

**BUREAU OF AIR MANAGEMENT  
TITLE V OPERATING PERMIT**

Issued pursuant to Title 22a of the Connecticut General Statutes (CGS) and Section 22a-174-33 of the Regulations of Connecticut State Agencies (RCSA) and pursuant to the Code of Federal Regulations (CFR), Title 40, Part 70.

<b>Title V Permit Number</b>	135-0148-TV
<b>Client/Town/Premises Numbers</b>	1722/135/128
<b>Date Issued</b>	
<b>Expiration Date</b>	

**Corporation:**

*SMM New England Corporation*

**Premises Location:**

*234 Universal Drive, North Haven, Connecticut 06473*

**Name of Responsible Official and Title:**

*Michael Kiwanis, Area Director of Operations*

All the following attached pages, 2 through 20, are hereby incorporated by reference into this Title V permit.

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Emma Cimino  
Deputy Commissioner

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Date

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**All conditions in Sections III, IV, and VI of this Title V permit are enforceable by both the Administrator and the commissioner unless otherwise specified. Applicable requirements and compliance demonstration are set forth in Section III of this Title V permit. The Administrator or any citizen of the United States may bring an action to enforce all permit terms or conditions or requirements contained in Sections III, IV, and VI of this Title V permit in accordance with the Clean Air Act, as amended.**

## LIST OF ABBREVIATIONS/ACRONYMS

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<i>Abbreviation/Acronym</i>	<i>Description</i>
AOS	Alternative Operating Scenario
CEM	Continuous Emission Monitor
CFR	Code of Federal Regulations
CGS	Connecticut General Statutes
CO	Carbon Monoxide
CO <sub>2</sub>	Carbon Dioxide
DEEP	Department of Energy and Environmental Protection
EU	Emissions Unit
EPA	Environmental Protection Agency
GEU	Grouped Emissions Unit
HAP	Hazardous Air Pollutant
hr	Hour
lb	Pound
NESHAP	National Emission Standards for Hazardous Air Pollutants
NO <sub>2</sub>	Nitrogen Dioxide
NO <sub>x</sub>	Nitrogen Oxides
NSPS	New Source Performance Standard
NSR	New Source Review
Pb	Lead
PM	Particulate Matter
PM <sub>10</sub>	Particulate Matter less than 10 microns
PM <sub>2.5</sub>	Particulate Matter less than 2.5 microns
PTE	Potential to Emit
RACT	Reasonably Available Control Technology
RCSA	Regulations of Connecticut State Agencies
SIC	Standard Industrial Classification Code
SIP	State Implementation Plan
SO <sub>2</sub>	Sulfur Dioxide
SO <sub>x</sub>	Sulfur Oxides
SOS	Standard Operating Scenario
tph	Tons per hour
tpy	Tons per year
TSP	Total Suspended Particulate
VOC	Volatile Organic Compound

**A. PREMISES INFORMATION**

Nature of Business: Metal Shredding/Recycling Facility  
Primary SIC: 5093 (Scrap and Waste Materials)  
NAICS: 423930 (Recyclable Material Merchant Wholesaler)

Facility Mailing Address: 234 Universal Dr, North Haven, CT 06473  
Telephone Number: 203-777-2591

**B. PREMISES DESCRIPTION**

SMM New England Corporation, d/b/a Sims Metal (Sims) operates a facility at 234 Universal Drive, North Haven, Connecticut (the North Haven Facility) that processes recyclable metal materials into ferrous (e.g. steel) and other metal products, by means of a metal shredder and other equipment, for sale to steel mills, foundries and smelters.

The North Haven Facility engages in the shredding of end-of-life vehicles (ELVs) and other depolluted end-of-life thin gauge metal-bearing materials, such as large appliances (light iron, together with ELVs referred to as feedstock material) by means of a metal shredder. The output from the shredder is further separated for recycling into a shredded steel product and a non-ferrous material product.

The North Haven Facility is a Title V source located in a severe ozone non-attainment area as defined in RCSA §22a-174-1(106). The facility is considered a major source for VOC and a minor source for HAPs.

The facility consists of the following emission sources:

- Hammermill shredder;
- Downstream air classifiers with cyclones; and
- A SEDA system to depollute whole or un-flattened ELV (i.e., remove fuel, oils, batteries and refrigerants, etc. before processing through the shredder). The SEDA system includes two aboveground storage tanks with capacities of 500 and 1,000 gallons. The depollution process is a closed system with the removed fuel and other removed product sent off-site for third party recycling. The depolluted ELV are processed through the shredder.

Ancillary equipment at the facility subject to Section III.C Premises-Wide General Requirements of this Title V Permit consist of the following emission sources:

- Seven (7) natural gas heaters with maximum heat input capacities between 175,000 and 400,000 British Thermal Units per hour (Btu/hr);
- One (1) 14 kW non-road portable engine;
- Conveyors, material handling drop points and stockpiles; and
- Torch cutting operations.

## Section II. Emissions Units Information

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### A. EMISSIONS UNITS DESCRIPTION

Emissions units are set forth in Table II.A. It is not intended to incorporate by reference these NSR Permits, Orders, Registrations, or Regulations into this Title V permit.

TABLE II.A: EMISSIONS UNITS DESCRIPTION				
Grouped Emissions Unit	Emissions Unit	Emissions Unit Description	Control Unit Description	Permit, Order, Registration, or Regulation Number
	EU-1	Metso Hammermill Shredder, 4000 hp Maximum Capacity: 168 net tons/hour Electrically powered Construction Year: 1968		135-0199-R RCSA §22a-174-18
GEU-1	EU-2	Osborn Engineering, Downstream Air Classifier with Cyclone Construction Year: 1968		135-0198-R RCSA §22a-174-18
	EU-3	Osborn Engineering, Downstream Air Classifier with Cyclone Construction Year: 1968		RCSA §22a-174-18
GEU-2	EU-4	500-gallon storage tank (SEDA System) Construction Year: 2009		RCSA §22a-174-20
	EU-5	1000-gallon storage tank (SEDA System) Construction Year: 2009		RCSA §22a-174-20

### B. OPERATING SCENARIO IDENTIFICATION

The Permittee shall be allowed to operate under the following Standard Operating Scenarios (SOS) without notifying the commissioner, provided that such operations are explicitly provided for and described in Table II.B.

TABLE II.B: OPERATING SCENARIO IDENTIFICATION	
Emissions Units Associated with the Scenario	Description of Scenario
EU-1	The Hammermill shredder is used to process scrap metal for recycling.
GEU-1 (EU-2, EU-3)	The air classifiers with cyclones serve to remove the light fraction of material from the processed recyclable metal.
GEU-2 (EU-4, EU-5)	The SEDA System is used to depollute ELVs before they are shredded.

### Section III. Applicable Requirements and Compliance Demonstration

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The following contains summaries of applicable regulations and compliance demonstration for each identified Emissions Unit and Operating Scenario, regulated by this Title V permit.

#### A. EMISSIONS UNIT 1 (EU-1) 4000 hp Metso Hammermill Shredder

**Subject to: RCSA §22a-174-18**

##### 1. RCSA Sec. 22a-174-18 Control of particulate matter and visible emissions

###### a. Limitation or Restriction

- i. The Permittee shall not cause or allow the emission of particulate matter to the ambient air in any one hour from EU 1 in excess of the emission rate calculated as follows: [RCSA §22a-174-18(f)(2)]
  - (A) For a process weight rate up to and including sixty thousand pounds per hour (60,000 lbs/hr),:  
[RCSA §22a-174-18(f)(3)]  
$$E = 3.59 * P^{0.62}$$
  - (B) For a process weight rate in excess of sixty thousand pounds per hour (60,000 lbs/hr)  
[RCSA §22a-174-18(f)(4)]  
$$E = 17.31 * P^{0.16}$$

WHERE: P = Process weight rate in tons per hour  
E = Maximum allowable emission rate in pounds per hour
- ii. The Permittee shall not exceed the following visible emission limits for any stationary source without opacity CEM equipment for which opacity is measured using visual observation:  
[RCSA §22a-174-18(b)(1)]
  - (A) Twenty percent (20%) opacity during any six-minute block average as measured by 40 CFR 60, appendix a, reference method 9; or
  - (B) Forty percent (40%) opacity as measured by 40 CFR 60, appendix a, reference method 9, reduced to a one-minute block average.

###### b. Monitoring Requirements

Record keeping specified in Section III.A.1.c of this Title V permit shall be sufficient to meet other Monitoring Requirements pursuant to RCSA §22a-174-33. [RCSA §22a-174-33(j)(l)(K)(ii)]

###### c. Record Keeping Requirements

- i. The Permittee shall maintain records sufficient to demonstrate the emission limits in Part III.A.1.a.i. of this permit are not exceeded. Such records shall include:[RCSA §22a-174-33(j)(l)(K)]
  - (A) weight of feedstock material processed through the shredder on an hourly basis, in units of lb;
  - (B) the maximum allowable emission rate in pounds per hour in accordance with the applicable formulas in Part III.A.1.a.i.(A) and (B); and
  - (C) PM emissions calculation and the method used.

### Section III. Applicable Requirements and Compliance Demonstration

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- ii. The Permittee shall maintain records of any opacity observations initiated by the Permittee or at the request of the Commissioner. Such records shall include the dates, times, and places of all visible observations, persons performing the observation, test method used, the operating conditions at the time of the observation, and the results of such observations. Records shall be kept for a minimum of five years after such records were created. [RCSA §22a-174-33(o)(2)]

#### d. Reporting Requirements

The Permittee shall submit additional information in writing, at the commissioner's request, within 30 days of receipt of notice from the commissioner or by such other date specified by the commissioner, whichever is earlier. [RCSA §22a-174-33(j)(1)(X)]

### B. GROUPED EMISSIONS UNIT 1 (EU-1, EU-2) - Two (2) Downstream Air Classifiers with Cyclones Subject to: RCSA §22a-174-18

#### 1. RCSA Sec. 22a-174-18 Control of particulate matter and visible emissions

##### a. Limitation or Restriction

- i. The Permittee shall not cause or allow the emission of particulate matter to the ambient air in any one hour from such source in excess of the emission rate calculated as follows:  
[RCSA §22a-174-18(f)(2)]
  - (A) For a process weight rate up to and including sixty thousand pounds per hour (60,000 lbs/hr),:  
[RCSA §22a-174-18(f)(3)]
$$E = 3.59 * P^{0.62}$$
  - (B) For a process weight rate in excess of sixty thousand pounds per hour (60,000 lbs/hr)  
[RCSA §22a-174-18(f)(4)]
$$E = 17.31 * P^{0.16}$$

WHERE: P = Process weight rate in tons per hour  
E = Maximum allowable emission rate in pounds per hour
- ii. The Permittee shall not exceed the following visible emission limits for any stationary source without opacity CEM equipment for which opacity is measured using visual observation:  
[RCSA §22a-174-18(b)(1)]
  - (A) Twenty percent (20%) opacity during any six-minute block average as measured by 40 CFR 60, appendix a, reference method 9; or
  - (B) Forty percent (40%) opacity as measured by 40 CFR 60, appendix a, reference method 9, reduced to a one-minute block average.

##### b. Monitoring Requirements

Record keeping specified in Section III.B.1.c of this Title V permit shall be sufficient to meet other Monitoring Requirements pursuant to RCSA §22a-174-33. [RCSA §22a-174-33(j)(1)(K)(ii)]

##### c. Record Keeping Requirements

- i. The Permittee shall maintain records sufficient to demonstrate the emission limits in Part III.B.1.a.i. of this permit are not exceeded. Such records shall include: [RCSA §22a-174-33(j)(1)(K)]



### Section III. Applicable Requirements and Compliance Demonstration

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- (A) the weight of material fed to the air classifier on an hourly basis, in units of lb;
  - (B) the maximum allowable emission rate in pounds per hour in accordance with the applicable formulas in Part III.B.1.a.i.(A) and (B); and
  - (C) PM emissions calculation and the method used.
- ii. The Permittee shall maintain records of any opacity observations initiated by the Permittee or at the request of the Commissioner. Such records shall include the dates, times, and places of all visible observations, persons performing the observation, test method used, the operating conditions at the time of the observation, and the results of such observations. Records shall be kept for a minimum of five years after such records were created. [RCSA §22a-174-33(o)(2)]

#### *d. Reporting Requirements*

The Permittee shall submit additional information in writing, at the commissioner's request, within 30 days of receipt of notice from the commissioner or by such other date specified by the commissioner, whichever is earlier. [RCSA §22a-174-33(j)(1)(X)]

### **C. GROUPED EMISSIONS UNIT 2 (EU-4, EU-5) SEDA System consisting of two storage tanks, 500 gal and 1000 gal, Subject to: RCSA §22a-174-20**

#### **1. RCSA Sec. 22a-174-20**

##### *a. Limitation or Restriction*

- i. The Permittee shall not place, store, or hold in any stationary storage vessel of more than 250-gallon (950 liter) capacity any VOC with a vapor pressure of 0.75 pounds per square inch or greater under standard conditions unless such vessel is equipped with a permanent submerged fill pipe or is a pressure tank as described in subdivision (2)(A) of this subsection. Submerged fill pipes installed on or prior to the effective date of this subsection shall have a discharge point no more than 18 inches from the bottom of the storage tank or be compliant with the requirements of 40 CFR 63 Subpart CCCCCC. Submerged fill pipes installed after the effective date of this subsection shall have a discharge point no more than six inches from the bottom of the storage tank. [RCSA §22a-174-20(a)(5)]

##### *b. Monitoring Requirements*

Record keeping specified in Section III.C.1.c of this Title V permit shall be sufficient to meet other Monitoring Requirements pursuant to RCSA §22a-174-33. [RCSA §22a-174-33(j)(1)(K)(ii)]

##### *c. Record Keeping Requirements*

For each storage tank, the Permittee shall keep records showing the distance of the discharge point from the bottom of the storage tank, in units of inches. [RCSA §22a-174-33(j)(1)(K)]

##### *d. Reporting Requirements*

The Permittee shall submit additional information in writing, at the commissioner's request, within 30 days of receipt of notice from the commissioner or by such other date specified by the commissioner, whichever is earlier. [RCSA §22a-174-33(j)(1)(X)]

**D. PREMISES-WIDE GENERAL REQUIREMENTS**

1. **Annual Emission Statements:** The Permittee shall submit annual emission statements requested by the commissioner as set forth in RCSA §22a-174-4a(b)(1).
2. **Emission Testing:** The Permittee shall comply with the procedures for sampling, emission testing, sample analysis, and reporting as set forth in RCSA §22a-174-5.
3. **Emergency Episode Procedures:** The Permittee shall comply with the procedures for emergency episodes as set forth in RCSA §22a-174-6.
4. **Prohibition of Air Pollution:** The Permittee shall comply with the requirement to prevent air pollution as set forth in RCSA §22a-174-9.
5. **Public Availability of Information:** The public availability of information shall apply, as set forth in RCSA §22a-174-10.
6. **Prohibition Against Concealment/Circumvention:** The Permittee shall comply with the prohibition against concealment or circumvention as set forth in RCSA §22a-174-11.
7. **Violations and Enforcement:** The Permittee shall not violate or cause the violation of any applicable regulation as set forth in RCSA §22a-174-12.
8. **Variances:** The Permittee may apply to the commissioner for a variance from one or more of the provisions of these regulations as set forth in RCSA §22a-174-13.
9. **No Defense to Nuisance Claim:** The Permittee shall comply with the regulations as set forth in RCSA §22a-174-14.
10. **Severability:** The Permittee shall comply with the severability requirements as set forth in RCSA §22a-174-15.
11. **Responsibility to Comply:** The Permittee shall be responsible to comply with the applicable regulations as set forth in RCSA §22a-174-16.
12. **Particulate Emissions:** The Permittee shall comply with the standards for control of particulate matter and visible emissions as set forth in RCSA §22a-174-18.
13. **Fuel Sulfur Content:** The Permittee shall not use No. 2 heating oil that exceeds fifteen parts per million of sulfur by weight as set forth in CGS §16a-21a(a)(2)(B) .
14. **Sulfur Compound Emissions:** The Permittee shall comply with the requirements for control of sulfur compound emissions as set forth in RCSA §22a-174-19, 22a-174-19a and 22a-174-19b, as applicable.
15. **Organic Compound Emissions:** The Permittee shall comply with the requirements for control of organic compound emissions as set forth in RCSA §22a-174-20.
16. **Ambient Air Quality:** The Permittee shall not cause or contribute to a violation of an ambient air quality standard as set forth in RCSA §22a-174-24(b).

### Section III. Applicable Requirements and Compliance Demonstration

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17. **Open Burning:** The Permittee is prohibited from conducting open burning, except as may be allowed by CGS §22a-174(f).
18. **Asbestos:** Should the premises, as defined in 40 CFR §61.145, become subject to the national emission standard for asbestos regulations in 40 CFR Part 61 Subpart M when conducting any renovation or demolition at this premises, then the Permittee shall submit proper notification as described in 40 CFR §61.145(b) and shall comply with all other applicable requirements of 40 CFR Part 61 Subpart M.
19. **Emission Fees:** The Permittee shall pay an emission fee as set forth in RCSA §22a-174-26(d).

TABLE IV: COMPLIANCE SCHEDULE				
Emissions Unit	Applicable Regulations	Steps Required for Achieving Compliance (Milestones)	Date by which Each Step is to be Completed	Dates for Monitoring, Record Keeping, and Reporting
Premise-wide	RCSA §22a-174-2a(e)	The Permittee shall submit a modification application to Permit No. 135-0148-TV to incorporate the requirements of the approved RACT Compliance Plan in accordance with RCSA §22a-174-32.	Not more than 120 days after issuance of RACT Order	N/A

Only the Commissioner of the Department of Energy and Environmental Protection has the authority to enforce the terms, conditions and limitations contained in this section.

**SECTION V: STATE ENFORCEABLE TERMS AND CONDITIONS**

- A.** This Title V permit does not relieve the Permittee of the responsibility to conduct, maintain and operate the emissions units in compliance with all applicable requirements of any other Bureau of the Department of Energy and Environmental Protection or any federal, local or other state agency. Nothing in this Title V permit shall relieve the Permittee of other obligations under applicable federal, state and local law.
- B.** Nothing in this Title V permit shall affect the commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, investigate air pollution, recover costs and natural resource damages, and to impose penalties for violations of law, including but not limited to violations of this or any other permit issued to the Permittee by the commissioner.
- C.** Additional Emissions Units

  - 1.** The Permittee shall make and submit a written record, at the commissioner's request, within 30 days of receipt of notice from the commissioner, or by such other date specified by the commissioner, of each additional emissions unit or group of similar or identical emissions units at the premises.
  - 2.** Such record of additional emissions units shall include each emissions unit, or group of emissions units, at the premises which is not listed in Section II.A of this Title V permit, unless the emissions unit, or group of emissions units, is:

    - a. an insignificant emissions unit as defined in RCSA §22a-174-33; or
    - b. an emissions unit or activity listed in *White Paper for Streamlined Development of Part 70 Permit Applications, Attachment A* (EPA guidance memorandum dated July 10, 1995).
  - 3.** For each emissions unit, or group of emissions units, on such record, the record shall include, as available:

    - a. Description, including make and model;
    - b. Year of construction/installation or if a group, range of years of construction/installation;
    - c. Maximum throughput or capacity; and
    - d. Fuel type, if applicable.
- D.** Odors: The Permittee shall not cause or permit the emission of any substance or combination of substances which creates or contributes to an odor that constitutes a nuisance beyond the property boundary of the premises as set forth in RCSA §22a-174-23.
- E.** Hazardous Air Pollutants (HAPs): The Permittee shall operate in compliance with the regulations for the control of HAPs as set forth in RCSA §22a-174-29.

The Administrator of the United States Environmental Protection Agency and the Commissioner of the Department of Energy and Environmental Protection have the authority to enforce the terms and conditions contained in this section.

**SECTION VI: TITLE V REQUIREMENTS**

**A. SUBMITTALS TO THE COMMISSIONER & ADMINISTRATOR**

The date of submission to the commissioner of any document required by this Title V permit shall be the date such document is received by the commissioner. The date of any notice by the commissioner under this Title V permit, including, but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is delivered or the date three days after it is mailed by the commissioner, whichever is earlier. Except as otherwise specified in this Title V permit, the word "day" means calendar day. Any document or action which is required by this Title V permit to be submitted or performed by a date which falls on a Saturday, Sunday or legal holiday shall be submitted or performed by the next business day thereafter.

Any document required to be submitted to the commissioner under this Title V permit shall, unless otherwise specified in writing by the commissioner, be directed to: Compliance Analysis and Coordination Unit, Bureau of Air Management, Department of Energy and Environmental Protection; 79 Elm Street, 5th Floor; Hartford, Connecticut 06106-5127.

Any submittal to the Administrator of the Environmental Protection Agency shall be submitted per the procedure required by the applicable requirement or otherwise in a computer-readable format and addressed to: Director, Enforcement and Compliance Assurance Division, U.S. EPA Region I, 5 Post Office Square, Suite 100 (Mailcode: 04-02), Boston, Massachusetts 02109-3912, Attn: Air Compliance Clerk.

**B. CERTIFICATIONS [RCSA §22a-174-33(b)]**

In accordance with RCSA §22a-174-33(b), any report or other document required by this Title V permit and any other information submitted to the commissioner or Administrator shall be signed by an individual described in RCSA §22a-174-2a(a), or by a duly authorized representative of such individual. Any individual signing any document pursuant to RCSA §22a-174-33(b) shall examine and be familiar with the information submitted in the document and all attachments thereto, and shall make inquiry of those individuals responsible for obtaining the information to determine that the information is true, accurate, and complete, and shall also sign the following certification as provided in RCSA §22a-174-2a(a)(4):

“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.”

**C. SIGNATORY RESPONSIBILITY [RCSA §22a-174-2a(a)]**

For purposes of signing any Title V-related application, document, report or certification required by RCSA §22a-174-33, any corporation's duly authorized representative may be either a named individual or any individual occupying a named position. Such named individual or individual occupying a named position is a duly authorized representative if such individual is responsible for the overall operation of one or more manufacturing, production or operating facilities subject to RCSA §22a-174-33 and either:

1. The facilities employ more than 250 persons or have gross annual sales or expenditures exceeding 25 million dollars in second quarter 1980 dollars; or
2. The delegation of authority to the duly authorized representative has been given in writing by an officer of the corporation in accordance with corporate procedures and the following:
  - i. Such written authorization specifically authorizes a named individual, or a named position, having responsibility for the overall operation of the Title V premises or activity,
  - ii. Such written authorization is submitted to the commissioner and has been approved by the commissioner in advance of such delegation. Such approval does not constitute approval of corporate procedures, and
  - iii. If a duly authorized representative is a named individual in an authorization submitted under subclause ii. of this subparagraph and a different individual is assigned or has assumed the responsibilities of the duly authorized representative, or, if a duly authorized representative is a named position in an authorization submitted under subclause ii. of this subparagraph and a different named position is assigned or has assumed the duties of the duly authorized representative, a new written authorization shall be submitted to the commissioner prior to or together with the submission of any application, document, report or certification signed by such representative.

**D. ADDITIONAL INFORMATION [RCSA §22a-174-33(j)(1)(X), RCSA §22a-174-33(h)(2)]**

The Permittee shall submit additional information in writing, at the commissioner's request, within 30 days of receipt of notice from the commissioner or by such other date specified by the commissioner, whichever is earlier, including information to determine whether cause exists for modifying, revoking, reopening, reissuing, or suspending this Title V permit or to determine compliance with this Title V permit.

In addition, the Permittee shall submit information to address any requirements that become applicable to the subject source and shall submit correct, complete, and sufficient information within 15 days of the applicant's becoming aware of any incorrect, incomplete, or insufficient submittal, during the pendency of the application, or any time thereafter, with an explanation for such deficiency and a certification pursuant to RCSA §22a-174-2a(a)(5).

**E. MONITORING REPORTS [RCSA §22a-174-33(o)(1)]**

A Permittee, required to perform monitoring pursuant to this Title V permit, shall submit to the commissioner, on forms prescribed by the commissioner, written monitoring reports on March 1 and September 1 of each year or on a more frequent schedule if specified in such permit. Such monitoring reports shall include the date and description of each deviation from a permit requirement including, but not limited to:

1. Each deviation caused by upset or control equipment deficiencies; and

2. Each deviation of a permit requirement that has been monitored by the monitoring systems required under this Title V permit, which has occurred since the date of the last monitoring report; and
3. Each deviation caused by a failure of the monitoring system to provide reliable data.

**F. PREMISES RECORDS [RCSA §22a-174-33(o)(2)]**

Unless otherwise required by this Title V permit, the Permittee shall make and keep records of all required monitoring data and supporting information for at least five years from the date such data and information were obtained. The Permittee shall make such records available for inspection at the site of the subject source, and shall submit such records to the commissioner upon request. The following information, in addition to required monitoring data, shall be recorded for each permitted source:

1. The type of monitoring or records used to obtain such data, including record keeping;
2. The date, place, and time of sampling or measurement;
3. The name of the individual who performed the sampling or the measurement and the name of such individual's employer;
4. The date(s) on which analyses of such samples or measurements were performed;
5. The name and address of the entity that performed the analyses;
6. The analytical techniques or methods used for such analyses;
7. The results of such analyses;
8. The operating conditions at the subject source at the time of such sampling or measurement; and
9. All calibration and maintenance records relating to the instrumentation used in such sampling or measurements, all original strip-chart recordings or computer printouts generated by continuous monitoring instrumentation, and copies of all reports required by the subject permit.

**G. PROGRESS REPORTS [RCSA §22a-174-33(q)(1)]**

The Permittee shall, on March 1 and September 1 of each year, or on a more frequent schedule if specified in this Title V permit, submit to the commissioner a progress report on forms prescribed by the commissioner, and certified in accordance with RCSA §22a-174-2a(a)(5). Such report shall describe the Permittee's progress in achieving compliance under the compliance plan schedule contained in this Title V permit. Such progress report shall:

1. Identify those obligations under the compliance plan schedule in this Title V permit which the Permittee has met, and the dates on which they were met; and
2. Identify those obligations under the compliance plan schedule in this Title V permit which the Permittee has not timely met, explain why they were not timely met, describe all measures taken or to be taken to meet them and identify the date by which the Permittee expects to meet them.



## Section VI. Title V Requirements

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Any progress report prepared and submitted pursuant to RCSA §22a-174-33(q)(1) shall be simultaneously submitted by the Permittee to the Administrator.

### H. COMPLIANCE CERTIFICATIONS [RCSA §22a-174-33(q)(2)]

The Permittee shall, on March 1 of each year, or on a more frequent schedule if specified in this Title V permit, submit to the commissioner a written compliance certification certified in accordance with RCSA §22a-174-2a(a)(5) and which includes the information identified in 40 CFR §§70.6(c)(5)(iii)(A) to (C), inclusive.

Any compliance certification prepared and submitted pursuant to RCSA §22a-174-33(q)(2) shall be simultaneously submitted by the Permittee to the Administrator.

### I. PERMIT DEVIATION NOTIFICATIONS [RCSA §22a-174-33(p)]

Notwithstanding Section VI.E. of this Title V permit, the Permittee shall notify the commissioner in writing, on forms prescribed by the commissioner, of any deviation from an emissions limitation, and shall identify the cause or likely cause of such deviation, all corrective actions and preventive measures taken with respect thereto, and the dates of such actions and measures as follows:

1. For any hazardous air pollutant, no later than 24 hours after such deviation commenced; and
2. For any other regulated air pollutant, no later than ten days after such deviation commenced.

### J. PERMIT RENEWAL [RCSA §22a-174-33(j)(1)(B)]

All of the terms and conditions of this Title V permit shall remain in effect until the renewal permit is issued or denied provided that a timely renewal application is filed in accordance with RCSA §§22a-174-33(g), -33(h), and -33(i).

### K. OPERATE IN COMPLIANCE [RCSA §22a-174-33(j)(1)(C)]

The Permittee shall operate the source in compliance with the terms of all applicable regulations, the terms of this Title V permit, and any other applicable provisions of law. In addition, any noncompliance constitutes a violation of the Clean Air Act and Chapter 446c of the Connecticut General Statutes and is grounds for federal and/or state enforcement action, permit termination, revocation and reissuance, or modification, and denial of a permit renewal application.

### L. COMPLIANCE WITH PERMIT [RCSA §22a-174-33(j)(1)(G)]

This Title V permit shall not be deemed to:

1. Preclude the creation or use of emission reduction credits or allowances or the trading thereof in accordance with RCSA §§22a-174-33(j)(1)(I) and -33(j)(1)(P), provided that the commissioner's prior written approval of the creation, use, or trading is obtained;
2. Authorize emissions of an air pollutant so as to exceed levels prohibited pursuant to 40 CFR Part 72;
3. Authorize the use of allowances pursuant to 40 CFR Parts 72 through 78, inclusive, as a defense to noncompliance with any other applicable requirement; or

4. Impose limits on emissions from items or activities specified in RCSA §§22a-174-33(g)(3)(A) and - 33(g)(3)(B) unless imposition of such limits is required by an applicable requirement.

**M. INSPECTION TO DETERMINE COMPLIANCE [RCSA §22a-174-33(j)(1)(M)]**

The commissioner may, for the purpose of determining compliance with this Title V permit and other applicable requirements, enter the premises at reasonable times to inspect any facilities, equipment, practices, or operations regulated or required under such permit; to sample or otherwise monitor substances or parameters; and to review and copy relevant records lawfully required to be maintained at such premises in accordance with this Title V permit. It shall be grounds for permit revocation should entry, inspection, sampling, or monitoring be denied or effectively denied, or if access to and the copying of relevant records is denied or effectively denied.

**N. PERMIT AVAILABILITY**

The Permittee shall have available at the facility at all times a copy of this Title V permit.

**O. SEVERABILITY CLAUSE [RCSA §22a-174-33(j)(1)(R)]**

The provisions of this Title V permit are severable. If any provision of this Title V permit or the application of any provision of this Title V permit to any circumstance is held invalid, the remainder of this Title V permit and the application of such provision to other circumstances shall not be affected.

**P. NEED TO HALT OR REDUCE ACTIVITY [RCSA §22a-174-33(j)(1)(T)]**

It shall not be a defense for the Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Title V permit.

**Q. PERMIT REQUIREMENTS [RCSA §22a-174-33(j)(1)(V)]**

The filing of an application or of a notification of planned changes or anticipated noncompliance does not stay the Permittee's obligation to comply with this Title V permit.

**R. PROPERTY RIGHTS [RCSA §22a-174-33(j)(1)(W)]**

This Title V permit does not convey any property rights or any exclusive privileges. This Title V permit is subject to, and in no way derogates from any present or future property rights or other rights or powers of the State of Connecticut, and is further subject to any and all public and private rights and to any federal, state or local laws or regulations pertinent to the facility or regulated activity affected thereby, including CGS §4-181a(b) and RCSA §22a-3a-5(b). This Title V permit shall neither create nor affect any rights of persons who are not parties to this Title V permit.

**S. ALTERNATIVE OPERATING SCENARIO RECORDS [RCSA §22a-174-33(o)(3)]**

The Permittee shall, contemporaneously with making a change authorized by this Title V permit from one alternative operating scenario to another, maintain a record at the premises indicating when changes are made from one operating scenario to another and shall maintain a record of the current alternative operating scenario.

**T. OPERATIONAL FLEXIBILITY AND OFF-PERMIT CHANGES [RCSA §22a-174-33(r)(2)]**

The Permittee may engage in any action allowed by the Administrator in accordance with 40 CFR §§70.4(b)(12)(i) to (iii)(B), inclusive, and 40 CFR §§70.4(b)(14)(i) to (iv), inclusive, without a Title V non-minor permit modification, minor permit modification or revision and without requesting a Title V non-minor permit modification, minor permit modification or revision provided such action does not:

1. Constitute a modification under 40 CFR Part 60, 61 or 63;
2. Exceed emissions allowable under the subject permit;
3. Constitute an action which would subject the Permittee to any standard or other requirement pursuant to 40 CFR Parts 72 to 78, inclusive; or
4. Constitute a non-minor permit modification pursuant to RCSA §22a-174-2a(d)(4).

At least seven days before initiating an action specified in RCSA §22a-174-33(r)(2)(A), the Permittee shall notify the Administrator and the commissioner in writing of such intended action.

**U. INFORMATION FOR NOTIFICATION [RCSA §22a-174-33(r)(2)(A)]**

Written notification required under RCSA §22a-174-33(r)(2)(A) shall include a description of each change to be made, the date on which such change will occur, any change in emissions that may occur as a result of such change, any Title V permit terms and conditions that may be affected by such change, and any applicable requirement that would apply as a result of such change. The Permittee shall thereafter maintain a copy of such notice with the Title V permit. The commissioner and the Permittee shall each attach a copy of such notice to their copy of the Title V permit.

**V. TRANSFERS [RCSA §22a-174-2a(g)]**

No person other than the Permittee shall act or refrain from acting under the authority of this Title V permit unless such permit has been transferred to another person in accordance with RCSA §22a-174-2a(g).

The proposed transferor and transferee of a permit shall submit to the commissioner a request for a permit transfer on a form provided by the commissioner. A request for a permit transfer shall be accompanied by any fees required by any applicable provision of the general statutes or regulations adopted thereunder. The commissioner may also require the proposed transferee to submit with any such request, the information identified in CGS §22a-6o.

**W. REVOCATION [RCSA §22a-174-2a(h)]**

The commissioner may revoke this Title V permit on his own initiative or on the request of the Permittee or any other person, in accordance with CGS §4-182(c), RCSA §22a-3a-5(d), and any other applicable law. Any such request shall be in writing and contain facts and reasons supporting the request. The Permittee requesting revocation of this Title V permit shall state the requested date of revocation and provide evidence satisfactory to the commissioner that the subject source is no longer a Title V source.

Pursuant to the Clean Air Act, the Administrator has the power to revoke this Title V permit. Pursuant to the Clean Air Act, the Administrator also has the power to reissue this Title V permit if the Administrator has determined that the commissioner failed to act in a timely manner on a permit renewal application.

## Section VI. Title V Requirements

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This Title V permit may be modified, revoked, reopened, reissued, or suspended by the commissioner, or the Administrator in accordance with RCSA §22a-174-33(r), CGS §22a-174c, or RCSA §22a-3a-5(d).

### **X. REOPENING FOR CAUSE [RCSA §22a-174-33(s)]**

This Title V permit may be reopened by the commissioner, or the Administrator in accordance with RCSA §22a-174-33(s).

### **Y. CREDIBLE EVIDENCE**

Notwithstanding any other provision of this Title V permit, for the purpose of determining compliance or establishing whether a Permittee has violated or is in violation of any permit condition, nothing in this Title V permit shall preclude the use, including the exclusive use, of any credible evidence or information.

# DRAFT

## **Print for Compliance Certification or Enforcement**

Click the button below to generate the appropriate checklist. Be aware that this macro does not work unless you have access to the DEEP D-Drive.

This macro takes anywhere from 2-5 minutes to run. Your computer will look like it is locked up but it is working. Unfortunately the new DEEP virtual computer system makes this process even slower. Please be patient.

Print Enforcement Checklist

Print Compliance Certification