

**STATE OF CONNECTICUT
Regulation of Environmental Protection**

Section: 2

The Regulations of Connecticut State Agencies are amended by adding a new Section 22a-1742a as follows:

Section 22a-174-2a. Procedural requirements for new source review and Title V permitting

(a) * * *

(b) Public Notice

(1) * * *

(2) * * *

(3) * * *

(4) * * *

(5) For any permit application pursuant to section 22a-174-33 of the Regulations of Connecticut State Agencies, the commissioner shall forward a copy of the notice of tentative determination to:

Note – EPA did not incorporate-by-reference section 22a-174-2a (a)(1) through (6).

Note – EPA did not incorporate-by-reference section 22a-174-2a (b)(1) through (4).

- (5) (A) The individuals who request such notice;
 - (B) The chief elected official of the municipality where the stationary source is or is proposed to be located;
 - (C) The chief executive officer of the municipality where the source is or is proposed to be located;
 - (D) * * *
 - (E) Any federally recognized Indian governing body whose lands, or air quality, may be affected by emissions from the subject stationary source. In addition to the notice, a copy of the proposed Title V permit shall be submitted to such federally recognized Indian governing body;
 - (F) The regional Administrator of the United States Environmental Protection Agency. * * *
 - (G) * * *
- (6) For any permit application pursuant to section 22a-174-3a of the Regulations of Connecticut State Agencies for a new major stationary source or a major modification at a major stationary source, the commissioner shall forward, prior to the date of publication, a copy of the notice of tentative determination to those individuals or entities identified in subparagraphs (A), (B), (C), (D), (E) and (G), of subdivision (5) of this subsection and any Federal Land Manager or state whose lands, or air quality, may be affected by emissions from the source or modification..
 - (7) For any permit application pursuant to section 22a-174-3a of the Regulations of Connecticut State Agencies other than an application for a new major stationary source or a major modification at a major stationary source, the commissioner shall forward a copy of the notice of tentative determination, published in accordance with 40 CFR 51.161, as amended from time to time, to those individuals or entities identified in subparagraphs (A), (B), (C), and (G) of subdivision (5) of this subsection.

Note – EPA did not incorporate-by-reference section 22a-174-2a (b)(5)(D).

Note – EPA did not incorporate-by-reference the last sentence of section 22a-174-2a (b)(5)(F).

Note – EPA did not incorporate-by-reference section 22a-174-2a (b)(5)(G).

(8) For any permit application pursuant to section 22a-174-3a(1) of the Regulations of Connecticut State Agencies, the commissioner shall comply with the public notice requirements set forth in section 22a-174-3a(1)(7) of the Regulations of Connecticut State Agencies.

(9) * * *

(c) Public Comments and Hearings

(1) Written comments may be filed by any person within thirty (30) days following the publication of a notice of a tentative determination pursuant to subsection (b)(3) of this section. The commissioner shall maintain a record of all comments made on the subject application. Any comments concerning the issuance of a Title V permit may be accompanied by a request for a public informational hearing, an adjudicatory hearing, or both. Notwithstanding the provisions of section 22a-3a-6 of the Regulations of Connecticut State Agencies, any comments concerning the issuance of a permit pursuant to section 22a-174-3a of the Regulations of Connecticut State Agencies may be accompanied by a request for a public informational hearing.

(2) * * *

(3) Public adjudicative hearings shall be held in accordance with section 22a-3a-6 of the Regulations of Connecticut State Agencies.

(4) If a public adjudicative hearing is held, the commissioner shall publish a notice of such hearing in a newspaper of general circulation in the affected area at least thirty (30) days prior to such hearing.

(5) Following the close of the public adjudicative hearing, the final decision maker shall make a decision. Such decision shall be based on the record of such hearing to approve, deny or conditionally approve the issuance of the permit sought.

Note – EPA did not incorporate-by-reference section 22a-174-2a (b)(9).

Note – EPA did not incorporate-by-reference section 22a-174-2a (c)(2).

(6) Non-Adjudicative Public Informational Hearings. Following receipt of a written material request and prior to the issuance of a subject permit * * * the commissioner shall hold a non-adjudicative public informational hearing on:

(A) An application pursuant to section 22a-174-3a of the Regulations of Connecticut State Agencies;

(B) * * *

(C) * * * and

(D) Following the commissioner's receipt of a written request for a public hearing, the commissioner shall hold such hearing if the permit application is for a new major stationary source or a major modification at a major stationary source, or for any stationary source where the stack height exceeds good engineering practice.

(7) Reserved.

(8) Any notice of hearing pursuant to this subsection shall:

(A) Be published at the applicant's expense in a newspaper of general circulation in the affected area at least thirty (30) days prior to such hearing;

(B) Provide the name of the applicant; the location of the proposed activity; the application number; the type of permit being sought; name, address and phone number for a contact person at the Department;

(C) Provide the name, address and number for the Department's Americans with Disabilities Act coordinator;

(D) Provide the date, time and location of the public hearing; and

Note – EPA did not incorporate-by-reference the clause after first comma “* * * or order pursuant to section 22a-174-33(d) of regulations of Connecticut State Agency * * *” in the introduction to section 22a-174-2a (c)(6); (c)(6)(B) and (C);

(E) Be published in other media and in languages other than English as required by the commissioner.

- (9) The commissioner may consider more than one permit application, * * * at any hearing pursuant to subdivision (6) of this subsection, provided the notice requirements of subdivision (8) of this subsection have been satisfied. The commissioner shall consider all written comments submitted within the public comment period in the notice including all comments received at the public hearing when making a final decision on the application.

(d) New Source Review * * * Non-Minor Permit Modification

- (1) General. Prior to making the change that is the subject of the non-minor permit modification application the owner or operator shall apply for and obtain a non-minor permit modification pursuant to this subsection.
- (2) Exemptions. A permittee may conduct an activity described in section 22a174-3a(a)(2) of the Regulations of Connecticut State Agencies without applying for and obtaining a new source review non-minor permit modification under this subsection.
- (3) Except as provided in subdivision (2) of this subsection, the permittee of any stationary source or emission unit permitted pursuant to section 22a-174-3a or former section 22a-174-3 of the Regulations of Connecticut State Agencies shall apply for and obtain a new source review non-minor permit modification for any stationary source, emission unit, or modification identified in section 22a-1743a(a)(1) of the Regulations of Connecticut State Agencies.
- (4) * * *
- (5) The procedural requirements for all non-minor permit modifications pursuant to subdivisions (3) and (4) of this subsection are as follows:

Note – EPA did not incorporate-by-reference clause after first comma “* * * or order pursuant to section 22a-174-33(d) of Regulations of Connecticut State Agencies * * *” in section 22a-174-2a (c)(9).

Note – EPA did not incorporate-by-reference reference to “Title V” in title of (d) of section 22a-174-2a.

Note – EPA did not incorporate-by-reference section 22a-174-2a (d)(4)(A) through (D)

- (A) An application for a non-minor permit modification shall be made on forms prescribed by the commissioner. Such application shall include a description of any proposed changes, a proposed permit, any proposed monitoring procedures, any changes in potential emissions resulting from the proposed changes, and an identification of all regulatory, statutory, or otherwise applicable requirements that would become applicable as a result of such changes;
- (B) The permittee shall not deviate from the terms and conditions of the existing permit until and unless the commissioner has modified that permit; and
- (C) A non-minor permit modification pursuant to this subsection, shall only be granted, granted with conditions, or denied following public notice and opportunity for public comment and public hearing, in accordance with the procedures set forth in subsections (b) and (c) of this section.

(6) In addition to the procedural requirements provided in subdivision (5) of this subsection, an application for a new source review non-minor permit modification pursuant to subdivision (3) of this subsection shall meet the requirements set forth in section 22a-174-3a(c) and 22a-3a-5 of the Regulations of Connecticut State Agencies.

(7) * * *

(8) * * *

(9) The commissioner may modify a new source review permit in accordance with this section, section 22a-174-3a of the Regulations of Connecticut State Agencies, and section 22a-174c of the Connecticut General Statutes. The following procedures shall apply to such modifications:

- (A) The permittee shall not deviate from the terms and conditions of the existing permit until and unless the commissioner has modified that permit; and

Note – EPA did not incorporate-by-reference section 22a-174-2a (d)(7)(A) through (D).

Note – EPA did not incorporate-by-reference section 22a-174-2a (d)(8)(A) and (B);

(B) A permit modification pursuant to this subsection, shall only be granted, granted with conditions, or denied following public notice and opportunity for public comment and public hearing, in accordance with the procedures set forth in subsections (b) and (c) of this section.

(e) New Source Review * * * Minor Permit Modification

(1) The permittee of any source that is subject to a new source review permit issued by the commissioner pursuant to section 22a-174 3a(a)(1)(D) or (E) or former section 22a-174-3 of the Regulations of Connecticut State Agencies shall apply for a new source review minor permit modification to incorporate any modification of an emission unit with any increase in potential emissions, above allowable emissions, of less than fifteen (15) tons per year of any individual air pollutant, unless such modification is subject to the provisions of section 22a-1743a(a)(1)(A), (B), (C) or (F) of the Regulations of Connecticut State Agencies.

(2) * * *

(3) The procedural requirements for all new source review * * * minor permit modifications, except as otherwise provided in subdivisions (4) and (5) of this subsection, are as follows:

(A) An application for a minor permit modification shall be made on forms prescribed by the commissioner and signed in accordance with subsection (a) of this section;

(B) An application for a minor permit modification shall include the following:

(i) a description of the proposed modification, a proposed modified permit, any proposed monitoring procedures, any increase in potential emissions resulting from the proposed modification, and an identification of all regulatory, statutory, or otherwise applicable requirements that would become applicable as a result of such modification, and

Note – EPA did not incorporate-by-reference reference to “Title V” in title of (e) of section 22a-174-2a.

Note – EPA did not incorporate-by-reference section 22a-174-2a (e)(2)(A) and (B).

Note – EPA did not incorporate-by-reference reference to “Title V” in section 22a-174-2a (e)(3).

- (ii) a statement, certified in accordance with subsection (a)(5) of this section, that the proposed minor permit modification meets all regulatory, statutory, or applicable requirements identified in the subject application pursuant;
 - (C) Subject to limitations specified in subdivision (5) (F) of this subsection, a permittee may implement the modifications proposed in the minor permit modification application no less than twenty-one (21) days after filing a complete application with the commissioner, unless the commissioner notifies the applicant prior to the end of the twenty-one day period that the modifications may not be implemented until such time as defined by the commissioner in the notification. If twenty-one days have passed since filing a complete application and the commissioner has not notified the permittee, the permittee shall comply with the terms and conditions of the proposed modified permit and the terms and conditions of the existing permit that are not being modified, until the commissioner issues or denies the proposed modified permit.
 - (D) * * *
 - (E) A minor permit modification to a permit issued pursuant to section 22a-174-3a of the Regulations of Connecticut State Agencies or former section 22a-174-3 of the Regulations of Connecticut State Agencies shall include the demonstration required by sections 22a-174-3a(d)(3)(B) and (C) of the Regulations of Connecticut State Agencies.
- (4) With respect to an application for a new source review minor permit modification, under subdivision (1) of this subsection, to a permit issued pursuant to section 22a-174-3a or former section 22a-174-3 of the Regulations of Connecticut State Agencies, the existing permit terms and conditions of the permit sought to be modified remain in full force and effect if the modification that is the subject of the application is determined by the commissioner to require a non-minor permit modification.
- (5) * * *
- (6) Notwithstanding the requirements of subsections (b) and (c) of this subsection, the commissioner may modify a * * * new source review permit under this subsection without published notice, public comment, or hearing.

- (7) The commissioner may modify a new source review permit in accordance with this section, section 22a-174-3a of the Regulations of Connecticut State Agencies, and section 22a-174c of the Connecticut General Statutes.

Note – EPA did not incorporate-by-reference section 22a-174-2a (e)(3)(D).

Note – EPA did not incorporate-by-reference section 22a-174-2a (e)(5)(A) through (F).

Note – EPA did not incorporate-by-reference reference to “Title V permit” in section 22a-174-2a (e)(6)

(f) Permit Revisions

- (1) Exemptions. The owner or operator of a stationary source may perform the activities described in sections 22a-174-3a(a)(2)(A)(i) to (iii) and 22a-1743a(a)(2)(E) to (C) of the Regulations of Connecticut State Agencies unless otherwise restricted by any provision of such permit or an order of the commissioner.
- (2) The permittee of any stationary source for which the commissioner has issued a permit pursuant to * * * section 22a-174-3a of the Regulations of Connecticut State Agencies, or former section 22a-174-3 of the Regulations of Connecticut State Agencies shall submit a written request for a permit revision, for the purposes of:
 - * * * (A) through (F) Removed from the SIP, see Final Rule published 09/05/2023 (88 FR 60591)
 - (G) Implementing a fuel conversion described in section 22a-174-3a(a)(2)(A)(iii), (iv) or (v) of the Regulations of Connecticut State Agencies.
- (3) Notwithstanding the requirements of subsections (b) and (c) of this section, the commissioner may revise a permit under this subsection without published notice, public comment, or hearing.
- (4) Except as provided in subdivision (2) of this subsection, upon submitting to the commissioner a written request for a permit revision under this subsection, a permittee may make changes as set forth in such request.
- (5) * * *

* * *

Note – EPA did not incorporate-by-reference section 22a-174-2a (f)(2)(F).

Note – EPA did not incorporate-by-reference section 22a-174-2a (f)(5) and (f)(6).

Note – EPA did not incorporate-by-reference section 22a-174-2a (g)(1) and (2).

Note – EPA did not incorporate-by-reference section 22a-174-2a (h)(1) through (3).

Note – EPA did not incorporate-by-reference section 22a-174-2a (i)(1) through (3).