

State of Connecticut  
Regulation of  
Department of Energy and Environmental Protection  
Concerning  
GPLPE Replacement Regulations

**Section 1. The Regulations of Connecticut State Agencies are amended by adding section 22a-174-33a as follows:**

**(NEW) Sec. 22a-174-33a . Limit on Premises-Wide Actual Emissions Below 50% of Title V Source Thresholds**

(a) **Definitions.** For purposes of this section, the following definitions shall apply. Any term not defined shall be as defined in section 22a-174-1 of the Regulations of Connecticut State Agencies:

(1) “Actual emissions” means, notwithstanding the definition in section 22a-174-1 of the Regulations of Connecticut State Agencies, the amount of any regulated air pollutant emitted into the atmosphere, excluding emissions from any item or activity that is listed in section 22a-174-33(g)(3) of the Regulations of Connecticut State Agencies.

(2) “Annual” means a calendar year beginning on January 1<sup>st</sup> and ending on December 31<sup>st</sup> for any given year.

(3) “Day” means the calendar day; if any date specified in this section falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day thereafter.

(4) “EPA” means the United States Environmental Protection Agency.

(5) “Hazardous air pollutant” or “HAP” means, notwithstanding the definition in section 22a-174-1 of the Regulations of Connecticut State Agencies, any air pollutant listed in section 112(b) of the Federal Clean Air Act excluding any air pollutants that are removed from such list.

(6) “Regulated air pollutant” means “regulated air pollutant” as defined in section 22a-174-33 of the Regulations of Connecticut State Agencies.

(7) “Research and development operation” means “research and development operation” as defined in section 22a-174-33 of the Regulations of Connecticut State Agencies.

(8) “Title V source thresholds” are as defined in sections 22a-174-33(a)(10)(E) and (F) of the Regulations of Connecticut State Agencies.

(b) **Applicability.**

(1) Except as provided in subdivision (2) of this subsection, this section applies to the owner or operator of any premises who, in accordance with subsection (g)(1) of this section, has notified the commissioner of the owner or operator’s commitment to limit the actual emissions from such premises below the thresholds provided in subsection (d)(1) of this section.

(2) This section shall not apply to the owner or operator of any premises that is subject to:

(A) Any acid rain control requirement pursuant to 40 CFR 72 through 78 inclusive;

(B) Any solid waste combustion requirement pursuant to section 129(e) of the Act;

(C) A Title V operating permit issued by the commissioner pursuant to section 22a-174-33 of the Regulations of Connecticut State Agencies or by the Administrator pursuant to 40 CFR 70 or 71; or

(D) Section 22a-174-33b of the Regulations of Connecticut State Agencies.

(c) **Duty to comply with this section.**

(1) The owner or operator of any premises who satisfies the applicability criteria of subsection

(b)(1) of this section shall comply with all conditions and applicable requirements of this section until such time the owner or operator submits a notification to the commissioner, in accordance with subsection (g)(2) of this section, of cessation to operate a premises pursuant to this section.

(2) The terms and conditions of this section shall not supersede more stringent emissions limitations established in any order or permit issued by the commissioner pursuant to section 22a-174 of the General Statutes.

**(d) Emissions requirements.**

(1) No owner or operator of any premises operating in accordance with this section shall cause or allow the annual actual emissions of any regulated air pollutant to be equal to or exceed the following:

(A) For any regulated air pollutant that is not a HAP, Volatile Organic Compound (VOC) or Nitrogen Oxides (NO<sub>x</sub>): 50 tons;

(B) For any VOC or NO<sub>x</sub> emitted in a serious ozone nonattainment area: 25 tons;

(C) For any VOC or NO<sub>x</sub> emitted in a severe ozone nonattainment area: 12.5 tons;

(D) For any single HAP: 5 tons; and

(E) For any combination of HAPs: 12.5 tons.

(2) Notwithstanding the emissions requirements of subdivision (1) of this subsection, an owner or operator of any premises which is operating in accordance with a permit or order issued to implement section 22a-174-32 of the Regulations of Connecticut State Agencies shall continue to operate in accordance with such permit or order.

(3) For the purpose of determining the actual emissions from any premises at which a research and development operation is located, the owner or operator of such premises shall include the emissions from such research and development operation in the determination of the total actual emissions from such premises.

(4) Unless otherwise required by regulation, or the commissioner pursuant to subparagraph (F) of this subdivision, the owner or operator of any premises operating in accordance with this section shall determine the actual emissions for each regulated air pollutant as follows:

(A) If data are available from CEM equipment, such data shall be used to determine the rate of emissions. Only CEM installed, operated, and certified in accordance with a permit or order, regulation issued or administered by the commissioner or the Administrator, or a commissioner approved voluntarily installed CEM may be used to satisfy the requirements of this subdivision;

(B) If the data in subparagraph (A) of this subdivision are unavailable but stack testing data are available, such stack testing data shall be used to determine the rate of emissions, provided such testing was conducted in accordance with protocols approved in writing by the commissioner or the Administrator in advance of testing and a representative of the commissioner or the Administrator has been provided the opportunity to witness such testing;

(C) If the data in subparagraphs (A) and (B) of this subdivision are unavailable, the rate of emissions shall be calculated using data supplied by the manufacturer of the subject emission unit or units, which data were derived from EPA approved emissions testing of such unit performed by or for the manufacturer;

(D) If the data in subparagraphs (A), (B) and (C) of this subdivision are unavailable, the rate of emissions shall be calculated using data derived from an analysis of pertinent material balances conducted by an individual with appropriate knowledge of the subject process;

(E) If the data in subparagraphs (A), (B), (C) and (D) of this subdivision are unavailable, the rate of emissions shall be calculated using the data or emissions estimation techniques that result in the highest rate of emissions from one of the following EPA publications:

(i) Compilation of Air Pollutant Emission Factors (AP-42),

(ii) AIRS Facility Subsystem Emission Factors, or

(iii) The Emission Inventory Improvement Program; and

(F) If the data in subparagraphs (A), (B), (C), (D) and (E) of this subdivision are not available, the emission rate shall be calculated using another source of emissions data that is approved by the commissioner and the Administrator. Such approval shall be obtained prior to operating in accordance with this section.

(5) Only those control efficiency limitations which are practicably enforceable may be included in the calculation of actual emissions.

(e) **Record keeping requirements.**

(1) The owner or operator of any premises operating in accordance with this section shall make and maintain records necessary to calculate the actual emissions of regulated air pollutants emitted from each emission unit, grouped emission unit, or other logical grouping. The records shall allow for such calculations for all regulated air pollutants identified in subsection (d)(1) of this section. Such records shall include, but are not limited to the following:

(A) A list of all emission units, air pollution control equipment, and emission monitoring equipment at the premises, including the following for each unit or equipment:

(i) A description,

(ii) Maximum rated capacity, if applicable,

(iii) Installation date (or estimation if unknown),

(iv) Removal date, if applicable, and

(v) If emission units and associated equipment are located in more than one building on the premises, information on the location.

(B) A log for each month that shall include:

(i) The total amount of fuels, solvents, coatings, raw materials, or other such material, used by each emission unit during each month,

(ii) An identification of such fuels, solvents, coatings, raw materials, or other such material used, by each emission unit during each month,

(iii) The actual operating hours of each emission unit during each month, as necessary to calculate emissions,

(iv) Any other documentation the commissioner deems necessary to reliably calculate the emission of air pollutants regulated under this section, and

(v) All purchase orders, invoices, Material Safety Data Sheets, test results, certifications or other documents necessary to verify information and calculations in the monthly log.

(C) A log of annual actual emissions of each regulated air pollutant emitted from the premises, including a detailed description of the methodology the owner or operator used to calculate such emissions and the basis thereof.

(D) The owner or operator shall keep a copy of any notification or report submitted to the commissioner pursuant to this section, including applicable attachments.

(2) Monthly records required by this section shall be created no later than 45 days after the end of each month.

(3) Annual records required by this section shall be created no later than March 1<sup>st</sup> of the year following the year for which the records are created.

(4) The owner or operator of any premises operating in accordance with this section shall maintain each record required by this subsection at the premises where the activity takes place for five years after the date such record is made. For paperwork reduction, these records may be kept on computer file in electronic form. Access to above paperwork requirement may also be allowed via internet on-demand. The owner or operator shall provide any such record or copy thereof to the commissioner or the Administrator upon request. Upon written approval by the commissioner, the owner or operator may maintain each record at a location other than the premises. The owner or operator shall provide

any such record or copy thereof to the commissioner or the Administrator within 14 days of receipt of such request or within the time frame indicated in such request.

(5) Notwithstanding any other provision of this subsection, the owner or operator of any premises operating in accordance with this section shall keep a copy of the notification submitted in accordance with subsection (g)(1) of this section for a period of no less than five years beyond such time that the owner or operator submits a notification in accordance with subsection (g)(2) of this section.

(6) Notwithstanding any other provision of this subsection, the owner or operator of any premises operating in accordance with this section shall not be required to make or keep records concerning the purchase or use of any item or the conduct of any activity that results in the emission of a regulated air pollutant identified in subsection (d)(1) of this section if such item or activity is listed in section 22a-174-33(g)(3) of the Regulations of Connecticut State Agencies.

**(f) Reporting requirements.**

**(1) Annual Compliance Certification**

(A) The owner or operator of any premises operating in accordance with this section shall submit to the commissioner on or before March 1<sup>st</sup> of each year, an annual compliance certification with respect to the premises for the previous calendar year, or portion thereof. Such compliance certification shall be submitted electronically, via a reporting system provided by the commissioner, and shall contain the following information:

(i) Identification of each requirement in the section that is applicable for the certification period,  
 (ii) Identification of the method(s) or other means used by the owner or operator for determining the compliance status with each applicable requirement of the section during the certification period, and

(iii) The status of compliance with each applicable requirement during the certification period. The owner or operator shall identify whether compliance is continuous or intermittent, and each deviation or exceedance of an applicable requirement during the certification period.

(B) The owner or operator of any premises operating in accordance with this section shall submit any additional information requested in writing which the commissioner deems necessary to verify the actual emissions. Such additional information shall be submitted within 14 days of receipt of such request or within the time frame indicated in such request.

**(2) Exceedances**

(A) Upon discovery of an exceedance of an emissions limitation set forth in subsection (d) of this section, the owner or operator of any premises operating in accordance with this section shall immediately take all reasonable actions to determine the cause of such exceedance, correct such exceedance and mitigate its results, and prevent any further exceedance.

(B) The owner or operator of any premises operating in accordance with this section shall notify the commissioner electronically, via a reporting system provided by the commissioner, of any exceedance of an emissions limitation established in subsection (d) of this section and shall identify the cause or likely cause of such exceedance, all corrective actions and preventative measures taken with respect thereto, and the dates of such actions and measures, as follows:

(i) For any HAP, no later than 24 hours after such exceedance has been discovered, and  
 (ii) For any other regulated air pollutant, no later than ten days after such exceedance has been discovered.

**(g) Notifications.**

(1) Any owner or operator committing to operate a premises pursuant to this section shall submit a notification to the commissioner, on forms prescribed by the commissioner. Such notification shall include, but is not limited to the following information:

(A) Legal name, address, email address and telephone number of the owner or operator of the

subject premises. If the owner or operator is an entity transacting business in Connecticut and is required to register with the Connecticut Secretary of the State, provide the exact name as registered with the Connecticut Secretary of the State;

(B) If applicable, the legal name of the agent for service of process for the owner of the subject premises, the name, email address and telephone number of the individual with primary managerial responsibility for the premises, and the name, email address and telephone number of any individual designated by the owner or operator thereof to answer questions pertaining to such notification;

(C) Legal name, address, email address and telephone number of any consultant or engineer retained by the owner or operator to prepare the notification;

(D) Location address of the premises with respect to which the notification is submitted;

(E) The date the owner or operator will commence to operate the premises in accordance with this section; and

(F) Previous Approval of Registration number, issued in accordance with the General Permit to Limit Potential to Emit from Major Sources of Air Pollution issued on November 9, 2015, if applicable.

(2) Any owner or operator ceasing to operate a premises pursuant to this section shall submit a notification to the commissioner, on forms prescribed by the commissioner, no later than 30 days after such cessation. Such notification shall include, but is not limited to the following information:

(A) Legal name, address, email address and telephone number of the owner or operator of the subject premises. If the owner or operator is an entity transacting business in Connecticut and is required to register with the Connecticut Secretary of the State, provide the exact name as registered with the Connecticut Secretary of the State;

(B) If applicable, the legal name of the agent for service of process for the owner of the subject premises, the name, email address and telephone number of the individual with primary managerial responsibility for the premises, and the name, email address and telephone number of any individual designated by the owner or operator thereof to answer questions pertaining to such notification;

(C) Legal name, address, email address and telephone number of any consultant or engineer retained by the owner or operator to prepare the notification;

(D) Location address of the premises with respect to which the notification is submitted;

(E) The reason for such cessation;

(F) The date of such cessation;

(G) An Annual Compliance Certification, as referenced in subsection (f)(1) of this section, for the portion of the current calendar year; and

(H) An Annual Compliance Certification, as referenced in subsection (f)(1) of this section, for the previous calendar year if such cessation notification is submitted before the prior year's compliance certification has been submitted.

(3) The commissioner shall notify any owner or operator submitting a notification in accordance with this subsection, in writing, if it is determined that additional information is necessary to evaluate such notification. Such information shall be submitted to the commissioner, in writing, within 45 days of such additional information notification and shall be certified in accordance with subsection (h) of this section.

(4) Any notification shall be sent to the Bureau of Air Management at the following address:  
Supervisor

Compliance Analysis and Coordination Unit

Bureau of Air Management

Connecticut Department of Energy and Environmental Protection

79 Elm Street Hartford, CT 06106-512

(h) **Certification.**



Any document, notification, data or record required to be submitted to the commissioner pursuant to this section shall include a certification signed by any of the individuals identified in section 22a-174-2a(a)(1) of the Regulations of Connecticut State Agencies, and by the individual or individuals responsible for actually preparing such document or record, each of whom shall examine and be familiar with the information submitted 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 each of whom shall certify in writing 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 other applicable statute.”

**(i) Correction of Inaccuracies.**

Within 15 days after the date the owner or operator of any premises operating in accordance with this section becomes aware of a change in any of the information submitted pursuant to this section, becomes aware that any such information is inaccurate or misleading, or that relevant information has been omitted, such owner or operator shall correct the inaccurate or misleading information and supply the corrected or omitted information in writing to the commissioner. Such information shall be certified in accordance with subsection (h) of this section.

**(j) Other Applicable Law and Regulations.**

(1) Nothing in this section shall relieve the owner or operator of any premises operating in accordance with this section of the obligation to comply with any other applicable federal, state and local law, including but not limited to the obligation to obtain any other authorizations required by such law.

(2) Nothing in this section shall preclude the commissioner from requiring the owner or operator of any premises operating in accordance with this section to obtain a Title V operating permit pursuant to section 22a-174-33 of the Regulations of Connecticut State Agencies.

(3) Nothing in this section shall preclude the owner or operator of any premises operating in accordance with this section from applying for a Title V operating permit pursuant to section 22a-174-33 of the Regulations of Connecticut State Agencies, if applicable.

**Sec. 2. The Regulations of Connecticut State Agencies are amended by adding section 22a-174-33b as follows:**

**(NEW) Sec. 22a-174-33b. Limit on Premises-Wide Actual Emissions Below 80% of Title V Source Thresholds**

(a) **Definitions.** For purposes of this section, the following definitions shall apply. Any term not defined shall be as defined in section 22a-174-1 of the Regulations of Connecticut State Agencies:

(1) “Actual emissions” means, notwithstanding the definition in section 22a-174-1 of the Regulations of Connecticut State Agencies, the amount of any regulated air pollutant emitted into the atmosphere, excluding emissions from any item or activity that is listed in section 22a-174-33(g)(3) of the Regulations of Connecticut State Agencies.

(2) “Annual” means a calendar year beginning on January 1<sup>st</sup> and ending on December 31<sup>st</sup> for any given year.

(3) “Asphalt plant” means any facility used to manufacture asphalt by mixing aggregate with

asphalt cements or mixing recycled asphalt pavement with other additives.

(4) “Chemical manufacturing process” means all equipment which collectively functions to produce a product or isolated intermediate. A “chemical manufacturing process” includes, but is not limited to any, all, or a combination of reaction, recovery, separation, purification, or other activity, operation, manufacture, or treatment which are used to produce a product or isolated intermediate.

(5) “Concrete plant” means any facility used to manufacture concrete. For the purposes of this section, “concrete” means a composite material composed of fine and coarse aggregate bonded together in a fluid cement.

(6) “Day” means the calendar day; if any date specified in this section falls on a Saturday, Sunday, or legal holiday, such deadline shall be the next business day thereafter.

(7) “Emergency engine” means “emergency engine” as defined in section 22a-174-22e of the Regulations of Connecticut State Agencies.

(8) “Environmental testing laboratory” means all equipment which collectively is used to analyze air, soil, water or solid material samples for trace elements or contaminants.

(9) “EPA” means the United States Environmental Protection Agency.

(10) “Hazardous air pollutant” or “HAP” means, notwithstanding the definition in section 22a-174-1 of the Regulations of Connecticut State Agencies, any air pollutant listed in section 112(b) of the Federal Clean Air Act excluding any air pollutants that are removed from such list.

(11) “Non-metallic mineral processing plant” means “non-metallic mineral processing plant” as defined in 40 CFR 60.671.

(12) “Regulated air pollutant” means “regulated air pollutant” as defined in section 22a-174-33 of the Regulations of Connecticut State Agencies.

(13) “Research and development operation” means “research and development operation” as defined in section 22a-174-33 of the Regulations of Connecticut State Agencies.

(14) “Source of VOC or HAP” means any metal cleaning; can coating; coil coating; fabric and vinyl coating; metal furniture coating; paper, film and foil coating; wire coating; miscellaneous metal and plastic parts coating; graphic arts rotogravures and flexography; flexible package printing; offset lithographic printing; appliance coating; industrial solvent cleaning; spray equipment cleaning; pleasure craft coating; degreasing; motor vehicle fueling operation; or any other spray, dip coating or hand wiping operation; excluding chemical manufacturing processes.

(15) “Title V source thresholds” are as defined in sections 22a-174-33(a)(10)(E) and (F) of the Regulations of Connecticut State Agencies.

(16) “VOC-containing material” means any ink, coating, diluent, additive, solvent, or other material which contains VOC and is used in a source of VOC or HAP.

**(b) Applicability.**

(1) Except as provided in subdivision (2) of this subsection, this section applies to the owner or operator of any premises who, in accordance with subsection (h)(1) of this section, has notified the commissioner of the owner or operator’s commitment to limit the actual emissions from such premises below the thresholds listed in subsection (d)(1) of this section, provided that such emissions at the facility are from one or more of the following sources: equipment that conducts a chemical manufacturing process, an environmental testing laboratory, a source of VOC or HAP, a fuel burning combustion unit, a non-metallic mineral processing plant, a concrete plant or an asphalt plant.

(2) This section shall not apply to the owner or operator of any premises that is subject to:

(A) Any acid rain control requirement pursuant to 40 CFR 72 through 78 inclusive;

(B) Any solid waste combustion requirement pursuant to section 129(e) of the Act;

(C) A Title V operating permit issued by the commissioner pursuant to section 22a-174-33 of the Regulations of Connecticut State Agencies or by the Administrator pursuant to 40 CFR 70 or 71; or

(D) Section 22a-174-33a of the Regulations of Connecticut State Agencies.

(c) **Duty to comply with this section.**

(1) The owner or operator of any premises who satisfies the applicability criteria of subsection (b)(1) of this section shall comply with all conditions and applicable requirements of this section until such time the owner or operator submits a notification to the commissioner, in accordance with subsection (h)(2) of this section, of cessation to operate a premises pursuant to this section.

(2) The terms and conditions of this section shall not supersede more stringent emissions limitations established in any order or permit issued by the commissioner pursuant to section 22a-174 of the General Statutes.

(d) **Emissions requirements.**

(1) No owner or operator of any premises operating in accordance with this section shall cause or allow the emission of any regulated air pollutant during each and every consecutive 12 month period to be equal to or exceed the following

(A) For any regulated air pollutant that is not a HAP, Volatile Organic Compound (VOC) or Nitrogen Oxides (NO<sub>x</sub>): 80 tons;

(B) For any VOC or NO<sub>x</sub> emitted in a serious ozone nonattainment area: 40 tons;

(C) For any VOC or NO<sub>x</sub> emitted in a severe ozone nonattainment area: 20 tons;

(D) For any single HAP: 8 tons; and

(E) For any combination of HAPs: 20 tons.

(2) Notwithstanding the emissions requirements of subdivision (1) of this subsection, an owner or operator of any premises which is operating in accordance with a permit or order issued to implement section 22a-174-32 of the Regulations of Connecticut State Agencies shall continue to operate in accordance with such permit or order.

(3) For the purpose of determining the actual emissions from any premises at which a research and development operation is located, the owner or operator of such premises shall include the emissions from such research and development operation in the determination of the total actual emissions from such premises.

(4) Unless otherwise required by regulation or the commissioner pursuant to subparagraph (F) of this subdivision, the owner or operator of any premises operating in accordance with this section shall determine the actual emissions for each regulated air pollutant as follows:

(A) If data are available from CEM equipment, such data shall be used to determine the rate of emissions. Only CEM installed, operated, and certified in accordance with a permit or order, regulation issued or administered by the commissioner or the Administrator, or a commissioner approved voluntarily installed CEM may be used to satisfy the requirements of this subdivision;

(B) If the data in subparagraph (A) of this subdivision are unavailable but stack testing data are available, such stack testing data shall be used to determine the rate of emissions, provided such testing was conducted in accordance with protocols approved in writing by the commissioner or the Administrator in advance of testing and a representative of the commissioner or the Administrator has been provided the opportunity to witness such testing;

(C) If the data in subparagraphs (A) and (B) of this subdivision are unavailable, the rate of emissions shall be calculated using data supplied by the manufacturer of the subject emissions unit or units, which data were derived from EPA approved emissions testing of such unit performed by or for the manufacturer;

(D) If the data in subparagraphs (A), (B) and (C) of this subdivision are unavailable, the rate of emissions shall be calculated using data derived from an analysis of pertinent material balances conducted by an individual with appropriate knowledge of the subject process;

(E) If the data in subparagraphs (A), (B), (C) and (D) of this subdivision are unavailable:

(i) For each regulated air pollutant for which the total actual emissions of such pollutant from the premises is equal to or greater than 50% of the Title V source thresholds during any consecutive 12



month period:

(I) For emergency engines, emission rates shall be calculated using an AP-42 emission factor with a rating of D or better,

(II) For external combustion units, excluding incinerators, HAP and condensable particulate matter (PM) emission rates shall be calculated using an AP-42 emission factor with a rating of D or better, and

(III) For a chemical manufacturing process, emission rates shall be calculated using the Emission Inventory Improvement Program (EIIP) published by EPA, or

(ii) For each regulated air pollutant for which the total actual emissions of such pollutant from the premises is less than 50% of the Title V source thresholds during any consecutive 12 month period, the emission rate shall be calculated using the data or emissions estimation technique from the following EPA publications that result in the highest rate of emissions:

(I) Compilation of Air Pollutant Emission Factors (AP-42),

(II) AIRS Facility Subsystem Emission Factors, or

(III) The EIIP; and

(F) If the data in subparagraphs (A), (B), (C), (D) and (E) of this subdivision are unavailable, the emission rate shall be calculated using another source of emissions data that is approved by the commissioner and the Administrator. Such approval shall be obtained prior to operating in accordance with this section.

(5) Notwithstanding subsection (d)(4) of this section, for each emissions unit which has maximum uncontrolled emissions of less than 0.1 ton per year for the regulated air pollutant subject to subsection (d)(4)(E)(i) of this section, the rate of emissions shall be determined in accordance with subsection (d)(4)(E)(ii) of this section.

(6) Only those control efficiency limitations which are practicably enforceable may be included in the calculation of actual emissions.

(7) Notwithstanding the availability of the data specified in subdivisions (4) through (6) of this subsection, the commissioner or Administrator may require the use of more reliable data, as determined by the commissioner or Administrator, as it becomes available or source specific air emissions testing in accordance with section 22a-174-5 of the Regulations of Connecticut State Agencies or as required by the Administrator under the authority of the Act.

**(e) Monitoring requirements.**

The owner or operator of any premises operating in accordance with this section shall monitor:

(1) VOC or HAP emissions from a source of VOC or HAP, as defined in this section, by use of record keeping in accordance with subsection (f)(2)(B) of this section.

(2) VOC or HAP emissions from a chemical manufacturing process by use of:

(A) Record keeping in accordance with subsection (f)(2)(C) of this section;

(B) For a chemical manufacturing process for which actual emissions are calculated in accordance with subsections (d)(4)(E)(i)(III) or (d)(4)(E)(ii)(III) of this section:

(i) A temperature monitoring device that measures the temperature of each vent condenser used hourly during vessel depressurization for each continuous process, and

(ii) A temperature monitoring device that measures the temperature of each vent condenser during each batch produced for each batch process;

(C) A temperature monitoring device that measures the average storage temperature for each storage tank that is heated; and

(D) Leak detection monitoring equipment that measures fugitive equipment leaks.

(3) Emissions from a fuel burning combustion unit by the use of:

(A) CEM in accordance with the requirements of an applicable permit, order, statute or regulation or a commissioner approved voluntarily installed CEM, as applicable, and record keeping in

accordance with subsection (f)(2)(D) of this section;

(B) If monitoring as provided in subparagraph (A) of this subdivision is unavailable, a unit specific emission rate established through commissioner approved emissions testing in accordance with requirements of an applicable permit, order, statute or regulation, or commissioner approved voluntary testing, as applicable, fuel consumption through a dedicated non-resettable fuel flow meter or a dedicated billing meter, and record keeping in accordance with subsection (f)(2)(D) of this section;

(C) If monitoring as provided in subparagraphs (A) and (B) of this subdivision is unavailable, a manufacturer provided emission rate derived from EPA approved emissions testing of such unit performed by or for the manufacturer, fuel consumption through a dedicated non-resettable fuel flow meter or a dedicated billing meter, and record keeping in accordance with subsection (f)(2)(D) of this section; or

(D) If monitoring as provided in subparagraphs (A), (B) and (C) of this subdivision is unavailable, and the fuel burning combustion source is an emergency engine, an AP-42 emission factor with a rating of D or better, fuel consumption through a dedicated non-resettable fuel flow meter or a dedicated billing meter, and record keeping in accordance with subsection (f)(2)(D) of this section.

(E) Notwithstanding the monitoring requirements of subparagraphs (B), (C) and (D) of this subdivision, for a fuel combustion source that is an emergency engine which has maximum uncontrolled emissions of less than 15 tons per year for each regulated air pollutant that is not a HAP, or an emergency engine that is operated pursuant to section 22a-174-3b of the Regulations of Connecticut State Agencies, the owner or operator of any premises operating in accordance with this section may monitor hours of operation through a dedicated non-resettable hour meter in lieu of monitoring fuel consumption through a dedicated non-resettable fuel flow meter or a dedicated billing meter. The owner or operator shall use the emergency engine's maximum rated capacity and records of the unit's operating hours to calculate fuel consumption for the emergency engine.

(4)  $PM_{10}$  and  $NO_x$  emissions from a non-metallic mineral processing plant, concrete plant or asphalt plant by use of:

(A) Record keeping in accordance with subsection (f)(2)(E) of this section;

(B) A dedicated non-resettable fuel meter for each piece of fuel burning equipment; and

(C) A weigh scale or belt, or other equivalent measuring device or system, to measure process throughput for each piece of equipment.

(5) VOC or HAP emissions from an environmental testing laboratory, as defined in this section, by use of record keeping in accordance with subsection (f)(2)(F) of this section.

**(f) Record keeping requirements.**

(1) The owner or operator of any premises operating in accordance with this section shall make and maintain records necessary to calculate the actual emissions of regulated air pollutants emitted from each emissions unit, grouped emissions unit, or other logical grouping. The records shall allow for such calculations for all regulated air pollutants identified in subsection (d)(1) of this section. Such records shall include, but are not limited to the following:

(A) A list of all emissions units, air pollution control equipment, and emission monitoring equipment at the premises, including the following for each unit or equipment:

(i) A description,

(ii) Maximum rated capacity, if applicable,

(iii) Installation date (or estimation if unknown),

(iv) Removal date, if applicable, and

(v) If emissions units and associated equipment are located in more than one building on the premises, information on the location.

(B) A log for each month that shall include:

- (i) The total amount of fuels, solvents, coatings, raw materials, or other such material, used by each emissions unit during each month,
  - (ii) An identification of such fuels, solvents, coatings, raw materials, or other such material used, by each emissions unit during each month,
  - (iii) The actual operating hours of each emissions unit during each month, as necessary to calculate emissions,
  - (iv) Any other documentation the commissioner deems necessary to reliably calculate the emission of air pollutants regulated under this section, and
  - (v) All purchase orders, invoices, Material Safety Data Sheets, test results or other documents necessary to verify information and calculations in the monthly log.
- (C) A log of annual actual emissions of each regulated air pollutant emitted from the premises, including a detailed description of the methodology the owner or operator used to calculate such emissions and the basis thereof.
- (D) The owner or operator shall keep a copy of any notification or report submitted to the commissioner pursuant to this section, including applicable attachments.
- (2) In addition to the requirements of subdivision (1) of this subsection, the owner or operator of any premises operating in accordance with this section shall make and maintain the following records:
- (A) Total monthly and consecutive 12 month actual emissions for each regulated air pollutant from the premises.
  - (B) For each source of VOC or HAP:
    - (i) Name and description of each VOC-containing material or HAP-containing material used,
    - (ii) Density of each VOC-containing material or HAP-containing material used in pounds per gallon,
    - (iii) VOC content of each VOC-containing material, by weight, as supplied and as applied, and the associated calculations, if as applied is different than as supplied,
    - (iv) Water and exempt VOC content of each VOC-containing material, as applied, by weight and volume, and the associated calculations,
    - (v) HAP content of each HAP-containing material, by weight, as supplied and as applied, and the associated calculations, if as applied is different than as supplied,
    - (vi) A Material Safety Data Sheet, Environmental Data Sheet, Certified Product Data Sheet, or an equivalent data sheet for each VOC-containing material or HAP-containing material used,
    - (vii) Monthly and consecutive 12 month period amounts of each VOC-containing material or HAP-containing material used in gallons or pounds,
    - (viii) Monthly and consecutive 12 month period amounts of each VOC-containing material or HAP-containing material manifested as waste and associated waste characterizations,
    - (ix) Documentation of control device efficiency and capture efficiency, if applicable, using an applicable EPA reference method or alternate method as approved by the commissioner and the Administrator,
    - (x) Date and type of maintenance performed on air pollution control equipment, if applicable, and
    - (xi) Monthly and consecutive 12 month period VOC and HAP actual emissions, and the associated calculations.
  - (C) For each chemical manufacturing process:
    - (i) Name and description of each VOC-containing material or HAP-containing material used,
    - (ii) Density of each VOC-containing material or HAP-containing material used in pounds per gallon,
    - (iii) VOC content of each VOC-containing material, by weight, as supplied and as applied, and the associated calculations, if as applied is different than as supplied,

(iv) Water and exempt VOC content of each VOC-containing material, as applied, by weight and volume, and the associated calculations,

(v) HAP content of each HAP-containing material, by weight, as supplied and as applied, and the associated calculations, if as applied is different than as supplied,

(vi) A Material Safety Data Sheet, Environmental Data Sheet, Certified Product Data Sheet, or an equivalent data sheet for each VOC-containing material or HAP-containing material used,

(vii) For each chemical manufacturing process for which actual emissions are calculated in accordance with subsection (d)(4)(D) of this section:

(I) Monthly and consecutive 12 month period amounts of each VOC-containing material or HAP-containing material used in gallons or pounds, and

(II) Monthly and consecutive 12 month period amounts of each VOC-containing material or HAP-containing material manifested as waste and associated waste characterizations,

(viii) For each chemical manufacturing process for which actual emissions are calculated in accordance with subsections (d)(4)(E)(i)(III) or (d)(4)(E)(ii)(III) of this section:

(I) Records of the temperature of each vent condenser used hourly during vessel depressurization for each continuous process, and

(II) Records of the temperature of each vent condenser during each batch produced for each batch process,

(ix) For each storage tank:

(I) Monthly records of the amount and type of material transferred to each tank,

(II) Monthly records of the average storage temperature for each storage tank that is heated, and

(III) Records of each time a drum of carbon used for vent control is replaced,

(x) For fugitive equipment leaks:

(I) An inventory of equipment leak components at the premises including the component type, component service and stream composition,

(II) Records of leak detection measurements used to estimate fugitive equipment leaks,

(III) Monthly records of the hours of service for each equipment leak component unless 24 hours per day and seven days per week is assumed, and

(IV) Records of each leak detected including those detected during required leak detection monitoring, a description of all corrective actions taken, and the dates of such actions, if applicable,

(xi) Documentation of control device efficiency and capture efficiency, if applicable, using an applicable EPA reference method or alternate method as approved by the commissioner and the Administrator,

(xii) Date and type of maintenance performed on air pollution control equipment, if applicable,

(xiii) Calculations showing the derivation of actual emissions, and

(xiv) Monthly and consecutive 12 month period records of actual emissions, and the associated calculations.

(D) For each fuel burning combustion unit:

(i) A log of CEM data, if applicable,

(ii) A copy of emissions test results, if applicable,

(iii) A copy of manufacturer emissions data records, if applicable,

(iv) A log of monthly and consecutive 12 month fuel consumption, and

(v) A log of monthly and consecutive 12 month period actual emissions, and the associated calculations.

(E) For each piece of equipment in a non-metallic mineral processing plant, concrete plant or asphalt plant:

(i) A log of the quantity of fuel used, in gallons or cubic feet, for each day, month and each consecutive 12 month period,



- (ii) For each nongaseous fuel shipment received, record of the sulfur content as a percent by weight, dry basis, and type of fuel,
  - (iii) A log of the quantity of materials processed, in tons, for each day, month and consecutive 12 month period, and
  - (iv) A log of the monthly and consecutive 12 month period  $PM_{10}$  and  $NO_x$  actual emissions, and the associated calculations.
- (F) For each environmental testing laboratory:
- (i) Name and description of each VOC-containing material or HAP-containing material used,
  - (ii) Density of each VOC-containing material or HAP-containing material used in pounds per gallon,
  - (iii) VOC content of each VOC-containing material, by weight, as supplied and as applied, and the associated calculations, if as applied is different than as supplied,
  - (iv) Water and exempt VOC content of each VOC-containing material, as applied, by weight and volume, and the associated calculations,
  - (v) HAP content of each HAP-containing material, by weight, as supplied and as applied, and the associated calculations, if as applied is different than as supplied,
  - (vi) A Material Safety Data Sheet, Environmental Data Sheet, Certified Product Data Sheet, or an equivalent data sheet for each VOC-containing material or HAP-containing material used,
  - (vii) Monthly and consecutive 12 month period amounts of each VOC-containing material or HAP-containing material used in gallons or pounds,
  - (viii) Monthly and consecutive 12 month period amounts of each VOC-containing material or HAP-containing material manifested as waste and associated waste characterizations,
  - (ix) Documentation of control device efficiency and capture efficiency, if applicable, using an applicable EPA reference method or alternate method as approved by the commissioner and the Administrator,
  - (x) Date and type of maintenance performed on air pollution control equipment, if applicable, and
  - (xi) Monthly and consecutive 12 month period VOC and HAP actual emissions, and the associated calculations.
- (3) Monthly and consecutive 12 month records required by this subsection shall be created no later than 45 days after the end of each month or consecutive 12 month period.
- (4) Annual records required by this subsection shall be created no later than March 1<sup>st</sup> of the year following the year for which the records are created.
- (5) The owner or operator of any premises operating in accordance with this section shall maintain each record required by this subsection at the premises where the activity takes place for five years after the date such record is made. For paperwork reduction, these records may be kept on computer file in electronic form. Access to above paperwork requirement may also be allowed via internet on-demand. The owner or operator shall promptly provide any such record or copy thereof to the commissioner or the Administrator upon request. Upon written approval by the commissioner, the owner or operator may maintain each record at a location other than the premises. The owner or operator shall provide any such record or copy thereof to the commissioner or the Administrator within 14 days of receipt of such request or within the time frame indicated in such request.
- (6) Notwithstanding any other provision of this subsection, the owner or operator of any premises operating in accordance with this section shall keep a copy of the notification submitted in accordance with subsection (h)(1) of this section for a period of no less than five years beyond such time that the owner or operator submits a notification in accordance with subsection (h)(2) of this section.
- (7) Notwithstanding any other provision of this subsection, the owner or operator of any premises operating in accordance with this section shall not be required to make or keep records concerning

the purchase or use of any item or the conduct of any activity that results in the emission of a regulated air pollutant identified in subsection (d)(1) of this section if such item or activity is listed in section 22a-174-33(g)(3) of the Regulations of Connecticut State Agencies.

**(g) Reporting requirements.**

**(1) Annual Compliance Certification**

(A) The owner or operator of any premises operating in accordance with this section shall submit to the commissioner on or before March 1st of each year in which the owner or operator is operating in accordance with this section, an annual compliance certification with respect to the premises for the previous calendar year, or portion thereof. Such compliance certification shall be submitted electronically, via a reporting system provided by the commissioner, and shall contain the following information:

- (i) Identification of each requirement in the section that is applicable for the certification period,
  - (ii) Identification of the method(s) or other means used by the owner or operator for determining the compliance status with each applicable requirement of the section during the certification period, and
  - (iii) The status of compliance with each applicable requirement during the certification period.
- The owner or operator shall identify whether compliance is continuous or intermittent, and each deviation or exceedance of an applicable requirement during the certification period.

(B) The owner or operator of any premises operating in accordance with this section shall submit potential emissions calculations, when requested in writing, for individual sources or the premises, which the commissioner deems necessary to verify compliance with any regulation. Such calculations shall be submitted within 14 days of receipt of such request or within a later time frame if indicated in such request.

(C) The owner or operator of any premises operating in accordance with this section shall submit any additional information requested in writing which the commissioner deems necessary to verify the actual emissions. Such additional information shall be submitted within 14 days of receipt of such request or within a later time frame if indicated in such request.

**(2) Annual Emissions Summary**

The owner or operator of any premises operating in accordance with this section shall submit to the commissioner on or before March 1<sup>st</sup> of each year in which the owner or operator is operating in accordance with this section, an annual emissions summary with respect to the premises for the previous calendar year, or portion thereof. Such annual emissions summary shall be submitted electronically, via a reporting system provided by the commissioner, and shall contain the following information with respect to any regulated air pollutant for which the premises actual emissions are at or above 50% of a Title V source threshold during any consecutive 12 month period of the previous calendar year, as logged pursuant to subsection (f)(2)(A) of this section:

(A) The total quantity of emissions of a regulated air pollutant expressed in tons, pounds, or otherwise as the commissioner or the Administrator may require. Such emissions shall be reported for each and every consecutive 12 month period which ended during the previous calendar year, expressed as a 12 month aggregate; and

(B) Any additional information requested in writing which the commissioner deems necessary to verify actual emissions. Such additional information shall be submitted within 14 days of receipt of such request or within a later time frame if indicated in such request.

**(3) Exceedances**

(A) Upon learning of an exceedance of an emissions limitation set forth in subsection (d) of this section, the owner or operator of any premises operating in accordance with this section shall immediately take all reasonable actions to determine the cause of such exceedance, correct such exceedance and mitigate its results, and prevent any further exceedance.

(B) The owner or operator of any premises operating in accordance with this section shall notify the commissioner electronically, via a reporting system provided by the commissioner, of any exceedance of an emissions limitation established in subsection (d) of this section and shall identify the cause or likely cause of such exceedance, all corrective actions and preventative measures taken with respect thereto, and the dates of such actions and measures, as follows:

(i) For any HAP, no later than 24 hours after such exceedance has been discovered, and

(ii) For any other regulated air pollutant, no later than ten days after such exceedance has been discovered.

(h) **Notifications.**

(1) Any owner or operator committing to operate a premises pursuant to this section shall submit a notification to the commissioner on forms prescribed by the commissioner. Such notification shall include, but is not limited to the following information:

(A) Legal name, address, email address, and telephone number of the owner or operator of the subject premises. If the owner or operator is an entity transacting business in Connecticut and is required to register with the Connecticut Secretary of the State, provide the exact name as registered with the Connecticut Secretary of the State;

(B) If applicable, the legal name of the agent for service of process for the owner of the subject premises, the name, email address and telephone number of the individual with primary managerial responsibility for the premises, and the name and telephone number of any individual designated by the owner or operator thereof to answer questions pertaining to such notification;

(C) Legal name, address, email address and telephone number of any consultant or engineer retained by the owner or operator to prepare the notification;

(D) Location address of the premises with respect to which the notification is submitted;

(E) The date the owner or operator will commence to operate the premises in accordance with this section; and

(F) Previous Approval of Registration number, issued in accordance with the General Permit to Limit Potential to Emit from Major Sources of Air Pollution issued on November 9, 2015, if applicable.

(2) Any owner or operator ceasing to operate a premises pursuant to this section shall submit a notification to the commissioner, on forms prescribed by the commissioner, no later than 30 days after such cessation. Such notification shall include, but is not limited to, the following information:

(A) Legal name, address, email address and telephone number of the owner or operator of the subject premises. If the owner or operator is an entity transacting business in Connecticut and is required to register with the Connecticut Secretary of the State, provide the exact name as registered with the Connecticut Secretary of the State;

(B) If applicable, the legal name of the agent for service of process for the owner of the subject premises, the name, email address and telephone number of the individual with primary managerial responsibility for the premises, and the name and telephone number of any individual designated by the owner or operator thereof to answer questions pertaining to such notification;

(C) Legal name, address, email address and telephone number of any consultant or engineer retained by the owner or operator to prepare the notification;

(D) Location address of the premises with respect to which the notification is submitted;

(E) The reason for such cessation;

(F) The date of such cessation;

(G) An Annual Compliance Certification, as referenced in subsection (g)(1) of this section, for the portion of the current calendar year;

(H) An Annual Compliance Certification, as referenced in subsection (g)(1) of this section, for the previous calendar year if such cessation notification is submitted before the prior year's compliance

certification has been submitted;

(I) An Annual Emissions Summary, as referenced in subsection (g)(2) of this section, for the portion of the current calendar year; and

(J) An Annual Emissions Summary, as referenced in subsection (g)(2) of this section, for the previous calendar year if such cessation notification is submitted before the prior year's emissions summary has been submitted.

(3) The commissioner shall notify any owner or operator submitting a notification in accordance with this subsection, in writing, if it is determined that additional information is necessary to evaluate such notification. Such information shall be submitted to the commissioner, in writing, within 45 days of such additional information notification and shall be certified in accordance with subsection (i) of this section.

(4) Any notification or additional information shall be sent to the following:

(A) The Bureau of Air Management at the address listed below; and  
Supervisor

Compliance Analysis and Coordination Unit

Bureau of Air Management

Connecticut Department of Energy and Environmental Protection

79 Elm Street Hartford, CT 06106-512

(B) The U.S. Environmental Protection Agency, when applicable, at the address listed below.  
US EPA Region 1

5 Post Office Square - Suite 100

Boston, MA 02109-3912

Attention: Air Clerk

**(i) Certification.**

Any document, notification, data or record required to be submitted to the commissioner pursuant to this section shall include a certification signed by any of the individuals identified in section 22a-174-2a(a) of the Regulations of Connecticut State Agencies, and by the individual or individuals responsible for actually preparing such document or record, each of whom shall examine and be familiar with the information submitted 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 each of whom shall certify in writing 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 other applicable statute.”

**(j) Correction of Inaccuracies.**

Within 15 days after the date the owner or operator of any premises operating in accordance with this section becomes aware of a change in any of the information submitted pursuant to this section, becomes aware that any such information is inaccurate or misleading, or that relevant information has been omitted, such owner or operator shall correct the inaccurate or misleading information and supply the corrected and/or omitted information in writing to the commissioner. Such information shall be certified in accordance with subsection (i) of this section.

**(k) Other Applicable Law and Regulations.**

(1) Nothing in this section shall relieve the owner or operator of any premises operating in accordance with this section of the obligation to comply with any other applicable federal, state and



local law, including but not limited to the obligation to obtain any other authorizations required by such law.

(2) Nothing in this section shall preclude the commissioner from requiring the owner or operator of any premises operating in accordance with this section to obtain a Title V operating permit pursuant to section 22a-174-33 of the Regulations of Connecticut State Agencies.

(3) Nothing in this section shall preclude the owner or operator of any premises operating in accordance with this section from applying for a Title V operating permit pursuant to section 22a-174-33 of the Regulations of Connecticut State Agencies, if applicable.

## **Statement of Purpose**

### **Purpose of the proposal**

The main purpose of this proposal is to provide a practicably enforceable alternative to comply with Title V of the Clean Air Act (CAA), given the impending expiration of the current General Permit to Limit Potential to Emit from Major Stationary Sources of Air Pollution (GPLPE). The GPLPE is a less burdensome means for certain sources of air pollution to limit potential emissions to levels below Title V source thresholds, to the benefit of the participating businesses and the Department of Energy and Environmental Protection (DEEP), while maintaining air quality protection. Currently, 186 businesses take advantage of the GPLPE as a compliance option. These source owners and operators have demonstrated a high rate of compliance.

However, the current GPLPE expires on November 8, 2020. The U.S. Environmental Protection Agency (EPA) has indicated that a renewal will not be approved. Without EPA's approval, the GPLPE will not protect enrolled sources from enforcement by EPA for failure to obtain a Title V permit. Thus, DEEP does not intend to renew the GPLPE, meaning that, absent an alternative, all the participating businesses will need to obtain Title V permits, a costly alternative that requires the use of an environmental consultant. However, EPA has indicated that a regulatory alternative to the GPLPE will likely be approvable. Consequently, DEEP is pursuing adoption of the proposed regulations, new sections 22a-174-33a and 22a-174-33b of the Regulations of Connecticut State Agencies (RCSA), as a replacement program for the GPLPE.

### **Summary of the main provisions of the proposal**

As previously noted, RCSA sections 22a-174-33a and 22a-174-33b are intended to replace the current GPLPE as alternative means of compliance with Title V of the CAA. Operation in accordance with RCSA section 22a-174-33a or section 22a-174-33b is optional. The provisions of the proposed regulations reflect most of the terms and requirements of the current GPLPE, with some minor changes.

RCSA section 22a-174-33a(b) allows the owner or operator of any premises operating in accordance with that section to emit any regulated air pollutant at levels below 50% of the applicable major stationary source thresholds. RCSA section 22a-174-33b(b) allows the owner or operator of any premises operating in accordance with that section to emit any regulated air pollutant at levels below 80% of the applicable major stationary source thresholds, provided that such emissions are from one or more of the source categories specified in RCSA section 22a-174-33b(b). Each section provides emissions restrictions, record keeping, reporting and notification requirements appropriate to allow DEEP to determine compliance with the applicable requirements.

### **Legal effects of the proposal on existing regulations or other laws**

The legal impact of this proposal is the maintenance of an alternative to operation under the Title V permit program for certain sources of air pollution. Given that operation under this Title V alternative is optional and the provisions of the proposed regulations reflect most of the terms and requirements of the current GPLPE, the proposed regulations do not impose a significant regulatory burden on the regulated community. On the contrary, for sources opting to operate a premises pursuant to the aforementioned regulations, the administrative and financial burden of obtaining a Title V permit might be eliminated. The proposal is not anticipated to interfere with any applicable requirement concerning attainment, reasonable further progress, or any other applicable requirement of the CAA pursuant to section 110(l).