

## **STATEMENT PURSUANT TO SECTION 22a-6(h) OF THE GENERAL STATUTES**

Pursuant to section 22a-6(h) of the Connecticut General Statutes (CGS), the Commissioner of the Department of Energy and Environmental Protection (the Department) is authorized to adopt regulations pertaining to activities for which the federal government has adopted standards or procedures. At the time of public notice, the Commissioner must distinguish clearly all provisions of a regulatory proposal that differ from federal standards or procedures. In addition, the Commissioner must provide an explanation for all such provisions in the regulation-making record required under CGS Title 4, Chapter 54 and make such explanation publicly available at the time of the publication of the notice of intent required under CGS section 4-168.

In accordance with the requirements of CGS section 22a-6(h), the following statement is entered into the administrative record in the matter of the proposed revisions to sections 22a-174-29, 22a-174-3c and 22a-174-33(d)(1) of the Regulations of Connecticut State Agencies (RCSA):

The proposed revisions to RCSA section 22a-174-29 clarify the obligation of a source owner to comply with the requirements of the section, particularly with regard to the date the permit was issued. RCSA section 22a-174-29 limits emissions of hazardous air pollutants and is based on the health risks associated with the regulated hazardous air pollutants. RCSA section 22a-174-29 is not adopted pursuant to a federal requirement and has not been submitted as part of a State Implementation Plan.

Section 22a-174-3c of the RCSA is designed to limit the potential emissions of small sources of air pollution that have low actual emissions but unlimited potential emissions that are above Connecticut's new source review permit threshold. By operating in compliance with the regulation, the potential emissions of such a source are limited, and the owner is not required to apply for and obtain a new source review permit. The proposed revisions simply state the emissions caps inherent in the regulation for a source operating in compliance with the requirements. This is part of Connecticut's minor source permitting program for which there is no federal program, so no further analysis is required.

Section 22a-174-33 of the RCSA sets out Connecticut's Title V operating permit program. RCSA section 22a-174-33 is approved under 40 CFR 70, which establishes requirements for state Title V operating permit programs. The federal government also implements Title V permit programs under 40 CFR 71 in states without federally approved state programs. The Title V permit program applies to "major" sources, those with potential emissions that exceed certain thresholds established in the federal Clean Air Act. To avoid major source permitting requirements, the source must have enforceable emission limitations. The most common methods of doing this are to obtain a new source review permit or to operate in compliance with a General Permit to Limit Potential to Emit. The revision to RCSA section 22a-174-33 acknowledges that sources may also limit emissions by operating under a regulation. This approach is acceptable to EPA as long as a source with limited emissions has

federally enforceable operational limits as well as enforceable emissions limits; the proposed revision is consistent with federal procedures.

In summary, the requirements of the proposal are an activity that is not regulated by the Federal government, since the proposal revises Connecticut's air permit programs to clarify or revise requirements for consistency with current practices. The proposal largely impacts how certain sources are addressed in permitting but not in a manner that impacts federally mandated requirements.

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Date

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