**Response to informal comments from SIPRAC**

**RCSA Section 22a-174-4**

**March 2021**

**Background**

Section 22a-174-4 of the Regulations of Connecticut State Agencies (RCSA) regulates source monitoring in Connecticut. Things have changed at the federal and state level since the promulgation (1989) and amendment (2004) of RCSA section 22a-174-4. Last year a small internal group (workgroup) was created to update the current section 4. The workgroup identified different areas of improvement for section 4 and proposed changes to advance this regulation. Members of the State Implementation Plan Revision Advisory Committee (SIPRAC) were invited to provide informal comments on the draft section 4. The deadline to submit informal comments was defined as February 26, 2021. Informal comments were received from one individual from SIPRAC, Mr. Robert Silvestri. Mr. Silvestri was involved with SIPRAC in the early 2000s concerning revisions to RCSA section 22a-174-4 that ultimately resulted in the April 2004 amendment.

**Informal comments and DEEP’s responses**

Mr. Silvestri submitted the following informal comments via e-mail on February 1, 2021.

**Comment #1**

The definition of “diluent” seems inappropriate, unless this happens to be borrowed from another CTDEEP section or an EPA regulation. “Diluent” to me means a substance that is used to dilute something as opposed to being a gaseous pollutant that requires measurement. Some CEM systems use a diluent gas to dilute the extracted gaseous mixture to a level that can be readily analyzed without interference or scale exceedances. I’m not sure at this point what a more appropriate word be, short of “gaseous pollutant or constituent” but did want to bring that to your attention. And, of course, the April 2004 version did not have a definition of “diluent.”

**DEEP’s response**

In the CEMS industry, diluent gas has historically referred to oxygen (O2) and carbon dioxide (CO2), and this meaning is generally understood by the air pollution control and regulatory entities. We believe the proposed definition is clear in this context, and we are planning to move forward with this definition as proposed.

**Comment #2**

There’s a minor typo under (a) Definitions, (8) Out-of-control period:  in the third line it states in part, “...the data has been....”. It should be “...the data have been....” as “data” is plural.

**DEEP’s response**

Thank you for the observation. We will make the correction in the next version of the draft.

**Comment #3**

Under (e) Monitoring plan, the following appears twice: {date}. I’m not sure what the reference is supposed to be.

**DEEP’s response**

The “{date}” reference indicates a date, to be inserted in the future, by the time of notice of the proposed rule, by which an action from the owner or operator of a source is needed. At this moment it is difficult to set specific dates because of the uncertainty associated with the amount of time the regulatory process for this proposal will take to complete. We will have a better estimate to define these dates by the time of public notice.

**Comment #4**

Under (e)(4), does a monitoring plan need to be submitted after the effective date of this amendment if no changes to the source monitoring plan were made or needed?

**DEEP’s response**

Yes. The Department would like to obtain initial or revised monitoring plans for all owners or operators of CEMS or COMS in Connecticut since not all sources have a monitoring plan reviewed by the Department. This initial or revised monitoring plan will replace any previously submitted monitoring plan.

**Comment #5**

Under (i) Reporting, if Audit Reports in (3) and Quarterly Reports in (4) are due at the end of each calendar quarter, can such reports be somehow combined into one form to minimize the number of submittals?

**DEEP’s response**

The reports mentioned in sections 4(i)(3) and (4) shall be submitted to the Department within ***30 days after*** ***the end of each calendar quarter***; however, each report shall be submitted to a different group/inbox of the Department. For example, all QA/QC audit reports (other than RATAs) shall be emailed to the Source Emissions Monitoring Group at [DEEP.QAQCReports@ct.gov](mailto:DEEP.QAQCReports@ct.gov); and all other required reports (Quarterly CEM Summary and Excess Emission Report) shall be emailed to the Compliance Analysis and Coordination Unit at [DEEP.CACU@ct.gov](mailto:DEEP.CACU@ct.gov). The reports should not be combined into one submittal.

**Comment #6**

Also, under (i) in (5) and (6), the submittal dates of 60 days prior and 45 days prior appear hard and fast with no ability for exceptions.  While it’s been years since I worked with CEM and COM systems, I did have instances where source equipment was not operated on a daily basis, being more subject to operation by power pool needs. In such instances, we were unable to predict 60 days and/or 45 days in advance as to whether the source would be in operation for proposed tests. We were able to approach the Department to discuss non-continuous operation of sources and were able to mutually agree on shorter notification times to be able to complete the required testing without having to force sources to come on. There should be an alternate notification procedure within these sections to account for non-continuous source operations, to add some flexibility without having to force sources to be in operation.

**DEEP’s response**

The Department understands your concern and agrees with you in the sense that there may be legitimate reasons that prevent an owner or operator of a source from providing the Department with the required notice for a proposed test or audit or from timely submitting a required report. However, there are also reasons that are not a legitimate cause for a delay or missed deadline. We understand you would like the Department to add specific language to allow for some flexibility with respect to certain deadlines included in this regulation. However, the Department does not see the need for such additional and new language, and DEEP will continue to handle these situations as a matter of enforcement discretion on a case-by-case basis.