



**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION
OFFICE OF ADJUDICATIONS**

IN THE MATTER OF : **APPLICATION
NO. 2023082363**

**ALGONQUIN GAS TRANSMISSION, :
LLC – CHAPLIN** **FEBRUARY 14, 2025**

HEARING OFFICER REPORT

**I.
PETITION FOR HEARING**

On October 3, 2024, the Office of Adjudications received a request for an Informational Public Hearing on the application filed by the Algonquin Gas Transmission, LLC (Algonquin Gas Transmission) pursuant to relevant statutes and regulations for a Title V permit. This report summarizes the public process that ensued in this matter.

**II.
HEARING AND COMMENTS**

The informational public hearing occurred on December 12, 2024, at 6:30 PM via the Zoom platform. Presentations were made by Algonquin Gas Transmission and the Department of Energy and Environmental Protection (DEEP) on the proposed work and how that work will be conducted within environmental standards. Public comments followed and the deadline for written comments was December 19, 2024. On February 13, 2025, DEEP staff issued a Comment Response Memorandum, which can be found attached to this report (hereinafter “Attachment I”).



III. CONCLUSION

This is not a contested case, and no proposed or final decision on the permit issuance is required. This report confirms the conclusion of the informational hearing process concerning the above-captioned application.

A handwritten signature in black ink that reads "Kathleen W. Reiser".

Kathleen W. Reiser, Esq.
Hearing Officer
Dated: February 14, 2025

cc: Service List

MEMORANDUM

Attachment I

TO: Jaimeson Sinclair, Director
Application No.: 202308236
Date Received: October 27, 2023

FROM: Christina Kielczewska, APCE II
Lakiesha S. Christopher, Supervising APCE

DATE: January 17, 2025

SUBJECT: Final Permit Signature for a Renewal of Title V Permit No. 034-0004-TV; Algonquin Gas Transmission, LLC, Chaplin, Connecticut

DISCUSSION:

On September 27, 2024, Algonquin Gas Transmission, LLC (Algonquin) was issued a tentative determination to approve the Title V permit renewal for the Chaplin Compressor Station located at 539 Tower Hill Road, Chaplin. The public notice was published in the Chronicle on October 2, 2024. The 30-day comment period ended on November 1, 2024. The 45-day EPA review period ended on November 16, 2024. The Notice of Tentative Determination Fee Payment was received on October 7, 2024. No comments were received from the applicant or EPA.

The Department (DEEP) received a hearing request during the comment period on October 3, 2024. On November 9, 2024, DEEP published a notice of a public informational hearing to be held on Thursday, December 12, 2024, at 6:30 p.m. through Zoom, an online internet meeting platform. The Public Notice Fee Payment was received on November 8, 2024.

DEEP accepted comments on the proposed Title V permit until the close of business on December 19, 2024.

- Public Informational Hearing: DEEP heard oral comments from 8 speakers on the record. All of the speakers were against the project.
- DEEP received 35 written comments from the public. 34 of the comments were against the project. 2 of the comments were in support of the project.
- No comments were submitted by Algonquin/Enbridge.

The written and oral comments are attached for reference and can be found on the Air Bureau's electronic archive: [["D:\Archives for Title V Program\Algonquin Gas Transmission Company\Chaplin\2024 Renewal\Hearing\Comments"](#)]. The written comments from the public are referenced as comment numbers 1-35, while the oral comments are referenced as OC1-OC8 [See Appendix A for a list of commenters]. The comments and the responses are listed below. Where appropriate, comments were grouped according to topic.

RESPONSE TO COMMENTS

Comment 1:

Many commenters stated that DEEP must amend the draft permit to include forthcoming obligations from the New Federal Methane Regulations (40 CFR Part 60 Subpart OOOOc). [*Commenters 1, 2, 3, 4, 5, 10, 12, 13, 16, 18, 31, 32, 33, 34, 35, OC2*] and DEEP must not delay in preparing a plan to implement the rule. [*Commenters 9, 11, OC2*]

Response 1:

On March 8, 2024, EPA finalized 40 CFR Part 60 Subpart OOOOc under Section 111(d) and Subpart Ba of the Clean Air Act, which mandates reductions in methane emissions from existing oil and gas infrastructure. The final rule became effective on May 7, 2024. States have 24 months from the publication of the rule to submit a State Implementation Plan (SIP) that incorporates its requirements. The EPA will review the plan for completeness and act on it within 12 months, following the guidelines in Subpart Ba. Compliance with the rule must be achieved “as expeditiously as practicable,” but no later than 36 months after the state plan submission deadline. The SIP must include enforceable progress milestones for each facility to ensure timely compliance.

To align with the 36-month compliance requirement, the EPA has established two key timelines for state plans:

1. A final compliance control plan, due no later than 28 months after the state plan submission deadline.
2. A Notification of Compliance report, due within 60 days after the state plan’s compliance date.

As Connecticut’s deadline for submitting its state plan is in early 2026, there are no new requirements to be added to the Title V permit at this time. Connecticut plans to meet the 2026 deadline unless otherwise noted, or before the deadline as time allows. As such, applicable requirements from this regulation will be included in the permit at the time of its next renewal.



Source: Overview of EPA’s Final Rule to Reduce Methane and Other Harmful Pollution from Oil and Natural Gas Operations: Emissions Guidelines (EG) Licensed images NACAA & AAPCA, March 7, 2024

Comment 2:

Commenters are concerned about the timeframe covered by the renewed Title V permit for Chaplin due to the compressor station being required to come into compliance with federally enforceable methane standards under OOOOc during the 5-year period.

Response 2:

The absence of a future applicable requirement in the Title V permit does not exempt the source from complying with the rule when it takes effect. The source has to comply with the rule regardless of whether it’s in the TV permit yet or not. As such, the Chaplin Compressor Station will be required to come into compliance with OOOOc on the effective dates. Algonquin will be required to modify the Title V Permit to incorporate these applicable requirements once a State Plan or Federal Plan implementing the emissions guidelines of OOOOc is promulgated.

Comment 3:

Several commenters noted that Greenhouse Gas Emissions from the facility have exceeded 50,000 metric tons per year of CO₂e in recent years and the permit would allow the facility to emit up to 35,800 tons per year of greenhouse gas emissions, exceeding the waste emission charge threshold of 25,000 tons established by the Methane Emissions Reduction Program (MERP, 2023). Therefore, there should be some language regarding MERP in the permit. [Commenters 1, 2, 3, 4, 5, 8, 10, 11, 12, 13, 14, 16, 17, 18, 29, 31, 32, 33, 35, OC2] One commenter expressed there is a lack of methane emissions data in the permit. [Commenter 7]

Response 3:

Under the Title V air permit program, the Greenhouse Gas (GHG) Reporting program outlined in 40 CFR Part 98 is not an “applicable requirement” specified in RCSA 22a-174-33(a)(2) because 40 CFR Part 98 was enacted after the Title V requirements under RCSA 22a-174-33 were adopted. As such, the requirements of 40 CFR Part

98 are not included in this Title V permit renewal. However, Algonquin is still required to comply with all requirements of 40 CFR Part 98 to which they are subject even if those requirements fall outside the Title V air permit program. Algonquin is required to report annual GHG emissions, including methane. GHG emissions from the facility are reported directly to the EPA and that information can be accessed via the EPA's [Facility Level Information on GreenHouse gases Tool \(FLIGHT\)](#). Should Algonquin's GHG emissions exceed the thresholds set by the Mandatory GHG Reporting Program (MERP), Algonquin must adhere to the Waste Energy Control (WEC) measures established by the program. The MERP is administered by EPA and has not been delegated to states to administer or enforce. For additional question on the MERP please contact merp@epa.gov.

Comment 4:

Many commenters expressed their desire for advance notification before “blowdown” events occur, in which the facility releases a large amount of gas at once, which can sound like an explosion and leave a smell of gas in the air.

[Commenters 2, 5, 6, 8, 11, 14, 16, 18, 24, 25, 31, 32, 33, 35, OC1, OC2, OC3, OC4, OC6, OC8]

Response 4:

For purposes of the Title V air permit program, there are no “applicable requirements” as defined in RCSA 22a-174-33(a)(2) that would require advance notification before a blowdown event occurs and therefore is not included in this Title V renewal.

In correspondence with the Department, dated September 10, 2024, Algonquin asserts that they currently provide gas release notification to Town Officials, Town Emergency Response Personnel, and adjacent landowners in each of the towns in which the compressor stations operate. Such notifications concern scheduled/unscheduled gas releases, as well as upcoming pipeline integrity management projects, including but not limited to wetland crossings and soil remediation activities. Algonquin states it intends to continue to proactively notify Town Officials, Town Emergency Response Personnel, and adjacent landowners in advance of any scheduled gas release event at any compressor station that is expected to result in the release of more than 85,000 standard cubic feet (scf) of natural gas. Algonquin will also notify the aforementioned parties within two business days following any unscheduled gas release event at the compressor stations that results in the release of more than 85,000 scf of natural gas.

Comment 5:

Several commenters were concerned with the effects from this plant's Greenhouse Gas emissions and find the continued operation of the facility inconsistent with Connecticut's Climate Goals to reduce greenhouse gas emissions by 80% by 2050 and achieve 100% carbon-free electricity by 2040.

[Commenters 1, 2, 4, 5, 9, 11, 12, 13, 14, 16, 18, 24, 27, 32, 33, 34, 35, OC3, OC5]

Response 5:

DEEP is committed to reducing the emissions of greenhouse gas (GHG) across all economic sectors. DEEP fulfills that commitment through a variety of policy initiatives, including the DEEP's promotion of incentives for zero-emission vehicles, implementation of the energy efficiency programs contained in the Conservation and Load Management Plan submitted by gas and electric utilities, administration and enforcement of the Renewable Portfolio Standards, participation in the Regional Greenhouse Gas Initiative, requirements to better manage solid waste to reduce the potential for methane formation, and various other policies.

Connecticut's Global Warming Solutions Act of 2008 (GWSA) requires DEEP to recommend regulations, policies, and other actions necessary to show reasonable progress towards achieving the greenhouse gas emission reductions specified. Neither the GWSA nor its implementing statutes include explicit legal authority to deny the proposed permit renewal.

The Department's [Integrated Resource Plan](#) (IRP, October 2021) outlines the Zero Carbon pathway for Connecticut. The IRP discusses the reality that fossil fuel power generation will be needed, primarily for backup power to have a reliable electrical grid in the future. In 2022, DEEP released a [Procurement Plan Update](#) to the IRP. The Plan includes a review of contingencies and changed conditions since the 2020 IRP and a revised procurement schedule of electricity supply resources, including procurements for solar resources, transmission and distribution-connected front of the meter energy storage, and anaerobic digestion facilities.

The continued use of fossil fuel power generation is primarily due to the Independent System Operator of New England (ISO-NE) requiring sufficient reserves to meet high demand, which renewable generation (solar and wind primarily) along with storage is acknowledged as not being able to meet in future years. Therefore, the renewal of the Title V Permit for the facility is not in conflict with the State's goals of meeting the Zero Carbon goal by 2040.

Comment 6:

Several commenters stated that Algonquin will not self-report violations of their permit conditions, and as such DEEP must invest in independent air quality monitoring around the Chaplin facility, as well as conduct regular and random inspections. Monitoring should be real-time and be made available to the public.

[Commenters 1, 3, 4, 5, 6, 7, 8, 9, 11, 13, 14, 17, 18, 19, 20, 25, 27, 29, 30, 31, 32, 33, 34, 35, OC1, OC2, OC3, OC4, OC5, OC6, OC7]

Another commenter stated: "The Sierra Club, commissioned a health study on another compressor station in Connecticut earlier this year, and that study gathered evidence from different studies showing the real health impacts of these facilities, and also that the modeling based on just the equipment isn't actually enough to show the true impact of these facilities. For example, there's something called blowdowns at gas compressor stations, where they release a huge amount of gas in one moment. I didn't see these mentioned in the permit. I think residents deserve to have a notice of when those blowdowns are, and that the real time emissions from those blowdowns are measured and calculated." *[OC1]*

Response 6:

A permittee is required to comply with their permits at all times and DEEP includes sufficient monitoring, record keeping, and reporting requirements in the permit to ensure compliance. The facility's NSR permits require the performance of periodic emissions testing. The Department witnesses, as well as audits emissions tests in the field to sample and measure the direct emissions from the turbines. Violations of permit conditions are taken very seriously by DEEP and can include monetary penalties, in addition to criminal charges when warranted.

As a Title V source, facility inspections are performed by DEEP at least once every two years. DEEP's inspection reports are available to the public through a Freedom of Information Act (FOIA) request. The Title V program requires permittees to submit quarterly and annual reports on emissions, and pay emissions fees based on actual emissions. These reports are verified through inspections and internal review by DEEP.

In regards to notifications of blowdowns, see comment/response 4.

In regards to air quality monitoring, DEEP maintains ambient air monitors throughout the state and EPA has determined that these monitors are sufficient to monitor the background concentrations of various pollutants to determine the state's compliance with the National Ambient Air Quality Standards (NAAQS). During processing of the source's underlying New Source Review permits, air emissions modeling was conducted to determine the impact on air quality. This type of modeling conservatively determines the impact from the source for multiple locations and operating scenarios. Furthermore, a fixed analyzer monitor can only determine concentrations at the single point where it is located and may miss the source plume.

DEEP supports community-based air quality monitoring efforts by advising and assisting on prospective projects. An air quality sensor loan program is currently being developed with the goal of providing select air quality sensors to help communities build their programs. More information on DEEP's community-based air quality monitoring efforts can be found here: <https://portal.ct.gov/deep/air/monitoring/community-monitoring>.

Comment 7:

Several commenters expressed opposition to fossil fuel expansion. Commenters believe the facility should be phased out in favor of alternative energy systems, and as such DEEP should establish a timeline for shutting down the facility.

[Commenters 2, 6, 8, 9, 18, 28, 32, 33, 34, OC3]

Response 7:

There is no equipment being added to the facility as a part of this Title V Permit renewal.

The Public Utilities Regulatory Authority (PURA) supports sustainable and renewable energy sources through the Connecticut Renewable Portfolio Standard (RPS), which were expanded to require that 40% of retail electricity sales come from Class I renewable generation sources by 2030. DEEP has executed eight grid-scale renewable energy procurements since 2011, resulting in 433 MW Class I renewable sources that are currently operational with more in development. In order to continue making progress towards the state's GHG emissions reduction targets, diversify fuel sources, and improve electric reliability, DEEP continues to conduct procurements for grid-scale renewable and zero carbon energy sources to meet the 2030 GHG reduction goal <https://portal.ct.gov/deep/energy/grid-scale-procurements>. Finally, the Governor's Council on Climate Change (GWSA) has been tasked with guiding the state to achieving a 45% reduction from 2001 GHG emission levels by 2030 and a zero carbon retail supply of electricity by 2040 <https://portal.ct.gov/deep/climate-change/gc3/governors-council-on-climate-change>. However, the GWSA, under which the GHG emission reduction targets are set, is not an "applicable requirement" as defined in RCSA 22a-174-33(a)(2) and thus it cannot be used as justification for creating a shutdown timeline for the facility or denying the renewal of its Title V Permit.

The State of Connecticut also helps to promote conservation and the deployment of renewable energy through the Connecticut Green Bank, which has programs to provide assistance to these aims for Connecticut homeowners, building owners, multifamily housing, residential contractors, commercial contractors, towns, and cities, and capital providers. <https://www.ctgreenbank.com/>

Connecticut shares an electric grid with the five other New England states: Rhode Island, Massachusetts, Maine, New Hampshire, and Vermont. The New England grid is a network of power plants, and transmission and distribution lines, operated by ISO-NE, that can deliver electricity generated at those plants to customers around the region. As mentioned above, ISO-NE requires sufficient reserves to meet high demand, which renewable generation along with storage is acknowledged as not being able to meet in future years. To meet long-term resource adequacy (reliability) requirements, some fossil-fueled generation must be retained to ensure that there are enough resources that can quickly produce power during periods of extreme peak demand in the region, or if a resource suddenly goes offline. [See System Planning \(iso-ne.com\) for more information on ISO-NE's system planning efforts for ensuring reliability across the New England region.](#)

Comment 8:

Many commenters expressed concern about the Environmental Justice (EJ) process not being followed, and felt that residents were not properly notified, and expressed that DEEP must protect Chaplin as an Environmental Justice Community.

[Commenters 2, 3, 7, 11, 12, 17, 25, 29, 31, OC1, OC3, OC4, OC5, OC6]

Response 8

DEEP strives for environmental equity in all of its program development and implementation, policy making, and its regulatory activities per its [Environmental Equity Policy](#). It is also DEEP's core mission to protect the environment and the people living within. As part of its efforts to promote environmental equity, DEEP has established the Connecticut Equity and Environmental Justice Advisory Council (CEEJAC) which is an advisory council to the Commissioner of DEEP on issues related to current and historic environmental injustice

and inequities across the state. The council was established through Governor Lamont's Executive Order 21-3, which was signed in 2021.

The council:

- Integrates environmental justice considerations into DEEP's programs, policies, and activities in order to improve the health and environment of EJ Communities (including rulemaking, permitting standards and processes, compliance and enforcement, science and data, and equitable program implementation),
- Provides mechanisms for EJ Communities to meaningfully participate in the placement or expansion of certain facilities in their communities,
- Develops a plan for community engagement and stakeholder outreach, and
- Strengthens DEEP's partnerships with government agencies, other states, tribes, local governments, and community leaders regarding EJ issues.

There are also subcommittees which meet, one of which meets to discuss issues related to air and transportation.

The Environmental Justice Program incorporates principles of environmental justice into aspects of DEEP's program development, policy making, and regulatory activities and actively seeks ways to assist communities by responding to needs that they identify. Another way DEEP serves to protect its EJ communities is through the implementation of Environmental Justice Public Participation Plans ["EJ Plans"]. All applicants for new or expanded permits for Affecting Facilities, defined in Section 22a-20a of the Connecticut General Statutes (CGS), within an Environmental Justice Community must file a meaningful EJ Plan. Applicants establishing a new affecting facility; applicants adding a new emission unit or units at an existing affecting facility resulting in fifteen (15) tons or more per year of any individual air pollutant, ten (10) tons or more per year of any one hazardous air pollutant, or twenty-five (25) tons of hazardous air pollutant in aggregate; applicants modifying an existing emission unit or units at the affecting facility that increases emissions of any individual air pollutant by fifteen (15) tons or more per year, any hazardous air pollutant by ten (10) tons or more per year, or total hazardous air pollutants by twenty-five (25) tons per year would need to establish EJ plans. When a plan is required, applicants must receive approval of the plan before filing any application for permit, certificate, or approval. This requirement ensures that affected stakeholders have an opportunity to share their input before any projects that have the potential to impact the environment move forward. Additionally, CGS section 221-20a states that, for any application for an affecting facility that constitutes a new or expanded permit, and that is located or proposed to be located in an Environmental Justice community, the applicant shall enter into a Community Environmental Benefit Agreement (CEBA) with the municipality if there are five or more affecting facilities in such municipality at the time the application is filed.

The Chaplin Compressor Station is an affected facility located in an EJ community; however this permit renewal is not a new permit nor does it constitute an expansion of the permit for operations at the facility. Thus, an EJ plan and EJ notice procedures were not required.

As specified earlier in this document, on September 27, 2024, Algonquin was issued a tentative determination to approve the Title V permit renewal for the Chaplin Compressor Station. Notice of that tentative determination was published in the Chronicle on October 2, 2024, posted on the DEEP website, sent to the First Selectman of Chaplin, and sent to nearby affected states and tribal officials. As such, the standard notice schedule and procedure was followed as for other Title V Permit renewals.

Comment 9:

Many commenters expressed that Algonquin/Enbridge should be required to educate the public about the health risks associated with being near the compressor station.

[Commenters: 14, 18, 25, 34, OC5]

Response 9:

For purposes of the Title V air permit program, there are no "applicable requirements" as defined in RCSA 22a-174-33(a)(2) that would allow this requirement to be incorporated into the Title V Permit, and thus, it is not included in this Title V renewal.

Comment 10:

Many commenters brought forth the following issues:

- Fossil fuel corporations cannot be trusted based on historic and some recent events [Commenters: 3, 6, 12, OC1, OC2, OC3]
- Concerns on health and well-being [Commenters: 21, 22, 23, OC3, OC5, OC6, OC7]
- Threats of storms [Commenter 24]

Response 10:

Prior to tentative determination, the applicant's compliance record was reviewed under the Department's Environmental Compliance History Policy. Nothing was found in that check that indicated the need to deny the renewal of the permit.

DEEP appreciates all comments received during the public comment period. The general comments mentioned above are noted for the record; however, they are outside of the scope of this specific permitting action for a Title V permit renewal for this facility.

RECOMMENDATION:

After reviewing all of the comments received, it is recommended that Permit No. 034-0004-TV be issued to Algonquin Gas Transmission, LLC.

/s/ Christina Kielczewska
Christina Kielczewska, APCE II

01/27/2025
Date

REVIEW:

Lakiesha Christopher
Lakiesha S. Christopher, SAPCE

1-28-2025
Date

Appendix A
List of Commenters

Written Commenters

- | | |
|-----------------------------|---|
| 1. Sandy Tosi | 2. Chase Linderman (Save the Sound, Inc.) |
| 3. Joseph Wasserman | 4. Kerry Swift |
| 5. Douglas Clark | 6. Aiyana Wazer |
| 7. Kathy VanDuzee | 8. Melissa Leonard |
| 9. Pamela Krauss | 10. Nick Katkevich (Sierra Club) |
| 11. Ian McDonald | 12. Martha Klein (Sierra Club) |
| 13. Claudia Allen | 14. Janet Bellamy |
| 15. William L. Jenkins | 16. Yann van Huerck |
| 17. David & Marge Schneider | 18. Susan Eastwood |
| 19. Charlie Weedon | 20. Sterling Bobbitt |
| 21. Jeanette Haines | 22. Ann Chuk |
| 23. Leslie Ricklin | 24. Len Yannielli |
| 25. Kate Donnelly | 26. Jeremiah Rufini |
| 27. Marianne V. McNallen | 28. Liz Bradt |
| 29. Royal S. Graves | 30. Adele Swart |
| 31. Sydney Collins | 32. Jeremy Schwartz |
| 33. Juliette | 34. Jennifer Heuchert-Mason |
| 35. Alexander Petals | |

Hearing Commenters

- | | |
|-----------------------------------|---------------------------------|
| OC1. Nick Katkevich (Sierra Club) | OC2. Martha Klein (Sierra Club) |
| OC3. Sena Wazer | OC4. Ian McDonald |
| OC5. Roman Jamieson | OC6. Kate Donnelly |
| OC7: Tai Michaels | OC8. Melinda Tuhus |