ANT: Read Instructions on bottom of ification Page before completing this 6rm. Failure to comply with instructions may cause disapproval of proposed ions.

STATE OF CONNECTICUT
REGULATION 3151
OF

84-113

NAME OF AGENCY
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Concerning

SUBJECT MATTER OF REGULATION
ABATEMENT OF AIR POLLUTION

SECTION 1

Section 22a-174-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

Sec. 22a-174-1. Definitions

"Actual emissions" means the emission rate, after application of air pollution control equipment, of a particular pollutant where the emission rate is calculated using the maximum rated capacity of the source, unless the source is subject to enforceable permit conditions or other order of the Commissioner which limit the maximum rated capacity by restricting the operation rate or hours of operation of the source, or the type or amount of materials combusted or processed.

"Administrator" means the administrator of the United States Environmental Protection Agency.

"Air pollutant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, aerosol, odorous substances, or any combination thereof, but does not include carbon dioxide, uncombined water vapor or water droplets, or molecular oxygen or nitrogen.

"Air pollution" means the presence in the outdoor atmosphere of one or more air pollutants or any combination thereof in such quantities and of such characteristics and duration as to be, or be likely to be, injurious to public welfare, to the health of human, plant or animal life, or to property, or as unreasonably to interfere with the enjoyment of life and property.

"Allowable emissions" means the emission rate of a particular pollutant where the emission rate is calculated using the maximum rated capacity of the source, unless the source is subject to enforceable permit conditions or other order of the Commissioner which limit the maximum rated capacity by restricting the operating rate or hours of operation of the source, and the most stringent of the following:

(i) Applicable standards as set forth in Title 40 of the Code of Federal Regulations part 60 and part 61, as from time to time may be amended;

(ii) The applicable emission limitation under these regulations; or

(iii) The emission rate specified as a permit condition.

"Ambient air" means that portion of the atmosphere external to buildings, to which the general public has access.

"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 United States Environmental Protection Agency or by the Commissioner.

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"Architectural coating" means a coating used for residential or commercial buildings and their appurtenances, or industrial buildings, or other outdoor structures.

"Attainment" shall mean that the quality of the ambient air, as determined by the Commissioner, meets National Ambient Air Quality Standards for a given pollutant for which such standards have been established by the United States Environmental Protection Agency.

"Best Available Control Technology" or "BACT" means an emission limitation, including a visible emission standard, based on the maximum degree of reduction for each applicable pollutant from any proposed stationary source or modification which the Commissioner, on a case-by-case basis, determines is generally achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In determining BACT the Commissioner shall take into account energy, environmental and economic impacts and other costs. In no event shall the application of BACT result in emissions of any pollutant which would exceed the emission allowed by an applicable standard under Title 40 of the Code of Federal Regulations part 60 and Part 61, as from time to time may be amended. In determining BACT for a reconstructed source, the Commissioner shall take into account the provisions of Title 40 of the Code of Federal Regulations part 60.15(f)(4), as from time to time may be amended, in assessing whether a standard of performance under part 60 is applicable to such source. If the Commissioner determines that technological or economic limitations on the application of measurement methodology to a particular class of sources would make the imposition of an emission standard infeasible, he may prescribe a design, equipment, work practice or operational standard, or combination thereof, to require the application of BACT. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice or operation and shall provide for compliance by means which achieve equivalent results.

"BTU" means British thermal unit, which is the amount of heat required to raise the temperature of one pound of water one degree Fahrenheit.

"Commence" or "Commencement" as applied to construction of a stationary source or modification means that the owner or operator has all necessary permits or approvals required under federal air quality control laws and these regulations, and has either:

(i) Begun, or caused to begin, a program of physical on-site construction of the source:

(a) Subject to a schedule which will lead to completion in a reasonable time; and

(b) Without any breaks in such construction of more than 18 months; or

(ii) Entered into site specific binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of construction of the source to be completed within a reasonable time.

"Commissioner" means the Commissioner of Environmental Protection, or any member of the department of environmental protection or any local air pollution control official or agency authorized by him, acting singly or jointly, to whom he assigns any function arising under the provisions of these regulations.

"Department" means the department of environmental protection.

"Deterioration in air quality" means that a pollutant concentration in a region or subregion for any pollutant specified in these regulations will exceed the maximum pollutant concentration for the specified time period for that region or subregion.

"Dispersion technique" means any method which attempts to affect the concentration of a pollutant in the ambient air by:

(i) Use of that portion of a stack which exceeds the good engineering practice stack height;

(ii) Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant; or

(iii) The manipulation of source process parameters, exhaust gas parameters, stack parameters other than height, or other selective handling of exhaust gas so as to increase the exhaust gas plume rise.

The preceding sentence does not preclude the reheating of a gas stream, following use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream.

"Emission" means the act of releasing or discharging air pollutants into the ambient air from any source.

"Emission limitation" and "Emission standard" mean a requirement established by the Commissioner or the Administrator which limits the quantity, rate, or concentration of emissions of air pollutants on a continuous basis, including any requirement which limits the level of opacity, prescribes equipment or fuel specifications, or relates to the operation or maintenance of a source to assure continuous emission reduction.

"Excessive concentrtion" for the purpose of determining good engineering practice stack heights in fluid modeling studies means a maximum concentration which is greater than an ambient air quality standard, or an applicable remaining prevention of significant deterioration increment, and which is at least 40 percent in excess of the maximum concentration experienced in the absence of downwash, wakes, or eddy effects produced by nearby structures or terrain.

"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.

"Existing indirect source" means any indirect source, the construction or modification of which is commenced prior to October 1, 1974.

"Existing point source" means any point source, the construction or modification of which is commenced prior to July 1, 1979.

"Flare" means an apparatus or contrivance for the burning of flammable gases or vapors at or near the exit of a stack, flue or vent.

"Fuel-burning equipment" means any furnace, boiler, apparatus; stack, and all appurtenances thereto, used in the process of burning fuel for the primary purpose of producing heat or power.

"Fugitive dust" means solid airborne particulate matter emitted from any source other than through a stack.

"Good engineering practice stack height" means that stack height necessary to ensure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source as a result of atmospheric downwash, wakes, or eddy effects which may be created by the source itself, nearby structures, or nearby terrain obstacles and shall not exceed as appropriate:

(i) 30 meters, for a stack uninfluenced by structures or terrain;

(ii) The height of the structure or nearby structure plus one and one half-times the lesser dimension (height or width) of the structure or nearby structure; or

(iii) Such height as an owner or operator of a source demonstrates through the use of a field study or fluid model is necessary to ensure that emissions from the stack do not result in excessive concentrations of any air pollutant in the immediate vicinity of the source.

"Incinerator" means any device, apparatus, equipment, or structure used for destroying, reducing, or salvaging by fire any material or substance including, but not limited to, refuse, rubbish, garbage, trade waste, debris or scrap; or facilities for cremating human or animal remains. For further definitions related to incineration, see subdivision 22a-174-18(c)(1).

"Indirect source" means any building, structure, facility installation or combination thereof, that has or leads to associated activity as a result of which an 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.

"Indirect source construction permit" means a permit for the construction of an indirect source which is required to ensure 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.

"Lowest Achievable Emission Rate" or "LAER" means the rate of emissions which reflects:

(i) The most stringent emission limitation which is contained in any state implementation plan for such class or category of source, unless such limitation cannot be achieved in practice; or

(ii) The most stringent emission limitation which is achieved in practice by such source or category of source, whichever is more stringent.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable standards in Title 40 of the Code of Federal Regulations part 60 and part 61, as from time to time may be amended.

"Major modification" means a modification with a change in actual emissions of one hundred (100) tons per year or more.

"Major stationary source" means a stationary source with actual emissions of one hundred (100) tons per year or more.

"Maximum pollutant concentration" means the largest concentration of a specific pollutant in a region or subregion either as a measured or calculated value, as determined by the Commissioner, for the twelve months ending on June 30, 1972. The time periods to be averaged for the purpose of establishing maximum pollutant concentrations shall be as follows: for sulfur oxides, particulate matter, and nitrogen dioxide, one year; for carbon monoxide, eight hours; for photochemical oxidants, one hour; for hydrocarbons, three hours.

"Maximum rated capacity" means the design maximum hourly capacity or highest demonstrated hourly capacity, whichever is greater, multiplied by 365 days per year and 24 hours per day.

"Mobile source" means a source designed or constructed to move from one location to another during normal operation and includes, but is not limited to, automobiles, buses, trucks, tractors, earth moving equipment, hoists, cranes, mobile power generators, aircraft, locomotives operating on rails, vessels for transportation on water, lawnmowers, and other small home appliances.

"Modify" or "modification" means making any physical change in, change in the method of operation of, or addition to a stationary source which increases the emission rate to the ambient air of any air pollutant regulated under these regulations including any not previously emitted to the ambient air; or which increases the ambient impact on any area of the state of pollutants that are emitted to the ambient air by the source and for which dispersion models have been adopted by the Commissioner e.g., a reduction in a source's stack height or a change in a source's location from one plant to another, except as provided in paragraphs (2) and (5) below; or which increases the maximum rated processing or fuel burning capacity of the source, except that:

(1) Any routine maintenance, repair and replacement shall not be considered physical changes.

(2) The following shall not be considered a change in the method of operation, unless previously limited by enforceable permit conditions or other legal action:

(i) Any increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility;

(ii) Any increase in hours of operation;

(iii) Any use of an alternative fuel or raw material if such source is not subject to the requirements of subdivision 22a-174-3 (1)(3) and, prior to the date any standard under this part becomes applicable to such source, the affected facility is designed to accommodate such alternative use of fuel or material, or if such source is subject to the requirements of subdivision 22a-174-3(1)(3) and prior to December 22, 1976 the affected facility was capable of accommodating such alternative fuel or material; or if the source is directed to change fuels by reason of an order in effect under section 2(a) and (b) of the Federal Energy Supply and Environmental Coordination Act of 1974 or any superseding legislation, or by reason of a natural gas curtailment plan in effect pursuant to the Federal Power Act, or by reason of an order or rule under section 125 of the Federal Clean Air Act.

(3) Any change, the sole purpose of which is to bring an existing source into compliance with regulations applicable to such source, shall not be considered a modification.

(4) Any change to accommodate the use of fuel derived from solid waste in an existing fossil fuel fired steam generating unit, the primary purpose of which is to generate electric power, shall not be considered a physical change or a change in the method of operation.

(5) Relocation of a stationary source within the boundary lines of one or more contiguous or adjacent properties owned by the same person or by persons under common control shall not be considered a physical change.

"Multiple-chamber incinerator" means any article, machine, equipment, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, which consists of two or more refractory lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

"Nearby" as used in the definition of good engineering practice stack height is defined for a specific terrain feature, and means that distance equal to five times the lesser of the height or width dimension of a structure or terrain feature not greater than one-half mile.

"New indirect source" means any indirect source, the construction or modification of which is commenced after October 1, 1974.

"New stationary source" means any stationary source, the construction or modification of which is commenced after July 1, 1979.

"Non-attainment" shall mean that the quality of the ambient air, as determined by the Commissioner, fails to meet any National Ambient Air Quality Standard for a given pollutant for which such standards have been established by the United States Environmental Protection Agency.

"Non-degradation" means that air quality in any region or designated sub-region shall not deteriorate, as defined in this section.

"Offset fill pipe" means a fill pipe that has bends or angles such that a straight sleeve cannot be installed.

"Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

"Open-burning" means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack or flue.

"Operator" means the person or persons who are legally responsible for the operation of a source of air pollution.

"Organic compounds" means any chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

"Particulate matter" means any material, except water in uncombined form, that is or has been airborne and exists as a liquid or a solid at standard conditions.

"Person" means any individual, corporation, partnership, firm, association, trust, estate, public or private institution, group, agency, political subdivision of this state, any other state, the United States, or political subdivision or agency thereof or any legal successor, representative, agent, or any agency of the foregoing.

"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.

"Point source construction permit" means a permit for the construction of a point source which is required to ensure:

(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.

"Point source permit to operate" means a permit which is required to ensure:

(1) that the operations 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.

"Premise" means the grouping of all air pollutant emitting activities or sources at any one location and owned or under the control of the same person or persons.

"Process source" means any operation, process, or activity except:

(1) the burning of fuel for indirect heating in which the products of combustion do not come in contact with process material;

(2) the burning of refuse; and

(3) the processing of salvageable material by burning.

"Reasonable Available Control Technology" means the lowest emission limitation that a particular facility is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. It may require technology that has been applied to similar but not necessarily identical source categories.

"Reconstruct" or "reconstruction" shall generally mean the renovation or re-building of a source in accordance with the provisions of Title 40 of the Code of Federal Regulations part 60.15 (f)(1) through (3) inclusive, as from time to time may be amended. A reconstructed source shall be considered a new source for the purposes of these regulations. Use of an alternative fuel or raw material by reason of an order in effect under sections 2(a) and (b) of the Federal Energy Supply and Environmental Coordination Act of 1974, or superseding legislation, or by reason of a Natural Gas Curtailment Plan pursuant to the Federal Power Act, or by reason of an order or rule under section 125 of the Federal Clean Air Act, shall not be considered reconstruction.

"Region" means an Air Quality Control Region, or the Connecticut portion thereof, as defined by the United States Environmental Protection Agency in its Office of Air Programs publication No. AP-102.

"Remote fill pipe" means an offset fill pipe.

"Residual oil" means any fuel oil of No. 4, No. 5, or No. 6 grades, as defined by Commercial Standard C.S. 12-48.

"Ringelmann chart" means the chart published and described in the U.S. Bureau of Mines Information Circular 8333.

"Resource recovery facility" means any stationary source whose primary function is:

(i) The reclamation of non-combustible and/or combustible fractions of solid waste for sale or re-use, or

(ii) The production of fuel derived from solid waste, or

(iii) The direct combustion of waste for recovery of at least fifty (50) percent of the useful heat in the flue gas or fifty (50) percent of the heat input, whichever is less.

"Soiling index" means a measure of the soiling properties of suspended particles in air determined by drawing a measured volume of air through a known area of Whatman No. 4 filter paper for a measured period of time, expressed as COHs/1,000 linear feet, or equivalent.

"Solid waste" means unwanted or discarded materials, including solid, liquid, semisolid, or contained gaseous material.

"Source" means any property, real or personal, which emits or may emit any air pollutant.

"Stack" means any point of release from a source, which emits solids, liquids, or gases into the ambient air, including a pipe, duct, or flare.

"Standard conditions" means a dry gas temperature of 68 degrees Fahrenheit and a gas pressure of 14.7 pounds per square inch absolute (20 degrees C, 760 mm. Hg.).

"State" as used in the phrase "any other state" means state, region, territory, commonwealth, military reservation, or Indian reservation.

"State implementation plan" means a plan required by section 110 of the Federal Clean Air Act which has been approved by the Administrator.

"Stationary source" means any building, structure, facility, equipment, operation, or installation, or combination thereof, which is located on one or more contiguous or adjacent properties and which is owned by or operated by the same person, or by persons under common control, which emits or may emit any air pollutant, and which does not move from location to location during normal operation.

"Stationary source construction permit" means a permit for the construction of a stationary source which is required to ensure:

(1) That the proposed stationary source will not be in violation of any applicable emissions rate standards imposed by these regulations; and

(2) That the proposed stationary source will neither prevent nor interfere directly with the attainment or maintenance of any applicable ambient air quality standards.

"Stationary source permit to operate" means a permit which is required to ensure:

(1) That the operations of a stationary source will be in compliance with any applicable emissions rate standards or other applicable requirements imposed by these regulations; and

(2) That the operations of a stationary source will neither prevent nor interfere directly with the attainment or maintenance of any applicable ambient air quality standard.

"Submerged fill pipe" means any fill pipe the discharge opening of which is still entirely submerged when the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid.

"Subregion" means a subdivision of a Region, as determined by the Commissioner.

"Tank" means any vessel for containing liquids or gases.

"Volatile organic compound" means any compound of carbon that has a vapor pressure greater than 0.1 millimeters of mercury at standard conditions excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, methane, ethane, [1.1.1] 1,1,1 trichloroethane, methylene-chloride, [and trichlorotrifluorethane] TRICHLOROTRIFLUOROETHANE, TRICHLOROFLUOROMETHANE, DICHLORODIFLUOROMETHANE, CHLORODIFLUOROMETHANE, TRIFLUOROMETHANE, TRICHLOROTRIFLUOROETHANE, DICHLOROTETRAFLUOROETHANE AND CHLOROPENTAFLUOROETHANE.

"Waste water separator" means any tank, box, sump, or other container in which any volatile organic compound floating on or entrained or contained in water entering such tank, box, sump, or another container is physically separated and removed from such water prior to outfall, drainage, or recovery of such water.

Subdivision (a)(2) of Section 22a-174-20 of the Regulations of Connecticut State Agencies is amended to read as follows:

(a)(2) No person shall place, store[,] or hold in any stationary tank, reservoir or other container of more than 40,000 gallons (150,000 liters) capacity any volatile organic compound with a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions unless the tank, reservoir[,] or other container is a pressure tank capable of maintaining working pressures sufficient at all times to prevent vapor or gas loss to the atmosphere or is designed, and equipped, with one of the following vapor loss control devices:

[(i)](A) A FIXED ROOF AND A floating roof, consisting of a pontoon type, double deck type roof or internal floating cover, which will rest on the surface of the liquid contents and be equipped with a closure seal or seals to close the space between the roof edge and tank wall. This control equipment is not permitted if the volatile organic compound has a vapor pressure of 11.0 pounds per square inch absolute (568 mm. Hg)[.], or greater under actual storage conditions. All tank gauging or sampling devices must be gas-tight except when tank gauging or sampling is taking place.

[(ii)](B) A vapor recovery system.

[(iii)](C) Other equipment or means of equal efficiency for purposes of air pollution control as may be approved by the Commissioner.

(D) ON OR AFTER JUNE 1, 1985 A FLOATING ROOF, CONSISTING OF A PONTOON TYPE, DOUBLE DECK TYPE ROOF OR EXTERNAL FLOATING COVER, WHICH WILL REST ON THE SURFACE OF THE LIQUID CONTENTS AND BE EQUIPPED WITH PRIMARY AND SECONDARY CLOSURE SEALS TO CLOSE THE SPACE BETWEEN THE ROOF EDGE AND TANK WALL. THIS CONTROL EQUIPMENT IS NOT PERMITTED IF THE VOLATILE ORGANIC COMPOUND HAS A VAPOR PRESSURE OF 11.0 POUNDS PER SQUARE INCH ABSOLUTE (568 mm. Hg), OR GREATER UNDER ACTUAL STORAGE CONDITIONS. ALL TANK GAUGING OR SAMPLING DEVICES MUST BE GAS-TIGHT EXCEPT WHEN TANK GAUGING OR SAMPLING IS TAKING PLACE. THE OWNER OR OPERATOR OF ANY TANK SUBJECT TO THIS PROVISION SHALL ENSURE THAT:

(i) THERE ARE NO VISIBLE HOLES, TEARS OR OTHER OPENINGS IN ANY SEAL FABRIC;

(ii) ANY SEAL IS INTACT AND UNIFORMLY IN PLACE AROUND THE CIRCUMFERENCE OF THE FLOATING ROOF BETWEEN THE FLOATING ROOF AND THE TANK WALL;

(iii) THE TOTAL AREA OF GAPS EXCEEDING 0.125 INCHES IN WIDTH BETWEEN THE SECONDARY CLOSURE SEAL AND THE TANK WALL DOES NOT EXCEED 1.0 SQUARE INCH PER FOOT OF TANK DIAMETER;

(iv) A SECONDARY CLOSURE SEAL GAP MEASUREMENT AS SPECIFIED IN (iii) ABOVE IS MADE ANNUALLY;

(v) A VISUAL INSPECTION OF THE SECONDARY CLOSURE SEAL IS CONDUCTED SEMI-ANNUALLY;

(vi) RIM VENTS ARE SET TO OPEN WHEN THE ROOF IS ON THE ROOF LEG SUPPORTS; AND

(vii) ANY EMERGENCY ROOF DRAIN IS PROVIDED WITH A SLOTTED FABRIC COVER WHICH COVERS AT LEAST NINETY PERCENT (90%) OF THE AREA OPENING.

The Regulations of Connecticut State Agencies are amended by the addition of subdivision (11) to subsection (b) of Section 22a-174-20 as follows:

(b) Loading of gasoline and other volatile organic compounds.

(NEW)(11)(A) On and after July 1, 1985, no person who owns or operates a tank truck that receives gasoline from a loading facility described in subsections (b)(1) or (b)(2) of this section or delivers gasoline to a dispensing facility subject to the provisions of subsections (b)(5) or (b)(6) of this section shall cause or permit the tank truck to load or unload gasoline unless:

(i)(1) during the preceding period of January 1 to June 30, the tank was tested in accordance with Method 27 as specified in the Federal Register of August 18, 1983 on page 37597 (48 FR 37597) or another manner approved by the Commissioner in writing; or

(2) the tank has been tested in accordance with the requirements of Massachusetts, New Jersey or New York within the preceding twelve months; and

(ii) during the test specified in (i) above, the tank sustains a pressure change of no more three (3) inches of water in five (5) minutes when pressurized to a gauge pressure of eighteen (18) inches of water or when evacuated to a gauge pressure of six (6) inches of water; and

(iii) the tank truck displays a marking near the U.S. Department of Transportation markings required by Title 49 of the Code of Federal Regulations Section 177.824 which shows the initials "DEP" and the date of the last test or comparable markings as required by the State in which the tank was tested.

(B) The owner or operator of any tank truck which fails to meet the requirements of (b)(11)(A)(ii) above or (b)(11)(D)(ii) below shall repair and retest the tank truck within fifteen (15) days.

(C) Any person who performs a test required by subsection (b)(11) of this section shall:

(i) notify the Department's Air Compliance Unit of the time and location of the test at least forty-eight (48) hours in advance ; and
(ii) submit a copy of the test report to the Commissioner within ten (10) days after performing a test.

(D) The owner or operator of any tank truck subject to the provisions of subsection (b)(11) of this section shall ensure that:

(i) during loading and unloading operations the tank is not subject to a pressure in excess of eighteen (18) inches of water , nor a vacuum in excess of six (6) inches of water;
(ii) during loading and unloading operations there is never a reading equal to or greater than the Lower Explosive Limit (LEL) at one (1) inch from any source of potential leaks; and
(iii) records of all tests performed under subsection (b)(11) of this section are maintained for a minimum of two (2)years.

STATE OF CONNECTICUT
REGULATION
OF

NAME OF AGENCY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SECTION 4

Subdivision (2) of subsection (k) of section 22a-174-20 of the Regulations of Connecticut State Agencies is amended to read as follows:

(k) Restrictions on [cutbacks] CUTBACK asphalt.

(k)(2) After October 1, 1985 no person shall store, use or apply cutback asphalt during the months of June, July, August and September UNLESS LESS THAN FIVE PERCENT (5%) OF THE TOTAL SOLVENT CONTAINED IN SUCH CUTBACK ASPHALT EVAPORATES AT A TEMPERATURE UP TO AND INCLUDING FIVE HUNDRED DEGREES FAHRENHEIT (500°F) AS DETERMINED BY ASTM METHOD D-402, except that:

[(a)](A) Medium-Curing Cutback Asphalt may be used solely as a penetrating prime coat for aggregate bases prior to paving.

[(b)](B) Medium-Curing CUTBACK Asphalt may be used for the manufacture of materials for long-period storage or stockpiling of patching mixes used in pavement maintenance.

[(c)](C) Class 8 Bituminous Concrete may be used at any time for surface treatments under one inch, for crack filling, relief joints, minor leveling or pothole patching.

STATEMENT OF PURPOSE: To require controls on the emission of volatile organic compounds which are consistent with the requirements of the U.S. Environmental Protection Agency.

CERTIFICATION
R-3P REV. 1/77

Be it known that the foregoing:

[X] Regulations [ ] Emergency Regulations

Are:

[ ] Adopted [X] Amended as hereinabove stated [ ] Repealed

By the aforesaid agency pursuant to:

[X] Section 22a - 174 of the General Statutes.

[ ] Section _____ of the General Statutes, as amended by Public Act No. _____ of the _____ Public Acts.

[ ] Public Act No. _____ of the Public Acts.

After publication in the Connecticut Law Journal on August 21, 19 84, of the notice of the proposal to:

[ ] Adopt [X] Amend [ ] Repeal such regulations

(If applicable): [X] And the holding of an advertised public hearing on 24th day of September 19 84

WHEREFORE, the foregoing regulations are hereby:

[ ] Adopted [X] Amended as hereinabove stated [ ] Repealed

Effective:

[X] When filed with the Secretary of the State.

(OR)

[ ] The _____ day of _____ 19____.

Witness Whereof:	DATE 10/22/84	SIGNED *(Head of Board, Agency or Commission)* Stanley J. Pac	OFFICIAL TITLE, DULY AUTHORIZED Commissioner
Approved by the Attorney General as to legal sufficiency in accordance with Sec. 4-169, as amended, C.G.S.:		SIGNED [illegible]	OFFICIAL TITLE, DULY AUTHORIZED Deputy Attorney General

OCT 29 1984

[X] Approved

[ ] Disapproved

[ ] Disapproved in part, *(Indicate Section Numbers disapproved only)*

[ ] Rejected without prejudice.

By the Legislative Regulation Review Committee in accordance with Sec. 4-170, as amended, of the General Statutes.	DATE 12/13/84	SIGNED *(Clerk of the Legislative Regulation Review Committee)* Ruth A. Goodrich

Two certified copies received and filed, and one such copy forwarded to the Commission on Official Legal Publications in accordance with Section 4-172, as amended, of the General Statutes.

DATE	SIGNED *(Secretary of the State.)*	BY
Dec 17 1984	Julia A. P. Fashlian	Julia P. Fiedler

INSTRUCTIONS

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for his determination of legal sufficiency. Section 4-169 of the General Statutes.

2. Seventeen copies of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Legislative Regulation Review Committee for its approval. Section 4-170 of the General Statutes.

3. Each regulation must be in the form intended for publication and must include the appropriate regulation section number and section heading. Section 4-172 of the General Statutes.

4. Indicate by "(NEW)" in heading if new regulation. Amended regulations must contain new language in capital letters and deleted language in brackets. Section 4-170 of the General Statutes.

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