

Section 1. Section 22a-174-1(a)(5) of the Regulations of Connecticut State Agencies is amended to read as follows:

(5) “Air pollutant” means dust, fumes, mist, smoke, other particulate matter, vapor, gas, aerosol, odorous substances, or any combination thereof, but does not include carbon dioxide except in accordance with regulations adopted pursuant to sections 22a-174d, [or] 22a-174j or 22a-200-22a-200b of the Connecticut General Statutes or section 93 of Public Act 07-242, the noble gases (helium, neon, argon, krypton, xenon or radon), uncombined water vapor or water droplets, or molecular oxygen expressed as O₂ or nitrogen.

Sec. 2. Section 22a-174-3a(a)(1) of the Regulations of Connecticut State Agencies is amended by adding subparagraph (G) as follows:

(a) Applicability and Exemptions

(1) Applicability. Prior to beginning actual construction of any stationary source or modification not otherwise exempted in accordance with subdivision (2)(A) to (C) of this subsection, the owner or operator shall apply for and obtain a permit to construct and operate under this section for any:

- (A) New major stationary source;
- (B) Major modification;
- (C) New or reconstructed major source of hazardous air pollutants subject to the provisions of subsection (m) of this section;
- (D) New emission unit with potential emissions of fifteen (15) tons or more per year of any individual air pollutant;
- (E) Modification to an existing emission unit which increases potential emissions of any individual air pollutant from such unit by fifteen (15) tons or more per year; [or]
- (F) Stationary source or modification that becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant[.] ; or
- (G) Incinerator, except if such incinerator is used:
 - (i) as air pollution control equipment, or

- (ii) primarily to cremate human or animal remains and does not require a permit pursuant to subparagraphs (A) through (F) of this subdivision.

Sec. 3. Section 22a-174-3a(a)(2)(B) of the Regulations of Connecticut State Agencies is amended to read as follows:

- (B) Any stationary source that is:
 - (i) registered under and is in compliance with any new source review general permit to construct and operate a new or existing stationary source issued pursuant to section 22a-174(k) of the Connecticut General Statutes,
 - (ii) a stripping facility used to remove VOC from contaminated groundwater or soil pursuant to an order issued by the commissioner, provided such facility has a control device with VOC removal efficiency of at least ninety-five percent (95%),
 - (iii) a portable engine or boiler temporarily replacing an existing engine or boiler, provided the replacement units have a combined emission rate equal to or less than the existing units and that the number of days total that any and all such portable engines or boilers may be used does not exceed ninety (90) days in any calendar year, [or]
 - (iv) in compliance with section 22a-174-3b, [Section] section 22a-174-3c or [Section] section 22a-174-42 of the Regulations of Connecticut State Agencies, unless otherwise subject to this section pursuant to subdivision (7) of this subsection[;] , or
 - (v) a “dispensing facility,” as defined in section 22a-174-30(a)(3) of the Regulations of Connecticut State Agencies.

Sec. 4. Section 22a-174-18(e) of the Regulations of Connecticut State Agencies is amended by adding subdivision (4) as follows:

- (4) The owner or operator of an “outdoor wood-burning furnace,” as defined in section 22a-174k of the Connecticut General Statutes, shall emit no more than 0.20 pounds of particulate matter per million BTU of heat input when burning wood that has not been chemically treated.

Sec. 5. Section 22a-174-33(a)(10) of the Regulations of Connecticut State Agencies is amended by adding subparagraph (H) as follows:

(10) “Title V source” means any premises at, in, or on which any of the following is located:

- (A) Any stationary source subject to 40 CFR 60 or 61;
- (B) Any stationary source subject to 40 CFR 62, 63 or 68;
- (C) Any stationary source subject to 40 CFR 72 to 78, inclusive;
- (D) Any stationary source subject to section 129(e) of the Act;
- (E) Any one or more stationary sources, which are located on one or more contiguous or adjacent properties under the control of the same person or persons and which in the aggregate emit, or have the potential to emit, including fugitive emissions, ten (10) tons or more per year of any hazardous air pollutant, or twenty-five (25) tons or more per year of any combination of hazardous air pollutants; [or]
- (F) Any one or more stationary sources, which are located on one or more contiguous or adjacent properties under the control of the same person or persons and which belong to the same two-digit Standard Industrial Classification code, as published by the United States Office of Management and Budget in the Standard Industrial Classification Manual of 1987, and which in the aggregate emit, or have the potential to emit air pollutants, including fugitive emissions, from those categories of sources listed in (2)(i) to (xxvii) in the definition of “major source” in 40 CFR 70.2, of:
 - (i) one hundred tons (100) or more per year of any regulated air pollutant,
 - (ii) fifty (50) tons or more per year of volatile organic compounds or nitrogen oxides in a serious ozone non-attainment area, or
 - (iii) twenty-five (25) tons or more per year of volatile organic compounds or nitrogen oxides in a severe ozone non-attainment area; [and]
- (G) Notwithstanding the provisions of subparagraph (F) of this subdivision, any landfill containing only municipal solid waste, as that term is defined in section 22a-207(23) of the Connecticut General Statutes, shall not be considered a Title V source unless such landfill is subject to any

applicable requirement identified in subparagraph (B) or (D) of this subdivision[.] ; or

- (H) A “carbon dioxide budget source” as defined in section 22a-174-31 of the Regulations of Connecticut State Agencies.

Sec. 6. Section 22a-174-33(c)(2) of the Regulations of Connecticut State Agencies is amended to read as follows:

(2) Notwithstanding subdivision (1) of this subsection and except as provided in subdivision (3) of this subsection, this section shall not apply to any premises which is defined as a Title V source solely because a stationary source on such premises is subject to one or more of the following:

- (A) Standard of performance for new residential wood heaters pursuant to 40 CFR 60, Subpart AAA;
- (B) 40 CFR 61.145;
- (C) Accidental release requirements pursuant to 40 CFR 68; or
- (D) 40 CFR 60, 61, 63 [or] 68 or 72, if such source is exempt or deferred from the requirement to obtain a Title V permit:
 - (i) by the terms of the applicable CFR,
 - (ii) by the terms of 40 CFR 70,
 - (iii) by the Administrator, or
 - (iv) with the Administrator’s authorization, by the commissioner[;] .

Sec. 7. Section 22a-174-40(d)(5) of the Regulations of Connecticut State Agencies is amended to read as follows:

(5) No person shall sell, supply, or offer for sale [or manufacture for use] in the State of Connecticut on or after January 1, 2009 any contact adhesive, electronic cleaner, footwear or leather care product, general purpose degreaser, adhesive remover, electrical cleaner or graffiti remover manufactured on or after January 1, 2009, or, on or after January 1, 2009, manufacture for sale in the State of Connecticut any contact adhesive, electronic cleaner, footwear or leather care product, general purpose degreaser, adhesive remover, electrical cleaner or graffiti remover [that] if such product contains methylene chloride, perchloroethylene or trichloroethylene, except to the extent such compounds are present as impurities in a combined amount less than or equal to 0.01% by weight.

Statement of Purpose: This amendment improves the permitting and enforcement of the air quality regulations for certain smaller sources. Specifically, each section of the amendment serves the following purpose:

Section 1 clarifies the definition of “air pollutant” by explicitly excluding the noble gases, which are non-reactive and do not contribute to air pollution and specifically including carbon dioxide as legislatively recognized in its context as a greenhouse gas.

Sections 2 and 3 more clearly identify those sources for which the owners are required to obtain an operating permit pursuant to RCSA section 22a-174-3a. Currently, the owners of small incinerators used to burn various wastes and debris are not consistently required to obtain a permit, in part because emissions from such small incinerators vary with the waste burned and are difficult to quantify. Requiring owners of incinerators, with the exception of crematories and incinerators used as air pollution control equipment, to obtain an operating permit will address this inconsistency and yield local air quality benefits.

The clarification also ends long-standing confusion by some gasoline station owners who believe they are required to obtain an operating permit. Currently, emissions from gasoline stations are regulated pursuant to RCSA section 22a-174-30, under which the vapor recovery systems at the pumps are periodically tested. Department of Environmental Protection (DEP) staff observe the tests and receive written reports of the results for every gasoline station in the state. Each gasoline station is certified and licensed by the State of Connecticut Department of Consumer Protection. As a result, the DEP does not require the station owners to obtain a new source review permit. Thus, this amendment explicitly exempts the owners of gasoline stations.

Section 4 requires the owners of outdoor wood-burning furnaces to comply with particulate matter emission standards similar to those required for other small furnaces, to better protect people on neighboring property.

Section 5 specifies that any source participating in the DEP’s Regional Greenhouse Gas Initiative pursuant to RCSA section 22a-174-31 must obtain a Title V permit.

Section 6 creates consistency in how state and federal Title V operating permit programs apply to new small electric generators. DEP issues Title V operating permits to air pollution sources under a federally approved program. Currently, certain small electric generators in Connecticut are exempt from the requirement to obtain a Title V permit under the federal regulations, yet are required to obtain a Title V operating permit under the DEP’s Title V program. The federal program exemption is limited to new, small sources with relatively low emissions for which the extensive requirements of a Title V permit are burdensome and unbalanced by environmental benefit. Creating regulatory consistency between Connecticut and the federal requirements is especially

important now as we anticipate an increase in permit applications for such small units to meet Connecticut's electric demand.

Section 7 clarifies the prohibition on the sale and manufacture of consumer products that contain methylene chloride, perchloroethylene or trichloroethylene, by stating explicitly the implied product manufacture date from which the prohibition applies.

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