



VIA eREGULATIONS SYSTEM

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**Re: *Overhaul of the Nitrogen Oxides (NOx) Emission Limitations for Fuel-Burning Equipment***

Dear Ms. Wagner, Ms. Philippi and Mr. Welz:

DEEP is proposing to replace the air quality regulation that currently limits nitrogen oxide (NOx) emissions from fuel-burning equipment (Regulations of Connecticut State Agencies (RCSA) section 22a-174-22) with two new regulations, RCSA sections 22a-174-22e and 22a-174-22f, to satisfy several Clean Air Act requirements. This is a significant change that impacts many Connecticut industrial, institutional and commercial organizations as the proposal regulates the emissions from electric generating units, turbines, boilers and engines. Mike Sullivan, Deputy Commissioner, and several Air Bureau staff briefed you on this effort, as well as the related effort to reduce NOx emission limits from municipal waste combustion, on September 29, 2015. Since September, the proposal has undergone a significant change in the structure of the new section 22a-174-22f, partly in response to your comments at that briefing. The main result of the

restructuring is that the owners of emissions units at facilities that are not major emitters of NOx have less burdensome obligations than the owners of major emitters of NOx.

Each of the two proposed regulations satisfies a Clean Air Act requirement and is important to Connecticut's ongoing efforts to attain the national ambient air quality standards (NAAQS) for ozone. New RCSA section 22a-174-22e applies to the most significant sources of NOx emissions, which are termed "major sources." The major sources are some of Connecticut largest industrial and institutional facilities (see attached list). The new regulation will require many of these facilities to install or optimize air pollution control equipment or replace existing boilers, turbines and engines. The phase-in design of the new requirements provides sufficient time for the necessary changes to be financed and implemented. In addition, the regulation includes a number of compliance options, providing flexibility in the manner in which compliance is achieved.

New RCSA section 22a-174-22f applies to the owners of facilities that are not major emitters of NOx if the emission units at the facility have the potential to emit high levels of NOx over a short time (one-hour). Recognizing that most of the RCSA section 22a-174-22f facilities may be smaller businesses and institutions, the requirements of RCSA section 22a-174-22f are simpler than those of RCSA section 22a-174-22e, and are generally limited to maintaining records of operation and summer day emissions calculations as long as the regulated emission units continue to emit at a low level. In addition, the owner of each emission unit is required to perform an annual tune-up. Maintaining an emission unit in proper operating condition improves fuel efficiency, reduces fuel consumption and reduces NOx emissions. As the requirement to keep records and take additional actions if NOx emissions exceed a certain level is now required in RCSA section 22a-174-22, DEEP expects that new section 22a-174-22f will not impose costs on most of the regulated source owners, other than the cost of an annual tune-up for emission units that are not tuned annually as a good maintenance practice. NOx emissions on the hottest days of summer are a significant challenge to Connecticut's compliance with the ozone NAAQS, so this regulation is an important component of Connecticut's NAAQS attainment plans.

A draft of the proposal, fiscal notes, and small business impact statements are enclosed for your review and approval. These documents, along with the statement of purpose at the end of the regulatory proposal, provide more information about the need for and structure of these two regulations. In addition, my staff would be glad to meet with you if you would like additional information about this proposal.

If you have any questions, please contact Merrily Gere at (860) 424-3416, or DEEP's legislative liaison, Robert LaFrance, at (860) 424-3401. Thank you for your attention.

Sincerely,



Robert J. Klee  
Commissioner

cc: Robert LaFrance

### Facilities that are Major Sources of NOx in Connecticut

Covanta Bristol, Inc.*
Covanta Projects of Wallingford, L.P. (formerly CRRA/Wallingford)*
MIRA/Mid-Connecticut*
Covanta Southeastern Connecticut Company (formerly American Ref-Fuel of Southeast Connecticut)*
Wheelabrator Bridgeport, L.P.*
Wheelabrator Lisbon Inc. *
Algonquin Gas Transmission Company, Cromwell
Allnex USA, Inc. (formerly Cytec Industries, Inc.)
Bridgeport Energy LLC
Connecticut Natural Gas Corporation
Electric Boat Corporation
Frito Lay
Hamilton Sundstrand
Kleen Energy Systems, LLC
Kimberly Clark
Lake Road Generating Co, L.P.
MDC
Milford Power Co, LLC
Norwalk Hospital
Plainfield Renewable Energy LLC
Pratt & Whitney Div UTC, East Hartford
Pratt & Whitney, Middletown
PSEG Power Connecticut LLC, New Haven Harbor Station
ReEnergy Sterling Limited Partnership (formerly Exeter Energy)
RockTenn CP, LLC (formerly Smurfit-Stone Container Corp.)
Sikorsky Aircraft Corporation
University of Connecticut, Storrs
U.S. Navy Sub Base
Yale University/Central Power Plant
Yale School of Medicine aka Sterling
Algonquin Windsor Locks LLC
Capitol District Energy Center
Connecticut Jet Power, LLC
MIRA South Meadows
Devon Power, LLC
Dominion Nuclear Connecticut, Incorporated
Fusion Paperboard (formerly Cascades Boxboard)
Middletown Power, LLC
Montville Power, LLC
Pfizer Inc.
PSEG Power Connecticut LLC, Bridgeport Harbor

\*The municipal waste combustor units at these facilities are not subject to RCSA section 22a-174-22e, but other nitrogen oxides (NOx) emitting equipment at the facility is subject. NOx emissions from municipal waste combustors are regulated by RCSA section 22a-174-38. . The NOx emission limitations of RCSA section 22a-174-38 are also undergoing change as a RACT control measure (PR 2015-192).