

**Draft 3/29/2012**

**Section 1. Subdivisions (2) through (5) of section 22a-174-22(b) of the Regulations of Connecticut State Agencies are revised as follows:**

(2) Subsections (d) [to (k), inclusive,] through (k) and (m) of this section shall not apply to the owner or operator of a source if the actual emissions of NO<sub>x</sub> since January 1, 1990 from the premises at which such source is located have not exceeded twenty-five (25) tons in any calendar year if such premises are located in a severe nonattainment area for ozone, or fifty (50) tons in any calendar year if such premises are located in a serious nonattainment area for ozone.

Notwithstanding this provision, [subsection (d) to subsection (k), inclusive,] subsections (d) through (k) and (m) of this section shall apply to such owner or operator if after May 31, 1995, actual emissions of NO<sub>x</sub> from such premises exceed the following:

- (A) In any calendar year: twenty-five (25) tons for premises located in a severe nonattainment area for ozone, or fifty (50) tons for premises located in a serious nonattainment area for ozone; or
- (B) On any day from May 1 to September 30, inclusive, of any year: one hundred thirty-seven (137) pounds for premises located in a severe nonattainment area for ozone or two hundred seventy-four (274) pounds for premises located in a serious nonattainment area for ozone.

(3) Subsections (d) through (k) of this section shall not apply to the owner or operator of an emergency engine. In addition, the actual emissions from emergency engines operating during an emergency shall not be included in the determination of the applicability of subsection (b)(2)(B) of this section. However, on and after May 1, 1997, the operation of an emergency engine for routine, scheduled testing or maintenance on any day for which the Commissioner has forecast that ozone levels will be "moderate to unhealthy for sensitive groups," "unhealthy for sensitive groups," "unhealthy", or "very unhealthy" is expressly prohibited unless:

- (A) such engine is exempt from this section pursuant to Subsection 22a-174-22(c), or
- (B) such operation of the engine is allowed by permit or order of the Commissioner, because the engine is unattended and the testing is automated and cannot be modified from a remote location.

(4) The owner or operator of an emergency engine shall not include the actual emissions from any such engine for purposes of determining applicability in accordance with subsection (b)(2)(B) of this section, provided such emissions result from operation in accordance with a contract with a utility operating pursuant to a permit or order which:

- (A) Requires the permittee to maintain a list which identifies all sources with whom the permittee has a contract;

- (B) Requires either the permittee or the owner or operator of the emergency engine to record and submit to the Commissioner data on fuel consumption and hours of operation of any emergency engine operating under such contract; and
- (C) Requires the permittee to obtain NO<sub>x</sub> emission reductions to offset the NO<sub>x</sub> emissions that result from the generation of customer-contracted electricity.

[(5) Notwithstanding subdivision (3) of this subsection, subsections (d) through (k) of this section shall apply to the owner or operator of an emergency engine if, after May 1, 1997, such engine operates for routine, scheduled testing or maintenance on any day for which the Commissioner has forecast that ozone levels will be "moderate to unhealthy," "unhealthy," or "very unhealthy." The Commissioner may exempt, by permit or order, the owner or operator of an emergency engine from this subdivision, if such emergency engine is unattended, the testing is automated and cannot be modified from a remote location.]

**Sec. 2. Section 22a-174-22(c) of the Regulations of Connecticut State Agencies is revised as follows:**

(c) **[Exemption.] Exemptions.**

- (1) This section shall not apply to the owner or operator of a mobile source.
- (2) This section shall not apply to the owner or operator of a reciprocating engine or gas turbine engine used as follows:
  - (A) To provide emergency alternating current power or as an alternative alternating current source in a license issued under 10 CFR 50;
  - (B) At a hospital or other health care facility to meet standards for emergency electrical power systems of The Joint Commission or the National Fire Protection Association;  
or
  - (C) To provide power during construction when such construction results in interruption of electrical power from the electricity supplier to the premises.
- (3) Notwithstanding the provisions of subparagraphs (A) and (B) of subdivision (2) of this subsection, these exemptions are not available for an engine or turbine for which the owner or operator is party to an agreement to sell electrical power from such engine to an electricity supplier or otherwise receives any reduction in the cost of electrical power for agreeing to produce power during periods of reduced voltage or reduced power availability.

**Sec. 3. Subdivision (1) of section 22a-174-22(i) of the Regulations of Connecticut State Agencies is revised as follows:**

(1) If the owner or operator of a stationary source subject to this section proves to the satisfaction of the Commissioner that it is not technologically or economically feasible for such source to comply with the emission limitations in subsections (e) through (g) of this section, except the emission limitation in subsection (e)(3) of this section, the Commissioner may by permit require NOx emission reductions through modifications of the schedule of NOx-emitting activities and implementation of other measures to reduce NOx emissions at such source. Such permit may include restrictions on operations on any day for which the Commissioner has forecast that ozone levels will be ["moderate to unhealthful," "unhealthful," or "very unhealthful."] "moderate to unhealthful for sensitive groups," "unhealthy for sensitive groups," "unhealthy", or "very unhealthful".

**Sec. 4. Subdivisions (6) through (7) of section 22a-174-22(l) of the Regulations of Connecticut State Agencies are revised as follows:**

(6) On or before April 15 of each year, the owner or operator of a stationary source subject to any requirements of subsections (d) through (i) and (k) of this section, not otherwise submitting an annual compliance certification pursuant to subsections (d) or (q) of Section 22a-174-33 shall submit a report on NOx emissions from such source, on a form provided by the Commissioner. The owner or operator of a stationary source subject to only subsection (l) of this section is not required to submit a report on NOx emissions from such source.

(7) On or before April 15 of each year, unless otherwise specified in an applicable permit or order, the owner or operator of a stationary source subject to any requirements of subsection (j) of this section shall submit a report on NOx emissions from such source, on a form provided by the Commissioner.

~~[(7)]~~ (8) The Commissioner may use data recorded by continuous emissions monitors for NOx and any other records and reports to determine compliance with applicable requirements of this section.

**Sec. 5. Subdivisions (1) through (4) of section 22a-174-22(m) of the Regulations of Connecticut State Agencies are revised as follows:**

(1) The owner or operator of a stationary source subject to this subsection shall:

- (A) For sources subject to this section prior as of May 1, 1994, submit a compliance plan to the Commissioner by September 1, 1994, on forms provided by the Commissioner. Such compliance plan shall document how such source will comply with all applicable requirements of this section [ . The owner or operator of a stationary source that becomes subject to this subsection after May 1, 1994, shall submit a compliance plan within four (4) months of the date on which such source becomes subject to this section.];

- (B) For any source that becomes subject to this section after May 1, 1994, submit a compliance plan within four months of the date such source becomes subject to this section; and
- (C) For any source that is currently subject to this section that adds a stationary source subject to this section, shall submit an amended compliance plan within four months of the date such new stationary source becomes subject to this section.

(2) Any compliance plan submitted pursuant to this subsection shall be submitted on forms provided by the Commissioner. Such compliance plan shall include all sources subject to this section at the time of submission and document how each such source will comply with the applicable requirements of this section. Such compliance plan shall also include a certification signed [by a responsible corporate officer or a duly authorized representative of such officer, as those terms are defined in subdivision 22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual delegated by such officer with the responsibility of actually preparing the compliance plan. Such certification shall read as follows: "I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify that based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information may be punishable as a criminal offense under section 22a-175 of the Connecticut General Statutes, under section 53a-157b of the Connecticut General Statutes, and in accordance with any applicable statute."] in accordance with section 22a-174-2a(a)(4) of the Regulations of Connecticut State Agencies.

(3) If a compliance plan does not contain all measures necessary to comply with all requirements of this section, the Commissioner may notify the owner or operator of such source of the deficiency. Such owner or operator shall resubmit a revised compliance plan within thirty (30) days of receipt of such notice.

(4) Notwithstanding the provisions of subdivision (1) of this section, the owner or operator of a NOx Budget Program source who is subject to a revised emission standard shall not be required to submit a revised compliance plan unless the commissioner requests so in writing.

(5) Notwithstanding the provisions of subdivision (1) of this section, the owner or operator of a Title V source that is subject to a Title V Permit shall not be required to submit a compliance plan unless the commissioner requests such plan in writing.

**Statement of purpose:**

Through this amendment to an air quality regulation that applies to many facilities small and large, the Department of Energy and Environmental Protection ("Department") sought to address two issues. First, the Department sought to broaden the exemption provision to accommodate certain electrical needs at health care and nuclear facilities, as well as construction projects. Second, the requirement for a Title V source to submit a compliance plan is eliminated since a Title V source is subject to extensive reporting requirements.

These amendments to the NO<sub>x</sub> emission control regulations provide (1) exemptions for certain stationary sources from the requirements of this section, (2) up-to-date references for forecasted ozone levels, (3) clearer NO<sub>x</sub> emissions reporting, (4) clearer deadlines for compliance plan submissions, (5) improved descriptions for compliance plan content and streamlined certification provisions; (6) limited compliance plan applicability.

There is no impact on other existing regulations or other law.