



Notice of Intent to Amend Air Quality Regulations and Revise the State Implementation Plan and the State Operating Permit Program

In accordance with the provisions of section 4-168(a) of the Connecticut General Statutes (CGS), the Connecticut Department of Energy and Environmental Protection (DEEP) hereby gives notice of a proposal to amend sections 22a-174-24, 22a-174-33, and 22a-174-44 of the Regulations of Connecticut State Agencies (RCSA). Portions of this proposal will be submitted to the U.S. Environmental Protection Agency (EPA) for approval as a revision to the State Implementation Plan (SIP). The revision to RCSA section 22a-174-33 will be submitted to EPA as a revision to the State Operating Permit Program.

The authority to adopt the proposal is granted by CGS sections 22a-6 and 22a-174. This notice is required pursuant to CGS section 4-168, and 40 Code of Federal Regulations 51.102.

Purpose.

The main purpose of this proposal is to make three minor changes to the air quality regulations. Two of these changes are necessary due to recent actions by the EPA. The third change clarifies one aspect of the Connecticut adhesives and sealants regulation.

Description.

The three changes are as follows:

1. The addition of the 0.070 parts per million ozone standard in RCSA section 22a-174-24 maintains consistency between the Connecticut ambient air quality standards and EPA's National Ambient Air Quality Standards (NAAQS) for ozone. DEEP committed to EPA to make this addition in 2018 in the "infrastructure" SIP for the 2015 ozone NAAQS to satisfy Clean Air Act (CAA) section 110(a)(2).
2. The removal of the "affirmative defense" provision from RCSA section 22a-174-33 maintains consistency with a final rule EPA published on July 21, 2023 removing the emergency affirmative defense provisions from the CAA operating permit program (title V) regulations.¹ The affirmative defense provision proposed for removal allows source owners to assert a defense in an enforcement action brought for noncompliance with technology-based emission limits in operating permits when the noncompliance occurred due to emergency circumstances. EPA's final rule is consistent with a 2014 decision in which the U.S. Court of Appeals for the D.C. Circuit vacated a similar affirmative

¹ Removal of Title V Emergency Affirmative Defense Provisions From State Operating Permit Programs and Federal Operating Permit Program, 88 FR 47029 (July 21, 2023).

defense provision in EPA’s hazardous air pollutant regulations for the Portland Cement industry² and EPA’s current interpretation of the CAA’s enforcement structure.

3. The correction to RCSA section 22a-174-44 clarifies the volatile organic compound (VOC) calculation methods available for adhesive and sealant products. This change more precisely states the VOC content determinations for low-solids products. The lack of clarity arose from a minor error made in the development of the Ozone Transport Commission Model Rule for Adhesives and Sealants, on which RCSA section 22a-174-44 is based.

Written comments. Interested persons are invited to comment on the proposal. Comments should be submitted no later than 5 pm on November 13, 2024 via the [eRegulations System](#) (Tracking Number PR2024-017) or electronic mail to Jordana Graveley at jordana.graveley@ct.gov.

Public hearing. In addition to accepting written comments, DEEP will also hold a public hearing, upon request, on November 12, 2024. Requests for a public hearing should be submitted no later than 5 pm on October 29, 2024, via electronic mail to Jordana Graveley at jordana.graveley@ct.gov. If a request for a public hearing is received by the specified deadline, information will be posted on DEEP’s [website](#) no later than November 5, 2024 indicating that the public hearing will be held as scheduled and providing the location and time. Otherwise, information will be posted no later than November 5, 2024, indicating that the public hearing has been cancelled.

Additional information. The proposal described above, fiscal impact analysis, small business impact analysis and a statement required by CGS section 22a-6(h) are posted on the [eRegulations System](#) (Tracking Number PR2024-017). For further information, contact Jordana Graveley of the Bureau of Air Management by electronic mail to jordana.graveley@ct.gov.

DEEP is an Affirmative Action/Equal Opportunity Employer that is committed to complying with the requirements of the Americans with Disabilities Act. Any person with a disability who may need a communication aid or service may contact DEEP’s ADA Coordinator at 860-424-3194 or at deep.hrmed@ct.gov. Any person needing a hearing accommodation may call the State of Connecticut relay number - 711. Any person with limited proficiency in English, who may need information in another language, may contact DEEP’s Title VI Coordinator at 860-424-3035 or at deep.aaoffice@ct.gov. ADA or Title VI discrimination complaints may be filed with DEEP’s EEO Manager at 860-424-3035 or at deep.aaoffice@ct.gov. Requests for accommodations must be made at least two weeks prior to any agency hearing, program, or event.



Katherine S. Dykes
Commissioner

10/1/2024

Date

² *NRDC v. EPA*, 749 F.3d 1055.