



FUSS & O'NEILL

October 12, 2012

BUREAU OF AIR MANAGEMENT
NEW SOURCE REVIEW / TITLE V

Via Federal Express

OCT 15 2012

Ms. Elizabeth McAuliffe
Department of Energy and Environmental Protection
Bureau of Air Management
Engineering & Enforcement Division
79 Elm Street
Hartford, CT 06106-5127

RE: Proposed Amendments - RCSA 22a-174-22

Dear Ms. McAuliffe:

The purpose of this letter is to request a modification and/or written clarification regarding the Department of Energy and Environmental Protection's (DEEP) proposed amendments to the Regulations of Connecticut State Agencies (RCSA) Section 22a-174-22.

Specifically, Fuss & O'Neill is seeking a modification and/or written clarification on the following text, which is a new exemption proposed to be inserted as 22a-174-22(c)(2)(B):

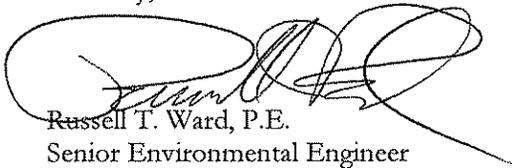
*"(2) This section shall not apply to the owner or operator of a reciprocating engine or gas turbine engine used as follows:
(A) ...
(B) At a hospital or other health care facility to meet standards for emergency electrical power systems of The Joint Commission or the National Fire Protection Association [NFPA]..."*

We understand that the written intent is to wholly exempt such engines from RCSA 22a-174-22. Concern has been raised by various parties, however, that this language may be alternatively interpreted to suggest the exemption only applies to testing/maintenance operations being performed in accordance with scheduled testing/maintenance requirements of The Joint Commission and NFPA (e.g. testing at least 12 times per year at an interval of no less than 20 days and no more than 40 days).

This alternative interpretation does not offer enough flexibility, as hospitals and health care facilities often need to perform preparedness testing and/or maintenance at additional and/or unplanned frequencies (e.g. prior to major storm events), regardless of ozone forecast. We hereby request that the language be modified to clearly identify such engines as wholly exempt.

We look forward to receiving the DEEP's response on this matter. If you have any questions regarding this submission, please contact us at (860) 646-2469.

Sincerely,


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Senior Environmental Engineer



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