

Sec. 22a-174-22. Control of nitrogen oxides emissions

(a) Definitions

For purposes of this section, the following definitions shall apply:

(1) “Contract” means:

(A) an agreement between a utility and a customer (or other person) to provide electricity; or

(B) a change in any agreement between a utility and a customer (or other person) to provide electricity.

(2) “Electricity supplier” means “electric supplier” as defined in section 16-1(a)(30) of the Connecticut General Statutes, and “municipal electric utility” as defined in section 7-233b(8) of the Connecticut General Statutes.

(3) “Emergency engine” means a stationary reciprocating engine or a turbine engine which is used as a means of providing mechanical or electrical power only during periods of testing and scheduled maintenance or during either an emergency or in accordance with a contract intended to ensure an adequate supply of electricity for use within the state of Connecticut during the loss of electrical power derived from nuclear facilities. The term does not include an engine for which the owner or operator of such engine is party to any other agreement to sell electrical power from such engine to an electricity supplier, or otherwise receives any reduction in the cost of electrical power for agreeing to produce power during periods of reduced voltage or reduced power availability.

(4) “Emergency” means an unforeseeable condition that is beyond the control of the owner or operator of an emergency engine and that:

(A) Results in an interruption of electrical power from the electricity supplier to the premises;

(B) Results in a deviation of voltage from the electricity supplier to the premises of three percent (3%) above or five percent (5%) below standard voltage in accordance with subsection (a) of section 16-11-115 of the Regulations of Connecticut State Agencies;

(C) Requires an interruption of electrical power from the electricity supplier to the premises enabling the owner or operator to perform emergency repairs;

(D) Requires operation of the emergency engine to minimize damage from fire, flood, or any other catastrophic event, natural or man-made; or

(E) Notwithstanding section 22a-174-22(a)(3) of the Regulations of Connecticut State Agencies, requires operation of the emergency engine under an agreement with the New England Region System Operator during the period of time the New England Region System Operator is implementing voltage reductions or involuntary load interruptions within the Connecticut load zone due to a capacity deficiency.

(5) “Gas” or “gaseous fuel” means natural gas, propane, or any other fuel that is in the gaseous state under standard conditions.

(6) “gm/bk hp-hr” means grams per brake horsepower-hour.

(7) “lb” means pound.

(8) “MMBTU” means million BTU of heat input.

(9) “MMBTU/hr” means million BTU of heat input per hour.

(10) “MRC” means maximum rated capacity.

(11) “Major stationary source of NO_x” means premises with potential emissions of NO_x

equal to or greater than fifty (50) tons per year in a serious nonattainment area for ozone, or twenty-five (25) tons per year in a severe nonattainment area for ozone.

(12) “NOx budget program source” means:

(A) A fossil-fuel-fired stationary source that serves a generator with a nameplate capacity of fifteen megawatts (15 MW) or more; or

(B) A fossil-fuel-fired boiler or indirect heat exchanger with a maximum heat input capacity of 250 MMBTU or more.

(13) “NOx discrete emission reduction credit” or “NOx DERC” means the reduction of one ton of NOx at a source during a discrete period of time, which the commissioner has certified as real, quantifiable, surplus, permanent, and enforceable.

(14) “Other boiler” means a boiler that is not a cyclone furnace, fast-response double-furnace naval boiler, or fluidized-bed combustor.

(15) “Other oil” means a fuel that is liquid at standard conditions and is not residual oil.

(16) “ppmvd” means parts per million by volume on a dry basis.

(17) “Premises” means “premises” as defined in section 22a-174-1 of the Regulations of Connecticut State Agencies.

(18) “Reciprocating engine” means a stationary internal combustion engine having a crankshaft turned by linearly reciprocating pistons.

(19) “Selective noncatalytic reduction” means emission control technology that involves the injection of a chemical reagent at high flue gas temperatures to selectively reduce NOx emissions to nitrogen and water.

(20) “Turbine engine” means a stationary internal combustion engine that continuously converts an air-fuel mixture into rotational mechanical energy through the use of moving vanes attached to a rotor.

(21) “Waste combustor” means an incinerator as defined in subsection 22a-174-18(a) of the Regulations of Connecticut State Agencies, a resources recovery facility as defined in section 22a-207 of the Connecticut General Statutes, or a sewage sludge incinerator. The term does not include a flare or an industrial fume incinerator.

(b) Applicability

(1) This section applies to:

(A) Any of the following sources, provided such sources are located at a major stationary source of NOx:

(i) A reciprocating engine with a maximum rated capacity of three (3) MMBTU/hr or more;

(ii) Fuel-burning equipment, other than a reciprocating engine, with a maximum rated capacity of five (5) MMBTU/hr or more;

(iii) Equipment that combusts fuel for heating materials and that has a maximum rated capacity of five (5) MMBTU/hr or more;

(iv) A waste combustor with a design capacity of two thousand (2000) pounds or more of waste per hour; or

(B) Fuel-burning equipment, a waste combustor, or a process source that has potential emissions of NOx in excess of the following:

(i) One hundred thirty-seven (137) pounds during any day from May 1 to September 30, inclusive, of any year, if such source is located in a severe nonattainment area for ozone; or

(ii) Two hundred seventy-four (274) pounds during any day from May 1 to September 30, inclusive, of any year, if such source is located in a serious nonattainment area for ozone.

(2) Subsections (d) to (k), inclusive, and (m) of this section shall not apply to a source if:

(A) The actual emissions of NO_x in any calendar year since January 1, 1990 from the premises at which such source is located have not exceeded twenty-five (25) tons for a premises located in a severe nonattainment area for ozone, or fifty (50) tons for a premises located in a serious nonattainment area for ozone; or

(B) The actual emissions of NO_x after May 31, 1995 from the premises at which such source is located have not exceeded on any day from May 1 to September 30, inclusive, of any year: one hundred thirty-seven (137) pounds for a premises located in a severe nonattainment area for ozone or two hundred seventy-four (274) pounds for a premises located in a serious nonattainment area for ozone. The actual emissions from emergency engines operating during an emergency shall not be included in the determination of the applicability of this subparagraph. The actual emissions from a reciprocating engine or gas turbine engine used as provided in subdivision (2) of subsection (c) of this section shall not be included in the determination of the applicability of this subparagraph.

(3) Subsections (d) to (k), inclusive, of this section shall not apply to an emergency engine provided, on and after May 1, 1997, the operation of an emergency engine for routine, scheduled testing or maintenance on any day for which the Commissioner has forecast that ozone levels will be “moderate to unhealthy for sensitive groups,” “unhealthy for sensitive groups,” “unhealthy,” or “very unhealthy” is expressly prohibited unless:

(A) such engine is exempt from this section pursuant to subsection (c) of this section, or

(B) such operation of the engine is allowed by permit or order of the Commissioner, because the engine is unattended and the testing is automated and cannot be modified from a remote location.

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

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

(B) Requires either the permittee or the owner or operator of the emergency engine to record and submit to the Commissioner data on fuel consumption and hours of operation of any emergency engine operating under such contract; and

(C) Requires the permittee to obtain NO_x emission reductions to offset the NO_x emissions that result from the generation of customer-contracted electricity.

(c) Exemptions.

(1) This section shall not apply to a mobile source.

(2) Subsections (d) to (k), inclusive, and (m) of this section shall not apply to a reciprocating engine or gas turbine engine when it is used as follows:

(A) To test and to provide emergency power or alternative power for safety-related structures, systems, and components or other Nuclear Regulatory Commission mandated systems at an electricity generating facility licensed under 10 CFR 50;

(B) To test and to provide power to meet standards for emergency electrical power systems of The Joint Commission or the National Fire Protection Association at a hospital or other health care facility;

(C) To provide power when there is an interruption of power from the electricity supplier during construction, facility maintenance, or repairs; or

(D) To test and to provide power for production operations and transmission of radio and television messages associated with an event identified by the state of Connecticut under Chapter 517 of the Connecticut General Statutes or a missing person alert under Chapter 528 of the Connecticut General Statutes.

(3) Notwithstanding the provisions of subdivision (2) of this subsection, these exemptions are not available for a reciprocating engine or gas turbine engine for which the owner or operator is party to an agreement to sell electrical power from such reciprocating engine or gas turbine engine to an electricity supplier or an owner or operator who otherwise receives any reduction in the cost of electrical power for agreeing to produce power during periods of reduced voltage or reduced power availability.

(d) General requirements.

(1) On and after May 31, 1995, the owner or operator of a stationary source subject to this section shall:

(A) comply with all applicable emission limitations for such source in subsection (e) of this section;

(B) comply with the provisions for multi-fuel sources in subsection (f) of this section;

(C) reduce the NOx emission rate from such source by forty percent (40%), pursuant to subsection (g) of this section, in accordance with a permit issued by the Commissioner;

(D) file a permit application to modify the schedule of operations at such source, pursuant to subsection (i) of this section, in accordance with a permit issued by the Commissioner.

(2) On October 1, 2003, and during the period from October 1 to April 30, inclusive, each year thereafter, the owner or operator of a stationary source subject to this section that is also a NOx budget program source shall:

(A) Comply with the emission limitation in subsection (e)(3) of this section; or

(B) Use NOx DERCs, or NOx allowances, or both, pursuant to subsection (j) of this section, to achieve all or a portion of the NOx emission reductions required by the emission limitation in subsection (e)(3) of this section.

(3) The owner or operator of a stationary source subject to this section, in accordance with an order or permit issued by the Commissioner, may use NOx DERCs and NOx allowances, pursuant to subsection (j) of this section, to achieve all or a portion of the reductions required by this section. The Commissioner shall submit such permit or order to the Administrator for approval in accordance with the provision of 42 U.S.C. 7401-7671q.

(4) Nothing herein shall preclude the Commissioner from issuing an order to an owner or operator of a stationary source subject to this section to comply with the requirements of this subsection.

(e) Emission limitations.

(1) The owner or operator of a stationary source subject to this section may, in accordance with subsection (d)(1)(A) of this section, comply with the requirements of this section by meeting applicable emission limitations specified in Table 22-1 of this section. Emission

limitations in Table 22-1 for turbine engines that are quantified in units of ppmvd shall be corrected to fifteen percent (15%) oxygen.

(2) For any stationary source for which there is no applicable emission limitation in Table 22-1, the owner or operator of such source shall not cause or allow emissions of NO_x therefrom in excess of the following:

(A) For fuel-burning equipment fired by a fuel other than those fuels cited in Table 22-1: 0.3 pounds per MMBTU;

(B) For any waste combustor subject to the requirements of subdivision (4) of this subsection: 0.38 pounds per MMBTU;

(C) For any waste combustor not subject to the requirements of subdivision (2)(B) of this subsection which has a waterwall furnace: 0.38 pounds per MMBTU;

(D) For any other waste combustor: 0.33 pounds per MMBTU;

(E) For a glass melting furnace: 5.5 pounds of NO_x per ton of glass produced;

(F) For a stationary source, other than a glass melting furnace, that combusts fuel for heating materials: 180 ppmvd, corrected to twelve percent (12%) carbon dioxide; or

(G) For any stationary source not having an emission limitation in subparagraphs (A) through (F) of this subdivision: seven hundred (700) ppmvd.

(3) For a source subject to this section that is also a NO_x budget program source: 0.15 pounds per MMBTU during the period from October 1 to April 30, inclusive.

(4) In addition to complying with the emission limitation in subdivision (2)(B) of this subsection, by May 31, 1995 the owner or operator of any waste combustor that combusts refuse derived fuel shall install and operate selective noncatalytic reduction or other NO_x emissions control technology capable of reducing the NO_x emission rate by at least thirty percent (30%) from the average emission rate in calendar year 1990 on one boiler unit at such facility. If the Commissioner determines that operations during 1990 were not representative of normal operations of the facility, the Commissioner may use another calendar period that is more representative. In addition, actual annual average NO_x emissions from other boiler units at such facility shall each not exceed 420 tons per year. The Commissioner may consider, in the same manner as for other sources, any emission reduction below 0.38 pounds per MMBTU to be eligible as surplus emissions reductions for purposes of emission reduction credits pursuant to subsection (j) of this section until May 31, 1999.

TABLE 22-1

	Gas-fired	Residual-oil-fired	Other-oil-fired	Coal-fired
Turbine engine with MRC ≥ 100 MMBTU/hr	55 ppmvd	not applicable	75 ppmvd	not applicable
Turbine engine with MRC < 100	0.90 lb/MMBTU	not applicable	0.90 lb/MMBTU	not applicable

Regulations of Connecticut State Agencies

MMBTU/hr				
Cyclone furnace	0.43 lb/MMBTU	0.43 lb/MMBTU	0.43 lb/MMBTU	0.43 lb/MMBTU
Fast-response double-furnace Naval boiler	0.20 lb/MMBTU	0.30 lb/MMBTU	0.30 lb/MMBTU	0.30 lb/MMBTU
Fluidized bed combustor	not applicable	not applicable	not applicable	0.29 lb/MMBTU
Other boiler	0.20 lb/MMBTU	0.25 lb/MMBTU	0.20 lb/MMBTU	0.38 lb/MMBTU
Reciprocating engine	2.5 gm/bk hp-hr	not applicable	8 gm/bk hp-hr	not applicable

(f) Multi-fuel sources.

(1) When, pursuant to subsection (d)(1)(B) of this section, the owner or operator of a stationary source subject to this section switches the use of fuel, converts to a new fuel, or is capable of burning two or more different fuels, such owner or operator shall comply with the requirements of this subsection.

(2) The owner or operator of a stationary source that is capable of firing two or more fuels shall not cause or allow emissions of NO_x from such source, in excess of the following:

(A) For fuel-burning equipment that simultaneously fires two or more different fuels: an emission limitation calculated by 1) multiplying the heat input of each fuel combusted by the emission limitation established in this section for such fuel, 2) summing those products, and 3) dividing the sum by the total heat input; or

(B) For fuel-burning equipment that is capable of interchangeably firing two or more fuels: the emission limitation in Table 22-1 for the particular equipment and fuel used. Notwithstanding this requirement, the owner or operator of a stationary source that operates exclusively on other oil or gas from May 1 through September 30 of any year and on another fuel during the remainder of the year shall not cause or allow emissions of NO_x from such source in excess of 0.2 pounds per MMBTU from May 1 to September 30, inclusive, and 0.29 pounds per MMBTU for the remainder of the year.

(3) The owner or operator of a stationary source that, on or after January 1, 1990, converts the fuel used at such source, shall not cause or allow emissions of NO_x from such source in excess of the following:

(A) 0.29 pounds per MMBTU, when such source burned coal to provide more than fifty percent (50%) of its total heat input during the last full calendar year immediately prior to such conversion; or

(B) 0.225 pounds per MMBTU, if such source burned residual oil to provide more than fifty percent (50%) of its total heat input during the last full calendar year immediately prior to such conversion.

(g) Forty percent (40%) reduction.

(1) When the owner or operator of a stationary source subject to this section reduces the

NOx emission rate from such source by forty percent (40%), as provided in subsection (d)(1)(C) of this section, such owner or operator shall comply with the emission limitations of this section established in a permit issued by the Commissioner. Such permit shall specify such source's NOx emission limitation to be the more restrictive of:

(A) sixty percent (60%) of such source's emission rate at maximum capacity during calendar year 1990; or

(B) sixty percent (60%) of the emission limitation applicable to the source on January 1, 1990.

Such permit shall express the NOx emission limitation in the same units of measurement as the NOx emission limitation that would otherwise apply to such source in subsection (e) of this section.

(2) To determine the actual emission rate specified in subdivision (1)(A) of this subsection, such owner or operator shall conduct an emission test at such source under operating conditions representative of those conditions in existence at the source in calendar year 1990, at the maximum capacity at which the source was operated during such calendar year.

(3) If the Commissioner determines that operations during calendar year 1990 were not representative of normal operations from such source, the Commissioner may use another calendar year which is more representative.

(h) **Reconstruction or replacement.** Repealed.

(i) **Schedule modification.**

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

(2) This subsection shall only apply to the following:

(A) Oil-fired turbine engines or fast-response double-furnace Naval boilers that generate power to create simulated high-altitude atmospheres for the testing of aircraft engines;

(B) Testing of fuel-burning equipment undergoing research and development; or

(C) Compression-ignition reciprocating engines used exclusively for the training personnel in the operation and maintenance of such engines aboard submarines.

(j) **Emissions reduction trading.**

(1) The owner or operator of a stationary source subject to this section may use NOx DERCS or NOx allowances or both to comply with the applicable emission limitation contained in subsection (e) of this section pursuant to a permit or order issued by the commissioner.

(2) Such owner or operator shall retire one (1) NOx DERC or one (1) NOx allowance for each ton of NOx emitted in excess of the applicable emission limitation in subsection (e) of this section, as calculated pursuant to a permit or order issued by the commissioner.

Such owner or operator shall conduct an emission test or submit another method acceptable to the Commissioner to estimate the number of tons of NO_x emitted in excess of such applicable emission limitation. Such emission test shall be conducted under operating conditions that demonstrate the maximum emission rate of such source. Such emission test shall be certified pursuant to subsection (k) of this section.

(3) Any creation or use of NO_x DERCS or NO_x allowances for the purpose of this subsection shall be consistent with the provisions of 40 CFR 51, Subpart U and the U.S. Environmental Protection Agency's "Emissions Trading Policy Statement," published December 4, 1986 (Federal Register, Volume 51, Page 43814). The use of NO_x allowances pursuant to this subsection shall also be consistent with the provisions of Section 22a-174-22a(f)(4) and Section 22a-174-22b(i)(5) of the Regulations of Connecticut State Agencies.

(4) Vintage restrictions. For the purposes of this section, the following vintage restrictions shall apply:

(A) Any DERC shall be used for the purpose of compliance with this section within five (5) calendar years from the year of generation; and

(B) Any NO_x allowance allocated to, or otherwise acquired by, the owner or operator of a stationary source subject to this section, if used for the purpose of compliance with this section, shall be used within five (5) calendar years from the year of initial allocation.

(k) Emissions testing and monitoring.

(1) The owner or operator of a stationary source subject to an emission limitation under this section shall conduct an emission test to demonstrate compliance with this section no later than one year after becoming subject to this section. Each such emission test shall be conducted in accordance with section 22a-174-5 of the Regulations of Connecticut State Agencies. Compliance with the emission limitations of this section shall be determined based on the average of three (3) one-hour tests, each performed over a consecutive 60-minute period. Any analysis of nitrogen content conducted as part of such emission testing shall be in accordance with Method D-3228 of the American Society for the Testing of Materials. If the commissioner determines that three (3) one-hour tests are not reasonable given the location, configuration or operating conditions of a stationary source, the commissioner may approve testing where compliance with the emission limitations of this section shall be determined based on the average of four (4) fifteen-minute tests, each performed over a consecutive fifteen-minute period. Any owner or operator of a stationary source who has not installed and operated a continuous emissions monitor at such source shall conduct emission testing once every five years from the date of the previous test or five years from the date the previous test was due, whichever is earlier.

(2) The owner or operator shall demonstrate compliance with emission limitations of this section using sampling and analytical procedures approved under 40 CFR 60, Appendix A, or under procedures in section 22a-174-5(d) of the Regulations of Connecticut State Agencies. Sampling shall be conducted when the source is at normal operating temperature and, unless allowed otherwise by the Commissioner in a permit or order, is operating at or above ninety percent (90%) of maximum capacity for a fuel-burning source or a process source, or at or above ninety percent (90%) of design capacity for a waste combustor. Notwithstanding the foregoing requirements of this subdivision:

(A) If the commissioner determines that operating at or above ninety percent (90%) of

maximum capacity for a fuel burning source or a process source during sampling is not reasonable given the location, configuration or operating conditions of a source, the commissioner may approve testing of a fuel burning source or process source at an alternative maximum capacity where compliance with the emission limitations of this section shall be determined based on operating at or above ninety percent (90%) of the alternative maximum capacity approved by the commissioner; and

(B) Any source that has operated in excess of one hundred percent (100%) of its maximum capacity at any time since May 31, 1995 shall be tested when the source is operating at or above ninety percent (90%) of its highest operating rate since May 31, 1995.

(3) On and after May 31, 1995, the owner or operator of any source that emitted more than one hundred (100) tons of NO_x from a single stack during any calendar year beginning January 1, 1990, shall install, calibrate, maintain, operate and certify a continuous emissions monitor for NO_x for each such stack. The owner or operator shall notify the Commissioner in writing at least thirty (30) days prior to conducting any performance or quality assurance testing of any such monitor. Any such testing shall be conducted in accordance with a testing protocol approved by the Commissioner. Any continuous emission monitor for NO_x shall be installed, calibrated and operated in accordance with the performance and quality assurance specifications contained in 40 CFR 60, Subpart A, Appendix B and Appendix F.

(4) Unless otherwise specified by the commissioner in a permit or order, the averaging times for the following emission limitations shall be applicable to a source that has or is required to have a continuous emissions monitor for NO_x:

(A) For the emissions limitation is subsection (e)(3), the period from October 1 to April 30, inclusive, including all periods of operation, including startup shutdown, and malfunction; and

(B) For any other emission limitation contained in this section, twenty-four (24) hours, measured from midnight at the beginning of any day to midnight of the end of that day, including all periods of operation, including startup, shutdown and malfunction.

(I) Reporting and record keeping.

(1) The owner or operator of a stationary source subject to this section, shall keep the following records:

(A) For an emergency engine, daily records of operating hours of such engine, identifying the operating hours of emergency and non-emergency use;

(B) For any premises for which subsections (b)(2) or (b)(3) of this section applies, records (e.g. fuel use, continuous emissions monitoring, operating hours) to determine whether the NO_x emissions from such premises on any day from May 1 to September 30, inclusive, are in excess of one hundred thirty-seven (137) pounds for premises located in a severe nonattainment area for ozone or two hundred seventy-four (274) pounds for premises located in a serious nonattainment area for ozone.

(C) Monthly and annual records (e.g. fuel use, continuous emissions monitoring, operating hours) to determine whether NO_x emissions from such premises in any calendar year are in excess of twenty-five (25) tons for premises located in a severe nonattainment area for ozone or fifty (50) tons for premises located in a serious nonattainment area for ozone;

(D) Records of all tune-ups, repairs, replacement of parts and other maintenance;

- (E) Copies of all documents submitted to the Commissioner pursuant to this section;
 - (F) For any source required to install, calibrate, and operate a continuous emissions monitor for NOx under subdivision (k)(3), all charts, electronically stored data, and printed records produced by such continuous emissions monitor;
 - (G) Procedures for calculating NOx emission rates in (B) and (C) above;
 - (H) Records of the dates, times, and places of all emission testing required by this section, the persons performing the measurements, the testing methods used, the operating conditions at the time of testing, and the results of such testing;
 - (I) For any source required to install, calibrate, and operate a continuous emissions monitor for NOx under subdivision (k)(3) of this section, records of all performance evaluations, calibration checks and adjustments on such monitor; a record of maintenance procedures; and all data necessary to complete the quarterly reports required under subdivision (l)(4) of this section; and
 - (J) Any other records or reports required by an order or permit issued by the Commissioner pursuant to this section.
- (2) Within thirty (30) days of the completion of emission tests conducted under the requirements of subdivision (k)(1) of this section, the owner or operator of such source shall submit a written report of the results of such testing to the Commissioner.
- (3) Within sixty (60) days of the completion of certification tests conducted under the requirements of subdivision (k)(3) of this section, the owner or operator of such source shall submit a written report of the results of such testing to the Commissioner.
- (4) The owner or operator of any source required to be equipped with a continuous emissions monitor for NOx under subdivision (k)(3) of this section shall submit to the Commissioner written quarterly reports of excess emissions and CEM malfunctions. Such reports shall be submitted to the Commissioner on or before January 30, April 30, July 30, and October 30 and shall include data for the three calendar month period ending the month before the due date of the report. For each period of excess emissions, such report shall include the date and time of commencement and completion of such period, the magnitude and suspected cause of the excess emissions and all actions taken to correct the excess emissions. For each malfunction of the CEM system, such report shall include the date and time of when the malfunction commenced and ended, and all actions taken to correct the malfunction.
- (5) The owner or operator of a stationary source subject to this section shall retain all records and reports produced pursuant to the requirements of this section for five (5) years. Such records and reports shall be available for inspection at reasonable hours by the Commissioner or the Administrator. Such records and reports shall be retained at the source, unless the Commissioner approves in writing the use of another location in the State.
- (6) On or before April 15 of each year, the owner or operator of a stationary source subject to any requirement of subsections (d) to (i), inclusive, and subsection (k) of this section, not otherwise submitting an annual compliance certification pursuant to subsection (d) or (q) of section 22a-174-33 of the Regulations of Connecticut State Agencies shall submit a report on NOx emissions from such source, on a form provided by the Commissioner. The owner or operator of a stationary source subject only to subsections (a) to (c), inclusive, of this section and the provisions of this subsection, is not required to

submit a report on NO_x emissions from such source when such source is being used as described in subdivision (2) of subsection (c) of this section.

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

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

(m) **Compliance plans.**

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

(A) For a source subject to this section on or before May 1, 1994, submit a compliance plan to the Commissioner by September 1, 1994, on forms provided by the Commissioner. Such compliance plan shall document how such source will comply with all applicable requirements of this section;

(B) For any source that becomes subject to this section after May 1, 1994, submit a compliance plan within four months of the date such source becomes subject to this section; and

(C) For any source that is subject to this section to which the owner adds a stationary source subject to this section, submit an amended compliance plan within four months of the date such new stationary source becomes subject to this section.

(2) Any compliance plan submitted pursuant to this subsection shall be submitted on forms provided by the Commissioner. Such compliance plan shall include all sources subject to this section at the time of submission and document how each such source will operate in compliance with the applicable requirements of this section. Such compliance plan shall also include a certification signed in accordance with section 22a-174-2a(a)(4) of the Regulations of Connecticut State Agencies.

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

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

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

(Effective January 23, 1997; Amended December 28, 2000; Amended April 1, 2004; Amended January 1, 2005; Amended April 4, 2006; Amended June 3, 2013)

Notes: This section is being republished because the repeal published on April 21, 2017 was made in error. This section is repealed effective June 1, 2018 by Regulation PR2015-193. (February 2, 2018)