

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, 22a-200, 22a-200a or 22a-200b of the Connecticut General Statutes; regulations adopted pursuant to 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:

(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 does not require a permit pursuant to subparagraphs (A) through (F) of this subdivision and such incinerator is used:
 - (i) for the primary purpose of reducing, controlling or eliminating air pollution, or

- (ii) as a solid waste incineration unit subject to an emission guideline or new source performance standard issued pursuant to Section 129 of the Act.

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-174-33(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. 5. Section 22a-174-33(o)(1) of the Regulations of Connecticut State Agencies is amended to read as follows:

(1) **Monitoring Reports.** A permittee required to perform monitoring pursuant a Title V permit shall submit to the commissioner, on forms prescribed by the commissioner, written monitoring reports on [January 30 and July 30] March 1 and September 1 of each year or on a more frequent schedule if specified in such permit. Such monitoring reports shall include the date and description of each deviation from a permit requirement including, but not limited to:

- (A) Each deviation caused by upset or control equipment deficiencies;
- (B) Each deviation of a permit requirement that has been monitored by the monitoring systems required under the Title V permit, which has occurred since the date of the last monitoring report; and
- (C) Each deviation caused by a failure of the monitoring system to provide reliable data.

Sec. 6. Section 22a-174-33(q)(1) and (2) of the Regulations of Connecticut State Agencies is amended to read as follows:

(1) **Progress reports.** A permittee shall, on [January 30 and July 30] March 1 and September 1 of each year, or on a more frequent schedule if specified in such permit, submit to the commissioner a progress report on forms prescribed by the commissioner, and certified in accordance with section 22a-174-2a(a)(5) of the Regulations of Connecticut State Agencies. Such report shall:

- (A) Identify those obligations under the compliance plan schedule in the permit which the permittee has met, and the dates on which they were met; and
- (B) Identify those obligations under the compliance plan schedule in the permit which the permittee has not timely met, explain why they were not timely met, describe all measures taken or to be taken to meet them and identify the date by which the permittee expects to meet them.

(2) **Compliance certification.** A permittee shall, on [January 30] March 1 of each year, or on a more frequent schedule if specified in such permit, submit to the commissioner[,] a written compliance certification certified in accordance with section 22a-174-2a(a)(5) of the Regulations of Connecticut State Agencies and which includes the information identified in Title 40 CFR 70.6(c)(5)(iii)(A) to (C), inclusive.

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 makes minor technical corrections and clarifications to certain air quality regulations. Specifically, each section of the amendment serves the following purpose:

Section 1 clarifies the substances excluded from the definition of “air pollutant.” For example, the noble gases, which are non-reactive and do not contribute to air pollution, are explicitly excluded.

Sections 2 and 3 more clearly identify those sources for which the owners are required to obtain an operating permit pursuant to Regulations of Connecticut State Agencies (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 small incinerators, with the exception of incinerators used as air pollution control equipment, to obtain a permit will address this inconsistency and yield local air quality benefits.

Section 3 ends long-standing confusion by some gasoline station owners, who believe they are required to obtain a 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.

Section 4 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. This revision is also consistent programmatically with the Air Bureau’s administrative lean initiative to optimize value delivered to the environment, the public and the regulated community by eliminating non-value added activities which do not contribute to the agency’s core mission.

Sections 5 and 6 change the monitoring, progress and compliance reporting schedule on which Title V permittees complete and submit these reports to DEP. The schedule change does not negatively impact the workload or processing requirements of

the DEP compliance assurance staff, yet is more easily managed by source owners. The frequency of reports (annual or semi-annual) is unchanged.

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.