

MEMORANDUM

TO: SIPRAC Subcommittee
FROM: Christopher A. James
RE: Status of Section 22a-174-42 and Regulatory Plan for 2004 Ozone Season
DATE: December 1, 2003

As you know, the adoption of R.C.S.A section 22a-174-42 ("Section 42") is driven by the need to control emissions from distributed generators, including those that will participate in the ISO-NE's Load Response Program in summer 2004. Since the Department's current general permit for distributed generators expires at the end of this year, Section 42 must be adopted by May 1, 2004, the start of the ozone season.

Because we still await completion of the reviews and approvals needed before scheduling the draft section for a public hearing, we are concerned that Section 42 will not be adopted by May 1, 2004. Thus, we plan to extend the current general permit for the remainder of its allowed five-year term. We will continue to move forward to adopt Section 42 with the standards and other requirements developed in the subcommittee process. Assuming an effective date in 2004, the standards and other requirements in Section 42 would apply to the owners and operators of distributed generators as of January 1, 2005. After Section 42 is effective, we will revoke the general permit, and distributed generators will be regulated under Section 42 and/or other applicable regulations.

We appreciate your participation in the subcommittee and comments on the earlier drafts of Section 42. We anticipate that the public hearing for Section 42 will be held in January or February of 2004 at which point you will have the opportunity to submit formal comments on the proposed draft. We will continue to provide new developments on the status of Section 42 to SIPRAC.

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