F.

Gloria Schaffer
Secretary of the State

Harry Hammer
Deputy Secretary of the State

Office of the Secretary of the State
State of Connecticut
P.O. Box 846, 30 Trinity Street
Hartford, Connecticut 06115

203-566-4346

August 20,1974

Mr. Douglas M. Costle
Commissioner
Department of Enviromental Protection
State Office Building
Hartford,Connecticut

RECEIVED
AUG 21 1974
DEPT. OF ENVIRONMENTAL PROTECTION
OFFICE OF THE COMMISSIONER

Dear Mr. Costle:

This is to acknowledge receipt of two certified copies of the following regulation (s) issued by your department concerning:

Private Shooting Preserves
Hunting Dogs
Hunting and Trapping
Fishing Regulations
Indirect Sources of Air Pollution.

Said regulation (s) were received and filed in this office on August 20,1974 and became effective on that date.

Very truly yours,

Gloria Schaffer
Secretary of the State

Louis J. Tapogna
Regulations Supervisor

R and R 39
(2-70-10M)

State of Connecticut

'74 AUG 7 PM 2:49

Attorney General

Rules and Regulations

OF

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Concerning:

INDIRECT SOURCES OF AIR POLLUTION

Rules and Regulations

SECTION 1. SECTION 19-508-1 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES ARE REPEALED AND THE FOLLOWING SUBSTITUTED IN LIEU THEREOF:

19-508-1. DEFINITIONS

(a) "Air pollutant"

(b) "Air pollution"

(c) "AMBIENT AIR QUALITY STANDARD" MEANS ANY STANDARD WHICH ESTABLISHES THE LARGEST ALLOWABLE CONCENTRATION OF A SPECIFIC POLLUTANT IN THE AMBIENT AIR OF A REGION OR SUBREGION AS ESTABLISHED BY THE FEDERAL ENVIRONMENTAL PROTECTION AGENCY OR BY THE COMMISSIONER.

[(c)] (d) "Architectural coating"

[(d)] (e) "BTU"

[(e)] (f) "Commenced" or "Commencement"

[(f)] (g) "Commissioner"

(h) "INDIRECT SOURCE" MEANS ANY BUILDING, STRUCTURE, FACILITY, INSTALLATION OR COMBINATION THEREOF, THAT HAS OR LEADS TO ASSOCIATED ACTIVITY AS A RESULT OF WHICH ANY AIR POLLUTANT IS OR MAY BE EMITTED. INDIRECT SOURCES INCLUDE, BUT ARE NOT LIMITED TO: SHOPPING CENTERS; SPORTS COMPLEXES; DRIVE-IN THEATERS OR RESTAURANTS; PARKING LOTS OR GARAGES; RESIDENTIAL, COMMERCIAL, INDUSTRIAL OR INSTITUTIONAL BUILDINGS OR DEVELOPMENTS; AMUSEMENT PARKS AND OTHER RECREATIONAL AREAS; HIGHWAYS; AIRPORTS AND COMBINATIONS THEREOF.

(i) "INDIRECT SOURCE CONSTRUCTION PERMIT" MEANS A PERMIT FOR THE CONSTRUCTION OF AN INDIRECT SOURCE WHICH IS REQUIRED TO INSURE THAT THE PROPOSED INDIRECT SOURCE WILL NEITHER PREVENT NOR INTERFERE, EITHER DIRECTLY OR INDIRECTLY, WITH THE ATTAINMENT OR MAINTENANCE OF ANY APPLICABLE AMBIENT AIR QUALITY STANDARD.

(j) "INDIRECT SOURCE OPERATING PERMIT MEANS A PERMIT WHICH IS REQUIRED TO INSURE THAT THE OPERATION OF AN INDIRECT SOURCE WILL NEITHER PREVENT NOR INTERFERE, EITHER DIRECTLY OR INDIRECTLY, WITH THE ATTAINMENT OR MAINTENANCE OF ANY APPLICABLE AMBIENT AIR QUALITY STANDARD.

[(g)] (k) "Deterioration in air quality"

[(h)] (l) "Emission"

(m) "EXISTING AMBIENT POLLUTANT CONCENTRATION" MEANS THE CONCENTRATION OF A SPECIFIC POLLUTANT AT ANY POINT IN A REGION OR SUBREGION EITHER AS A MEASURED OR CALCULATED VALUE ADJUSTED TO REFLECT THE IMPACT OF ANY POINT SOURCE OR INDIRECT SOURCE WHICH IS IN CONSTRUCTION OR FOR WHICH A PERMIT TO CONSTRUCT OR OPERATE HAS BEEN ISSUED.

(n) "EXISTING INDIRECT SOURCE" MEANS ANY INDIRECT SOURCE, THE CONSTRUCTION OR MODIFICATION OF WHICH IS COMMENCED PRIOR TO OCTOBER 1, 1974.

(o) "EXISTING POINT SOURCE" MEANS ANY POINT SOURCE, THE CONSTRUCTION OR MODIFICATION OF WHICH IS COMMENCED PRIOR TO JUNE 1, 1972.

[(j)] (p) "Flare"

[(k)] (q) "Fuel-burning equipment"

[(l)] (r) "Fugitive dust"

[(m)] (s) "Incinerator"

[(n)] (t) "Maximum pollutant concentration"

[(o)] (u) "Mobile source"

[(p)] (v) "Modify" or "Modification"

[(q)] (w) "Multiple-chamber incinerator"

(x) "NEW INDIRECT SOURCE" MEANS ANY INDIRECT SOURCE,

THE CONSTRUCTION OR MODIFICATION OF WHICH IS COMMENCED AFTER OCTOBER 1, 1974.

(y) "NEW POINT SOURCE" MEANS ANY POINT SOURCE, THE CONSTRUCTION OR MODIFICATION OF WHICH IS COMMENCED AFTER JUNE 1, 1972.

[(s)] (z) "Non-degradation"

[(t)] (aa) "Opacity"

[(u)] (bb) "Open-burning"

[(v)] (cc) "Organic compounds"

[(w)] (dd) "Particulate matter"

[(x)] (ee) "Person"

(ff) "POINT SOURCE" MEANS ANY MOBILE SOURCE, PROCESS SOURCE OR STATIONARY SOURCE WHICH IS SUBJECT TO EMISSIONS RATE STANDARDS OR OTHER EMISSIONS STANDARDS IMPOSED BY THESE REGULATIONS.

(gg) "POINT SOURCE CONSTRUCTION PERMIT" MEANS A PERMIT FOR THE CONSTRUCTION OF A POINT SOURCE WHICH IS REQUIRED TO INSURE (1) THAT THE PROPOSED POINT SOURCE WILL NOT BE IN VIOLATION OF ANY APPLICABLE EMISSIONS RATE STANDARDS IMPOSED BY THESE REGULATIONS AND (2) THAT THE PROPOSED POINT SOURCE WILL NEITHER PREVENT NOR INTERFERE DIRECTLY WITH THE ATTAINMENT OR MAINTENANCE OF ANY APPLICABLE AMBIENT AIR QUALITY STANDARDS.

(hh) "POINT SOURCE PERMIT TO OPERATE" MEANS A PERMIT WHICH IS REQUIRED TO INSURE (1) THAT THE OPERATION OF A POINT SOURCE WILL BE IN COMPLIANCE WITH ANY APPLICABLE EMISSIONS RATE STANDARDS IMPOSED BY THESE REGULATIONS AND (2) THAT THE OPERATIONS OF A POINT SOURCE WILL NEITHER PREVENT NOR INTERFERE DIRECTLY WITH THE ATTAINMENT OR MAINTENANCE OF ANY APPLICABLE AMBIENT AIR QUALITY STANDARD.

[(y)] (ii) "Process source"

[(z)] (jj) "Region"

[(aa)] (kk) "Residual oil"

[(bb)] (ll) "Ringelmann chart"

[(cc)] (mm) "Soiling index"

[(dd)] (nn) "Source"

[(ee)] (oo) "Stack"

[(ff)] (pp) "Standard conditions"

[(gg)] (qq) "Stationary source"

[(hh)] (rr) "Submerged fill pipe"

[(ii)] (ss) "Subregion"

[(jj)] (tt) "Tank"

[(kk)] (uu) "Volatile organic compounds"

[(ll)] (vv) "Waste water separator"

SECTION 2. THE REGULATIONS OF CONNECTICUT STATE AGENCIES ARE AMENDED BY ADDING THE FOLLOWING NEW SECTION:

19-508-100

PERMITS FOR CONSTRUCTION AND OPERATION OF INDIRECT SOURCES.

(a) APPLICATIONS FOR INDIRECT SOURCE CONSTRUCTION PERMITS.

(a)(1) EFFECTIVE OCTOBER 1, 1974, NO PERSON SHALL CONSTRUCT, MODIFY, INSTALL OR CAUSE THE CONSTRUCTION, MODIFICATION OR INSTALLATION OF ANY INDIRECT SOURCE OF AIR POLLUTANTS OR PART THEREOF AS SPECIFIED IN SUBSECTIONS (a)(2) OR (a)(3) WITHOUT APPLYING FOR AND OBTAINING AN INDIRECT SOURCE CONSTRUCTION PERMIT FROM THE COMMISSIONER.

(a)(2) A NEW OR MODIFIED INDIRECT SOURCE SHALL BE REQUIRED TO OBTAIN AN INDIRECT SOURCE CONSTRUCTION PERMIT IF THE OPERATION OF THE INDIRECT SOURCE WILL OR MAY RESULT DIRECTLY OR INDIRECTLY IN AGGREGATE TOTAL EMISSIONS OF AIR POLLUTANTS IN EXCESS OF FIFTY (50) TONS ANNUALLY. NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (a)(5), THE COMMISSIONER SHALL PUBLISH BY SEPTEMBER 1, 1974, GUIDELINES TO ASSIST OWNERS OR OPERATORS OF NEW OR MODIFIED INDIRECT SOURCES IN DETERMINING WHETHER A SOURCE IS SUBJECT TO THIS SECTION.

(a)(3) OTHER INDIRECT SOURCES SUBJECT TO PERMIT REVIEW.

(i) EFFECTIVE JANUARY 1, 1975, IN ADDITION TO THE REQUIREMENTS OF SUBSECTION (a)(2), THE COMMISSIONER MAY REQUIRE AN INDIRECT SOURCE CONSTRUCTION PERMIT OF ANY NEW OR MODIFIED INDIRECT SOURCE WHICH WILL OR MAY RESULT IN A SUBSTANTIAL REDUCTION IN THE QUALITY OF THE

AIR RESOURCE. ANY INCREASE IN THE AMBIENT POLLUTANT CONCENTRATION IN EXCESS OF FIFTY PERCENT (50%) OF THE AMOUNT DETERMINED BY SUBTRACTING THE EXISTING AMBIENT POLLUTANT CONCENTRATION FROM THE APPLICABLE AMBIENT AIR QUALITY STANDARD SHALL BE DEEMED TO BE A SUBSTANTIAL REDUCTION IN THE QUALITY OF THE AIR RESOURCE. AT HIS DISCRETION, THE COMMISSIONER MAY SPECIFY A PERCENTAGE SMALLER THAN FIFTY (50%) TO BE USED FOR THE PURPOSES OF THIS SUBSECTION IN ANY REGION OR SUBREGION OF THE STATE.

(ii) THE COMMISSIONER SHALL GIVE THIRTY (30) DAYS PRIOR NOTICE OF HIS INTENTION TO APPLY THE PROVISIONS OF SUBSECTION (a)(3)(i) IN A REGION OR SUBREGION AND SHALL SPECIFY THE PERCENTAGE THAT SHALL APPLY IN THAT REGION OR SUBREGION. AT HIS DISCRETION, THE COMMISSIONER MAY HOLD A PUBLIC HEARING IN THAT REGION OR SUBREGION IN ORDER TO ALLOW INTERESTED PARTIES TO COMMENT.

(a)(4) THOSE NEW OR MODIFIED INDIRECT SOURCES WHICH ARE NOT REQUIRED TO OBTAIN AN INDIRECT SOURCE CONSTRUCTION PERMIT UNDER SUBSECTION (a)(1), (a)(2) OR (a)(3) SHALL, UPON REQUEST OF THE COMMISSIONER, FURNISH INFORMATION TO HIM WHICH MAY BE OF A TYPE AND FORM SIMILAR TO THAT REQUIRED OF APPLICANTS FOR INDIRECT SOURCE CONSTRUCTION PERMITS.

(a)(5) THE COMMISSIONER MAY PUBLISH AND FROM TIME TO TIME REVISE GUIDELINES FOR ANY REGION OR SUBREGION WHICH WILL ASSIST OWNERS OR OPERATORS OF NEW OR MODIFIED INDIRECT SOURCES IN DETERMINING WHETHER THEY ARE REQUIRED TO OBTAIN AN INDIRECT COMPLEX SOURCE CONSTRUCTION PERMIT UNDER SUBSECTIONS (a)(1), (a)(2) OR (a)(3) OR WHETHER THEY MAY BE REQUIRED TO FURNISH INFORMATION TO THE COMMISSIONER UNDER SUBSECTION (a)(4).

(a)(6) APPLICATION FOR AN INDIRECT SOURCE CONSTRUCTION PERMIT SHALL BE MADE BY THE OWNER OR OPERATOR OF THE PROPOSED INDIRECT SOURCE ON FORMS FURNISHED BY THE COMMISSIONER.

EACH APPLICATION SHALL INCLUDE SITING INFORMATION; DESCRIPTIONS OF THE BUILDINGS, STRUCTURES, FACILITIES OR INSTALLATIONS INVOLVED; THE NATURE, SOURCE AND QUANTITY OF UNCONTROLLED AND CONTROLLED EMISSIONS, BOTH DIRECT AND INDIRECT; TRAFFIC FLOW INFORMATION; THE PROXIMITY OF THE INDIRECT SOURCE TO EXISTING AND PROJECTED TRANSPORTATION SERVICES; AND SUCH OTHER INFORMATION AS THE COMMISSIONER MAY REQUIRE.

(a)(7) NO NEW OR MODIFIED INDIRECT SOURCE SHALL BE EXEMPT FROM THE PERMIT REQUIREMENTS OF THIS SUBSECTION BECAUSE OF A DIVISION OF OWNERSHIP OR BECAUSE OF THE PATTERN OR TIMING OF DEVELOPMENT.

(a)(8) FOR THE PURPOSE OF DETERMINING WHETHER CONSTRUCTION OR MODIFICATION OF AN INDIRECT SOURCE WAS COMMENCED PRIOR TO OCTOBER 1, 1974, CONSTRUCTION OR MODIFICATION SHALL BE DEEMED TO HAVE COMMENCED FOR ANY PORTION OF AN INDIRECT SOURCE WHEN SITE PREPARATION, INCLUDING CLEARING AND GRADING IS COMPLETE AND THE FOLLOWING FOUR STEPS HAVE ALSO BEEN COMPLETED:

(i) DETAILED PLANS OF THE PROPOSED INDIRECT SOURCE ARE AVAILABLE AND HAVE RECEIVED ALL NECESSARY APPROVALS REQUIRED BY FEDERAL, STATE OR LOCAL STATUTES, ORDINANCES, REGULATIONS OR PROCEDURES;

(ii) ENVIRONMENTAL IMPACT STATEMENTS HAVE BEEN PREPARED AND REVIEWED AS REQUIRED BY FEDERAL OR STATE STATUTES, REGULATIONS OR PROCEDURES;

(iii) ALL NECESSARY BUILDING PERMITS FOR SITE PREPARATION AND FOUNDATION CONSTRUCTION HAVE BEEN ISSUED IN ACCORDANCE WITH STATE OR LOCAL STATUTES, ORDINANCES, REGULATIONS OR PROCEDURES;

(iv) THE INSTALLATION OF STRUCTURAL COMPONENTS OR MATERIALS HAS STARTED AS PART OF A CONTINUOUS PROGRAM OF CONSTRUCTION.

(b) STANDARDS FOR GRANTING INDIRECT SOURCE CONSTRUCTION PERMITS.

(b)(1) NO INDIRECT SOURCE CONSTRUCTION PERMIT SHALL BE GRANTED UNTIL THE COMMISSIONER FINDS, UPON EVIDENCE SUBMITTED BY THE APPLICANT OR OTHERWISE MADE PART OF THE APPLICATION RECORD, THAT;

(i) THE NEW OR MODIFIED INDIRECT SOURCE FOR WHICH A PERMIT IS REQUESTED WILL BE CONSTRUCTED AND WILL OPERATE IN ACCORDANCE WITH ALL APPLICABLE STATUTES OR REGULATIONS ADMINISTERED BY THE COMMISSIONER.

(ii) SUCH NEW OR MODIFIED SOURCE WILL OPERATE WITHOUT PREVENTING OR INTERFERING, DIRECTLY OR INDIRECTLY, WITH THE ATTAINMENT OR MAINTENANCE OF ANY APPLICABLE AMBIENT AIR QUALITY STANDARD.

(iii) SUCH NEW OR MODIFIED SOURCE WILL CONTAIN SUCH INSTRUMENTATION OR FACILITIES FOR MONITORING, RECORDING, SAMPLING AND TESTING AIR QUALITY AND RELATED FACTORS AS THE COMMISSIONER MAY REASONABLY REQUIRE.

(iv) SUCH NEW OR MODIFIED SOURCE WILL NOT RESULT, EITHER DIRECTLY OR INDIRECTLY, IN DETERIORATION OF AIR QUALITY IN 1975 OR LATER IN ANY REGION OR SUBREGION OF THE STATE.

(b)(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (b)(1)(i) OBTAINING AN INDIRECT SOURCE CONSTRUCTION PERMIT SHALL NOT BE CONSIDERED COMPLIANCE WITH THE REQUIREMENTS OR STANDARDS OF ANY STATUTE OR REGULATION ADMINISTERED BY THE COMMISSIONER OTHER THAN THE REQUIREMENTS OF SUBSECTION (a)(1).

(c) ACTION ON APPLICATIONS FOR INDIRECT SOURCE CONSTRUCTION PERMITS.

(c)(1) AN APPLICATION WILL NOT BE DEEMED TO HAVE BEEN RECEIVED BY THE COMMISSIONER UNTIL ALL INFORMATION, PAPERS AND DOCUMENTS REQUIRED IN SUPPORT OF THE APPLICATION HAVE BEEN SUBMITTED IN PROPER FORM. THE COMMISSIONER SHALL ACKNOWLEDGE THE RECEIPT OF AN APPLICATION WITHIN TEN (10) DAYS.

(c)(2) NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (c)(3), THE COMMISSIONER SHALL NOT ISSUE A DECISION APPROVING OR DENYING AN APPLICATION FOR AN INDIRECT SOURCE PERMIT UNTIL THE APPLICANT:

(i) SHALL HAVE MADE AVAILABLE FOR THIRTY (30) DAYS, IN THE REGION IN WHICH THE PROPOSED CONSTRUCTION OR MODIFICATION WILL BE LOCATED, A COPY OF THE APPLICATION AND A COPY OF THE COMMISSIONER'S PRELIMINARY EVALUATION OF THE AIR QUALITY DATA CONTAINED IN THE APPLICATION,

(ii) SHALL HAVE PUBLISHED BY PROMINENT ADVERTISEMENT IN THE REGION AFFECTED A NOTICE OF THE LOCATION OF THE APPLICATION AND EVALUATION SPECIFIED IN SUBSECTION (c)(2)(i), ABOVE, AND

(iii) SHALL HAVE POSTED IN A MANNER PRESCRIBED BY THE COMMISIONER AT THE SITE OF THE PROPOSED INDIRECT SOURCE, A NOTICE THAT A PERMIT HAS BEEN APPLIED FOR, AND

(iv) SHALL HAVE SUBMITTED TO THE COMMISSIONER AN AFFIDAVIT CERTIFYING THAT THE CONDITIONS OF SUBSECTIONS (c)(2)(i) TO (c)(2)(iii) HAVE BEEN MET.

(c)(3) EXCEPT WHERE A PUBLIC HEARING IS HELD UNDER SUBSECTION (j)(4), THE COMMISSIONER SHALL INFORM AN APPLICANT FOR AN INDIRECT SOURCE CONSTRUCTION PERMIT OF THE DECISION OF THE COMMISSIONER APPROVING OR DENYING THE APPLICATION WITHIN SIXTY (60) DAYS OF THE RECEIPT OF THE APPLICATION. THE COMMISSIONER MAY, ON NOTICE TO THE APPLICANT, EXTEND THE TIME FOR ACTING ON THE APPLICATION AN ADDITIONAL THIRTY (30) DAYS, A TOTAL TIME OF NINETY (90) DAYS. SAID NINETY (90) DAYS SHALL BE EXCLUSIVE OF THE TIME ALLOWED IN SUBSECTION (c)(2).

(c)(4) WHEN A PUBLIC HEARING IS HELD UNDER SUBSECTIONS (j)(4) ON AN APPLICATION FOR AN INDIRECT SOURCE CONSTRUCTION PERMIT, THE COMMISSIONER SHALL INFORM THE APPLICANT OF THE DECISION APPROVING OR DENYING THE APPLICATION WITHIN THIRTY (30) DAYS FOLLOWING RECEIPT OF THE RECORD OF THE HEARING.

(c)(5) THE COMMISSIONER SHALL BRIEFLY SET FORTH IN ANY NOTICE OF APPROVAL OR DENIAL OF AN APPLICATION FOR AN INDIRECT SOURCE CONSTRUCTION PERMIT THE BASIS FOR THE DETERMINATION.

(c)(6) THE COMMISSIONER MAY IMPOSE ANY REASONABLE REQUIREMENTS, STANDARDS, OR CONDITIONS UPON APPROVAL OF ANY PERMIT TO CONSTRUCT OR MODIFY.

(d) REVOCATION OR MODIFICATION OF INDIRECT SOURCE CONSTRUCTION PERMITS.

(d)(1) THE COMMISSIONER MAY REVOKE OR MODIFY AN INDIRECT SOURCE CONSTRUCTION PERMIT IF:

(i) THE CONSTRUCTION OR MODIFICATION AUTHORIZED BY THE PERMIT IS NOT BEGUN WITHIN ONE YEAR FROM THE DATE OF ISSUANCE OR SUCH OTHER PERIOD AS IS ALLOWED BY THE PERMIT; OR

(ii) DURING CONSTRUCTION OR MODIFICATION, WORK IS SUSPENDED FOR ONE YEAR OR MORE, OR FOR SUCH OTHER PERIOD AS IS SPECIFIED IN THE PERMIT.

(iii) HE DETERMINES THAT ANY CONDITION IMPOSED UNDER SUBSECTION (c)(6) HAS NOT BEEN OR IS NOT BEING MET.

(e) INDIRECT SOURCE OPERATING PERMITS.

(e)(1) NO PERSON SHALL OPERATE OR CAUSE THE OPERATION OF A NEW OR MODIFIED INDIRECT SOURCE WITHOUT FIRST OBTAINING AN INDIRECT SOURCE OPERATING PERMIT FROM THE COMMISSIONER IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION.

(e)(2) NO INDIRECT SOURCE OPERATING PERMIT SHALL BE REQUIRED UNDER SUBSECTION (e)(1) UNLESS THE SOURCE WAS REQUIRED TO OBTAIN AN INDIRECT SOURCE CONSTRUCTION PERMIT UNDER SUBSECTION (a).

(e)(3) NO SEPARATE APPLICATION SHALL BE REQUIRED UNDER SUBSECTION (e) FOR THOSE SOURCES WHICH HAVE BEEN GRANTED AN INDIRECT SOURCE CONSTRUCTION PERMIT.

(e)(4) PRIOR TO ISSUANCE OF AN INDIRECT SOURCE OPERATING PERMIT, THE COMMISSIONER MAY REQUIRE THE OWNER OR OPERATOR OF A NEW OR MODIFIED INDIRECT SOURCE TO PROVIDE SUCH ADDITIONAL INFORMATION AS HE DEEMS NECESSARY AND AS HAS NOT ALREADY BEEN INCLUDED IN THE APPLICATION FOR A CONSTRUCTION PERMIT OR SUBMITTED DURING THE COURSE OF CONSTRUCTION.

(e)(5) IN CIRCUMSTANCES WHERE HE DEEMS IT APPROPRIATE, THE COMMISSIONER MAY ISSUE A TEMPORARY PERMIT TO COMMENCE OPERATIONS FOR A PERIOD NOT TO EXCEED SIXTY (60) DAYS. FOR GOOD CAUSE SHOWN, THE PERIOD MAY BE EXTENDED BY THE COMMISSIONER FOR ANY ADDITIONAL PERIOD REQUIRED. PRIOR TO THE EXPIRATION OF THE PERIOD COVERED BY THE TEMPORARY PERMIT, THE COMMISSIONER SHALL NOTIFY THE OWNER OR OPERATOR IN WRITING OF HIS APPROVAL OR DENIAL OF THE INDIRECT SOURCE OPERATING PERMIT AND THE REASONS THEREFOR.

(e)(6) INDIRECT SOURCE OPERATING PERMITS REQUIRED BY SUBSECTION (e)(1), SHALL BE ISSUED OR RENEWED FOR THE EXPECTED LIFE OF THE INDIRECT SOURCE, BUT NOT TO EXCEED TEN (10) YEARS, UNLESS THE COMMISSIONER SHALL DETERMINE THAT A SHORTER PERIOD IS APPROPRIATE UNDER THE CIRCUMSTANCES OF OPERATION OF ANY PARTICULAR INDIRECT SOURCE.

(e)(7) APPLICATION FOR THE RENEWAL OF AN INDIRECT SOURCE OPERATING PERMIT SHALL BE MADE AT LEAST 120 DAYS PRIOR TO THE EXPIRATION OF THE EXISTING OPERATING PERMIT.

(e)(8) THE COMMISSIONER MAY IMPOSE REASONABLE CONDITIONS IN ANY INDIRECT SOURCE OPERATING PERMIT.

(f) STANDARDS FOR GRANTING INDIRECT SOURCE OPERATING PERMITS.

THE COMMISSIONER SHALL GRANT OR RENEW AN INDIRECT SOURCE OPERATING PERMIT SUBJECT TO SUBSECTION (e)(1) IF HE DETERMINES THAT:

(1) THE INDIRECT SOURCE HAS BEEN GRANTED AN INDIRECT SOURCE CONSTRUCTION PERMIT IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION;

(2) THE INDIRECT SOURCE HAS BEEN CONSTRUCTED AND/OR OPERATED IN ACCORDANCE WITH THE REQUIREMENTS,

STANDARDS, AND CONDITIONS SET FORTH IN THE CONSTRUCTION PERMIT OR IN ANY TEMPORARY OR OTHER PREVIOUSLY ISSUED OPERATING PERMIT.

(g) TRANSFER OF INDIRECT SOURCE OPERATING PERMITS. THE HOLDER OF AN INDIRECT SOURCE OPERATING PERMIT MAY NOT TRANSFER IT WITHOUT PRIOR WRITTEN NOTIFICATION TO THE COMMISSIONER. EACH NEW OWNER OR OPERATOR OR HOLDER OF THE INDIRECT SOURCE PERMIT SHALL BE RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE REGULATIONS AND WITH THE CONDITIONS OF THE PERMIT.

(h) DENIAL, REVOCATION OR MODIFICATION OF INDIRECT SOURCE OPERATING PERMITS. THE COMMISSIONER MAY DENY A NEW INDIRECT SOURCE OPERATING PERMIT AND MAY REVOKE, MODIFY OR REFUSE TO RENEW AN EXISTING INDIRECT SOURCE OPERATING PERMIT FOR FAILURE TO COMPLY WITH ANY APPLICABLE REQUIREMENTS, STANDARDS, OR CONDITIONS IMPOSED BY OR UNDER THE PROVISIONS OF THESE REGULATIONS.

(i) NOTICE OF APPROVAL, DENIAL, REVOCATION OR MODIFICATION OF INDIRECT SOURCE CONSTRUCTION PERMITS AND OPERATING PERMITS.

(i)(1) NOTICE OF DENIAL, REVOCATION OR MODIFICATION OF ANY INDIRECT SOURCE CONSTRUCTION PERMIT OR OF ANY INDIRECT SOURCE OPERATING PERMIT SHALL SET FORTH THE REASONS FOR THE ACTION TAKEN AND SUCH DENIAL, REVOCATION OR MODIFICATION SHALL TAKE FINAL EFFECT THIRTY (30) DAYS AFTER THE DATE OF SERVICE OF THE NOTICE, UNLESS A HEARING IS REQUESTED PRIOR TO THE EXPIRATION OF THE THIRTY (30) DAY PERIOD.

(i)(2) ANY PARTY AGGRIEVED BY THE APPROVAL, DENIAL, REVOCATION OR MODIFICATION OF A CONSTRUCTION OR OPERATING PERMIT MAY OBTAIN AN ADJUDICATIVE HEARING THEREON BY FILING A WRITTEN ANSWER AND REQUEST FOR A HEARING IN ACCORDANCE WITH SECTION 22a-8-2 OF THE RULES OF PRACTICE OF THE DEPARTMENT WITHIN THIRTY (30) DAYS OF THE DATE OF SERVICE OF THE NOTICE. FILING OF THE ANSWER AND REQUEST FOR THE HEARING SHALL POSTPONE THE EFFECTIVE DATE OF THE APPROVAL, DENIAL, REVOCATION OR MODIFICATION UNTIL THE CONCLUSION OF THE HEARING AND

ISSUANCE OF THE FINAL DECISION OF THE COMMISSIONER.

(j) PUBLIC INFORMATION AND HEARING PROCEDURES.

(j)(1) IN ALL CASES WHERE THERE IS A REQUIREMENT OF LEGAL NOTICE THE COMMISSIONER SHALL CAUSE THE APPLICANT FOR AN INDIRECT SOURCE PERMIT TO PUBLISH AT HIS OWN EXPENSE ALL NOTICES OF HEARINGS AND OTHER NOTICES REQUIRED BY LAW.

(j)(2) THE COMMISSIONER SHALL INFORM THE PUBLIC OF:

(i) ALL INDIRECT SOURCE PERMIT APPLICATIONS RECEIVED;

(ii) ALL PENDING OPERATING PERMITS FOR INDIRECT SOURCES SUBJECT TO THE REQUIREMENTS OF SUBSECTION (e)(1);

(iii) ALL DECISIONS APPROVING, DENYING, REVOKING, OR MODIFYING ANY INDIRECT SOURCE PERMIT.

(j)(3) WHILE A DECISION IS PENDING ON AN INDIRECT SOURCE PERMIT APPLICATION OR AN OPERATING PERMIT FOR SOURCES SUBJECT TO THE PROVISIONS OF SUBSECTION (e)(1) ANY PERSON MAY FILE A WRITTEN COMMENT OR MAY FILE A WRITTEN OBJECTION SETTING FORTH THE BASIS OF THE OBJECTION IN DETAIL AND OPPOSING THE APPROVAL OF THE PERMIT IN ITS ENTIRETY OR REQUESTING THAT SPECIFIC CONDITIONS BE ATTACHED TO IT. OBJECTION MAY BE ACCOMPANIED BY A REQUEST FOR HEARING.

(j)(4) A PUBLIC HEARING ON ANY PERMIT APPLICATION MAY BE HELD BY THE COMMISSIONER:

(i) PURSUANT TO A REQUEST FOR A HEARING ACCORDING TO SUBSECTION (j)(3);

(ii) WHENEVER IT IS REQUIRED BY THESE REGULATIONS OR BY ANY APPLICABLE STATE OR FEDERAL LAW;

(iii) AT THE DISCRETION OF THE COMMISSIONER; OR

(iv) UPON THE REQUEST OF ANY MUNICIPALITY.

FOLLOWING THE CLOSE OF THE HEARING, THE COMMISSIONER SHALL MAKE A DECISION BASED ON ALL AVAILABLE EVIDENCE, INCLUDING THE RECORD OF THE HEARING AND THE RECOMMENDATION OF THE HEARING EXAMINER, AS TO WHETHER TO APPROVE OR DENY THE

(1)(5) UPON REQUEST OF ANY MUNICIPALITY WHICH HAS A DESIGNATED AGENCY UNDER THE PROVISIONS OF SUBSECTION (1)(1), THE COMMISSIONER MAY ASSIST THE MUNICIPALITY IN FORMULATING A PLAN FOR DEVELOPMENT OR A PLAN FOR AIR RESOURCE ALLOCATION FOR THE PURPOSE OF ALLOWING THE MUNICIPALITY AND REGION TO MAXIMIZE THE BENEFITS OF ITS UTILIZATION OF THE AIR RESOURCE WITHIN THE LIMITS IMPOSED BY AIR QUALITY CONSIDERATIONS.

(1)(6) THE COMMISSIONER MAY ESTABLISH AN INDIRECT SOURCE ADVISORY COMMITTEE COMPOSED OF MUNICIPAL AND REGIONAL OFFICIALS TO ADVISE THE COMMISSIONER ON PROCEDURES CONCERNING THE EVALUATION OF INDIRECT SOURCE CONSTRUCTION PERMITS AND INDIRECT SOURCE PERMITS TO OPERATE AND TO ASSIST THE COMMISSIONER IN FOSTERING INCREASED MUNICIPAL AND REGIONAL COOPERATION IN ATTAINING AND MAINTAINING APPLICABLE AMBIENT AIR QUALITY STANDARDS.

INDIRECT SOURCE PERMIT. NOTICE OF SUCH DECISION SHALL BE PUBLISHED ACCORDING TO SUBSECTION (j)(2).

(k) SIGNATURE. NO INDIRECT SOURCE PERMIT ISSUED UNDER THIS SECTION SHALL BE EFFECTIVE UNTIL THE APPLICANT OR HIS DULY AUTHORIZED REPRESENTATIVE SHALL HAVE SIGNED THE PERMIT, WHICH SIGNATURE SHALL CONSTITUTE AN AGREEMENT TO ABIDE BY ANY TERMS AND CONDITIONS THEREIN.

(l) LOCAL AND REGIONAL PARTICIPATION IN INDIRECT SOURCE REVIEW.

(l)(1) UPON THE REQUEST OF THE GOVERNING BODY OF ANY MUNICIPALITY OR OTHER POLITICAL SUBDIVISION, THE COMMISSIONER MAY DESIGNATE THE MUNICIPAL PLANNING AND ZONING AGENCY, THE REGIONAL PLANNING AGENCY, OR ANY OTHER RESPONSIBLE MUNICIPAL OR REGIONAL AGENCY OR OFFICIAL AS THE DESIGNEE OF THE MUNICIPALITY FOR THE PURPOSE OF MAKING COMMENTS AND RECOMMENDATIONS ON APPLICATIONS FOR INDIRECT SOURCE CONSTRUCTION PERMITS.

(l)(2) THE COMMISSIONER MAY PUBLISH AND REVISE, FROM TIME TO TIME, GUIDELINES WHICH SHALL ASSIST THE DESIGNATED AGENCIES IN ASSESSING THE IMPACT OF ANY PROPOSED INDIRECT SOURCE ON THE DEVELOPMENT OR RESOURCE ALLOCATION GOALS OF THE MUNICIPALITY OR REGION.

(l)(3) IN ADDITION TO THE OTHER EVALUATIONS MADE PURSUANT TO THIS SECTION, THE COMMISSIONER MAY EVALUATE THE EFFECT OF THE PROPOSED CONSTRUCTION OR MODIFICATION UPON ANY PLAN FOR DEVELOPMENT OR PLAN FOR RESOURCE ALLOCATION PROPOSED BY THE MUNICIPALITY OR REGION.

(l)(4) THE COMMISSIONER SHALL SUBMIT A COPY OF THE APPLICATION FOR AN INDIRECT SOURCE CONSTRUCTION PERMIT ALONG WITH HIS EVALUATION AND ANALYSIS, TO THE DESIGNATED AGENCY OF ANY AFFECTED MUNICIPALITY FOR ITS REVIEW. ANY DESIGNATED AGENCY WISHING TO MAKE COMMENTS OR RECOMMENDATIONS WITH REGARD TO A PENDING APPLICATION MUST RESPOND WITHIN THIRTY (30) DAYS FOLLOWING ITS RECEIPT OF THE APPLICATION FROM THE COMMISSIONER.

Strike out form or phrases when inapplicable

Be it known that the within and foregoing rules and regulations are made, adopted and promulgated ~~are repealed~~ by the undersigned pursuant to Section 19-508 of the ~~Supplement to~~ General Statutes ~~Public Act No. of the Public Acts after~~ after the publication in the Connecticut Law Journal on July 10, 1973, of the notice of the proposal to adopt them, the holding of ~~an~~ advertised public hearings on August 9, 10, 13, 14 and 15, 1973, on the issuance thereof and after consideration of all relevant matter presented ~~as an amendment to~~ in repeal and substitution of ~~certain~~ section 19-508-3 ~~and are no longer part~~ of the rules and regulations of his Department, pertaining to Abatement of Air Pollution.

In Witness Whereof, I have hereunto set my hand and seal this 6th day of August 1974.

..... L. S.

Commissioner
(Title of office)

Strike out form or phrases when inapplicable

Be it known that the within and foregoing rules and regulations have been made, adopted and promulgated have been repealed by at a meeting held on the day of 19, pursuant to Section of the Supplement to the General Statutes, Public Act No. of the Public Acts, after publication in the Connecticut Law Journal on 19, of the notice of the proposal to adopt them the holding of an advertised public hearing on 19, on the issuance thereof and after consideration of all relevant matter presented as an amendment to in repeal and substitution of certain sections of and are no longer part of the rules and regulations of said Board Commission pertaining to

In Witness Whereof, I have hereunto set my hand and seal this day of 19.

..... L. S.
Secretary

Received and filed in triplicate, this day of 19, in accordance with Section 4-45 of the General Statutes, Revision of 1958, as amended.

.....
Secretary of the State

BY:

Approved: AUG 1 6 1974 19

.....
Attorney General

This is to certify that the within and foregoing rules and regulations have been published in the Connecticut Law Journal on the day of 19.

Attest:

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Commission on Official Legal Publications