

State of Connecticut
Regulation of
Department of Energy and Environmental Protection
Concerning
NSR Permitting Exemptions for Incinerators

Section 1. Section 22a-174-1 of the Regulations of Connecticut State Agencies is amended by adding definition item (21) as follows:

(21) “Burn-off oven” means a device that is used to remove coating, varnish, resin, or other material from metal parts or surfaces by the application of heat, provided that such device is:

(A) An indirect-fired unit;

(B) Equipped with a secondary chamber or afterburner that operates at a minimum temperature of 1400 degrees Fahrenheit; and

(C) Operated and maintained in accordance with manufacturer’s specifications and written recommendations.

Sec. 2. Section 22a-174-1 of the Regulations of Connecticut State Agencies is amended by adding definition item (57) as follows:

(57) “Indirect-fired unit” means a unit in which the flame does not come into direct contact with the metal parts or surfaces to be cleaned.

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

(1) Applicability. Prior to beginning actual construction of any stationary source or modification not otherwise exempted in accordance with subdivision (2)(A) to (C) of this subsection, the owner or operator shall apply for and obtain a permit to construct and operate under this section for any:

(A) New major stationary source;

(B) Major modification;

(C) New or reconstructed major source of hazardous air pollutants subject to the provisions of subsection (m) of this section;

(D) New emission unit with potential emissions of fifteen (15) tons or more per year of any individual air pollutant;

(E) Modification to an existing emission unit which increases potential emissions of any individual air pollutant from such unit by fifteen (15) tons or more per year;

(F) Stationary source or modification that becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant; or

(G) Incinerator for which construction commenced on or after June 1, 2009, except if such incinerator has potential emissions of less than fifteen (15) tons per year of any individual air pollutant and is used:

- (i) for the primary purpose of reducing, controlling or eliminating air pollution, [or]
- (ii) as a solid waste incineration unit subject to an emission guideline issued pursuant to Section 129 of the Act[.],
- (iii) as a “burn-off oven.”
- (iv) for bench scale research and development (R&D) operations, where R&D operations has the same meaning as in section 22a-174-33(a)(8) of the Regulations of Connecticut State Agencies,
- (v) to burn samples of non-halogenated materials for the purpose of conducting quality control or performance testing, or
- (vi) as a portable unit to destroy contraband or confiscated goods, and the unit is owned or operated by a government agency such as police, customs, or a similar agency.

Statement of Purpose

Purpose of the proposal

In an effort to reduce the regulatory burden on small incinerators, sections 22a-174-1 and 22a-174-3a of the Regulations of Connecticut State Agencies (RCSA) are being amended. The main purpose of this amendment is to exempt the owners or operators of burn-off ovens and other types of incinerators from the requirement to apply for and obtain a permit under RCSA section 22a-174-3a.

Summary of the main provisions of the proposal

This amendment adds definitions of the terms “burn-off oven” and “indirect-fired unit” to RCSA section 22a-174-1. The abovementioned terms are introduced to RCSA section 22a-174-3a in the proposed modifications to subsection (a).

The amendment also includes the addition of four new categories of incinerators to be exempt from New Source Review (NSR) permit requirements under RCSA section 22a-174-3a. These new categories are:

- (1) Incinerators used as burn-off ovens;
- (2) Incinerators used for bench scale research and development operations;
- (3) Incinerators used to burn samples of non-halogenated materials for the purpose of conducting quality control or performance testing; and
- (4) Incinerators used as portable units to destroy contraband or confiscated goods, and the units are owned or operated by a government agency such as police, customs, or a similar agency.

Lastly, the modifications to subsection (a)(1)(G) of RCSA section 22a-174-3a clarify that the incinerators exempt from NSR permit requirements under RCSA section 22a-174-3a are those with potential emissions of less than fifteen tons per year of any individual air pollutant and that are used for one of the six purposes specified under subsection (a)(1)(G).

Legal effects of the proposal on existing regulations or other laws

The legal impact of this amendment is that it will reduce the regulatory burden on small incinerators, and thereby, eliminate the administrative and financial burden of obtaining a NSR permit.

Additionally, this amendment will allow the Department to maximize resource allocation and it is not anticipated to interfere with any applicable requirement concerning attainment, reasonable further progress, or any other applicable requirement of the Clean Air Act pursuant to section 110(l).