



October 17, 2024

RE: Clarification of certain phase 2 testing obligations under RCSA § 22a-174-22e

To owners and operators of emission units subject to reasonably available control technology (“RACT”) requirements for nitrogen oxides (“NOx”):

Through this note, the Connecticut Department of Energy and Environmental Protection (“DEEP”) clarifies certain emission testing obligations under phase 2 of Connecticut’s NOx RACT program. The guidance that follows specifically addresses the timing of phase 2 emission testing for existing emission units that are subject to a NOx emission limitation in RCSA § 22a-174-22e. An “existing emission unit” is one for which construction commenced prior to December 22, 2016. RCSA § 22a-174-22e(a)(15).

1. With respect to existing emission units that are not subject to periodic NOx testing under a federal New Source Performance Standard (“NSPS”) and are not equipped with a continuous emission monitoring system (“CEMS”) for NOx – the first phase 2 NOx test must be conducted between May 31, 2023, and June 1, 2025, with subsequent testing due at least once every 63 months. RCSA §§ 22a-174-22e(1)(1)(A), (1)(2), and (1)(5).
2. With respect to existing emission units that are subject to periodic NOx testing under a federal NSPS (e.g., 40 CFR Part 60, Subpart KKKK, among others) – periodic NOx testing must be performed in accordance with such NSPS. If the applicable NSPS does not specify a periodic NOx testing frequency, refer to section 1 of this note. RCSA §§ 22a-174-22e(1)(1)(B), (1)(1)(C), (1)(2), and (1)(5).
3. With respect to existing emission units equipped with a NOx CEMS that is operated in accordance with RCSA § 22a-174-4a and 40 CFR Part 60 or 75, as applicable – such CEMS must be calibrated, maintained, and operated in accordance with RCSA § 22a-174-4a and 40 CFR Part 60 or 75, as applicable; the Department does not expect that separate NOx testing be performed outside of the quality assurance testing required under the aforementioned regulations (NSPS General Provisions or Acid Rain Program, as applicable). RCSA §§ 22a-174-22e(1)(1)(D) and (m). For the purposes of NOx RACT emission testing applicability, a NOx CEMS is one with a quality-assured/controlled NOx analyzer; parametric monitoring systems or alternative monitoring systems (e.g., under 40 CFR Part 75, Appendix E) would not qualify as a NOx CEMS in this context.

If you have any question regarding this guidance, please contact Rickey Bouffard, Assistant Director, Air Enforcement Division, at rickey.bouffard@ct.gov.

Thank you,

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Director, Air Enforcement Division