

**Notice of Intent to Revise the State Implementation Plan for Air Quality:
Reasonably Available Control Technology Analysis under the
2008 8-Hour Ozone National Ambient Air Quality Standard Reclassification to
Serious Nonattainment and the
2015 8-Hour Ozone National Ambient Air Quality Standard Initial Classification;
Certification of Adequacy of the Connecticut State Implementation Plan to Satisfy the
Nonattainment New Source Review Requirements of the Clean Air Act for the
2008 8-Hour Ozone National Ambient Air Quality Standard Reclassification to
Serious Nonattainment and the
2015 8-Hour Ozone National Ambient Air Quality Standard Initial Classification**

The Commissioner of the Department of Energy and Environmental Protection (DEEP) hereby gives notice of intent of two revisions to the State Implementation Plan (SIP). The first SIP revision addresses sections 182 and 184 of the Clean Air Act (CAA) with respect to reasonably available control technology (RACT) for the reclassification of Connecticut to serious nonattainment for the 2008 ozone national ambient air quality standard (NAAQS) and the initial nonattainment designations for the 2015 ozone NAAQS. DEEP's most recent RACT SIP was submitted on July 17, 2014 for the initial designations under the 2008 ozone NAAQS, and this analysis recognizes source emissions and regulatory requirements that have changed since the 2014 submission. In addition, the RACT SIP revision addresses reasonably available control measures (RACM) for the reclassification of Connecticut to serious nonattainment for the 2008 ozone NAAQS.

The second SIP revision certifies the adequacy of the SIP to satisfy the nonattainment new source review (NSR) permitting requirements of the CAA for the reclassification to serious nonattainment for the 2008 ozone NAAQS and the initial nonattainment designations for the 2015 ozone NAAQS.

Both of the above-mentioned SIP revisions will be submitted to the U.S. Environmental Protection Agency (EPA) for review and approval. Descriptions of each SIP revision are as follows:

RACT/RACM Analysis under the 2008 and 2015 8-Hour Ozone NAAQS. DEEP is required to adopt RACT for (1) all volatile organic compound (VOC) sources covered by a control techniques guideline (CTG); and (2) all major non-CTG sources of nitrogen oxides (NO_x) and VOC. For the purposes of this analysis, a major source is one emitting or with the potential to emit 50 tons per year of NO_x or VOC. As Connecticut recently addressed RACT requirements for the 2008 NAAQS and, despite a classification of only marginal, adopted new RACT regulatory requirements, DEEP identifies no RACT deficiencies for the 2015 ozone NAAQS or the reclassification to serious nonattainment under the 2008 ozone NAAQS. Thus, DEEP certifies that previously adopted controls approved into the SIP by EPA represent RACT for the 2015 ozone NAAQS and the reclassification to serious nonattainment for the 2008 ozone

NAAQS. In addition, DEEP states that RACM have been implemented with respect to the serious nonattainment reclassification under the 2008 ozone NAAQS.

One element of the RACT SIP revision is a case-by-case RACT order, namely Consent Order No. 8377, issued to Connecticut Jet Power LLC, Devon Power LLC, Middletown Power LLC, and Montville Power LLC (collectively, NRG Connecticut) on March 10, 2020. Consent Order No. 8377 establishes Phase 2 case-by-case NO_x RACT emissions limits for Devon 10, Middletown 10, Branford 10, Torrington Terminal 10, Franklin Drive 10, Montville 10 and Montville 11 in accordance with section 22a-174-22e(h) of the Regulations of Connecticut State Agencies (RCSA). Each one of the listed emission units is a combustion turbine electricity generating unit owned and operated by NRG Connecticut. To realize a net air quality benefit, Consent Order No. 8377 requires the Parties, all of which are associated with NRG Energy, to install NO_x controls on Middletown Unit 4, Montville Unit 5 and Montville Unit 6 (three gas and/or residual oil fired electricity generating, utility boilers) and reduce emissions from those units to levels lower than required during the Phase 1 compliance period as well as retire 250 banked discrete emission reduction credits.

The SIP revision also includes an overview of RACT implementation in Connecticut under previous ozone NAAQS; a description of state, regional and federal measures to reduce ozone precursor emissions; a review of Connecticut's requirements for CTG sources including a negative declaration for the oil and natural gas industry CTG; and an identification and analysis of Connecticut's major non-CTG sources of NO_x and VOC.

Adequacy of the Nonattainment NSR Permitting Requirements. DEEP is required under CAA Section 182 to have a permit program for the construction and operation of each new or modified major stationary source in an ozone nonattainment area. The permit program requirements must be maintained as required by EPA in regulation. Connecticut has an existing statewide NSR permit program. DEEP certifies that its existing nonattainment NSR requirements in RCSA sections 22a-174-1 and -3a satisfy the requirements of CAA section 182 and 40 Code of Federal Regulations (CFR) 51.165 for the 2008 ozone NAAQS reclassification to serious nonattainment and the 2015 ozone NAAQS initial classifications of marginal/moderate nonattainment. The SIP revision consists of a list of the Connecticut regulatory requirements that satisfy the requirements of 40 CFR 51.165.

Written comments. Interested persons are invited to comment on the proposal. Comments should be submitted no later than 4 pm on September 30, 2020 via electronic mail to Merrily Gere at merrily.gere@ct.gov.

Public hearing. In addition to accepting written comments, DEEP will also hold a public hearing, only upon request, on September 29, 2020. A request to hold the hearing may be made by any person by electronic mail to merrily.gere@ct.gov. Such a request must be made by 4:00 PM on September 10, 2020. If no request for a hearing is received on or before September 10, 2020, the hearing will be cancelled. Information on the status of the hearing, and details concerning the hearing format and timing, if it is not cancelled, will be posted on DEEP's website at [Public Notices: Proposed State Implementation Plan Revisions](#) as of September 15, 2020. Questions concerning the cancellation of the public hearing may be directed to merrily.gere@ct.gov or 860-692-8544.

Additional information. The SIP revisions described above are posted on the DEEP website at [Public Notices: Proposed State Implementation Plan Revisions](#). For further information, contact Merrily Gere of the Bureau of Air Management by electronic mail to merrily.gere@ct.gov.

DEEP is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act. Any person with a disability who may need a communication aid or service may contact DEEP's ADA Coordinator at 860-424-3194 or at deep.hrmed@ct.gov. Any person needing a hearing accommodation may call the State of Connecticut relay number - 711. Any person with limited proficiency in English, who may need information in another language, may contact DEEP's Title VI Coordinator at 860-424-3035 or at deep.aaoffice@ct.gov. ADA or Title VI discrimination complaints may be filed with DEEP's EEO Manager at 860-424-3035 or at deep.aaoffice@ct.gov. Requests for accommodations must be made at least two weeks prior to any agency hearing, program or event.

August 3, 2020

Date



Katherine S. Dykes
Commissioner