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Certification of Adequacy of the Connecticut State Implementation Plan to Satisfy the Non-attainment New Source Review Requirements of the Clean Air Act for the 2008 8-Hour Ozone National Ambient Air Quality Standard Reclassification to Severe Non-attainment

1 August 2024

The Connecticut Department of Energy and Environmental Protection (DEEP) certifies that its existing non-attainment new source review (NNSR) requirements in sections 22a-174-1 and -3a of the Regulations of Connecticut State Agencies (RCSA) satisfy the requirements of Clean Air Act (CAA) section 182 and 40 Code of Federal Regulations (CFR) 51.165 for the reclassification of the Connecticut portion of the New York-Northern New Jersey-Long Island non-attainment area (NY-NJ-CT non-attainment area) to severe non-attainment for the 2008 ozone national ambient air quality standard (NAAQS).

On October 7, 2022, EPA determined that the NY-NNJ-CT non-attainment area failed to attain the NAAQS by the attainment date of July 20, 2021 and was thus reclassified from serious non-attainment to severe non-attainment effective November 7, 2022.¹ Although DEEP had previously submitted and EPA had approved NNSR certifications for both the original non-attainment designation under the 2008 8-hour ozone NAAQS of marginal and the 2016 reclassification to moderate² and the 2019 reclassification as serious non-attainment,³ DEEP is re-certifying the adequacy of its NNSR program under the reclassification to severe non-attainment in the Connecticut portion of the NY-NJ-CT non-attainment area.

Under the 1979 1-hour ozone NAAQS, Connecticut was classified as severe non-attainment in the following towns: 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.⁴ The rest of the state was classified as serious non-attainment for the 1979 1-hour ozone NAAQS. In 2004, when designating non-attainment areas for the 1997 ozone NAAQS, EPA changed the non-attainment areas in Connecticut from the areas noted above to the Greater Connecticut non-attainment area, consisting of Litchfield County, Hartford County, Tolland County, Windham County, and New London County, and the Southwest Connecticut non-attainment area (the Connecticut portion of the NY-NJ-CT non-attainment area), consisting of Fairfield County, New

¹ *Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Areas Classified as Serious for the 2008 Ozone National Ambient Air Quality Standards*, 87 FR 60926 (October 7, 2022).

² *Air Plan Approval; Connecticut; Nonattainment New Source Review Permit Requirements for the 2008 8-Hour Ozone Standard*, 83 FR 6968 (February 16, 2018).

³ *Air Plan Approval: State Implementation Plan Revisions Required by the 2008 and 2015 Ozone Standards*, 87 FR 38184 (June 28, 2022).

⁴ *Designation of Areas for Air Quality Planning Purposes*, 56 FR 56694 (November 6, 1991).

Haven County, and Middlesex County.⁵ The Connecticut definitions of the non-attainment areas remained unchanged to comply with the anti-backsliding requirements of the Clean Air Act section 110(l). The difference between Connecticut's and EPA's non-attainment areas presented no difficulty until November 2022, when EPA reclassified the NY-NNJ-CT non-attainment area to severe under the 2008 ozone NAAQS. To harmonize the Connecticut regulatory non-attainment area definitions with those of EPA, Connecticut expanded its definition of severe non-attainment area to include all of the towns included in EPA's Southwest Connecticut non-attainment area as well as New Milford and Bridgewater, which were previously included in the severe non-attainment area under the 1979 1-hour ozone NAAQS.⁶ Although the Greater Connecticut non-attainment area attained the 2008 ozone NAAQS,⁷ Connecticut continues to define the rest of the state as serious non-attainment for ozone in its regulations.

Connecticut's existing NNSR program was established using the serious and severe non-attainment classifications under the 1-hour ozone NAAQS. Connecticut has maintained the requirements under the classifications of serious and severe non-attainment to assist in satisfying its attainment and anti-backsliding requirements. With the recent change to Connecticut's non-attainment area definitions to match those of EPA, the state program satisfies the requirements of 40 CFR 51.1314 as well as CAA sections 110, 182, and 184 and 40 CFR 51.165.

The NNSR minimum requirements are located in 40 CFR 51.165. The table below lists the NSR requirements (left hand column) and the corresponding provisions in the Connecticut regulations which satisfy each requirement (right hand column). Unless otherwise specified, references to the CFR in the Connecticut regulations refer to the CFR as in effect on March 15, 2022. DEEP certifies that its existing NNSR regulations at RCSA sections 22a-174-1 and -3a satisfy the requirements of CAA section 182 for the 2008 ozone NAAQS as specified in 40 CFR 51.165. The state regulations also satisfy the anti-backsliding requirements of 40 CFR 51.165(a)(12).

Connecticut Regulatory Requirements Which Satisfy the Requirements of 40 CFR 51.165

Federal Requirement in 40 CFR 51.165	Connecticut Regulatory Requirement Satisfying the Federal Requirement
Major Source Thresholds for Ozone – VOC and NO_x	
40 CFR 51.165(a)(1)(iv)(A) (iv)(A) <i>Major stationary source</i> means:	Connecticut establishes the major source thresholds in its definition of “major stationary source” in RCSA section 22a-174-1(65), as follows:

⁵ *Air Quality Designations and Classifications for the 8-Hour Ozone National Ambient Air Quality Standards; Early Action Compact Areas With Deferred Effective Dates*, 69 FR 23858 (April 30, 2004).

⁶ This definition change became effective on November 13, 2022 and was approved into the State Implementation Plan and Title V program effective March 13, 2024 (Air Plan Approval and Operating Permit Program Approval; Connecticut; Revision to Definitions, 89 FR 9771 (February 12, 2024)).

⁷ *Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Areas Classified as Serious for the 2008 Ozone National Ambient Air Quality Standards*, 87 FR 60926 (October 7, 2022).

<p>(J) Any stationary source of air pollutants that emits, or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant (as defined in paragraph (a)(1)(xxxvii) of this section), except that lower emissions thresholds shall apply in areas subject to subpart 2, subpart 3, or subpart 4 of part D, title I of the Act, according to paragraphs (a)(1)(iv)(A)(I)(i) through (viii) of this section.</p> <p>(i) 50 tons per year of Volatile organic compounds in any serious ozone nonattainment area.</p> <p>(ii) 50 tons per year of Volatile organic compounds in an area within an ozone transport region, except for any severe or extreme ozone nonattainment area.</p> <p>(iii) 25 tons per year of Volatile organic compounds in any severe ozone nonattainment area.</p> <p>(iv) 10 tons per year of Volatile organic compounds in any extreme ozone nonattainment area.</p> <p>(v) 50 tons per year of Carbon monoxide in any serious nonattainment area for carbon monoxide, where stationary sources contribute significantly to Carbon monoxide levels in the area (as determined under rules issued by the Administrator).</p> <p>(vi) 70 tons per year of PM₁₀ in any serious nonattainment area for PM₁₀.</p> <p>(vii) 70 tons per year of PM_{2.5} in any serious nonattainment area for PM_{2.5}.</p>	<p style="text-align: right; font-size: 2em; font-weight: bold; opacity: 0.5;">DRAFT</p> <p>(65) “Major stationary source” means “major stationary source” as defined in 40 CFR 51.165(a)(1)(iv), provided that:</p> <p>(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</p> <p>(B) A stationary 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.”</p> <p>Effective in Connecticut on November 13, 2023 and effective in the State Implementation Plan (SIP) on March 13, 2024, Connecticut’s serious and severe nonattainment areas are defined in RCSA section 22a-174-1 as follows:</p> <p>(105) “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.</p> <p>(106) “Severe non-attainment area for ozone” means the towns of Ansonia, Beacon Falls, Bethany, Bethel, Branford, Bridgeport, Bridgewater, Brookfield, Cheshire, Chester, Clinton, Cromwell, Danbury, Darien, Deep River, Derby, Durham, East Haddam, East Hampton, East Haven, Easton, Essex, Fairfield, Greenwich, Guilford, Haddam, Hamden, Killingworth, Madison, Meriden, Middlebury, Middlefield, Middletown, Milford, Monroe, Naugatuck, New Canaan, New Fairfield, New Haven, New Milford, Newtown, North Branford, North Haven, Norwalk, Old Saybrook, Orange, Oxford, Portland, Redding, Ridgefield, Seymour, Shelton, Sherman, Southbury, Stamford, Stratford, Trumbull, Wallingford, Waterbury, Westbrook, West Haven, Weston, Westport, Wilton, Wolcott and Woodbridge.</p> <p>The towns listed in the definition of “severe non-attainment area for ozone” represent both the towns in</p>
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(viii) 70 tons per year of any individual precursor for PM_{2.5} (as defined in paragraph (a)(1)(xxxvii) of this section), in any serious nonattainment area for PM_{2.5}.

(2) For the purposes of applying the requirements of paragraph (a)(8) of this section to stationary sources of nitrogen oxides located in an ozone nonattainment area or in an ozone transport region, any stationary source which emits, or has the potential to emit, 100 tons per year or more of nitrogen oxides emissions, except that the emission thresholds in paragraphs (a)(1)(iv)(A)(2)(i) through (vi) of this section shall apply in areas subject to subpart 2 of part D, title I of the Act.

(i) 100 tons per year or more of nitrogen oxides in any ozone nonattainment area classified as marginal or moderate.

(ii) 100 tons per year or more of nitrogen oxides in any ozone nonattainment area classified as a transitional, submarginal, or incomplete or no data area, when such area is located in an ozone transport region.

(iii) 100 tons per year or more of nitrogen oxides in any area designated under section 107(d) of the Act as attainment or unclassifiable for ozone that is located in an ozone transport region.

(iv) 50 tons per year or more of nitrogen oxides in any serious nonattainment area for ozone.

the Southwest Connecticut nonattainment area which EPA reclassified as severe nonattainment in November 2022, and the towns previously classified as severe nonattainment under the 1997 1-hour ozone NAAQS. There is significant, though not total, overlap of these two areas, so the current definition of “severe non-attainment area for ozone” includes all of the towns in the Southwest Connecticut nonattainment area as designated by EPA plus the towns of New Milford and Bridgewater.

Currently, the Southwest Connecticut nonattainment area is designated as severe nonattainment under the 2008 ozone NAAQS. The federal rules require major source thresholds for both VOC and NO_x of 25 tons per year (tpy) in the Southwest Connecticut nonattainment area due to its classification as severe nonattainment. Because Connecticut also includes New Milford and Bridgewater in its definition of “severe non-attainment area for ozone”, the major source threshold in these towns is also 25 tpy for both VOC and NO_x, despite EPA’s inclusion of these two towns in the Greater Connecticut nonattainment area.

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<p>(v) 25 tons per year or more of nitrogen oxides in any severe nonattainment area for ozone.</p> <p>(vi) 10 tons per year or more of nitrogen oxides in any extreme nonattainment area for ozone; or</p>					
Change Constitutes a Major Source by Itself					
<p>40 CFR 51.165(a)(1)(iv)(A)(3)</p> <p>(3) Any physical change that would occur at a stationary source not qualifying under paragraphs (a)(1)(iv)(A)(1) or (2) of this section as a major stationary source, if the change would constitute a major stationary source by itself.</p>	<p>The definition of “major stationary source” in RCSA section 22a-174-1(65) references the March 15, 2002 version of 40 CFR 51.165(a)(1)(iv). The 2002 definition includes language that is functionally identical to the current federal rule.</p> <p>March 15, 2002 version of 40 CFR 51.165(a)(1)(iv)(A):</p> <p>(iv)(A) <i>Major stationary source</i> means:</p> <p>(1) Any stationary source of air pollutants which emits, or has the potential to emit 100 tons per year or more of any pollutant subject to regulation under the Act, or</p> <p>(2) Any physical change that would occur at a stationary source not qualifying under paragraph (a)(1)(iv)(A)(1) as a major stationary source, if the change would constitute a major stationary source by itself.</p> <p>Thus, through its regulations, Connecticut treats as a major source any modification that by itself meets the major source threshold.</p>				
Significant Net Emissions Increase for NOx is Significant for Ozone					
<p>40 CFR 51.165(a)(1)(v)(E)</p> <p>(E) For the purpose of applying the requirements of (a)(8) of this section to modifications at major stationary sources of nitrogen oxides located in ozone nonattainment areas or in ozone transport regions, whether or not subject to subpart 2, part D, title I of the Act, any significant net emissions increase of nitrogen oxides is considered significant for ozone.</p>	<p>Table 3a(k)-1 of RCSA section 22a-174-3a sets forth the significance thresholds for determining major modifications. The threshold for NOx, as an ozone precursor, is included in the following excerpt from Table 3a(k)-1:</p> <p>Table 3a(k)-1 Significant Emission Rate Thresholds</p> <table border="1" data-bbox="716 1751 1308 1898"> <thead> <tr> <th data-bbox="716 1751 1097 1864">Air Pollutant</th> <th data-bbox="1097 1751 1308 1864">Emission Level (Tons per Year)</th> </tr> </thead> <tbody> <tr> <td data-bbox="716 1864 1097 1898">***</td> <td data-bbox="1097 1864 1308 1898">***</td> </tr> </tbody> </table>	Air Pollutant	Emission Level (Tons per Year)	***	***
Air Pollutant	Emission Level (Tons per Year)				
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	<table border="1" style="float: right; margin-left: 20px;"> <tr> <td style="width: 60%;">Nitrogen Oxides (as an ozone precursor)</td> <td style="text-align: center;">25</td> </tr> <tr> <td>Nitrogen Oxides (PM2.5 precursor)</td> <td style="text-align: center;">40</td> </tr> <tr> <td>Nitrogen Oxides (NOx National Ambient Air Quality Standard)</td> <td style="text-align: center;">40</td> </tr> <tr> <td>***</td> <td style="text-align: center;">***</td> </tr> </table> <p style="font-size: 2em; font-weight: bold; margin-left: 10px; margin-top: -10px;">DRAFT</p> <p>Connecticut has set the significance threshold for determining a major modification for NOx as an ozone precursor to 25 tpy. This is the same threshold required for VOC in area designated as serious or severe for ozone nonattainment and meets the requirements of 40 CFR 51.165(a)(12).</p>	Nitrogen Oxides (as an ozone precursor)	25	Nitrogen Oxides (PM2.5 precursor)	40	Nitrogen Oxides (NOx National Ambient Air Quality Standard)	40	***	***
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Any Emission Change of VOC in an Extreme Area Triggers Nonattainment NSR									
<p>40 CFR 51.165 (a)(1)(v)(F)</p> <p>(F) Any physical change in, or change in the method of operation of, a major stationary source of volatile organic compounds that results in any increase in emissions of volatile organic compounds from any discrete operation, emissions unit, or other pollutant emitting activity at the source shall be considered a significant net emissions increase and a major modification for ozone, if the major stationary source is located in an extreme ozone nonattainment area that is subject to subpart 2, part D, title I of the Act.</p>	<p>Requirement is not applicable. No areas in Connecticut have ever been classified as extreme nonattainment for ozone.</p>								
Significant Emissions Rates for VOC and NOx as Ozone Precursors									
<p>40 CFR 51.165(a)(1)(x)(A) through (C) and (E)</p> <p>(x)(A) <i>Significant</i> means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:</p> <p>Pollutant Emission Rate</p>	<p>RCSA section 22a-174-1(63) refers to the March 15, 2002 federal definition of “significant” at 40 CFR 51.166(b)(23)(i) and establishes the significance threshold for VOC and NOx at 25 tpy, as follows:</p> <p>(63) “Major modification” 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:</p>								

<p>***</p> <p>Ozone: 40 tpy of volatile organic compounds or nitrogen oxides</p> <p>***</p> <p>(B) Notwithstanding the significant emissions rate for ozone in paragraph (a)(1)(x)(A) of this section, significant means, in reference to an emissions increase or a net emissions increase, any increase in actual emissions of volatile organic compounds that would result from any physical change in, or change in the method of operation of, a major stationary source locating in a serious or severe ozone nonattainment area that is subject to subpart 2, part D, title I of the Act, if such emissions increase of volatile organic compounds exceeds 25 tons per year.</p> <p>(C) For the purposes of applying the requirements of paragraph (a)(8) of this section to modifications at major stationary sources of nitrogen oxides located in an ozone nonattainment area or in an ozone transport region, the significant emission rates and other requirements for volatile organic compounds in paragraphs (a)(1)(x)(A), (B), and (E) of this section shall apply to nitrogen oxides emissions.</p> <p>***</p> <p>(E) Notwithstanding the significant emissions rates for ozone under paragraphs (a)(1)(x)(A) and (B) of this section, any increase in actual emissions of volatile organic compounds from any emissions unit at a major stationary source of</p>	<p style="text-align: right; font-size: 2em; font-weight: bold; opacity: 0.5;">DRAFT</p> <p>(A) The values for nitrogen oxides as an ozone precursor and volatile organic compounds are each twenty-five (25) tons per year, and</p> <p>(B) Asbestos, beryllium and vinyl chloride are excluded.</p> <p>Although the 2002 federal definition of significant sets higher thresholds than 25 tpy, the Connecticut definition of major modification establishes that a significant net emission increase of NO_x or VOC that will trigger a major modification is 25 tpy for each pollutant.</p>
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<p>volatile organic compounds located in an extreme ozone nonattainment area that is subject to subpart 2, part D, title I of the Act shall be considered a significant net emissions increase.</p>	
<p>Provisions for Emission Reductions Credits Due to Shutdowns</p>	
<p>40 CFR 51.165(a)(3)(ii)(C)</p> <p>(C)(1) Emissions reductions achieved by shutting down an existing emission unit or curtailing production or operating hours may be generally credited for offsets if they meet the requirements in paragraphs (a)(3)(ii)(C)(1)(i) through (ii) of this section.</p> <p>(i) Such reductions are surplus, permanent, quantifiable, and federally enforceable.</p> <p>(ii) The shutdown or curtailment occurred after the last day of the base year for the SIP planning process. For purposes of this paragraph, a reviewing authority may choose to consider a prior shutdown or curtailment to have occurred after the last day of the base year if the projected emissions inventory used to develop the attainment demonstration explicitly includes the emissions from such previously shutdown or curtailed emission units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.</p> <p>(2) Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours and that do not meet the requirements in paragraph</p>	<p>The requirements for emission reduction credits are in RCOSA section 22a-174-3a(1)(4) and (5).</p> <p>(4) Offsetting emission reductions or Emission Reduction Credits.</p> <p>(A) Except as provided in subdivision (8)(B) of this subsection, prior to commencing operation pursuant to a permit issued under this section, the owner or operator of the subject source or modification shall:</p> <p>(i) reduce actual emissions from other stationary sources on such premises, sufficient to offset the allowable emissions increase for each individual non-attainment air pollutant which is the subject of the application, or</p> <p>(ii) obtain certified emission reduction credits in accordance with subdivision (5) of this subsection, which credits are sufficient to offset the allowable emissions increase for each individual non-attainment air pollutant; and</p> <p>(B) The commissioner shall not grant a permit to an owner or operator of the subject source or modification unless the owner or operator demonstrates that internal offset or certified emission reduction credits pursuant to subparagraph (A) of this subdivision:</p> <p>(i) have occurred preceding the submission of such application and prior to the date that the subject source or modification becomes operational and begins to emit any air pollutant. The commissioner may consider a time period beginning no earlier than November 15, 1990,</p> <p>(ii) are not otherwise required by any of the following: the Act; a federally enforceable permit or order; the</p>

<p>(a)(3)(ii)(C)(1)(ii) of this section may be generally credited only if:</p> <p>(i) The shutdown or curtailment occurred on or after the date the construction permit application is filed; or</p> <p>(ii) The applicant can establish that the proposed new emissions unit is a replacement for the shutdown or curtailed emissions unit, and the emissions reductions achieved by the shutdown or curtailment met the requirements of paragraph (a)(3)(ii)(C)(1)(i) of this section.</p>	<p style="text-align: right;">DRAFT</p> <p>State Implementation Plan; or the regulations or statutes in effect when such application is filed,</p> <p>(iii) will be incorporated into a permit or order of the commissioner and would be federally enforceable,</p> <p>(iv) will create a net air quality benefit in conjunction with the proposed emissions increase. In determining whether such a net air quality benefit would be created, the commissioner may consider emissions on an hourly, daily, seasonal or annual basis. For carbon monoxide or particulate matter (total suspended particulate, PM_{2.5} and PM₁₀), the net air quality benefits shall be determined by the use of atmospheric modeling procedures approved by the commissioner and the Administrator in writing. Upon the request of the commissioner, the owner or operator shall make and submit to the commissioner, a net air quality benefit determination for each air pollutant. Such determination shall include, but not be limited to, all increases and decreases of emissions from stationary sources at any premises providing the offsetting emission reductions,</p> <p>(v) shall be based on the pounds per hour of potential emissions increase from the subject source or modification. The commissioner may consider other more representative periods, including, but not limited to, tons per year or pounds per day,</p> <p>(vi) are identified in an emissions inventory maintained by the commissioner or otherwise approved in writing by the commissioner,</p> <p>(vii) are of the same non-attainment air pollutant of which the owner or operator proposes to increase. Reductions of any exempt volatile organic compound listed in Table 1-3 of section 22a-174-1 of the Regulations of Connecticut State Agencies or those listed in 40 CFR 51.100 shall not be used to offset proposed increases emissions of non-exempt volatile organic compounds,</p> <p>(viii) occurred at either: one or more stationary sources in the same non-attainment area or stationary sources in another non-attainment area if, pursuant to</p>
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the Act, such area has an equal or higher non-attainment classification than the area in which the proposed activity would take place, and if emissions from such other non-attainment area contribute to a violation of a National Ambient Air Quality Standard in the non-attainment area in which the proposed activity would take place,

(ix) for the applicable non-attainment air pollutant, shall be from reductions in actual emissions, and

(x) offset actual emissions at a ratio greater than one to one, as determined by the commissioner. In addition, the owner or operator shall offset emission increases of allowable emissions at a ratio, for volatile organic compounds or nitrogen oxides, of at least: 1.3 to 1 in any severe non-attainment area for ozone, and 1.2 to 1 in any serious non-attainment area for ozone.

(5) The owner or operator of the subject source or modification shall secure certified emission reduction credits before using them. Continuous emission reduction credits shall be secured and retired prior to their use. Emission reduction credits shall be:

(A) Created and used in accordance with 40 CFR 51;

(B) Real, that is, resulting in a reduction of actual emissions, net of any consequential increase in actual emissions resulting from shifting demand. The emission reductions shall be measured, recorded and reported to the commissioner;

(C) Quantifiable, based on either stack testing approved by the commissioner in writing, conducted pursuant to an appropriate, reliable, and replicable protocol approved by the commissioner, or continuous emissions monitoring certified by the commissioner. Such quantification shall be in terms of the rate and total mass amount of non-attainment pollutant emission reduction;

(D) Surplus, not required by any Connecticut General Statute or regulation adopted thereunder, or mandated by the State Implementation Plan, and not currently

relied upon for any attainment plan, any Reasonable Further Progress plan or milestone demonstration;

(E) Permanent, in that at the source of the emission reduction, the emission reduction system shall be in place and operating, and an appropriate record keeping system is maintained to collect and record the data required to verify and quantify such emissions reductions; and

(F) Enforceable and approved by the commissioner in writing after the submission to the commissioner of documents satisfactory to the commissioner or incorporated into a permit as a restriction on emissions.

The provisions concerning emission reduction credits apply to any source that meets the applicability requirements found in RCSA section 22a-174-3a(l)(1):

(1) Applicability. In accordance with subsection (a) of this section, the provisions of this subsection shall apply to the owner or operator of:

(A) Any new major stationary source that:

(i) Is or will be constructed in a designated nonattainment area; and

(ii) Is or will be a major stationary source of the pollutant for which the area is designated as nonattainment or of the precursors to such pollutant;

(B) Any major modification that is or will be located at a major stationary source of the pollutant for which the area is designated as nonattainment and that:

(i) Results in a significant net emissions increase of the pollutant for which the area is designated as nonattainment, or

(ii) Results in a significant net emissions increase of a precursor to the pollutant for which the area is designated as nonattainment; or

	<p style="text-align: right; font-weight: bold; font-size: 2em;">DRAFT</p> <p>(C) Any new major stationary source or major modification that is located in an attainment area or unclassifiable area, where the allowable emissions of any air pollutant would cause or exacerbate a violation of a National Ambient Air Quality Standard in a nonattainment area. Allowable emissions of any such air pollutant shall be deemed not to cause or contribute to a violation of a National Ambient Air Quality Standard provided that such emissions result in impacts that are less than the levels set forth in Table 3a(i)-1 in subsection (i) of this section.</p> <p>(D) For the purpose of this subdivision, only the following constituent pollutants are considered precursors of the identified general pollutant:</p> <ul style="list-style-type: none"> (i) Volatile organic compounds are precursors to ozone, (ii) Nitrogen oxides are precursors to ozone, (iii) Sulfur dioxide is a precursor to PM_{2.5}, and (iv) Nitrogen oxides are precursors to PM_{2.5} <p>Creation and use of offsetting emissions are reviewed for consistency with these regulatory requirements.</p> <p>Furthermore, RCSA section 22a-174-3a(1)(7) requires the public notice made prior to permit issuance includes information concerning the owner's proposal to offset the potential emissions increase from the source or modification.</p>
Requirements for VOC Apply to NOx as an Ozone Precursor	
<p>40 CFR 51.165(a)(8)</p> <p>(8) The plan shall provide that the requirements of this section applicable to major stationary sources and major modifications of volatile organic compounds shall apply to nitrogen oxides emissions from major stationary sources and major modifications of nitrogen oxides in an ozone transport region or in any ozone nonattainment area, except in</p>	<p>RCSA section 22a-174-1(80), definition of "non-attainment air pollutant."</p> <p>(80) "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.</p>

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<p>ozone nonattainment areas or in portions of an ozone transport region where the Administrator has granted a NO_x waiver applying the standards set forth under section 182(f) of the Act and the waiver continues to apply.</p>	
Offset Ratios for VOC and NO_x for Ozone Nonattainment Areas	
<p>40 CFR 51.165(a)(9)</p> <p>(9)(i) The plan shall require that in meeting the emissions offset requirements of paragraph (a)(3) of this section, the ratio of total actual emissions reductions to the emissions increase shall be at least 1:1 unless an alternative ratio is provided for the applicable nonattainment area in paragraphs (a)(9)(ii) through (a)(9)(iv) of this section.</p> <p>(ii) The plan shall require that in meeting the emissions offset requirements of paragraph (a)(3) of this section for ozone nonattainment areas that are subject to subpart 2, part D, title I of the Act, the ratio of total actual emissions reductions of VOC to the emissions increase of VOC shall be as follows:</p> <p>(A) In any marginal nonattainment area for ozone—at least 1.1:1;</p> <p>(B) In any moderate nonattainment area for ozone—at least 1.15:1;</p> <p>(C) In any serious nonattainment area for ozone—at least 1.2:1;</p> <p>(D) In any severe nonattainment area for ozone—at least 1.3:1 (except that the ratio may be at least 1.2:1 if the approved plan also requires all existing major sources in such</p>	<p>RCSA section 33a-174-3a(l)(4)(B)(x) establishes required offset ratios:</p> <p>(4) Offsetting emission reductions or Emission Reduction Credits.</p> <p>***</p> <p>(B) The commissioner shall not grant a permit to an owner or operator of the subject source or modification unless the owner or operator demonstrates that internal offset or certified emission reduction credits pursuant to subparagraph (A) of this subdivision:</p> <p>***</p> <p>(x) offset actual emissions at a ratio greater than one to one, as determined by the commissioner. In addition, the owner or operator shall offset emission increases of allowable emissions at a ratio, for volatile organic compounds or nitrogen oxides, of at least: 1.3 to 1 in any severe non-attainment area for ozone, and 1.2 to 1 in any serious non-attainment area for ozone.</p> <p>The reclassification of the Connecticut portion of the NY-NNJ-CT nonattainment area to severe nonattainment for the 2008 ozone NAAQS requires that offsets for VOC or NO_x be set at a ratio of 1.3 to 1.</p> <p>Connecticut continues to meet the requirements of 40 CFR 51.165(a)(12) with regard to offsets. Under Connecticut's regulations, the entire state is classified as either serious or severe nonattainment for ozone, regardless of the current nonattainment status as designated by EPA. Connecticut's current serious and</p>

<p>nonattainment area to use BACT for the control of VOC); and</p> <p>(E) In any extreme nonattainment area for ozone—at least 1.5:1 (except that the ratio may be at least 1.2:1 if the approved plan also requires all existing major sources in such nonattainment area to use BACT for the control of VOC); and</p> <p>(iii) Notwithstanding the requirements of paragraph (a)(9)(ii) of this section for meeting the requirements of paragraph (a)(3) of this section, the ratio of total actual emissions reductions of VOC to the emissions increase of VOC shall be at least 1.15:1 for all areas within an ozone transport region that is subject to subpart 2, part D, title I of the Act, except for serious, severe, and extreme ozone nonattainment areas that are subject to subpart 2, part D, title I of the Act.</p> <p>(iv) The plan shall require that in meeting the emissions offset requirements of paragraph (a)(3) of this section for ozone nonattainment areas that are subject to subpart 1, part D, title I of the Act (but are not subject to subpart 2, part D, title I of the Act, including 8-hour ozone nonattainment areas subject to 40 CFR 51.902(b)), the ratio of total actual emissions reductions of VOC to the emissions increase of VOC shall be at least 1:1.</p>	<p style="text-align: right;">DRAFT</p> <p>severe nonattainment areas are defined in RCSA section 22a-174-1 as follows:</p> <p>(105) “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.</p> <p>(106) “Severe non-attainment area for ozone” means the towns of Ansonia, Beacon Falls, Bethany, Bethel, Branford, Bridgeport, Bridgewater, Brookfield, Cheshire, Chester, Clinton, Cromwell, Danbury, Darien, Deep River, Derby, Durham, East Haddam, East Hampton, East Haven, Easton, Essex, Fairfield, Greenwich, Guilford, Haddam, Hamden, Killingworth, Madison, Meriden, Middlebury, Middlefield, Middletown, Milford, Monroe, Naugatuck, New Canaan, New Fairfield, New Haven, New Milford, Newtown, North Branford, North Haven, Norwalk, Old Saybrook, Orange, Oxford, Portland, Redding, Ridgefield, Seymour, Shelton, Sherman, Southbury, Stamford, Stratford, Trumbull, Wallingford, Waterbury, Westbrook, West Haven, Weston, Westport, Wilton, Wolcott and Woodbridge.</p> <p>The towns listed in the definition of “severe non-attainment area for ozone” represent both the towns in the Southwest Connecticut nonattainment area, which EPA reclassified as severe nonattainment in November 2022, and the towns previously classified as severe nonattainment under the 1997 1-hour ozone NAAQS. There is significant, though not total, overlap of these two areas, so the current definition of “severe non-attainment area for ozone” includes all of the towns in the Southwest Connecticut nonattainment area as well as New Milford and Bridgewater. These definitions address the entire state as either serious or severe nonattainment. Thus, the state maintains offset ratios at least as stringent as required by 40 CFR 51.165(a)(12).</p>
Anti-backsliding requirements, as applicable	
<p>40 CFR 51.165(a)(12)</p> <p>(12) The plan shall require that in any area designated nonattainment for the 2008 ozone NAAQS and designated</p>	<p>As demonstrated in the applicable citations above concerning the definitions of “serious non-attainment area for ozone” and “severe non-attainment area for ozone”, which apply throughout the air quality regulations including RCSA section 22a-174-3a, the</p>

<p>nonattainment for the 1997 ozone NAAQS on April 6, 2015 the requirements of this section applicable to major stationary sources and major modifications of ozone shall include the anti-backsliding requirements contained at §51.1105.</p>	<p>existing NNSR provisions satisfy the anti-backsliding requirements. Specifically, all of the towns which were designated as severe nonattainment under the 1997 1-hour ozone NAAQS are currently listed in the Connecticut definition of “severe non-attainment area for ozone”, including Bridgewater and New Milford, which are currently designated as attaining the 2008 ozone NAAQS and as moderate nonattainment under the 2015 ozone NAAQS by EPA.</p>
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