

State of Connecticut
REGULATION
of the

NAME OF AGENCY:

Energy and Environmental Protection

Concerning

SUBJECT MATTER OF REGULATION:

**Amendment of Sections 22a-174-29,
Section 22a-174-3c
and Section 22a-174-33
of the
Regulations of Connecticut State Agencies (RCSA)
Reduction in Regulatory Burdens for Low Emitting Sources**

Section 1. Subdivision (2) of subsection (b) of section 22a-174-29 of the Regulations of Connecticut State Agencies is revised, as follows:

(2) No person, who is required to [obtain] maintain compliance with a permit under section 22a-174-3a of the Regulations of Connecticut State Agencies [or, who, between July 1, 1986 and March 15, 2002, should have applied for and obtained a permit under former section 22a-174-3 of the Regulations of Connecticut State Agencies,] shall cause or permit the emission of any hazardous air pollutant listed in Tables 29-1, 29-2 and 29-3 of this section from any stationary source or modification at a concentration at the discharge point in excess of the maximum allowable stack concentration unless such source is in compliance with the provisions of subsection (d)(3) of this section. [The commissioner shall not apply the provisions of this subdivision to the owner or operator of any stationary source who applied for a permit to construct under former section 22a-174-3 of the Regulations of Connecticut State Agencies prior to March 1, 1986 and who received a notice of a complete application prior to July 1, 1986 or to any other owner or operator who received a permit to construct prior to July 1, 1986. Notwithstanding the foregoing, all resources recovery facilities and all incinerators shall meet the standards of this subdivision for all hazardous air pollutants.] The owner or operator of a stationary source who was issued a permit under former section 22a-174-3 of the Regulations of Connecticut State Agencies prior to July 1, 1986 shall be required to comply with Tables 29-2 and 29-3 of this section upon modification of such permit.

Sec. 2. Subdivision (4) of subsection (b) of section 22a-174-29 of the Regulations of Connecticut State Agencies is revised, as follows:

(4) The owner or operator of any stationary source or modification not subject to the provisions of subdivision (2) or subdivision (6) of this subsection that emits or may emit a hazardous air pollutant shall comply with the requirements of subdivision (2) of this subsection if the commissioner determines, through ambient monitoring, that the HLV is exceeded as a result of the emissions from that stationary source.

Sec. 3. Subsection (b) of section 22a-174-29 of the Regulations of Connecticut State Agencies is amended by adding subdivision (6), as follows:

(NEW)

(6) The owner or operator of any incinerator shall not cause or permit the emission of any hazardous air pollutant listed in Tables 29-1, 29-2 and 29-3 of this section from such incinerator at a concentration at the discharge point in excess of the maximum allowable stack concentration.

Sec. 4. Subsection (a) of section 22a-174-3c of the Regulations of Connecticut State Agencies is revised, as follows:

(a) Limitations on potential to emit.

(1) [Notwithstanding the definition of “[The potential emissions]” or “[potential to emit]” [in section 22a-174-1 of the Regulations of Connecticut State Agencies, the potential emissions or potential to emit of any individual air pollutant for a stationary source] of an emission unit or group of emission units of a single type identified in subdivision (2) of this subsection is [less than fifteen tons per year,] further limited by this section, unless otherwise determined by a permit or order of the commissioner, [if] provided the owner or operator operates the [source] emissions unit or group of emissions units to comply with all applicable requirements of subsections (b) and (c) of this section. The potential emissions of such emission unit or group of emission units of a single type are less than the following levels:

(A) For each individual air pollutant including nitrogen oxides, carbon monoxide, particulate matter, PM10, PM2.5, volatile organic compounds, sulfur dioxide or lead, fifteen (15) tons per year;

(B) For any individual federal hazardous air pollutant, ten (10) tons per year;

(C) For the aggregate of federal hazardous air pollutants, ten (10) tons per year; and

(D) For carbon dioxide equivalent emissions, ten thousand (10,000) tons per year.

(2) The owner or operator of any new or existing external combustion unit, automotive refinishing operation, nonmetallic mineral processing equipment, emergency engine or surface coating operation may limit potential emissions for all such emission units included at a stationary source pursuant to subdivision (1) of this subsection.

(3) For the purposes of this section, “federal hazardous air pollutant” means, notwithstanding the definition of “hazardous air pollutant” in section 22a-174-1 of the Regulations of Connecticut State Agencies, any air pollutant listed in section 112(b) of the Act, excluding those substances approved by the Administrator for exclusion.

Sec. 5. Subdivision (1) of subsection (d) of section 22a-174-33 of the Regulations of Connecticut State Agencies is revised, as follows:

- (1) In lieu of requiring an owner or operator of a Title V source described in subsection (a)(10)(E) or (F) of this section to obtain a Title V permit, the commissioner may, by permit, [or by] order or regulation, limit all aggregate potential emissions of regulated air pollutants from such premises to less than the following amounts:
- (A) One hundred (100) tons per year of any regulated air pollutant;
 - (B) Fifty (50) tons per year of volatile organic compounds or nitrogen oxides, in a serious ozone nonattainment area;
 - (C) Twenty-five (25) tons per year of volatile organic compounds or nitrogen oxides, in a severe ozone nonattainment area;
 - (D) Ten (10) tons per year of any hazardous air pollutant, twenty-five (25) tons per year of any combination of hazardous air pollutants, or the quantity established by the Administrator pursuant to 40 CFR 63; or
 - (E) one hundred thousand (100,000) tons per year of CO₂e.

Statement of Purpose

Sections 1 - 3. The revisions to RCSA section 22a-174-29 remove requirements added during a transition in the Department's new source review permitting program regulations. Continued implementation of the transitional requirement results in inequity in how certain similar sources are treated depending on historic permitting requirements.

RCSA section 22a-174-29 provides limitations on toxic air emissions for all stationary sources. Sources that emit low levels of air pollutants and are below air permitting thresholds have fewer restrictions for toxic air emissions than the restrictions imposed on larger, more complex sources with levels of emissions that require air permits. In 2002, the Department increased the air emissions thresholds for permitting and adopted a permit-by-rule for smaller, less complex sources of air emissions. The sources operating under the permit-by-rule should not be held to all of the requirements of RCSA section 22a-174-29, but the transitional requirements in RCSA section 22a-174-29 are unclear in this respect.

Once implemented, this revision will require only those sources obligated to hold, and operate in compliance with, a new source review permit to meet more comprehensive requirements for toxic pollutant emissions. Sources that are operated under a permit-by-rule will be held to fewer requirements for toxic emissions, which is an appropriate result since the sources operated under a permit-by-rule are smaller and generally have lower levels of actual emissions than sources subject to permitting. The revision also addresses the application of RCSA section 22a-174-29 to sources issued new source review permits under a historic regulation. Revision or modification of any new source review permit will require the source to comply with all of the requirements of RCSA section 22a-174-29, regardless of how RCSA section 22a-174-29 was applied in the previously issued permit.

Section 4. This portion of the proposal adds a cap on hazardous air pollutants and carbon dioxide equivalent emissions to RCSA section 22a-174-3c. RCSA section 22a-174-3c allows owners of sources with high potential emissions but very low actual emissions to limit the actual emissions by complying with simple facility-wide purchase requirements. RCSA section 22a-174-3c was designed primarily for use by small businesses lacking dedicated environmental compliance staff.

Operation of a source under the current requirements of RCSA section 22a-174-3c effectively limits hazardous air pollutants to a level below major source thresholds. Operation of a fuel-burning source under the current requirements of RCSA section 22a-174-3c also effectively limits carbon dioxide equivalent emissions (aka greenhouse gases) to a level well below permitting thresholds. By recognizing these restrictions in the regulation, source owners will have an enforceable mechanism under which such sources may stay below the applicability for federal standards for toxic air emissions and state and federal standards for greenhouse gases.

Section 5. The revision to RCSA section 22a-174-33(d)(1) harmonizes the regulation with the Department's current practices for restricting emissions from sources to levels below the applicability for Title V permitting. RCSA section 22a-174-33 establishes requirements on source owners to apply for a Title V permit if the source's emissions are above certain levels. A source owner may limit emissions by operating under the requirements of certain regulations instead of obtaining a Title V general permit to limit potential emissions. The revision to RCSA section 22a-174-33 recognizes this practice.

As a Title V permit does not impose new emissions control requirements on an emissions source, the environmental impact of this revision is zero, but sources that would have been required to obtain a Title V permit absent this revision are relieved of a significant administrative burden.