STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

May 23, 1994

FILE COPY

Linda M. Murphy, Director
Air, Pesticides and Toxics Management Division
U. S. Environmental Protection Agency
Region 1
J. F. Kennedy Federal Building
Boston, Massachusetts 02203-2211

RE: SIP Revision for New Source Review

Dear Ms. Murphy:

I am requesting that your agency approve certain enclosed materials as a revision to Connecticut's State Implementation Plan for air quality (SIP). These materials concern our program for the review of new or modified stationary sources of air pollution. The documents enclosed are the program narrative and amended regulations. A more detailed description of these attachments along with administrative materials which you need to approve this requested revision are provided herein.

Attachment A Narrative Portion

This document titled STATE IMPLEMENTATION PLAN FOR AIR QUALITY, NEW SOURCE REVIEW NARRATIVE MAY 1994 provides a plain language explanation of the process which the DEP will follow in the review of new or modified stationary sources. This includes a description of the types of sources for which permits are required and the provisions for approval of permits. Please note that this is a supplement to the current narrative which was approved on February 23, 1993 (58 FR 10957).

Attachment B 22a-174-1 Definitions

This attachment represents a recently promulgated amendment to section 22a-174-1 of the Regulations of Connecticut State Agencies concerning abatement of air pollution. This section defines terms used throughout the air pollution control regulations. Please note that certain portions of this amendment are not being submitted for incorporation into the SIP. Those portions have been crossed out and should not be considered as part of this submittal and request. Also attached is a copy of a letter from the Secretary of the State acknowledging receipt of this regulation showing an effective date of April 12, 1994.

Attachment C 22a-174-3 New Source Review

This attachment represents a recently promulgated amendment to section 22a-174-3 of the Regulations of Connecticut State Agencies concerning abatement of air pollution. This section concerns the requirements for the review and permitting of new sources of air pollution. Please note that certain portions of this amendment are not being submitted for incorporation into the SIP. Those portions have been crossed out and should not be considered as part of this submittal and request. Also attached is a copy of a letter from the Secretary of the State acknowledging receipt of the regulation showing an effective date of April 12, 1994.

Attachment D Public Notice

This is a certification that the public hearing was held in accordance with the public notice and that appropriate State and Federal notice procedures were followed.

Attachment E Public Comments and Response

This attachment provides a summary of the comments received regarding the regulations along with a description of changes made as a result of the comments.

Attachment F List of Materials not in the SIP

This is a summary of the materials that have been crossed out.

Please contact Joe Belanger at (203) 566-2506 if there are any questions or if additional materials are needed. Thank you for your attention to this matter.

Sincerely yours,

Timothy R.E. Keeney
Commissioner

enc.

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION I
J.F. KENNEDY FEDERAL BUILDING, BOSTON, MASSACHUSETTS 02203-2211

Anne Golden

File 2.1.15

July 12, 1994

Timothy R. E. Keeney, Commissioner
Department of Environmental Protection
79 Elm Street
Hartford, CT 06106

FILE COPY

Re: Completeness Determination for Revision of Connecticut's State Implementation Plan (SIP) for Air Quality: New Source Review

Dear Commissioner Keeney: Tim

We received your submittal dated May 23, 1994 which contained revisions to section 22a-174-1, Definitions, and section 22a-174-3, New Source Review, of the regulations of Connecticut State Agencies concerning the abatement of air pollution. We determined the submittal to be administratively and technically complete. We are currently reviewing the submittal for approvability and will forward our recommendations, along with the corresponding Notice of Proposed Rulemaking, to EPA Headquarters sometime in the future. The submittal will be processed as a Table 2 action and, as such, will require an opportunity for a 30 day Headquarter's review before final sign off.

In a letter dated January 15, 1993, EPA notified Connecticut of a "finding of failure to submit" new or augmented New Source Review (NSR) SIPs that meet the provisions of Part D of Title I of the Clean Air Act for ozone. In addition, in a letter dated January 26, 1994, EPA notified Connecticut of another "finding of failure to submit" NSR SIPs that meet Part D of Title I for carbon monoxide. The completeness determination for Connecticut's May 23, 1994 NSR SIP revision stops both sanctions clocks and remedies the "findings" for these elements.

Brendan McCahill is the principal contact for this rulemaking. If you or your staff have any questions, please feel free to call him at (617) 565-3262.

Sincerely,

Linda M. Murphy

Linda M. Murphy, Director
Air, Pesticides and Toxics Management Division

cc: Carmine DiBattista, CT DEP
Steve Peplau, CT DEP
Dave Wackter, CT DEP

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File 2.1.15

STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION

November 14, 1994

FILE COPY

Ms. Linda Murphy, Director
Air, Pesticides and Toxics Management Division
U.S. Environmental Protection Agency, Region I
J.F. Kennedy Federal Building
Boston, MA 02203-2211

RE: Approval of NSR revisions

Dear Ms. ~~Murphy~~ Linda:

The purpose of this letter concerns EPA's review of CTDEP's revised new source review (NSR) regulations submitted to EPA on May 23, 1994 pursuant to Title I of the 1990 Clean Air Act amendments (the Act). According to my staff, EPA staff have indicated that fairly minor differences in language between CTDEP's regulation and EPA's interpretation of the Act could preclude your ability to approve our SIP revision in full. Before the Regional Office makes such a decision, I urge you to review the stringency of our program as a whole rather than to focus on one or two truly deminimus differences.

The most significant differences appear to be CTDEP's interpretation of the provisions for five year aggregation for excluding deminimus, or insignificant, emission increases and special rules for modifications (Secs. 182(c)(6), (7) and (8) of the Act). CTDEP's regulation for these provisions was developed to complement our preexisting prohibition on netting. Connecticut's new source review program not only contains all of the required nonattainment provisions of the Act but continues to require much more stringent provisions, including no-netting and permit requirements for smaller new sources down to five tons per year.

Under the Connecticut regulation, <u>total</u> tons of increased potential emissions (not tons per year) from previously installed new equipment that had not been required to obtain offsets (because of their small size) are aggregated over the previous five year period prior to the time of permit application for a proposed modification. This calculation is performed to determine if such emissions increases are significant enough to be included with the proposed modification at a facility before determining if such modification should be processed as a major modification.

The aggregation of previously installed equipment even includes equipment which had undergone Connecticut's minor new source review and permitting. If the aggregated emissions are greater than 25 tons, the 5 year average rate of these emissions is included with the proposed change to determine major modification applicability. It should be noted that Connecticut's regulation also requires any modification of 5 tons per year or more to undergo new source review prior to construction.

EPA has not officially interpreted the deminimus clause of the Act or adopted regulations pursuant to it. However, EPA staff members indicate that a draft interpretation could be more stringent under limited circumstances than CTDEP's regulation. We don't feel EPA's draft interpretation can be easily implemented or enforced as a practical matter. Furthermore, CTDEP's interpretation is in most cases more stringent than EPA's, because we do not allow sources to "net out" of new source review and aggregated emission increases are required to be offset with emission reductions.

I look forward to an early resolution of the issues. Please give me a call at 203-424-3026 if you have any questions or would like to discuss this further. As always, CTDEP staff are willing to work with EPA to resolve any inconsistencies in language regarding enforceability and intent of the regulation.

Sincerely,

Carmine DiBattista

Carmine DiBattista, Chief
Bureau of Air Management