

Notice of Intent to Adopt and Revise the State Air Quality Regulations and to Revise the State Implementation Plan for Air Quality

The Commissioner of Environmental Protection hereby gives notice of a public hearing as part of a rulemaking proceeding. The purpose of this proceeding is to adopt a state regulation and revise regulations concerning the abatement of air pollution. These regulations will be submitted to the U.S. Environmental Protection Agency for review and approval as revisions to the State Implementation Plan for air quality required by the Clean Air Act Amendments of 1990. The public hearing concerns the following four sections of the Regulations of Connecticut State Agencies ("R.C.S.A."): 22a-174-42, 22a-174-3b(e)(2), 22a-174-3a(a)(2)(B) and 22a-174-22(a)(4). The four proposed regulatory sections are described in more detail below.

All interested persons are invited to comment on the proposed new and revised regulations. Comments should be submitted to the Department of Environmental Protection, Bureau of Air Management, Planning and Standards Division, 79 Elm Street, Hartford, Connecticut 06106-5127. All comments should be directed to the attention of Patricia Downes and must be received by 4:30 PM on April 7, 2004. Comments may be submitted by post, facsimile to (860) 424-4063 or by electronic mail to patricia.downes@po.state.ct.us.

R.C.S.A. section 22a-174-42 – Distributed generators: Section 1 establishes new R.C.S.A. section 22a-174-42 ("Section 42") to encourage the deployment of environmentally sustainable distributed generators; encourage technological improvement to reduce emissions output from such generators; and regulate emissions from distributed generators consistent with the Ozone Transport Commission recommendation in its March 28, 2001 "Resolution of the States of the Ozone Transport Commission Concerning the Creation of Incentives for Additional Clean Distributed Generation of Electric Power." The requirements include output-based standards for emissions of oxides of nitrogen, particulate matter, carbon monoxide and carbon dioxide as well as fuel sulfur content requirements to control emissions of sulfur dioxide and, for new generators, a standard for ammonia emissions. The requirements restrict emissions to levels below the permit applicability thresholds for minor sources set forth in R.C.S.A. section 22a-174-3a ("Section 3a").

R.C.S.A. section 22a-174-3b(e)(2) -- Emergency engines: Section 2 revises R.C.S.A. section 22a-174-3b to reduce the operating hours and fuel sulfur content requirements for emergency engines, consistent with the "Model Regulations for the Output of Emissions from Smaller-Scale Electric Generation Resources" of the Regulatory Assistance Project and Section 42.

R.C.S.A. section 22a-174-3a(a)(2)(B) -- Exemptions for stationary sources: Section 3 revises Section 3a to provide limited exemptions from the minor source permitting requirements of that section for owners and operators of sources that are operated in compliance with Section 42.

R.C.S.A. section 22a-174-22(a)(4) -- Definition of "emergency:" Section 4 revises the definition of "emergency" in R.C.S.A. section 22a-174-22 to add a provision to address

operation of a distributed generator to recognize situations under which the Independent Systems Operator - New England has declared that there is a capacity deficiency of the New England electric system. Section 42 incorporates this same definition of "emergency."

In addition to accepting written comments, the Department of Environmental Protection will also hold the public hearing described below. Any person appearing at the hearing is requested to submit a written copy of his or her statement. However, oral comments will also be made a part of the hearing record and are welcome.

PUBLIC HEARING
April 7, 2004 at 2 PM
Department of Environmental Protection, 5th Floor, Holcombe Room
79 Elm Street, Hartford, CT

Copies of the new and revised regulations described above and a statement required by section 22a-6(h) of the Connecticut General Statutes ("C.G.S."), as amended by section 5 of Public Act 03-276, identifying how the new and revised regulations differ from applicable federal requirements are available for public inspection during normal business hours and may be obtained from Patricia Downes at the Bureau of Air Management, Planning and Standards Division, 5th Floor, 79 Elm Street, Hartford, CT. Additional copies are also available for review at Law Reference Desk at the Connecticut State Library, Torrington Public Library, New London Public Library and Bridgeport Public Library. For further information, contact Patricia Downes of the Bureau of Air Management at (860) 424-3027.

The Department of Environmental Protection supports the goals of the Americans with Disabilities Act of 1990. Any individual who needs auxiliary aids for effective communication during this public hearing or in submitting public comments should contact the Office of Affirmative Action at (860) 424-3035 or TDD (860) 424-3333 at least one week before the public hearing.

The authority to adopt these new and revised regulations is granted by C.G.S. sections 22a-6 and 22a-174. This notice is required pursuant to C.G.S. sections 22a-6 and 4-168 and 40 C.F.R. 51.102.

February 2, 2004

Date

/s/Arthur J. Rocque, Jr.
Commissioner