

**Definition of “Hazardous Air Pollutant,” Fuel Sulfur Content Requirement Update and Clarification to the Nonattainment New Source Review Permit Applicability
RCSA Sections 22a-174-1, 22a-174-3a, 22a-174-3b, 22a-174-3c, 22a-174-3d, 22a-174-29, 22a-174-33, 22a-174-33a, 22a-174-33b**

Section 1. Subdivision (51) of section 22a-174-1 of the Regulations of Connecticut State Agencies is amended to read as follows:

(51) “Hazardous air pollutant,” [except as otherwise provided in section 22a-174-3a of the Regulations of Connecticut State Agencies, means a substance listed in section 22a-174-29 of the Regulations of Connecticut State Agencies.] “Federal hazardous air pollutant” or “HAP,” except as otherwise provided in section 22a-174-29 of the Regulations of Connecticut State Agencies, means any air pollutant listed in section 112(b)(1) of the Act, inclusive of deletions and additions set out in 40 CFR Part 63, Subpart C, as may be amended from time to time.

Sec. 2. Subdivision (2) of subsection (a) of section 22a-174-3a of the Regulations of Connecticut State Agencies is amended to read as follows:

(2) Exemptions. Notwithstanding the provisions of subdivision (1) of this subsection, the owner or operator of a stationary source or modification may conduct activities listed in subparagraph (A) of this subdivision, and may construct or operate the sources listed in subparagraphs (B) and (C) of this subdivision, without a permit under this section:

(A) Any activity that:

- (i) adds air pollution control equipment or implements process changes to control air pollution unless the addition or implementation results in an increase in actual emissions of any individual air pollutant of fifteen (15) tons or more per year, or ten (10) tons or more per year of a hazardous air pollutant subject to the provisions of subsection (m) of this section,
- (ii) relocates a portable rock crusher which is subject to a permit or exemption letter issued by the commissioner pursuant to former section 22a-174-3 of the Regulations of Connecticut State Agencies, or which is registered under a general permit for such sources issued by the commissioner pursuant to section 22a-174(l) of the Connecticut General Statutes, provided the owner or operator is in compliance with any such permits and provides written notice to the commissioner prior to such relocation,
- (iii) constitutes a conversion from fuel oil to natural gas, or in addition to fuel oil, provided such conversion does not increase actual emissions of any individual air pollutant by fifteen (15) tons or more per year, unless such conversion results in reconstruction,

- (iv) constitutes a conversion from residual fuel oil to distillate fuel oil, or in addition to residual fuel oil, provided such conversion does not increase actual emissions of any individual air pollutant by fifteen (15) tons or more per year, unless such conversion results in reconstruction, or
 - (v) constitutes a conversion from fuel oil to LPG, or in addition to fuel oil, provided such conversion does not increase actual emissions of any individual air pollutant by fifteen (15) tons or more per year, unless such conversion results in reconstruction. For the purposes of this clause, “LPG” means liquefied petroleum gas, consisting of propane, propylene, butane or a mix thereof and conforming to ASTM D1835-16, or the current active version thereof.
- (B) Any stationary source that is:
 - (i) registered under and is in compliance with any new source review general permit to construct and operate a new or existing stationary source,
 - (ii) a stripping facility used to remove VOC from contaminated groundwater or soil pursuant to an order issued by the commissioner, provided such facility has a control device with VOC removal efficiency of at least ninety-five percent (95%),
 - (iii) a portable engine or boiler temporarily replacing an existing engine or boiler, provided the replacement units have a combined emission rate equal to or less than the existing units and that the number of days total that any and all such portable engines or boilers may be used does not exceed ninety (90) days in any calendar year,
 - (iv) in compliance with section 22a-174-3b, section 22a-174-3c, section 22a-174-3d or section 22a-174-42 of the Regulations of Connecticut State Agencies, unless otherwise subject to this section pursuant to subdivision (7) of this subsection, or
 - (v) a “gasoline dispensing facility,” as defined in section 22a-174-30a(a)(7) of the Regulations of Connecticut State Agencies.
- (C) Any:
 - (i) mobile source, or

- (ii) non-road engine as defined in [40 CFR Part 89] 40 CFR 1068.30.

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

(1) Applicability. In accordance with subsection (a) of this section, the provisions of this subsection shall apply to the owner or operator of:

- (A) Any new major stationary source that:
 - (i) Is or will be constructed in a designated nonattainment area; and
 - (ii) Is or will be a major stationary source of the pollutant for which the area is designated as nonattainment or of the precursors to such pollutant;
- (B) Any [major] modification [that is or will be located at a major stationary source of the pollutant for which the area is designated as nonattainment and that]:
 - (i) [Results in a significant net emissions increase of the pollutant for which the area is designated as nonattainment, or] To an emissions unit that is a major stationary source in itself that results in a significant emissions increase equal to or greater than the values listed in Table 3a(k)-1 of a pollutant for which the area is designated as nonattainment or of a precursor to a pollutant for which the area is designated as nonattainment, or
 - (ii) [Results in a significant net emissions increase of a precursor to the pollutant for which the area is designated nonattainment; or] To a premises that is a major stationary source that results in a net emissions increase equal to or greater than the values listed in Table 3a(k)-1 of a pollutant for which the area is designated as nonattainment or of a precursor to a pollutant for which the area is designated as nonattainment; or
- (C) Any new major stationary source or major modification that is located in an attainment area or unclassifiable area, where the allowable emissions of any air pollutant would cause or exacerbate a violation of a National Ambient Air Quality Standard in a nonattainment area for such pollutant. Allowable emissions of any such air pollutant shall be deemed not to cause or contribute to a violation of a National Ambient Air Quality Standard provided that such emissions result in impacts that are less than the levels set forth in Table 3a(i)-1 in subsection (i) of this section.

- (D) For the purpose of this subdivision, only the following constituent pollutants are considered precursors of the identified general pollutant:
 - (i) Volatile organic compounds are precursors to ozone,
 - (ii) Nitrogen oxides are precursors to ozone,
 - (iii) Sulfur dioxide is a precursor to PM_{2.5}, and
 - (iv) Nitrogen oxides are precursors to PM_{2.5}.

Sec. 4. Subdivision (1) of subsection (m) of section 22a-174-3a of the Regulations of Connecticut State Agencies is amended to read as follows:

- (1) For the purposes of this subsection:
 - (A) "Major source of hazardous air pollutants" means any stationary source that emits or has the potential to emit, ten (10) tons per year or more of any particular hazardous air pollutant or twenty-five (25) tons per year or more of any combination of hazardous air pollutants;
 - (B) ["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 Act, excluding hydrogen sulfide and caprolactam;] Reserved;
 - (C) "Construct a major source of hazardous air pollutants" means to fabricate, erect or install a major source of hazardous air pollutants or group of major sources of hazardous air pollutants within a contiguous area and under common control; and
 - (D) "Reconstruct a major source of hazardous air pollutants" means to replace one or more components at a major source of hazardous air pollutants, provided that:
 - (i) the fixed capital cost of the new component(s) exceeds fifty (50%) percent of the fixed capital cost of constructing a comparable source, and
 - (ii) it is technically and economically feasible for the source as determined by the commissioner, if reconstructed as proposed, to meet the applicable MACT emission limitation under this subsection.

Sec. 5. Subsection (a) of section 22a-174-3b of the Regulations of Connecticut State Agencies is amended to read as follows:

(a) Definitions. For the purposes of this section and section 22a-174-3c of the Regulations of Connecticut State Agencies:

(1) "As applied" means a coating, including all components such as dilution solvents and reactive constituents, prepared at the time of application to a substrate;

(2) "Automobile" means a passenger car, van, motorcycle, truck or any other motorized vehicle for transportation;

(3) "Automotive refinishing operation" means the processes performed to apply a new surface to the pre-existing coat or paint on an automobile, automotive component or any other mobile equipment or part thereof, including but not limited to surface preparation, primer application, topcoat application and applicator cleaning;

(4) "Electrostatic application" means the application of charged atomized paint droplets by electrostatic attraction;

(5) "Emergency" means "emergency" as defined in section 22a-174-22e of the Regulations of Connecticut State Agencies;

(6) "Emergency engine" means "emergency engine" as defined in section 22a-174-22e of the Regulations of Connecticut State Agencies;

(7) "External combustion unit" means a device that combusts only natural gas, propane or fuel oil, which is not a stationary internal combustion engine or turbine, and includes, but is not limited to, a boiler, heater, drying oven, curing oven or furnace;

[(8) "Hazardous air pollutant" 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 Act, excluding hydrogen sulfide and caprolactum;]

[(9)] (8) "Mobile equipment" means any non-automotive equipment or apparatus that is operated or is capable of being operated on a roadway, including, but not limited to, truck bodies, truck trailers, buses, mobile cranes, bulldozers and other construction equipment, street cleaners and farm equipment;

[(10)] (9) "Nonmetallic mineral" means "nonmetallic mineral" as defined in 40 CFR 60.671;

[(11)](10) "Nonmetallic mineral processing equipment" means any crusher, grinding mill, screening operation, bucket elevator, belt conveyer, bagging operation, storage bin or other equipment used to crush or grind any nonmetallic mineral at a nonmetallic mineral processing plant;

[(12)](11) "Nonmetallic mineral processing plant" means "nonmetallic mineral processing plant" as defined in 40 CFR 60.671;

[(13)](12) "Pre-existing coat or paint" means a surface covering or coating applied to an automobile or automotive component at an automotive manufacturing facility or applied to any mobile equipment or part thereof at the point of manufacture;

[(14)](13) "Spray booth" means a building, a room within a building or a partitioned area within a room housing automatic or manual spray application equipment, that is used to apply coatings;

[(15)](14) "Surface coating operation" means a process or processes used to apply a layer of material including spray painting, dip coating, roller coating and electrostatic deposition, but exclusive of printing, publishing or packaging operations;

[(16)](15) "Touch up repair" means the application of automotive topcoat finish materials to cover minor finishing imperfections equal to or less than one inch in diameter;

[(17)](16) "Tune-up" means to perform maintenance and adjust equipment to proper or required operating condition; and

[(18)](17) "Twelve (12) month rolling aggregate" means the sum of the total fuel use, actual emissions, coating use, solvent use or actual operating time calculated for each month by adding the current month's fuel use, actual emissions, coating use, solvent use or actual operating time to those of the previous eleven months.

Sec. 6. Subdivision (4) of subsection (b) of section 22a-174-3b of the Regulations of Connecticut State Agencies is amended to read as follows:

(4) The owner or operator of an automotive refinishing operation that meets the applicability criteria in subdivision (1) or (2) of this subsection shall comply with the provisions of subsection (d) of this section unless such owner or operator is operating in accordance with one of the following:

(A) [A valid general permit issued pursuant to section 22a-174 of the Connecticut General Statutes;

(B)] An individual permit issued pursuant to section 22a-174-3a of the Regulations of Connecticut State Agencies; or

[(C)] (B) The provisions of section 22a-174-3c of the Regulations of Connecticut State Agencies.

Sec. 7. Subdivision (1) of subsection (c) of section 22a-174-3b of the Regulations of Connecticut State Agencies is amended to read as follows:

(c) External combustion unit.

(1) The owner or operator of an external combustion unit shall properly maintain equipment and operate such unit in accordance with the following requirements:

(A) Maximum rated heat input shall not exceed the following limitations:

- (i) 50 MMBtu/hr for sources burning gaseous fuels,
- (ii) 25 MMBtu/hr for sources burning distillate oil or a blend of distillate oil and biodiesel fuel, and
- (iii) 15 MMBtu/hr for sources burning residual oil or a blend of residual oil and biodiesel fuel;

(B) Fuel use shall not exceed the following limitations:

- (i) natural gas usage shall not exceed 214 million cubic feet in any twelve (12) month rolling aggregate,
- (ii) propane usage shall not exceed 1.57 million gallons in any twelve (12) month rolling aggregate,
- (iii) distillate oil usage, inclusive of blends of distillate oil and biodiesel fuel, shall not exceed 704,000 gallons in any twelve (12) month rolling aggregate,
- (iv) residual oil usage, inclusive of blends of residual oil and biodiesel fuel, shall not exceed 191,000 gallons in any twelve (12) month rolling aggregate, and
- (v) use of any combination of the fuels listed in subparagraphs (B)(i) to (B)(iv) of this subdivision shall not result in emissions of any individual air pollutant greater than 15 tons per year in any twelve (12) month rolling aggregate;

(C) Fuel content shall be as follows:

- (i) any residual oil, inclusive of blends of residual oil and biodiesel fuel, used shall [contain 0.5%, or less, sulfur by weight, dry basis] comply with the fuel sulfur content requirements of subdivision (2) of subsection (d) of section 22a-174-19b of the Regulations of Connecticut State Agencies, and
- (ii) no fuel oil used shall be blended with waste oil or solvent;

(D) The height of any stack associated with the unit shall be the greater of:

- (i) 10 meters, or
 - (ii) the lesser of 1.3 times the building height or maximum building width; and
- (E) A tune-up of the external combustion unit shall be performed on an annual basis.

Sec. 8. Subdivision (2) of subsection (e) of section 22a-174-3b of the Regulations of Connecticut State Agencies is amended to read as follows:

(2) No owner or operator of an emergency engine shall cause or allow such engine to operate except during periods of testing and scheduled maintenance or during an emergency and unless the following conditions are met:

- (A) [Prior to the effective date of section 22a-174-42 of the Regulations of Connecticut State Agencies, operation] Operation of such engine shall not exceed [500] 300 hours during any twelve (12) month rolling aggregate; and
- (B) [Prior to the effective date of section 22a-174-42 of the Regulations of Connecticut State Agencies, any] Any nongaseous fuel consumed by such engine shall [not exceed a sulfur content of 0.3% by weight, dry basis;
- (C) On and after the effective date of section 22a-174-42 of the Regulations of Connecticut State Agencies, operation of such engine shall not exceed 300 hours during any twelve (12) month rolling aggregate; and
- (D) On and after the effective date of section 22a-174-42 of the Regulations of Connecticut State Agencies, any nongaseous fuel consumed by such engine shall not exceed the sulfur content of motor vehicle diesel fuel where "motor vehicle diesel fuel" is defined as in section 22a-174-42 of the Regulations of Connecticut State Agencies.] comply with the fuel sulfur content requirements of subdivision (2) of subsection (d) of section 22a-174-19b of the Regulations of Connecticut State Agencies.

Sec. 9. Subdivision (1) of subsection (f) of section 22a-174-3b of the Regulations of Connecticut State Agencies is amended to read as follows:

(1) The owner or operator of nonmetallic mineral processing equipment consisting of one or more internal combustion engines shall properly maintain and operate such equipment in accordance with the following conditions:

- (A) If every internal combustion engine that supplies power for the nonmetallic mineral processing equipment has an individual maximum output rating greater than or equal to 600 horsepower, the owner or operator shall:

- (i) For all such internal combustion engines in combination, not exceed 67,400 gallons of fuel oil usage in any twelve (12) month rolling aggregate,
 - (ii) For any fuel oil consumed by such internal combustion engine or engines, [not exceed a fuel sulfur content of 0.05% by weight, dry basis] comply with the fuel sulfur content requirements of subdivision (2) of subsection (d) of section 22a-174-19b of the Regulations of Connecticut State Agencies, and
 - (iii) Not use the nonmetallic mineral processing equipment and associated internal combustion engine or engines to result in emissions of any individual air pollutant greater than fifteen (15) tons per year in any twelve (12) month rolling aggregate; or
- (B) If any internal combustion engine that supplies power for the nonmetallic mineral processing equipment has an individual maximum output rating less than 600 horsepower, the owner or operator shall:
 - (i) For all internal combustion engines supplying power to the nonmetallic mineral processing equipment in combination, not exceed 48,900 gallons of fuel oil usage in any twelve (12) month rolling aggregate,
 - (ii) For any fuel oil consumed by such internal combustion engine or engines, [not exceed a fuel sulfur content of 0.05% by weight, dry basis] comply with the fuel sulfur content requirements of subdivision (2) of subsection (d) of section 22a-174-19b of the Regulations of Connecticut State Agencies, and
 - (iii) Not use the nonmetallic mineral processing equipment and associated internal combustion engine or engines to result in emissions of any individual air pollutant greater than fifteen (15) tons per year in any twelve (12) month rolling aggregate.

Sec. 10. Subsection (h) of section 22a-174-3b of the Regulations of Connecticut State Agencies is amended to read as follows:

(h) Fuel sulfur content. [Any of the records listed in subdivisions (1), (2) and (3) of this subsection are sufficient to demonstrate the sulfur content of fuel used as required by subsections (c), (e) and (f) of this section:

- (1) A fuel certification for a delivery of nongaseous fuel from a bulk petroleum provider;
- (2) A sales receipt for the sale of motor vehicle diesel fuel from a retail location; or
- (3) A copy of a current contract with the fuel supplier supplying the fuel used by the equipment that includes the applicable sulfur content of nongaseous fuel as a condition of each shipment.]

Records sufficient to demonstrate the sulfur content of fuel used as required by subsections (c), (e), and (f) of the subsection are those records specified in subdivision (3) of subsection (g) of section 22a-174-19b of the Regulations of Connecticut State Agencies.

Sec. 11. Subdivision (3) of subsection (a) of section 22a-174-3c of the Regulations of Connecticut State Agencies is amended to read as follows:

[(3) For the purposes of this section, “federal hazardous air pollutant” means any air pollutant listed in section 112(b) of the Act, excluding those substances approved by the Administrator for exclusion.]

Sec. 12. Subsection (a) of section 22a-174-3d of the Regulations of Connecticut State Agencies is amended to read as follows:

(a) Definitions. For the purposes of this section, the following definitions apply:

(1) “Actual electrical output” means the gross electrical output measured at the terminals of the generator in units of MWh or kWh;

(2) “Actual heat input” means the gross caloric value of all fuels combusted by the CHP system in MMBtu;

(3) “Actual system efficiency” means, for a CHP system, the sum of the actual thermal output and actual electrical output as MMBtu divided by the actual heat input based on the higher heating value, and measured as a percent;

(4) “Actual thermal output” means the total energy output of thermal energy of the CHP system in MMBtu;

(5) “Annual capacity factor” means the ratio between the actual heat input to a CHP system from an individual fuel or combination of fuels during a period of 12 consecutive calendar months and the potential heat input to the CHP system from all fuels had the unit been operated at 8,760 hours/year at the maximum design heat input capacity;

(6) “Combined heat-and-power system” or “CHP system” means a generation unit that simultaneously produces both electric power and thermal energy from a single source and that has a design system efficiency equal to or greater than 55%;

(7) “Design system efficiency” means, for a CHP system, the sum of the full load design actual thermal output and electric output divided by the heat input;

[(8) “Federal hazardous air pollutant” means, notwithstanding the definition of “hazardous air pollutant” in section 22a-174-1 of the Regulations of Connecticut State Agencies, any air pollutant listed in section 112(b) of the Act, excluding those substances approved by the Administrator for exclusion;]

[(9)] (8) “ISO conditions” means the International Organization for Standardization conditions used by the gas turbine industry, which are 59°F, 14.7 pounds per square inch absolute and 60% relative humidity;

[(10)] (9) “Maximum design heat input capacity” means the ability of a CHP system’s generation unit to combust a stated maximum amount of fuel, or combination of fuels, on a steady-state basis as determined by the physical design and characteristics of the generation unit;

[(11)] (10) “Nameplate capacity” means, starting from the initial installation of a generator, the maximum electrical generating output (in MW) that the generator is capable of producing on a steady-state basis and during continuous operation, when not restricted by seasonal or other derates, as specified by the manufacturer of the generator. If the owner makes any subsequent physical change in the generator resulting in an increase in the maximum electrical generating output (in MW) that the generator is capable of producing on a steady-state basis and during continuous operation, when not restricted by seasonal or other derates, such increased maximum amount as specified by the person conducting the physical change shall be considered the “nameplate capacity;”

[(12)] (11) “Nearby” means, for a building, situated at a distance from the source less than or equal to five times the lesser of the building height or maximum projected building width;

[(13)] (12) “Shutdown” means the cessation of operation of a CHP system for any purpose;

[(14)] (13) “Startup” means the setting in operation of a CHP system for any purpose;

[(15)] (14) “Tune-up” means to perform maintenance and adjust equipment to a proper or required operating condition in accordance with the manufacturer’s written recommendations; and

[(16)] (15) “12-month rolling aggregate” means the sum of a variable over the most recent 12 calendar months, computed monthly.

Sec. 13. Subsection (a) of section 22a-174-29 of the Regulations of Connecticut State Agencies is amended by adding subdivision (4) as follows:

(NEW) (4) For the purposes of this section, “hazardous air pollutant” means a substance listed in Table 29-1, Table 29-2 or Table 29-3 of this section.

Sec. 14. Subdivision (5) of subsection (a) of section 22a-174-33 of the Regulations of Connecticut State Agencies is amended to read as follows:

(5) ["Hazardous air pollutant" 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 Act excluding hydrogen sulfide and caprolactam.] Reserved.

Sec. 15. Subdivision (1) of subsection (g) of section 22a-174-33 of the Regulations of Connecticut State Agencies is amended to read as follows:

(1) An application for a Title V permit shall be made on forms prescribed by the commissioner. The application shall contain the following:

- (A) The legal name and business address of the applicant and of the applicant's agent for service of process and, if the applicant is not the owner of the subject source, the legal name and business address of such owner and of the owner's agent for service of process, and names and telephone numbers of the plant site manager and other individuals designated by the applicant to answer questions pertaining to such application;
- (B) All information required by section 22a-3a-5 of the Regulations of Connecticut State Agencies, including an executive summary;
- (C) A compliance plan pursuant to subsection (i) of this section meeting the requirements of 40 CFR 70.5(c)(8);
- (D) A compliance certification pursuant to subsection (q)(2) of this section meeting the requirements of 40 CFR 70.5(c)(9);
- (E) The information required by this subsection for each alternative operating scenario that the applicant has included in the Title V permit application;
- (F) An identification and description of any alternative means of compliance with sections 22a-174-22e or 22a-174-32 of the Regulations of Connecticut State Agencies issued by order, permit or certification. In addition, a copy of such order, permit or certification shall be submitted with the application; and

- (G) A certification pursuant to section [22a-174-2a(a)(5)] 22a-174-2a(a)(4) of the Regulations of Connecticut State Agencies.

Sec. 16. Subdivision (2) of subsection (h) of section 22a-174-33 of the Regulations of Connecticut State Agencies is amended to read as follows:

- (2) An applicant for a Title V permit shall submit information to address any requirements that become applicable to the subject source and shall submit correct, complete and sufficient information upon the applicant's becoming aware of any incorrect, incomplete, and or insufficient submittal, during the pendency of the application, or any time thereafter, with an explanation for such deficiency and a certification pursuant to section [22a-174-2a(a)(5)] 22a-174-2a(a)(4) of the Regulations of Connecticut State Agencies.

Sec. 17. Subdivision (4) of subsection (o) of section 22a-174-33 of the Regulations of Connecticut State Agencies is amended to read as follows:

- (4) Any report submitted to the commissioner pursuant to this subsection shall be certified in accordance with section [22a-174-2a(a)(5)] 22a-174-2a(a)(4) of the Regulations of Connecticut State Agencies.

Sec. 18. Subdivision (3) of subsection (p) of section 22a-174-33 of the Regulations of Connecticut State Agencies is amended to read as follows:

- (3) The permittee shall certify any written notification submitted to the commissioner pursuant to this subsection in accordance with section [22a-174-2a(a)(5)] 22a-174-2a(a)(4) of the Regulations of Connecticut State Agencies.

Sec. 19. Subdivisions (1) and (2) of subsection (q) of section 22a-174-33 of the Regulations of Connecticut State Agencies are amended to read as follows:

- (1) **Progress reports.** A permittee shall, on March 1 and September 1 of each year, or on a more frequent schedule if specified in such permit, submit to the commissioner a progress report on forms prescribed by the commissioner, and certified in accordance with section [22a-174-2a(a)(5)] 22a-174-2a(a)(4) of the Regulations of Connecticut State Agencies. Such report shall describe the permittee's progress in achieving compliance under the compliance plan schedule contained in the permit. Such report shall:

- (A) Identify those obligations under the compliance plan schedule in the permit which the permittee has met, and the dates on which they were met; and
- (B) Identify those obligations under the compliance plan schedule in the permit which the permittee has not timely met, explain why they were not timely met, describe all measures taken or to be taken to meet them and identify the date by which the permittee expects to meet them.

(2) **Compliance certification.** A permittee shall, on March 1 of each year, or on a more frequent schedule if specified in such permit, submit to the commissioner a written compliance certification certified in accordance with section [22a-174-2a(a)(5)] 22a-174-2a(a)(4) of the Regulations of Connecticut State Agencies and which includes the information identified in Title 40 CFR 70.6(c)(5)(iii)(A) to (C), inclusive.

Sec. 20. Subdivision (4) of subsection (a) of section 22a-174-33a of the Regulations of Connecticut State Agencies is amended to read as follows:

(4) [“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.] Reserved.

Sec. 21. Subdivision (10) of subsection (a) of section 22a-174-33b of the Regulations of Connecticut State Agencies is amended to read as follows:

(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.] Reserved.

Statement of purpose

Purpose. This proposal serves four purposes: a consolidation of the various definitions of “hazardous air pollutant” used in the air quality regulations into a single definition for most programs, the removal of outdated fuel sulfur content requirements, a clarification to the nonattainment new source review permit applicability requirements and a correction of citations.

Main provisions. This proposal streamlines the multiple and slightly different variations of the definition of “hazardous air pollutant” into a single definition of general applicability in RCSA section 22a-174-1. The definition of “hazardous air pollutant” previously in RCSA section 22a-174-1 is moved to RCSA section 22a-174-29, the only section to which that definition applies. In the process of streamlining, the definition of general applicability is also updated to include 1-bromopropane, which EPA recently added to the list of hazardous air pollutants established under CAA section 112, and to allow for the future addition of new pollutants by EPA. (Sections 1, 4-5, 11-14, 20-21)

The fuel sulfur content requirements for fuel used in sources that emit air pollution are updated with references to RCSA section 22a-174-19b. (Sections 7-10) An outdated reference to an expired general permit is also removed. (Section 6) The applicability of the nonattainment new source review provisions in RCSA section 22a-174-3a is revised to state the requirements more clearly. (Section 3) Citations in RCSA sections 22a-174-3a and 22a-174-33 are corrected. (Sections 2, 15-19)

Legal effects. This proposal changes the definition of “hazardous air pollutant” used in the air regulations. This change in definition does not change existing regulations or laws, but the definition change will increase the potential emissions of hazardous air pollutants for industries that use the newly added hazardous air pollutant, 1-bromopropane. The owners of such facilities will have to track the usage of 1-bromopropane in addition to other hazardous air pollutants to determine if the facility exceeds thresholds that would make the facility require a permit or if other federal requirements for hazardous air pollutants would apply.

There is no legal impact from the update of the fuel sulfur requirements since the resulting requirements are the same, but the references are now consistent and current.

There is no legal impact from the revision of the applicability of the nonattainment new source revision provisions since the new language accurately states the Department’s intent and reflects how permits are issued.

There is no legal impact from the correction of the various incorrect citations as the regulations have been applied in accordance with the correct citations.