R-39 REV. 1/77

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STATE OF CONNECTICUT

REGULATION

OF

12/27/01

w/ LCO Corrections.

NAME OF AGENCY

Environmental Protection

Concerning

Adoption of: Section 22a-174-2a — Procedural Requirements for New Source Review and Title V Permitting; Section 22a-174-3a — Permit to Construct and Operate Stationary Sources; Section 22a-174-3b — Exemptions from Permitting for Construction and Operation of External Combustion Units, Automotive Refinishing Operations, Nonmetallic Mineral Processing Equipment and Surface Coating Operations; and Section 22a-174-3c — Limitations on Potential to Emit for External Combustion Units, Automotive Refinishing Operations, Emergency Engines, Nonmetallic Mineral Processing Equipment and Surface Coating Operations;

Amendment of: Section 22a-174-1 — Definitions; and Section 22a-174-33 — Title V Sources; and

Repeal of: Section 22a-174-2 — Registration Requirements for Existing Stationary Sources of Air Pollutants; and Section 22a-174-3 — Permits to Construct and Permits to Operate Stationary Sources or Modifications

Section: 1

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

Sec. 22a-174-1. Definitions.

[For the purposes of sections 22a-174-1 through 22a-174-200 the following definitions shall be used:] EXCEPT AS MAY OTHERWISE BE PROVIDED, AS USED IN SECTIONS 22a-174-1 TO 22a-174-200, INCLUSIVE, OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES:

(1) ["Actual emissions" means the rate of emissions from a source, including fugitive emissions quantified by permit, order or by registration information, after application of air pollution control equipment, of a particular air pollutant where the rate of emissions is calculated using:

(A) Real or expected production rates, hours of operation, and types of materials processed, stored or combusted for the period specified; and

(B) Information from the "Compilation of Air Pollutant Emission Factors" (AP-42) published by the U. S. Environmental Protection Agency, relevant source test data or other information deemed more representative by the Commissioner.

For the purposes of determining actual emissions in subsections (k) and (l) of section 22a-174-3 and in the definitions of excessive concentration, commence or commencement and potential emissions, the Commissioner shall determine the actual emissions of a stationary source over the two (2) year period prior to the date of an application under subsection 22a-174-3(a). The Commissioner may allow or require the use of another period which is deemed more representative, but in no event can it be before the design year of an applicable attainment plan.]

"ACT" MEANS THE FEDERAL CLEAN AIR ACT, 42 USC SECTIONS 7401 TO 7671q AND PUBLIC LAW 101-549.

(2) "ACTUAL EMISSIONS" HAS THE SAME MEANING AS IN 40 CFR 51.165(a)(1)(xii)(A) TO (E), INCLUSIVE.

[(2)] (3) "Administrator" means the [administrator] ADMINISTRATOR of the United States Environmental Protection Agency.

(4) "AFFECTED STATE OR STATES" MEANS THE COMMONWEALTH OF MASSACHUSETTS, THE STATES OF NEW YORK, RHODE ISLAND AND ANY OTHER STATE LOCATED WITHIN FIFTY (50) MILES OF A CONNECTICUT TITLE V SOURCE.

[(3)] (5) "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 EXCEPT IN ACCORDANCE WITH REGULATIONS ADOPTED PURSUANT TO SECTIONS 22a-174d OR 22a-174j OF THE CONNECTICUT GENERAL STATUTES, uncombined water vapor or water droplets, or molecular oxygen EXPRESSED AS O_2 or nitrogen.

[(4)](6) "Air pollution" means the presence in the [outdoor atmosphere] AMBIENT AIR 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 OR THE ENVIRONMENT, to the health of human, plant or animal life, or to property, or as unreasonably to interfere with the enjoyment of life and property.

(7) "AIR POLLUTION CONTROL EQUIPMENT" MEANS ANY EQUIPMENT WHICH IS DESIGNED TO REDUCE EMISSIONS OF AIR POLLUTANTS FROM A STATIONARY SOURCE.

[(5)](8) "Allowable emissions" [means the rate of emissions from a stationary source of a particular air pollutant where the emission rate is calculated using the maximum rated capacity of the source, unless the source is subject to 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:

(A) 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;

(B) The applicable emission limitation under these regulations including those with a future compliance date;

(C) The emission rate specified as a condition of a permit or order issued by the Commissioner, including any such condition with a future compliance date; or

(D) The applicable emission limitation under the State Implementation Plan, including any such limitation with a future compliance date.

For the purpose of calculating allowable emissions in subparagraph 22a-174-3(c)(1)(B), subdivisions (k)(5), (k)(6), (l)(1) or (l)(5) in section 22a-174-3 or in the definitions of dispersion technique and excessive concentration, the emission limitation in (B) above, emission rate in (C) above and the 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 must be federally enforceable.] MEANS "ALLOWABLE EMISSIONS" AS DEFINED IN 40 CFR 51.165(a)(1)(xi).

[(6)](9) "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

[(7)](10) "AAQS" OR "Ambient air quality standard" [or "AAQS"] means any standard which establishes the largest allowable concentration of a specific pollutant in the ambient air [or] OF a

region or subregion as established by the United States Environmental Protection Agency or by the [Commissioner] COMMISSIONER and which is listed in section 22a-174-24[.] OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

[(8)](11) "Architectural coating" means a coating used for residential or commercial buildings and their appurtenances, or industrial buildings, or other outdoor structures.

[(9)](12) "Attainment" means that the quality of the ambient air, as determined by the [Commissioner] ADMINISTRATOR, meets [National] THE Ambient Air Quality Standards for a given air pollutant. [for which such standards have been established by the United States Environmental Protection Agency.]

[(10)](13)"Attainment area" means a geographic area which has been designated BY THE ADMINISTRATOR as attainment [under Title] PURSUANT TO 40 [Code of Federal Regulations] CFR [Part] 81 in accordance with the provisions of 42 [U.S.C.] USC [Section] 7407 [(section 107 of the Clean Air Act)].

(14) "BASELINE CONCENTRATION" MEANS "BASELINE CONCENTRATION" AS DEFINED IN 40 CFR 51.166(b)(13)(i) TO (ii)(b), INCLUSIVE.

[(11)](15) "Best Available Control Technology" or "BACT" means an emission limitation, including a [visible emission standard,] LIMITATION ON VISIBLE EMISSIONS, based upon the maximum degree of reduction for each applicable air pollutant emitted from any proposed stationary source or modification which the [Commissioner] COMMISSIONER, on a case-by-case basis, determines is achievable IN ACCORDANCE WITH SECTION 22a-174-3a OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES. [for a similar or representative type of source or modification through] BACT MAY INCLUDE, WITHOUT LIMITATION, THE application of production processes, WORK PRACTICE STANDARDS or available methods, systems, and techniques, including fuel cleaning or treatment, THE USE OF clean fuels, or innovative [fuel combustion] techniques for THE control of such air pollutant[. In determining BACT the Commissioner may take into account any emission limitation, including any visible emission standard, which has been achieved in practice under any permit limitation or demonstrated by any stack test acceptable to the Commissioner. For the purposes of this definition, the Commissioner may exclude any stack test on a pilot plant or prototype equipment which does not have reasonable operating experience or which may not be generally available for industry use. 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, the Commissioner may prescribe a design, equipment, work practice or operational standard, or combination thereof, to satisfy the requirement for 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].

[(12)](16) "Begin actual construction" [means initiation of physical on-site construction activities of an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying of underground pipework, and construction of permanent storage structures. With respect to a change in the method of operation this term refers to those on-site activities which mark the initiation of the change.] MEANS "BEGIN ACTUAL CONSTRUCTION" AS DEFINED IN 40 CFR 51.165(a)(1)(xv).

[(13)](17) ["BTU"] "BTU" means British thermal unit, which is the amount of heat required to raise the temperature of one pound of water one degree Fahrenheit.

[(14)](18) "CAS Number" means the number given to a compound by the American Chemical Society's Chemical Abstract Service.

[(15)](19) "CFR" means the Code of Federal Regulations.

[(16)](20) "Combustion efficiency" means the percentage [number] calculated in accordance with the following formula:

$$CE = \frac{[\ CO_2\ ]}{[\ CO\ ] + [\ CO_2\ ]} \times (100)$$

where: CE = Combustion efficiency in percent;
CO_2 = Amount of carbon dioxide;
CO = Amount of carbon monoxide; and
CO and CO_2 are both measured in volume units.

(21) "COMMENCE OPERATION" MEANS THE OWNER OR OPERATOR OF THE STATIONARY SOURCE HAS BEGUN, OR CAUSED TO BEGIN, ANY ACTIVITY WHICH HAS THE POTENTIAL TO EMIT ANY AIR POLLUTANT.

[(17)](22) "Commence[" or "Commencement" as applied to construction of a stationary source or modification] CONSTRUCTION" means that the owner or operator OF THE PROPOSED STATIONARY SOURCE OR PROPOSED MODIFICATION TO A STATIONARY SOURCE has all necessary permits or approvals required [under federal air quality control laws and these regulations,]PURSUANT TO THE ACT, ANY REGULATIONS ADOPTED THEREUNDER AND SECTION 22a-174-1, ET SEQ. OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES, and has either:

(A) Begun, or caused to begin, a CONTINUOUS program of physical on-site construction of the source[:],SUBJECT TO THE PERMIT ISSUED BY THE COMMISSIONER, WITHOUT ANY BREAKS IN SUCH CONSTRUCTION OF MORE THAN EIGHTEEN MONTHS; OR

[(i) subject to a schedule which will lead to completion in a reasonable time; and

(ii) without any breaks in such construction of more than 18 months; or]

(B) Entered into [site specific] binding agreements or contractual obligations TO UNDERTAKE ACTUAL CONSTRUCTION OF THE SOURCE WITHIN A REASONABLE TIME, which cannot be [cancelled] CANCELED or modified without substantial ECONOMIC loss to the owner or operator[, to undertake a program of construction of the source to be completed within a reasonable time].

[For the purposes of this definition construction means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification) which would result in a change in either potential or actual emissions.]

[(18)](23) "Commissioner" means the Commissioner of Environmental Protection, or any member of the Department or any local air pollution control official or agency authorized by the [Commissioner] COMMISSIONER, acting singly or jointly, to whom the [Commissioner] COMMISSIONER assigns any function arising under the provisions of these regulations.

(24) "CONSTRUCTION" MEANS "CONSTRUSTION" AS DEFINED IN 40 CFR 51.165 (a)(1)(xviii).

(25) "CEM" OR "CONTINUOUS EMISSION MONITORING" MEANS A SYSTEM FOR CONTINUOUSLY MEASURING THE EMISSIONS OF ANY POLLUTANT FROM A STATIONARY SOURCE.

(26) "CERC" OR "CONTINUOUS EMISSION REDUCTION CREDIT" MEANS A REAL, QUANTIFIABLE, SURPLUS, PERMANENT AND ENFORCEABLE REDUCTION OF AN AIR POLLUTANT AT A SOURCE WHICH IS:

(A) CERTIFIED BY THE COMMISSIONER THROUGH A SIP APPROVED PLAN; AND

(B) GENERATED OVER AN UNINTERRUPTED PERIOD OF TIME IN INCREMENTS OF ONE TON OF A SPECIFIED AIR POLLUTANT.

[(19)](27) "Criteria [Air Pollutant"] AIR POLLUTANT" means any air pollutant for which an ambient air quality standard has been established by the [administrator] ADMINISTRATOR in accordance with Section 107 of the [Clean Air] Act.

[(20)](28) "Department" means the Department of Environmental Protection.

[(21) "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.]

[(22)] (29) "Dioxin emissions" means [tetrachlorodibenzodioxin (TCDD) and tetrachlorodibenzofuran (TCDF) emissions or emissions of any other isomers of comparable toxicity] THE TOTAL EMISSIONS OF POLYCHLORODIBENZODIOXINS (PCDDs) AND POLYCHLORODIBENZOFURANS (PCDFs) CONVERTED TO THE TOXIC EQUIVALENCE AMOUNT OF 2,3,7,8-TETRACHLOROTEDIBENZODIOXIN (2,3,7,8-TCDD). For the purposes of this definition, the [Commissioner] COMMISSIONER shall determine the [equivalent] TOXIC EQUIVALENCE amount of 2,3,7,8-TCDD BY MULTIPLYING THE CONCENTRATION OF EACH ISOMER IN THE SAMPLE BY THE APPROPRIATE TOXIC EQUIVALENCY FACTOR (TEF) SET FORTH IN TABLE 1-1 AND THEN ADDING THE PRODUCTS TO OBTAIN THE TOTAL DIOXIN EMISSIONS IN THE SAMPLE. [using the following toxic equivalency factors (TEF)]

Table 1-1

FORM OF DIOXIN EMISSIONS	TEF
monochlorodibenzodioxin	0
dichlorodibenzodioxin	0

Table 1-1

FORM OF DIOXIN EMISSIONS	TEF
trichlorodibenzodioxin	0
2,3,7,8 tetrachlorodibenzodioxin	1.0
other tetrachlorodibenzodioxins	0.01
[2,3,7,8 pentachlorodibenzodioxin	0.5]
1,2,3,7,8 PENTACHLORODIBENZODIOXIN	0.5
other pentachlorodibenzodioxins	0.005
[2,3,7,8 hexachlorodibenzodioxin	0.04]
1,2,3,4,7,8 HEXACHLORODIBENZODIOXIN	0.04
1,2,3,6,7,8 HEXACHLORODIBENZODIOXIN	0.04
1,2,3,7,8,9 HEXACHLORODIBENZODIOXIN	0.04
other hexachlorodibenzodioxins	0.0004
[2,3,7,8 heptachlorodibenzodioxin	0.001]
1,2,3,4,6,7,8 HEPTACHLORODIBENZODIOXIN	0.001
other heptachlorodibenzodioxins	0.00001
octachlorodibenzodioxin	0
monochlorodibenzofuran	0
dichlorodibenzofuran	0
trichlorodibenzofuran	0
2,3,7,8 tetrachlorodibenzofuran	0.1
other tetrachlorodibenzofurans	0.001
[2,3,6,7 pentachlorodibenzofuran	0.1]
1,2,3,7,8 PENTACHLORODIBENZOFURAN	0.1
2,3,4,7,8 PENTACHLORODIBENZOFURAN	0.1
other pentachlorodibenzofurans	0.001
[2,3,7,8 hexachlorodibenzofuran	0.01]
1,2,3,4,7,8 HEXACHLORODIBENZOFURAN	0.01
1,2,3,6,7,8 HEXACHLORODIBENZOFURAN	0.01

Table 1-1 FORM OF DIOXIN EMISSIONS	TEF
2,3,4,6,7,8 HEXACHLORODIBENZOFURAN	0.01
1,2,3,7,8,9 HEXACHLORODIBENZOFURAN	0.01
other hexachlorodibenzofurans	0.0001
[2,3,7,8 heptachlorodibenzofuran	0.001]
1,2,3,4,6,7,8 HEPTACHLORODIBENZOFURAN	0.001
1,2,3,4,7,8,9 HEPTACHLORODIBENZOFURAN	0.001
other heptachlorodibenzofurans	0.00001
octachlorodibenzofuran	0

[To determine total dioxin emissions, multiply the isomer concentration in the sample by the appropriate toxic equivalency factor and then add the products to obtain the total 2,3,7,8-TCDD equivalents in the sample.]

[(23)](30) "Discharge point" means any stack [and shall also include any] OR area from which a hazardous air pollutant IS RELEASED INTO THE AMBIENT AIR [emanates by evaporation, diffusion, or wind entrainment into the ambient air].

[(24)](31) "Dispersion technique" [means any method which attempts to affect the concentration of a pollutant in the ambient air by:

(A) Using that portion of a stack which exceeds the good engineering practice stack height;

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

(C) Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack or other selective handling of exhaust gas so as to increase the exhaust gas plume rise.

The preceding sentence does not include:

(i) 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;

(ii) the merging of exhaust gas streams where:

(aa) the owner or operator demonstrates that the facility was originally designed and constructed with such merged gas streams; or

(bb) after July 8, 1985 such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion from the definition of dispersion technique applies only to the emission limitation for the pollutant affected by such change in operation; or

(cc) before July 8, 1985 such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons. Where there was an increase in the emission limitation or, in the event that no emission limitation was in existence prior to the merging, an increase in the quantity of pollutants actually emitted prior to the merging, the Commissioner shall presume that merging was significantly motivated by an intent to gain emissions credit for greater dispersion. Absent a demonstration by the source owner or operator that the merging was not significantly motivated by such intent, the Commissioner shall deny credit for the effect of such merging in calculating the allowable emissions of the source.

(iii) smoke management in agricultural or silvacultural prescribed burning programs;

(iv) episodic restrictions on residential woodburning and open burning; or

(v) techniques under part C of this definition which increase final exhaust gas plume rise where the resulting allowable emissions of sulfur dioxide do not exceed five thousand (5,000) tons per year.] MEANS "DISPERSION TECHNIQUE" AS DEFINED IN 40 CFR 51.100(hh).

(32) "DERC" OR "DISCRETE EMISSION REDUCTION CREDIT" MEANS THE REAL, QUANTIFIABLE, SURPLUS, PERMANENT, AND ENFORCEABLE REDUCTION OF AN AIR POLLUTANT AT A SOURCE, WHICH IS:

(A) CERTIFIED BY THE COMMISSIONER THROUGH A SIP APPROVED PLAN; AND

(B) GENERATED DURING A SPECIFIED PERIOD OF TIME.

[(25)](33) "Emission" means the [act of releasing] RELEASE or [discharging] DISCHARGE OF AN air [pollutants] POLLUTANT into the ambient air from any source.

[(26)](34) "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.] MEANS "EMISSIONS LIMITATION" AND "EMISSION STANDARD" AS DEFINED IN 40 CFR 51.100(z).

(35) "EMISSION UNIT" MEANS "EMISSION UNIT" AS DEFINED IN 40 CFR 51.165(a)(1)(vii).

(36) "ERC" OR "EMISSION REDUCTION CREDIT" MEANS REAL, QUANTIFIABLE, SURPLUS, PERMANENT, AND ENFORCEABLE REDUCTIONS OF AIR POLLUTANT EMISSIONS FROM A SOURCE, WHEN SUCH REDUCTIONS ARE CERTIFIED BY THE COMMISSIONER THROUGH A SIP APPROVED PLAN AND RECORDED AS CERCS OR DERCS.

[(27)](37) "Excessive concentration" [has the same meaning as ascribed to that term in Title 40 Code of Federal Regulations Part 51.100(kk)] MEANS "EXCESSIVE CONCENTRATION" AS DEFINED IN 40 CFR 51.000(kk).

[(28)](38) "Federally enforceable" [means all limitations and conditions which are: approved by the Administrator, including those requirements developed pursuant to 40 CFR Parts 60 and 61; requirements within any applicable State Implementation Plan (SIP); any permit requirements established pursuant to 40 CFR Parts 52.10, 52.21, 70 or 71, under regulations approved pursuant to 40 CFR Part 51, subpart I; and any permit to construct requirements established pursuant to section 22a-174-3.] MEANS "FEDERALLY ENFORCEABLE AS DEFINED IN 40 CFR 51.165(a)(1)(xiv).

[(29)](39) "Flare" means an apparatus, [or contrivance] DEVICE, PROCESS, OR PROCEDURE for the burning of flammable gases or vapors at or near the exit of a stack, flue or vent.

[(30)](40) "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.

[(31)](41) "Fugitive dust" means solid airborne particulate matter emitted from any source other than through a stack.

[(32)](42) "Fugitive emissions" means fugitive dust or those emissions [which could not] THAT CANNOT reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

[(33)](43) "Good engineering practice (GEP) stack height" [or "(GEP)" has the same meaning as ascribed to that term in Title 40 Code of Federal Regulations Part CFR 51.100(ii)] MEANS "GOOD ENGINEERING PRACTICE (GEP) STACK HEIGHT" AS DEFINED IN 40 CFR 51.100(ii).

[(34)](44) "Hazardous air pollutant," EXCEPT AS OTHERWISE PROVIDED IN SECTION 22a-174-3a OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES, means a substance listed in [either Table 29-1, 29-2, or 29-3 of] section 22a-174-29 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

[(35)"Hazardous air pollutant advisory panel" or "Panel" means the panel created by Public Act 85-590.]

[(36)](45) "Hazard limiting value" or "HLV"[,] means the highest acceptable concentration [in the ambient air] of a hazardous air pollutant IN THE AMBIENT AIR, [as shown in Table 29-1, 29-2, or 29-3 of] PURSUANT TO section 22a-174-29 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES. [as determined by the Commissioner.] The primary use of this term is in the derivation of the maximum allowable stack concentration for a source.

[(37)](46) "Heat input" means the total gross calorific value of all fuels burned, measured in [BTU] BTU by ASTM Method D2015-66,

D240-64, or D1826-64, using the [higher] HIGHEST heating value of each fuel.

[(38)](47) "Incinerator" means any device, apparatus, equipment, SLAB, or structure used for destroying, reducing, or salvaging, by fire OR HEAT, 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).] PROVIDED THAT, FOR THE PURPOSES OF THIS DEFINITION, SOURCES COMBUSTING THE FOLLOWING USED OIL TYPES ARE NOT INCINERATORS:

(A) USED OIL MEETING THE SPECIFICATIONS OF 40 CFR 279.11; OR

(B) USED OIL BURNED IN SPACE HEATERS MEETING THE REQUIREMENTS OF 40 CFR 279.23.

[(39)](48) "Indian Governing Body" HAS THE SAME MEANING AS IN 40 CFR 51.166(b)(28). [means the governing body of any tribe, band or group of Indians which tribe, band or group of Indians is subject to the jurisdiction of the United States and recognized by the United States as possessing power of self-government.]

[(40)](49) "Indian reservation" [means any federally recognized reservation established by Treaty, Agreement, Executive Order or Act of Congress.] MEANS "INDIAN RESERVATION" AS DEFINED IN 40 CFR 51.166(b)(27).

[(41)](50) "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[;], AND airports [and combinations thereof].

[(42)](51) "Indirect source construction permit" means a permit [for] ISSUED BY THE COMMISSIONER AUTHORIZING 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].

(52) "INNOVATIVE CONTROL TECHNOLOGY" MEANS "INNOVATIVE CONTROL TECHNOLOGY" AS DEFINED IN 40 CFR 51.166 (b)(19).

[(43)](53) "Internal offset" means any federally enforceable reduction of actual emissions from one or more stationary sources on [a premise] THE SAME PREMISES which [can be] ARE used to offset [allowable] POTENTIAL emissions increases from a proposed [new] stationary source [or modification on such premise] ON SUCH PREMISES IN ACCORDANCE WITH THE PROVISIONS OF SECTION 22a-174-3a(*l*) OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

[(44)](54) "LAER" or "Lowest Achievable Emission Rate" [means the rate of emissions, which reflects the more stringent of:

(A) The most stringent emission limitation which is contained in any state implementation plan for such class or category of stationary source, unless the owner or operator demonstrates to the Commissioner's satisfaction that such limitations are not achievable; or

(B) The most stringent emission limitation which is achieved in practice by such stationary source or category of stationary source.

In determining LAER the Commissioner may take into account any emission limitation, including a visible emission standard, which has been established as a permit limitation or demonstrated by a stack test acceptable to the Commissioner. For the purposes of this definition, the Commissioner may exclude any stack test on a pilot plant or prototype equipment which does not have reasonable operating experience or which may not be generally available for industry use. 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.] MEANS "LOWEST ACHIEVEABLE EMISSION RATE" AS DEFINED IN 40 CFR 51.165(a)(1)(xiii).

[(45)](55) "Major modification" [means a physical change or change in the method of operation of a major stationary source which would result in an increase in potential emissions of any individual air pollutant equal to or greater than the amount listed in Table 3(k)-1 in section 22a-174-3 1(m)-1 . For the purposes of this definition:

(A) A major stationary source of volatile organic compounds or nitrogen oxides shall be considered a major stationary source for ozone;

(B) In calculating potential emissions any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment, or restrictions on production rates, hours of operation, and types of materials processed, stored or combusted which limit the maximum rated capacity shall be treated as part of its design if the limitation or the effect the limitation would have on emissions is federally enforceable;

(C) in calculating a potential emissions increase of volatile organic compounds or nitrogen oxides, all previous increases in potential emissions from the subject premise shall be aggregated over the most recent five (5) consecutive calendar years. Such five (5) year period shall not precede January 1, 1991 and shall include the calendar year in which the proposed increase will occur. Such aggregation shall exclude emission increases previously permitted under subsection 22a-174-3(*l*). If such aggregated emissions are greater than twenty-five (25) tons over the five (5) year period, then the annual average of such aggregated emissions shall be added to the increase in potential emissions in determining if such emissions increase is equal to or greater than the amount listed in Table 3(k)-1 in section 22a-174-3.]

MEANS "MAJOR MODIFICATION" AS DEFINED IN 40 CFR 51.165 (a)(1)(v), PROVIDED THAT, FOR THE PURPOSES OF THIS DEFINITION, THE TERM "SIGNIFICANT" HAS THE SAME MEANING AS IN 40 CFR 51.166(b)(23)(i) AND:

(A) THE VALUES FOR NITROGEN OXIDES AS AN OZONE PRECURSOR AND VOLATILE ORGANIC COMPOUNDS ARE EACH TWENTY-FIVE (25) TONS PER YEAR, AND

(B) ASBESTOS, BERYLLIUM AND VINYL CHLORIDE ARE EXCLUDED.

(56) "MAJOR SOURCE BASELINE DATE" MEANS JANUARY 6, 1975 FOR PARTICULATE MATTER AND SULFUR DIOXIDE AND FEBRUARY 8, 1988 FOR NITROGEN DIOXIDE.

(57) "Major stationary source" [means:

(A) A premise with potential emissions equal to or greater than one hundred (100) tons per year of any individual air pollutant prior to the application for a modification to that stationary source or addition to the premise; or the more stringent of the following applicable thresholds shall apply:

(i) fifty (50) tons per year of volatile organic compounds or nitrogen oxides in any serious non-attainment area for ozone; or

(ii) twenty-five (25) tons per year of volatile organic compounds or nitrogen oxides in any severe non-attainment area for ozone;

(B) A premise with potential emissions equal to or greater than the thresholds in subparagraph (A) above after taking into consideration:

(i) any increase in potential emissions of fifteen (15) tons per year or more from a proposed modification or the addition of a proposed stationary source; and

(ii) any other increases and decreases in potential emissions which the Commissioner determines will occur before the date that the increase from the proposed modification occurs; or

(C) a physical change or change in the method of operation of a premise which in and of itself has potential emissions greater than or equal to the thresholds in subparagraph (A) above;

(D) for the purposes of this definition,

(i) a major stationary source of volatile organic compounds or nitrogen oxides shall be considered a major stationary source for ozone; and

(ii) in calculating potential emissions any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment, or restrictions on production rates, hours of operation, and types of materials processed, stored or combusted which limit the maximum rated capacity shall be treated as part of its design if the limitation or the effect the limitation would have on emissions is federally enforceable.]

MEANS "MAJOR STATIONARY SOURCE" AS DEFINED IN 40 CFR 51.165(a)(1)(iv), PROVIDED THAT:

(A) A STATIONARY SOURCE THAT EMITS OR HAS THE POTENTIAL TO EMIT TWENTY-FIVE (25) TONS PER YEAR OF VOLATILE ORGANIC COMPOUNDS OR NITROGEN OXIDES AS AN OZONE PRECURSOR IN

ANY SEVERE OZONE NONATTAINMENT AREA IS A MAJOR STATIONARY SOURCE, AND

(B) A STATONARY SOURCE THAT EMITS OR HAS THE POTENTIAL TO EMIT FIFTY (50) TONS PER YEAR OF VOLATILE ORGANIC COMPOUNDS OR NITROGEN OXIDES AS AN OZONE PRECURSOR IN ANY SERIOUS OZONE NONATTAINMENT AREA IS A MAJOR STATIONARY SOURCE.

(58) "MALFUNCTION" MEANS "MALFUNCTION" AS DEFINED IN 40 CFR 60.2.

(59) "MACT" OR "MAXIMUM ACHIEVABLE CONTROL TECHNOLOGY" MEANS A METHOD OF ACHIEVING AN EMISSION LIMITATION OR REDUCING THE EMISSION OF HAZARDOUS AIR POLLUTANTS AS DETERMINED BY THE COMMISSIONER PURSUANT TO SECTION 22a-174-33(e) OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES OR BY THE ADMINISTRATOR PURSUANT TO 40 CFR 63.

[(47)](60)"Maximum allowable stack concentration" or "MASC" is the maximum allowable concentration of a hazardous air pollutant in the exhaust gas stream AT THE DISCHARGE POINT of a STATIONARY source under actual operating conditions [at the discharge point].

[(48) "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.]

[(49)](61) "Maximum [rated] capacity" means the design maximum hourly capacity OF A STATIONARY SOURCE or highest demonstrated hourly capacity OF A STATIONARY SOURCE, whichever is greater, multiplied by 365 days per year and 24 hours per day[.], OR SOME OTHER TIME PERIOD AS MAY BE ACCEPTED BY THE COMMISSIONER.

[(50)](62) "Maximum uncontrolled emissions" means the rate of emissions for a source, determined [before] WITHOUT the application of air pollution control equipment unless the source is incapable of being operated without the air pollution control equipment, of a particular air pollutant where [the] SUCH rate [of emissions] is calculated using:

(A) The maximum [rated] capacity of the source unless the [Commissioner] COMMISSIONER determines that the source is physically unable to operate at that capacity or unless the maximum [rated] capacity is limited by restrictions on production rates, hours of operation, [and] OR types of materials processed, stored or combusted either through permit conditions or other order of the [Commissioner] COMMISSIONER; and

(B) Information from the Compilation of Air Pollutant Emission Factors (AP-42) published by the U. S. Environmental Protection Agency, relevant source test data or other information deemed more representative by the [Commissioner.] COMMISSIONER.

(63) "MINOR PERMIT MODIFICATION" MEANS A CHANGE TO A PERMIT THAT IS REQUIRED FOR THE PERMITTEE TO LAWFULLY ENGAGE IN ANY OF THE ACTIVITIES OR PROPOSED ACTIVITIES AT A STATIONARY SOURCE AS IDENTIFIED IN SECTION 22a-174-2a(e) OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

(64) "MINOR SOURCE" MEANS ANY STATIONARY SOURCE WHICH EMITS, AND HAS THE POTENTIAL TO EMIT, POLLUTANTS AT RATES OR IN AMOUNTS LOWER THAN THOSE SPECIFIED IN SUBDIVISION (57) OF THIS SUBSECTION.

(65) "MINOR SOURCE BASELINE DATE" MEANS JUNE 7, 1988 FOR PARTICULATE MATTER, DECEMBER 17, 1984 FOR SULFUR DIOXIDE AND JUNE 7, 1988 FOR NITROGEN DIOXIDE.

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

[(52)] (67) ["Modify" or] "Modification" OR "MODIFIED SOURCE" means WITH RESPECT TO A STATIONARY SOURCE, ANY PHYSICAL CHANGE OR CHANGE IN THE METHOD OF OPERATION THAT WOULD RESULT IN AN EXCEEDANCE OF THE ALLOWABLE EMISSIONS OF ANY INDIVIDUAL AIR POLLUTANT, ANY INCREASE IN THE MAXIMUM CAPACITY, OR ANY POTENTIAL EMISSIONS OF ANY INDIVIDUAL AIR POLLUTANT NOT PREVIOUSLY EMITTED, EXCEPT THAT:

(A) ROUTINE MAINTENANCE, REPAIR OR REPLACEMENT AT A STATIONARY SOURCE SHALL NOT BE CONSIDERED A PHYSICAL CHANGE; AND

[(A) making any physical change in, change in the method of operation of, or addition to a stationary source which:

(i) increases the potential emissions of any individual air pollutant from a stationary source by five (5) tons per year or more; or

(ii) increases the maximum rated capacity of the stationary source unless the owner or operator of the stationary source demonstrates to the Commissioner's satisfaction that such increase is less than fifteen percent (15%) and the change or addition does not cause an increase in the actual emissions or the potential emissions ; or

(iii) increases the potential emissions above the levels listed in Table 3(k)-1 of subsection 22a-174-3(k); or

(iv) increases maximum uncontrolled emissions from a stationary source by one hundred (100) tons per year or more.]

[In addition a change in the type fuel used in accordance with a permit or order, or the type of fuel for which the source has provided registration under section 22a-174-2 to the Commissioner shall be considered a modification unless such change is allowed under a permit or other order of the Commissioner either of which is federally enforceable.]

(B) [Notwithstanding the above, the] THE following [are not modifications] SHALL NOT BE CONSIDERED A CHANGE IN THE METHOD OF OPERATION [unless the stationary source was previously limited by permit conditions or other order of the Commissioner]:

[(i) any routine maintenance, repair or replacement unless such replacement results in reconstruction as defined in this section; or

(ii) a change in the method of operation; or]

[(iii)] (i) any increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility[;] AND SUCH INCREASE DOES NOT CAUSE OR ALLOW AN EXCEEDANCE OF THE RATES OR EMISSION LIMITS AUTHORIZED BY A PERMIT,ORDER, OR JUDGEMENT FOR SUCH SOURCE, or

[(iv)] (ii) any increase in hours of operation[; or]AND SUCH INCREASE DOES NOT CAUSE OR ALLOW AN EXCEEDANCE OF THE RATES OR EMISSION LIMITS AUTHORIZED BY A PERMIT,ORDER, OR JUDGEMENT FOR SUCH SOURCE.

[(v) any change, the sole purpose of which is to bring an existing source into compliance with regulations applicable to such source, unless such change is a major modification or a major stationary source; or

(vi) relocation of a portable rock crusher with potential emissions of less than fifteen (15) tons per year which has a permit or exemption letter issued by the Commissioner under section 22a-174-3 provided the owner or operator provides written notice to the Commissioner prior to the relocation; or

(vii) relocation of a portable stripping facility which has a general permit issued by the Commissioner pursuant to section 22a-174(l) of the Connecticut General Statutes, provided the owner or operator of such facility provides written notice to the Commissioner prior to the relocation.]

(68) "MONITORING" MEANS ANY ACTION OR PROCEDURE THAT IS USED TO DETERMINE ACTUAL EMISSIONS FROM A STATIONARY SOURCE OR COMPLIANCE WITH THE REQUIREMENTS OF ANY PERMIT, ORDER, STATUTE OR REGULATION.

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

[(54) "Nearby" has the same meaning as ascribed to that term in Title 40 Code of Federal Regulations Part 51.100(jj).]

(70) "NET EMISSIONS INCREASE" MEANS "NET EMISSIONS INCREASE" AS DEFINED IN 40 CFR 51.165 (a)(1)(vi) PROVIDED THAT:

(A) FOR THE PURPOSES OF THIS DEFINITION, THE PHRASE "THIS SECTION" FOUND IN 40 CFR 51.165(a)(1)(vi)(C)(2) REFERS TO SECTIONS 22a-174-3a(k) AND (l) OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES, AND

(B) ANY INCREASES OR DECREASES IN ACTUAL EMISSIONS AT A STATIONARY SOURCE ARE CREDITABLE ONLY IF SUCH INCREASES OR DECREASES OCCURED WITHIN THE

PREVIOUS FIVE (5) YEARS OF THE PRESENT MODIFICATION.

[(55) "Netting" means determining the net emissions increase the determination of the increase or decrease, of potential emissions only, from stationary sources on any individual premise which the Commissioner determines will occur before the date that the increase from the proposed modification to the stationary source occurs].

[(56)](71) "Nitrogen oxides" or "Nox" means the sum of all oxides of nitrogen, expressed as nitrogen dioxide.

[(57)](72) "Non-attainment" [shall mean] MEANS that the quality of the ambient air, as [determined] MEASURED by the [Commissioner] 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.

[(58)](73) "Non-attainment air pollutant" means the particular air pollutant for which an area is designated AS A non-attainment AREA, except that volatile organic compounds and nitrogen oxides are non-attainment air pollutants[,] for ozone non-attainment areas.

[(59)](74) "Non-attainment area" means a geographic area which has been designated as non-attainment [under Title] PURSUANT TO 40 [Code of Federal Regulations Part] CFR 81 in accordance with the provisions of 42 [U.S.C section] USC 7407 (section 107 of the [Clean Air] Act).

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

(75) "NON-MINOR PERMIT MODIFICATION" MEANS A CHANGE TO A PERMIT THAT IS REQUIRED FOR THE PERMITTEE TO LAWFULLY ENGAGE IN ANY OF THE ACTIVITIES OR PROPOSED ACTIVITIES AT A STATIONARY SOURCE AS IDENTIFIED IN SECTION 22a-174-2a(d) OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

[(61)] (76) "Offset fill pipe" means a fill pipe that has bends or angles such that a straight sleeve cannot be installed.

[(62)](77) "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background.

[(63)](78) "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] A stack or flue.

[(64)](79) "Operator" means the person or persons who are legally responsible for the operation of a source of air pollution.

[(65)](80) "Organic compounds" means any chemical compounds of carbon excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides, metallic carbonates and ammonium carbonate.

[(66)](81) "Particulate matter" OR "PM" 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.] IN THE AMBIENT AIR.

(82) "PM 2.5" MEANS PARTICULATE MATTER WITH AN AERODYNAMIC DIAMETER LESS THAN OR EQUAL TO A NOMINAL 2.5 MICROMETERS AS

MEASURED BY A REFERENCE METHOD SET FORTH IN 40 CFR 50, APPENDIX L, AND DESIGNATED AS A REFERENCE METHOD IN ACCORDANCE WITH 40 CFR 53 OR BY AN EQUIVALENT METHOD APPROVED BY THE ADMINISTRATOR IN ACCORDANCE WITH 40 CFR 53.

[(67)](83) "PM 10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method [based on appendix J of Title 40 Code of Federal Regulations Part 50 and designated in accordance with Title 40 Code of Federal Regulations Part 53 as published in the July 1, 1987 Federal Register or by an equivalent method approved by the Administrator in accordance with Title 40 Code of Federal Regulations Part 53.] SET FORTH IN 40 CFR 50, APPENDIX M, AND DESIGNATED AS A REFERENCE METHOD IN ACCORDANCE WITH 40 CFR 53 OR BY AN EQUIVALENT METHOD APPROVED BY THE ADMINISTRATOR IN ACCORDANCE WITH 40 CFR 53.

[(68)](84) "Permit" [to construct"] means [a permit] ANY LICENSE ISSUED PURSUANT TO CHAPTER 446c OF THE CONNECTICUT GENERAL STATUTES.[for the construction of a stationary source, which is required to ensure:

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

(B) That the proposed stationary source will neither prevent nor interfere with the attainment or maintenance of any applicable ambient air quality standards as described in subparagraph 22a-174-3(c)(1)(B).]

[(69)"Permit to operate" means a permit which is required to ensure:

(A) 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

(B) That the operations of a stationary source will neither prevent nor interfere with the attainment or maintenance of any applicable ambient air quality standards as described in subparagraph 22a-174-3(c)(1)(B); and

(C) That all the terms of the permit to construct were fulfilled.]

[(70)](85) "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.] MEANS "PERSON" AS DEFINED IN SECTION 22a-170 OF THE CONNECTICUT GENERAL STATUTES.

[(71) "Potential emissions" OR "potential to emit" means the rate of emissions from a stationary source, including fugitive emissions to the extent quantified by permit, order or by registration information, after application of air pollution control equipment, of a particular air pollutant such that the rate is equal to or greater than the actual emissions and where the rate is calculated using:

(A) The maximum rated capacity of the stationary source, unless the maximum rated capacity is limited by restrictions on production rates, hours of operation,

and types of materials processed, stored or combusted either through permit conditions or other order of the Commissioner; and

(B) Information from the "Compilation of Air Pollutant Emission Factors" (AP-42) published by the U. S. Environmental Protection Agency, relevant source test data or other information deemed more representative by the Commissioner.

For the purposes of this definition, in calculating potential emissions in subsections (k) and (l) of section 22a-174-3, subsections 22a-174-8(c) and 22a-174-20(ee) or in the definitions of major modification, major stationary source, netting and commence or commencement, any physical or operational limitation or condition restricting the capacity of the source to emit a pollutant, including air pollution control equipment or restrictions on production rates hours of operation and types of materials processed, stored or combusted which limit the maximum rated capacity shall be treated as part of its design if the limitation or condition, or the effect the limitation or condition would have on emissions is federally enforceable.]

(86) "POTENTIAL EMISSIONS" OR "POTENTIAL TO EMIT" MEANS THE MAXIMUM CAPACITY OF A STATIONARY SOURCE, INCLUDING ALL PHYSICAL AND OPERATIONAL LIMITATIONS, TO EMIT ANY AIR POLLUTANT, INCLUDING FUGITIVE EMISSIONS TO THE EXTENT QUANTIFIABLE, PROVIDED THAT:

(A) ANY PHYSICAL LIMITATION ON SUCH CAPACITY, NOT INCLUDING AIR POLLUTION CONTROL EQUIPMENT, SHALL BE TREATED AS PART OF THE STATIONARY SOURCE AS DETERMINED BY THE COMMISSIONER OR ADMINISTRATOR; AND

(B) ANY OPERATIONAL LIMITATION ON SUCH CAPACITY, INCLUDING AIR POLLUTION CONTROL EQUIPMENT, OR A RESTRICTION ON THE HOURS OF OPERATION OR ON THE TYPE OR AMOUNT OF MATERIAL PROCESSED, STORED OR COMBUSTED, SHALL BE TREATED AS PART OF THE STATIONARY SOURCE IF THE LIMITATION OR RESTRICTION IS PRACTICABLY ENFORCEABLE.

(87) "PRACTICABLY ENFORCEABLE" MEANS:

(A) ANY FEDERALLY ENFORCEABLE EMISSION LIMITATION OR RESTRICTION ON POTENTIAL EMISSIONS; OR

(B) ANY EMISSION LIMITATION OR RESTRICTION ON THE POTENTIAL EMISSIONS SET FORTH IN A PERMIT, ORDER, REGULATION OR STATUTE ISSUED OR ADMINISTERED BY THE COMMISSIONER, PROVIDED SUCH EMISSION LIMITATION OR OPERATIONAL RESTRICTION:

(i) IDENTIFIES THE SUBJECT STATIONARY SOURCE OR CATEGORY OF STATIONARY SOURCE,

(ii) SPECIFIES AN EMISSION LIMITATION USING A SHORT TERM EMISSIONS RATE FOR SUCH STATIONARY SOURCE EXPRESSED IN POUNDS PER HOUR, POUNDS PER UNIT OF PRODUCTION OR CONCENTRATION LEVELS SUFFICIENT TO CALCULATE THE ACTUAL EMISSIONS FROM SUCH STATIONARY SOURCE OR SPECIFIES AN OPERATIONAL RESTRICTION FOR SUCH STATIONARY SOURCE SUCH AS HOURS OF OPERATION OR FUEL USE RESTRICTIONS SUFFICIENT TO CALCULATE THE ACTUAL EMISSIONS FROM SUCH SOURCE,

(iii) SPECIFIES APPROPRIATE MONITORING TO DETERMINE COMPLIANCE WITH SUCH EMISSION LIMITATION OR

RESTRICTION SPECIFIED IN ACCORDANCE WITH SUBPARAGRAPH (ii) OF THIS SUBDIVISION PROVIDED THAT IF A TWELVE MONTH ROLLING AVERAGE IS SELECTED, THE MONITORING SHALL BE CEM OR EQUIVALENT, AND

(iv) IF AN EMISSION LIMITATION OR OPERATIONAL RESTRICTION IS REQUIRED TO DEMONSTRATE THAT A STATE OR FEDERAL STANDARD DOES NOT APPLY, SUCH EMISSION LIMITATION OR RESTRICTION SHALL BE CALCULATED IN ACCORDANCE WITH SUBPARAGRAPH (ii) OF THIS SUBDIVISION AND EXPRESSED USING THE SHORTEST TECHNICALLY AND ECONOMICALLY FEASIBLE AVERAGING PERIOD, IN NO CASE LONGER THAN A TWELVE MONTH ROLLING AVERAGE. IF A TWELVE MONTH ROLLING AVERAGE IS SELECTED, THE MONITORING SHALL BE CEM OR EQUIVALENT.

[(72)](88) ["Premise"] "PREMISES" means the grouping of all stationary sources at any one location and owned or under the control of the same person or persons.

(89) "PROCESS CHANGES TO CONTROL AIR POLLUTION" MEANS ANY MODIFICATION THAT ALTERS OR IMPLEMENTS PRODUCTION PROCESSES OR AVAILABLE METHODS, INCLUDING FUEL SWITCHING, SYSTEMS, TECHNIQUES, WORK PRACTICE STANDARDS, OPERATIONAL STANDARDS OR A COMBINATION THEREOF WHICH IS DESIGNED AND IMPLEMENTED FOR THE PRIMARY PURPOSE OF REDUCING EMISSIONS OF AIR POLLUTANTS FROM A STATIONARY SOURCE.

[(73)](90) "Process source" means any operation, process, or activity except:

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

(B) The burning of refuse; and

(C) The processing of salvageable material by burning.

[(74)](91) "Reasonably Available Control Technology" OR "RACT" means the lowest emission limitation that a particular [facility] STATIONARY SOURCE 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].

[(75)](92) "Reconstruct" or "reconstruction" means the renovation or re-building of a STATIONARY source in accordance with the provisions of [Title 40 of the Code of Federal Regulations Part 60.15] 40 CFR 60.15. A reconstructed STATIONARY source shall be considered a new STATIONARY source [for the purposes of these regulations]. [Use] THE USE of an alternative fuel or raw material by reason of an order in effect [under] PURSUANT TO 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] PURSUANT TO section 125 of the Clean Air Act, shall not be considered reconstruction.

[(76)] (93) "Region" means a Connecticut intrastate Air Quality Control Region[,] or the Connecticut portion of an interstate Air Quality Control Region as defined by the [United States Environmental Protection Agency in Title 40 Code of Federal Regulations Part 81.] EPA IN 40 CFR 81[;].

[(77) "Remote fill pipe" means an offset fill pipe.]

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

[(79)](95) "Resources recovery facility" [means a facility utilizing processes aimed at reclaiming the material or energy values from municipal solid waste.] MEANS "RESOURCES RECOVERY FACILITY" AS DEFINED IN SECTION 22a-207(9) OF THE CONNECTICUT GENERAL STATUTES.

[(80)](96) "Ringelmann chart" means the chart published and described in the U.S. Bureau of Mines Information Circular 8333.

(97) "SECONDARY EMISSIONS" MEAN "SECONDARY EMISSIONS" AS DEFINED IN 40 CFR 51.165(a)(1)(viii).

[(81)](98) "Serious non-attainment area for ozone" means all towns within the State of Connecticut, except those towns located in the severe non-attainment area for ozone.

[(82)](99) "Severe non-attainment area for ozone" means the towns of [Beth*l] BETHEL, Bridgeport, Bridgewater, Brookfield, Danbury, Darien, Easton, Fairfield, Greenwich, Monroe, New Canaan, New Fairfield, New Milford, Newtown, Norwalk, Redding, Ridgefield, Sherman, Stamford, Stratford, Trumbull, Weston, Westport and Wilton.

[(83)"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.]

[(84)](100) "Solid waste" means unwanted or discarded materials, including solid, liquid, semisolid, or contained gaseous material.

[(85)](101) "Source" means any property, real or personal, which emits or may emit any air pollutant.

[(86)](102) "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.] MEANS "STACK" AS DEFINED IN 40 CFR 51.100 (ff), PROVIDED THAT STACK SHALL ALSO INCLUDE A FLARE.

[(87)](103) "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[.]).

[(88)](104) "State" as used in the phrase "any other state" means state, region, territory, commonwealth, military reservation, or Indian reservation.

[(89)](105) "State implementation plan" or "SIP" means a plan required by section 110 of the [Clean Air] Act which has been approved by the Administrator.

[(90)](106) "Stationary source" [means any building, structure, facility, equipment, operation, or installation, 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 except that portable rock crushers and portable stripping facilities] MEANS "STATIONARY SOURCE" AS DEFINED IN 40 CFR 51.165(a)(1)(i) AND (ii), PROVIDED THAT ANY PORTABLE EMISSIONS UNIT which [are] IS

moved from site to site but REMAINS [remain] stationary during operation IS A STATIONARY SOURCE [and asphalt plants which combine aggregate and asphalt while in motion are stationary sources].

[(91)](107) "Stripping facility" means any stationary source, except air pollution control equipment, the primary purpose of which is to remove organic compounds from water, soil or any other material.

[(92)](108) "Submerged fill pipe" means any fill pipe the discharge opening of which REMAINS [is still] entirely submerged when the pipe normally used to withdraw liquid from the tank can no longer withdraw any liquid.

[(93)](109) "Subregion" means a subdivision of a Region, as determined by the [Commissioner] COMMISSIONER.

[(94)](110) "Tank" means any vessel for containing liquids or gases.

(111) "TITLE V SOURCE" MEANS "TITLE V SOURCE" AS DEFINED IN SECTION 22a-174-33 OF THE REGULATIONS OF CONNECTICUT STATE AGENCIES.

(112) "THROUGHPUT" MEANS THE RATE, BY VOLUME OR MASS, OF PRODUCTION IN A MANUFACTURING PROCESS, WHERE THE COMBINED QUANTITIES OF ALL MATERIALS INTRODUCED INTO THE PROCESS, EXCLUDING AIR AND WATER, ARE USED TO DETERMINE SUCH RATE.

[(95)](113) "Total suspended particulate" means particulate matter as measured by the method described in [Appendix B of Title 40 Code of Federal Regulations Part 50.] 40 CFR 50, APPENDIX B.

[(96)](114) "Unclassifiable area" means a geographic area which has not been designated either as AN attainment AREA or A non-attainment AREA [under Title 40 Code of Federal Regulations Part 81] PURSUANT TO 40 CFR 81 in accordance with the provisions of section 107 of the Clean Air Act.

[(97)](115) "Volatile organic compound" or "VOC" [means any compound of carbon which participates in atmospheric photochemical reactions excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate and the organic compounds listed on 1(a)-1 below which the Administrator has designated as having negligible photochemical reactivity.] MEANS "VOLATILE ORGANIC COMPOUND" AS DEFINED IN 40 CFR 51.100(s), AS AMENDED FROM TIME TO TIME.

[

Table 1(a)-1 Exempt Volatile Organic Compounds	
acetone	ethane
methane	cyclic, branched, or linear completely methylated siloxanes
1,1,1-trichoroethane (methyl chloroform)	dichloromethane (methylene chloride)
Trichlorofluoromethane (CFC-11)	dichlorodifluoromethane (CFC-12)
Chlorodifluoromethane (HCFC-22)	trifluoromethane (HFC-23)

Table 1(a)-1 Exempt Volatile Organic Compounds	
1,1,-dichloro-1-fluoroethane (HCFC-141b)	pentafluoroethane (HFC-125)
1,1,2-trichloro-1,2,2-trifluoro -ethane(CFC-113)	1,2-dichloro-1,1,2,2-tetrafluoroethane(CFC-114)
Chloropentafluoroethane (CFC-115)	1,1,2,2-tetrafluoroethane (HFC-134)
1,1,1,2-tetrafluoroethane (HFC-134a)	1,1,1-trifluoroethane (HFC-143a)
1-chloro-1,1-difluoroethane (HCFC-142b)	1,1-difluoroethane (HFC-152a)
1,1,1-trifluoro-2,2-dichloroethane (HCFC-123)	2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124)
Tetrachloroethylene (perchloroethylene)	1,1,1,2,3,4,4,5,5,5-decafluoro-pentane(HFC 43-10mee)
3,3-dichloro-1,1,1,2,2-penta-fluoropropane (HCFC-225ca)	1,3-dichloro-1,1,2,2,3-penta-fluoropropane (HCFC-225cb)
Difluoromethane (HFC-32)	Fluoroethane or ethylfluoride (HFC-161)
1,1,1,3,3,3-hexafluoropropane (HFC-236fa)	1,1,2,2,3-pentafluoropropane (HFC-245ca)
1,1,2,3,3-pentafluoropropane (HFC-245ea)	1,1,1,2,3-pentafluoropropane (HFC-245eb)
1,1,1,3,3-pentafluoropropane (HFC-245fa)	1,1,1,2,3,3-hexafluoropropane (HFC-236ea)
1,1,1,3,3-pentafluorobutane (HFC-365mfc)	chlorofluoromethane (HCFC-31)
1,2-dichloro-1,1,2-trifluoro-ethane (HCFC-123a)	1-chloro-1-fluoroethane (HCFC-151a)
1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$)	2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropan e ($(CF_3)_2CFCF_2OCH_3$)
1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$)	2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropan e ($(CF_3)_2CFCF_2OC_2H_5$)
Perfluorocarbon compounds which fall into these classes: (1)cyclic, branched, or linear, completely fluorinated alkanes; (2)cyclic, branched, or linear, completely fluorinated ethers with no unsaturations; (3)cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and (4)sulfur containing perfluorocarbons with no unsaturations and with sulfur	parachlorobenzotrifluoride (4-chlorobenzotrifluoride)

Table 1(a)-1 Exempt Volatile Organic Compounds	
bonds only to carbon and fluorine.	
	t-butyl acetate

]

[(98)](116) "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.

[(99)](117) "Watercourse" [means rivers, streams, brooks, waterways, lakes, ponds, marshes, swamps, bogs and all other bodies of water, natural or artificial, which are contained within, flow through or border upon this state or any portion thereof.] MEANS "WATERCOURSES" AS DEFINED IN SECTION 22a-38(16) OF THE CONNECTICUT GENERAL STATUTES.

Sec. 2 The Regulations of Connecticut State Agencies are amended by adding a new Section 22a-174-2a as follows:

(NEW)

Section 22a-174-2a. Procedural requirements for new source review and Title V permitting

(a) Signatory Responsibilities

(1) Any document, such as a permit application, report or certification, submitted to the commissioner shall be signed by any of the following individuals, as authorized in accordance with subdivision (2) of this subsection, if applicable:

(A) For an individual or sole proprietorship: by the individual or proprietor, respectively;

(B) For a corporation: by any officer, employee, or representative of a corporation;

(C) For a partnership: by a general partner;

(D) For a municipality: by the person authorized by charter or resolution of the board of selectmen or town council or other governing body;

(E) For a federal entity: by the principal executive officer, statutorily authorized official, or by a federal employee or any other representative who has received legal delegation of authority. For the purpose of this subsection, a principal executive officer of a federal agency or department includes the chief executive officer having responsibility for the overall operations of a principal geographic unit of the agency or department; or

(F) For a state entity: by the statutorily authorized official or by a state employee or any other representative who has received legal delegation of authority.

(2) An officer, employee, or representative of a corporation, an employee or representative of a municipality, state or federal entity, or any other government or quasi-public entity shall be authorized as follows:

CERTIFICATION
R-39 REV. 1/77

Be it known that the foregoing:

☒ Regulations ☐ Emergency Regulations

re:

☒ Adopted ☒ Amended as hereinabove stated ☒ Repealed

By the aforesaid agency pursuant to:

☒ Section 22a-6 and 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 July 17 20 01, of the notice of the proposal to:

☒ Adopt ☒ Amend ☒ Repeal such regulations

(If applicable): ☒ And the holding of a public hearing on 5th day of September 20 01

WHEREFORE, the foregoing regulations are hereby:

☒ Adopted ☒ Amended as hereinabove stated ☒ Repealed

Effective:

☐ When filed with the Secretary of State.
(OR)
☒ The 15th day of March 20 02.

In Witness Whereof:	DATE 11-21-01	SIGNED *(Head of Board, Agency or Commission)*	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	OFFICIAL TITLE, DULY AUTHORIZED Assoc. Atty/Gen 11/30/01

☒ 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 12/18/01	SIGNED *(Clerk of the Legislative Regulation Review Committe*

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 December 27, 2001	SIGNED *(Secretary of the State.)* Susan Bysiewicz	BY Peter J. Bontime

INSTRUCTIONS

1. One copy of all regulations for adoption, amendment or repeal, except emergency regulations, must be presented to the Attorney General for 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 standing 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.

RECEIVED
DEC 27 2001
RECORDS & LEGISLATIVE SERVICES
SECRETARY OF THE STATE

Office of Secretary of the State
State of Connecticut
30 Trinity Street, P.O. Box 150470, Hartford, CT 06115-0470

Susan Bysiewicz
Secretary of the State
Maria M Greenslade
Deputy Secretary of the State

RECEIVED
JAN 9 2002
Dept. of Environmental Protection
Office of the Commissioner

January 2, 2002

DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF AIR MANAGEMENT
OFFICE OF BUREAU CHIEF
JAN 1 0 2002
RECEIVED

Hon. Arthur Rocque, Jr., Commissioner
Dept. of Environmental Protection
79 Elm Street
Hartford, CT 06105

Dear Commissioner Rocque:

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

Abatement of Air Pollution.

Said regulation was received and filed in this office on December 27, 2001. The effective date of this regulation is December 27, 2001.

Very truly yours,

Peter J. Bartucca
Manager, Records and Legislative Services

PJB:lm
File