

Sec. 22a-174-33a. Limit on Premises-Wide Actual Emissions Below 50% of Title V Source Thresholds

(a) **Definitions.** For purposes of this section, the following definitions shall apply. Any term not defined shall be as defined in section 22a-174-1 of the Regulations of Connecticut State Agencies:

(1) “Annual” means a calendar year beginning on January 1st and ending on December 31st for any given year.

(2) “Day” means the calendar day; if any date specified in this section falls on a Saturday, Sunday, or legal holiday, such date shall be the next business day thereafter.

(3) “EPA” means the United States Environmental Protection Agency.

(4) “Hazardous air pollutant” or “HAP” means, notwithstanding the definition in section 22a-174-1 of the Regulations of Connecticut State Agencies, any air pollutant listed in section 112(b) of the Federal Clean Air Act excluding any air pollutants that are removed from such list.

(5) “Regulated air pollutant” means “regulated air pollutant”, as defined in section 22a-174-33 of the Regulations of Connecticut State Agencies.

(6) “Research and development operation” means “research and development operation”, as defined in section 22a-174-33 of the Regulations of Connecticut State Agencies.

(7) “Title V source thresholds” means those thresholds set forth in sections 22a-174-33(a)(10)(E) and (F) of the Regulations of Connecticut State Agencies.

(b) **Applicability.**

(1) Except as provided in subdivision (2) of this subsection, this section applies to the owner or operator of any premises who, in accordance with subsection (g)(1) of this section, has notified the commissioner of the owner or operator’s commitment to limit the actual emissions from such premises below the thresholds provided in subsection (d)(1) of this section.

(2) This section shall not apply to the owner or operator of any premises that is subject to:

(A) Any acid rain control requirement pursuant to 40 CFR 72 to 78 inclusive;

(B) Any solid waste combustion requirement pursuant to section 129(e) of the Act;

(C) A Title V operating permit issued by the commissioner pursuant to section 22a-174-33 of the Regulations of Connecticut State Agencies or by the Administrator pursuant to 40 CFR 70 or 71; or

(D) Section 22a-174-33b of the Regulations of Connecticut State Agencies.

(c) **Duty to comply with this section.**

(1) The owner or operator of any premises who satisfies the applicability criteria of subsection (b)(1) of this section shall comply with all conditions and applicable requirements of this section until such time the owner or operator submits a notification to the commissioner, in accordance with subsection (g)(2) of this section, of cessation to operate a premises pursuant to this section.

(2) The terms and conditions of this section shall not supersede more stringent emissions limitations established in any order or permit issued by the commissioner pursuant to section 22a-174 of the Connecticut General Statutes.

(d) **Emissions requirements.**

(1) No owner or operator of any premises operating in accordance with this section shall cause or allow the emission of any regulated air pollutant during each and every consecutive 12 month period to be equal to or exceed the following:

(A) For any regulated air pollutant that is not a HAP, Volatile Organic Compound (VOC) or Nitrogen Oxides (NO_x): 50 tons;

(B) For any VOC or NO_x emitted in a serious ozone nonattainment area: 25 tons;

(C) For any VOC or NO_x emitted in a severe ozone nonattainment area: 12.5 tons;

(D) For any single HAP: 5 tons; and

(E) For any combination of HAPs: 12.5 tons.

(2) Notwithstanding the emissions requirements of subdivision (1) of this subsection, an owner or operator of any premises which is operating in accordance with a permit or order issued to implement section 22a-174-32 of the Regulations of Connecticut State Agencies shall continue to operate in accordance with such permit or order.

(3) For the purpose of determining the actual emissions from any premises at which a research and development operation is located, the owner or operator of such premises shall include the emissions from such research and development operation in the determination of the total actual emissions from such premises.

(4) Unless otherwise required by sections 22a-174-1 to 22a-174-99 of the Regulations of Connecticut State Agencies, 40 CFR 60, 61 or 63, or by the commissioner pursuant to subparagraph (F) of this subdivision, the owner or operator of any premises operating in accordance with this section shall determine the actual emissions for each regulated air pollutant as follows:

(A) If data are available from CEM equipment, such data shall be used to determine the rate of emissions. Only CEM installed, operated, and certified in accordance with a permit or order, regulation issued or administered by the commissioner or the Administrator, or a commissioner approved voluntarily installed CEM may be used to satisfy the requirements of this subdivision;

(B) If the data in subparagraph (A) of this subdivision are unavailable but stack testing data are available, such stack testing data shall be used to determine the rate of emissions, provided such testing was conducted in accordance with protocols approved in writing by the commissioner or the Administrator in advance of testing and a representative of the commissioner or the Administrator was provided the opportunity to witness such testing;

(C) If the data in subparagraphs (A) and (B) of this subdivision are unavailable, the rate of emissions shall be calculated using data supplied by the manufacturer of the subject emission unit or units, which data were derived from EPA approved emissions testing of such unit performed by or for the manufacturer;

(D) If the data in subparagraphs (A), (B) and (C) of this subdivision are unavailable, the rate of emissions shall be calculated using data derived from an analysis of pertinent material balances;

(E) If the data in subparagraphs (A), (B), (C) and (D) of this subdivision are unavailable, the rate of emissions shall be calculated using the data or emissions estimation technique from the following EPA publications that results in the highest rate of emissions:

(i) Compilation of Air Pollutant Emission Factors (AP-42),

(ii) AIRS Facility Subsystem Emission Factors, or

(iii) The Emission Inventory Improvement Program; and

(F) If the data in subparagraphs (A), (B), (C), (D) and (E) of this subdivision are not available, the emission rate shall be calculated using another source of emissions data that is approved by the commissioner and the Administrator. Such approval shall be obtained prior to operating in accordance with this section.

(5) Only those control efficiency limitations which are practicably enforceable may be included in the calculation of actual emissions.

(e) Record keeping requirements.

(1) The owner or operator of any premises operating in accordance with this section shall make and maintain records necessary to calculate the actual emissions of regulated air pollutants emitted from each emission unit, grouped emission unit, or other logical grouping. The records shall allow for such calculations for all regulated air pollutants identified in subsection (d)(1) of this section. Such records shall include the following:

(A) A list of all emission units, air pollution control equipment, and emission monitoring equipment at the premises, including the following for each unit or equipment:

(i) A description,

(ii) Maximum rated capacity, if applicable,

(iii) Installation date (or estimation if unknown),

(iv) Removal date, if applicable, and

(v) If emission units and associated equipment are located in more than one building on the premises, information on the location.

(B) A log for each month that shall include:

(i) The total amount of fuels, solvents, coatings, raw materials, or other such material, used by each emission unit during each month,

(ii) An identification of such fuels, solvents, coatings, raw materials, or other such material used, by each emission unit during each month,

(iii) The actual operating hours of each emission unit during each month, as necessary to calculate emissions,

(iv) Any other documentation the commissioner deems necessary to reliably calculate the emission of air pollutants regulated under this section, and

(v) All purchase orders, invoices, Material Safety Data Sheets, test results, certifications or other documents necessary to verify information and calculations in the monthly log.

(C) A log of annual actual emissions of each regulated air pollutant emitted from the premises, including a detailed description of the methodology the owner or operator used to calculate such emissions and the basis thereof.

(D) A copy of any notification or report submitted to the commissioner pursuant to this section, including applicable attachments.

(2) In addition to the requirements of subdivision (1) of this subsection, the owner or operator of any premises operating in accordance with this section shall make and maintain records of the total monthly and consecutive 12 month period actual emissions for each regulated air pollutant from the premises.

(3) Monthly and consecutive 12 month period records required by this section shall be created no later than 45 days after the end of each month or consecutive 12 month period.

(4) Annual records required by this section shall be created no later than March 1st of

the year following the year for which the records are created.

(5) The owner or operator of any premises operating in accordance with this section shall maintain each record required by this subsection at the premises where the activity takes place for 5 years after the date such record is made. For paperwork reduction, these records may be kept on computer file in electronic form. The owner or operator shall provide any such record or copy thereof to the commissioner or the Administrator upon request. Upon written approval by the commissioner, the owner or operator may maintain each record at a location other than the premises. The owner or operator shall provide any such record or copy thereof to the commissioner or the Administrator within 14 days of receipt of such request or within a later time frame if indicated in such request.

(6) Notwithstanding any other provision of this subsection, the owner or operator of any premises operating in accordance with this section shall keep a copy of the notification submitted in accordance with subsection (g)(1) of this section for a period of no less than 5 years beyond such time that the owner or operator submits a notification in accordance with subsection (g)(2) of this section.

(7) Notwithstanding any other provision of this subsection, the owner or operator of any premises operating in accordance with this section shall not be required to make or keep records concerning the purchase or use of any item or the conduct of any activity listed in section 22a-174-33(g)(3) of the Regulations of Connecticut State Agencies that results in the emission of a regulated air pollutant identified in subsection (d)(1) of this section, unless the commissioner determines that these records are needed to verify the eligibility to operate under this section, to determine the applicability of section 22a-174-33 of the Regulations of Connecticut State Agencies or to impose any applicable requirement.

(f) Reporting requirements.

(1) Annual Compliance Certification

(A) The owner or operator of any premises operating in accordance with this section shall submit to the commissioner on or before March 1st of each year, an annual compliance certification concerning such premises for the previous calendar year, or portion thereof. Such compliance certification shall be submitted electronically, via a reporting system provided by the commissioner, and shall contain the following information:

(i) Identification of each requirement in this section that is applicable for the certification period,

(ii) Identification of the method(s) or other means used by the owner or operator for determining the compliance status with each applicable requirement of this section during the certification period, and

(iii) The status of compliance with each applicable requirement during the certification period. The owner or operator shall identify whether compliance is continuous or intermittent, and each deviation or exceedance of an applicable requirement during the certification period.

(B) The owner or operator of any premises operating in accordance with this section shall submit any additional information requested in writing which the commissioner deems necessary to verify the actual emissions. Such additional information shall be submitted within 14 days of receipt of such request or within a later time frame if indicated in such request.

(2) Exceedances

(A) Upon discovery of an exceedance of an emissions limitation set forth in subsection (d) of this section, the owner or operator of any premises operating in accordance with this section shall take action to determine the cause of such exceedance, correct such exceedance and mitigate its results, and prevent any further exceedance.

(B) The owner or operator of any premises operating in accordance with this section shall notify the commissioner electronically, via a reporting system provided by the commissioner, of any exceedance of an emissions limitation established in subsection (d) of this section and shall identify the cause or likely cause of such exceedance, all corrective actions and preventative measures taken with respect thereto, and the dates of such actions and measures, as follows:

(i) For any HAP, no later than 24 hours after such exceedance has been discovered, and

(ii) For any other regulated air pollutant, no later than 10 days after such exceedance has been discovered.

(g) **Notifications.**

(1) Any owner or operator committing to operate a premises pursuant to this section shall submit a notification to the commissioner, on forms prescribed by the commissioner. Such notification shall include, but is not limited to the following information:

(A) Legal name, address, email address and telephone number of the owner or operator of the subject premises. If the owner or operator is an entity transacting business in Connecticut and is required to register with the Connecticut Secretary of the State, provide the exact name as registered with the Connecticut Secretary of the State;

(B) If applicable, the legal name of the agent for service of process for the owner of the subject premises, the name, email address and telephone number of the individual with primary managerial responsibility for the premises, and the name, email address and telephone number of any individual designated by the owner or operator thereof to answer questions pertaining to such notification;

(C) Legal name, address, email address and telephone number of any consultant or engineer retained by the owner or operator to prepare the notification;

(D) Location address of the premises with respect to which the notification is submitted;

(E) The date the owner or operator will commence to operate the premises in accordance with this section. This date shall be no earlier than November 9, 2020; and

(F) Previous Approval of Registration number, issued in accordance with the General Permit to Limit Potential to Emit from Major Sources of Air Pollution issued on November 9, 2015, if applicable.

(2) Any owner or operator ceasing to operate a premises pursuant to this section shall submit a notification to the commissioner, on forms prescribed by the commissioner, no later than 30 days after such cessation. Such notification shall include, but is not limited to the following information:

(A) Legal name, address, email address and telephone number of the owner or operator of the subject premises. If the owner or operator is an entity transacting business in Connecticut and is required to register with the Connecticut Secretary of the State, provide the exact name as registered with the Connecticut Secretary of the State;

(B) If applicable, the legal name of the agent for service of process for the owner of the

subject premises, the name, email address and telephone number of the individual with primary managerial responsibility for the premises, and the name, email address and telephone number of any individual designated by the owner or operator thereof to answer questions pertaining to such notification;

(C) Legal name, address, email address and telephone number of any consultant or engineer retained by the owner or operator to prepare the notification;

(D) Location address of the premises with respect to which the notification is submitted;

(E) The reason for such cessation;

(F) The date of such cessation;

(G) An Annual Compliance Certification, as referenced in subsection (f)(1) of this section, for the portion of the current calendar year; and

(H) An Annual Compliance Certification, as referenced in subsection (f)(1) of this section, for the previous calendar year if such cessation notification is submitted before the prior year's compliance certification has been submitted.

(3) The commissioner shall notify any owner or operator submitting a notification in accordance with this subsection, in writing, if the commissioner determines that additional information is necessary to evaluate such notification. Such information shall be submitted to the commissioner, in writing, within 45 days of such additional information notification and shall be certified in accordance with subsection (h) of this section.

(4) Any notification submitted pursuant to this subsection shall be sent to the Bureau of Air Management at the following address:

Supervisor

Compliance Analysis and Coordination Unit

Bureau of Air Management

Connecticut Department of Energy and Environmental Protection

79 Elm Street Hartford, CT 06106-512

(h) Certification.

Any document, notification, data or record required to be submitted to the commissioner pursuant to this section shall include a certification signed by any of the individuals identified in section 22a-174-2a(a)(1) of the Regulations of Connecticut State Agencies, and by the individual or individuals responsible for actually preparing such document or record, each of whom shall examine and be familiar with the information submitted and all attachments thereto, and shall make inquiry of those individuals responsible for obtaining the information to determine that the information is true, accurate and complete, and each of whom shall certify in writing 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 or 53a-157b of the Connecticut General Statutes.”

(i) Correction of Inaccuracies.

Within 15 days after the date the owner or operator of any premises operating in

accordance with this section becomes aware of a change in any of the information submitted pursuant to this section, becomes aware that any such information is inaccurate or misleading, or that relevant information has been omitted, such owner or operator shall correct the inaccurate or misleading information and supply the corrected or omitted information in writing to the commissioner. Such information shall be certified in accordance with subsection (h) of this section.

(j) Other Applicable Law and Regulations.

(1) Nothing in this section shall relieve the owner or operator of any premises operating in accordance with this section of the obligation to comply with any other applicable federal, state and local law, including, but not limited to, the obligation to obtain any other authorizations required by such law.

(2) Nothing in this section shall preclude the commissioner from requiring the owner or operator of any premises operating in accordance with this section to obtain a Title V operating permit pursuant to section 22a-174-33 of the Regulations of Connecticut State Agencies.

(3) Nothing in this section shall preclude the owner or operator of any premises operating in accordance with this section from applying for a Title V operating permit pursuant to section 22a-174-33 of the Regulations of Connecticut State Agencies, if applicable.

(Effective September 24, 2020)