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## Pfizer Global Research & Development

Environmental Health and Safety

October 18, 2012

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

**Re: Amendments to Section 22a-174-22  
Pfizer Inc**

Dear Ms. Elizabeth McAuliffe

Pfizer Inc appreciates the opportunity to submit comments on the proposed amendments to section 22a-174-22 of the Regulations of Connecticut State Agencies that were published in the Connecticut Law Journal on August 28, 2012.

Pfizer's submittal includes the narrative on selected proposed changes, followed by our comments. In addition, there are two flowcharts, one that depict the current applicability elements (subsections (b) and (c)) of section 22 and the second that depicts the applicability elements of section 22 with the proposed changes. These flowcharts present our understanding of this portion of section 22, and supplement our comments.

All information is being submitted electronically as Adobe Portable Document Format (PDF) files.

If there is a need for any additional information, please feel free to contact me at 860-715-3862 or [john.dunne@pfizer.com](mailto:john.dunne@pfizer.com).

Sincerely,

A handwritten signature in black ink that reads "John T. Dunne".

John T. Dunne  
Associate Director, Environmental

Enclosure

**Pfizer Inc Comments on**  
**Amendment Concerning Compliance Plans, Exemptions and Reporting**  
**under Section 22a-174-22,**  
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**Section 1. Subdivisions (2) through (5) of section 22a-174-22(b) of the Regulations of Connecticut State Agencies are revised as follows:**

**1. PROPOSED CHANGE:**

(3) Subsections (d) [through] to (k), inclusive, of this section shall not apply to the owner or operator of an emergency engine. In addition, the actual emissions from emergency engines operating during an emergency shall not be included in the determination of the applicability of subsection (b)(2)(B) of this section. However, on and after May 1, 1997, the operation of an emergency engine for routine, scheduled testing or maintenance on any day for which the Commissioner has forecast that ozone levels will be "moderate to unhealthy for sensitive groups," "unhealthy for sensitive groups," "unhealthy," or "very unhealthy" is expressly prohibited unless:

- (A) such engine is exempt from this section pursuant to subsection (c) of this section, or
- (B) such operation of the engine is allowed by permit or order of the Commissioner, because the engine is unattended and the testing is automated and cannot be modified from a remote location.

**1.A. COMMENT:**

This comment on the proposed changes to subsection (b), Applicability, is supplemented with two flowcharts. The first flowchart, Figure 1, is intended to depict the current subsection (b), and the second flowchart, Figure 2, is intended to depict the proposed subsection (b). (The text boxes in these flowcharts are arranged in a slightly different order than the sequence in which subsections (b) and (c) are written, but all terms are included, as indicated by the regulatory citation in each box.)

One purpose of the flowcharts is to confirm the conditions that make an emergency engine subject to section 22, as it would be revised under the current proposals. As illustrated in the flowcharts, the numerical thresholds in the current subsections (b)(1) and (b)(2) are used to determine which emergency engines must comply with certain parts of section 22. This is consistent with the intent of subsections (b)(1) and (b)(2), which clearly establishes thresholds for a variety of facilities (a/k/a "premises") and "sources" (a/k/a "emission units") that are deemed to be too small to warrant further consideration and regulation with respect to NO<sub>x</sub> emissions. Is this understanding of section 22, as proposed to be revised, correct?

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If so, to clarify the applicability as shown in the flowcharts, it is requested that subsection (b)(3) be amended to include the following language:

(3) An emergency engine that exceeds any one of the applicability thresholds in subsections (b)(1) or (b)(2), and is not otherwise exempt by subsection (c), will be an affected emission unit under section 22. For such an emergency engine, [S] subsections (d) [through] to (k), inclusive, of this section shall not apply to the owner or operator of an emergency engine. In addition, the actual emissions from emergency engines operating during an emergency shall not be included in the determination of the applicability of subsection (b)(2)(B) of this section.

If not, could the Department explain the rationale for bringing into Section 22 sources that would be too small to be regulated under the emission thresholds in the applicability provisions in subsection 22(b)?

**1.B. COMMENT:**

Using the flowcharts, the second part of this comment is specific to the proposed changes. The current subsections (b)(3) and (b)(5) make any emergency engine that had operated for non-emergency purposes on a day with a restricted forecast during the ozone season subject to all applicable portions of section 22, including but not limited to the emission limit in subsection (e) and periodic stack testing in subsection (k). With the proposed changes in subsection (b)(3) and the proposed deletion of subsection (b)(5), please confirm that these changes would result in the scenario in which any emergency engine that had been operated for non-emergency purposes on a day with a restricted forecast during the ozone season on or after May 1, 1997, that caused the current subsection (b)(5) to be applicable, would now revert back to an emergency engine that is only subject to the proposed subsection (b)(3). That is, depending on the compliance scheme put in place after such a prior event (i.e., post-May 1, 1997, non-emergency operation on a restricted forecast day), requirements such as complying with the emission limit from subsection (e) and performing future stack testing per subsection (k) would no longer be applicable.

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**Sec. 2. Section 22a-174-22(c) of the Regulations of Connecticut State Agencies is revised as follows:**

**2. PROPOSED CHANGE:**

**(c) [Exemption.] Exemptions.**

(1) This section shall not apply to the owner or operator of a mobile source.

(2) This section shall not apply to the owner or operator of a reciprocating engine or gas turbine engine used as follows:

(A) To provide emergency alternating current power or as an alternative alternating current source in a license issued under 10 CFR 50;

(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; or

(C) To provide power during construction when such construction results in interruption of electrical power from the electricity supplier to the premises.

(3) Notwithstanding the provisions of subparagraphs (A) and (B) of subdivision (2) of this subsection, these exemptions are not available for an engine or turbine for which the owner or operator is party to an agreement to sell electrical power from such engine to an electricity supplier or otherwise receives any reduction in the cost of electrical power for agreeing to produce power during periods of reduced voltage or reduced power availability.

**2. COMMENT:**

The exemption provided in the proposed subsection (c)(2)(C) is an important and welcomed addition to the rule. The concern with the proposed language is that the term “construction” is already defined in section 22a-174-1(28) for very different purposes under the New Source Review program (incorporating by reference 40 CFR 51.165 (a)(1)(xviii): “any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions”). Using this term in subsection 22(c)(2)(C) would inadvertently create confusion. Language to better fit this situation would be:

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(2) This section shall not apply to the owner or operator of a reciprocating engine or gas turbine engine used as follows: ...

(C) To provide power to critical loads during [construction] facility maintenance, repairs or similar work when such [construction] work requires an [results in] interruption of electrical power from the electricity supplier to the premises.

**Sec. 4. Subdivisions (6) through (7) of section 22a-174-22(l) of the Regulations of Connecticut State Agencies are revised as follows:**

**3. PROPOSED CHANGE:**

(6) On or before April 15 of each year, the owner or operator of a stationary source subject to any requirements of subsections (d) to (i), inclusive, and (k) of this section, not otherwise submitting an annual compliance certification pursuant to subsection (d) or (q) of section 22a-174-33 of the Regulations of Connecticut State Agencies shall submit a report on NOx emissions from such source, on a form provided by the Commissioner. The owner or operator of a stationary source subject to only subsection (l) of this section is not required to submit a report on NOx emissions from such source.

**3. COMMENT:**

The proposed changes to subsection (l)(6) clarifies the requirement for facilities with limited fuel burning devices (e.g., only an emergency engine) and without a Title V or GPLPE permit are not required to submit an annual NOx emission report. The language of the current subsection (l)(6) requires that ALL facilities affected by ANY part of section of 22a-174-22, including facilities with just an emergency engine, must submit an annual NOx emission report. The elimination of the reporting obligation from many insignificant NOx sources is appropriate.

**Sec. 5. Subdivisions (1) through (4) of section 22a-174-22(m) of the Regulations of Connecticut State Agencies are revised as follows:**

**4. PROPOSED CHANGE:**

(1) The owner or operator of a stationary source subject to this subsection shall:

(A) For a source subject to this section on or before May 1, 1994, submit a

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compliance plan to the Commissioner by September 1, 1994, on forms provided by the Commissioner. Such compliance plan shall document how such source will comply with all applicable requirements of this section [ The owner or operator of a stationary source that becomes subject to this subsection after May 1, 1994, shall submit a compliance plan within four (4) months of the date on which such source becomes subject to this section.];For any source that becomes subject to this section after May 1, 1994, submit a compliance plan within four months of the date such source becomes subject to this section; and

(B) For any source that is currently subject to this section to which the owner adds a stationary source subject to this section, submit an amended compliance plan within four months of the date such new stationary source becomes subject to this section.

**4. COMMENT:**

The proposed language to mean that any facility that adds an emission unit that is subject to section 22 or otherwise becomes subject to section 22 will need to prepare and submit a compliance plan in accordance with the time frames in this subsection. This would be a reasonable requirement if the need for a compliance plan, or a revised/updated compliance plan, was triggered by;

- the operation of a pre-May 1, 1994 emission unit,
- a change to an emission unit already covered by a compliance plan, or
- the addition of an affected emission unit that does not need an individual permit to operate.

An example of an added NO<sub>x</sub> emission unit that would be included in a new or updated compliance plan would be a unit that operates under a permit by rule provision of 22a-174, such as a boiler operating under 22a-174-3b. (Beyond section 22, however, it would significantly promote compliance by such sources with section 22 if section 3b expressly referenced section 22 as a potential further requirement for a source covered by section 3b. The Department is urged to consider revising section 3b when the opportunity arises.)

For added or changed sources that require an individual permit under section 22a-174-3a (and therefore are required to meet a Best Available Control Technology (BACT) or more stringent standard), the need to develop a section 22 compliance plan appears to be a redundant and unnecessary requirement. By virtue of the permitting process, compliance with the NO<sub>x</sub> RACT based standards in section 22 would be assured, including emission

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limitations, recordkeeping and reporting. The inclusion of such a unit in a compliance plan would have no environmental or compliance assurance benefit, and would only add an administrative burden for the facility to prepare the plan and for the Department to receive and manage another document submittal. Therefore, NOx emission units that operate in accordance with an individual permit under section 3a should be exempt from being included in a subsection (m) compliance plan. For other requirements of section 22, such as stack testing, monitoring or recordkeeping, these can be addressed by specific terms in the individual permit or incorporated by reference.

**5. PROPOSED CHANGE:**

(2) Any compliance plan submitted pursuant to this subsection shall be submitted on forms provided by the Commissioner. Such compliance plan shall include all sources subject to the section at the time of submission and document how each such source will comply with the applicable requirements of this section. Such compliance plan shall also include a certification signed [by a responsible corporate officer or a duly authorized representative of such officer, as those terms are defined in subdivision 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual delegated by such officer with the responsibility of actually preparing the compliance plan. Such certification shall read as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information may be punishable as a criminal offense under section 22a-175 of the Connecticut General Statutes, under section 53a-157b of the Connecticut General Statutes, and in accordance with any applicable statute."] in accordance with section 22a-174-2a(a)(4) of the Regulations of Connecticut State Agencies.

**5. COMMENT:**

The “forms provided by the Commissioner” needed for this compliance plan, unlike many of the permitting and reporting forms, do not seem to be readily available on the Department’s web site. Is this correct? If so, does the Department plan to make this form available on its web site?

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In addition, the most current version of the compliance plan form apparently is dated 10/15/03. Contrary to the language in the proposed subsection (m)(2), which states:

Such compliance plan shall include all sources subject to the section at the time of submission ...,

the 10/15/03 compliance plan form asks for information on all emission units, even those not subject to section 22. The requirement in subsection (m)(2) and the compliance plan form need to be made consistent.



