 devices [shall] MUST be gas-tight except when tank gauging
15 or sampling is taking place.

16 (ii) A vapor recovery system. [consisting of a vapor gathering
17 system capable of collecting the volatile organic com-
18 pounds vapors and gases discharged, and a vapor disposal
19 system capable of processing such volatile organic vapors
20 and gases so as to prevent their emission to the atmos-
21 phere, and with all tank gauging and sampling devices
22 gas-tight except when gauging or sampling is taking
23 place.]

24 (iii) Other equipment or means of equal efficiency for purposes
25 of air pollution control as may be approved by the Com-
26 missioner.

27 [(a)(2) Subsection (a)(1) shall not apply to existing gasoline
28 retail facilities, construction of which has been com-

1 menced prior to June 1, 1972.]

2 (a)(3) No person shall place, store, or hold in any stationary
3 storage vessel of more than 250-gallon (950 liter) cap-
4 acity any volatile organic compound WITH A VAPOR PRESSURE
5 OF 1.5 POUNDS PER SQUARE INCH OR GREATER UNDER ACTUAL
6 STORAGE CONDITIONS unless such vessel is equipped with a
7 permanent submerged fill pipe or is a pressure tank as
8 described in subsection (a)(1) [or is fitted with a vapor
9 recovery system as described in subsection (a)(1)(ii)].

10 [(a)(4) The provisions of subsection (a)(3) shall not apply to
11 the loading of volatile organic compounds into any
12 storage vessel having a capacity of less than 1,000
13 gallons which was installed prior to the effective date
14 of this section where the fill line between the fill
15 connection and the storage vessel is offset.]

16 (b) [Volatile organic compounds loading facilities] LOADING
17 OF GASOLINE AND OTHER VOLATILE ORGANIC COMPOUNDS.

18 (b)(1) No person shall load or permit the loading of any volatile
19 organic compound[s] WITH A VAPOR PRESSURE OF 1.5 POUNDS
20 PER SQUARE INCH OR GREATER UNDER ACTUAL STORAGE CON-
21 DITIONS into any DELIVERY VEHICLE [tank truck, tank
22 trailer, or railroad tank car having a capacity in excess
23 of 200 gallons (760 liters)] from any loading facility
24 WITH A THROUGHPUT OF 10,000 GALLONS OR MORE IN ANY ONE
25 DAY unless: such loading facility is equipped with a
26 vapor collection and disposal system or its equivalent,
27 properly installed, in good working order, and in operation,
28 AND

- 1 (i) THE VAPORS DISCHARGED FROM THE DELIVERY VEHICLE DURING
2 LOADING ARE PROCESSED BY A VAPOR RECOVERY SYSTEM; AND
3 (ii) THE AMOUNT OF VOLATILE ORGANIC COMPOUNDS RELEASED TO THE
4 AMBIENT AIR IS LESS THAN 80 MILLIGRAMS PER LITER OF
5 LIQUID LOADED.

6 (b)(2) No person shall load or permit the loading of any volatile
7 organic compounds WITH A VAPOR PRESSURE OF 1.5 POUNDS PER
8 SQUARE INCH OR GREATER UNDER ACTUAL STORAGE CONDITIONS
9 into any [tank truck, trunk trailer, or railroad tank
10 car] DELIVERY VEHICLE having a capacity in excess of 200
11 gallons (760 liters) FROM ANY LOADING FACILITY WITH A
12 THROUGHPUT OF 10,000 GALLONS OR MORE IN ANY ONE DAY
13 unless such loading facility is equipped with a loading
14 arm with a vapor collection adaptor, pneumatic, hydraulic,
15 or other mechanical means to force a vapor-tight seal
16 between the adaptor and the hatch. A means shall be
17 provided to prevent liquid organic compounds drainage
18 250 GALLONS AND AN ANNUAL THROUGHPUT OF 120,000 GALLONS
19 OR MORE UNLESS THE TANK HAS AN APPROVED CONTROL SYSTEM.

20 (b)(7) EFFECTIVE MAY 31, 1982, NO PERSON SHALL TRANSFER OR ALLOW
21 THE TRANSFER OF GASOLINE FROM A DELIVERY VEHICLE TO A
22 STATIONARY STORAGE TANK SUBJECT TO THE PROVISIONS OF
23 SUBDIVISIONS (b)(5) AND (b)(6) UNLESS THE TRANSFER IS MADE
24 THROUGH:

- 25 (i) A PROPERLY MAINTAINED AND OPERATED APPROVED CONTROL
26 SYSTEM; AND
27 (ii) PIPING, VALVES, FITTINGS, AND CONNECTIONS ON THE DELIVERY
28 VEHICLE SO THAT THE RATED COLLECTION EFFICIENCY OF THE

1 CONTROL SYSTEM IS ATTAINED FOR ANY TRANSFER.

2 (b)(8) NO PERSON SHALL DISPENSE GASOLINE TO A STATIONARY STORAGE
3 TANK HAVING AN APPROVED CONTROL SYSTEM IN SUCH A MANNER
4 AS TO IMPAIR THE COLLECTION EFFICIENCY OF THE CONTROL
5 SYSTEM.

6 (b)(9) THE OWNER OR OPERATOR OF A DELIVERY VEHICLE SHALL ENSURE
7 THAT:

8 (i) THE DELIVERY VEHICLE IS DESIGNED AND MAINTAINED TO BE
9 VAPOR-TIGHT AT ALL TIMES; AND,

10 (ii) THE HATCHES ARE CLOSED AT ALL TIMES DURING LOADING
11 OPERATIONS; AND,

12 (iii) THE PRESSURE RELIEF VALVES ARE SET TO RELEASE AT NO LESS
13 THAN 0.7 POUNDS PER SQUARE INCH; AND

14 (iv) THE VAPOR LADEN DELIVERY VEHICLE IS REFILLED ONLY AT
15 FACILITIES WHICH MEET THE REQUIREMENTS OF SUBDIVISIONS
16 (b)(1) OR (b)(4)

17 (b)(10) THE COMMISSIONER MAY PROVIDE AN EXEMPTION TO THE PROVISIONS
18 OF SUBDIVISIONS (b)(4) or (b)(5) FOR ECONOMIC OR TECH-
19 NOLOGICAL IMPRACTICABILITY.

20 (c) Volatile organic compound water separation. No
21 person shall use any compartment of any single or multiple
22 compartment volatile organic compound waste water separator
23 which receives effluent water containing 200 gallons (760
24 liters) a day or more of any volatile organic compound
25 WITH A VAPOR PRESSURE OF 1.5 POUNDS PER SQUARE INCH OR
26 MORE from any equipment processing, refining, treating,
27 storing, or handling volatile organic compounds [consisting
28 of kerosene or more volatile organic materials] unless

1 such compartment is equipped with one OR MORE of the
2 following vapor loss control devices, properly installed,
3 in good working order, and in operation:

- 4 (1) A container having all openings sealed and totally
5 enclosing the liquid contents. All gauging and sampling
6 devices be gas-tight except when gauging or sampling is
7 taking place.
- 8 (2) A container equipped with a floating roof, consisting of
9 a pontoon type, double deck type roof, or internal floating
10 cover, which will rest on the surface of the contents and
11 be equipped with a closure seal or seals to close the
12 space between the roof edge and container wall. All
13 gauging and sampling devices shall be gastight except
14 when gauging or sampling is taking place.
- 15 (3) A container equipped with a vapor recovery system [consisting
16 of a vapor gathering system capable of processing such
17 organic vapors and gases so as to prevent their emission
18 to the atmosphere and with all container gauging and
19 sampling devices gas-tight except when gauging of sampling
20 is taking place.]
- 21 (4) A container having other equipment of equal efficiency
22 for the purpose of air pollution control as may be approved
23 by the Commissioner. [or equipment which meets the requirements
24 of subsections (f)(1) through (4) inclusive]
- 25 (d) Pumps and compressors. All pumps and compressors handling
26 volatile organic compounds WITH A VAPOR PRESSURE OF 1.5
27 POUNDS PER SQUARE INCH OR GREATER UNDER ACTUAL STORAGE
28 CONDITIONS shall have mechanical seals or other equipment

1 of equal efficiency for purposes of air pollution control
2 as may be approved by the Commissioner, except that in
3 cases where mechanical seals are impractical because of
4 the abrasive or corrosive nature of the liquid handled,
5 best available technology for the reduction of organic
6 compound emissions shall be deemed equivalent to the use
7 of mechanical seals.

8 (e) Waste gas disposal.

9
10 (e)(1) No person shall cause or permit any emission from any
11 ethylene producing plant or other ethylene emission
12 source unless the waste gas stream is properly burned at
13 1300°F. [(104°C)] (704°C) for 0.3 second or greater in a
14 direct-flame afterburner or an equally effective device
15 as approved by the Commissioner. This provision shall
16 not apply to emergency reliefs and vapor blowdown systems.

17 (e)(2) No person shall cause or permit the emission of organic
18 gases from a vapor blowdown systems or emergency relief
19 unless these gases are burned by smokeless flares or an
20 equally effective control device as approved by the
21 Commissioner. Exemption to this section will be considered
22 from the loading device when it is removed from the hatch
23 of any tank, truck, or trailer, or to accomplish complete
24 drainage before such removal. When loading is effected
25 through means other than hatches, all loading and vapor
26 lines shall be equipped with fittings which make vapor-
27 tight connections and which close automatically when
28 disconnected.

1 (b)(3) [Subsections] SUBDIVISIONS (b)(1) and (b)(2) shall apply
2 only to the loading of volatile organic compounds WITH A
3 VAPOR PRESSURE OF 1.5 POUNDS PER SQUARE INCH OR GREATER
4 UNDER ACTUAL STORAGE CONDITIONS at a facility from which
5 at least 10,000 gallons of such organic compounds are
6 loaded in any one day. "Loading facility," for the
7 purpose of this subsection, shall mean any aggregation or
8 combination of organic liquid loading equipment which is
9 both (i) possessed by one person and (ii) located so that
10 all the organic liquid loading outlets for such aggregation
11 or combination of loading equipment can be encompassed
12 within any circle of three hundred (300) feet in diameter.

13 (b)(4) AFTER APRIL 1, 1982, NO PERSON SHALL LOAD OR PERMIT THE
14 LOADING OF GASOLINE INTO ANY DELIVERY VEHICLE FROM ANY
15 LOADING FACILITY WITH A THROUGHPUT OF LESS THAN 10,000
16 GALLONS A DAY AND MORE THAN 4,000 GALLONS A DAY UNLESS
17 THE LOADING TAKES PLACE THROUGH A SUBMERGED FILL PIPE AND
18 A VAPOR BALANCE SYSTEM IS USED.

19 (b)(5) BY JANUARY 1, 1982, ANY PERSON WHO OWNS OR OPERATES ANY
20 DISPENSING FACILITY WITH A STATIONARY STORAGE TANK FOR
21 GASOLINE HAVING A CAPACITY OF MORE THAN 2000 GALLONS AND
22 AN ANNUAL THROUGHPUT OF 120,000 GALLONS OR MORE SHALL
23 INSTALL AT EACH STATIONARY STORAGE TANK AN APPROVED
24 CONTROL SYSTEM.

25 (b)(6) AFTER JANUARY 1, 1982, NO PERSON SHALL INSTALL ANY STATIONARY
26 STORAGE TANK FOR GASOLINE WITH A CAPACITY OF MORE THAN
27 when the frequency of venting and the quantity of potential
28 release are low, and all occurrences are reported to the

1 Commissioner. In the case of emergency reliefs, exemption
2 will also be considered if the Commissioner determines
3 that addition of control equipment would constitute an
4 explosion hazard or other safety hazard.

5 (f) Organic solvents.

6 (f)(1) No person shall cause or permit the discharge into the
7 atmosphere of more than [15] 40 pounds of organic materials
8 in any one day, nor of more than [3]8 pounds in any one
9 hour, from any article, machine, equipment or other
10 contrivance, in which any organic solvent or any material
11 containing organic solvent comes into contact with flame
12 or is baked, heat-cured or heat-polymerized, in the
13 presence of oxygen, unless [said] THE discharge has been
14 reduced by at least 85 percent. Those portions of any
15 series of articles, machines, equipment or other contrivances
16 designed for processing a continuous web, strip or wire
17 which emit organic materials and using operations described
18 in this subsection [shall be] ARE collectively subject to
19 compliance with this [subsection] SUBDIVISION.

20 (f)(2) No person shall cause or permit the discharge into the atmos-
21 phere of more than 40 pounds of organic materials in any one
22 day, nor of more than 8 pounds in any one hour, from any article
23 or machine, other than described in [subsection] SUBDIVISION (f)
24 (1), for employing or applying any photochemically reactive
25 solvent as defined in [subsections] SUBDIVISIONS (i)(1) and photo-
26 chemically reactive solvent unless [said] THE discharge has been
27 reduced by at least 85 percent. Emissions of organic
28 materials into the atmosphere resulting from air or

1 heated drying or products for the first 12 hours after
2 their removal from any article, machine, equipment, or
3 other contrivance described in this [subsection] SUBDIVI-
4 SION [shall be] ARE included in determining compliance
5 with this [subsection] SUBDIVISION. Emissions resulting
6 from baking, heat-curing, or heat-polymerizing as des-
7 cribed in [subsection] SUBDIVISION (f)(1) [shall be]
8 ARE excluded from determination of compliance with this
9 [subsection] SUBDIVISION. Those portions of any series
10 of articles, machines, equipment or other contrivances
11 designed for processing a continuous web, strip or wire
12 which emit organic materials and using operations described
13 in this [subsection] SUBDIVISION shall be collectively
14 subject to compliance with this [subsection] SUBDIVISION.

15 (f)(3)

[On or after January 1, 1975, the discharge of photo-
16 chemically reactive solvents described in subsection
17 (f)(2) shall be limited to 15 pounds in any one day or 3
18 pounds in any hour, unless such discharge has been reduced
19 by 85 percent.] RESERVED

20 (f)(4)

On or after June 1, 1973, no person shall cause or permit
21 the discharge into the atmosphere of more than 800 pounds
22 of organic materials in any one day, nor more than 160
23 pounds in any one hour, from any article, machine, equipment
24 or other contrivance in which any non-photochemically
25 reactive organic solvent or any material containing such
26 solvent is employed or applied, unless [said] THE discharge
27 has been reduced by at least 85 percent. Emissions of
28 organic materials into the atmosphere resulting from air

1 or heated drying of products for the first 12 hours
2 after their removal from any article, machine, equipment,
3 or other contrivance described in this subsection [shall
4 be] ARE included in determining compliance with this
5 [subsection] SUBDIVISION. Emissions resulting from baking,
6 heat-curing, or heat-polymerizing as described in subsection
7 (f)(1) [shall be] ARE excluded from determination of compli-
8 ance with this [subsection] SUBDIVISION. Those portions of
9 any series of articles, machines, equipment or other contri-
10 vances designed for processing a continuous web, strip or wire
11 which emit organic materials and using operations described
12 in this subsection [shall be] ARE collectively subject to
13 compliance with this [subsection] SUBDIVISION.

14 (f)(5)

Emissions of organic materials to the atmosphere
15 from the cleanup [with photochemically reactive solvent, as
16 defined in subsections (i)(1) and (i)(2),] of any article,
17 machine, equipment or other contrivance described in [sub-
18 sections] SUBDIVISIONS (f)(1) through (f)(4) inclusive
19 [shall be] ARE included with the other emissions of organic
20 materials from that article, equipment or other contrivance
21 for determining compliance . [with this subsection.]

22 (f)(6)

[Emissions of organic materials required to be controlled
23 by subsections (f)(1) through (f)(4) inclusive shall be
24 reduced by:] THE OWNER OR OPERATOR OF A SOURCE SUBJECT
25 TO SUBDIVISION (f)(1), (f)(2) OR (f)(4) SHALL ACHIEVE THE
26 EMISSION LIMITS UNDER THOSE PARAGRAPHS BY:

- 27 (i) Incineration, provided that 90 percent or more of the
28 carbon in the organic material being incinerated is

1 oxidized to carbon dioxide. However, incineration is not
2 acceptable for halogenated hydrocarbons.

3 (ii) Adsorption, or

4 (iii) A SYSTEM DEMONSTRATED TO HAVE CONTROL EFFICIENCY EQUIVALENT
5 TO OR GREATER THAN THE ABOVE AND APPROVED BY THE COM-
6 MISSIONER. [Processing in a manner determined by the
7 Commissioner to be not less effective than (i) or (ii)
8 above.

9 (iv) Substitution of organic solvents which have been shown to
10 be virtually unreactive or of low reactivity in the
11 formation of oxidants. For the purposes of this section,
12 photochemically unreactive solvents include saturated
13 halogenated hydrocarbons, perchlorethylene, benzene,
14 acetone, C₁ - C₅ n-paraffins, cyclohexanone, ethyl
15 acetate, isopropyl alcohol, methyl benzoate, 2-nitropropane,
16 phenyl acetate, triethylamine, and other compounds determined
17 by the Commissioner. The Commissioner may, upon sub-
18 mission of evidence satisfactory to him, add or subtract
19 compounds from this list. Notwithstanding the above,
20 substitution as described in this subsection (f)(6)(iv)
21 shall not be acceptable for compliance with subsections
22 (f)(1) and (f)(4).]

23 (f)(7) A person incinerating, adsorbing, or otherwise processing
24 organic materials pursuant to [subsection] SUBDIVISION (f)(6)
25 shall provide, properly install, and maintain in calibration,
26 in good working order, and in operation, devices OR
27 PROCEDURES as specified by the Commissioner for indicating
28 AND RECORDING temperatures, pressures, rates of flow, or

1 other operating conditions necessary to determine the
2 degree and effectiveness of air pollution control.

3 (f)(8) Any person using OR SUPPLYING solvents or any materials
4 containing organic solvents shall supply the Commissioner,
5 upon request and in the manner and form prescribed by
6 him, written evidence of the chemical composition, physical
7 properties, and amount consumed for each organic solvent
8 used.

9 (f)(9) The provisions of subsection (f) shall not apply to:

10 (i) The use of equipment for which other requirements are
11 specified by subsections (a) through (e) inclusive AND
12 SUBSECTIONS (m) THROUGH (r) INCLUSIVE or which are exempt
13 from air pollution control requirements under those
14 subsections.

15 (ii) The spraying or other employment of insecticides, pesticides,
16 or herbicides.

17 (iii) THE EMISSION OF ORGANIC COMPOUNDS FROM COATING OPERATIONS
18 WHERE THE ORGANIC COMPOUND PORTION OF THE COATING SOLVENT
19 IS 20 PER CENT OR LESS BY WEIGHT

20 (f)(10) (i) For the purposes of [this] SUBsection (f), organic materials
21 are defined as chemical compounds of carbon excluding
22 carbon monoxide, carbon dioxide, carbonic acid, metallic
23 carbides, metallic carbonates, and ammonium carbonate.

24 (f)(10) (ii) For the purposes of [this] SUBsection (f), organic solvents
25 include diluents and thinners and are defined as organic
26 materials which are liquids at standard conditions and
27 which are used as dissolvers, viscosity reducers or
28 cleaning agents, except that such materials which exhibit

1 a boiling point higher than 220°F at 0.5 millimeter
2 mercury absolute pressure or having an equivalent vapor
3 pressure shall not be considered to be solvents unless
4 exposed to temperatures exceeding 220°F.

5 (f)(10) (iii) For the purpose of [subsections] SUBDIVISIONS (f)(1) and
6 (f)(4), 85 percent reduction of organic materials emissions
7 shall mean 85 percent reduction of total organic materials
8 emissions present when operations are conducted according
9 to good industrial practice.

10 (f)(10) (iv) For the purpose of [subsections] SUBDIVISION (f)(2) [and
11 (f)(3),] 85 percent reduction of emissions shall mean 85
12 percent reduction of photochemically reactive solvent
13 emissions present when operations are conducted according
14 to good industrial practice, utilizing the maximum proportion
15 of photochemically reactive solvent appropriate to such
16 good practice. Substitution of a photochemically unreactive
17 solvent shall be considered 100 percent reduction of the
18 photochemically reactive emissions involved.

19 (f)(10) (v) FOR THE PURPOSES OF SUBSECTION (f), A CONTINUOUS WEB,
20 STRIP OR WIRE MEANS A PRODUCT WHICH CONTAINS AT LEAST ONE
21 UNBROKEN WEB, STRIP OR WIRE FROM BEGINNING TO END OF AN
22 ARTICLE, MACHINE, EQUIPMENT OR OTHER CONTRIVANCE (OR
23 SERIES OF) IRRESPECTIVE OF THE ADDITION OF ANY OTHER
24 MATERIALS DURING PROCESSING.

25 (g) Architectural coatings.

26 (g)(1) On or after January 1, 1974, no person shall sell or
27 offer for sale to the final user in containers greater
28 than 1-quart (0.95 liter) capacity any architectural

1 coating or solvent for the purpose of thinning or diluting
2 any architectural coating unless the solvent composition
3 is are photochemically unreactive, as defined in [subsection]
4 SUBDIVISION (i)(4).

5 (g)(2) On or after January 1, 1975, no person shall employ,
6 apply, evaporate, or dry any architectural coating
7 purchased in containers of greater than 1-quart (0.95
8 liter) capacity unless the solvent composition is photo-
9 chemically unreactive, as defined in [subsection] SUB-
10 DIVISION (i)(4).

11 (g)(3) On or after January 1, 1975, no person shall thin or
12 dilute for application any architectural coating with a
13 photochemically reactive solvent as defined in [subsections]
14 SUBDIVISIONS (i)(1) and (i)(2), purchased in containers of
15 greater than 1-quart (0.95 liter) capacity.

16 (h) Exemptions. If the Commissioner determines that photo-
17 chemically unreactive solvents are not available for a
18 particular application or class of applications, he may
19 issue an exemption, provided that this shall not prevent
20 the attainment or maintenance of the national ambient air
21 quality standard for photochemical oxidants.

22 (i) Classification of solvents.

23 (i)(1) The following solvents shall be considered photochemically
24 reactive:

25 (i) Group R1: Any hydrocarbons, alcohols, aldehydes, esters,
26 ethers, or ketones, having an olefinic or cyclo-olefinic
27 type of unsaturation.

28 (ii) Group R2: Any aromatic compounds with eight or more

1 carbon atoms to the molecule except ethylbenzene, phenyl
2 acetate, and methyl benzoate.

3 (iii) Group R3: Any ketones having branched hydrocarbon
4 structures, and ethylbenzene, trichloroethylene, and
5 toluene.

6 (i)(2) Any solvent mixture will be considered photochemically
7 reactive if the composition of [such] THE mixture exceeds
8 any of the following limits by volume:

9 (i) 5 percent of any combination of chemical compounds in
10 group R1.

11 (ii) 8 percent of any combination of chemical compounds in
12 group R2.

13 (iii) 20 percent of any combination of chemical compounds in
14 group R3.

15 (iv) 20 percent of any combination of chemical compounds in
16 groups R1, R2, and R3.

17 (i)(3) Whenever any organic solvent or any constituent
18 of any organic solvent may be classified from its chemical
19 structure into more than one of the above groups of
20 organic compounds, it shall be considered a member of the
21 most reactive chemical group, which is, that group having
22 the least allowable percent of the total volume of solvents.

23 (i)(4) Any solvent not classified in (i)(1) and any solvent
24 mixture which does not exceed any of the limits in (i)(2)
25 shall be considered photochemically non-reactive.

26 (i)(5) Upon submission of technical evidence concerning the
27 photochemically reactive nature of organic compounds
28 satisfactory to the Commissioner, the Commissioner may

1 add or subtract compounds from the list of photochemically
2 reactive solvents

3 (j) Disposal and evaporation of solvents. A person shall not,
4 during any one day, dispose of more than one and one-half
5 gallons (5.7 liters) of any organic solvent or of any
6 material containing more than one and one-half gallons
7 (5.7 liters) of any [such] organic solvent by any means
8 which will permit the evaporation of such solvent into
9 the atmosphere.

10 (k) RESERVED

11 (l) METAL CLEANING.

12 (l)(1) DEFINITIONS

13 FOR THE PURPOSE OF THIS SUBSECTION:

14 "COLD CLEANING" MEANS THE BATCH PROCESS OF CLEANING AND
15 REMOVING SOILS FROM METAL SURFACES BY SPRAYING, BRUSHING,
16 FLUSHING OR IMMERSION WHILE MAINTAINING THE DEGREASING
17 SOLVENT BELOW ITS BOILING POINT. WIPE CLEANING IS NOT
18 INCLUDED IN THIS DEFINITION.

19 "CONVEYORIZED DEGREASING" MEANS THE CONTINUOUS PROCESS OF
20 CLEANING AND REMOVING SOILS FROM METAL SURFACES BY
21 OPERATING WITH EITHER COLD OR VAPORIZED DEGREASING SOLVENTS.

22
23 "DEGREASING SOLVENT" MEANS ANY VOLATILE ORGANIC COMPOUND
24 USED FOR METAL CLEANING.

25
26 "FREEBOARD RATIO" MEANS THE FREEBOARD HEIGHT DIVIDED BY
27 THE WIDTH OF THE DEGREASER.

28

1 "OPEN TOP VAPOR DEGREASING" MEANS THE BATCH PROCESS OF
2 CLEANING AND REMOVING SOILS FROM METAL SURFACES BY
3 CONDENSING HOT DEGREASING SOLVENT VAPOR ON THE COLDER
4 METAL PARTS.

5
6 "METAL CLEANING" MEANS THE PROCESS OF CLEANING SOILS FROM
7 METAL SURFACES BY COLD CLEANING OR OPEN TOP VAPOR DEGREASING
8 OR CONVEYORIZED DEGREASING.

9 (2)(2) THE PROVISIONS OF THIS SUBSECTION APPLY WITH THE FOLLOWING
10 EXCEPTIONS:

11 (i) OPEN TOP VAPOR DEGREASERS WITH AN OPEN AREA SMALLER THAN
12 ONE (1) SQUARE METER (10.8 SQUARE FEET);

13 (ii) CONVEYORIZED DEGREASERS WITH AN AIR/VAPOR INTERFACE
14 SMALLER THAN 2.0 SQUARE METERS (21.6 SQUARE FEET);

15 (iii) METAL CLEANING EQUIPMENT IN OPERATION PRIOR TO JULY 1,
16 1980 WHICH MEETS THE REQUIREMENTS OF SUBSECTION (f).

17 (2)(3) AFTER JULY 1, 1980 THE OWNER OR OPERATOR OF A COLD
18 CLEANING FACILITY SHALL:

19 (i) EQUIP THE CLEANER WITH A COVER DESIGNED SO THAT IT CAN BE
20 EASILY OPERATED WITH ONE HAND; AND

21 (ii) EQUIP THE CLEANER WITH A FACILITY FOR DRAINING CLEANED
22 PARTS CONSTRUCTED INTERNALLY SO THAT PARTS ARE ENCLOSED
23 UNDER THE COVER WHILE DRAINING. THE DRAINAGE FACILITY
24 MAY BE EXTERNAL FOR APPLICATIONS WHERE AN INTERNAL TYPE
25 CANNOT FIT INTO THE CLEANING SYSTEM; AND,

26 (iii) STORE WASTE DEGREASING SOLVENT ONLY IN COVERED CONTAINERS
27 AND NOT DISPOSE OF WASTE DEGREASING SOLVENT OR TRANSFER
28 IT TO ANOTHER PARTY, IN A MANNER SUCH THAT GREATER THAN

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20 PERCENT OF THE WASTE DEGREASING SOLVENT (BY WEIGHT)
CAN EVAPORATE INTO THE ATMOSPHERE; AND,

- (iv) CLOSE THE COVER WHENEVER PARTS ARE NOT BEING HANDLED IN THE CLEANER; AND,
- (v) DRAIN THE CLEANED PARTS FOR AT LEAST 15 SECONDS OR UNTIL DRIPPING CEASES; AND,
- (vi) IF USED, SUPPLY A DEGREASING SOLVENT SPRAY THAT IS A SOLID FLUID STREAM (NOT A FINE, ATOMIZED OR SHOWER TYPE SPRAY) AT A PRESSURE WHICH DOES NOT CAUSE EXCESSIVE SPLASHING.

(ℓ)(4)

AFTER JULY 1, 1980, THE OWNER OR OPERATOR OF AN OPEN TOP VAPOR DEGREASER SHALL:

- (i) EQUIP THE VAPOR DEGREASER WITH A COVER THAT CAN BE OPENED AND CLOSED EASILY WITHOUT DISTURBING THE VAPOR ZONE; AND,
 - (ii) PROVIDE THE FOLLOWING SAFETY SWITCHES:
 - (a) A CONDENSER FLOW SWITCH AND THERMOSTAT WHICH SHUT OFF THE HEAT IF THE CONDENSER COOLANT IS EITHER NOT CIRCULATING OR IS TOO WARM; AND,
 - (b) A SPRAY SAFETY SWITCH WHICH SHUTS OFF THE SPRAY PUMP IF THE VAPOR LEVEL DROPS MORE THAN 10 CENTIMETERS (4 INCHES) BELOW THE LOWEST CONDENSING COIL; AND,
 - (iii) INSTALL ONE OF THE FOLLOWING CONTROL DEVICES:
 - (a) POWERED COVER, IF THE FREEBOARD RATIO IS GREATER THAN OR EQUAL TO 0.75, AND IF THE DEGREASER OPENING IS GREATER THAN 1 SQUARE METER (10 SQUARE FEET); OR,
 - (b) REFRIGERATED CHILLER; OR,
 - (c) ENCLOSED DESIGN (COVER OR DOOR OPENS ONLY WHEN THE

1 DRY PART IS ACTUALLY ENTERING OR EXITING THE DE-
2 GREASER); OR,

3 (d) CARBON ADSORPTION SYSTEM, WITH VENTILATION GREATER
4 THAN OR EQUAL TO 15 CUBIC METERS PER MINUTE PER
5 SQUARE METER (50 CUBIC FEET PER MINUTE PER SQUARE
6 FOOT) OF AIR/VAPOR AREA (WHEN COVER IS OPEN), AND
7 EXHAUSTING LESS THAN 25 PARTS PER MILLION OF DEGREASING
8 SOLVENT AVERAGED OVER ONE COMPLETE ADSORPTION CYCLE;
9 OR

10 (e) A CONTROL SYSTEM, DEMONSTRATED TO HAVE CONTROL
11 EFFICIENCY EQUIVALENT TO OR GREATER THAN ANY OF THE
12 ABOVE, AND APPROVED BY THE COMMISSIONER; AND,

13 (iv) KEEP THE COVER CLOSED AT ALL TIMES EXCEPT WHEN PROCESSING
14 WORK LOADS THROUGH THE DEGREASER; AND,

15 (v) STORE WASTE DEGREASING SOLVENT ONLY IN COVERED CONTAINERS
16 AND NOT DISPOSE OF WASTE DEGREASING SOLVENT OR TRANSFER
17 IT TO ANOTHER PARTY, SUCH THAT GREATER THAN 20 PERCENT
18 OF THE WASTE DEGREASING SOLVENT (BY WEIGHT) CAN EVAPORATE
19 INTO THE ATMOSPHERE.

20 (2)(5) AFTER JULY 1, 1980 THE OWNER OR OPERATOR OF A CONVEYORIZED
21 DEGREASER SHALL:

22 (i) INSTALL ONE OF THE FOLLOWING CONTROL DEVICES:

23 (a) REFRIGERATED CHILLER; OR,

24 (b) CARBON ADSORPTION SYSTEM, WITH VENTILATION GREATER
25 THAN OR EQUAL TO 15 CUBIC METERS PER MINUTE PER
26 SQUARE METER (50 CUBIC FEET PER MINUTE PER SQUARE
27 FOOT) OF AIR/VAPOR AREA (WHEN DOWNTIME COVERS ARE
28 OPEN), AND EXHAUSTING LESS THAN 25 PARTS PER MILLION

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OF DEGREASING SOLVENT BY VOLUME AVERAGED OVER A COMPLETE ADSORPTION CYCLE; OR,

(c) A SYSTEM, DEMONSTRATED TO HAVE A CONTROL EFFICIENCY EQUIVALENT TO OR GREATER THAN THE ABOVE AND APPROVED BY THE COMMISSIONER; AND,

(ii) PROVIDE THE FOLLOWING SAFETY SWITCHES:

(a) A CONDENSER FLOW SWITCH AND THERMOSTAT WHICH SHUTS OFF THE HEAT IF THE CONDENSER COOLANT IS EITHER NOT CIRCULATING OR TOO WARM; AND,

(b) A SPRAY SAFETY SWITCH WHICH SHUTS OFF THE SPRAY PUMP OR THE CONVEYOR IF THE VAPOR LEVEL DROPS MORE THAN 10 CENTIMETERS (4 INCHES) BELOW THE LOWEST CONDENSING COIL; AND,

(iii) STORE WASTE DEGREASING SOLVENT ONLY IN COVERED CONTAINERS AND NOT DISPOSE OF WASTE DEGREASING SOLVENT OR TRANSFER IT TO ANOTHER PARTY, SUCH THAT GREATER THAN 20 PERCENT OF THE WASTE DEGREASING SOLVENT (BY WEIGHT) CAN EVAPORATE INTO THE ATMOSPHERE.

(m) CAN COATING

(m)(1) FOR THE PURPOSE OF THIS SUBSECTION:

"END SEALING COMPOUND" MEANS A SYNTHETIC RUBBER COMPOUND WHICH IS COATED ON TO CAN ENDS AND WHICH FUNCTIONS AS A GASKET WHEN THE END IS ASSEMBLED ON THE CAN.

"EXTERIOR BASE COATING" MEANS A COATING APPLIED TO THE EXTERIOR OF A CAN TO PROVIDE EXTERIOR PROTECTION TO THE METAL AND TO PROVIDE BACKGROUND FOR THE LITHOGRAPHIC OR PRINTING OPERATION.

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2 "INTERIOR BASE COATING" MEANS A COATING APPLIED BY ROLLER
3 COATER OR SPRAY TO THE INTERIOR OF A CAN TO PROVIDE A
4 PROTECTIVE LINING BETWEEN THE CAN METAL AND PRODUCT.

5
6 "INTERIOR BODY SPRAY" MEANS A COATING SPRAYED ON THE
7 INTERIOR OF THE CAN BODY TO PROVIDE A PROTECTIVE FILM
8 BETWEEN THE PRODUCT AND THE CAN.

9
10 "OVERVARNISH" MEANS A COATING APPLIED DIRECTLY OVER INK
11 TO REDUCE THE COEFFICIENT OF FRICTION, TO PROVIDE GLOSS
12 AND TO PROTECT THE FINISH AGAINST ABRASION AND CORROSION.

13
14 "THREE-PIECE CAN SIDE-SEAM SPRAY" MEANS A COATING SPRAYED
15 ON THE EXTERIOR AND INTERIOR OF A WELDED, CEMENTED OR
16 SOLDERED SEAM TO PROTECT THE EXPOSED METAL.

17
18 "TWO-PIECE CAN EXTERIOR END COATING" MEANS A COATING
19 APPLIED BY ROLLER COATING OR SPRAYING TO THE EXTERIOR END
20 OF A CAN TO PROVIDE PROTECTION TO THE METAL.

21
22 (m) (2) THE OWNER OR OPERATOR OF A CAN COATING FACILITY SHALL
23 NOT CAUSE OR PERMIT THE DISCHARGE INTO THE ATMOSPHERE OF
24 ANY VOLATILE ORGANIC COMPOUNDS IN EXCESS OF;

25 (i) 0.34 KILOGRAMS PER LITER OF COATING (2.8 POUNDS PER
26 GALLON), EXCLUDING WATER, DELIVERED TO THE COATING
27 APPLICATOR FROM SHEET BASECOAT (EXTERIOR AND INTERIOR)
28 AND OVERVARNISH OR TWO-PIECE CAN EXTERIOR (BASECOAT AND

1 OVERVARNISH) OPERATIONS.

2 (ii) 0.51 KILOGRAMS PER LITER OF COATING (4.2 POUNDS PER
3 GALLON), EXCLUDING WATER, DELIVERED TO THE COATING
4 APPLICATOR FROM TWO- AND THREE-PIECE CAN INTERIOR BODY
5 SPRAY AND TWO-PIECE CAN EXTERIOR END (SPRAY OR ROLL COAT)
6 OPERATIONS.

7 (iii) 0.66 KILOGRAMS PER LITER OF COATING (5.5 POUNDS PER
8 GALLON), EXCLUDING WATER, DELIVERED TO THE COATING APPLI-
9 CATOR FROM THREE-PIECE CAN SIDE-SEAM SPRAY OPERATIONS.

10 (iv) 0.44 KILOGRAMS PER LITER OF COATING (3.7 POUNDS PER
11 GALLON), EXCLUDING WATER, DELIVERED TO THE COATING
12 APPLICATOR FROM END SEALING COMPOUND OPERATIONS.

13 (n) COIL COATING.

14 (n)(1) FOR THE PURPOSE OF THIS SUBSECTION:

15 "COIL COATING" MEANS THE COATING OF ANY FLAT METAL SHEET
16 OR STRIP THAT COMES IN ROLLS OR COILS.

17 (n)(2) THE OWNER OR OPERATOR OF A COIL COATING FACILITY SHALL
18 NOT CAUSE OR PERMIT THE DISCHARGE INTO THE ATMOSPHERE
19 OF ANY VOLATILE ORGANIC COMPOUNDS IN EXCESS OF 0.31 KILO-
20 GRAMS PER LITER OF COATING (2.6 POUNDS PER GALLON),
21 EXCLUDING WATER, DELIVERED TO THE COATING APPLICATOR FROM
22 PRIME AND TOPCOAT OR SINGLE COAT OPERATIONS.

23 (o) FABRIC AND VINYL COATING.

24 (o)(1) FOR THE PURPOSE OF THIS SECTION;

25 "FABRIC COATING" MEANS THE COATING OF A TEXTILE SUBSTRATE
26 WITH A KNIFE, ROLL OR ROTOGRAVURE COATER TO IMPART
27 PROPERTIES THAT ARE NOT INITIALLY PRESENT, SUCH AS
28 STRENGTH, STABILITY, WATER OR ACID REPELLANCY, OR AP-

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PEARANCE.

"KNIFE COATING" MEANS THE APPLICATION OF A COATING MATERIAL TO A SUBSTRATE BY MEANS OF DRAWING THE SUBSTRATE BENEATH A KNIFE THAT SPREADS THE COATING EVENLY OVER THE FULL WIDTH OF THE SUBSTRATE.

"ROLL COATING" MEANS THE APPLICATION OF A COATING MATERIAL TO A SUBSTRATE BY MEANS OF HARD RUBBER OR STEEL ROLLS.

"ROTOGRAVURE COATING" MEANS THE APPLICATION OF A COATING MATERIAL TO A SUBSTRATE BY MEANS OF A ROLL COATING TECHNIQUE IN WHICH THE PATTERN TO BE APPLIED IS ETCHED ON THE COATING ROLL. THE COATING MATERIAL IS PICKED UP IN THESE RECESSED AREAS AND IS TRANSFERRED TO THE SUBSTRATE.

"VINYL COATING" MEANS APPLYING A DECORATIVE OR PROTECTIVE TOPCOAT, OR PRINTING ON VINYL COATED FABRIC OR VINYL SHEETS.

(o)(2)

THE OWNER OR OPERATOR OF A FABRIC COATING LINE OR A VINYL COATING LINE SHALL NOT CAUSE OR PERMIT THE DISCHARGE INTO THE ATMOSPHERE OF ANY VOLATILE ORGANIC COMPOUNDS IN EXCESS OF;

(i) 0.35 KILOGRAMS PER LITER OF COATING (2.9 POUNDS PER GALLON), EXCLUDING WATER, DELIVERED TO THE COATING APPLICATOR FROM A FABRIC COATING LINE.

(ii) 0.45 KILOGRAMS PER LITER OF COATING (3.8 POUNDS PER GALLON), EXCLUDING WATER, DELIVERED TO THE COATING APPLICATOR

1 FROM A VINYL COATING LINE.

2 (p) METAL FURNITURE COATING.

3 (p)(1) FOR THE PURPOSE OF THIS SECTION:

4 "APPLICATION AREA" MEANS THE AREA WHERE THE COATING IS
5 APPLIED BY SPRAYING, DIPPING, OR FLOWCOATING TECHNIQUES.

6
7 "METAL FURNITURE COATING" MEANS THE SURFACE COATING OF
8 ANY FURNITURE MADE OF METAL OR ANY METAL PART WHICH WILL
9 BE ASSEMBLED WITH OTHER METAL, WOOD, FABRIC, PLASTIC OR
10 GLASS PARTS TO FORM A FURNITURE PIECE.

11 (p)(2) THE OWNER OR OPERATOR OF A METAL FURNITURE COATING LINE
12 SHALL NOT CAUSE OR PERMIT THE DISCHARGE INTO THE ATMOS-
13 PHERE OF ANY VOLATILE ORGANIC COMPOUNDS IN EXCESS OF 0.36
14 KILOGRAMS PER LITER OF COATING (3.0 POUNDS PER GALLON),
15 EXCLUDING WATER, DELIVERED TO THE COATING APPLICATOR FROM
16 PRIME AND TOPCOAT OR SINGLE COAT OPERATIONS.

17 (q) PAPER COATING.

18 (q)(1) FOR THE PURPOSE OF THIS SUBSECTION:

19 "KNIFE COATING" MEANS THE APPLICATION OF A COATING
20 MATERIAL TO A SUBSTRATE BY MEANS OF DRAWING THE SUBSTRATE
21 BENEATH A KNIFE THAT SPREADS THE COATING EVENLY OVER THE
22 FULL WIDTH OF THE SUBSTRATE.

23
24 "PAPER COATING" MEANS COATINGS PUT ON PAPER AND PRESSURE
25 SENSITIVE TAPES REGARDLESS OF SUBSTRATE BY KNIFE, ROLL OR
26 ROTOGRAVURE COATING. RELATED WEB COATING PROCESSES ON
27 PLASTIC FILM AND DECORATIVE COATINGS ON METAL FOIL ARE
28 INCLUDED IN THIS DEFINITION.

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"ROLL COATING" MEANS THE APPLICATION OF A COATING MATERIAL TO A SUBSTRATE BY MEANS OF HARD RUBBER OR STEEL ROLLS.

"ROTOGRAVURE COATING" MEANS THE APPLICATION OF A COATING MATERIAL TO A SUBSTRATE BY MEANS OF A ROLL COATING TECHNIQUE IN WHICH THE PATTERN TO BE APPLIED IS ETCHED ON THE COATING ROLL. THE COATING MATERIAL IS PICKED UP IN THESE RECESSED AREAS AND IS TRANSFERRED TO THE SUBSTRATE.

(q)(2)

THE OWNER OR OPERATOR OF A PAPER COATING FACILITY SHALL NOT CAUSE OR PERMIT THE DISCHARGE INTO THE ATMOSPHERE OF ANY VOLATILE ORGANIC COMPOUNDS IN EXCESS OF 0.35 KILOGRAMS PER LITER OF COATING (2.9 POUNDS PER GALLON), EXCLUDING WATER, DELIVERED TO THE COATING APPLICATOR FROM A PAPER COATING LINE.

(r)

WIRE COATING.

(r)(1)

FOR THE PURPOSE OF THIS SECTION:

"WIRE COATING" MEANS THE PROCESS OF APPLYING A COATING OF ELECTRICALLY INSULATING VARNISH OR ENAMEL TO ALUMINUM OR COPPER WIRE FOR USE IN ELECTRICAL MACHINERY.

(r)(2)

THE OWNER OR OPERATOR OF A WIRE COATING OVEN SHALL NOT CAUSE OR PERMIT THE DISCHARGE INTO THE ATMOSPHERE OF ANY VOLATILE ORGANIC COMPOUNDS IN EXCESS OF 0.20 KILOGRAMS PER LITER OF COATING (1.7 POUNDS PER GALLON), EXCLUDING WATER, DELIVERED TO THE COATING APPLICATOR FROM WIRE COATING OPERATIONS.

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4 (x) RESERVED
5 (y) RESERVED
6 (z) RESERVED

7 (aa) APPLICABILITY.

8 THE PROVISIONS OF SUBSECTIONS (m) THROUGH (r) INCLUSIVE
9 APPLY TO ANY ARTICLE, MACHINE, EQUIPMENT OR OTHER CONTRIVANCE
10 WHICH EMITS VOLATILE ORGANIC COMPOUNDS IN EXCESS OF 8
11 POUNDS IN ANY ONE HOUR OR IN EXCESS OF 40 POUNDS IN ANY
12 ONE DAY.

13 (bb) COMPLIANCE METHODS.

14 THE OWNER OR OPERATOR OF A STATIONARY SOURCE SUBJECT
15 TO SUBSECTIONS (m) THROUGH (r) INCLUSIVE SHALL ACHIEVE
16 THE EMISSION LIMIT UNDER THE APPROPRIATE PARAGRAPH BY:

17 (i) THE APPLICATION OF LOW SOLVENT CONTENT COATING TECH-
18 NOLOGY; OR,

19 (ii) INCINERATION, PROVIDED THAT 90 PERCENT OF THE NONMETHANE
20 VOLATILE ORGANIC COMPOUNDS (VOC MEASURED AS TOTAL COM-
21 BUSTIBLE CARBON) WHICH ENTER THE INCINERATOR ARE OXIDIZED
22 TO CARBON DIOXIDE AND WATER; OR,

23 (iii) A SYSTEM DEMONSTRATED TO HAVE CONTROL EFFICIENCY EQUIV-
24 ALENT TO OR GREATER THAN THE ABOVE AND APPROVED BY THE
25 COMMISSIONER.

26 (cc) ALTERNATIVE EMISSION REDUCTIONS.

27 (cc)(1) THE OWNER OR OPERATOR OF A STATIONARY SOURCE SUBJECT
28 TO THE PROVISIONS OF SUBSECTIONS (m) THROUGH (r) INCLUSIVE

1 MAY SUBMIT FOR THE CONSIDERATION OF THE COMMISSIONER AN
2 ALTERNATIVE EMISSION REDUCTION PLAN WHICH WOULD ACHIEVE
3 THE SAME NET EMISSION REDUCTION AS THE OWNER OR OPERATOR
4 WOULD ACHIEVE BY HAVING EACH EMISSION SOURCE COMPLY WITH
5 THE PRESCRIBED EMISSION LIMITATIONS PROVIDED IN THESE
6 REGULATIONS. APPROVAL OF THE ALTERNATIVE PLAN IS DIS-
7 CRETIONARY WITH THE COMMISSIONER, BUT AT A MINIMUM,
8 THE OWNER OR OPERATOR OF THE STATIONARY SOURCE MUST
9 DEMONSTRATE THAT:

10 (i) BY MEANS OF AN APPROVED MATERIAL BALANCE OR ACCEPTABLE
11 EMISSION TEST, SUFFICIENT REDUCTIONS IN VOLATILE ORGANIC
12 COMPOUND EMISSIONS WILL BE OBTAINED BY CONTROLLING OTHER
13 EXISTING EMISSION SOURCES OF SIMILAR VOLATILE ORGANIC
14 COMPOUNDS WITHIN THE STATIONARY SOURCE TO THE EXTENT
15 NECESSARY TO COMPENSATE FOR ALL EXCESS EMISSIONS WHICH
16 RESULT FROM ONE OR MORE EMISSION SOURCES NOT ACHIEVING
17 THE PRESCRIBED EMISSION LIMITATION. THIS DEMONSTRATION
18 MUST BE SUBMITTED IN WRITING AND MUST INCLUDE:

19 (a) A DESCRIPTION OF THE EMISSION SOURCE OR SOURCES
20 WHICH WILL NOT COMPLY WITH THE PRESCRIBED EMISSION
21 LIMITATIONS,

22 (b) POUNDS PER HOUR OF VOLATILE ORGANIC COMPOUNDS
23 EMITTED WHICH ARE IN EXCESS OF PERMISSIBLE EMISSIONS
24 FOR EACH EMISSION SOURCE,

25 (c) A DESCRIPTION OF EACH EMISSION SOURCE AND THE
26 RELATED CONTROL SYSTEMS, IF ANY, FOR THOSE EMISSION
27 SOURCES WITHIN THE STATIONARY SOURCE WHERE EMISSIONS
28 WILL BE DECREASED TO COMPENSATE FOR EXCESS EMISSIONS

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FROM EACH EMISSION SOURCE,

(d) POUNDS PER HOUR OF VOLATILE ORGANIC COMPOUNDS, FOR EACH EMISSION SOURCE BOTH BEFORE AND AFTER THE IMPROVEMENT OR INSTALLATION OF ANY APPLICABLE CONTROL SYSTEM, OR ANY PHYSICAL OR OPERATIONAL CHANGES AT THE FACILITY TO REDUCE EMISSIONS AND THE DATE ON WHICH THESE REDUCTIONS WILL BE ACHIEVED; AND

(e) A DESCRIPTION OF THE PROCEDURES AND METHODS USED TO DETERMINE THE EMISSIONS OF VOLATILE ORGANIC COMPOUNDS; AND

(ii) THE ALTERNATIVE EMISSION REDUCTION PLAN DOES NOT INCLUDE DECREASES IN EMISSIONS RESULTING FROM REQUIREMENTS OF OTHER APPLICABLE AIR POLLUTION REGULATIONS. THE ALTERNATIVE EMISSION REDUCTION PLAN MAY INCLUDE DECREASES IN EMISSIONS ACCOMPLISHED THROUGH INSTALLATION OR IMPROVEMENT OF A CONTROL SYSTEM OR THROUGH PHYSICAL OR OPERATIONAL CHANGES AT THE STATIONARY SOURCE SUCH AS INCREASED TRANSFER EFFICIENCIES;

(iii) THE ALTERNATIVE EMISSION REDUCTION PLAN DOES NOT INCLUDE PROVISIONS FOR THE TRADE OFF OF ANY VOLATILE ORGANIC COMPOUND SUCH AS BENZENE WHICH THE ADMINISTRATOR HAS DETERMINED TO BE A HAZARDOUS MATERIAL;

(iv) THE ALTERNATIVE EMISSION PLAN DOES NOT DELAY OR DEFER THE COMPLIANCE DEADLINES FOR ANY EMISSION SOURCE OR SOURCES.

(cc)(2) THE IMPLEMENTATION OF AN ALTERNATIVE EMISSION REDUCTION PLAN INSTEAD OF COMPLIANCE WITH THE EMISSIONS LIMITATION PRESCRIBED IN SUBSECTIONS (m) THROUGH (r) MUST BE EXPRESSLY APPROVED BY THE COMMISSIONER THROUGH THE ISSUANCE OF AN

1 ORDER IN ACCORDANCE WITH THE PROVISIONS OF SECTION 19-
2 508-12. AFTER APPROVAL, ANY EMISSIONS IN EXCESS OF
3 THOSE ESTABLISHED FOR EACH EMISSION SOURCE UNDER THE PLAN
4 WILL BE A VIOLATION OF THESE REGULATIONS.

5 (cc)(3)

6 WHERE IT CAN BE SHOWN TO THE SATISFACTION OF THE
7 COMMISSIONER THAT AN EMISSION SOURCE CANNOT BE CONTROLLED
8 TO COMPLY WITH SUBSECTIONS (m) THROUGH (r) INCLUSIVE OF
9 THIS SECTION FOR REASONS OF TECHNOLOGICAL AND ECONOMIC
10 FEASIBILITY, THE COMMISSIONER MAY ACCEPT A LESSER DEGREE
11 OF CONTROL UPON THE SUBMISSION OF SATISFACTORY EVIDENCE
12 THAT THE STATIONARY SOURCE OWNER HAS APPLIED REASONABLY
13 AVAILABLE CONTROL TECHNOLOGY AND HAS A PLAN TO DEVELOP
14 THE TECHNOLOGIES NECESSARY TO COMPLY WITH THE ABOVE
SUBSECTIONS.

15 (dd)

SEASONAL OPERATION OF AFTERBURNERS.

16 (dd)(1)

17 THE OWNER OR OPERATOR OF ANY STATIONARY SOURCE WHICH
18 USES A NATURAL GAS-FIRED AFTERBURNER TO MEET THE REQUIRE-
19 MENTS OF SUBDIVISIONS (f)(1), (f)(2), (f)(4) OR SUBSECTIONS
20 (m) THROUGH (r) INCLUSIVE MAY PETITION THE COMMISSIONER
21 FOR PERMISSION TO DISCONTINUE THE OPERATION OF THE AFTERBURNER
DURING THE MONTHS OF DECEMBER, JANUARY, AND FEBRUARY.

22 THE OWNER OR OPERATOR SHALL SUBMIT THE PETITION IN WRITING
23 AND SHALL INCLUDE THE FOLLOWING INFORMATION:

24 (i) INFORMATION ON THE NATURE AND LOCATION OF THE FACILITY OR
25 PROCESS FOR WHICH THE APPLICATION IS MADE;

26 (ii) THE TYPE AND QUANTITY OF EMISSIONS THAT WILL OCCUR
27 DURING THE PERIOD OF SHUTDOWN;

28 (iii) THE QUANTITY OF NATURAL GAS SAVED AS A RESULT OF THE

- 1 SHUTDOWN;
- 2 (iv) ANY OTHER RELEVANT INFORMATION THE COMMISSIONER MAY
3 REQUEST IN ORDER TO MAKE A DETERMINATION REGARDING THE
4 PETITION.
- 5 (dd)(2) THE OWNER OR OPERATOR OF ANY STATIONARY SOURCE FOR WHICH
6 A PETITION HAS BEEN SUBMITTED IN ACCORDANCE WITH SUB-
7 DIVISION (dd)(1) SHALL:
- 8 (i) PUBLISH BY PROMINENT ADVERTISEMENT IN THE REGION AFFECTED
9 A NOTICE THAT THE PETITION HAS BEEN SUBMITTED;
- 10 (ii) HAVE MADE AVAILABLE FOR PUBLIC INSPECTION FOR THIRTY (30)
11 DAYS A COPY OF THE PETITION.
- 12 (dd)(3) THE COMMISSIONER SHALL NOT GRANT A PETITION TO DISCON-
13 TINUE THE OPERATION OF A GAS-FIRED AFTERBURNER WHICH:
- 14 (i) IS REQUIRED TO MEET THE REQUIREMENTS OF ANY OTHER SECTION
15 OF THESE REGULATIONS; OR
- 16 (ii) WILL PREVENT OR INTERFERE WITH THE ATTAINMENT OR MAIN-
17 TENANCE OF ANY FEDERAL OR STATE AMBIENT AIR QUALITY
18 STANDARD;
- 19 (iii) HAS NOT MET THE REQUIREMENTS OF SUBSECTION (dd)(2).
- 20 (dd)(4) THE COMMISSIONER MAY ATTACH ANY REASONABLE CONDITIONS HE
21 DEEMS NECESSARY OR DESIRABLE TO ANY APPROVAL OF A PETITION
22 UNDER THIS SUBSECTION, INCLUDING BUT NOT LIMITED TO:
- 23 (i) REQUIREMENTS FOR SPECIAL CONTROL MEASURES TO BE TAKEN BY
24 THE OWNER OR OPERATOR TO MINIMIZE EMISSIONS DURING THE
25 PERIOD OF THE PETITION;
- 26 (ii) REQUIREMENTS FOR PERIODIC REPORTS SUBMITTED BY THE OWNER
27 OR OPERATOR RELATING TO EMISSIONS, TO COMPLIANCE WITH ANY
28 OTHER CONDITIONS UNDER WHICH THE PETITION IS GRANTED, OR

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TO ANY OTHER RELEVANT INFORMATION THE COMMISSIONER DEEMS
NECESSARY.

(dd)(5) FOLLOWING HIS DECISION TO APPROVE OR DENY THE PETITION
THE COMMISSIONER SHALL CAUSE AN ORDER TO BE ISSUED IN
ACCORDANCE WITH THE PROVISIONS OF SECTION 19-508-12.

Statement of Purpose: To bring state regulations for the abatement of
air pollution into compliance with Federal requirements under the Clean
Air Act Amendments of 1977.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OFFICE BUILDING HARTFORD, CONNECTICUT 06115



1 SECTION 19-508-22 (a) OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES
2 IS AMENDED AS FOLLOWS:

3 Section 19-508-22. Control of nitrogen oxides emissions.

4 (a) Fuel burning equipment.

5 (a)(1) No person shall cause or permit the emission of nitrogen
6 oxides, calculated as nitrogen dioxide, from gas-fired
7 fuel burning equipment in excess of 0.2 pounds per
8 million BTU ($0.36 \text{ gm}/10^6 \text{ gm-cal}$) of heat input.

9 (a)(2) No person shall cause or permit the emissions of
10 nitrogen oxides, calculated as nitrogen dioxide, from
11 oil-fired fuel burning equipment in excess of 0.30
12 pounds per million BTU ($0.54 \text{ gm}/10^6 \text{ gm-cal}$) of heat
13 input[.] EXCEPT THAT:

14 (i) FOR EXISTING FAST RESPONSE DOUBLE-FURNACE NAVAL BOILERS
15 THE EMISSION LIMIT IS 0.5 POUNDS PER MILLION BTU OF HEAT
16 INPUT; AND

17 (ii) FOR EXISTING BOILERS WITH A CYCLONE FURNACE OR FURNACES
18 THE EMISSION LIMIT IS 0.9 POUNDS PER MILLION BTU OF HEAT
19 INPUT.

20 (a)(3) No person shall cause or permit emissions of nitrogen
21 oxides, calculated as nitrogen dioxide, from a coal-fired
22 boiler in excess of 0.7 pounds per million BTU of heat
23 input per hour for new sources and 0.9 pounds per million
24 BTU for existing sources.

25 (a)(4) [Subsections] SUBDIVISIONS (a)(1) through (a)(3) inclusive

1 shall apply to all equipment with a maximum capacity rating
2 above 250 million BTU per hour. For equipment rated between
3 5 and 250 million BTU/hr., these regulations shall apply unless
4 the Commissioner is satisfied that it is not technically
5 or economically feasible for a unit of the size considered.
6 [Subsections] SUBDIVISIONS (a)(1) through (a)(4) inclusive
7 shall not apply to stationary gas turbines, stationary
8 internal combustion engines and mobile sources.

9 (a)(5) No person shall cause or permit emissions of nitrogen
10 oxides, calculated as nitrogen dioxide, from a stationary
11 gas turbine in excess of 0.9 pounds per million BTU of
12 heat input.

13
14 Statement of Purpose: To amend the standards for sources of nitrogen
15 oxides where it is technologically impractical to comply with existing
16 requirements.



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OFFICE BUILDING HARTFORD, CONNECTICUT 06115



1 SECTION 19-508-23 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES IS
2 AMENDED AS FOLLOWS:

3 Section 19-508-23. Control of odors

4 (a) No person [firm or corporation] shall emit or cause to be
5 emitted into the outdoor air any substance which creates
6 an objectionable odor beyond his property line. An odor
7 will be deemed objectionable when:

8 (a)(1) A staff member of the Department of Environmental
9 Protection determines, following personal observation,
10 that the odor is objectionable taking into account its
11 nature, concentration, location, and duration; or

12 (a)(2) Samples from the source are taken and found to rate over
13 120 odor units per cubic foot as determined by Mills'
14 adaptation of ASTM D-1391-57. ("Quantitative Odor
15 Measurement", a paper by John L. Mills, 56th Annual
16 Meeting of the Air Pollution Control Association, in
17 Detroit, Michigan, June 9-14, 1963); or,

18 (a)(3) If the odor is caused in whole or in part by a substance
19 listed in Table 8-1, and when the concentration in Table
20 8-1 is exceeded for any period of time as demonstrated by
21 analysis made in accordance with methods approved by
22 qualified professional chemists.

23 (b) Nothing in this section shall permit emission of any air
24 pollutant in violation of any other section.

25 (c) AGRICULTURAL ACTIVITIES ARE EXEMPT FROM THE PROVISIONS OF

1 SUBSECTION (a), AS LONG AS THESE ACTIVITIES ARE CONDUCTED
2 IN A MANNER AS TO MINIMIZE ODORS BY USING GOOD AGRICULTURAL
3 PRACTICES.

4 (d) THE PROVISIONS OF SUBSECTION (a) DO NOT APPLY TO MOBILE
5 SOURCES AND PRIVATE RESIDENCES.

6 Statement of Purpose: To delete surplus language and exempt agriculturally
7 related activities, mobile sources, and private residences from odor
8 requirements.

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STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE OFFICE BUILDING HARTFORD, CONNECTICUT 06115



1 Section 19-508-100. Permits for construction [and operation] of indirect
2 sources.

3
4 (a) Definition of an indirect source and applications for
5 indirect source construction permits.

6
7 (a)(1) Notwithstanding the [provisions of] DEFINITION OF INDIRECT
8 SOURCE IN section 19-508-1 [(h)], for the purpose of this
9 section an indirect source of air pollution means [any
10 highway with a design capacity of 1,000 vehicles per hour
11 in any one direction, or any airport designed to accommodate
12 50,000 commercial flights per year.] (i) ANY NEW HIGHWAY
13 ON A NEW LOCATION IN THE STATE HIGHWAY SYSTEM, EXCEPT
14 PROJECTS FOR BRIDGE REPLACEMENT OR ELIMINATION OF RAIL-
15 ROAD CROSSING HAZARDS, (ii) ANY NEW EXPRESSWAY INTERCHANGE
16 SERVICE ADDED TO THE STATE HIGHWAY SYSTEM OR (iii) ANY
17 NEW LANE, GREATER THAN A MILE IN LENGTH AND CONNECTING
18 EITHER SIGNALIZED INTERSECTIONS OR EXPRESSWAY INTERCHANGES,
19 ADDED TO THE STATE HIGHWAY SYSTEM. FOR THE PURPOSES OF
20 THIS REGULATION, THE TERM "STATE HIGHWAY SYSTEM SHALL
21 HAVE THE SAME MEANING AS IS PROVIDED IN CHAPTER 237 OF
22 THE CONNECTICUT GENERAL STATUTES, AS FROM TIME TO TIME
23 MAY BE AMENDED. Effective October 1, 1974, no person
24 shall construct, modify, install or cause the construction,
25 modification or installation of any indirect source of

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1 air pollutants or part thereof [as specified in subsections
2 (a)(2) or (a)(3)] without applying for and obtaining an
3 indirect source construction permit from the Commissioner.
4 ALL APPLICATIONS FOR PERMITS FOR NEW OR MODIFIED INDIRECT
5 SOURCES RECEIVED BY THE COMMISSIONER PRIOR TO SEPTEMBER 1,
6 1979 SHALL BE SUBJECT TO THE REQUIREMENTS OF THIS SECTION
7 IN EFFECT PRIOR TO SEPTEMBER 1, 1979.

8
9 (a)(2) [A new or modified indirect source shall be required
10 to obtain an indirect source construction permit if the
11 operation of the indirect source will or may result
12 directly or indirectly in aggregate total emissions of
13 air pollutants in excess of fifty (50) tons annually.
14 Notwithstanding the provisions of subsection (a)(5), the
15 commissioner shall publish by September 1, 1974, guidelines
16 to assist owners or operators of new or modified indirect
17 sources in determining whether a source is subject to
18 this section.

19
20 (a)(3) Other indirect sources subject to permit review.

21
22 (i) Effective January 1, 1975, in addition to the require-
23 ments of subsection (a)(2), the Commissioner may require
24 an indirect source construction permit of any new or
25 modified indirect source which will or may result in a
26 substantial reduction in the quality of the air resource.
27 Any increase in the ambient pollutant concentration in
28 excess of fifty percent (50%) of the amount determined by

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1 subtracting the existing ambient pollutant concentration
2 from the applicable ambient air quality standard shall be
3 deemed to be a substantial reduction in the quality of
4 the air resource. At his discretion, the Commissioner
5 may specify a percentage smaller than fifty (50%) to be
6 used for the purposes of this subsection in any region or
7 subregion of the state.

8
9 (ii) The Commissioner shall give thirty (30) days prior notice
10 of his intention to apply the provisions of subsection
11 (a)(3)(i) in a region or subregion and shall specify the
12 percentage that shall apply in that region or subregion.
13 At his discretion, the Commissioner may hold a public
14 hearing in that region or subregion in order to allow
15 interested parties to comment.

16
17 (a)(4) Those new or modified indirect sources which are not
18 required to obtain an indirect source construction
19 permit under subsection (a)(1)[, (a)(2) or (a)(3)]
20 shall, upon request of the Commissioner, furnish information
21 to him which may be of a type and form similar to that
22 required of applicants for indirect source construction
23 permits.

24
25 (a)[(5)](3) The Commissioner may publish and from time to time
26 revise guidelines [for any region or subregion] which
27 will assist owners or operators of new or modified
28 indirect sources in determining whether they are required

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1 to obtain an indirect [complex] source construction
2 permit under subsection[s] (a)(1), [(a)(2) or (a)(3)] or
3 whether they may be required to furnish information to
4 the Commissioner under subsection (a)[(4)] (2).

5
6 (a)[(6)](4) Application for an indirect source [construction] permit
7 shall be made by the owner or operator of the proposed
8 indirect source on forms furnished by the Commissioner.
9 Each application shall include siting information;
10 descriptions of the [buildings,] structures, facilities
11 or installations involved; the nature, source and quantity
12 of uncontrolled and controlled emissions[, both direct
13 and indirect]; traffic flow information; the proximity of
14 the indirect source to existing and projected transportation
15 services; and such other information as the Commissioner
16 may require.

17
18 (a)[(7)](5) No new or modified indirect source shall be exempt from
19 the permit requirements of this subsection because of a
20 division of ownership or because of the pattern or timing
21 of development.

22
23 (a)[(8)](6) For the purpose of determining whether construction or
24 modification of an indirect source was commenced prior to
25 October 1, 1974, construction or modification shall be
26 deemed to have commenced for any portion of an indirect
27 source when site preparation, including clearing and
28 grading is complete and the following four steps have

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been completed:

- (i) Detailed plans of the proposed indirect source are available and have received all necessary approvals required by federal, state or local statutes, ordinances, regulations or procedures;
- (ii) Environmental impact statements have been prepared and reviewed as required by federal or state statutes, regulations or procedures;
- (iii) All necessary building permits for site preparation and foundation construction have been issued in accordance with state or local statutes, ordinances, regulations or procedures;
- (iv) The installation of structural components or materials has started as part of a continuous program of construction.

(b) Standards for granting indirect source [construction] permits.

(b)(1) A STAGE I INDIRECT SOURCE PERMIT REVIEW SHALL BE A TRANSPORTATION SYTEM LEVEL REVIEW. PRIOR TO JULY 1, 1980 NO STAGE I INDIRECT SOURCE PERMIT SHALL BE REQUIRED. AFTER JULY 1, 1980 [N]no STAGE I indirect [construction] SOURCE permit shall be granted until the Commissioner finds, upon evidence submitted by the applicant or otherwise made part of the application record, that[:] THE NEW OR MODIFIED SOURCE FOR WHICH A PERMIT IS REQUESTED IS (i) A PART OF A REGIONAL OR STATEWIDE PLAN DEEMED TO BE IN CONFORMANCE WITH THE STATE IMPLEMENTATION PLAN, OR (ii) A PART OF A

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1 PLAN DEEMED TO BE IN NON-CONFORMANCE WITH THE STATE
2 IMPLEMENTATION PLAN, BUT DETERMINED TO BE EXEMPT FROM THE
3 NON-CONFORMANCY RESTRICTIONS PLACED ON THAT PLAN.
4

5 [(i) The new or modified indirect source for which a permit is
6 requested will be constructed and will operate in accordance
7 with all applicable statutes or regulations administered
8 by the Commissioner.

9
10 (ii) Such new or modified source will operate without preventing
11 or interfering, directly or indirectly, with the attainment
12 or maintenance of any applicable ambient air quality
13 standard.

14
15 (iii) Such new or modified source will contain such instrumen-
16 tation or facilities for monitoring, recording, sampling
17 and testing air quality and related factors as the
18 commissioner may reasonably require.

19
20 (iv) Such new or modified source will not result, either
21 directly or indirectly, in deterioration of air quality
22 in 1975 or later in any region or subregion of the
23 state.]

24
25 (b)(2) [Notwithstanding the provisions of subsection (b)(1)(i)
26 obtaining an indirect source construction permit shall
27 not be considered compliance with the requirements or
28 standards of any statute or regulation administered by

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the Commissioner other than the requirements of subsection (a)(1).]

A STAGE II INDIRECT SOURCE PERMIT REVIEW SHALL BE A TRANSPORTATION CORRIDOR LEVEL REVIEW. NO STAGE II INDIRECT SOURCE PERMIT SHALL BE GRANTED UNTIL THE COMMISSIONER FINDS, UPON EVIDENCE SUBMITTED BY THE APPLICANT OR OTHERWISE MADE PART OF THE APPLICATION RECORD, THAT (i) THE IMPACT OF THE NEW OR MODIFIED SOURCE ON THE CORRIDOR IN WHICH THE SOURCE IS TO BE LOCATED WILL MEET ALL APPLICABLE STATE AND NATIONAL AMBIENT AIR QUALITY STANDARDS NOT ADDRESSED IN THE STAGE I PERMIT REVIEW, FOR WHICH THERE IS AN IMPACT ANALYSIS METHODOLOGY ACCEPTABLE TO THE COMMISSIONER, AND (ii) AFTER JULY 1, 1980 A STAGE I INDIRECT SOURCE PERMIT HAS BEEN GRANTED FOR THE NEW OR MODIFIED SOURCE. A STAGE II INDIRECT SOURCE PERMIT SHALL BE VALID FOR ONE YEAR AFTER ISSUANCE. HOWEVER, UPON ADOPTION BY THE COMMISSIONER OF A METHODOLOGY FOR ASSESSING COMPLIANCE WITH ANY STATE OR NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER AND LEAD, A STAGE II INDIRECT SOURCE PERMIT SHALL BE VALID UNTIL SUCH TIME AS A STAGE III PERMIT IS ISSUED.

(b)(3)

A STAGE III INDIRECT SOURCE CONSTRUCTION PERMIT REVIEW SHALL BE A PROJECT LEVEL REVIEW. NO STAGE III INDIRECT SOURCE CONSTRUCTION PERMIT SHALL BE GRANTED UNTIL THE COMMISSIONER FINDS, UPON EVIDENCE SUBMITTED BY THE APPLICANT OR OTHERWISE MADE PART OF THE APPLICATION RECORD, THAT A

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STAGE II INDIRECT SOURCE PERMIT HAS BEEN GRANTED FOR THE NEW OR MODIFIED SOURCE AND IS VALID AT THE TIME OF APPLICATION FOR THE STAGE III PERMIT, AND THAT, (i) FOR EACH INTERSECTION IMPACTED BY THE NEW OR MODIFIED SOURCE NO VIOLATIONS OF THE APPLICABLE CARBON MONOXIDE STANDARDS WILL RESULT WHERE SUCH VIOLATIONS DO NOT PRESENTLY EXIST, OR (ii) WHERE VIOLATIONS OF THE APPLICABLE CARBON MONOXIDE STANDARDS DO EXIST, THE NEW OR MODIFIED INDIRECT SOURCE WILL RESULT IN NOT LESS THAN A TEN PERCENT (10%) REDUCTION IN CARBON MONOXIDE CONCENTRATIONS.

(c) Action on applications for indirect source [construction] permits.

(c)(1) An application will not be deemed to have been received by the Commissioner until all information, papers and documents required in support of the application have been submitted in proper form. The Commissioner shall acknowledge the receipt of an application within ten (10) days.

(c)(2) (i) FOR A STAGE I INDIRECT SOURCE PERMIT, THE COMMISSIONER SHALL RENDER A DECISION WITHIN 5 DAYS OF ACKNOWLEDGEMENT OF RECEIPT OF A STAGE I PERMIT APPLICATION.

(ii) FOR A STAGE II INDIRECT SOURCE PERMIT AND A STAGE III INDIRECT SOURCE CONSTRUCTION PERMIT, THE COMMISSIONER SHALL COMPLETE HIS PRELIMINARY EVALUATION OF THE AIR QUALITY DATA CONTAINED IN THE APPLICATION FOR ANY PERMITS

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2 **DIVISION I**

WITHIN 30 DAYS OF ACKNOWLEDGEMENT OF RECEIPT OF THE APPLICATIONS.

3 (c)[(2)](3)

Notwithstanding the provisions of subsection (c)(4), the Commissioner shall not issue a decision approving or denying an application for EITHER A STAGE II OR A STAGE III indirect source permit until the applicant:

- 4 (i) Shall have made available for thirty (30) days, in the region in which the proposed construction or modification will be located, a copy of the application and a copy of the Commissioner's preliminary evaluation of the air quality data contained in the application; AND SHALL PROVIDE FOR RECEIPT AND CONSIDERATION OF PUBLIC COMMENT DURING THE THIRTY (30) DAY PERIOD.
- 5 (ii) Shall have published by prominent advertisement in the region affected a notice of the location of the application, [and evaluation] THE AVAILABILITY OF THE COMMISSIONER'S PRELIMINARY EVALUATION specified in subsection (c)[(3)(i)] (2)(ii), above, and THE PROCEDURE AVAILABLE TO THE PUBLIC TO FILE COMMENTS, AND
- 6 (iii) [Shall have posted in a manner prescribed by the Commissioner at the site of the proposed indirect source, a notice that a permit has been applied for, and
- 7 (iv)] Shall have submitted to the Commissioner an affidavit certifying that the conditions of subsections (c)(3)(i) and (c)(3)(ii) [to (c)(2)(iii)] have been met.

1 (c)[(3)](4) Except where a public hearing is held under [subsection]
2 SUBDIVISION [(j)] (h)(4), the Commissioner shall inform
3 an applicant for EITHER A STAGE II OR A STAGE III indirect
4 **DRAFT** source construction permit of the decision of the Commissioner
5 **DRAFT** approving or denying the application within [sixty (60)]
6 TEN (10) days of the [receipt of the application] CLOSE
7 OF THE PUBLIC COMMENT PERIOD SPECIFIED IN SUBDIVISION
8 (c)(3)(i). The Commissioner may, on the notice to the
9 applicant extend the time for acting on the application
10 an additional thirty (30) days, TO a total time of [ninety
11 (90) FORTY (40) days. [Said ninety (90) days shall be
12 exclusive of the time allowed in subsection (c)(2).]

13
14 (c)[(4)](5) When a public hearing is held under [subsections] SUB-
15 DIVISIONS [(j)](h)(4) on an application for an indirect
16 source construction permit, the Commissioner shall inform
17 the applicant of the decision approving or denying the
18 application within thirty (30) days following receipt of
19 the record of the hearing.

20
21 (c)[(5)](6) The Commissioner shall briefly set forth in any notice
22 of approval or denial of an application for an indirect
23 source construction permit the basis for the determina-
24 tion.

25
26 (c)[(6)](7) The Commissioner may impose any reasonable requirements,
27 standards, or conditions upon approval of any permit to
28 construct or modify.

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(d)

Revocation or modification of indirect source construction permits.

(d)(1)

The Commissioner may revoke or modify an indirect source construction permit if:

(i) [The construction or modification authorized by the permit is not begun within one year from the date of issuance or such other period as is allowed by the permit; or]

PRIOR TO THE COMMENCEMENT OF CONSTRUCTION OR MODIFICATION AUTHORIZED BY THE PERMIT IT IS DETERMINED BY THE COMMISSIONER THAT THE NEW OR MODIFIED INDIRECT SOURCE IS IN NON-COMPLIANCE WITH THE CONDITIONS OF THE PERMIT; OR

(ii) THE CONSTRUCTION OR MODIFICATION AUTHORIZED BY THE PERMIT IS NOT BEGUN WITHIN ONE YEAR FROM THE DATE OF ISSUANCE OF THE STAGE III INDIRECT SOURCE CONSTRUCTION PERMIT, OR SUCH OTHER PERIOD AS IS ALLOWED BY THE PERMIT; OR

[(ii)](iii) During construction or modification, work is suspended for one year or more, or for such other period as is specified in the permit.

[(iii) He determines that any condition imposed under subsection (c)(6) has not been or is not being met.]

1 (e) [Indirect source operating permits.

2
3 **DRAFT** (e)(1) No person shall operate or cause the operation of a
4 new or modified indirect source without first obtaining
5 an indirect source operating permit from the Commissioner
6 in accordance with the requirements of this section.

7
8 (e)(2) No indirect source operating permit shall be required
9 under subsection (e)(1) unless the sources was required
10 to obtain an indirect source construction permit under
11 subsection (a).

12
13 (e)(3) No separate application shall be required under sub-
14 section (e) for those sources which have been granted an
15 indirect source construction permit.

16
17 (e)(4) Prior to issuance of an indirect source operating permit,
18 the Commissioner may require the owner or operator of a
19 new or modified indirect source to provide such addi-
20 tional information as the Commissioner shall have requested
21 either before or at the time of the issuance of the
22 construction permit and has not already been included in
23 the application for a construction permit.

24
25 (e)(5) In circumstances where he deems it appropriate, the
26 Commissioner may issue a temporary permit to commence
27 operations for a period not to exceed sixty (60) days.
28 For good cause shown, the period may be extended by the

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Commissioner for any additional period required. Prior to the expiration of the period covered by the temporary permit, the Commissioner shall notify the owner or operator in writing of his approval or denial of the indirect source operating permit and the reasons therefor.

(e)(6) Indirect source operating permits required by subsection (e)(1) shall be issued or renewed for the expected life of the indirect source, unless the Commissioner shall determine that a shorter period is appropriate under the circumstances of operation of any particular indirect source.

(e)(7) Application for the renewal of an indirect source operating permit shall be made at least 120 days prior to the expiration of the existing operating permit.

(e)(8) The Commissioner may impose as conditions on any indirect source operating permit only those conditions which were explicitly stated as conditions at the time the indirect source construction permit was issued.]

IF CONSTRUCTION OF THE NEW OR MODIFIED SOURCE WILL NOT BE UNDERTAKEN WITHIN THE TIME PERIOD SPECIFIED IN THE STAGE III INDIRECT SOURCE CONSTRUCTION PERMIT, THE HOLDER OF SUCH PERMIT SHALL APPLY FOR RENEWAL OF THE PERMIT AT LEAST FORTY-FIVE (45) DAYS PRIOR TO THE EXPIRATION DATE OF SAID PERMIT.

1 (f) [Standards for granting, renewing and reissuing indirect
2 source operating permits.

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5 (f)(1) The Commissioner shall grant an indirect source operating
6 permit if he determines that:

7 (i) The indirect source has been granted an indirect source
8 construction permit;

9
10 (ii) The indirect source has been constructed in accordance
11 with the requirements, standards, and conditions set
12 forth in the construction permit.

13
14 (f)(2) The Commissioner shall renew an indirect source operating
15 permit if he determines that the indirect source has been
16 operated in accordance with the requirements, standards,
17 and conditions set forth in the operating permit.

18
19 (f)(3) In the event of a revocation or modification of an indirect
20 source operating permit pursuant to subsection (h), the
21 indirect source operating permit (h), the indirect source
22 operating permit shall be reinstated upon a satisfactory
23 showing the Commissioner by the owner or operator that
24 the failure or failure(s) specified in the revocation or
25 modification have been corrected.

26
27 (g)] Transfer of indirect source [operating] CONSTRUCTION
28 permits. The holder of an indirect source [operating]

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1 CONSTRUCTION permit may not transfer it without prior
2 written notification to the Commissioner. Each new owner
3 or operator or holder of the indirect source permit shall
4 be responsible for complying with all applicable regulations
5 and with the conditions of the permit.

6
7 [(h) Revocation or modification of indirect source operating
8 permits. The Commissioner may revoke or modify an existing
9 indirect source operating permit for failure to comply
10 with any conditions imposed in the operating permit.]

11
12 [(i)](g) Notice of approval, denial, revocation or modification of
13 indirect source construction permits [and operating
14 permits].

15
16 [(i)](g)(1) Notice of denial, revocation or modification of any
17 indirect source construction permit [or of any indirect
18 source operating permit] shall set forth the reasons for
19 the action taken and such denial, revocation or modification
20 shall take final effect thirty (30) days after the date
21 of service of the notice, unless a hearing is requested
22 prior to the expiration of the thirty (30) day period.

23
24 [(i)](g)(2) Any party aggrieved by the [approval,] denial, revocation
25 or modification of a construction [or operating] permit
26 may obtain an adjudicative hearing thereon by filing a
27 written answer and request for a hearing in accordance
28 with Section 22a-8-2 of the Rules of Practice of the

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1 Department within thirty (30) days of the date of service
2 of the notice. Filing of the answer and request for the
3 hearing shall postpone the effective date of the approval,
4 denial, revocation or modification until the conclusion
5 of the hearing and issuance of the final decision of the
6 commissioner.

7
8 [(i)](g)(3) The revocation or modification of an indirect source
9 [operating] CONSTRUCTION permit pursuant to subsection
10 [(h)](d) shall not be effective if the failure [so] to
11 comply WITH THE REQUIREMENTS is remedied to the satisfaction
12 of the Commissioner within thirty (30) days after service
13 of the notice of revocation or modification.

14
15 [(j)](h) Public information and hearing procedures.

16
17 [(j)](h)(1) In all cases where there is a requirement of legal
18 notice the Commissioner shall cause the applicant for an
19 indirect source permit to publish at his own expense all
20 notices of hearings and other notices required by law.

21
22 [(j)](h)(2) The Commissioner shall inform the public of:

23
24 (i) All indirect source permit applications received;

25
26 (ii) [all pending operating permits for indirect sources
27 subject to the requirements of subsection (e)(1);
28

1 (iii)] all decisions approving, denying, revoking, or modifying
2 any indirect source permit.

3
4 [(j)](h)(3) While a decision is pending on an indirect source permit
5 application [or an operating permit for sources subject
6 to the provisions of subsection (e)(1)] any person may
7 file a written comment or may file a written objection
8 setting forth the basis of the objection in detail and
9 opposing the approval of the permit in its entirety or
10 requesting that specific conditions be attached to it.
11 Objection may be accompanied by a request for hearing.

12 [(j)](h)(4) A public hearing on EITHER A STAGE II OR A STAGE III
13 permit application may be held by the Commissioner:

14
15 (i) Pursuant to a request for a hearing according to sub-
16 section [(j)](h)(3);

17
18 (ii) Whenever it is required by these regulations or by any
19 applicable state or federal law;

20
21 (iii) At the discretion of the Commissioner; or

22
23 (iv) Upon the request of any municipality.

24 ANY PUBLIC HEARING REQUIRED BY THIS REGULATION MAY BE
25 HELD AS PART OF A PUBLIC HEARING REQUIRED BY OTHER STATE
26 OR FEDERAL LAWS OR REGULATIONS. Following the close of
27 the hearing, the Commissioner shall make a decision based
28

1 on all available evidence, including the record of the
2 hearing and the recommendation of the hearing examiner,
3 IF ANY, as to whether to approve or deny the indirect
4 source permit. Notice of such decision shall be published
5 according to subsection [(j)](h)(2).

6
7 [(k)](i) Signature. No indirect source permit issued under this
8 section shall be effective until the applicant or his
9 duly authorized representative shall have signed the
10 permit, which signature shall constitute an agreement to
11 abide by any terms and conditions therein.

12
13 [(L)](j) Local and regional participation in indirect source
14 review.

15
16 [(L)](j)(1) Upon the request of the governing body of any municipality
17 or other political subdivision, the Commissioner may
18 designate the municipal planning and zoning agency, the
19 regional planning agency, or any other responsible municipal
20 or regional agency or official as the designee of the
21 municipality for the purpose of making comments and
22 recommendations on applications for indirect source
23 construction permits.

24
25 [(L)](j)(2) The Commissioner may publish and revise, from time to
26 time, guidelines which shall assist the designated
27 agencies in assessing the impact of any proposed indirect
28 source on the development or resource allocation goals of

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the municipality or region.

[(L)](j)(3)
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In addition to the other evaluations made pursuant to this section the Commissioner may evaluate the effect of the proposed construction or modification upon any plan for development or plan for resource allocation proposed by the municipality or region.

[(L)](j)(4)

The Commissioner shall submit a copy of the application for an indirect source construction permit along with his evaluation and analysis, to the designated agency of any affected municipality for its review. Any designated agency wishing to make comments or recommendations with regard to a pending application must respond within thirty (30) days following its receipt of the application from the commissioner.

[(L)](j)(5)

Upon request of any municipality which has a designated agency under the provisions of subsection [(L)](j)(1), the Commissioner may assist the municipality in formulating a plan for development or a plan for air resource allocation for the purpose of allowing the municipality and region to maximize the benefits of its utilization of the air resource within the limits imposed by air quality considerations.

[(L)](j)(6)

The Commissioner may establish an indirect source advisory committee composed of municipal and regional officials to advise the Commissioner on procedures concerning the

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evaluation of indirect source construction permits [and indirect source permits to operate] and to assist the commissioner in fostering increased municipal and regional cooperation in attaining and maintaining applicable ambient air quality standards.

Statement of Purpose: To revise the indirect source permit program by deleting airports from indirect source permit review, by redefining the road projects which require a permit to cover only additions to the state highway system, and by replacing the current review procedure for highways with a three tiered review.