SECRETARY OF THE STATE
30 TRINITY STREET
HARTFORD, CT 06106

April 18, 1994

Hon. Timothy R.E. Keeney
Commissioner of Environmental Protection
79 Elm St.
Hartford, CT 06106

Dear Commissioner Keeney:

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

Abatement of Air Pollution - Definitions

Said regulation(s) were received and filed in this office on April 12, 1994 and became effective on that date.

Very truly yours,

Peter J. Bartucca
Manager
Records & Legislative Services

PJB:lm
File

IMPORTANT: Read Instructions on bottom of Certification Page before completing this form. Failure to comply with instructions may cause disapproval of proposed Regulations.

STATE OF CONNECTICUT
REGULATION
OF

4561

NAME OF AGENCY

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Concerning

SUBJECT MATTER OF REGULATION

ABATEMENT OF AIR POLLUTION - DEFINITIONS

SECTION 1

ORIGINAL

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

Sec. 22a-174-1. Definitions.

[(a)] For the purposes of sections 22a-174-1 through 22a-174-200 the following definitions shall be used:

(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" [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.

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

(3) "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.

(4) "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.

(5) "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; [or]

(C) The emission rate specified as a CONDITION OF A permit [condition.] 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.

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

(7) "Ambient air quality standard" [(AAQS)] OR "AAQS" 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 and which is listed in section 22a-174-24.

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

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

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

(11) "Best Available Control Technology" or "BACT" means an emission limitation, including a visible emission standard, based upon the maximum degree of reduction for each applicable air pollutant emitted from any proposed stationary source or modification which the Commissioner, on a case-by-case basis, determines is achievable for a similar or representative type of source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment, CLEAN FUELS, or innovative fuel combustion techniques for 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) "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.

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

(15) "CFR" MEANS THE CODE OF FEDERAL REGULATIONS.

[(15)](16) "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.

[(16)](17) "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:

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

(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, 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.

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.

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

[(18) "Complete" means, in reference to an application for a permit, that the application contains all the information necessary for processing the application. Designating an application complete for the purposes of permit processing does not preclude the department from requiring or accepting additional information.]

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

(20) "Department" means the DEPARTMENT OF ENVIRONMENTAL PROTECTION [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) "Dioxin emissions" means tetrachlorodibenzodioxin (TCDD) and tetrachlorodibenzofuran (TCDF) emissions or emissions of any other isomers of comparable toxicity. For the purposes of this definition, the Commissioner shall determine the equivalent amount of 2,3,7,8-TCDD using the following toxic equivalency factors (TEF):

FORM OF DIOXIN EMISSIONS	TEF
monochlorodibenzodioxin	0
dichlorodibenzodioxin	0
trichlorodibenzodioxin	0
2,3,7,8 tetrachlorodibenzodioxin	1.0
other tetrachlorodibenzodioxins	0.01
2,3,7,8 pentachlorodibenzodioxin	0.5
other pentachlorodibenzodioxins	0.005
2,3,7,8 hexachlorodibenzodioxin	0.04
other hexachlorodibenzodioxins	0.0004
2,3,7,8 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
2,3,7,8 pentachlorodibenzofuran	0.1
other pentachlorodibenzofurans	0.001
2,3,7,8 hexachlorodibenzofuran	0.01
other hexachlorodibenzofurans	0.0001
2,3,7,8 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) "Discharge point" means any ["]stack["] and shall also include any area from which a ["]hazardous air pollutant["] emanates by evaporation, diffusion, or wind entrainment into the ["]ambient air["].

(24) "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.

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

(26) "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.

(27) "Excessive concentration" has the same meaning as ascribed to that term in Title 40 Code of Federal Regulations Part 51.100(kk).

(28) "Federally enforceable" means all limitations and conditions which are: approved by the Administrator, including those requirements developed pursuant to 40 CFR Parts [52.21,] 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.

(29) "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.

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

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

(33) "Good engineering practice stack height" or "GEP" [(GEP)] has the same meaning as ascribed to that term in Title 40 Code of Federal Regulations Part 51.100(ii).

(34) "Hazardous air pollutant" means a substance listed in either Table 29-1, 29-2, or 29-3 of section 22a-174-29.

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

(36) "Hazard limiting value" or "HLV", means the highest acceptable concentration in the ["]ambient air["] of a ["]hazardous air pollutant["], as shown in Table 29-1, 29-2, or 29-3 of section 22a-174-29 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) "HEAT INPUT" MEANS THE TOTAL GROSS CALORIFIC VALUE OF ALL FUELS BURNED, MEASURED IN BTU BY ASTM METHOD D2015-66, D240-64, OR D1826-64, USING THE HIGHER HEATING VALUE OF EACH FUEL.

[(37)](38) "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).

[(38)](39) "Indian Governing Body" 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.

[(39)](40) "Indian reservation" means any federally recognized reservation established by Treaty, Agreement, Executive Order or Act of Congress.

[(40)](41) "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.

[(41)](42) "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.

(43) "INTERNAL OFFSET" MEANS ANY FEDERALLY ENFORCEABLE REDUCTION OF ACTUAL EMISSIONS FROM ONE OR MORE STATIONARY SOURCES ON A PREMISE WHICH CAN BE USED TO OFFSET ALLOWABLE EMISSIONS INCREASES FROM A PROPOSED NEW STATIONARY SOURCE OR MODIFICATION ON SUCH PREMISE.

[(42)](44) "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 [, whichever is more stringent].

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.

[(43)](45) "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. For the purposes of this definition:

(A) [A] A major stationary source of volatile organic compounds OR NITROGEN OXIDES shall be considered a major stationary source for ozone; [and]

(B) [In] 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[.]; AND

(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.

[(44)](46) "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 [one hundred (100) tons per year of any individual air pollutant] 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 [one hundred (100) tons per year of any individual air pollutant] 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.

[(45)](47) "Maximum allowable stack concentration" or "MASC" is the maximum allowable concentration of a [“]hazardous air pollutant[”] in the exhaust gas stream of a [“]source[”] under actual operating conditions at the [“]discharge point[”].

[(46)](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.

[(47)](49) "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.

[(48)](50) "Maximum uncontrolled emissions" means the rate of emissions for a source, determined before 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 rate of emissions is calculated using:

(A) The maximum rated capacity of the source unless the 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 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" [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.

[(49)](51) "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.

[(50)](52) "Modify" or "modification" means:

(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) [for the applicable air pollutants fluorides to beryllium inclusive]; or

(iv) [increases the potential emissions of any air pollutant which is federally regulated under the Clean Air Act, and which is not listed in Table 3(k)-1 of subsection 22a-174-3(k); or

(v)] 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 following are not modifications 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) any increase in the production rate, if such increase does not exceed the operating design capacity of the affected facility; or

(iv) any increase in hours of operation; or

(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(1) OF THE CONNECTICUT GENERAL STATUTES, PROVIDED THE OWNER OR OPERATOR OF SUCH FACILITY PROVIDES WRITTEN NOTICE TO THE COMMISSIONER PRIOR TO THE RELOCATION.

[(51)](53) "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.

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

[(53)](55) "Netting" means 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 occurs.

(56) "NITROGEN OXIDES" OR "NOX" MEANS THE SUM OF ALL OXIDES OF NITROGEN, EXPRESSED AS NITROGEN DIOXIDE.

[(54)](57) "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.

(58)"NON-ATTAINMENT AIR POLLUTANT" MEANS THE PARTICULAR AIR POLLUTANT FOR WHICH AN AREA IS DESIGNATED NON-ATTAINMENT, EXCEPT THAT VOLATILE ORGANIC COMPOUNDS AND NITROGEN OXIDES ARE NON-ATTAINMENT AIR POLLUTANTS, FOR OZONE NON-ATTAINMENT AREAS.

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

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

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

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

[(59)](63) "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.

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

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

[(62)](66) "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.

[(63)](67) "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.

[(64)](68) "Permit to construct" means a permit 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).

[(65)](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.

[(66)](70) "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.

[(67)](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 of emissions 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" [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 [on] 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.

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

[(69)](73) "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.

[(70)](74) "[Reasonable] REASONABLY Available Control Technology" OR "RACT" 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.

[(71)](75) "Reconstruct" or "reconstruction" means 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. 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.

[(72)](76) "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.

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

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

[(75)](79) "Resources recovery facility" means a facility utilizing processes aimed at reclaiming the material or energy values from municipal solid waste.

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

(81) "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) "SEVERE NON-ATTAINMENT AREA FOR OZONE" MEANS THE TOWNS OF 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.

[(77)](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.

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

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

[(80)](86) "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.

[(81)](87) "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.).

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

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

[(84)](90) "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 which are moved from site to site but remain stationary during operation and asphalt plants which combine aggregate and asphalt while in motion are stationary sources.

[(85)](91) "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.

[(86)](92) "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.

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

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

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

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

[(91)](97) "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 Table 1(a)-1 below which the Administrator has designated as having negligible photochemical reactivity.

Table 1(a)-1

Exempt Volatile Organic Compounds

methane	ethane
1,1,1 trichloroethane (METHYL CHLOROFORM)	methylene-chloride (DICHLOROMETHANE)
[trichlorofluormethane] TRICHLOROFLUOROMETHANE (CFC-11)	dichlorodifluoromethane (CFC-12)
chlorodifluoromethane (CFC-22)	trifluoromethane (CFC-23)
[trichlorotrifluoroethane] 1,1,1-TRICHLORO 2,2,2-TRIFLUOROETHANE (CFC-113)	
[dichlorotetrafluoroethane] 1,2-DICHLORO 1,1,2,2-TETRAFLUOROETHANE (CFC-114)	

chloropentafluoroethane
(CFC-115)

[dichlorotrifluoroethane]

[tetrafluoroethane]
1,1,1,2-TETRAFLUOROETHANE
(HFC-134A)

[dichlorofluoroethane]
1,1,-DICHLORO 1-FLUOROETHANE
(HCFC-141B)

[chlorodifluoroethane]
1-CHLORO 1,1-DIFLUOROETHANE
(HCFC-142B)

1,1,2,2-TETRAFLUOROETHANE
(HFC-134)

1,1,1-TRIFLUORO 2,2-DICHLOROETHANE
(HCFC-123)

1,1,1-TRIFLUOROETHANE
(HFC-143A)

2-CHLORO 1,1,1,2-TETRAFLUOROETHANE
(HCFC-124)

1,1-DIFLUOROETHANE
(HFC-152A)

PENTAFLUOROETHANE
(HFC-125)

PERFLUOROCARBON COMPOUNDS WHICH FALL INTO THESE CLASSES:

(i) CYCLIC, BRANCHED, OR LINEAR, COMPLETELY FLUORINATED ALKANES;

(ii) CYCLIC, BRANCHED, OR LINEAR, COMPLETELY FLUORINATED ETHERS WITH NO UNSATURATIONS;

(iii) CYCLIC, BRANCHED, OR LINEAR, COMPLETELY FLUORINATED TERTIARY AMINES WITH NO UNSATURATIONS; AND

(iv) SULFUR CONTAINING PERFLUOROCARBONS WITH NO UNSATURATIONS AND WITH SULFUR BONDS ONLY TO CARBON AND FLUORINE.

[(92)](98) "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.

[(93)](99) "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.

[(b) For the purposes of the definitions of "actual emissions" and "potential emissions" in this section, if the "Commissioner" deems certain data or other information more representative, the "Commissioner" shall briefly state the reasons for such determination in writing. If an applicant seeks to have the "Commissioner" determine that certain data or other information is more representative, the burden of establishing that such data is more representative shall be on the applicant.]

STATEMENT OF PURPOSE: To amend definitions to be consistent with the requirements of the Clean Air Act Amendments of 1990.

CERTIFICATION
R-39 REV. 1 77

4561

Be it known that the foregoing:

[X] Regulations [ ] Emergency Regulations

Are:

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

ORIGINAL

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 December 8, 1992, 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 5th,6th&7th day of January 1993

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____.

In Witness Whereof:	DATE 1/11/94	SIGNED (Head of Board, Agency or Commission) Timothy R. L. Henry	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]	1/24/94	OFFICIAL TITLE, DULY AUTHORIZED Assoc. Atty. General

[X] Approved with Deletions per my letter 3/15/94

[ ] 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 3/15/94	SIGNED (Clerk of the Legislative Regulation Review Committee) [illegible]

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 April 12, 1994	SIGNED (Secretary of the State) Pauline R. Kezer	BY Peter J. Barbieri

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 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.

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